

24.10.2022

Appellant present in person.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Esa Khan S.C for respondents present.

Representative of respondents submitted reply. Copy of the same was handed over to the appellant. To come up for rejoinder, if any, and arguments on 22.11.2022 before D.B at Camp Court, D.I.Khan.



(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

27.06.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Written reply/comments on behalf of respondents not submitted. Learned Additional Advocate General seeks time to contact the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 29.07.2022 before S.B at Camp Court, D.I.Khan.



(Mian Muhammad)
Member (E)
Camp Court, D.I.Khan

29/07/2022

Due to Summer vacation

come up 30/09/2022

Reader

30.09.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

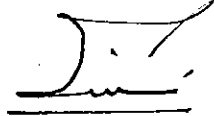
Reply/comments on behalf of respondent are still awaited. Learned Deputy District Attorney shall intimate the respondents to positively submit reply/comments on 24.10.2022 before the S.B at Camp Court D.I.Khan.



(Salah-Ud-Din)
Member (J)
Camp Court D.I.Khan

24.11.2021

Learned counsel for the appellant present and sought further time for preliminary hearing. Adjourned. To come up for preliminary hearing before the S.B on 25.11.2021 at Camp Court D.I.Khan.



(Salah-Ud-Din)
Member (J)
Camp Court D.I.Khan

25.11.2021

Mr. Gul Tiaz Khan, Advocate, for the appellant present. Preliminary arguments heard.

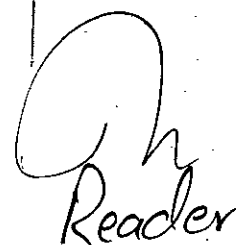
Points raised need consideration, hence the appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments on 27.01.2022 at Camp Court D.I.Khan.

Appellant Deposited
Security & Process Fee



(Salah-Ud-Din)
Member (J)
Camp Court D.I.Khan

27.01.2022. Tour to Camp Court D.I.Khan
cancel. To come up for the
same before S.B on 27/01/2022.



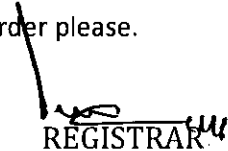

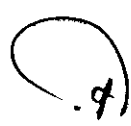
Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7710 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/08/2021	<p>The appeal of Mr. Saleem Khan received today by post through Mr. Gultiaz Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar. Notice be issued to appellant/counsel for preliminary hearing to be put up there on <u>20/09/21</u>.</p> <p> CHAIRMAN</p>
21.09.2021		<p>Nemo for appellant.</p> <p>Notice be issued to appellant/counsel for 10.11.2021 for preliminary hearing, before S.B.</p> <p> (Rozina Rehman) Member (J)</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2021

Saleem Khan (Appellant)

Versus

District & Sessions Judge Tank (Respondent)

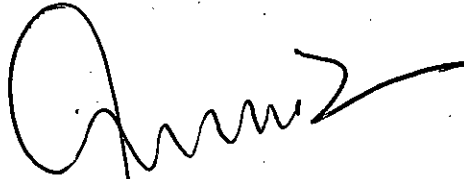
**APPLICATION CONTAINING THE REQUEST FOR FIXATION OF
APPEAL ON 23.08.2021**

Respected Sir,

1. That the above noted the service appeal is being filed before this Honorable Tribunal.
2. That another appeal bearing No. 6730/2001 titled as "Kaleem Ullah V/S Govt. of KPK" is already fixed for preliminary hearing on 23.08.2021 and Counsel for the Appellant in the case of Kaleem Ullah has to appear before this honourable Tribunal on the date fixed i.e. 23.08.2021. *copy of notice enclosed.*
3. That to save the Counsel for Appellant from hardship and trouble of journey from D.I.Khan to Peshawar for appearance before this honourable Tribunal, it will be convenient that the instant appeal is also listed for hearing on 23.08.2021.

It is therefore, requested that the subject appeal may please be adjourned to 23.08.2021.

Dated: 04.08.2021


GULTIAZ KHAN MARWAT,
Advocate High Court D.I.Khan
(Counsel for Appellant)

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No. 6730 of 20 21

Maleemullahi

Appellant/Petitioner

Versus

Through chief Secy: K.P.S. Peshawar

RESPONDENT(S)

Counsel

Notice to Appellant/Petitioner

Gul Tiaz Khan Marwat
Advocate High Court
at D.I. Khan

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 23-8-2021 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Peshawar

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar

REGISTRAR
Office of the
KPK Service Tribunal
Peshawar.



BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 7210 /2021

Saleem Khan

.....

Appellant

VERSUS

District & Sessions Judge Tank

.....**Respondent**

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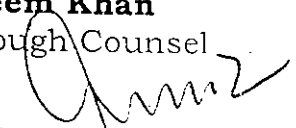
S.No	Description	Annexure	Page No
1	Grounds of Appeal	-	1-7
2	CMA for Stay	-	8-9
3	Copies of Show Cause Notice and reply	A&B	1-13
4	Copy of impugned order dated 27.08.2020	C	14
5	Copies of representation and impugned order dated 13.07.2021	D&E	15-19
6	Copy of order dated 25.03.2021	F	20-23
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Your humble appellant,

Saleem Khan

Through Counsel

Dated: 04/08/2021


Gul Tiaz Khan Marwat
Advocate High Court
DIKhan

I

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. _____/2021

Saleem Khan Junior Clerk Establishment of District &
Sessions Judge Tank **Appellant**

VERSUS

The District & Sessions Judge Tank

.....**Respondent**

**APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER DATED 13.07.2021 PASSED BY
RESPONDENT VIDE WHICH REPRESENTATION OF
APPELLANT AGAINST THE ORDER DATED 27.08.2020
PASSED BY THE RESPONDENT/ COMPETENT AUTHORITY
VIDE WHICH BESIDES THE RECOVERY OF AN AMOUNT OF
RS. 1,40,500/- RECEIVED BY THE WIFE OF APPELLANT
FROM THE BENAZIR INCOME SUPPORT PROGRAMME
HAS BEEN ORDERED TO BE RECOVERED FROM THE
APPELLANT IN EQUAL INSTALLMENT @ RS. 5000/- PER
MONTH FROM THE MONTHLY PAY/ SALARY AND ALSO
PENALTY OF WITHHOLDING OF INCREMENT FOR ONE
YEAR WITH NON-ACCUMULATIVE EFFECT HAS BEEN
AWARDED TO THE APPELLANT.**

Respected Sir,

1. That the Appellant is a Junior Clerk (BPS-11) in the establishment of District & Sessions Judge Tank.
2. That like the other citizen of the country, name of wife of appellant was also registered during survey for receipt /

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payment of financial support from Benazir Income Support Programme launched by the Govt. of Pakistan and no doubt she was a beneficiary/ recipient of Benazir Income Support Programme.

3. That the appellant was thus served in this respect with the show cause notice dated 27.04.2020 to which the appellant submitted his reply which is self-explanatory wherein the appellant categorically explained his position that the financial benefit has been received by his wife as per her entitlement and there is no complaint against *her* whatsoever by the officers / authorities of the Benazir Income Support Programme and thus neither the appellant is liable or responsible for the any action of her wife and further the appellant has thus committed no mis-conduct to be proceeded against under the KP Govt. servants (efficiency and discipline rules-2011). Copies of show cause notice and reply are enclosed as **Annexure - A&B** respectively.
4. That after submission of reply to the show cause notice the Appellant was provided an opportunity of personal hearing on 08.07.2020 and the Competent Authority passed impugned order dated 27.08.2020 vide which the amount of Rs. 1,40,500/- was ordered to be recovered from the monthly salary of appellant in equal installments @ Rs. 5000/- per month and the appellant

Annexure 2

was also awarded a penalty of withholding of increment for one year with non-accumulative effect under Rule-4 (I)(a)(ii) of the Rules 2021. Copy of impugned order are enclosed as **Annexure - C**.

5. That the appellant submitted representation before the Competent Authority against the impugned order of imposition of penalties which has been turned down vide impugned judgment dated 13.07.2021. Copies of representation and impugned order are enclosed as **Annexure - D&E** respectively.
6. That the Appellant feeling aggrieved from all the impugned orders/actions and inactions of respondent, the appellant seeks the indulgence of this learned tribunal under its appellate jurisdiction inter alia on the following grounds.

GROUNDS:-

- A. That the impugned order of Respondent of imposition of recovery of amount received by the wife of appellant from Benazir Income Support Programme as well as withholding of increment for one year is against law, arbitrary, Malafide void abinitio, without lawful authority, without Jurisdiction and of no legal effect qua the rights of appellant.
- B. That the receipt of financial benefits by the wife of appellant under the scheme of Benazir Income Support

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Programme do not constitute mis-conduct for which either the appellant is to be proceeded against or any penalty to be imposed upon the appellant as also there is no provisions either under the KPK Civil servants (Efficiency and Discipline Rules), 2011 or in the Benazir Income Support Programme (Act No. XVIII of 2010) to authorize the respondent/ Competent Authority to pass an order of recovery from the appellant or to award any penalty to appellant.

C. That the Appellant has been met out discriminatory treatment and he has not been treated under the law as required under the provisions of fundamental rights guaranteed the Constitution of Islamic Republic of Pakistan as the same Presiding Officer/ Competent Authority has accepted a departmental appeal of one Mr. Liaqat Civil Nazir District Tank on 25.03.2021 and set aside the penalty of awarding of one increment while awarded penalty of withholding of increment for one year vide impugned order dated 27.08.2020. Copy of order is enclosed as **Annexure - F**.

D. That similarly there is a judgment / order of learned District Judge/ Zila Qazi Dir Pain at Taimergara on 17.10.2020 vide which the employees of the subordinate Courts have been held not responsible for payment / recovery of the amount which their wives have been

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received under the Benazir Income Support Programme.

Copy of judgment / order is enclosed as **Annexure - G**.

- E. That the petitioner is entitled of treatment of equal treatment provided under Article-25 of the constitution as extended to the employees of members of establishment of District Dir.
- F. That the impugned order of recovery of amount of financial benefits received by the wife of appellant as well as awarding of penalty of withholding of increment for one year of appellant by the learned District & Sessions Judge / Competent Authority is also against the provisions of fundamental rights guaranteed under Constitution of Islamic Republic of Pakistan as not only the appellant has been deprived of his vested rights of property and life but due to imposition of penalty of withholding one increment for one year, the appellant will sustain evergreen financial loss not during life time but even after death as the appellant's family will get less pension after death of appellant.
- G. That this Honorable Tribunal is creation of Constitution under which fundamental rights of the citizens of the Country are protected and having vast Constitutional Power, this Honorable Tribunal is competent and authorized to correct the failure, faults, dereliction of duty, laches, defects in jurisdiction denial of justice,

Qureshi

bias or disability and to set aside/struck down illegal and order without lawful authority of the Departmental Authorities of Government Offices/Departments including the Respondents.

H. That Counsel for the Appellant may please be allowed to raise additional ground during the course of arguments.

It is, therefore, humbly prayed on acceptance this Appeal this Honorable Tribunal may very graciously be pleased to accept the appeal of the Appellant and as a consequence thereof the impugned order dated 27.08.2020 and 13.07.2021 respectively may please be set aside and recalled in the interest of Justice and fair play.

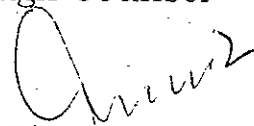
Any other relief deems appropriate in the prevailing circumstances may also be granted.

Your humble appellant,



Saleem Khan
Through Counsel

Dated: 04/08/2021



Gul Tiaz Khan Marwat
Advocate High Court
DIKhan

CERTIFICATE

Certified that it is a first appeal by the appellant before this Honorable Tribunal against the impugned orders.



Appellant

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. _____/2021

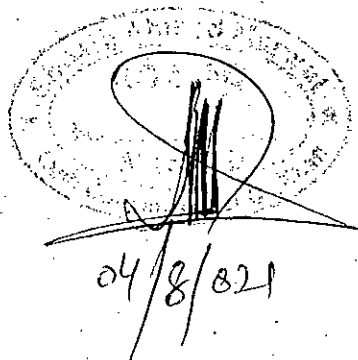
Saleem Khan Junior Clerk Establishment of District &
Sessions Judge Tank **Appellant**

VERSUS

The District & Sessions Judge Tank
.....**Respondent**

AFFIDAVIT

I, Saleem Khan Junior Clerk Establishment of District &
Sessions Judge Tank, the appellant do hereby solemnly affirm
and declare on Oath that the contents of appeal are true and
correct to the best of my knowledge and belief and nothing has
been concealed from this Honorable Tribunal.


04/8/21



DEPONENT

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Civil Misc. Application No. _____/2021

In

Service Appeal No _____/2021

Salëem Khan

.....

Appellant

VERSUS

District & Sessions Judge Tank

.....***Respondent***

**APPLICATION FOR INTERIM RELIEF FOR SUSPENSION OF OPERATION
OF IMPUGNED ORDER DATED 27.08.2020 QUA RECOVERY OF AMOUNT
FROM THE MONTHLY PAY / SALARY OF APPELLANT.**

Respected Sir,

1. That the accompanied appeal is being filed before this honourable Tribunal wherein besides the awarding of penalty of withholding of increment for one year as well as impugned order of recovery of amount from the monthly pay of appellant has been impugned.
2. That the petitioner has a prima facie case.
3. That balance of connivance also lies in favor of petitioner.
4. That the petitioner will sustained irreparable loss if interim relief is not granted by this Honourable Tribunal, then the object/purpose of the Appeal would become illogical and fruitless.

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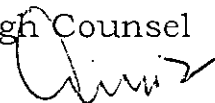
It is, therefore, prayed that on acceptance this petition, this Honourable Tribunal may very graciously be please to suspend the operation of impugned order dated 27.08.2020 qua recovery of monthly installment from the pay/salary of appellant till disposal of Appeal.

Your humble Petitioner,



Saleem Khan

Through Counsel



**Gul Tiaz Khan Marwat
Advocate High Court
DIKhan**

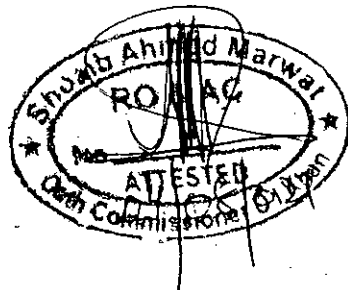
Dated: 04.08.2021

AFFIDAVIT

I, Saleem Khan Junior Clerk Establishment of District & Sessions Judge Tank, the appellant do hereby solemnly affirm and declare on Oath that the contents of petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.



DEPONENT





DISTRICT & SESSIONS JUDGE, TANK

Phone # 0963-510024, Fax #0963-510515

E mail: dsjtank@gmail.com

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A

No. 1254/E-8/DSJ

Dated Tank the 27/08/2020

ORDER:

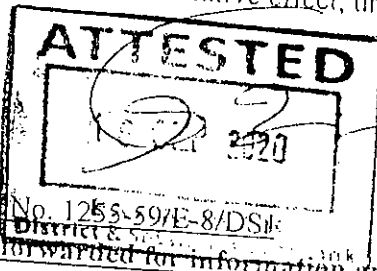
WHEREAS, the Hon'ble Peshawar High Court, Peshawar (vide letter No.6154-201/Admn; dated 23.04.2020, shared list of officials of this establishment including Mr. Salim Khan, Junior Clerk (BPS-11), who was found beneficiary of Benazir Income Support Programme, through his spouse Mst. Noor Jehan and had been receiving cash financial grant.

AND WHEREAS, disciplinary proceedings were initiated against the accused/official named above, under the Government of Khyber Pakhtunkhwa, Civil Servants (Efficiency & Discipline) Rules, 2011 and as ample proof in the shape of documentary evidence was available, therefore, the requirement/formality of conducting inquiry was dispensed with and Show Cause notice bearing No. 619/E-8/DSJ/Tank, dated 27.04.2020 was served upon the accused/official. The accused/official submitted reply and was heard in person. During personal hearing, he admitted the receipt of the amount through his spouse (vide BISP Card No: 6271 0080 0168 6243).

AND WHEREAS, after confirmation of the amount, realized by the accused/official from the BISP, the Assistant Director, BISP, Tank confirmed that the wife of accused/official has so far received an amount of Rs. 140,500/-.

Therefore, I, being Competent Authority have found the accused/official Mr. Salim Khan, Junior Clerk (BPS-11) of this establishment as guilty of gross misconduct, using his spouse for gaining financial benefit from BISP, which is meant for providing financial assistance and support to destitute, economically distress, chronically poor and vulnerable poor citizens and impose the following penalties upon the accused/official as enumerated in Rule 4 (1) (a) (II) (III) of the Government of Khyber Pakhtunkhwa, Civil Servants (Efficiency & Discipline) Rules, 2011:

1. The amount of Rs. 140,500/- shall be recovered from the monthly salary of the accused/official in equal installments of Rs. 5,000/- per month and be deposited in the State Exchequer, under Rule-4 (1) (a) (iii) of the Rules (ibid).
2. The accused/official is also awarded with penalty of withholding of increment for one year with non-accumulative effect, under Rule-4 (1) (a) (ii) of the Rules, 2011 (ibid).



Jehanzeb Shihwari

Jehanzeb Shihwari
District & Sessions Judge, Tank

Dated Tank the 27/08/2020

Ends: No. 1255-59/E-8/DSJ
District & Sessions Judge, Tank
Copy forwarded for information and necessary action to:

1. The Worth Registrar, Hon'ble Peshawar High Court, Peshawar.
2. The Senior Civil Judge (A), Tank.
3. The District Account Officer, Tank.
4. The B&A Assistant of this Court.
5. The official concerned by name.

Jehanzeb Shihwari

District & Sessions Judge, Tank

حکومت قاتل شیخ / ڈسٹرکٹ ایجنٹ

619/E-8/DSS/Tank

B

27-04-2020

11

قاتل عالی

سائل محمد شوکان ڈوٹی ٹانک 619/E-8/DSS/Tank

تاریخ 27-04-2020 سے۔ دلیل جواب ٹرانسپیرینٹ ہے کہ

کیم سے مالی امداد وصول کرنے کا الزام لگایا گیا ہے۔
کیم کے تحت تقریر فیملی گرو گرو ہاؤس ہے۔ کیونکہ BIS.P

سہولت کا مکمل ڈیٹا حاصل آیا۔ جس کا مقصد مالی

ضروریات کے دوران استیصال کی نشاندہی کر کے ان کو

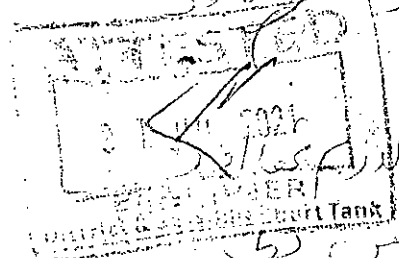
سرور کرنا تھا۔ چونکہ فیملی کے اہل فائدہ کے تینا جی کارڈ

تینوں کے حاصل کیے گئے اور بعد ازاں ان کو ایسے بحودہ

حادثہ کیا گیا۔

بوقت سرورے فیملی کے اہل کلاس فوڈ/ []

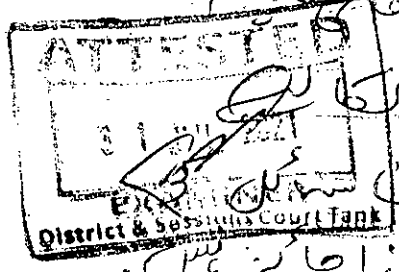
سب حاضر تھا۔ BIS.P کیم کی مقورہ شیوں



نے تمام تر گاؤں کا دورہ کیا و فائدہ گیری میری میری عوام
موجودگی میں کی ہے اور تمام ڈیٹا میری فیر موجودگی
میں حاصل کیا ہے۔ میں نے ذاتی طور پر BISP
ملکیم ریکارڈ ان کو سزا کوئی فیری درخواست
پیش کی ہے اور سبھی کا ڈیٹا کے اہم ادا مالی امداد
کلیے ان سے رجوع کیا ہے۔ بقدر میری اہلیہ کا
ڈیٹا انہوں نے خود حاصل کیا ہے۔

BISP ملکیم کے متورہ بیٹھوں نے ان کو اس
سے فیر رکھا کہ یہ امداد گوانڈٹ بلڈرین
کلیے ہائز نہیں ہے اور یہ امداد کا ڈیٹا
میں سائل کی لاٹھی میں جاری کیا گیا ہے۔

صاف عالی۔ دیکھ 2019 سے قبل مالی امداد حاصل
کرنے یا اسکے فائدہ والوں کیسے سرکاری مدد و رعیت
کا بیٹوں ان کی نارہیت کھتر طہ فہر۔
عالتہ یہ شرط سزا کو روا تاریخ کے بعد وفاق کا بیٹھ



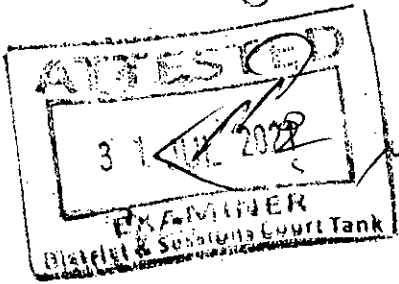
کے اہل میں میں کلکس گئی اور سزا کو روا تاریخ کے بعد وفاق کا بیٹھ
کے سٹارشن کی گئی، جس کے دو سے میں سزا کو روا تاریخ کے بعد وفاق کا بیٹھ
اپنی اہلیہ کے حسب گفتہ بالا اقدام کی سزا دینا جائز نہیں
اسی طرح جو کا ڈیٹا اہلیہ کو حاصل کیا گیا اس پر واضح طور پر
یہ تحریر ہے "کم" یہ فاقوں فائدہ کی حد تک ہے اور سزا کو روا
کا ڈیٹا کو رہیوں نے ہی رہے کفر میں لاکر کوئی فائدہ

حاصل کیا ہے اور مالی مدد حاصل کی۔

من سائل ایک رقم در سرکاری ملازم ہے۔
اور من سائل نے ہمیشہ قانونی طور پر کام کیا ہے۔
اور کبھی کوئی غیر قانونی و غیر اخلاقی اقدام
نہیں اٹھایا ہے۔

سائل 7/8 افراد کے کنبے کا وارث ہے۔
سائل کی والدہ ضعیف العمر ہے اور اسے علاج
کا خرچہ ہر ماہی رقم فراہم کرنا پڑتا ہے۔
من سائل کے چھوٹے چھوٹے بچے ہیں اور کنبے
کے اخراجات بہت مشکل اور سنگین ہیں۔

من سائل نے گناہ اور بے قصور ہے۔
اور معاملہ عدالت کے سائل کے ساتھ
سری و سیداری سے نمٹا جائے گا اور سائل
کو معاف کیا جائے اور شوکانہ نوٹس
میں مزید کارروائی واپس کیا جائے اور دراصل
دفتر ہو۔



مزید سائل ذاتی طور پر منے کا فوراً مستخدم
اور شہادت دینے کو تیار ہے۔

سائل سلیم خان جو نیئر کلرک حال محرم عدالت ایڈیشنل
سیشن جج ٹانک

NIC: NO = 12201-0985463-3

Signature
11-05-2020



DISTRICT & SESSIONS JUDGE, TANK

Phone # 0963-510024, Fax #0963-510515

E mail: dsitank@gmail.com

No. 1254/E-8/DSJ

Dated Tank the 27/08/2020

ORDER:

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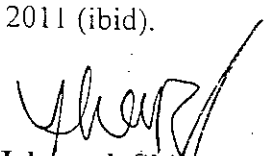
WHEREAS, the Hon'ble Peshawar High Court, Peshawar vide letter No.6154-201/Admn; dated 23.04.2020, shared list of officials of this establishment including Mr. Salim Khan, Junior Clerk (BPS-11), who was found beneficiary of Benazir Income Support Programme, through his spouse Mst. Noor Jehan and had been receiving cash financial grant.

AND WHEREAS, disciplinary proceedings were initiated against the accused/official named above, under the Government of Khyber Pakhtunkhwa, Civil Servants (Efficiency & Discipline) Rules, 2011 and as ample proof in the shape of documentary evidence was available, therefore, the requirement/formality of conducting inquiry was dispensed with and Show Cause notice bearing No. 619/E-8/DSJ/Tank, dated 27.04.2020 was served upon the accused/official. The accused/official submitted reply and was heard in person. During personal hearing, he admitted the receipt of the amount through his spouse (vide BISP Card No: 6271 0080 0168 6243).

AND WHEREAS, after confirmation of the amount, realized by the accused/official from the BISP, the Assistant Director, BISP, Tank confirmed that the wife of accused/official has so far received an amount of Rs. 140,500/-.

Therefore, I, being Competent Authority have found the accused/official Mr. Salim Khan, Junior Clerk (BPS-11) of this establishment as guilty of gross misconduct, using his spouse for gaining financial benefit from BISP, which is meant for providing financial assistance and support to destitute, economically distress, chronically poor and vulnerable poor citizens and impose the following penalties upon the accused/official as enumerated in Rule 4 (1) (a) (II) (III) of the Government of Khyber Pakhtunkhwa, Civil Servants (Efficiency & Discipline) Rules, 2011:

1. The amount of Rs. 140,500/- shall be recovered from the monthly salary of the accused/official in equal installments of Rs. 5,000/- per month and be deposited in the State Exchequer, under Rule-4 (1) (a) (iii) of the Rules (ibid).
2. The accused/official is also awarded with penalty of withholding of increment for one year with non-accumulative effect, under Rule-4 (1) (a) (ii) of the Rules, 2011 (ibid).

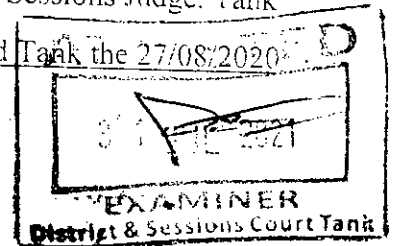

Jehanzeb Shihwari
District & Sessions Judge, Tank

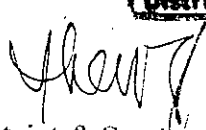
Dated Tank the 27/08/2020

Endst: No. 1255-59/E-8/DSJ

Copy forwarded for information and necessary action to:

1. The Worth Registrar, Hon'ble Peshawar High Court, Peshawar.
2. The Senior Civil Judge (A), Tank.
3. The District Account Officer, Tank.
4. The B&A Assistant of this Court.
5. The official concerned by name.




District & Sessions Judge, Tank

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BEFORE THE WORTHY DISTRICT AND SESSIONS JUDGE

TANK

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Subject: MERCY PETITION/REPRESENTATION/DEPARTMENTAL
APPEAL/ REVIEW AGAINST THE ORDER ENDST: NO. 1254-
E-8/DSJ PASSED BY THE HON'BLE DISTRICT & SESSIONS
JUDGE, TANK VIDE WHICH THE RECOVERY OF
RS.140,500/- HAS BEEN IMPOSED UPON THE PETITIONER
ALONGWITH AWARDING SENTENCE OF WITHHOLDING
OF ANNUAL INCREMENT FOR ONE YEAR WITH NON-
ACCUMULATIVE EFFECTS AS PENALTY.

Prayer:

On acceptance of instant petition the impugned office order Endst: No. 1254/E-8/DSJ passed by Hon'ble District & Sessions Judge, Tank may kindly be set aside in the light of order/judgment of the Hon'ble and august Chief Justice (Late) Waqar Ahmad Seth dated 26.09.2020 in the dictum of my colleagues and thus the petitioner be treated as similar to their colleagues and not be discriminated and the petitioner be remained very obliged in this regard.

Respected Sir,

The petitioner humbly submits as under:

1. That the appellant was appointed as Class-IV employee under your kind control and presently serving as Reader at the court of learned Senior Civil Judge (J), Tank.
2. That a show case notice bearing No. 619/E-8/DSJ/Tank dated 27.04.2020 was issued to the petitioner with the allegations that on the name of petitioner's spouse, you have availed the financial benefits of Benazir Income Support Program, wherein the petitioner fully explained his position in reply of show cause notice. Actually, the petitioner was not in intention to any malafide to get the financial benefits from the scheme but at that time in that circumstances the petitioner was not having any ill will. Later on, the Hon'ble District & Sessions Judge, Tank vide aforementioned impugned order-

ATTESTED
EXAMINER
District & Sessions Court Tank

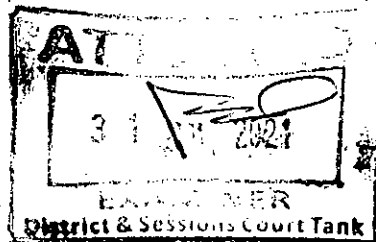
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imposed recovery of Rs. 140,500/- against the petitioner as well as awarded sentence of withholding of annual increment for one year with non-accumulative effects as penalty.

3. That a similar nature of punishment was also awarded to petitioner's colleagues which was assailed before the Hon'ble Chief Justice Peshawar High Court, Peshawar (Late Waqar Ahmad Seth) which was accepted by the Hon'ble court vide order dated 26.09.2020, hence, the present petitioner is also entitled to be treated similarly. Copies of petition and order alongwith other relevant record are annexed herewith for ready reference.

It is, therefore, humbly prayed that the instant petition may kindly be accepted as prayed for in the headnote and contents of petition.

Dated 30/03/2021



Seen
Humble Petitioner

IN THE COURT OF DISTRICT & SESSIONS JUDGE, TANK17

Muhammad Salim, Junior Clerk
District Courts, Tank

Mercy Petition/Representation/Appeal/Review petition, preferred by
the petitioner Muhammad Salim, Junior Clerk (convicted official)
against the order, passed by learned District Judge, Tank vide order No.
No. 1239/E-8/DSJ dated 27-08-2020

Through instant judgment, this court intends to adjudicate upon the representation/appeal/review petition, preferred by the petitioner Muhammad Salim, Junior Clerk against the order, passed by learned District Judge, Tank vide order No. 1239/E-8/DSJ dated 27-08-2020, whereby the petitioner was held guilty of misconduct and was penalized in shape of stoppage of two increments and recovery of Rs: 1,40,000/- to the Government Exchequer; and having stood for consideration to this day, the Court delivered the following Judgment.

JUDGMENT:

1. Succinct facts of the case are that Salim Khan, Junior Clerk (BPS-11), was found beneficiary of Benazir Income Support Programme, through his spouse Mst. Noor Jehan and had been receiving cash financial grant. The disciplinary proceedings were initiated against the delinquent official Salim Khan, Junior Clerk (BPS-11), under the Government of Khyber Pakhtunkhwa, Civil Servants (Efficiency & Discipline) Rules, 2011. As ample proof in the shape of documentary evidence was available, therefore, the requirement/formality of conducting inquiry was dispensed with and Show Cause Notice bearing No. 619/E-8/DSJ/Tank, dated 27.04.2020 was served upon the accused/official. The accused/official

EXAMINED
District & Sessions Court Tank

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submitted reply and was heard in person. During personal hearing, he admitted the receipt of the amount through his spouse (vide BISP Card No: 6271 0080 0168 6243).

2. On conclusion of the proceedings, learned predecessor-in-office, vide order No. 1239/E-8/DSJ Dated Tank the 27/08/2020 was pleased to award the penalty. Feeling aggrieved of imposition of the penalty, the petitioner preferred instant mercy petitioner/appeal/review petition.

3. The petition was placed before this Court after assuming charge and the date was fixed for hearing. The petitioner was heard and the available record was perused.

4. From scanning of the record coupled with averments of the petitioner, it divulges that petitioner was held guilty of the misconduct and was penalized vide impugned order dated 28-07-2020. He felt aggrieved of the order and filed instant mercy petition/review/appeal on 30-03-2021. In the petition, it was mentioned that the departmental appeals of various officials of ministerial cadre of judiciary were accepted by Worthy Peshawar High Court vide judgment dated 26-09-2020 and the imposition of penalty of stoppage of increment was withdrawn. It is observed that the said judgment was not pronounced in *rem* and could not be taken a ground for considering his case in hand, therefore the petitioner would not draw any benefit from said judgment.

5. It is further observed that the petition in hand was submitted as 'the mercy petition', 'appeal', 'review petition'. First, it is observed that if the petition is taken as departmental representation, the same was instituted after seven months of the impugned order. Therefore, the same was also

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time barred. In such scenario, it would be considered as the official did not make any representation. The impugned order was made by learned Predecessor-in-office of this Court; therefore, appeal does not lie before this Court/office. The petition was required to have filed departmental appeal before the Worthy Competent Forum. Lastly, no ground was highlighted in the petition or furnished afterward to bring it within preview of the review of the impugned order. The judgment of Worthy Peshawar High Court would not benefit the petitioner as it was not available before learned Predecessor-in-office at the time of imposition of the fine to justify his case for review of the impugned order.

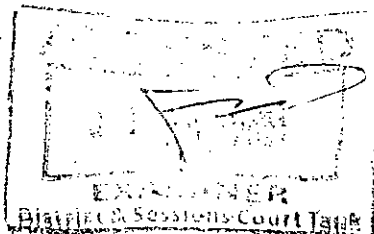
6. In the wake of above findings, this court is of considered opinion that the petition in hand is not legally tenable, and for the reasons stated above, the petition in hand is turned down. The petitioner may avail other remedy, if so desires. Case file shall be consigned after completion and compilation.

Announced

13.07.2021

CERTIFICATE

It is certified that this judgment consists of three (03) pages. Each page has been read over, rectified and signed by me where it was necessary.



Giulam Abbas
GIULAM ABBAS,
District Judge, Tank

Giulam Abbas
GIULAM ABBAS,
District Judge, Tank

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ
مجلس محکمہ سبقت و امتحانات
بشمول اعداد اول

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14.10.2020,

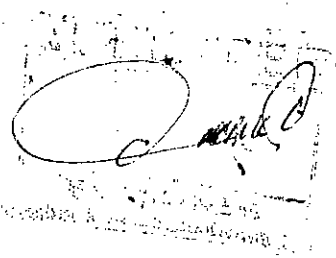
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PUC is a departmental appeal submitted by one Mr. Liaqat Ullah, Civil Nazir against order of the Senior Civil Judge (A), Tank bearing No. 348-352, dated 21.09.2020 where by a penalty of recovery of Rs. 35000/- @Rs. 5000/- PM alongwith stoppage of an Annual increment with non-accumulative effect has been imposed upon him for the reason that spouse of the officer has been receiving cash grant form the BISP.

The appellant has substantiated the appeal vide its memo containing grounds in support of the prayer requesting for setting aside the order in question.

Submitted for kind perusal and further orders

please.



Superintendent

10/10/2020

DSJ

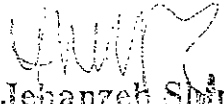
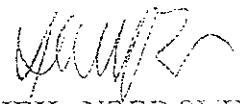
File for holding on 12.10.2020

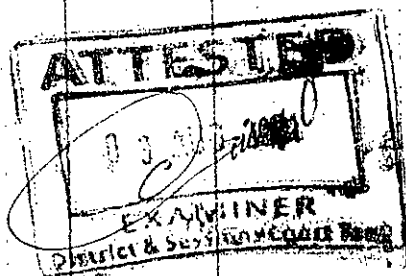
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IN THE COURT OF
JEHANZEB SHINWARI
DISTRICT & SESSIONS JUDGE/JSC TANK
Department Appeal No. 07/13 of 2020
Liaqat Ullah... VS... SCJ (Admin) Tank.

Order#	Date	Order/Proceedings
01	04.03.2021	<p>The instant Departmental Appeal has preferred by appellant Liaqat Ullah, Civil Nazir of the Establishment of Senior Civil Judge, Tank. As per the contents of appeal and the order sheets annexed therewith show that the appeal was received in the office on 14.10.2020 against the order of competent authority/ Senior Civil Judge (Admin), Tank; whereby, his representation was turned down.</p> <p>Comments of the competent authority/ SCJ (Admin), Tank and his record be requisitioned for the next date fixed. He may also either in person or through representative participate in the proceedings.</p> <p>Office is directed to open a separate register with relevant columns for the departmental appeals and register the appeal in hand in the said register and assign a specific number to the appeal.</p> <p>Adjourned to 13.03.2021 for arguments.</p> <p style="text-align: right;"> Jehanzeb Shinwari District & Sessions Judge Tank</p>
02	13.03.2021	<p><u>Present:</u> Appellant in person, alongwith, his learned counsels Mr. Javed Akhter Kundi Advocate, Mr. Salman Kundi Advocate and Mr. Kaleem Ullah Kundi Advocate.</p> <p>Arguments concluded and come up for order on 25-03-2021.</p> <p style="text-align: right;"> JEHANZEB SHINWARI District Judge Tank</p>



BEFORE THE DISTRICT & SESSIONS JUDGE TANK

Departmental Appeal No. 02/13 of 2020

(Title: Liaquat Ullah ...vs... Senior Civil Judge (Admn. Tank)

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Order #	Date	Order/Proceedings
03	25.03.2021	<p><u>Present:</u> Counsel for the appellant; representative of respondent.</p> <p>Comments of the respondent gone through and arguments of the learned counsel heard.</p> <p>Appellant Liaquat Ullah, Civil Nazir, SCJ (Admn), Tank being aggrieved by the order of respondent bearing Endst: No. 348-352/SCJ/Admn, dated 21.09.2020 has preferred this departmental appeal; whereby, the impugned order the following penalties were imposed upon the appellant, while proceeding him under Rule-4(1)(a)(ii)(iii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011:</p> <ol style="list-style-type: none">1. Awarding penalty of withholding of increment for one year with non-accumulative effect under Rule-4(1)(a)(ii) of the rules ibid.2. Recovery of Rs. 35,000/- in equal installments at the rate of Rs. 5,000/- per month from the salary of the appellant to be deposited in the state exchequer under Rule-4(1)(a)(iii) of the rules ibid. <p>The appellant contends that appellant and his spouse had never applied for the financial assistance to the BISP, however, considering his financial condition and poor standard of living, his spouse might have been</p>

Stamp and signature of the District & Sessions Judge, Tank.

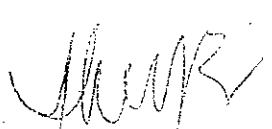
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declared as deserving for the financial aid. It has also been contended that soon after the knowledge, receiving the financial assistance was discontinued and the card was blocked.

Appellant produced the copy of order of his lordship the Chief Justice, Peshawar High Court, Peshawar dated 26.09.2020, passed in similar matter, where the penalty of stoppage of increment has been reviewed and recalled. Hence, while deriving wisdom from the latest order of the Hon'ble Peshawar High Court, Peshawar, passed in the similar case of the employees of the Hon'ble Peshawar High Court, Peshawar, the penalty of stoppage of increment is hereby set aside/recalled/review. However, the penalty of recovery of the amount realized from the facility of BISP is maintained. The amount shall be recovered as ordered. Appeal stands partially accepted.

Copy of this order be sent to learned Senior Civil Judge (Admn), Tank for compliance. Record (if any) be returned and this file be consigned to the record room after its compilation.

Announced
25.03.2021


JEHANZEB SHINWARI
District & Sessions Judge Tank

گیا۔ اس رقم سے اس کی بیوی نے گھریلو سامان خریدا ہے، جسے وہ سرکاری خزانے میں جمع کرنے کے لئے تیار ہے۔ اپیلانٹ کو سنا گیا اور BISP سے وصول شدہ رقم کی تصدیق لی گئی۔ اس کے بعد ذیل حکم صادر کیا گیا:

Now, Therefore, I, being Competent Authority impose the following minor penalties upon the accused/official as enumerated in Rule-4(1)(a)(ii)(iii) of the government of Khyber Pakhtunkhwa, Civil Servant (Efficiency & Discipline) Rules, 2011. It is ordered that Rs. 1,44,874/- be recovered from the pay of the accused/official and be deposited in the state Exchequer under Rule-4(1)(a)(iii) of the ibid rules.

کارروائی اپیل

۴۔ فاضل اتھارٹی سے کمٹنس طلب کیے گئے۔ ریکارڈ طلب کیا گیا۔ ریکارڈ، کمٹنس اور میمو آف اپیل کا مطالعہ کیا گیا۔ انچارج BISP ڈیر لوز کو بھی اس بابت متعدد نوٹس جاری کیے گئے کہ وہ زبردفعہ 11، پننٹری انکم سپورٹ پروگرام ایکٹ 2010 کے تحت یا حکومت کی پالیسی یا ریگولیشن جس کے تحت اہل افراد برائے حصول مالی امداد کی تعریف کی گئی ہو اور تعین کیا گیا ہو، بجوائے۔ اسی طرح کیبنٹ کا فیصلہ 23.12.2019 جس کے تحت کچھ افراد کی کیٹیگریز کو مالی امداد کی حصول کے لئے نا اہل تصور کیا گیا طلب کیا گیا۔

نکات تصفیہ طلب

۵۔ اپیل زیر غور کے لئے نکات تصفیہ طلب ذیل ہیں:

الف۔ کیا اپیلانٹ یا اس کے اہل خانہ نے BISP سے کوئی مالی منفعت حاصل کیا ہے جو کہ BISP ایکٹ 2010 حکومتی پالیسی یا ریگولیشن یا The Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011 یا کسی بھی The Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 کے خلاف ہے؟

ب۔ کیا سزا قانون کے مطابق درست ہے اور کیا یہ قابل بحالی ہے؟ اگر نہیں تو مناسب دادرسی کیا ہے؟

عدالتی آراء

۶۔ مطالعہ ریکارڈ کے بعد عدالت کی ریکارڈ اور کمٹنس کے مطالعہ کے بعد عدالت کے مشاہد اور آراء

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---جاری---

ذیل ہیں؛

۷۔ BISP سے امداد حاصل کرنے کی اہلیت کے لئے معیار (Benchmark) Score based/point based معیار مقرر کیا گیا اور اس معیار کے مطابق سائل کی اہلیت کو BISP سے مالی امداد کے حصول کا، BISP کی جانب سے حقدار قرار دیا گیا تھا۔ مورخہ 23.12.2019 کو محترم وزیر اعظم اسلامی جمہوریہ پاکستان کے لئے Poverty Elevation and Social Safty Division، حکومت پاکستان، نے ایک سمری تیار کی اور یہ سمری 23.12.2019 کو منظور ہوئی۔ سمری کے پیرا 4 اور 5 میں مذکور افراد، جس میں صوبائی سرکاری ملازمین بھی شامل تھے، کو ان کی معاشی اور معاشرتی حیثیت میں بہتری کی وجہ سے، مستفید افراد کی فہرست سے نکلنے کی سفارش کی گئی۔ نتیجہ جتنا، ایسے افراد اس فہرست سے نہ صرف نکلے گئے بلکہ اپیلانٹ (بشمول دیگر) کی فہرست محترم عدالت عالیہ اور متعلقہ اتھارٹیز کو ضروری کارروائی کے لئے بھیجی گئی جو کہ سزا زیر تنازعہ پر منتج ہوئی۔

۸۔ اب ہم دیکھتے ہیں کہ کیا اپیلانٹ کی زوجہ کی جانب سے BISP سے حاصل کی گئی مالی منفعت کیا اپیلانٹ یا اس کے اہل خانہ نے BISP ایکٹ 2010 حکومتی پالیسی یا ریگولیشن یا The Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011, The Khyber Pakhtunkhwa Government Civil Servant (Conduct) Rules, 1987 یا کسی بھی قانون کے خلاف ہے؟

a۔ جیسا کہ پہلے ذکر کیا گیا اپیلانٹ یا اس کی زوجہ نے خود BISP کو مالی منفعت کی کوئی درخواست نہیں دی۔ مسلمہ طور پر صورت حال یہی ہے کہ اس کو مالی امداد BISP کی ٹیم کے سروے کے نتیجے میں دی گئی۔ یہ BISP کی جانب سے فراہم کردہ ریکارڈز سے مسلم ہے۔

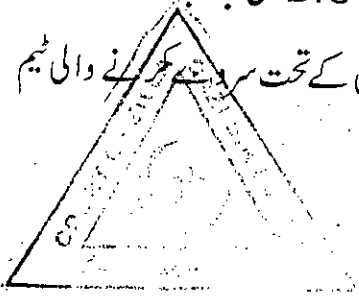
b۔ جیسا کہ ریکارڈز سے واضح ہے BISP نے خود سروے کر کے، اپیلانٹ کی نصف بہتر کو مالی امداد کا اجراء کیا اور یہ سلسلہ ستمبر 2019 تک چلتا رہا۔

c۔ اس مالی امداد کی اجراء کا معیار BISP کی جانب سے Score/Points based Beneficiaries Eligibility criteria تھا اور یہی معیار 23.12.2019 تک مقرر، مستعمل اور نافذ رہا۔

d۔ 23.12.2019 کو مجاز اتھارٹی کی منظوری کے بعد بشمول دیگر اپیلانٹ کے اہل خانہ کو اپیلانٹ

● کے سرکاری ملازم ہونے کی وجہ سے BISP کے مستفید افراد کی فہرست سے نکالا گیا۔ کیا کسی فرد کو مستفید افراد کی فہرست سے نکالا جانا اس کو لازم قرار دیتا ہے کہ اُس کی جانب سے وصول کئے گئے مفاد کو واپس کیا جائے، یا یہ کہ اُس نے کوئی خلاف ضابطہ قانون کام کیا ہے یا یہ کہ اُس کے خلاف کسی قانونی کارروائی کا آغاز کیا جائے۔ اگر ایسا ہے تو 23.12.2019 کے فیصلے کے مطابق وہ افراد جنہوں نے خود یا اُن کے اہلخانہ نے بیرون ملک سفر کیا ہو یا موٹریا کوئی بھی گاڑی رکھتے ہوں یا جن کے ٹیلیفون/موبائل فون بل -/1,000 روپے سے زیادہ ہو یا اُن کے پاسپورٹ ایگزیکٹو سسٹم سے پراسس ہوئے ہوں یا اُن کے اہلخانہ کے تین یا اس سے زیادہ افراد کے قومی شناختی کارڈ ایگزیکٹو پراسسنگ سے حاصل کیے گئے ہوں یا اُن کے ساتھ 12 ایکڑ سے زیادہ اراضی ہو، اُن سب کو مستفید افراد کی فہرست سے نکالا گیا۔ کیا اُن کے خلاف بھی کسی دیوانی یا فوجداری کارروائی کا آغاز کیا گیا اور اُن سے بھی کوئی وصولی کی اقدام کیے گئے۔ اس ضمن میں جواب نفی میں ہے۔ یہ عدالت اس امر سے آگاہ ہے کہ کسی ادارے کی اپنی فرائض کی انجام دہی نہ کرنا، کسی دیگر ادارے کو اُس کی فرائض کی انجام دہی سے نہیں روکتی۔ تاہم قانون اور انصاف کا یہ تقاضا ہے کہ ایک جیسے مفاد حاصل کرنے والوں کے ساتھ ایک جیسا سلوک کیا جائے اور سرکاری ملزم کو صرف اس وجہ سے سزا نہ دی جائے کہ وہ سرکاری ملازم ہے اور دیگر مفاد حاصل کرنے والے لوگ سرکاری ملازم نہیں۔ قانون کا اطلاق سب کے لئے یکساں اور بلا تفریق ہونا چاہیے۔ اس مبادی بحث کے بعد اب ہم تصریح سے متعلقہ قوانین کا جائزہ لیتے ہیں کہ کیا اپیلانٹ نے کوئی ایسا نفع سرانجام دیا ہے یا ایسی غفلت بجز مانہ اختیار کی ہے جس کی بنیاد پر وہ مستوجب سزا ہو۔

e- بینظیر انکم سپورٹ پروگرام (BISP) کی دفعہ 11 کے مطابق اس قانون کے تحت بورڈ کی ذمہ داری ہے کہ وہ BISP سے مستفید ہونے کی اہلیت کے لئے معیار مقرر کرے۔ اس عدالت کے بارہا اصرار کے باوجود پوسٹ/سکور بیڈ کرائیٹیو یا برائے اہلیت مستفید افراد ہی کو پیش کیا گیا جس کے مطابق مسائل کی وجہ سے BISP سے امداد حاصل کرنے کا اہل قرار دیا گیا۔ اگر کوئی معیار (Criteria) موجود نہیں تھا یا اس معیار میں کوئی خامی تھی یا اس معیار کی بنیاد پر مسائل کی اہلیت کو BISP کی جانب سے مالی امداد دی گئی تو اس کا ذمہ دار مسائل نہیں بلکہ معیار متعین کرنے والے افراد، اُس کے تحت سرکار کے کرنے والی ٹیم اور مالی امداد منظور کرنے والے افراد/اہلکار تھے۔



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f - آئین اسلامی جمہوریہ پاکستان، 1973 کا آرٹیکل 12 اس کی ضمانت دیتا ہے کہ کسی بھی قانون کا اطلاق سابقہ عرصے (Retrospective effect) سے نہیں کیا جائے گا۔ اگر اہلیت کے معیار کو 23.12.2019 کو تبدیل کیا گیا تو 20.10.2012 سے 22.12.2019 تک کی اہلیت کیونکر متاثر ہو سکتی ہے اور اس پر اپیلانٹ کا مواخذہ کیونکر ہو سکتا ہے۔ اس عدالت کی یہ رائے ہے کہ اپیلانٹ کی اہلیہ 22.12.2019 تک BISP سے مالی امداد حاصل کرنے کی اہل تھی اور اسی وجہ سے BISP اُسے مالی امداد دیتی رہی، جب اہلیت کا معیار تبدیل ہوا تو اس کا نتیجہ مالی امداد کی بندش تھانہ کہ اُس سے وصولی یا اُس کے شوہر/ اپیلانٹ کے خلاف انضباطی کارروائی۔

g - بینظیر انکم سپورٹ پروگرام (BISP) ایکٹ 2010، The Khyber Pakhtunkhwa Government Civil Servant (Conduct) Rules, 1987، The Khyber Pakhtunkhwa Government Civil Servants (Efficiency & Discipline) Rules, 2011 کے مطابق سائل کی اہلیہ کا BISP سے امداد لینا کوئی Misconduct نہیں تھا۔ اگر یہ پہلے سے طے ہوتا اور یہ مشتہر ہوتا کہ کوئی سول سرونٹ یا اُس کے اہل خانہ BISP سے مستفید ہونے کے اہل نہیں اور اس کے باوجود اپیلانٹ یا اُس کے اہل خانہ ایسا کرتے تو اُس کا یہ عمل لازماً قابل مواخذہ ہوتا۔

h - اس طرح مذکورہ بحث کا حاصل یہ ہے کہ اپیلانٹ کی اہلیہ نے BISP سے مبلغ - 1,44,874/- روپے مالی منفعت حاصل کی ہے تاہم یہ نہ تو BISP ایکٹ، حکومت کی پالیسی یا ریگولیشن کے خلاف تھی اور نہ ہی Khyber Pakhtunkhwa Government Civil Servants (Efficiency & Discipline) Rules, 2011 یا The Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 کے تحت تصفیہ طلب کا جواب ہے۔

ب - دوسرے یہ کہ اگر کوئی فعل مستوجب سزا ہی نہیں تو اُس پر کسی مواخذہ کیونکر کیا جاسکتا ہے۔ اس عدالت کی یہ آراء ہے کہ اپیلانٹ بحیثیت سول سرونٹ، اُس کی اہلیہ کی BISP سے مالی منفعت لینے کی وجہ سے، کسی انضباطی کارروائی کا سزاوار نہیں تھا کیونکہ اُس نے ایسا کوئی عمل سرانجام نہیں دیا تھا یا اُس پر خاموشی اختیار نہیں کی تھی جس کی قانوناً ممانعت ہو۔ اس لئے اُس کی سزا قابل بحالی نہیں۔

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No. 835
 Date of Preparation: 24.2.21
 Report No.: 01
 No. of Pages: 06
 Copy No.: 01
 Year: 18/1
 Date of Preparation: 24.2.21
 Signature:

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سرگرم پبلک ایجنسی
 ڈیپارٹمنٹ / سیکشن / سب ڈیپارٹمنٹ
 ریفرنس نمبر

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- سرگرم پبلک ایجنسی ڈیپارٹمنٹ کے ذریعہ (06) صفحات پر مشتمل رپورٹ پیش کرنا ہے۔
 تھریڈنگ کی غائی کرپٹو پبلک ایجنسی (06) صفحات پر مشتمل رپورٹ پیش کرنا ہے۔

سرگرم پبلک ایجنسی
 ڈیپارٹمنٹ / سیکشن / سب ڈیپارٹمنٹ
 ریفرنس نمبر

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17.10.2020

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ریفرنس نمبر / ڈیپارٹمنٹ / سیکشن / سب ڈیپارٹمنٹ

ریفرنس نمبر / ڈیپارٹمنٹ / سیکشن / سب ڈیپارٹمنٹ کے ذریعہ سرگرم پبلک ایجنسی ڈیپارٹمنٹ کے ذریعہ (06) صفحات پر مشتمل رپورٹ پیش کرنا ہے۔
 تھریڈنگ کی غائی کرپٹو پبلک ایجنسی (06) صفحات پر مشتمل رپورٹ پیش کرنا ہے۔
 Eligibility criteria کے مطابق تھریڈنگ کی غائی کرپٹو پبلک ایجنسی ڈیپارٹمنٹ کے ذریعہ (06) صفحات پر مشتمل رپورٹ پیش کرنا ہے۔
 انڈسٹری ڈیپارٹمنٹ کے ذریعہ (06) صفحات پر مشتمل رپورٹ پیش کرنا ہے۔
 اور دیگر ایجنسیوں کے ذریعہ (06) صفحات پر مشتمل رپورٹ پیش کرنا ہے۔
 سرگرم پبلک ایجنسی ڈیپارٹمنٹ کے ذریعہ (06) صفحات پر مشتمل رپورٹ پیش کرنا ہے۔
 تھریڈنگ کی غائی کرپٹو پبلک ایجنسی (06) صفحات پر مشتمل رپورٹ پیش کرنا ہے۔
 Eligibility criteria کے مطابق تھریڈنگ کی غائی کرپٹو پبلک ایجنسی ڈیپارٹمنٹ کے ذریعہ (06) صفحات پر مشتمل رپورٹ پیش کرنا ہے۔

Misconduct ہے۔ - تھریڈنگ کی غائی کرپٹو پبلک ایجنسی ڈیپارٹمنٹ کے ذریعہ (06) صفحات پر مشتمل رپورٹ پیش کرنا ہے۔
 تھریڈنگ کی غائی کرپٹو پبلک ایجنسی (06) صفحات پر مشتمل رپورٹ پیش کرنا ہے۔
 Eligibility criteria کے مطابق تھریڈنگ کی غائی کرپٹو پبلک ایجنسی ڈیپارٹمنٹ کے ذریعہ (06) صفحات پر مشتمل رپورٹ پیش کرنا ہے۔

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No..... *72/10* of 20 *21*

Saleem Khair

Appellant/Petitioner

Versus

Distt. & Session Judge Tank

RESPONDENT(S)

Notice to Appellant/Petitioner

Saleem Khair S/o (Establishment of Distt. & Session Judge Tank)
03059392675

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *20/7/2021* at *9:00 AM*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Peshawar

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No. 72/16 of 20 22

Salam Khan

Appellant/Petitioner

Versus

The Distt. & Sessions Judge Tan

RESPONDENT(S)

Counsel
Notice to Appellant/Petitioner

Syed Tiaz ul Haq Marwat
Advocate PHC
at D. Khan

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *22/9/2022* at *9:00 P.M.*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Peshawar

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. S.B

No.

APPEAL No. 7210 of 2021.

Recd

Saleem Khan

Appellant/Petitioner

Versus

The District & Sessions Judge Tank,

RESPONDENT(S)

(counsel)

Notice to Appellant/Petitioner

Gul Tiaz Khan Marwat

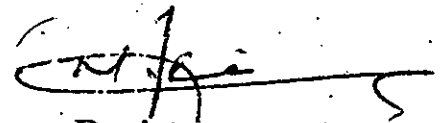
Advocate

High Court

D.I. Khan

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 10/11/2021 at 9:00 AM at Peshawar.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.



Registrar,


Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

“B”

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No.

Appeal No. 7210 of 20 ..
Saleem Khan Appellant/Petitioner
Versus
DSJ Tank Respondent
Respondent No. 1

Notice to: - District Sessions Judge Tank

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 27-1-2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

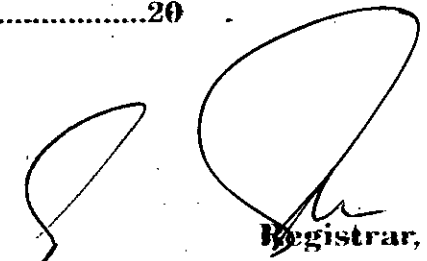
Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....20

at camp Court
D Khan


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.