

22.07.2022

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional Advocate General present.

Notices be issued to the respondents through registered A.D for submission of written reply/comments on 23.09.2022 before the S.B at Camp Court Abbottabad.

The appellant shall submit registered A.D within 02 days.



(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

23.09.2022

Appellant in person present.

Muhammad Jan, District Attorney alongwith Yasin Superintendent of District Courts, Haripur present on behalf of respondents No.1 & 2.

File to come up for submission of reply/comments on 18.10.2022 before S.B at Camp Court, Abbottabad:



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

18th Oct., 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. Advocate General alongwith Muhammad Yasin, Superintendent for the respondents present.

Written reply/comments on behalf of the respondents submitted, which is placed on file and a copy whereof handed over to learned counsel for the appellant. To come up for rejoinder/arguments on 27.12.2022 before D.B at camp court, Abbottabad.





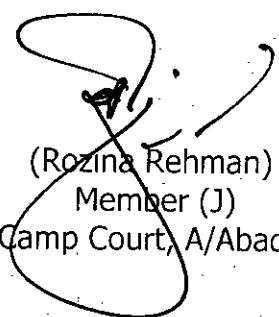
(Fareeha Paul)
Member(E)

FORM OF ORDER SHEET

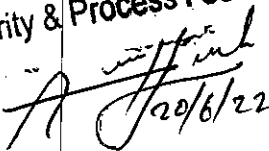
Court of _____

Case No.- _____

423/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/03/2022	<p>The appeal of Mr. Muhammad Ajmal presented today by Mr. Abdul Rehman Qadar Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to Single Bench at <u>Abbottabad</u> for preliminary hearing to be put up there on <u>13.06.2022</u> notice be issued to the appellant and his counsel.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-	13.06.2022	<p>Appellant present through counsel. Preliminary arguments heard. Record perused.</p> <p>Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 22.07.2022 before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J) Camp Court, A/Abad</p>

noted
date to
counsel
S. P. U.
27/4/22

Rs-400/-
Appellant Deposited
Security & Process Fee

20/6/22

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

Case Title: MUHAMMAD AJMAL vs District Judge, Haripur etc

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>M. Ajmal (Appellant)</u>	✓	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?		
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?		
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on		
26.	Whether copies of comments/reply/rejoinder submitted? on		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

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

Name: Muhammad Ajmal

Signature: [Signature]

Dated: 25-03-2022

BEFORE THE HONOURABLE KHYBER-PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Muhammad Ajmal

Versus

Appeal No 423/2022

The Worthy District & Sessions Judge, Haripur etc

SERVICE APPEAL
INDEX

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4.	Explanation Letter dated 21-10-2021	C	24
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6.	Order for Appointment of Inquiry Officer dated 26-10-2021	E	27
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18.	Vakalatnama		

[Signature]
Appellant

Through

HARIPUR
25-03-2022

(ABDUL REHMAN QADAR)
Advocate Supreme Court of Pakistan

1
Appeal no. 423/2022

**BEFORE THE HONOURABLE KHYBER-PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Muhammad Ajmal S/o Muhammad Shamraiz, Ex-/Jr Scale
Stenographer District Judiciary Haripur, Resident of Post Office
Sarai Saleh, Mohallah New Abadi near Wonderland Park, GT
Road Ali Khan Tehsil & District Haripur. Contact # **0300-9184491**
or **0345-5133006**.

.....(Appellant)

Versus

- 1) The Worthy District & Sessions Judge, Haripur.
- 2) The Honorable Registrar, Peshawar High Court, Peshawar.

.....(Respondents)

**SERVICE APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT, 1974
AGAINST THE ORDER NO.9429-37-2/20 DATED 30-11-2021
PASSED BY THE LEARNED DISTRICT & SESSIONS JUDGE
HARIPUR BEING A COMPETENT AUTHORITY WHEREBY THE
APPELLANT HAS BEEN REMOVED FROM SERVICE UPON
IMPOSITION OF MAJOR PENALTY UNDER RULE 4(1)(B)(III) OF
THE GOVERNMENT SERVANT (E&D) RULES 2011.**

Respectfully Submitted:

The facts giving rise to filling of instant appeal are as under:

1) That the Appellant, being aggrieved and dissatisfied from the penalty of removal from service, imposed vide Impugned order dated 30-11-2021, submitted departmental appeal before the Honourable Chief Justice Peshawar High Court Peshawar dated 21-12-2021, which was not decided as yet thus, the Appellant prefers the instant service appeal as under:

- a. That initially the Appellant was appointed as Stenographer (BPS-12) on 08/12/2007 in subordinate Judiciary of Peshawar High Court, Peshawar and was posted at District Courts, Haripur, having served for about 14 long years and was working as Junior Scale Stenographer in BPS-14 in the Court of learned ADJ-Ghazi at Haripur and now at the top of the seniority list, during the entire span of service no show cause notice, charge sheet or even explanation had ever issued to the Appellant, particularly with regard to his work, conduct and behaviour with his associates.
- b. That during the entire span of service, the Appellant remained posted with many Honorable Presiding

Officers however, never served or issued with any show cause, charge sheet, explanation on any ground whatsoever nor even a warning was ever issued to the Appellant, the performance of duty and conduct of the Appellant ever remained unblemished as fortified from the award of selection etc.

- c. That during the posting in the Court of learned Judge Family Court-I, Haripur, the Appellant was directed by the learned Judge, to put up the draft of explanation, to be called for by the learned Judge from one Miss Sania Tariq (Computer Operator) in fact the Appellant had just put up a draft of explanation, which was finalized and issued by the learned Judge Family Court-I, Haripur under her own signatures on 31-07-2021 due to which Miss Sania Tariq (Computer Operator) was extremely annoyed from the Appellant and attributed the said issuance and the gravity of the explanation, being an act of the Appellant thereafter, she showed her annoyance and started to had personal grudge against the Appellant.

- d. That being a colleague, she usually used my mobile / cell phone for purpose of searching / browsing on internet, which the Appellant just allowed in routine, the fact of lending the mobile and the use of the same was mostly witnessed by the Gunner of JFC-I, Haripur namely Shahbaz.
- e. That just after the summer vacation and putting up the draft of explanation, to be called by the learned JFC-I, Haripur from Miss Sania Tariq (Computer Operator), the said Miss Sania Tariq directly made a complaint to the worthy District & Sessions Judge, Haripur instead of first bringing the alleged incident in the notice of female Judge, who at the relevant time was the Learned Judge Family Court-I Haripur on the subject of harassment, surprised enough that if at all any incident, having any truthfulness or otherwise, supposed firstly reported to the learned Immediate Officer / JFC-I, the Presiding Officer of the Court, wherein the Complainant and the Appellant were working and wherein the said alleged incident took place but surprisingly the Complainant while ignoring

the said forum / immediate officer, directly submitted the report to a male officer / the Worthy District & Sessions Judge, Haripur, which is a great question mark, hinting towards the falseness of the said complaint.

- f. That the Appellant was called upon by the worthy District & Sessions Judge, Haripur to submit explanation vide letter No.8665-66-PF/DSJ Haripur Dated the 21st October 2021, the Appellant submitted his reply, wherein the Appellant denied the allegations leveled in the complaint being based upon false & concocted allegations, just leveled in retaliation of the putting of draft of explanation, served upon the Complainant Miss Sania Tariq (Computer Operator), already called upon by the learned Judge Family Court-I, Haripur from the said Complainant.
- g. That the worthy District & Sessions Judge, Haripur instead of sending the inquiry to the learned Judge Family Court-I, Haripur, appointed the learned Judge Family Court-III, Haripur as Inquiry Officer with the

direction to conclude inquiry and submit detailed report vide order dated 26-10-2021. It is pertinent to be noted that no charge or for that matter statement of allegations was either issued or served upon the Appellant nor the same was specified in the letter of constitution of inquiry.

- h. That the learned Inquiry Officer also did not communicated the Appellant any charges or statement of allegations and just served a notice upon the Appellant dated 30-10-2021 to appear in the Court on 01-11-2021, without providing copy of complaint etc.
- i. That the Appellant was never afforded any opportunity by the Inquiry Officer to submit any written defense, to cross examine the Complainant as the statement of Complainant was not recorded in the presence of the Appellant hence, fair and impartial proceeding was not conducted.
- j. That the learned Inquiry Officer just firstly recorded the statement of the Appellant and thereafter recorded the statement of the Complainant, without

giving any opportunity of cross examination, to the Complainant and the Appellant as well as without asking or given any opportunity to produce any evidence / witness in proof of the respective stance. More particularly, no opportunity was afforded to the Appellant to produce any witness in support of his defense, particularly, the witness whose name was specifically mentioned not only in the reply to explanation but in the Court statement, which was recorded by the Inquiry Officer that Mr. Shahbaz, the Gunner of Judge Family Court-I, who was the star witness of the Appellant, to prove his version that the Complainant usually used the mobile phone of the Appellant for the purpose of searching / browsing on internet etc, by doing so a just, proper and fair opportunity of defense was denied and not afforded to the Appellant, which is not only against all the norms of justice, fair play and equity but also caused a great prejudice to the defense of the Appellant, to be produce during the course of inquiry as on the basis of such so called inquiry, before taking a drastic

action thus, the Appellant has been deprived from earning his livelihood being ordered to be removed from service in result of imposition of Impugned major penalty.

- k. That a final show cause notice dated 27.11.2021 on the basis of such incompetent and incomplete inquiry was served upon the Appellant by the learned District and Sessions Judge, Haripur, that too without providing the copy of inquiry report to the Appellant. Moreover, before submitting the reply, the Appellant and the Complainant appeared before the worthy District & Sessions Judge, Haripur, the Complainant herself submitted an application for withdrawal of her complaint against the Appellant to the effect that as the Appellant had made clear his position in respect of allegations leveled in the complaint therefore, she no more remained aggrieved and requested for dismissal of her complaint as withdrawn but the worthy District & Sessions Judge, Haripur not accepted the same, emphasized that the Appellant should also tender apology accordingly the Appellant

submitted his reply to final show cause notice wherein the Appellant have categorically submitted that "*I had already submitted my defense*" with the further assertions that the Appellant have privately settled the matter with Complainant, Miss Sania Tariq and tendered his apology and resultantly, she is ready to withdraw her complaint unconditionally.

- l. That the worthy District & Sessions Judge, Haripur inspite of the written application submitted by the Complainant for withdrawal of her complaint and by overlooking the contents of the reply to final show cause notice, submitted by the Appellant, decided the matter against the Appellant by imposing a harsh major penalty of removal from service.
- m. That as no just, and fair opportunity of defense was afforded to the Appellant rather even the Appellant was deprived from holding of a regular inquiry thus, the Appellant in fact condemned unheard for want of provision of a fair chance of defense.
- n. That the order of removal from service has been passed without holding any regular inquiry therefore,

the same being against the mandatory statutory provision of law is liable to be reversed.

- o. That the Appellant had served the department for long 14 years and never given any chance of reprimand to his seniors / officers nor even a warning had ever been issued to the Appellant and the service record of the Appellant, during entire course of service remained unblemished with reference to his work and conduct.
- p. That admittedly due process of law was not followed as the Appellant was not allowed to cross examine the Complainant whereas under the law when an employee is to be removed from service or any serious allegations has been leveled against him which may lead to his dismissal or removal from service, the law requires particularly in the case in which the said action obviously carried a stigma, the Appellant is entitled to due process, which includes fair opportunity to defend himself, cross examine the witnesses, if produce any / Complainant and more particularly a fair opportunity is to be provided to an

employee, to be proceeded against to produce evidence in his defense. It is also a mandatory requirement that the Appellant was required to be confronted with the material on the basis of which a show cause been issued as the instant case just an explanation was called upon and thereafter a so called inquiry was ordered to be conducted, the said inquiry was also conducted in a very slipshod / summary manner without affording a fair opportunity to produce evidence or to cross examine the Complainant, after the conclusion of the so called inquiry the learned District Judge was pleased to issue a show cause notice that too without providing copy of inquiry report, the entire process followed by the Respondent, which lead to removal from service was sketchy, one sided, non-transparently held and included in complete disregard of mandatory statutory provisions of law, on the subject as well as is against all norms of justice.

- q. That being aggrieved from the Impugned order of removal from service dated 30-11-2021 the Appellant

preferred a departmental appeal on 21-12-2021 but in spite of lapse of statutory period provided for a decision on the said appeal, the same has not been decided hence, this appeal

- r. That under the law upon receipt of an inquiry report, first of all the Competent Authority is required to ascertain and determine whether the inquiry has been conducted in accordance with provisions of the rule on the subject or not, in the instant case, the mere perusal of the inquiry report reveals that no procedure under the Government Servants (Efficiency and Disciplinary) Rules 2011 was adopted thus the Learned Competent Authority / District & Sessions Judge Haripur was under legal obligation to adopt the due course of law, the inquiry report just for want of non-adoption of given procedure and being against the norms of justice, concluded without affording fair opportunity of hearing and defense to the appellant, is liable to be discarded, as no major penalty or even minor penalty may be imposed on the basis of such a defective inquiry.

- s. That it is also obligatory upon the Learned District & Sessions Judge Haripur / Competent Authority to particularly specify the penalty to be imposed upon the Appellant / accused as mentioned in Rule-4 of the Government Servant (Efficiency and Disciplinary) Rules 2011 but the Competent Authority in the instant case, in the final show cause notice just stated that the Competent Authority has decided to impose one or more penalties mentioned in Rule-4 thus, failed to specify the penalty to be imposed, which renders the final show cause notice just a formality whereas under the law and the relevant Rules the Competent Authority has to specify with particularity, the proposed penalty, to be imposed upon the Appellant.
- t. That in the instant case the Complainant herself submitted an application to the worthy District & Sessions Judge Haripur / Competent Authority dated 30-11-2021 with regard to the withdrawal of her complaint but the Competent Authority not entertained the withdrawal application and just

passed an order to impose a major penalty of removal from service. It is pertinent to be noted that in the Impugned order the Competent Authority while imposing the penalty has specified the penalty prescribed in Rule-4 (I)(b)(III) of the KPK Govt. Servant (E&D) Rules 2011 but such details with specification of the Rules concerned found missing in the show cause notice dated 08-11-2021 as well as in the final show cause notice dated 27-11-2021, rendering the same as illegal, issued not in accordance with law thus, the Impugned penalty imposed on the basis of said show cause and final show cause notice is nullity in the eye of law.

- u. That the Impugned order is illegal, unlawful passed in slipshod and summary manner, without adopting due process of law and affording fair opportunity of hearing and defense to the Appellant, the Appellant remained unheard thus, the same is liable to be set aside having been passed without adopting due process of law.

- v. That the instant appeal is well within time and this Honourable Tribunal has every jurisdiction to entertain the same.
- w. That the Appellant is jobless since his removal from service.

PRAYER:-

It is therefore, respectfully prayed that on acceptance of instant service appeal the Impugned order of removal from service of the Appellant dated 30-11-2021 may graciously be declared illegal, unlawful and be set aside with the reinstatement of the Appellant in service with full back pay and consequential service benefits.

Phone = 0300-9184491
0345-5133006


Appellant

Through


(ABDUL REHMAN QADAR)
Advocate Supreme Court of Pakistan

Haripur
25-02-2022

**BEFORE THE HONOURABLE KHYBER-PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Muhammad Ajmal

Versus

The Worthy District & Sessions Judge, Haripur etc

**SERVICE APPEAL AGAINST THE ORDER NO.9429-37-2/20
DATED 30-11-2021 PASSED BY THWE LEARNED DISTRICT
& SESSIONS JUDGE HARIPUR BEING A COMPETENT
AUTHORITY WHEREBY THE APPELLANT HAS BEEN
REMOVED FROM SERVICE IN PURSUANCE OF IMPOSITION
OF MAJOR PENALTY UNDER RULE 4(1)(B)(III) OF THE IBID
ACT.**

AFFIDAVIT

I, Muhammad Ajmal S/o Muhammad Shamraiz, Ex-/Jr Scale Stenographer District Judiciary Haripur R/O Post Office Sarai Saleh, Mohallah New Abadi near Wonderland Park, GT Road Ali Khan Tehsil & District Haripur, do hereby declare on oath that the contents of the accompanying above titled Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed therein.

HARIPUR
25-03-2022



Deponent: _____

(Signature)
25-3-22



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DISTRICT & SESSIONS JUDGE HARIPUR

Phone # +92-995-920500, Fax # +92-995-920501

Email: dsjharipur@gmail.com

Annexur

Annexures = "A"

ORDER:

1. Ms. Sania Tariq, Computer Operator, presently posted in the court of CJ-VIII, Haripur, (hereinafter referred to as complainant) submitted written complaint against Muhammad Ajmal, Juniors Scale Stenographer, currently posted in the court of AD&SJ-Ghazi (hereinafter referred to as accused official), to the effect that while both were posted in the court of JFC-I, Haripur, the accused official had sent text messages containing sexual content, to her cellphone bearing No. 0310-1587699, from his cell phone bearing No. 0345-5133006, demeaning and displaying sexual attitude and temptation.
2. The complaint was annexed with by copies of the screenshots of the text messages admittedly sent from the cell phone bearing No. 0345-1533006 to cell phone bearing No. 0310-1587699. Admittedly, the cell phone bearing No. 0345-1533006 was in the use and possession of the accused official, while the cell phone bearing No. 0310-1587699 was in the use and possession of the complainant.
3. The content of the screenshots, clearly conveying sexual temptation, are reproduced below:

Accused official:	Scanning khatam ha.
Accused official:	Evidence wali files doo.
Complainant:	Nopes. 20+ files rehti hain. Aj sari check karni hain. Her khanay main se ke kon kon si rehti hain.
Accused official:	Files doo k na.
Complainant:	Nope.
Accused official:	Nope????
Accused official:	Nipple.
Complainant:	Nope means No.
Accused official:	Oh actually I am not aware with English language that's why asked.
Complainant:	Hmmmm.
Accused official:	Hmmmm. Muchi ko kehte hain na.
Accused official:	Sunno.

Handwritten signature and date: 20-11-2021

Handwritten mark or signature



18

DISTRICT & SESSIONS JUDGE HARIPUR

Phone #+92-995-920500, Fax # +92-995-920501

Email: dsjharipur@gmail.com

4. Accordingly, the accused, official was served with explanation memorandum bearing No. 8665-66-PF/DSJ, dated 21/10/2021, which was replied on 26/10/2021. The reply was found unsatisfactory and thereby, learned JFC-III, Haripur was appointed to conduct facts finding inquiry and to submit her report. She, accordingly conducted facts finding inquiry and recorded the statements of complainant and accused official and submitted her report.
5. During the course of facts finding inquiry, it surfaced that the cell phone numbers mentioned above were in the use of the complainant and accused official and this fact has neither been denied nor controverted. Similarly, sending of the messages too were neither denied nor controverted from and to the cell phones mentioned above. The accused official had, however, taken the defence that his cell phone was often used by the complainant and that she would have sent the messages to her cell phone, in order to trap him. But, could not produce any evidence in that regard. Resultantly, the accused official was served with show-cause notice bearing No. 9032-EF, dated 08/11/2021, which was replied on 16/11/2021 and reliance was placed on the detailed reply furnished to the explanation memo, which was received on 26/10/2021. The accused official was personally heard but he could not offer any satisfactory reply or defence. He was also confronted with the report of the Inquiry Officer and admissions of the cell phone numbers belonging to him and the complainant and the content conveying sexual intent. However, no satisfactory reply was furnished. It was during the personal hearing that the accused official brought before the undersigned/competent authority that efforts for compromise with the complainant were underway and that he is optimistic of the withdrawal of the complaint by the complainant.
6. Considering the stuff containing in the complaint, emerged during the facts finding inquiry, replies of the accused official and unproved defence



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DISTRICT & SESSIONS JUDGE HARIPUR

Phone #+92-995-920500, Fax # +92-995-920501

Email: dsjharipur@gmail.com

plea furnished by the accused official, the undersigned (Jehanzeb Shinwari), District & Sessions Judge, Haripur being competent authority under the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, being satisfied that sufficient material was available against the accused official regarding the commission of his misconduct, rendering him unbecoming of a government official, in general and serving in the prestigious institution of judiciary, in particular, decided to dispense with the formality of formal inquiry, under Rule-7 of the Rules (ibid), and further decided to impose upon him one or more penalties mentioned in Rule-4 of the Rules (ibid) and served him with final show-cause notice bearing No. 9412-EP/DSJ, dated 27/11/2021, which was responded today on 30/11/2021, with the plea that the accused official has compounded the matter with the complainant, tendered apology to her and resultantly, she has become ready to withdraw from the complaint, unconditionally. However, he was heard in person, but no new fact or defence came forth nor the complainant withdrew from the complaint rather the reply to final show cause notice conveyed admission of the whole charge against the accused official. The accused official has placed himself at the mercy of the undersigned (competent authority).

Keeping in view the above, the accused official is held guilty of gross-misconduct, which is also a culpable crime. The proved misconduct cannot be permitted in the institution of judiciary for its indecency on one hand and protection of the female gender on the other, who are now joining the institution day in and day out and such acts would discourage them to join the institution of judiciary, at ministerial level and would portray the image of the male-folk serving in the judiciary as sexually starved persons. The act of the accused official is, therefore, adjudged to be rendering him unbecoming of an official of this institution.



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DISTRICT & SESSIONS JUDGE HARIPUR

Phone #+92-995-920500, Fax # +92-995-920501

Email: dsjharipur@gmail.com

8. In the light of above, I, Jehanzeb Shinwari, District & Sessions Judge, Haripur, being competent authority has decided to impose upon the accused official major penalty prescribed in Rule-4(1)(b)(iii) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and removed him from service, with immediate effect.
9. Attested copy of this order be provided to the guilty official, forthwith.

Given under my hand and seal, today on 30/11/2021.

JEHANZEB SHINWARI

District & Sessions Judge Haripur
Competent Authority

4429-37-2/20

No. DSJ/Haripur

Dated at Haripur the 30th November, 2021

Copy forwarded for information & necessary action to:

- 1) The Registrar, Hon'ble Peshawar High Court, Peshawar.
- 2) The Member Inspection Team, Hon'ble Peshawar High Court, Peshawar.
- 3) The Director Human Rights Cell, Hon'ble Peshawar High Court, Peshawar with respect to letter bearing No. 2735/HRC, dated 22/11/2021.
- 4) The District Accounts Officer, Haripur.
- 5) The Superintendent, District & Sessions Judge, Haripur.
- 6) The Budget & Accounts Assistant, District & Sessions Court, Haripur.
- 7) The Additional District & Sessions Judge, Ghazi.
- 8) The official concerned by name.

District & Sessions Judge Haripur
Competent Authority



Annexure "B"

To,

HON'BLE THE DISTRICT & SESSIONS JUDGE,
HARIPUR.

Annexure

Subject: HARASSMENT COMPLAINT

Respected Sir,

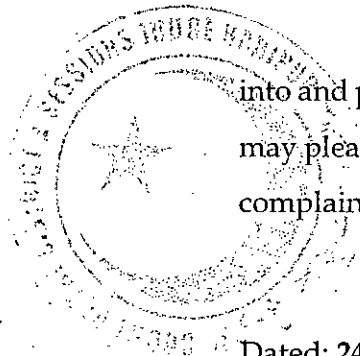
With utmost respect, it is submitted that the complainant is serving in this department since 2019 and currently posted in the court of learned JFC-I, Haripur. It is brought into your knowledge that the colleague official namely Muhammad Ajmal, Stenotypist, is also posted in the same court. On 20/09/2021, the said official sent text messages regarding sharing of files of evidence, to which the complainant responded that the physical verification of scanned files is yet to be completed. On response thereof, the said official sent another text message by manipulating the sexual terminologies. He again sent such vulgar metaphorical messages till 10:48 AM, followed by another attempt to initiate conversation at 01:41 PM.

The above mentioned act/written communication of colleague, Muhammad Ajmal, has created a hostile and offensive work environment and have caused extreme mental disturbance to complainant. On various occasions, the said official also tried to intimidate the complainant, which created severe uncomfortable situation for the complainant to survive in the work environment.

It is therefore requested that this matter may kindly be looked into and prompt action be taken about it. It is further requested that the matter may please be treated confidentially to preserve the dignity and nobility of the complainant.

The screenshots of the text messages are enclosed herewith.

Dated: 24-09-2021.



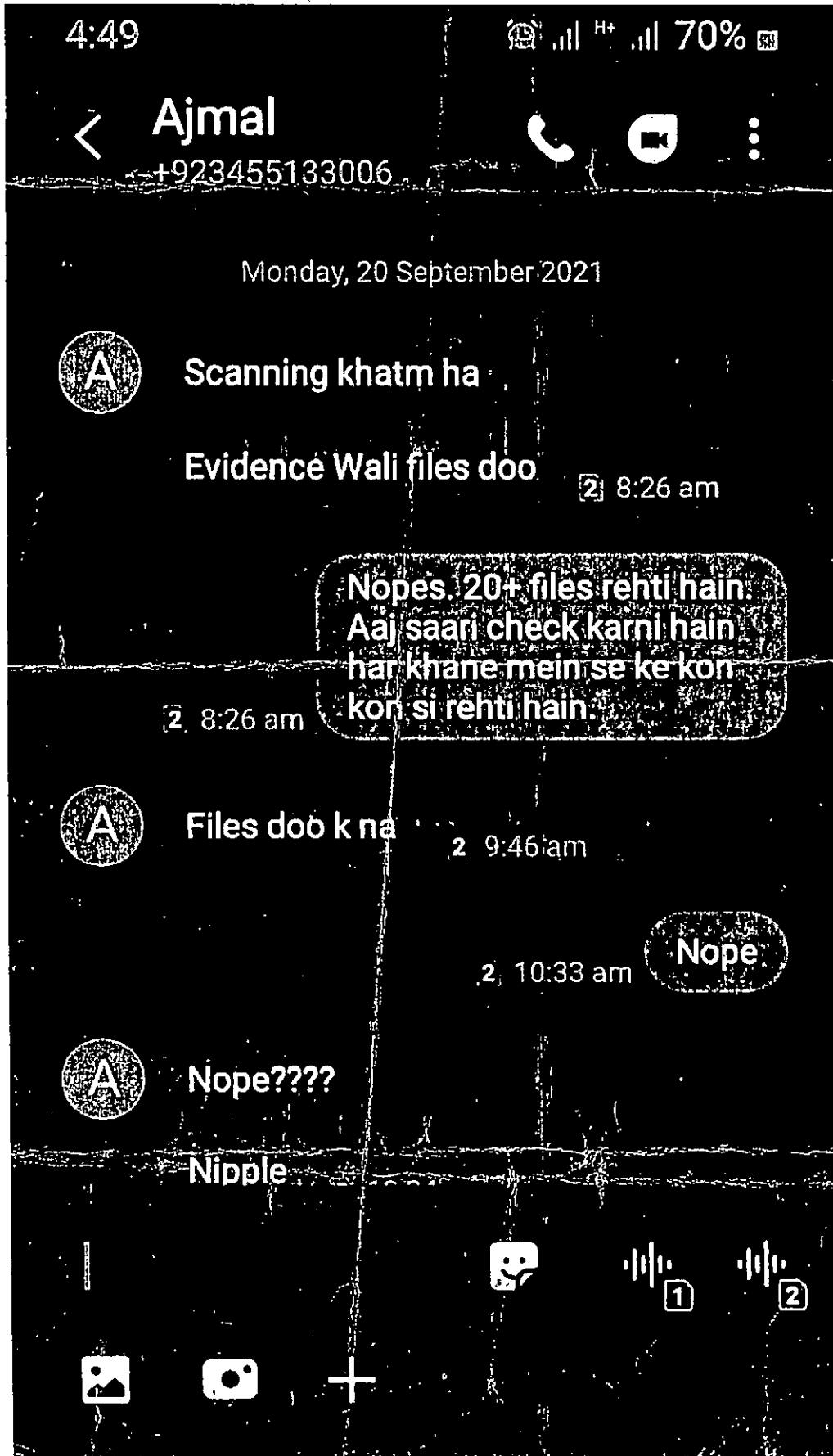
Sincerely,

SANIA TARIQ
Computer Operator
District Judiciary, Haripur

22

03101582699

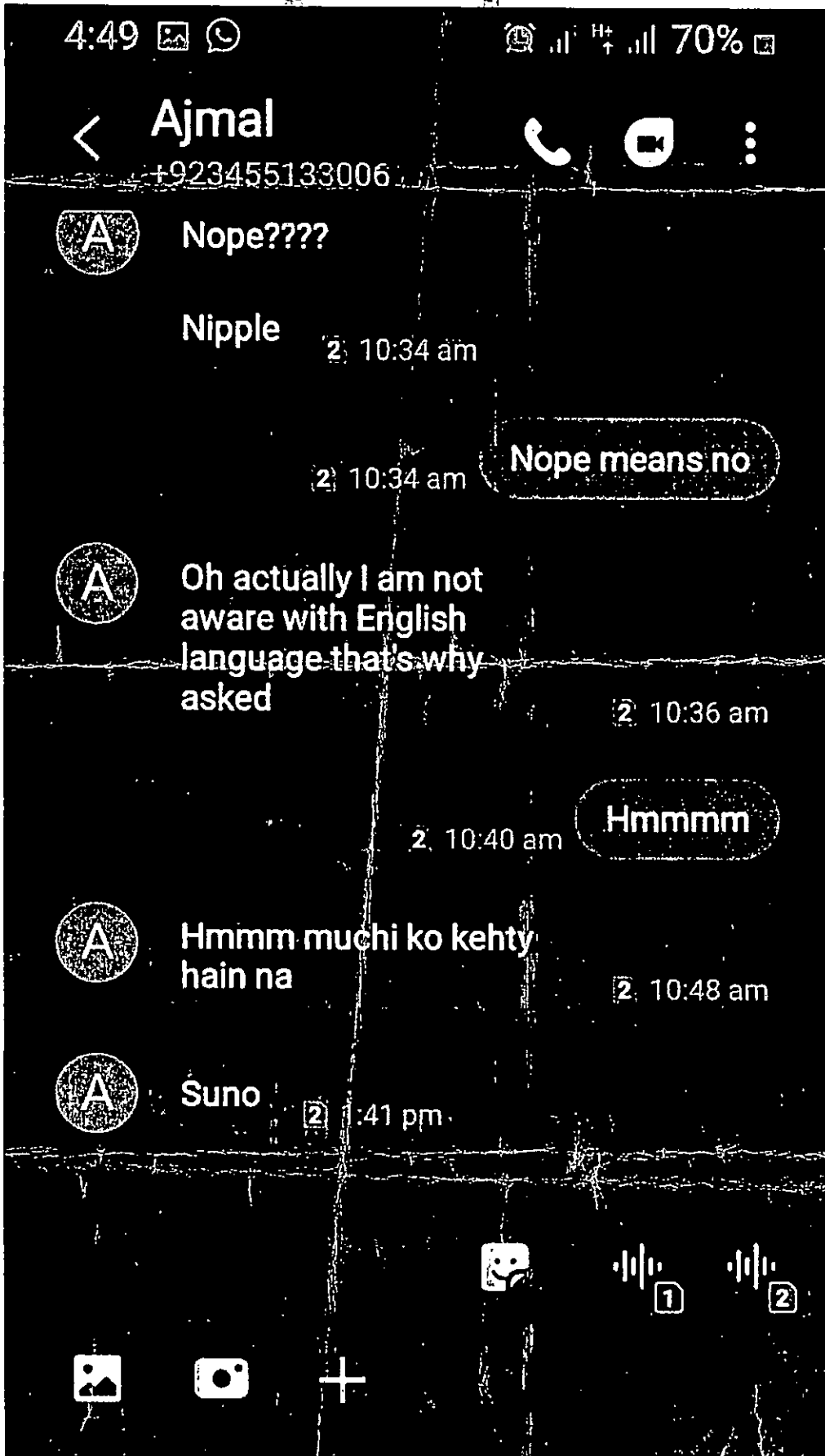
8
Mark "A"
01/11/21



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23

9.
Marilyn H
JP
01/11/21



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DISTRICT & SESSIONS JUDGE HARIPUR

Phone #+92-995-920500, Fax # +92-995-920501

Email: dsjharipur@gmail.com

10

No. 8665-66-PF/DSJ

Dated Haripur the 21st October, 2021.

To,

MR. MUHAMMAD AJMAL,

Junior Scale Stenographer, under transfer to Ghazi.

Annexure: "C"

Annexure

Subject: EXPLANATION.

Whereas, Ms. Sania Tariq, Computer Operator posted in the learned court of Civil Judge-VIII, Haripur, has submitted written complaint against you, on 24-09-2021, reporting that you Muhammad Ajmal, Junior Scale Stenotypist communicated to her text messages of sexual nature, demeaning and displaying sexual attitude, from your cell phone No. 0345-5133006, to her cell phone No. 0310-1587699. The complaint has been annexed with by screenshots of the text messages sent by you, which suggest offensive sexual attitude, amounting to harassment of the complainant Ms. Sania Tariq at her workplace.

In view of above, your act being reported and detailed above constitutes gross-misconduct, therefore, the undersigned being competent authority asks you Mr. Muhammad Ajmal to furnish your written explanation, within 3-days of the delivery of this explanation memo, otherwise you will be proceeded *ex-parte* under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

Given under my hand and seal today on 21/10/2021.

JEHANZEB SHINWARI

District & Sessions Judge Haripur

To

The Honorable District & Session Judge,
Haripur

Subject: REPLY TO THE EXPLANATION

R/Sir,

With most reverence and humble submission it is stated that I am in receipt of explanation mentioned at subject, reply to which is submitted as under:

- 1) That the allegations as leveled in the complaint by Mst Sania Tariq, KPO CJ-VIII, Haripur against me are totally false, fabricated and based on malafide hence, vehemently denied.
- 2) That I have rendered about 13 years services as stenographer in the Judicial Department. Throughout my entire service there is no single complaint of any kind against me despite the fact that my services contain most of the time in Family Courts.
- 3) That the complainant Mst Sania Tariq from the last more than two years has been posted in the Family Court-I, Haripur, where I was already posted before her. We have worked together for the said period. Official relations were good all the times. There has been no complaint between us. Due to good official relations she often used my mobile phone frequently for the purpose of searching at net. I also never felt it wrong. In this regard the Gunner posted with learned JFC-I, Haripur namely Shehbaz is also a witness.
- 4) That about more than one month before instant complaint she used rough attitude towards the Judge of Family Court-I, Haripur by denying to do the



Annexure "D"

Annexure

Handwritten signature and date: 26/10/2021

Handwritten signature and date: 26/10/2021

scanning work. Whereupon, I was ordered to type an explanation/show cause notice for her, which I did. Even some of her official works were also assigned to me though it was not my duty. I also did the said job. Due to the reason she started nurturing biasness towards me which I could not understand. As usual she continued to use my mobile phone for net purposes. It is result of the same that she intentionally sent some messages on her phone which were made the base of complaint. I have never sent any type of message on her phone. This is totally blame and fabricated story.

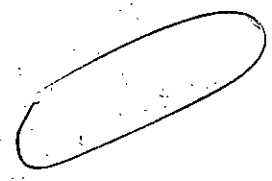
In view of the aforementioned facts it is earnestly requested that explanation under reply may graciously be filed being a false and fabricated for which act of kindness I shall be thankful to your highness.



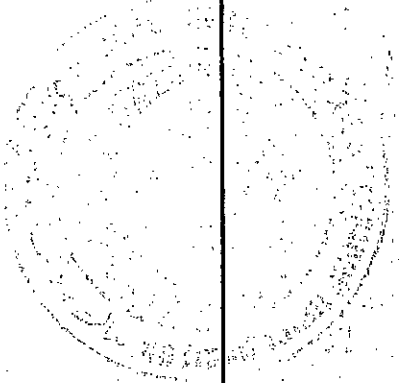
Dated: 25/10/2021

Your obedient servant

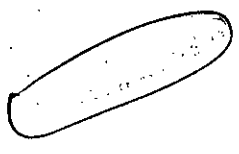
Muhammad Ajmal
Stenographer to AD&SJ-
Ghazi



Order#	Date	Order/Proceedings
	26.10.2021	<p>The reply dated 25-10-21, submitted by Ajmal Singh is placed for consideration.</p> <p style="text-align: right;">E.C.</p> <p>HDP/J.</p> <p>Reply is not satisfactory. Ms. Tanveen Qazi be Annexure CJ/JPE-III is appointed Inquiry officer and directed to conduct inquiry and submit detailed report within a fortnight. She should find out whether the allegations as contained in the application viz sending text messages are true and correct or otherwise.</p> <p style="text-align: right;">26/10/2021</p>



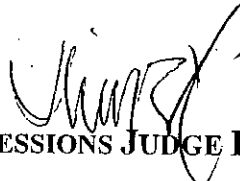
JPE-III



OFFICE OF THE DISTRICT & SESSIONS JUDGE HARIPUR

Disciplinary Proceedings No. of 2021

Mst. Sania Tariq ...VS... Muhammad Ajmal

Order#	Date	Order/Proceedings
<p>1</p> <p>30 اکتوبر 2021</p> <p>19 ستمبر 2021</p> <p>30 اکتوبر 2021</p>	<p>24.09.2021</p> <p>عنوان - ماستر سنیہ تریق</p>	<p>Ms. Sania Tariq, Computer Operator attached to the court of JFC-I, Haripur submitted written complaint against Muhammad Ajmal, Steno-typist, serving in the same court, alleging that the latter has tried to sexually harass her by sending suggestive mails/messages. Therefore, explanation of Muhammad Ajmal (ibid) be called. DFA be put up.</p> <p align="right">  DISTRICT & SESSIONS JUDGE HARIPUR </p> <p><u>English/Clerk</u></p> <p>Sir</p> <p>DFA is submitted</p> <p>EC</p> <p>Issue</p> <p>21/10/2021</p> <p>issued.</p> <p>EC</p>

28

13
JFC-III
JFC-III

3/22
30/10

(1) A&T

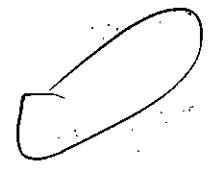
(2) KPO

Annexure = F

Handwritten notes in Urdu script, including a date: 2024-11-01

JFC-III
30-10-2024

Annexure



K.P.O. علی گڑھ
No

تاریخ

حیدر اعلیٰ سنیو کا حق
تاریخ 30/10/14

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K.P.O. علی گڑھ
30/10/14

Handwritten signature
30/10/14



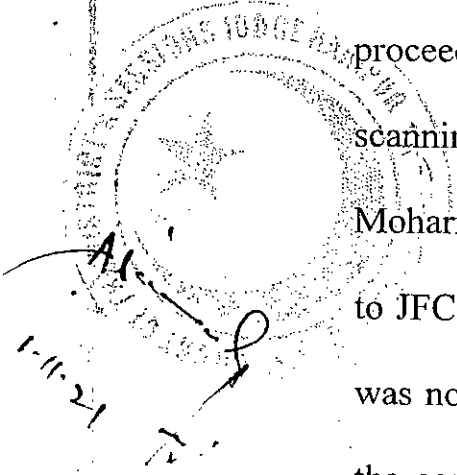
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30/10/14

STATEMENT OF MUHAMMAD AJMAL SON OF MUHAMMAD SHAMRAIZ (JUNIOR SCALE STENOGRAPHER), POSTED IN THE COURT OF HONORABLE ADDITIONAL DISTRICT & SESSIONS JUDGE-GHAZI, HARIPUR. ON OATH.

Amendment "G"

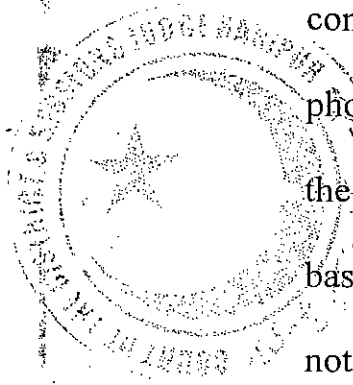
Stated that presently I am working with Honorable ADJ Ghazi, Haripur. Previously I was stenographer with JFC-I, Haripur. During my 13 years of service I have rendered most of the time period of my service with the Family Court but during the whole period not a single complaint has been lodged against me, by any of the staff member or the litigants, who used to appear before the Court for the case proceedings. Complainant/official was assigned with the task of scanning files and it was the duty of complainant / KPO of JFC-I and Moharrir of JFC-I to scan the file and to submit their report, later on to JFC-I. I have no nexus with the task of scanning files as was not my responsibility, therefore, there is no point that I the complainant / KPO with respect to scanning of files and data. I have very good relationship with my all colleagues. The complainant / KPO often used my mobile phone for the purpose of browsing and searching as she was my colleague, so I never refused her. That previously her explanation was called by JFC-I, Haripur for her discourteous and unwelcoming behavior and I being the stenographer was asked to type the said explanation. I have written the explanation as it is by the directions of the JFC-I, Haripur but later on, the complainant official had an argument with me and said that you were not supposed to type such harsh words in the explanation against me, to which, I have replied that I have written the said explanation by the directions of JFC-I, Haripur, which I am duty bound to do so.

Amendment



1-11-21
Family Court-III
Haripur

Thereafter, her behavior turned strange and harsh towards me which I could not understand but even then she used to asked for my mobile phone, which I never refused. I have never sent any messages to the complainant official even previously as there was no need to do so as she used to sit in front of me and we used to communicate directly. I cannot even think of sending such disgraceful and messages to the complainant. The gunner of the JFC-I is also witnessed to the fact that the complainant official often used my mobile phone during the Court hours. I completely deny the allegations leveled by the complainant official against me because she has fabricated the whole story against me and through a plan she tried to trap me. These messages were sent by herself from my mobile phone to her mobile phone. I was not even in the knowledge of these messages as the same came into my knowledge when the Worthy District & Sessions Judge, Haripur has called by explanation, and I was shocked to know that because the complainant official has deleted those messages from my mobile phone. My mobile number is 0345-5133006. At the end, I request that the said inquiry be filed without further proceedings as the same is baseless, false, fabricated, concocted one and based on mala-fide. I do not want to say anything else.



R.O & A.C
01/11/2021

MUHAMMAD AJMAL (STENOGRAPHER)
13302-8319246-9

Ajmal
11/11/21

Tamkeen Qazi
01/11/21

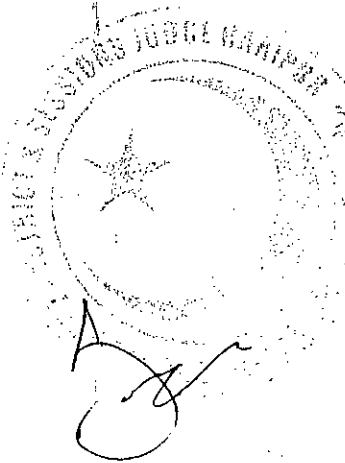
TAMKEEN QAZI,
Judge Family Court-III,
Inquiry Officer, Haripur

Tamkeen Qazi
Judge Family Court III
Haripur

Annexure: "H" 3

STATEMENT OF SANIA TARIQ (COMPUTER OPERATOR), POSTED IN THE COURT OF LEARNED CJ-VIII, HARIPUR (PREVIOUSLY WITH LEARNED JFC-I, HARIPUR). ON OATH.

Stated that presently I am working with learned CJ-VIII, Haripur as computer operator. Previously I was working with JFC-I as computer operator. I have lodged the instant complaint against the stenographer/delinquent official, after I have received disgraceful and vulgar messages by him. The behavior of the delinquent official was otherwise very indecent and inappropriate during the court hours as he used to sit in-front of me in the Court and through different gestures he used to tease and harass me. I used to feel very uncomfortable in the Court because the delinquent official used to stare at me and also used to blink his eye at times. We have spent almost two years working as colleague in the Court of JFC-I Haripur his behavior was very teasing and inappropriate since the very beginning but I never complained against him previously to my immediate presiding officer though he used to call me and used to get frank with me but I always tried to avoid him as he was my colleague in order to keep the working environment peaceful. He always tried to get frank with me but I have never given him the space to do so. He used to make me feel uncomfortable by his indecent and inappropriate gesture and behavior. My mobile phone No. is 0310-1587699. The screen shots of the messages in the hard form are annexed with my complaint and the same are mark A, comprises of 2 pages. (Original messages seen in



Annexure

S

Sania Tariq
1/4/21
Court-III
Haripur

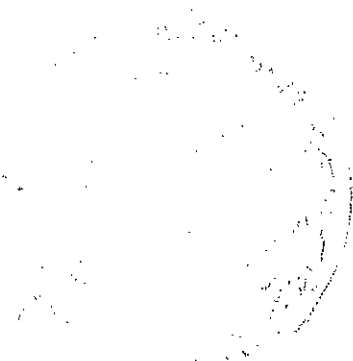
the mobile and mobile returned). I have no other messages or conversation saved in my mobile with delinquent official as I am not in the habit of saving or keeping the messages in my mobile phone. I used to delete the same but if the inquiry officer wants to take the data from the concerned mobile company so I have got no objection. I request that stern action may kindly be taken against the delinquent official because due to such acts it is very difficult for the female officials to work in the field peacefully and with grace.

R.O & A.C
01/11/2021



SANIA TARIQ (COMPUTER OPERATOR)
Attached with the Court of learned
Civil Judge-VIII, Haripur

Tamkeen Qazi 01/11/21
TAMKEEN QAZI,
Judge Family Court-III,
Inquiry Officer, Haripur
Tamkeen Qazi
Judge Family Court-III
Haripur

IN THE COURT OF TAMKEEN QAZI, JUDGE FAMILY COURT-III, HARIPUR

Annexure 'i'

INDEX

CASE NO. 19/6, INSTITUTION:- 24/09/2021, DECISION:- 08/11/2021

NO. OF PAGES:- 17

TITLED

MS. SANIA TARIQ, COMPUTER OPERATOR

VS.

MUHAMMAD AJMAL, STENO-TYPIST

S.No.	PAGES	DESCRIPTION OF DOCUMENTS
1	1-4	INQUIRY REPORT
2	5-6	ORDER SHEETS
3	7	HARASSMENT COMPLAINT
4	8-9	ANNEXURES
5	10	EXPLANATION OF DELINQUENT OFFICIAL
6	11-12	REPLY OF EXPLANATION
7	13	NOTICE/SUMMON
8	14-15	STATEMENT OF COMPLAINANT
9	16-17	STATEMENT OF DELINQUENT OFFICIAL

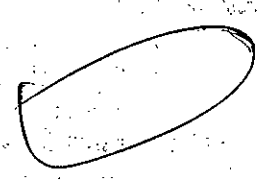
SIGNATURES OF MOHARRIR

SIGNATURES OF PRESIDING OFFICE

Annexure



Tamkeen Qazi
 JUDGE
 FAMILY COURT
 HARIPUR



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IN THE COURT OF TAMKEEN OAZI, CIVIL JUDGE /JFC-III
HARIPUR

CASE INQUIRY NO.....19/6 OF 2021

SANIA TARIQ vs MUHAMMAD AJMAL

INQUIRY REPORT

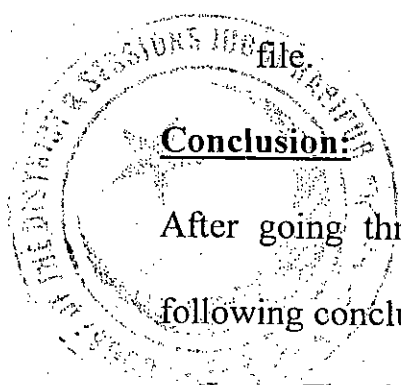
Dated:
08/11/2021

1. The present Inquiry against Mr. Muhammad Ajmal Junior Scale Stenographer, Tehsil Ghazi Haripur, is entrusted to the undersigned by the worthy District and Session Judge Haripur for initiating inquiry in the matter. The complainant official Sania Tariq KPO Civil Judge VIII lodged a complaint of harassment against delinquent official on 24-09-21, addressed to the worthy District and Session Judge Haripur for taking disciplinary action against the delinquent official. The worthy District and Sessions Judge Haripur marked the same to the undersigned on 26-10-21, for inquiry and report within fortnight.
2. Brief facts of the complaint are that the complainant alleged that the delinquent official namely Muhammad Ajmal, Steno typist, has sent messages regarding sharing of files of evidence, to which the complainant official has responded that physical verification of the scanned files is yet to be completed. It is further alleged that on response thereof the delinquent official sent another text message by manipulating the terminologies by sending vulgar, indecent and inappropriate metaphors. Prints of the screen shots are available on the file as Mark "A" comprises of two pages.

Tamkeen Oazi
08/11/21
Civil Judge Court-III
Haripur

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- 3. That on 21-10-2021 the explanation of the delinquent official was called by the worthy District and Sessions Judge Haripur and directed the delinquent official to submit his reply within 3 days. The delinquent official has submitted his reply on 25-10-2021. The same was declared unsatisfactory by the Worthy District and Sessions Judge and same was declared unsatisfactory and was entrusted to the undersigned to conduct and conclude Inquiry.
- 4. That the instant Inquiry received on 26-10-2021 and registered as 19/06 of 2021. Thereafter on 28-10-2021 the complainant official and the delinquent official were summoned through the process of the court for 01-11-2021. Both the official appeared before the court of the mentioned date. Their individual statements recorded and placed on

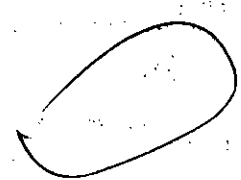


Conclusion:

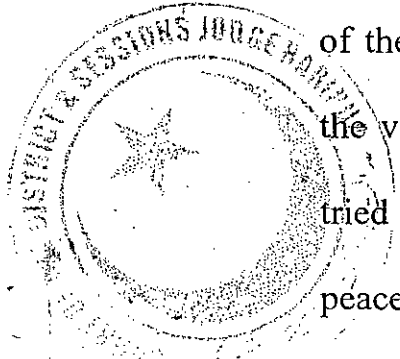
After going through the whole record along with replies and statements following conclusion is drawn.

- I. The titled complaint was filed by Sania Tariq KPO Haripur against Muhammad Ajmal Steno typist that he has sent some vulgar metaphorical message to her. She has alleged that due to this act of the Muhammad Ajmal an environment of hostility and discomfort has been created for the complainant official.
- II. That the delinquent official Muhammad Ajmal was served with an opportunity to produce his defense if any to which he recorded his sole statement.

Handwritten signature
 08/11/21
 District & Sessions Judge
 Haripur



- III. The complainant official has stated that the mobile number 0310-1587699 is registered in her name. The delinquent official has also admitted that the mobile number 0345-5133006 is registered in his name.
- IV. That the delinquent official admitted in his statement recorded on 28-10-2021 that the said messages were sent from his mobile phone. But confessed that the mentioned messages were sent from his mobile phone by the complainant official to her mobile phone.
- V. The delinquent official was given an opportunity to produce defense or any evidence in support of his stance but he failed to do so.
- VI. It is pertinent to mention here that the complainant official submitted in her statement recorded on 28-10-21 that the behavior of the delinquent official was very disgraceful and annoying since the very beginning but she has never complained against him and tried to avoid him in order to keep the working environment peaceful.
- VII. During inquiry it has been proved that the messages were sent from the mobile phone of the delinquent official as there is a glaring admission on his behalf. Secondly he has been miserably failed to prove that the said messages were sent by the complainant official from his mobile to her mobile, as she often used his mobile phone.



Handwritten signature
08/11/21
Muhammad Oazi
District & Sessions Judge
Haripur

Therefore it is concluded that the said indecent and vulgar text messages were sent from the mobile phone and number of the delinquent official Muhammad Ajmal Steno typist. He has failed to establish that the



mentioned messages were sent by the complainant official from his mobile phone.

CERTIFICATE:

Certified that inquiry report comprised of four pages, along with inquiry file comprised of 17 pages, be submitted before the worthy District and Sessions Judge Haripur, for perusal.

Dated: 08/11/2021

J. J. Khan
08/11/21
District & Sessions Judge
Haripur



[Handwritten signature]



38
DISTRICT & SESSIONS

Phone #+92-995-920501

Email: dsjhar

E HARIPUR

Phone #+92-995-920501

com

Ajmal
Amendment "J"

SHOW CAUSE NOTICE

I, Jehanzeb Shinwari, District & Sessions Judge, Haripur as Competent Authority, under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Muhammad Ajmal, Junior Scale Stenographer (BPS-14), as follows: -

1. (i) that consequent upon the completion of inquiry conducted against you, the Judge Family Court-III/Inquiry Officer submitted her report dated 08/11/2021; and

(ii) on going through the findings and recommendations of the Inquiry Officer, the material on record and other connected papers including your defense before the Inquiry Officer,

I am satisfied that you have committed the following acts/omissions specified in Rule 3(b) of the rules ibid:

"Misconduct by sending indecent and vulgar text messages from your mobile phone on the mobile number of Ms. Sania Tariq, Computer Operator (complainant). Not only causing damage to the reputation of the complainant but also created hostile and uncomfortable working environment".


08/11/2021





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DISTRICT & SESSIONS JUDGE HARIPUR

Phone #+92-995-920500, Fax # +92-995-920501

Email: dsjharipur@gmail.com

2. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the one or more penalties mentioned in Rule 4 of the rules *ibid*.
3. You are, therefore, required to show cause as to why the proposed one or more penalties should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days of its delivery, it shall be presumed that you have no defense to put in and in that case, an *ex-parte* action shall be taken against you.
5. A copy of the findings of the Inquiry Officer is enclosed.

No. 9032-EF

Dated: 08/11/2021

JEHANZEB SHINWARI
District & Sessions Judge Haripur/
Competent Authority



Appendix

Amendment = K

To

The Honorable District & Session Judge,
Haripur

Subject: REPLY TO SHOW CAUSE NOTICE

R/Sir,

With utmost reverence, it is submitted that I am in receipt of show cause notice delivered on 12th Nov, 2021, reply to which is submitted as under:

That I had already submitted reply to the explanation dated 25th October, 2021 which may kindly be treated as reply to the instant show cause notice. Moreover, if an opportunity for personal hearing provided me, I will prove my innocence.

Copy of the reply to the explanation is appended herewith.

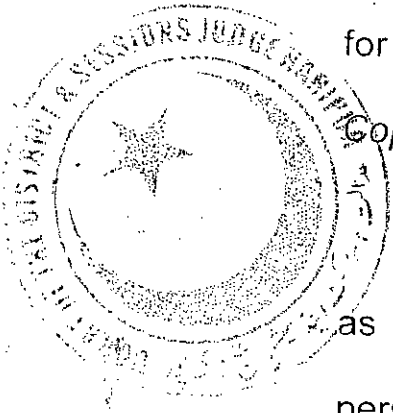
Therefore, keeping in view the facts and circumstances, as per reply to the explanation, I may kindly be heard personally and instant show cause notice may kindly be filed without any further proceedings, please.

Dated: 16th November, 2021

Your obedient servant

Muhammad Ajmal
Stenographer to AD&SJ, Ghazi

16-11-2021



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Annexure "L"



DISTRICT & SESSIONS JUDGE HARIPUR

Phone #+92-995-920500, Fax # +92-995-920501

Email: dsjharipur@gmail.com

No 9272-EF/DST Dated 18-11-2021

DEPARTMENTAL PROCEEDING

Notice to: **Muhammad Ajmal, Junior Scale Stenographer, posted in the Court of AD&SJ, Ghazi.**

With reference to your wish to be heard personally, expressed in your reply dated 16.11.2021, to this office show Cause Notice, you are directed to appear before the undersigned on 20.11.2021 at 10 a.m. for personal hearing in connection with above mentioned departmental proceedings.

JEHANZEB SHINWARI

*District & Sessions Judge Haripur/
Competent Authority*



Annexure



42
DISTRICT & SESSIONS JUDGE HARIPUR

Phone #+92-995-920500, Fax # +92-995-920501

Email: dsjharipur@gmail.com

Annexure - M

No. 94/2-EP /DSJ

Dated Haripur the 27th November, 2021

To,

**MR. MUHAMMAD AJMAL, JUNIOR SCALE STENOGRAPHER,
ATTACHED TO THE COURT OF AD&SJ-GHAZI.**

Subject: FINAL SHOW-CAUSE NOTICE

1. Whereas, Ms. Sania Tariq, Computer Operator, posted in the court of CJ-VIII, Haripur, submitted written complaint against you named above, on 24/09/2021 and reported that while posted as Computer Operator, in the court of learned JFC-I, Haripur, where you were also posted as Junior Scale Stenographer, you named above had sent text messages of sexual nature to her, from your cell phone bearing number 0345-5133006 to her cell phone bearing number 0310-1587699, demeaning and displaying your sexual attitude and temptation.

2. The complaint was annexed with by copies of the screen-shots of the text messages sent from your cell phone bearing number 0345-1533006 to her cell phone bearing number 0310-1587699, which in clear terms convey that the messages were offensive sexual content, amounting to sexually harass the said Ms. Sania Tariq, at her work place.

3. Accordingly, you were served with explanation memorandum bearing *Annexure* No. 8665-66-PF/DSJ, dated 21/10/2021. You named above, therefore, submitted written explanation on 26/10/2021, which was drafted on 25/10/2021, and which was found unsatisfactory and thereby, learned

4/11/2021
27/11/2021

(Handwritten mark)

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DISTRICT & SESSIONS JUDGE HARIPUR

Phone #+92-995-920500, Fax # +92-995-920501

Email: dsjharipur@gmail.com

JFC-III, Haripur was appointed to conduct facts finding inquiry and submit her report. She, accordingly conducted facts finding inquiry and recorded your statement as well as the statement of Ms. Sania Tariq, on 01/11/2021 and submitted her report.

4. In the facts finding inquiry, it was confirmed that the cell phone bearing number 0345-5133006, remained in your use, while cell phone bearing No. 0310-1587699 was in the use of Ms. Sania Tariq and the contents were transmitted from your cell phone number to the cell phone number of Ms. Sania Tariq.

5. You had taken the defence that your cell phone was often used by Ms. Sania Tariq, but could not produce any evidence in that regard. Resultantly, you were served with show cause notice bearing No. 9032-EF, dated 08/11/2021. Your reply thereto came on 16/11/2021 and you placed total reliance on your reply to the explanation memo dated 25/10/2021, received on 26/10/2021. You were also given an opportunity of personal hearing, wherein you requested for an opportunity that efforts for compromise with Ms. Sania Tariq were underway and that you were optimistic of the withdrawal of the complaint by her.

6. Now, therefore, when the facts finding inquiry communicated the use of your cell phone bearing No. 0345-5133006 for sending objectionable material to the cell phone of Ms. Sania Tariq bearing No. 0310-1587699 and

[Handwritten signature]
27/11/2021

[Handwritten mark]



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DISTRICT & SESSIONS JUDGE HARIPUR

Phone #+92-995-920500, Fax # +92-995-920501

Email: dsjharipur@gmail.com

the contents have also been found objectionable, communicating sexual intent, literally, the commission of gross misconduct has surfaced and substantiated.

7. Your defence plea that your cell phone number remained in the use of Ms. Sania Tariq and that she had sent such messages, herself to her cell phone number, using your cell phone and thereby, to trap you, is beyond understanding a common prudent mind. Moreover, you could not prove such contention nor produced any evidence in that regard. Similarly, you failed to have expressed your desire to produce any such evidence in your defence. You also failed to have highlighted any malice for baseless and wrong accusation.

8. Considering the above, I Jehanzeb Shinwari, District & Sessions Judge, Haripur being competent authority under the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, am satisfied that sufficient material is available against you regarding the commission of your misconduct, rendering you unbecoming of a government official, in general and serving in the prestigious institution of judiciary, in particular, dispense with the formality of formal inquiry, under Rule-7 of the Rules (ibid), and decided to impose upon you one or more penalties mentioned in Rule-4 of the Rules (ibid) and require you to submit your written reply within seven (07) days, positively of the delivery of this final show cause notice, failing which an ex-parte action would be taken

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DISTRICT & SESSIONS JUDGE HARIPUR

Phone #+92-995-920500, Fax # +92-995-920501

Email: dsjharipur@gmail.com

against you. You should also mention as to whether you want to be heard in person or otherwise.

Given under my hand and seal, today on 27/11/2021.

JEHANZEB SHINWARI

District & Sessions Judge Haripur/
Competent Authority



46

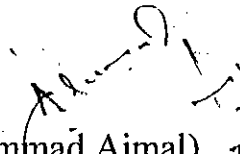
Annexure "N"
1

To: The Hon'ble,
District & Sessions Judge,
Haripur.

REPLY TO SHOWCAUSE NOTICE

In response to explanation dated 21/10/2021, on the complaint of Ms. Sania Tariq, Computer Operator, I had already submitted my defense. Today, I have privately settled the matter with complainant, Ms. Sania Tariq, and tendered my apology and resultantly, she is ready to withdraw her complaint unconditionally, therefore, I place myself at the mercy of your Honour, with the request to decide the matter on humanitarian grounds.

Dated:30.11.2021.


(Muhammad Ajmal)
Junior Scale Stenographer

30.11.2021



Annexure

47

Annexure "O"

Annexure

To: The Hon'ble,
District & Sessions Judge,
Haripur.

Subject: WITHDRAWAL OF COMPLAINT

Hon'ble Sir,

It is respectfully submitted, that I have filed a complaint against Muhammad Ajmal (Stenographer), for which he made clear his position in respect of allegation leveled in the complaint, therefore, I am no more interested to pursue the instant complaint since he has cleared himself in front of me, hence it is requested that my complaint against Muhammad Ajmal (Stenographer) may kindly be dismissed as withdrawn.

DATED: 30-11-2021

Yours obediently

 30/11/21

SANIA TARIQ
Computer Operator
District Judiciary
Haripur

Dated: 21/12/2021

To

The Honorable Chief Justice,
August Peshawar High Court, Peshawar

Through:

The Worthy Registrar,
Peshawar High Court, Peshawar

Subject: DEPARTMENTAL APPEAL UNDER RULE 17 OF THE KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULES, 2011 AGAINST THE ORDER NO.9429-37-2/20 DATED 30/11/2021 PASSED BY THE WORTHY DISTRICT & SESSIONS JUDGE, HARIPUR BEING A COMPETENT AUTHORITY, WHEREBY THE APPELLANT HAS BEEN REMOVED FROM SERVICE IN PURSUANCE OF IMPOSITION OF MAJOR PENALTY UNDER RULE-4(1)(b)(III) OF THE IBID.

Respectfully submitted:

- 1) That the appellant, being aggrieved and dissatisfied from the penalty of removal from service, imposed vide the impugned order dated 30.11.2021, submits the following for the redressal of his grievance.
- 2) That initially the appellant was appointed as Stenographer (BPS-12) on 08/12/2007 in subordinate judiciary of Peshawar High Court, Peshawar and was posted at District Courts, Haripur, having served for about 14 long years and was working as Junior Scale Stenographer in BPS.14 in the court of learned ADJ-Ghazi at Haripur and now at the top of the seniority list.
- 3) That during the entire span of service, the appellant remained posted with many Honorable Presiding Officers however, never served or issued with any show cause, charge sheet, explanation on any ground whatsoever nor even a warning was ever issued to

Diary No = 18443
Date = 21-12-2021
before PHC, Pesh

appellant, the performance of duty and conduct of the appellant ever remained unblemished as fortified from the award of selection grade as well as the ACRs recorded during the service.

- 4) That during the posting in the court of learned Judge Family Court-I, Haripur, the appellant was directed by the learned judge, to put up the draft of explanation, to be called for by the learned judge from Miss Sania Tariq (Computer Operator) in fact the appellant had just put up a draft of explanation, which was finalized and issued by the learned Judge Family Court-I, Haripur under her own signatures on 31/07/2021 due to which Miss Sania Tariq (Computer Operator) was extremely annoyed from me and attributed the said issuance and the gravity of the explanation, being my act, she showed her annoyance and started to had personal grudge against the appellant.
- 5) That being a colleague, she usually used my mobile/cell phone for purpose of searching/browsing on net, which I just allowed in routine, the fact of lending the mobile and the use of the same was mostly witnessed by the gunner of JFC-I, Haripur namely Shahbaz.
- 6) That just after the summer vacation and putting up the draft of explanation, to be called by the learned JFC-I, Haripur from Miss Sania Tariq (Computer Operator), the said Miss Sania Tariq directly made a complaint to the worthy District & Session Judge, Haripur on the subject of harassment, surprised enough that if at all any incident, having any truthfulness or otherwise, likely to firstly reported to the learned immediate officer, the presiding officer of the court, wherein the complainant and the appellant were working and wherein the said alleged incident took place but surprisingly the complainant while ignoring the said forum/immediate officer, directly submitted the report to a male officer/the Worthy District & Session Judge, Haripur, which is a great question mark, hinting towards the falseness of the said complaint.
- 7) That the appellant was called upon by the worthy District & Session Judge, Haripur to submit explanation vide letter No.8665-66-PF/DSJDated Haripur the 21st October 2021, the appellant submitted

his reply, wherein the appellant denied the allegations leveled in the complaint being based upon false & concocted allegations, just leveled in retaliation of the putting of draft of explanation, served upon the complainant Miss Sania Tariq (Computer Operator), already called upon by the learned Judge Family Court-I, Haripur from the complainant.

- 8) That the worthy District & Session Judge, Haripur instead of sending the inquiry to the learned Judge Family Court-I, Haripur, appointed the learned Judge Family Court-III, Haripur as Inquiry Officer with the direction to conclude inquiry and submit detailed report vide order dated 26/10/2021. It is pertinent to be noted that no charge or for that matter statement of allegations was specified in the letter of constitution of inquiry.
- 9) That the learned Inquiry officer also did not communicated the appellant any charges or statement of allegations and just served a notice upon the appellant dated 30/10/2021 to appear in the court on 01/11/2021.
- 10) That the appellant was never afforded any opportunity by the inquiry officer to submit any written defense, to engage any counsel or cross examine the witnesses hence, fair and impartial proceeding has not been conducted..
- 11) That the learned Inquiry officer just firstly recorded the statement of the appellant and thereafter recorded the statement of the complainant, without giving any opportunity of cross examination, to the complainant and the appellant as well as without asking or given any opportunity to produce any evidence/witness in proof of the respective stance. More particularly, no opportunity was afforded to the appellant to produce any witness in support of his defense, particularly, the witness whose name was specifically mentioned not only in the reply to explanation but in the court statement, which was recorded by the inquiry officer that Mr. Shahbaz, the gunner of Judge Family Court-I, who was the star witness of the appellant, to prove his version that the complainant usually used the mobile phone of the

appellant for the purpose of searching/browsing on net etc, by doing so a just, proper and fair opportunity of defense was denied and not afforded to the appellant, which is not only against all the norms of justice, fair play and equity but also caused a great prejudice to the defense of the appellant, to be produce during the course of inquiry as on the basis of such so called inquiry, before taking a drastic action thus, the appellant has been deprived from earning his livelihood being ordered to be removed from service in result of imposition of a major penalty.

- 12) That a final show cause notice dated 27.11.2021 on the basis of such incompetent and incomplete inquiry was served upon the appellant by the learned District and Session Judge, Haripur, before submitting the reply, the appellant and the complainant appeared before the worthy District & Session Judge, Haripur, the complainant herself submitted an application for withdrawal of her complaint against the appellant to the effect that as the appellant had made clear his position in respect of allegations leveled in the complaint therefore, she no more remained aggrieved and requested for dismissal of her complaint as withdrawn but the worthy District & Session Judge, Haripur not accepted the same, emphasized that the appellant should also tender my apology accordingly I have submitted my reply to final show cause notice wherein I have categorically submitted that "*I had already submitted my defense*" with the further assertions that I have privately settled the matter with complainant, Miss Sania Tariq and tendered my apology and resultantly, she is ready to withdraw her complaint unconditionally.
- 13) That the worthy District & Session Judge, Haripur inspite of the written application submitted by the complainant for withdrawal of her complaint and by overlooking the contents of the reply to final show cause notice, submitted by the appellant, decided the matter against the appellant by imposing extreme major penalty of removal from the service.

- 14) That as no just and fair opportunity of defense was afforded to the petitioner rather even the petitioner was deprived from holding of a regular inquiry thus, the appellant in fact condemned unheard for want of provision of a fair chance of defense.
- 15) That the order of removal from service has been passed without holding any regular inquiry therefore, the same being against the mandatory statutory provision of law is liable to be reversed.
- 16) That the appellant had served the department for long 14 years and never given any chance of reprimand to his seniors/officers nor even a warning had ever been issued to the appellant and the service record of the appellant, during entire course of service remained unblemished with reference to his work and conduct.
- 17) That the appellant reserved the right to agitate more legal points during the course of arguments.

PRAYER:

It is humbly submitted that the order of removal from service dated 30.11.2021 may graciously be reversed and the appellant may kindly be ordered to be reinstated in service with full back pay and benefits.

Yours obediently.

M. A. J.
21.12.2021
(Muhammad Ajmal)

S/O Muhammad Shamraiz
Ex-Ijr Scalestenographer District Judiciary Haripur
r/o p/o Sarai Saleh, New Abadi near Wonderland
park GT road Ali Khan, The & District Haripur

Contact No. 0345-5133006/0300-9184491

POWER OF ATTORNEY

Before the HONOURABLE KPK SUBORDINATE JUDICIAL SERVICE
In the matter of SERVICE APPEAL TJS/15000

_____ Plaintiff(s)
MUHAMMAD ASMAL Appellant(s)
_____ Petitioner(s)

VERSUS

_____ Defendant(s)
Worthy DISTRICT Session Judge / Comptroller Respondent(s)
Att. No. 15

I/We the undersigned do hereby nominate and appoint ABDUL REHMAN QADAR, ADVOCATE SUPREME COURT OF PAKISTAN to be counsel for _____ in the above matter for me/our behalf to appear, plead, act and answer in the above Court or any appellate Court or any Court to which the business is transferred in the above matter right from Lower Court / Authority / Tribunal up to the Supreme Court of Pakistan and to sign and file petitions, reply, written statement(s), application, comments, rejoinder, accounts, exhibits compromises or other documents whatsoever, in connection with the said matter or any matter arising there from, to file appeal, revision, review, writ Petition, Execution Petition etc, to give statement and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for an issue summons and other writs or subpoena and to apply for and get issued any arrest, attachment or other execution, warrants or order and to conduct any processing that may arise there from and to apply for and receive payment of any or all sums or submit the above matter to arbitration.

AND to do all acts legally necessary to manage and conduct the said case in all respects whether here in specified or not, as may be proper and expedient.

And I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of these presents or of the usual practice in such matter.

PROVIDED always, that if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All Costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us.

IN WITNESS whereof I/we have hereto signed at Haripur the 23rd day of February in the year 2022.

Accepted Subject to the terms regarding fee.

Executant(s) [Signature]

[Signature]
(ABDUL REHMAN QADAR)
Advocate Supreme Court of Pakistan
Enrl: 3787

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

lega

TB A/Abad

No.

APPEAL No. 423 of 2022.

Mohammad Ajmal

Appellant/Petitioner

Versus

Worthy Distt & Sessions Judge
Haripur

RESPONDENT(S)

Rusp No I

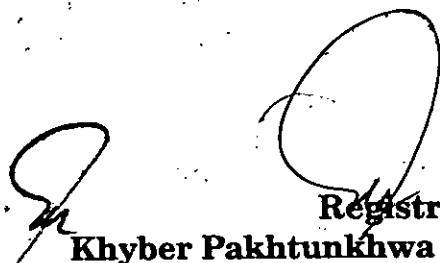
Notice to Appellant/Petitioner

Worthy Distt & Session
Judge Haripur

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 23-9-22 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 camp court
At Abad



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

Regd
No.

APPEAL No. 423 of 20

S. B
TIB A/Abad.
22

Mohammad Ajmal

Appellant/Petitioner

Versus

Worthy DSJ Haripur


RESPONDENT(S)

Resp No I
Notice to Appellant/Petitioner
Worthy District &
Session Judge
Haripur

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 23-9-2022 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.

For Reply
at camp court
A/Abad


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

TR A/Abad.

APPEAL No.....423..... of 20

22

Muhammad Ajmal

Appellant/Petitioner

Versus

Worthy Distt. Session Judge Hazipur

RESPONDENT(S)

Notice to Appellant/Petitioner

Resp No 2

Registrar Peshawar
High Court
Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal

on 23-9-22 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 camp court
A/Abad.

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.