

06/12 2022

سروس گروہ منجلی ایسٹاؤش

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

Service Appeal No. 913/2022.

Mujahid Ali ..... Appellant.


Versus

District & Sessions Judge, Peshawar & others. .... Respondents

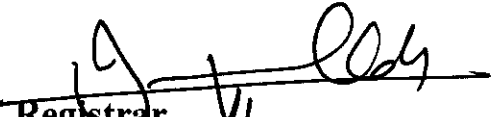
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Respondent No.1.

  
District & Sessions Judge,  
Peshawar.

Respondent No. 2 to 4.

  
Registrar,  
Peshawar High Court,  
Peshawar.

(1)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL, PESHAWAR**

**Service Appeal No. 913/2022**

**Khyber Pakhtunkhwa  
Service Tribunal**

Registry No. 2160

**Mujahid Ali**

**..... Appellant**

Dated 6-12-22

**Vs**

**District & Sessions Judge, Peshawar and others ..... Respondents**

**COMMENTS ON BEHALF OF RESPONDENTS NO. 1 TO 4.**

**FACTS:**

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record.
5. Pertains to record.
6. Pertains to record.
7. Incorrect. Learned Inquiry Officer, i.e. Muhammad Sajid AD & SJ-XIII Peshawar, conducted the preliminary/fact finding inquiry whereby negligence of the appellant official has been proved.
8. Pertains to record.
9. Pertains to record.
10. Pertains to record.
11. Incorrect. Keeping 'Faisla Bhai register' in safe custody was the responsibility of appellant official being Reader of the Court, which he failed to do, hence, was held responsible of negligence.
12. Incorrect. This stance of the appellant official goes against him because, as explained in para-11 above, Faisla Bahi register is his responsibility. If someone else makes entry in the same without his knowledge tantamount as negligence on part of the appellant official.
13. Incorrect, as explained in paras 11 & 12 above.
14. Incorrect, as explained in paras 11 & 12 above.
15. Incorrect, as explained in paras 11 & 12 above.
16. Incorrect. Mutual confidence between co-workers does not set free the appellant official from his official responsibilities.

17. Incorrect. Human needs cannot be denied but the appellant official had to make sure safety of his official belongings before leaving his seat.
18. Incorrect and irrelevant.
19. Incorrect. Both the inquiries, i.e. Fact Finding and Formal, were carried out by two different Judicial Officers, and after verifying that the appellant/official was involved, the process continued in accordance with law. Another official involved in the official misconduct in question was also dealt with, and penalties were imposed based on the circumstances of the case and the quantum of the involvement of the accused officials.
20. Incorrect. The appellant official was fully aware of all the proceedings, and was given due opportunity to defend himself, produce any evidence in his support, and cross examine the witnesses etc.
21. Pertains to record.
22. Incorrect. The appellant official was charged for being involved in issuance of a fake court decree, and after due process of inquiry and fulfilling all codal formalities, the appellant official, along with another, was held responsible and was proceeded accordingly.
23. Pertains to record.
24. Incorrect. The appellant official was duly associated with the inquiry and all the proceedings were carried out in his presence.
25. Incorrect. Two different inquiry officers held responsible the appellant official, along with another, of negligence which resulted in issuance of a fake court decree.
26. Pertains to record.
27. Needs no comments.
28. Incorrect. Even his own words show his negligence on two counts. (1) An entry of fake court decree was made in Faisla Bahi register without his knowledge. (That too, with the assumption that he was not the one making the entry). (2) He did not notice such change in Faisla Bahi register, to which he was the sole custodian.  
Furthermore, the appellant official failed to produce any proof regarding his stance that he had informed the Presiding Officer regarding the fake entry, and that, what remedial action he, or his Presiding Officer, took about the alleged entry.  
The plea of appellant official regarding his informing the Hon'ble Justice Younas Khan is astonishing, i.e. why would the appellant official inform the Hon'ble Judge, and not report the same in writing to his Presiding Officer, the learned Senior Civil Judge or the District & Sessions Judge.

- 29. Incorrect. The appellant official has been compulsory retired from service after concluding the inquiry proceedings and fulfilling all codal formalities.
- 30. Pertains to record.
- 31. Pertains to record.
- 32. Incorrect. The impugned order has been passed in accordance with law, and no illegality or irregularity has been made.

**Reply to the grounds taken by the appellant/official:**

- A. Incorrect. The appellant official was held responsible for issuance of fake court decree in two separate inquiries.
- B. Incorrect. The appellant official has been held responsible for negligence.
- C. Incorrect. Two separate inquiries were conducted, and both of the inquiries proved the negligence of appellant official which caused issuance of a fake court decree. The appellant official was awarded major penalty of compulsory retirement keeping in view of the seriousness of allegation and outcome of his negligence.
- D. Incorrect. Award of any penalty, minor or major, is based upon the facts & circumstances of every individual case, gravity of allegations etc.
- E. Incorrect. Such plea could have been taken by the appellant official during inquiry proceedings. Furthermore, he could have produced any proof in support of his stance, or cross examined the witnesses, but he didn't.
- F. Incorrect. The appellant official was held guilty of negligence in two different inquiries and therefore was awarded the appropriate penalty.
- G. Incorrect. As explained in para-E above.
- H. Incorrect. As explained in para-F above.
- I. Incorrect. As explained in para-E above.
- J. Incorrect. Presumably, entry of a fake court decree could not be made in the Marking register of Senior Civil Judge by the culprits.
- K. Incorrect. The appellant official being custodian of the "Faisla Bahi" was supposed to have hold of his responsibilities, which he failed, and ultimately was held guilty of negligence.
- L. Incorrect. The appellant official had apparently left those lacunas just to prove himself innocent in case the fake decree is ever caught.

- M. Two different Inquiry Officers have given their findings and have held the appellant official guilty of gross negligence, which resulted in heinous act of issuance of a fake court decree.
- N. Incorrect. All the evidence has pointed out the appellant official to be involved in the act.
- O. Incorrect. Two separate inquiries were conducted, and both of the inquiries proved the negligence of appellant official which caused issuance of a fake court decree.
- P. Incorrect. The appellant official was specifically charged for negligence, and after the charge was proved, he was awarded appropriate penalty.
- Q. Incorrect. Issuance of a fake Court decree is an act of huge magnitude which may be completed by a single person alone. The matter was dig out thoroughly and all the facts & circumstances were pointing out to the involvement of appellant official, along with his colleague.
- R. Incorrect as detailed inquiries were conducted against the appellant and other officials. The appellant official and another namely Qaiser Khan Muharrar, were awarded appropriate/major penalties. No other officer or official were found to be involved.
- S. Incorrect. As explained in para-R above.
- T. The appellant official is jobless due to his own negligence. No one else has to be blamed for his wrong doing.

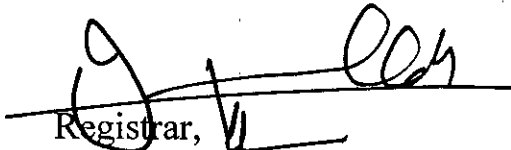
**Prayer:**

In view of the above, it is requested that the appeal in hand being devoid of any merit or legal footing, may be dismissed.

**Respondent No.01**

  
 District & Sessions Judge,  
 Peshawar.

**Respondent No. 2 to 4.**

  
 Registrar,  
 Peshawar High Court,  
 Peshawar.

Dated. 07.11.2022.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

Service Appeal No. 913/2022.

Mujahid Ali ..... Appellant.

Versus

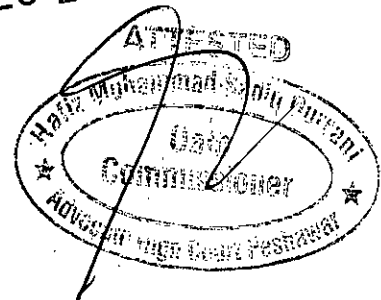
District & Sessions Judge, Peshawar & others..... Respondents

Counter Affidavit.

I, Rahmdad Khan, Superintendent, Sessions Court, Peshawar, do hereby affirm and declare on oath that the contents of this Reply/comments are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Tribunal.

*Rahmdad Khan*  
Deponent.

06 DEC 2022



آئی ڈی، سار  
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Abhidavit اور کبھی سے اس وقت نہیں ہے  
مستند تاریخ کے ایک دن 1/5 جمع کریں