# Form- A

# FORM OF ORDER SHEET

	Case	e No1603/2022
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1.	2 2	3
1-	10/11/2022	The appeal of Mst. Ayesha Zeb received today by post through Muhammad Arshad Khan Tanoli Advocate. It
		is fixed for preliminary hearing before touring Single Bench
	٠	at $\Lambda$ . Abad on Notices be issued to appellant and
		·
	,	his counsel for the date fixed.
		By the order of Chairman
	•	REGISTRAR.
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# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1603 2022

Mst. Ayesha Zeb, Ex-Computer Operator Mohallah Jilalabad Sheik-ul-Bandi Tehsil & District Abbottabad.

....APPELLANT

### VERSUS

Chief Justice Peshawar High Court through Registrar Peshawar High Court & ...RESPONDENTS others.

# SERVICE APPEAL

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	Operator		"C"
4.	Copy of divorce deed	15	"D"
5.	Copy of some of the medical paper of the appellant	16-21	
6.	Copy of application dated 22/06/2022 of mother of	22	"E"
	appellant		4172
7.	Copy of posting order	23-26	
8.	Copy of final show cause notice dated 23/06/2022	27-28	"G",
	Copy of dismissal order dated 01/07/2022	29.81	"H",
9.		32-35	s ((T))
10.	Copy of departmental appeal		
11.	Wakalatnama	36	

Through /2022 preme Court of Pakistan Tr Abbottabad

### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service	Appeal N	Jo. 202	2
	TIPPOULT		_

Mst. Ayesha Zeb, Ex-Computer Operator Mohallah Jilalabad Sheik-ul-Bandi Tehsil & District Abbottabad.

....APPELLANT

### VERSUS

- 1. Chief Justice Peshawar High Court through Registrar Peshawar High Court.
- 2. District & Session Judge, Abbottabad.
- 3. Senior Civil Judge, Abbottabad.

...RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF KHYBER **PAKHTUNKHWA SERVICE** TRIBUNAL ACT 1974 FOR DECLARATION TO THE EFFECT THAT THE APPELLANT GOT APPOINTMENT IN THE RESPONDENT JUDICIARY AS COMPUTER OPERATOR ORDER DATED 01/07/2022. THE APPELLANT WAS SUFFERING **FROM** MULTIFARIOUS DISEASES AS WELL AS ACUTE DOMESTIC PROBLEMS WHICH

**DIVORCE** OF THE RESULTED INTO APPELLANT. IN THE MEANWHILE, THE WAS **APPELLANT** FREQUENTLY TRANSFERRED FROM ONE PLACE TO ANOTHER VIDE POSTING ORDERS DATED 03/03/2022, 09/04/2022 & 02/06/2022, AS AS MENTIONED ABOVE, THE APPELLANT WAS NOT FEELING WELL BUT INSPITE OF THAT, SERVED THE DEPARTMENT COMPLETE DEVOTION AND DEDICATION BUT ON THE BASIS OF MERE ALLEGATION OF MISCONDUCT, THE APPELLANT HAS BEEN DISMISSED FROM SERVICE VIDE IMPUGNED ORDER DATED 01/07/2022 WITHOUT FOLLOWING PRESCRIBED PROCEDURE WHICH IS SINE QUA NON FOR AWARDING MAJOR PENALTY OF DISMISSAL FROM SERVICE. HENCE. IMPUGNED DISMISSAL ORDER DATED 01/07/2020 IS LIABLE TO BE SET-ASIDE.

PRAYER; ON ACCEPTANCE ON SERVICE
APPEAL OF THE APPELLANT, THE
IMPUGNED DISMISSAL FROM SERVICE
ORDER DATED 01/07/2022 MAY

GRACIOUSLY BE SET-ASIDE AND RESPONDENTS' MAY BE DIRECTED TO REINSTATE THE APPELLANT IN SERVICE WITH ALL SERVICE BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEM APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth;-

The facts forming the background of the instant service appeal are arrayed as under;

- 1. That the appellant got appointment as Junior Clerk vide appointment order dated 27/06/2018. Copy of appointment order of the appellant is attached as Annexure "A".
- 2. That the appellant was appointed as Computer Operator in BPS-16 vide appointment order dated 6.1/.2019 of the appellant. Copy of appointment order of the appellant as Computer Operator is attached as Annexure "B".

- Judiciary with complete devotion, dedication, zeel and zest and left no stone unturned in the smooth functioning of the department. Besides, the appellant served with due diligence and worked from dawn to dusk.
- 4. That the appellant contracted marriage with Jama yoursalp on 17/10/2021 and the said husband of the appellant divorced her on 14/12/2021. Copy of divorce deed is attached as Annexure "C".
- That this sudden shock badly affected mental capabilities of the appellant therefore, she became a psycho case.

  Therefore, she started her treatment from Prof. Dr. Aftab Alam Khan who is psychiatry physician. Copy of some of the medical paper of the appellant are attached as Annexure "D".
- 6. That during this period, mother of the appellant submitted an application to

respondent No. 2 to the effect that the appellant was suffering from acute depression and sought two months leave for getting the appellant treated but respondent No. 2 did not entertain the application of the mother of the appellant. Copy of application dated 22/06/2022 of mother of appellant are as Annexure "E".

7. That during the period of the ailment of the appellant (i.e) acute depression due to her sudden divorced she was posted from the court of Civil Judge-VI, Abbottabad and the court of Civil Judge-XI vide order dated 03/03/2022 and thereafter again, appellant was transferred from the court of Civil Judge-XI to the court of Civil Judge-III, vide order dated 09/04/2022 and similarly, she was thrice posted from Civil Judge-III to record room Session Court for scanning vide order dated 02/06/2022. Copy of posting order is attached as Annexure "F".

- 8. That during this period, the appellant was suffering from acute depression and mental problems and she was under treatment of the said deceases. As a result, without following the prescribed procedure mentioned in E&D rules 2011, a final show cause notice was issued by respondent No. 2 on 23/06/2022 which was not delivered to the appellant. Copy of final show cause notice dated 23/06/2022 is attached as Annexure "G".
- 9. That thereafter, in a hasty manner without observing the codal formalities dismissed the appellant from service vide impugned dismissal order dated 01/07/2022. Copy of dismissal order dated 01/07/2022 is attached as Annexure "H".
- 10. That feeling aggrieved, the appellant filed departmental appeal before respondent No.

  1 on 16/07/2022 which is yet to be decided by the appellate authority. Copy of departmental appeal is attached as Annexure

"I". Hence, instant service appeal is filed, inter-alia on the following grounds;-

### **GROUNDS:-**

- a. That the impugned dismissal from service order dated 01/07/2022 of the appellant is malafide, discriminatory, against the law and is based on whims and whishes of respondent No. 2 which is liable to be set aside.
- b. That respondent No. 2 did not issue show cause notice, statement of allegation, charge sheet as well as no proper inquiry as per E&D Rules 2011 has also not been conducted prior to the dismissal of the appellant. Hence, impugned dismissal order dated 01/07/2022 is not maintainable at law.
- c. That the appellant has not been provided opportunity of personal hearing which is mandatory for imposing major or miner penalties as per E&D Rules 2011. It is obvious that respondents willfully without

any lawful justification dismissed the appellant from service just to accommodate some blue eye in place of the petitioner.

- d. That the impugned dismissal order dated 01/07/2022 is ex-party, and is a result of Audi-Alterm-Parterm. Therefore, the dismissal from service order dated 01/07/2022 is liable to be cancelled because no opportunity of defending the case was provided to the appellant which is perverse, discriminatory, against the law and the impugned dismissal order dated 01/07/2022 is ineffective on the rights of service of the appellant.
- e. That when law sets a procedure dealing with particular nature of cases, the competent authority are bound to adhere to the procedure and deviation thereof is nullity in the eye of law. The appellant is absolutely innocent and during the period of dismissal, as mentioned in the preceding paras she was suffering from acute depression due to her divorce and was under treatment under the

supervision of psychiatry physician and the circumstances were beyond her control as a human being.

- That the circumstances which were faced by f. the appellant, respondents' were supposed to consider the application of the mother of the appellant for leave for two months for investigation and diognosting the issues in has disposition from the hospitals. It is further submitted that the submitted her medical documents to the respondent but respondent did not get the medical paper of the appellant verified from the next higher medical authority as per Section 13 of Civil Servant Revised Leave Rules 1981.
- g. That metical leave cannot be refused by the authority as per Section 13 of the ibid Rules. That when, the appellant was dismissed from service, was under treatment and during dismissal from service order dated 01/07/2022, had aggravated her physical health. Now the appellant with the grace of

Almighty Allah is fit for service. The appellant has been dismissed from service due to no fault on her part. Therefore, the impugned dismissal from service order dated 01/07/2022 is set-aside.

That the other points shall be urged at the time of arguments.

It is therefore, very humbly prayed, that on acceptance on service appeal of the appellant, the impugned dismissal from service order dated 01/07/2022 may graciously be set-aside and respondents' may be directed to reinstate the appellant in service with all service back benefits. Any other relief which this Honourable Tribunal deem appropriate in the circumstances of the case may also be granted to the appellant.

Through;

Dated; /2022

amad Arshad Khan Tanoli) Advocate Supreme Court of Pakistan

At Abbottabad

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 2022

Mst. Ayesha Zeb, Ex-Computer Operator Mohallah Jilalabad Sheik-ul-Bandi Tehsil & District Abbottabad.

....APPELLANT

### VERSUS

Chief Justice Peshawar High Court through Registrar Peshawar High Court & others.

...RESPONDENTS

### **SERVICE APPEAL**

### **AFFIDAVIT**

I, Mst. Ayesha Zeb, Ex-Computer Operator, Mohallah Jilalabad Sheik-ul-Bandi
Tehsil & District Abbottabad, do hereby solemnly affirm and declare that the
contents of foregoing appeal are true and correct to the best of my
knowledge and belief and nothing has been concealed therein from this
Honourable Court.

DEPONENT

### OFFICE OF THE DISTRICT & SESSIONS JUDGE, ABBOTTABAD

ORDER

Annex-A

No. 1/09 - 1203-214

ii.

Dated Abbottabad / 2018

On the recommendation of the Departmental Selection Committee, the Competent Authority is pleased to order the appointment on temporary basis of the following candidates as Junior Clerks BPS-11, with effect from the date of assumption of charge of the posts, subject to medical fitness and antecedents verification:

S#	NAME OF CANDIDATE	FATHER'S NAME	ADDRESS
1.	Ayesha Zaib	Aurangzeb	Mohallah Jalalabad, Sheikh-ul-Bandi, Tehsil and District, Abbottabad
2.	Muhammad Asif	Muhammad Yousaf	Mohallah Usman Abad, PO Public School, Tehsil and District, Abbottabad.
3.	Saqib Hamayoun	Muhammad Hamayoun Khan	House No. TC-797, Mohallah Lower . Shoaib Zai, Jaharian Road, Nawansher
4.	Khurram Masood	Masood-ur-Rehman	House No. LM262 Noor Elahi Road, Lower Malikpuira, Tehsil and District, Abbottabad.
5.	Tahir Iqbal	Zafar Iqbal	Village and Post Office Bega Kote, Tehsil and District, Abbottabad.

- 2. Their appointment to the service shall be subject to the following terms and conditions:
  - i. They will be governed by the NWFP Civil Servants Act, 1973 and NWFP Government Servant (Appointment, Promotion & Transfer) Rules, 1989.
    - They will be allowed the minimum pay of BPS-11 plus other allowances as admissible under the rules. Those who are already in Government Service and whose pay is more than the minimum of BPS-11 will be allowed to draw pay which they were drawing before their appointment, subject to permission by the Competent Authority, their pay shall be fixed at proper stage in BPS-11.
  - iii. They shall be governed by such rules and instructions relating to leave, T.A., and Medical Attendance as may be prescribed from time to time.
  - iv. They shall be on probation initially for a period of one year extendable upto two years.
  - v. They will be eligible for continuance and eventual confirmation in the post on satisfactory completion of their probationary period, subject to availability of permanent posts and the completion of prescribed training, if any.
  - vi. Their services shall be liable to be dispensed with at any time without notice and assigning any reason before the expiry of the period of their probation/ extended

# P 13

period of probation, if, their work of conduct during this period is not found satisfactory. In the event of termination from service, fourteen days' notice or in lieu thereof fourteen days' pay will be paid by the Government. In case of resignation, they will give one-month notice to the Competent Authority or in lieu thereof one month pay shall be forfeited to the Government. The resignation shall, however, be subjected to the acceptance by the Competent Authority.

- vii. They will be governed by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and the NWFP, Government Servants Conduct Rules, 1987 and any other instructions which may issue by the Competent Authority from time to time.
- 3. If the above terms and conditions of appointment are acceptable to them, they should report for duty to the undersigned immediately. The offer of appointment shall be deemed to have been cancelled if any one fails to report for duty to the undersigned within one month from the date of issue of this order.

They shall Join duty at their own expenses.

(SOFIA WAQAR KHATTAK)

District & Sessions Judge,

Abbottabad.

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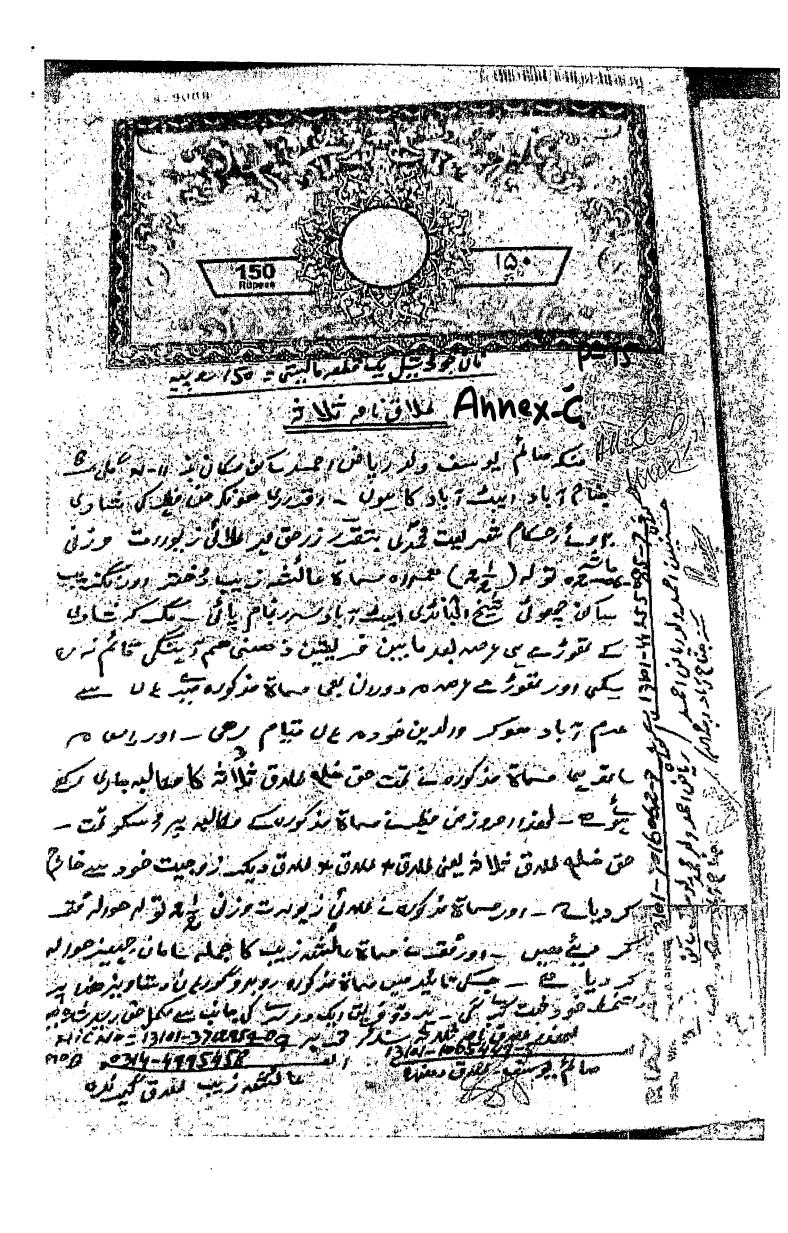
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# Prof. Dr. Aftab Alam Khan

MBBS, MRCPsych (UK), FRCPsych (UK) CCST (UK), M.Sc Epilepsy (UK), MESSM (E,U) **Professor & Head Department of** Psychiatry Ayub Medical College Abbottabad VISITING CONSULTANT PSYCHIATRIST

Ayub Teaching Hospital Abbottabad FORMERLY CONSULTANT PSYCHIATRIST NHS, UK



Annex-D

Clinic Abbottabad Psychiatric Centre Opp Hotel One Mehtab Abbasi Road Kalapul Mirpur Abbottabad Tell #: 0992-414463 Mob: 0344-9422663 Timings:

4:00 to 8:30pm 7/2022

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### MEDICAL TEACHING INSTITUTION ABBOTTABAD

Ayub Teaching Hospital. Phone: 0992-920174, Fax: 0992-380328

Email: info@ath.gov.pk, Website: www.ath.gov.pk DIŞCHARGE SUMMARY Ward / Bed Medical Record Number: K0400003036543 Admission No Admission Date : K0422000048068 Name Avesha Zaih 04-JUL-2022 17:28:14 Sex Female Admission Status Discharge No 28 Year(s) Age Address MOHALLAH JALAL ABAD SHAIKH UL BANDI Abbottabad Discharge Date 25-JUL-2022 11:26:54 Pakistan City : Abbottabad , Pakistan Discharge Status Primary Consultant : Improved Person Phone AFTAB ALAM Home Phone Admitting Consultant : AFTAB ALAM Diagnosis During This Admission: Background Medical Problem(s) (List any chronic medical conditions that the patient may have, such as diabetes mellitus, asthma, hypertension etc.): Reason for Admission: Irritabiliytb ,low mood,loss of interest **Management During Admission:** as per wrd prtcl Condition at Discharge: imprvd **Instructions:** → Tab. Kempro. (5 mg). ARP (O.Smg) (1+2) العلى منع + ج الحال استاك (1 يفت كريد ) · (ctz). Tab. Teril (200 mg) (2+2) (1+1)- الوى رات لو - (1+1) ( 1 <u>1</u> <u>1</u> <u>1</u> <u>1</u> <u>1</u> <u>1</u> ) ( باری). >> Tab. Sevenace (0.5 mg). =) 1 ij. Flue ntol (40m).

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Page 1 of 1

teaching Hospital. Phone: 0992-920174, Fax: 0992-380328

Email: info@ath.gov.pk, Website: www.ath.gov.pk

**OPD Prescription form** 

Ayesha Zeb Name **AURANG ZEB** Father Name

**fusband Name:** 

27 Year(s) 00 Month(s) 0 Day(s) \ge

'atient Type **REGULAR** 

Investigation

UG Room No

**PSYCHIATRY** Department:

03-AUG-22 09:32:52 Date

Dept Fee

SARDAR JUNAID User K0400003077698 **MRNO** 

K04221996239 Invoice No:

Female

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Page 1 of 1

Prof. Dr. Aftab Alam Khan

MBBS, MRCPsych (UK), FRCPsych (UK)
CCST (UK), M.Sc Epilepsy (UK), MESSM (E,U)
Professor & Head Department of
Psychiatry Ayub Medical College Abbottabad
VISITING CONSULTANT PSYCHIATRIST
Ayub Teaching Hospital Abbottabad

FORMERLY CONSULTANT PSYCHIATRIST
NHS, UK



Clinic Ground Floor Sarwar Plaza Near Hotel One, Mansehra Road Abbottabad Tell #: 0992-414463 Mob: 0344-9422663 Timings: Mon-Friday 4:00 to 8:30pm

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### MEDICAL TEACHING INSTITUTION ABBOTTABAD

Ayub Teaching Hospital. Phone: 0992-920174, Fax: 0992-380328 Email: info@ath.gov.pk, Website: www.ath.gov.pk

### **DISCHARGE SUMMARY**

Medical Record Number: K0400003036543 Name : Ayesha Zaib	Admission No Admission Date	: K0422000048068
Sex : Female Age : 28 Year(s)	Admission Status Discharge No	04-JUL-2022 17:28:14 Elective
Address : MOHALLAH JALAL ABAD SHAIKH UL BANDI Abbottaba Pakistan	d Discharge Date	: 25-JUL-2022 11:26:54
City : Abbottabad , Pakistan Person Phone : Home Phone : Diagnosis During This Admission :	Discharge Status Primary Consultant Admitting Consultant	Improved AFTAB ALAM AFTAB ALAM

hypertension etc.):

Reason for Admission:

Irritabiliytb ,low mood,loss of interest

**Management During Admission:** 

as per wrd prtcl

Condition at Discharge:

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Prof. Dr. Aftab Alam Khan

MBBS, MRCPsych (UK), FRCPsych (UK) CCST (UK), M.Sc Epilepsy (UK), MESSM (E,U) **Professor & Head Department of Psychiatry Ayub Medical College Abbottabad** VISITING CONSULTANT PSYCHIATRIST **Ayub Teaching Hospital Abbottabad** FORMERLY CONSULTANT PSYCHIATRIST NHS, UK



Clinic

**Ground Floor Sarwar Plaza** • Near Hotel One, Mansehra Road Abbottabad

Tell #: 0992-414463 Mob: 0344-9422663

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### OFFICE ORDER

Annex- F

The following postings/ transfers are hereby made in the public

interest, with immediate effect till further orders.

S#	NAME & DESIGNATION	FROM	то
1.	Arshad Hussain, Assistant	Reader to AD&SJ-V	Reader to AD&SJ-VI
2.	Tassadiq Aziz, Computer Operator	Reader to AD&SJ-VI	Computer Operator to AD&SJ-VI
3.	Attiq ur Rehman, Computer Operator	AD&SJ-V	JM-I
4.	Aamir Shahzad, Computer Operator	JM-I	AD&SJ-V
5.	Aqeel Ahmad, Computer Operator	AD&SJ-VI	AD&SJ-VIII
6.	Mohsin Younis, Computer Operator	CJ-VIII	AD&SJ-III
7.	Sardar Yasir Qayyum, Computer Operator	CJ-III Havelian	CJ-IV
8.	Ayesha Zeb, Computer Operator	CJ-III	Record Room Sessions for Scanning
9.	Shahzeb Jadoon, Computer Operator	CJ-IV ·	CJ-VIII
-10	Hamza Khan, Computer Operator	Fresh Appointment	Information Kiosk
11.	Muhammad Ahsan Nawaz, Computer Operator	Fresh Appointment	ADJ-VIII
12.	Armaghan Siddique, Computer Operator	Fresh Appointment	CJ-XIII
13.	Sardar Muhammad Arshad, Senior Clerk	Reader to CJ-IX	Reader to CJ-IV, Havelian
14.	Abdul Hameed Akbar, Senior Clerk	Reader to CJ-XI	Reader to SCJ-J-I
15.	Shahid Khan, Senior Clerk	Reader to SCJ-J-I	Reader to ASJ-V
16.	Nasir Mehmood, Senior Clerk	Moharrir to AD&SJ-VIII	Reader to CJ-XII
17.	Umair Noor, Senior Clerk	Moharrir to SCJ Judicial-I	Reader to CJ-IX
18.	Abid Mumtaz, Senior Clerk	Typist to AD&SJ-VIII	Reader to CJ-XIII
19.	Ehsan ur Rehman, Senior Clerk	Moharrir to CJ-III Havelian	Reader to CJ-XI
20.	Muhammad Tariq, Stenotypist	Record Room Sessions	Civil Judge-II, Havelian
21.	Tahir Saleem, Stenotypist	D&SJ	High Court Abbottabad Bench (on the request of AR) as stop gap arrangement
22.	Khizar Mehmood, Stenotypist	Fresh Appointment	SCJ-Judicial-I
23.	Aamir Ali, Stenotypist	Fresh Appointment	D&SJ
24.	Muhammad Asif, Stenotypist	Fresh Appointment	CJ-III-Havelian
25.	Faizan Yousaf, Stenotypist	Fresh Appointment	CJ-XII
26.	Muhammad Uzair, Stenotypist	Fresh Appointment	CJ-III

	Dimina recount Knand, Stenotypist	r.resu Abboummem	AD&SJ-14
28.	Faizan Khaliq Dad, Stenotypist	Fresh Appointment	CJ-X
29.	Syed Husnain Ali Shah, Stenotypist	Fresh Appointment	JM-I (on temporary basis)
30.	Arbaz Khan, Stenotypist Q. 3.4	Fresh Appointment	CJ-IV Havelian 7
31.	Saqib Zia Asghar, Junior Clerk	Moharrir to SCJ Admn	Moharrir to CJ-IV Havelian
32.	Abdus Salam, Junior Clerk	Moharrir to D&SJ	Moharrir to AD&SJ-III
33.	Qamish Ali, Junior Clerk	Moharrir to AD&SJ-II	Moharrir to CJ-IV
34.	Tahir Mehmood, Junior Clerk	Moharrir to JM-I	Moharrir to JM-III
35.	Junaid Wadood, Junior Clerk	Moharrir to JM-III	Moharrir to JM-I
36.	Nazakat Hussain, Junior Clerk	Typist to CJ-X	Moharrir to AD&SJ-II
37.	Muhammad Asif, Junior Clerk	Moharrir to CJ-X	Addl: Moharrir to D&SJ
38.	Zahoor Ahmad, Junior Clerk	Moharrir to CJ-XI/ JFC	Moharrir to SCJ Admn
39.	Ummar Zamman, Junior Clerk	Moharrir Moharrir to AD&SJ-III	Moharrir to CJ-X
40.	Iqra Rasheed, Junior Clerk	Typist to AD&SJ-IV	Addl: Moharrir to D&SJ
41.	Muhammad Ali Khan, Junior Clerk	Moharrir to CJ-IV	Addl: Moharrir to SCJ (Admn)
42.	Tahir Iqbal, Junior Clerk	Temporary attached to the court of SCJ Judicial-I	Record room lower court (Criminal) for scanning
43.	Danyal Pervaiz, Junior Clerk	Addl: Moharrir to SCJ Judicial	Moharrir to SCJ Judicial-I
44.	Zafar Iqbal, Junior Clerk	Addl: Moharrir to AD&SJ-V	Moharrir to AD&SJ- VIII
45.	Anis Asif, Junior Clerk	Addl: Moharrir to AD&SJ-II	Record Keeper to Record Room Sessions
46.	Zeehsan Masood, Junior Clerk	Fresh Appointment	Addl: Moharrir to AD&SJ-V
47.	Sufyan Tanveer, Junior Clerk	Fresh Appointment	Addl: Moharrir to AD&SJ-III
48.	Mudassar Ikhlaq, Junior Clerk	Fresh Appointment	Addl: Moharrir to CJ- VII (on temporary basis)
49.	Junaid Khan, Junior Clerk	Fresh Appointment	Moharrir to CJ-XI
50.	Zeeshan Akram, Junior Clerk	Fresh Appointment	Superintendent office
51.	Muhammad Ihsaan, Junior Clerk	Fresh Appointment	Institution Branch
52.	Alamgir, Junior Clerk	Fresh Appointment	Addl: Moharrir to JM- III
53.	Muhammad Junaid, Junior Clerk	Fresh Appointment	Addl: Moharrir to JM-I
54.	Bilal Mehmood, Junior Clerk	Fresh Appointment	Copyist in Copying Branch
55.	Muhammad Haris Khan Tanoli, Junior Clerk	Fresh Appointment	CJ-XIII
56.	Ahsan Rashid, Junior Clerk	Fresh Appointment	Moharrir to CJ-III Havelian
57.	Kashif Shakeel, Junior Clerk	Fresh Appointment	Moharrir to CJ-XII

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58.	Hamza Pervez, Junior Clerk	Fresh Appointment	Addl: Moharrir to SCJ- Judicial
59.	Muhammad Durrab, Junior Clerk	Fresh Appointment	Addl: Moharrir to SCJ-Judicial-I
60.	Bibi Talia Zarnab, Junior Clerk	Fresh Appointment	Addl: Moharrir to ADS&J-II
61.	Umaima Khan, Junior Clerk	Fresh Appointment	Addl: Moharrir to AD&SJ-VIII
62.	Muhammad Saleem, Junior Clerk / Execution Moharrir	AD&SJ-VIII	Record keeper, record room, lower Courts
63.	Shakeela Khurshid, Process Server	SCJ Admn	Addl: Moharrir to CJ-III Havelian
64.	Asif Mir, Driver	Temporary attached with ADJ-VII	ADJ-VII
65.	Touqeer Ahmed, Driver	Fresh Appointment	SCJ- Judicial-I
66.	Junaid Rehman, Driver	Fresh Appointment	AD&SJ-III
67.	Abid Jideon, Driver	Fresh Appointment	AD&SJ-VIII
68.	Nasir Masih, Driver	Temporary attached to SCJ Judicial	SCJ Judicial
69.	Muhammad Asif, Daftari	AD&SJ-II	Superintendent Office
			Record Room lower Courts (Civil) for
70.	Babar Shakeel, Daftari	Typist to CJ-XI	scanning, shall take charge after arrival of Aqeel Khan (Stenotypist)
71.	Babar, Process Server	AD&SJ-V	CJ-XIII
72.	Muhammad Riaz, Naib Qasid	AD&SJ-VI	CJ-XII
73.	Muhammad Naveed, Naib Qasid	D&SJ	CJ-IV Havelian
74.	Sardar Arshad, Naib Qasid	CJ-IX	JM-I
75.	Nabeel Raz, Naib Qasid	CJ-III Havelian	SCJ (Admn)
76.	Adnan, Naib Qasid	JM-I	CJ-IX
77.	Muhmmad Rizwan, Naib Qasid	SCJ (Admn)	CJ-III, Havelian
78.	Raqeeb Anwar, Naib Qasid	SCJ-Judicial	AD&SJ-VIII
79.	Nabeela Bibi, Naib Qasid	AD&SJ-VIII	SCJ-Judicial-I
80.	Muhammad Hafeez, Naib Qasid	Fresh Appointment	AD&SJ-V
81.	Ahmad Razzaq, Naib Qasid	AD&SJ-VIII	Institution Branch
82.	Muhammad Waseem, Naib Qasid	Fresh Appointment	D&SJ
83.	Zeeshan Afzal, Naib Qasid	Fresh Appointment	AD&SJ-II
84.	Munaza Bashir, Naib Qasid	Fresh Appointment	SCJ Judicial
85.	Muhammad Ishaq, Chowkidar	Library	Sessions Court Premises
86.	Muhammad Tariq, Chowkidar	Fresh Appointment	Sessions Court Premises
87.	Muhammad Azeem, Sweeper	Fresh Appointment	Sessions Court Premises

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John Marie Control

College Anglied Kalendaria

P-26

Note: -

- 1. The above-named officials are directed to take the charge immediately under intimation to this office.
- 2. Mr. Naseem Khan, Senior Clerk, Superintendent Office shall look after and maintain the library in addition to his own duties.

IKHTIAR KHAN

1911-1300

No\_\_\_\_\_-2/4

District & Sessions Judge,
Abbottabad

Copy forwarded to the: -

- 1. All the Judicial Officers at District Abbottabad & Teshil Havelian.
- 2. Officials concerned by name.
- 3. Office Copy.

District & Sessions Judge
Abbottabad

Walani.

P- 27



# OFFICE OF THE DISTRICT AND SESSIONS JUDGE ABBOTTABAD

©Phone: ©Fax: @Email:

0992-9316051 0992-330149 dslatd@gmail.com

No-1565-2/52

Dated Abbottabad the 23 /06/2022

To,

Miss. Ayesha Zeb, Computer Operator Annex - G

### FINAL SHOW CAUSE NOTICE

The office, through a note-sheet dated 13/06/2022, has reported that after being transferred, vide order bearing # 1211-1300-2/4 dated 02/06/2022, from the Court of Civil Judge/JFC-III to Record Room, for scanning, you neither relinquished nor assumed the charge and failed to comply with the order.

Whereas, you were issued explanation by this office vide # 1444-2/52 dated 13/06/2022, which, as you report of the experintendent Sessions Court, statement of your mother, Mr. Shafique Akbar, Reader and Mr. Muhammad Khurshid Senior Scale Stenographer, you refused to receive, within their view.

Whereas, your mother Mst. Sajida Bibi w/o Aurangzeb appeared before the undersigned on 13/06/2022, who was informed of your stubborn and indifferent conduct towards performance of your duty and not obeying the transfer order.

Whereas, on 13/06/2022, Mr. Shabbir Ahmad, Superintendent, Mr. Shafique Akbar Reader Senior Civii Judge and Muhammad Khurshid, Senior Scale Stenographer to ASJ-VI, too, had asked you to comply with the transfer order, in presence of your mother Mst. Sajida Bibi, sister Mst. Maryam Bibi and first cousin Sarfaraz Khan S.I, but to no avail.

Whereas, there is sufficient documentary evidence against you, therefore, the undersigned is satisfied that there is no need to hold any inquiry,

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on the charge of your willful disobedience and misconduct, hence dispensed with the inquiry, within the meanings of Rule 5 (1) (a) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

Whereas by reason of above, you, Miss Ayesha Zeb, Computer Operator, have been found guilty of misconduct, within the meanings of Rule 2 1 (i) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, which, may lead to imposition of one or more of the penalties including major penalty of dismissal from service as prescribed in Rule 4 (1) (b) (iv) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011

Now, I, Mr. Militar Khan, District & Sessions Judge, being competent authority, call upon you, Miss Ayesha Zeb, Computer Operator, to show cause, within the meanings of Rule 7 (b) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 within 07 days of receipt of this notice, as to why one or more penalties including the major penalty of dismissal from service may not be imposed upon you under Rule 4 (1) (b) (iv) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

Your written reply to the show cause notice should reach the undersigned within seven days, failing which ex-parte decision shall be taken against you.

You are also called upon to convey, in writing, if you would like to be heard in person.

Model

(IKETIAR KHAN)

District & Sessions Judge

Abbottabad

# Annex A



## OFFICE OF THE DISTRICT AND SESSIONS JUDGE

₽Fax: @Email:

®Phone:

0992-9310051 0992-330149 dsjatd@gmall.com

1620-2/4

Dated Abbottabad the OH O > 12022

### ORDER

WHEREAS, disciplinary proceedings were conducted against Ms. Ayesha Zeb, Computer Operator (BPS-16), within the meanings of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

WHEREAS, three show-cause notices No. 1563-2/52, 1564-2/52 & 1565-2/52, dated 23/06/2022 were issued to the above named accused official, with the following allegations:

- She had misbehaved with the then presiding officer Miss. (i) Faiza Malik, thus, demonstrated a conduct prejudicial to good order and service discipline, which amounts to misconduct.
- She had shown unprofessionalism and failed to comply with (ii) and obey lawful and reasonable orders given to her by her presiding officer, as she refused to switch on computer and to transmit the PQS data, thus failed to perform functions. assigned to her in the discharge of her duty, rendering herself inefficient.
- She had demonstrated contumacious and non-serious attitude (iii) towards her court duties, while posted in the Court of Civil Judge/JFC-III, due to which business of court was adversely affected.
- She was reported to be an ill-subordinate, turning deaf ears (iv) towards the orders and directions of the Presiding Officer.
- Due to her unwillingness to take dictation of the orders from (v) the Presiding Officer, litigants had to suffer by waiting for collection of guardianship certificates and orders etc for many

days, thus she had shown unprofessionalism and failed to comply with and obey lawful and reasonable orders given to her by her presiding officer, thus failed to perform function assigned to her in the discharge of her duty, rendering herself inefficient.

This office, through a note-sheet dated 13/06/2022, had (vi) reported that after being transferred, vide order bearing # 1211-1300-2/4 dated 02/06/2022, from the Court of Civil Judge/JFC-III to Record Room, for scanning, she neither relinquished nor assumed the charge and failed to comply with the order.

WHEREAS, the undersigned, after considering contents of the complaints and related facts of the case and reasons/grounds thereof, had dispensed with formal inquiries.

AND WHEREAS, the accused official was advised to submit written defense against the above charges, within seven days of receipt of notice, explaining as to why one or more penalties, including the major penalty of dismissal from service, should not be imposed upon her and also to communicate whether she wanted to be heard in person.

AND WHEREAS, the accused official neither submitted any reply within the prescribed time, nor intimated to opt for personal hearing.

Considering the contents of the complaint, mentioned as reference and related facts of the case, the accused official, having failed to show cause, as required from her, has become liable to receive penalty as prescribed in Rule 4 (1) (b) (iv) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

THEREFORE, Ms. Ayesha Zeb, Computer Operator (BPS-16) has been held liable for awarding major penalty of dismissal from service.

NOW, THEREFORE, it is notified that the accused official Ms. Ayesha Zeb, Computer Operator (BPS-16) stands dismissed from service,

within the meaning of Rule 4 (1) (b) (iv) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

(IKHTIAR KHAN)

District & Sessions Judge Abbottabad

Dated Abbottabad the OHOHOD

## Copy forwarded to:

- 1) The Registrar, Peshawar High Court, Peshawar.
- 2) The Senior Civil Judge (Admn), Abbottabad.
- 3) The Comptroller of Accounts, Abbottabad.
- 4) The Budge & Accounts Assistant, Abbottabad.
- 5) Official concerned.

(IKHTIAR KHAN) District & Sessions Judge Abbottabad

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To,

Annex-1

The Hon'ble, The Chief Justice, Peshawar High Court, Peshawar.

P 32

Subject: -

DEPARTMENT APPEAL AGAINST IMPUGNED DISMISSAL FROM SERVICE ORDER NO. 1620-2/4 DATED 01.07.2022

### Respectfully Sheweth: -

- Reference is made to the impugned dismissal from service order vide order NO. 1620-2/4 DATED 01.07.2022 (copy attached)
- 2. It is submitted that the appellant got appointment in District Judiciary, Abbottabad as computer operator and served therein for 05 years. The appellant served with devotion and left no stone unturned in the smooth functioning of the department.
- 3. That the appellant during service contracted marriage but the husband of the appellant divorced her within a period of 10 days from the date of marriage. As a result, the appellant was not feeling well psychologically. Hence, she remained under investigation and treatment, under the supervision of Dr. Aftab Alam Khan psychiatrist. In this regard, the said doctor advised complete bed rest for a period of one month to recover the ailment of the appellant. Copy of certificate of bed rest issued by Dr. Aftab Alam Khan psychiatrist is attached.
- 4. That the appellant was indisposed and could not come to resume her duties. As a result, during the absence of the appellant, she was proceeded X-Parte and has been dismissed from service impugned dismissal order dated 01.07.2022 this is already referred in para-01 above.

### Respected Sir,

a. That she met mishap due to family disorder. The mother of the appellant provided medical certificate to the District & Sessions Judge, Abbottabad, but, he did not considered the said certificate as per Revised leave Rules

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1981, in the meantime, the comptent authority without considering the circumstances of the appellant which was beyond her control, dismissed the appellant from service which is perverse, discriminatory and is a result of (audi alter partem).

- b. That the allegations of the mis-behaving with the presiding officer by the appellant is incorrect. The appellant ever remained dutiful and served with due diligence. As a result, she earned good and very good ACRs. In this regard your good-self may requisitioned the ACRs of the appellant from the Judicial Department, Abbottabad.
- c. That besides, the service carrier of the appellant is unblemished neat and clean and spotless. It is further submitted that no explanation, letter of warning or censure have been issued by the authority. The appellant is absolutely innocent and has been dismissed from service due to no fault on the part of the appellant.
- d. That the appellant ever remained dutiful and performed here duties with in the parameter of Rules and Regulations and the allegations levelled against her are baseless as the appellant was suffering from ailment and was admitted in the Hospital therefor, without affording opportunity of personal hearing and cross examining the complainants, if any, as per E&D Rules, 2011.

In view of the above it is prayed that impugned dismissal from service order dated 01.07.2022 may graciously be ordered to be set aside and re-instate the appellant in service with effect from 01.07.2022.

Dated 16.07.2022

Ayesha Zeb D/O Aurangzeb,
Ex-Computer Operator, District Courts, Abbottabad.
R/O Mohallah Jalalabad, Sheikh-ul-Bandi,
Tehsil and District Abbottabad.

Date



### OFFICE OF THE DISTRICT AND SESSIONS JUDGE ABBOTTABAD

晉Phone: -⊜Fax:

0992-921051 0992-921594

@Email:

dsjatd@gmail.com

### OFFICE ORDER

P. 34

In continuation of this office order bearing endorsement No. 493-96-2/4 dated 02.03.2023, Ms. Ayesha Zeb, Computer Operator to Civil Judge VI, Abbottabad shall perform duties as Computer Operator in the court of Civil Judge-XI/ JFC-IV till 28.05.2022 with immediate effect.

499-503

IKHTIAR KHAN

District & Sessions Judge, Abbottabad

Copy forwarded to the: -

Dated Abbottabad the

1. Senior Civil Judge (Admn), Abbottabad.

2. Courts concerned.

3. Officials Concerned by name.

4. Office Copy

District & Sessions Judge, Abbottabad (

Mashil

### OFFICE OF THE DISTRICT & SESSIONS JUDGE, ABBULLABAL

### OFFICE ORDER

The following postings/ transfers are hereby made in the public interest, with

immediate effect.

S#	NAME & DESIGNATION	FROM	то
1.	Riasat Mir, Assistant	Reader to CJ-II, Havelian	Reader to AD&SJ -III
2.	Umair Razzaq, C/O	AD&SJ-VIII	AD&SJ-III
3.	Ayesha Zeb, C/O	CJ-VI (presently working with CJ-XI)	CJ-III
4.	Pitras Masih, SC (Newly Promoted)	Moharrir to CJ-I Havelian	Reader to Civil Judge-II, Havelian
5.	Ummar Zaman, JC	Addl: Moharrir to AD&SJ-II	Moharrir to AD&SJ-III
6.	Rashid Nawaz, JC (Newly Promoted)	Addl: Moharrir to ASJ-V	Moharrir to CJ-I Havelian
7.	Zafar Iqbal, JC (Newly Promoted)	AD&SJ-VIII	Addl: Moharrir to AD&SJ -V
8.	Muhammad Sabir, JC (Newly Promoted)	Superintendent Office	Record Room Sessions
9.	Anis Asif, JC (Newly Promoted)	R.K Record Room Lower Courts (Criminal)	Addl: Moharrir to AD&SJ-II
10.	Babar Shakeel, Daftari	Typist to CJ-III	Typist to CJ-XI (for stop gap arrangements)
11.	Ahmad Razzaq, Naib Qasid	Scanning Branch	N.Q to AD&SJ - VIII
12.	Abdul Waris, Naib Qasid	Record Room Sessions	N. Q to AD&SJ-III

### Note: -

The above named officials are directed to take the charge immediately under intimation to this office, moreover, M. Ishaq, Chowkidar is directed to perform duties in English office as Daftari in addition to his own duties.

842-863

No\_\_\_\_\_-2/4

Ikhtiar Khan
District & Sessions Judge
Abbottabad

Dated Abbottabad the \_\_\_\_\_

\_/ 2022

Copy forwarded to the: -

- 1. Additional District & Sessions Judge-II, III, V, VI, VIII, Abbottabad.
- 2. Senior Civil Judge (Admn), Judicial and Judicial-I, Abbottabad.
- 3. Civil Judge-IX, Abbottabad.
- 4. Civil Judge-II, Havelian.
- 5. Officials concerned by name.

District & Sessions Judge
Abbottabad

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باعد الكرية عكر

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آل مقام ATO M. Archael Whan Janali Asc of Policela کووکیل مقرر کر کے اقر ارکرتا ہوں کہ صاحب موصوف کومقد مہ کی کل کا روائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کوکرنے راضی نامہ وتقر ر ثالث و فیصلہ بر حلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری ہے کرانے اجراء وصولی چیک رویبه وعرضی دعویٰ کی تقید این اوراس سرد شخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ فدکور کی کل پاکسی جزوی کاروائی کے لئے کسی اوروکیل پامختارصاحب قانونی کواییے ہمراہ اپنی بحائے تقر رکا اختیار بھی ہوگا ورصاحب مقررشدہ کو بھی وہی اور ویسے ہی اختیارات ہول کے اور اس کا ساختہ برداختہ مجھ کومنظور وقبول ہوگا۔ دوران مقدمہ جوخر چہ وہر جاندالتوائے مقدمہ کے سبب ہوگا اس کے مستحق وكيل صاحب مول ك\_ نيز بقايار قم وصول كرنے كا بھى اختيار ہوگا۔ اگر كوئى بيشى مقام دور ہ ير مويا حدے باہر ہوتو دکیل صاحب موصوف یا بند ہوں گے کہ پیروی مقدمہ ندکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزوبقایا ہوتو وکیل صاحب موصوف مقدمہ کی پیروی کے یابند نہ ہول گے۔ نیز درخواست بمراد استحارت نالش بصیغه مفلسی کے دائر کرنے اوراس کی پیروی کا بھی صاحب موصوف کواختیار ہوگا۔

لہذاوکالت نامة خرير کيا تا کەسندر ہے۔

وقام ،نو ٹوسٹیٹ کیجری (ایبٹ آباد)

Arshad Whan Tand Ase