

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1204/2020

BEFORE: SALAH UD DIN --- MEMBER(J)
MIAN MUHAMMAD --- MEMBER(E)

Ghilaf Ali son of Mulazim Hussain Sweeper, Court of Senior Civil judge, Bannu R/O House No. 500/19, Mohallah Hussain Abad, Inside Havaid Gate, District Bannu..... (*Appellant*)

VERSUS

1. District and Sessions Judge, Bannu.
2. Senior Civil Judge, Bannu..... (*Respondents*)

Present:

INAYAT ULLAH KHAN,
Advocate

--- For Appellant.

MUHAMMAD JAN,
District Attorney

--- For respondents.

Date of Institution.....26.02.2020

Date of Hearing.....05.12.2022

Date of Decision.....05.12.2022

JUDGEMENT.

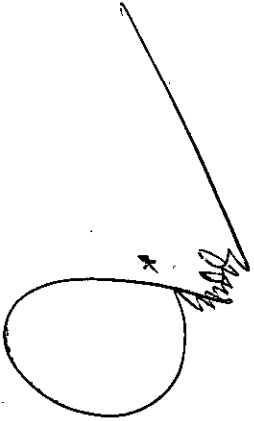
MIAN MUHAMMAD, MEMBER(E):- The instant service appeal has been instituted with the prayer that "on acceptance of this appeal the impugned final order dated 03.02.2020 and impugned original orders dated 20.11.2019 and corrigendum order dated 23.11.2019 may kindly be set aside by restoring the original grade/scale BPS-4 of the appellant w.e.f. 29.11.2019 with all arrears/consequential back benefits and proforma

promotion. Any other relief to which the appellant is found entitled during course of hearing may also be granted”.

02. Brief facts, as averred in the memorandum of service appeal, are that the appellant was working as Sweeper in the office of respondent No. 2. He was proceeded against for alleged willful absence from duties without proper leave application, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and as a result thereof, he was imposed upon major penalty of reduction to a lower pay scale (two times) BPS-02 vide office order dated 20.11.2019. However, afterward the said penalty was converted into reduction to lower pay scale BPS-03 vide corrigendum dated 23.11.2019. Feeling aggrieved, the appellant preferred departmental appeal on 28.11.2019 which was, though dismissed vide order dated 03.02.2020 but with the observations that the penalty of reduction from scale of (BS-04) to lower scale (BS-03) shall be for 03 years. The appellant has now filed the instant service appeal before this Tribunal on 26.02.2020.

03. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions raised by the appellant in his appeal. We have heard arguments of learned counsel for the appellant as well as learned District Attorney for the respondents and have gone through the record with their valuable assistance.

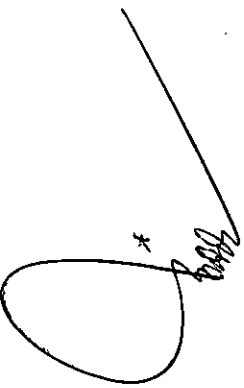
04. Learned counsel for the appellant vehemently contended that major penalty of reduction to a lower pay scale BPS-03 was imposed upon the appellant on the allegations of willful absence from duty without any leave or prior permission from the competent authority but no formal enquiry was conducted against the appellant being mandatory provision under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Learned counsel for the appellant next argued that the appellant submitted a proper application for leave on 02.10.2019 seeking Ex-Pakistan leave for visiting sacred places in Iran and Iraq w.e.f 05.10.2019 till 24.11.2019, however the appellant belongs to Ahl-e-Tashi who had sent his family to Iran for performance of religious rituals/ceremonies and it was on 09.10.2019, that the appellant received information regarding detention of his family at Pakistan-Iran border and the Iranian border forces were asking to call the head of family for their release. In this regard, he left on 10.10.2019 early in the morning to Pakistan-Iran border to inquire about his family and returned back on 10.11.2019 and marked his attendance in office on 12.11.2019. Show Cause Notice bearing No. 912/SCJ Bannu dated 09.10.2019, Show Cause Notice bearing No. 916/SCJ Bannu dated 10.10.2019 and Show Cause Notice bearing No. 919/SCJ Bannu dated 11.10.2019 were issued to the appellant which he properly replied, denying the allegations leveled against him but the same was not considered by the respondents. He further contended that no charge sheet/statement of allegations

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was ever served upon the appellant, no regular enquiry conducted by the respondents and no opportunity of personal hearing was provided to the appellant before passing the impugned order. Moreover, all the proceedings were carried out at the back of appellant which is a flagrant and blatant violation of Article 10-A of the constitution, therefore, the impugned original order dated 20.11.2019 and corrigendum dated 23.11.2019 are not sustainable in the eye of law and are liable to be set-aside, he concluded.

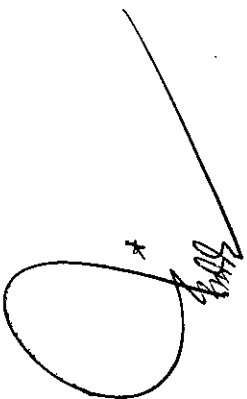
05. Learned District Attorney controverted the arguments of learned counsel for the appellant and contended the appellant was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 by respondent No. 2 for his willful absence without prior permission or approval of leave from the competent authority, therefore, Show Cause Notices were issued to him on 09.10.2019, 10.10.2019 and 11.10.2019 through his home address to submit his reply or to appear before the competent authority but neither the appellant was present at home nor he submitted his reply. The formal enquiry against the appellant was, therefore dispensed with by the competent authority under Rule 5 (i) (a) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. He further argued that final Show Cause Notice regarding absence of the appellant, was also issued to the appellant through publication in daily newspaper "Pakistan" on

01.11.2019. He next contended that the appellant had left Pakistan for Iran on 10.10.2019 while his application for Ex-Pakistan leave had already been rejected on 07.10.2019 meaning thereby that the rejection of his leave application by the competent authority, was very well within the knowledge of appellant but even then he left the country and remained deliberately absent from official duty. He submitted that the authority has already taken lenient view by converting the penalty of reduction from BPS 04 to lower pay scale BPS-03 for a period of three years vide order dated 03.02.2020. He further contended that all the codal formalities were fulfilled before imposition of the impugned penalty upon the appellant. To strengthen his arguments, he relied on 2007 PLC (C.S) 1234 and concluded that the service appeal being devoid of merit and having no legal footings, may be dismissed.



06. A careful and minute perusal of the connected documents, reveals that the appellant submitted an application for Ex-Pakistan leave on 02.10.2019 which was regretted by the competent authority on 07.10.2019 on the ground that he had previously availed Ex-Pakistan leave w.e.f 04.11.2016 to 18.12.2016 for visiting the sacred places and such leave could not be granted within next five years under the policy of honourable Peshawar High Court circulated on 07.08.2019. But despite policy guidelines and rejection of his Ex-Pakistan leave application, the appellant proceeded abroad on 10.10.2019 as is


evident and substantiated from necessary entry in his passport as well as that of entry made in the passport of his family, annexed with the memorandum of service appeal. Plea of the appellant that his family was detained at Pakistan-Iran border for want of clarification from head of the family, is not a sound and justifiable ground because the appellant had proceeded abroad alongwith his family members on the same date i.e. 10.10.2019 duly reflected and exhibited in passport of the appellant. He was issued three Show Cause Notices and the process server confirmed and reported back that the appellant was not present at his home. It is also established from record that NOC was required from his appointing authority at least six months in advance as provided for in the "policy for performance of Umrah, Hajj & Tableegh" of the Honourable Peshawar High Court, dated 07.08.2019. Despite all such lapses on part of the appellant, the respondents provided him ample opportunity and fair chance of self defense but he could not justify his proceedings abroad without sanction of Ex-Pakistan leave by the competent authority. Having issued him three Show Cause Notices, he was issued final Show Cause Notice on 01.11.2019 and dispensed with regular enquiry under Rule 5 (i) (a) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. As it is an admitted fact that the appellant had committed misconduct when his application for Ex-Pakistan leave was turned down by the competent authority and he proceeded abroad on his own. There was sufficient material

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against the appellant based on which the competent authority done away with the normal procedure of conducting formal enquiry against the appellant and resorted to issue him direct Show Cause Notice under Rule 5 (i) (a) of the Rules *ibid*. The appellant was heard in person but he could not put forward any justifiable reason to prove his innocence for his unauthorized absence from duty. In a nutshell, it is evident that it was in the knowledge of appellant that his request for Ex-Pakistan leave had validly been turned down by the competent authority, but even then, he proceeded abroad which amounts to gross misconduct for which he was accordingly proceeded against and the ends of justice have been met by fulfillment of all codal formalities before imposition of the impugned penalty upon the appellant.

07. As a sequel to the above, we did not find any legal infirmity in the impugned orders to interfere with. The instant service appeal being devoid of merits and lacking any legal footings is therefore, dismissed. Parties are left to bear their own costs. File be consigned to the record room.

08. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 05th day of December, 2022.*


(SALAH UD DIN)
MEMBER (J)


(MIAN MUHAMMAD)
MEMBER (E)

ORDER

05.12.2022

Mr. Inayat Ullah Khan, Advocate for the appellant present.

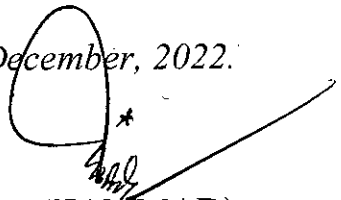
Mr. Muhammad Jan, District Attorney for the respondents present.

02. Vide our detailed judgement of today separately placed on file consisting (07) pages, we did not find any legal infirmity in the impugned orders to interfere with. The instant service appeal being devoid of merits and lacking any legal footings is therefore, dismissed. Parties are left to bear their own costs. File be consigned to the record room.

03. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 05th day of December, 2022.*



(SALAH UD DIN)
MEMBER (J)

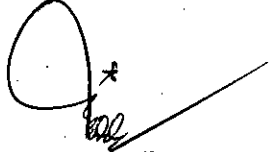


(MIAN MUHAMMAD)
MEMBER (E)

04.04.2022

Junior to counsel for the Appellant present in person. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Former seeks adjournment due to engagement of learned senior counsel for the appellant before the Honourable High Court. Adjourned. Last opportunity is granted. To come up for arguments on 08.07.2022 before the D.B.



(Mian Muhammad)
Member(E)



Chairman

8-7-2022


Due to Holidays of Eid-Ul-
Azha the case is adjourned to 25-10-2022

Reader

25.10.2022

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is indisposed of today. Adjourned. To come up for arguments before the D.B on 05.12.2022.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

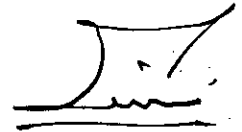
07.09.2021

Mr. Inayat Ullah, Advocate, for the appellant present. Mr. Shafqat Ullah Khan, Superintendent alongwith Mr. Javed Ullah, Assistant Advocate General for the respondents present and submitted reply on behalf of the respondents, copy of which handed over to learned counsel for the appellant. Learned counsel for the appellant requested that time may be granted to him for going through the reply submitted by the respondents today. Adjourned. To come up for rejoinder, if any, as well as arguments before the D.B. on 20.12.2021.

P



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

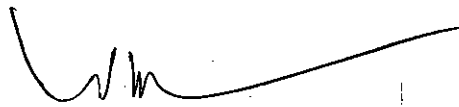


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

20.12.2021

Nemo for the appellant. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Shafqat Ullah, Superintendent for the respondents present.

Notice for prosecution of the appeal be issued to the appellant as well as his counsel for 04.04.2022 for arguments before D.B.



(Atiq Ur Rehman Wazir)
Member (E)



Chairman

18.11.2020

Counsel for appellant and Addl; AG for respondents present.

Written reply/comments on behalf of respondents not submitted despite last opportunity. The appeal is posted for arguments before D.B to 10.02.2021.


Chairman

10.02.2021 Due to Pandemic of Covid-19, the case is adjourned to 06.05.2021 for the same.

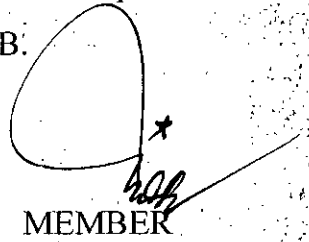

Reader

06.05.2021 Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 07.09.2021 for the same as before.


Reader

18.06.2020

Appellant in person and Addl: AG for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. Notices be issued to the respondents for submission of written reply/comments. To come up for written reply/comments on 04.08.2020 before S.B.


MEMBER

04.08.2020

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG for the respondents present.

Learned Additional AG seeks time to contact the respondents and furnish the requisite reply/comments. Adjourned to 28.09.2020 on which date reply/comments shall positively be furnished.


(MIAN MUHAMMAD)
MEMBER (E)

28.09.2020

Counsel for the appellant and Addl. AG for respondents present.

Learned AAG seeks further time to furnish reply/comments. He is required to contact the respondents and facilitate the submission of reply/comments on 18.11.2020 , as a last chance.


Chairman

12.03.2020

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant has filed the present service appeal against the order dated 20.11.2019 and Corrigendum/Order dated 23.11.2019 in relation to imposition of major penalty of reduction to lower pay scale BPS-03 and against the order dated 03.02.2020 of the appellate authority through which the penalty was reduced to a lower pay scale of BPS-03 from BPS-04 for a period of three years.

Submissions made by the learned counsel for the appellant, need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 26.03.2020 before S.B.

Amount Deposited
Security & Process Fee
27/3/20


Member

27.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 18.06.2020 before S.B.




Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1204 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/02/2020	<p>The appeal of Mr. Ghelaf Ali presented today by Mr. Inayatullah Khan Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 26/2/2020</p>
2-	02/03/20	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>14/04/2020</u></p> <p style="text-align: right;"> MEMBER</p>

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

S.A.No. 1204/2020

Ghilaf Ali Appellant

Versus


District and Sessions Judge, Bannu & others..... Respondents

I N D E X

S.No.	Description of documents.	Annex:	Pages.
1.	Grounds of appeal.		1-7
2.	Affidavit.		8
3.	Addresses of the parties.		9
4.	Copies of show cause notice No.912/ SCJ Bannu dated 09.10.2019, show cause Notice No.916/ SCJ Bannu dated 11.10.2019 and show cause notice No.919/ SCJ Bannu dated 11.10.2019.	A, A/1, A/2	10-12
5.	Copy of show cause notice dated 25.10.2019	B	13-14
6.	Copy order dated 14.10.2019	C	15-16
7.	Copy of detailed reply dated 14.11.2019	D	17-18
8.	Copy of leave application along with order dated 07.10.2019	E,F	19-21
9.	Copy of seniority list	G	22-23
10.	Copies of original impugned order dated 20.11.2019, corrigendum order dated 23.11.2019, departmental appeal dated 18.12.2019 and final impugned order dated 03.02.2020.	H,I,J,K	24-31
11.	Copies of passports of the appellant and his family.	L	32-34
12.	Wakalatnama.		35

Appellant

through


Inayat Ullah Khan
Advocate High Court
LL.M (U.K)
Cell: 0333-9227736

Dated: 22.02.2020

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.Service Appeal No. 1204 /2020Khyber Pakhtunkhwa
Service TribunalCase No. 1346Dated 26/02/2020

Ghilaf Ali son of Mulazim Hussain
Sweeper, Court of Senior Civil Judge, Bannu
R/O House No.500/19, Mohallah Hussain Abad,
Inside Havaid Gate, District Bannu..... Appellant

Versus

- 1) ✓ District and Sessions Judge, Bannu.
- 2) ✓ Senior Civil Judge, Bannu..... Respondents

Appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned final order dated 03.02.2020, which was communicated to the appellant on 10.02.2020 passed by respondent No.1 and also against impugned original orders dated 20.11.2019 and corrigendum order 23.11.2019 whereby departmental appeal dated 18.12.2019 was declined by imposing the **penalty of reduction to a lower scale BPS-3 from BPS-4 for a period of three years with further directions that after expiry of said three years period, the appellant shall be restored to his original pay scale of BPS-4 and be placed below his erstwhile juniors**

Filed to-day

Registrar
26/2/2020

promoted to higher posts during subsistence of the period of penalty.

Hence files the instant Service Appeal within 30 days before this Hon'ble Tribunal, which is well within time.

Prayer:

On acceptance of this Service Appeal, the impugned final order dated 03.02.2020 and impugned original orders dated 20.11.2019 and corrigendum order dated 23.11.2019 may kindly be set aside by restoring the original grade/ scale BPS-4 of the appellant w.e.f. 29.11.2019 with all arrears/ consequential back benefits and proforma promotion.

Any other relief to whom the appellant is found entitled during course of hearing may also be granted.

Respectfully Sheweth;

Brief facts giving rise to the instant appeal are as under:-

- 1) That the appellant is working as Sweeper BPS-4 in the establishment of Senior Civil Judge, Bannu before imposition of the impugned penalty and having 19 years service at his credit.
- 2) That the appellant was proceeded by respondent No.2 for **willful absence for a period of only three days** and accordingly show cause notice dated 09.10.2019, 11.10.2019 and show cause notice No.916/ SCJ dated 11.10.2019 were served upon him to furnish reply. (Copies of show cause notice No.912/ SCJ Bannu dated 09.10.2019, show cause

Notice No.916/ SCJ Bannu dated 11.10.2019 and show cause notice No.919/SCJ Bannu dated 11.10.2019 attached as Annex: "A, A/1 and A/2" respectively).

- 3) That final show cause notice dated 25.10.2019 was served upon the appellant seeking his reply as to why major penalty of removal from service should not be imposed upon him. (Copy of show cause notice dated 25.10.2019 is attached as Annex: "B").
- 4) That vide order dated 14.10.2019, regular inquiry was dispensed-with, within the meaning of section 5(i)(a) of the Khyber Pakhtunkhwa (Efficiency and Disciplinary Rules), 2011. (Copy order dated 14.10.2019 is attached as Annex: "C")
- 5) That the appellant submitted his detailed reply to the show cause notice dated 25.10.2019 received on 12.11.2019 by denying/ refuting the allegation of willful absence from duty with sound reasoning by stating that:

"The appellant belongs to Ahl-e-Tashi and for the performance of religious rituals/ ceremonies send his family to Iran.

That on 09.10.2019 the appellant received information that his family has been detained at Pakistan Iran border and the Iranian border forces demanded to call the head of the family for their release. The appellant further stated that he setoff/ left on 10.10.2019 early in the morning to the Iran Pakistan Border to inquire about his family and returned back to District Bannu on 10.11.2019 and further marked his attendance in the establishment of Senior Civil Judge on 12.11.2019".

(Copy of detailed reply dated 14.11.2019 is attached as Annex: "D").

- 6) That the appellant also submitted an application dated 02.10.2019 for grant of leave due to the reasons as explained in para-5 but the same was arbitrarily turned down without intimation to the appellant.

It is pertinent to mention that no record of the leave application dated 02.10.2019 was provided to the appellant though specifically requested to provide the same.

(Copy of leave application along with order dated 07.10.2019 are attached as Annex: "E, F" and copy of seniority list is attached as Annex: "G").

- 7) That the appellant preferred his departmental appeal dated 18.12.2019 against the impugned original order dated 20.11.2019 and corrigendum order dated 23.11.2019 before the appellate authority i.e. respondent No.1 which was dismissed vide order dated 03.02.2020 and the same was communicated to him on 10.02.2020.

(Copies of original impugned order dated 20.11.2019, corrigendum order dated 23.11.2019, departmental appeal dated 18.12.2019 and final impugned order dated 03.02.2020 are attached as Annex: "H, I, J and K").

GROUNDS OF APPEAL:

That the appellant being aggrieved from the impugned orders referred above, prefers the instant Service Appeal on the following amongst other grounds for his reinstatement in service with all consequential back benefits/ arrears of pay and proforma promotion.

- a) That the impugned orders of respondents No.1 and 2 are against the law, facts and available material on record, hence not tenable in the eyes of law and also violative of Article 4 of the Constitution of Islamic Republic of Pakistan.
- b) That the impugned final order dated 03.02.2020 is also violative of the mandatory provisions of **Article 13 of the Constitution of Pakistan**, which states in essence that no

one should be vexed twice for the same cause, therefore, the impugned final order is coram-non-judice, void ab-initio, which is liable to be set aside alone on this ground.

It is pertinent to mention that appellant was not only reverted from BPS-4 to BPS-3 but it was also held that he shall be junior than all those who are promoted during the period of penalty.

- c) That no regular inquiry was conducted by the respondents to substantiate the so-called allegation viz-a-viz the willful absence of the appellant for a period of three days which is a mandatory requirement of law before imposition of major penalty upon him.
- d) That the appellant categorically refuted/ denied the so-called baseless allegations of willful absence from duty as he filed an application dated 02.10.2019 for grant of leave to respondent No.2 but the same was turned down in a mechanical manner without intimation to him, therefore, one could not say that the absence from the duty was willful but due to the arbitrary act of respondent No.2.
- e) That the appellant denied the charge of willful absence by submitting his detailed reply dated 14.11.2019 viz-a-viz the allegations contained in the final show cause notice dated 25.10.2019 by annexing his passport alongwith his wife and children' passports indicating the emigration stamps thereon which sufficiently vindicated/ proved correct the stance advanced by the appellant but the same was not accepted by respondents No.1 and 2, therefore, one could not say that the appellant got himself absented willfully from the place of duty.

(Copies of passports of the appellant and his family are attached as Annex: "B").

- f) That since regular inquiry was dispensed-with, therefore, no proper opportunity of proper defence was provided to the appellant to furnish justification with reasoning, hence his defence was materially prejudice, therefore, the competent authority as well as the appellate authority reached to an erroneous conclusion viz-a-viz the charge of willful absence from duty and that too for a period of three days.
- g) That the impugned orders are also violative of section 24-A of General Clauses Act as the authorities failed to pass a speaking order with reasons.
- h) That no ***opportunity of personal hearing*** was afforded to the appellant which is a flagrant violation of Khyber Pakhtunkhwa Government Servant (E&D) Rules, 2011, hence the appellant was condemned unheard.
- i) That **no statement of allegation or charge sheet** was served upon the appellant before proving him guilty of the charges which factum is violative of the established principles of natural justice.

It is pertinent to mentioned that the so-called proceedings were carried out at the back of appellant, which is violative of **mandatory provisions of Article 10-A of the Constitution of Pakistan.**

- j) That additional grounds will be raised at the bar with kind permission of this Hon'ble Tribunal.

Keeping in view, what has been stated above, it is, therefore, humbly prayed that the impugned final order dated 03.02.2020 and impugned original orders dated 20.11.2019 and corrigendum order dated 23.11.2019 may

kindly be set aside by restoring the original grade/ scale BPS-4 of the appellant w.e.f. 29.11.2019 with all arrears/ consequential back benefits and proforma promotion.

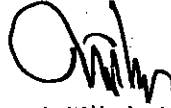
Any other relief to whom the appellant is found entitled during course of hearing may also be granted.

غلاف علی

Appellant
Ghilaf Ali

Dated: 22.02.2020

Through



Inayat Ullah Khan
Advocate High Court
LL. M (U.K)

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

S.A.No.____/2020

Ghilaf Ali Appellant

Versus

District and Sessions Judge, Bannu & others..... Respondents

AFFIDAVIT

I, **Ghilaf Ali** son of Mulazim Hussain Sweeper, Court of Senior Civil Judge, Bannu R/O House No.500/19, Mohallah Hussain Abad, Inside Havaid Gate, District Bannu do hereby affirm and declare on oath that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

ATTESTED

MIAN SIDDIQAT ULLAH SHAH
ADVOCATE
Notary Public/Oath Commissioner
Peshawar High Court Peshawar

Deponent

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

S.A.No.____/2020

Ghilaf Ali Appellant

Versus

District and Sessions Judge, Bannu & others..... Respondents

ADDRESSES OF THE PARTIES

APPELLANT:


Ghilaf Ali son of Mulazim Hussain
Sweeper, Court of Senior Civil Judge, Bannu
R/O House No.500/19, Mohallah Hussain Abad,
Inside Havaid Gate, District Bannu

RESPONDENTS:

- 1) District and Sessions Judge, Bannu.
- 2) Senior Civil Judge, Bannu


Appellant

through


Inayat Ullah Khan
Advocate High Court.
LL.M (U.K)

Dated: 22.02.2020

Annexure "A"

10

No. 912 / SCJ, Bannu.

Dated 09/10/2019

From

The Senior Civil Judge,
Bannu.

To

Ghilaf Ali
Sweeper
Senior Civil Judge, Bannu.

Subject: SHOW CAUSE NOTICE

Memo,

As per report of Civil Nazir, Senior Civil Judge, Bannu dated: 09.10.2019 that you are failed to perform duty for last three days. Your this act amounts to negligence and misconduct on your behalf.

Therefore, you are directed to explain your position as to why disciplinary action under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 should not be taken against you. Your reply in this regard should reach this office within three days failing which it will be presumed that you have nothing in your defense.

(Abdul Qayyum Siddiqi)
Senior Civil Judge, Bannu

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10 FEB 2020

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13 FEB 2019

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36/11/19
88

(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

The Civil Nazir has reported that on 10.10.2019 neither you were present nor you have marked your attendance in the register of attendance. Your this act displays negligence and amounts to misconduct on your behalf. Therefore, you are directed to explain your position as to why disciplinary action under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 should not be taken against you. Your reply in this regard should reach this office within three days failing which it will be presumed that you have nothing in your defense.

Memo

Subject: SHOW CAUSE NOTICE

Mr. Ghelaf Ali
Sweeper to S.C.J. Bannu

TO:

SCJ

11/10

NO.

DATED AT BANNU THE 11/10/2019

011-0928-9270195
FAX-0928-9270195
sebhannu@gmail.com

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA
OFFICE OF THE SENIOR CIVIL JUDGE, BANNU



Amkuree 'A' 1

11

16

Annexure "A2"

12



**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA
OFFICE OF THE SENIOR CIVIL JUDGE, BANNU**

OFF: 0928-9270195
FAX: 0928-9270195
scjbannu@gmail.com

No. 919 / SCJ DATED AT BANNU THE 11 /10/2019

To,
Mr. Ghelaf Ali,
Sweeper to SCJ, Bannu.

Subject: SHOW CAUSE NOTICE

Memo,

The Civil Nazir has reported that today on 11.10.2019 you are found absent without prior permission from the authority. Your this act displays negligence and amounts to misconduct on your behalf.

Therefore, you are directed to explain your position as to why disciplinary action under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 should not be taken against you. Your reply in this regard should reach this office within three days failing which it will be presumed that you have nothing in your defense.

(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

ATTESTED

11 0 FEB 2019

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Lower Courts Bannu

No. 976 / SCJ DATED AT BANNU THE 25 /10/2019

FINAL SHOW CAUSE NOTICE

I, **ABDUL QAYYUM SIDDIQI**, Senior Civil Judge, Bannu, Competent authority, within the contemplation of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Ghelaf Ali, Sweeper as follows:-

- (i). Whereas, Civil Nazir of this court complained that you were found absent from your duty without any leave/permission. The undersigned sought explanation from you vide letter No. 912, dated 09.10.2019, but your reply was not received. Similarly, another explanation was sought by the undersigned vide letter No. 916, dated 11.10.2019 & No. 919, dated 11.10.2019, replies of your explanation not received but you did not bother for appearance personally nor present for duty since 09.10.2019. That you have absented yourself since 09.10.2019 without any intimation and application.
- (ii). Your this act/ omission amounts to misconduct, negligence and inefficiency.
- (iv). That your previous record with regard to your performance is not satisfactory.

AND WHEREAS, I am satisfied that you have committed the following acts which are amenable under rule 3 (b) & (d) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

- a) Guilty of misconduct.
- b) Guilty of absenting himself from duty without prior approval of leave.

AND WHEREAS, you have also been found habitual transgressor of directives of the superiors and do not observe code of conduct.

ATTESTED



Reporting Agency
Lower Courts Bannu

(14) (75)
AND WHEREAS, sufficient material is available on record to prove the allegation above, therefore, further inquiry within the contemplation of Rule 5 & 7 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, ibid, is hereby dispensed with.

THEREFORE, I, competent authority in view of the said rules above hereby tentatively decide to impose upon you major penalty of removal from service under rule 4 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

IT IS, THEREFORE, required of you to show cause as to why major penalty within the said rules above may not be imposed upon you and you are given an opportunity of personal hearing if you so desire in which respect you are also directed to intimate this court.

YOU, shall submit your reply to the final show cause notice within fifteen(15) days failing which it shall be presumed that you have no defense to offer and you shall be proceeded against ex-parte.

Dated: 24.10.2019


ABDUL QAYYUM SIDDIQI
Senior Civil Judge/Competent
Authority

ATTESTED

10 FEB 2020

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Lower Courts Bannu

(15)

Annexure Cr

IN THE COURT OF ABDUL QAYYUM SIDDIQI
SENIOR CIVIL JUDGE, BANNU

ORDER # 5
14.10.2019

Mr. Ghelaf Ali, Sweeper not present.

The official was summoned but he could not appear. As per reports of the Process Server the official was not found in his house.

Since the official has willfully absented from his duties without proper leave application which amounts to misconduct, inefficiency and negligence on his part. He failed to appear, submit reply and explain his position. Thus has rendered himself to Departmental Inquiry under Khyber Pakhtunkhwa Efficiency and Disciplinary (E & D) Rules, 2011.

Since the official has failed to appear and submit reply meaning thereby he has nothing to say in his defense. Therefore, is proceeded against exparte.

As per record willful absence and unauthorized leave on part of the official namely Ghelaf Ali, Sweeper is proved.

Therefore the inquiry is dispensed with within the meaning of section 5 (i) (a) of the rules ibid. Final show cause notice be issued to the official that why he not be removed from the services, on the charges of willful absence from duties and unauthorized leave. The accused official is directed to appear in person and submit reply to the final show cause notice within 15 days.

In foregoing situation, Show Notice through publication with the direction to join official duty and explain the absence alongwith intimation of imposition of major penalty of removal from service be

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13 FEB 2020

issued on the home address of the Official named above and through scheduled Newspapers, service report be submitted to this office on completion of 15 days. Office is directed to submit file on completion of 15 days and publication.

(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

ORDER # 6
14.11.2019

Accused / official Mr. Ghelaf Ali, Sweeper in person present. He submitted reply to the Final Show Cause Notice. The same is placed on file. The accused/ official in para 6 of his reply has taken the plea that he had submitted an application for leave on 02.10.2019.

Therefore, to peruse the same, the application of delinquent official dated 02.10.2019 be requisitioned through Superintendent of Sessions Division, Bannu for 18.11.2019. To come up for perusal and personal hearing on 18.11.2019.

(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

ATTESTED

13 FEB 2020

Copying Agency
Lower Court Bannu,

لعدالت صاحب سوسر سول جج صاحب آئیڈیو آئیڈیو آئیڈیو
 آئیڈیو آئیڈیو آئیڈیو آئیڈیو آئیڈیو آئیڈیو آئیڈیو آئیڈیو آئیڈیو آئیڈیو
 آئیڈیو آئیڈیو آئیڈیو آئیڈیو آئیڈیو آئیڈیو آئیڈیو آئیڈیو آئیڈیو آئیڈیو

Annexure "D"

(17) جواب مہانب عدالت علی سوسر بابت شوکار نوٹس نمبر 976

کام
 12/11/19

نصف 10/19 وصول شدہ نصف 12/19 جو جو حاصل ذیل 10/19

1. مہانب عدالت علی ذیل عرض ہے۔
 (1) یہ کہ سائل کے خلاف عدالت صاحب میں آئیڈیو زیر سماعت ہے۔ اس سائل کو عدالت صاحب کی طرف سے شوکار نمبر 976 نصف 12/19 وصول ہوئی ہے۔

(2) یہ کہ سائل عدالت صاحب کے زیر سایہ بطور سوسر تعینات ہوں۔ اور احسن طریقے سے اپنی ڈیوٹی نبھاتی ہے۔ اور بال بچے دار ہوں۔ اور کافی کٹنبہ سوسر زیر سایہ ہیں۔

(3) یہ کہ سائل شیعہ مسلک سے تعلق رکھتا ہے۔ اور اپنے مسئلے کے مطابق آدیا رسم و رواج رکھتے ہیں۔ جسکے لئے من سائل نے اپنے آہل و عیال کو بھجوائے ہے۔

(4) یہ کہ نصف 10/19 و من سائل کو اطلاع ملی کہ میرے آہل و عیال پاکستان اور ایران کے Boundry پر پھیلے ہیں۔ اور زندگی دولت کے تعلق میں مسئلہ ہے۔ کونٹم

ایران کے فوجی فورس نے میرے آہل و عیال سے مطالبہ کیا کہ اپنے سربراہ / شوہر کو حاضر کرے؟ تاکہ صفائی ہو کر اپنے ہم آہل و عیال کو واپس لے کر آئے۔

(5) یہ کہ ایسے حالات میں سائل نصف 10/19 کو جمع سوسر روانہ ہوا۔ جسکی ثبوت میرے پاس پورٹ پر موجود ہے۔ اور نصف 11-19-16 کو واپس پاکستان میں داخل ہوا۔

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 13 FEB 2020

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نصف 10/19 کو منوں لہو ہے اور 12/19 کو من سائل نے حاضری رکھائی ہے۔

(6) یہ کہ سائل نے حسب ضابطہ 10/19 کو برائے رخصت آنجناب توریہ دست بھی دی تھی۔ جو کہ ثبوت موجود ہے۔

(7) یہ کہ سائل ایسی حالت میں سخت مجبور تھا۔ غیر حاضری قصداً نہیں کی ہے۔

(16)

(18)

(19)

سائل نے کہا کہ آج کل کے ریٹریسائیو ۱۹ سال سرورس کی ہے جس میں کہیں کہیں کمی لگی ہے اور اس سے
آئی ہے کہ آئی ڈی ٹیوٹی فرم سناسی سے بھائی ہے

(۱۸) یہ کہ سائل کی بیوی اس بچوں کے زندگی اور موت کا سوال تھا۔ بنیاد جمہوری تھی۔

گنڈا اسٹریٹ کے سائل کو اس بار معاف فرمایا جاوے اور اپنے نوٹری

میں قرار دینے کے احکامات کا درجہ فرمائے۔ آئندہ کیلئے کہیں شکایت

کا موقع نہیں دوں گا۔ اس سائل ہمیشہ کیلئے دماغ نور ہوگا

بھ ۱۱/۱۹

عبدالغنی علی - سائل

عبدالغنی علی



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13 FEB 2020

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Registration No: 482

2- Date of Presentation of Application 8-2-2020

3- Date of Receipt of the file 13-2-2020

4- Date of Preparation of copy 13-2-2020

5- Date of Delivery of copy 13-2-2020

6- No: of copies / words 2

7- Ordinary Fee 1

8- Urgent Fee _____

9- Total Fee _____

Signature of Copyist AS

Annexure 'E'

(19)

To

The Learned Senior Civil Judge,
Bannu.

SUBJECT: EX. PAKISTAN LEAVE

Respected sir,

It is very respectfully submitted that I am going to visit sacred places in Islamic Republic of Iran and Iraq. Therefore, it is requested that I may kindly be granted Ex-Pakistan leave according to law w.e.f. 05/10/2019 till 24/11/2019 (both days inclusive) and obliged. (Necessary documents are attached please).

Thanking you sir
Dated: 02/10/2019

Your's obediently,

غیلا ف علی

GHILAF ALI
Sweeper, Civil Establishment

نوٹ: میری جگہ کا مباحثہ - مسیح اور
کا
طارق نواز کر گا

Not allowed.
[Signature]



OFFICE OF THE SENIOR CIVIL JUDGE, BANNU

No. 885 /SCJ DATED AT BANNU THE 03 /10/2019

Forwarded to Hon'ble the District & Sessions Judge,
Bannu, please.

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24 FEB 2020

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[Signature]
Senior Civil Judge
Bannu

Respected Sir

The applicant namely Ghilaj Ali Sweeper is serving in the establishment of Senior Civil Judge, Bannu since 01-11-2001. He has submitted the present application for 45 days ex-pakistan leave. His service is more than 17 years. 720 days earned leave is on his credit. Report is submitted please.

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24 FEB 2020

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[Signature]
COE

03-10-19

Sir,

It is noteworthy to mention that that he has availed Ex: Pakistan earned leave w.e.f 04-11-2016 to 18-12-2016 vide Hon'ble Dist. & Sessions Judge, Bx No 2043-46 dt. 04-11-16.

[Signature]
COE



Annexure "F" (21)

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT & SESSIONS JUDGE, BANNU

No. 2434

Dated: 07/10 /2019

OFFICE ORDER:-

This is an application filed by one Ghelaf Ali (Sweeper) for EX; Pakistan Leave to visit sacred places of Iran and Iraq. Although the applicant has earned leave lying in his credit, however it is to be noted that the Hon'ble Peshawar High Court, Peshawar has circulated a policy for performance of Umrah, Hajj and Tabligh vide letter No.17501-70/SDJ/HR&W/Admn, dated 07.08.2019. As per policy of the Hon'ble Peshawar High Court, Peshawar the judicial officers/ officials of the district Judiciary intending to avail Ex: Pakistan leave shall apply for NOC to respective appointing authorities at least 06 months before the anticipated date. Similarly, the judicial officer/ official once performed Hajj or Umrah shall not ordinarily apply for such leave before expiry of 05 years.

The applicant intends to visit sacred places in Iran and Iraq. Therefore, on the analogy of policy of Hon'ble Peshawar High Court, Peshawar, he should have applied for NOC at least 06 months before the availing date. Moreover the applicant has already availed Ex: Pakistan leave w.e.f. 04.11.2016 to 18.12.2016 for visiting the sacred places and the period of 05 years has not lapsed.

It is, further observed that there are almost 08 sweepers in the Sessions Division. Therefore the leave sought by the applicant would definitely affect the performance of cleanliness at the Judicial Complex, Bannu.

In light of above observations, the application filed by Mr. Ghelaf Ali, Sweeper is rejected.


(MUNAWAR KHAN)
District & Sessions Judge
Bannu

ENDST: No. 2435 / D & SJ BANNU

DATED AT BANNU THE 07/10 /2019

Copy forwarded to:-

- 1: Official concerned.
- 2: Office Copy.



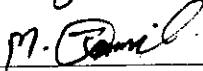
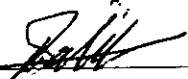
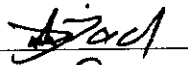

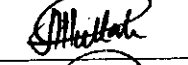


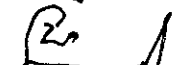
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24 FEB 2020

Copying Agency
Lower Courts Bannu


(MUNAWAR KHAN)
District & Sessions Judge
Bannu

A COMMON SENIORITY LIST FOR THE PURPOSE OF PROMOTION TO THE POST OF DAFTARI & RECORD LIFTER AMONGST THE HOLDERS OF THE POST OF Naib Qasid, Chowkidar, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier etc on the basis of date of appointment and qualification of middle standard examination, as it stood on 03.02.2020

S.#	Name of Official	Father Name	Designation	Joining Date	Qualification	Date of Birth	Date of Passing Matric	Remarks	Signature
1	Ghelaf Ali	Mulazim Hussain	Sweeper	29.10.2001	Middle	24.04.1982		Vide order No. 03 dated 03.02.2020 by the under signed, the office orders of SCJ dated 20.11.2019 and 23.11.2019 are only modified to the extent that the accused official is reduced to a lower scale of BPS-03 from BPS-04 for a period of three years from the date of the office order No. 1104 dt. 23.11.2019 of the learned Senior Civil Judge, Bannu. After expiry of said three years' period, he shall be restored to his original pay scale of BPS-04 and be placed below his erstwhile juniors promoted to higher posts during subsistence of the period of penalty.	
2	Muhammad Sharif Khan	Gul Janan	Naib Qasid	07.11.2003	Matric	01.11.1981	2012		
3	Muhammad Jamil	Janan Khan	Chowkidar	24.02.2005	D.Com	01.10.1976	1993		
4	Raifullah	Mir Qad Ayaz	Chowkidar	17.01.2007	Matric	14.08.1969	1988		
5	Wajid Ullah Khan	Muhammad Riaz Khan	Chowkidar	01.02.2008	Matric	22.04.1982	2012		
6	Amjid Ali	Umar Ayaz	Naib Qasid	13.09.2008	Middle	05.03.1990			
7	Mumtaz Khan	Abdur Rahman	Sweeper	18.07.2009	B.A	20.04.1976	1990		
8	Ataullah Khan	Gul Sahib Khan	Chowkidar	18.07.2009	F.A	09.02.1978	1995		
9	Qadar Niaz	Noor Ayaz	Naib Qasid	18.07.2009	M.A	03.10.1979	1995		
10	Noor-ul-Amin	Umer Khan	Naib Qasid	28.05.2010	M.Sc/B.Ed/CT	01.03.1981	1997		
11	Zahid Ullah Khan	Muhammad Akbar	Naib Qasid	28.10.2010	M.A	01.03.1976	1991		
12	Sheeba Sultana	Mir Khajan	Naib Qasid	28.10.2010	Matric	03.06.1981	1999		

Annexure 'A' (22)

ATTESTED
24 FEB 2020

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Lower Courts Bannu

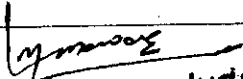
Under protest

Under protest

Under protest

Under protest

Under protest


District & Sessions Judge
Bannu.

S.#	Name of Official	Father Name	Designation	Joining Date	Qualification	Date of Birth	Date of Passing Matric	Remarks	Signature
13	Inam Ullah Khan	Sharif Ullah Khan	Naib Qasid	28.10.2010	Matric	12.04.1983	2008		<i>[Signature]</i>
14	Naseer Ullah Khan	Gul Rais Khan	Naib Qasid	28.10.2010	M.A	08.09.1985	2001		
15	Kashif Khan	Muhammad Riaz Khan	Naib Qasid	28.10.2010	M.A	04.04.1991	2007	Under Protest.	<i>[Signature]</i>
16	Razaq Nawaz	Syed Rasool Khan	Mali	12.05.2011	M.A/B.Ed	21.02.1985	2001		
17	Arab Khan	Ayub Khan	Chowkidar	30.01.2012	F.A	02.04.1974	1990	ARK	
18	Hafiz Zafar Ali Khan	Zarwali Khan	Chowkidar	30.01.2012	M.A	04.04.1975	1994		
19	Muhammad Inam Khan	Hamayun Khan	Naib Qasid	01.04.2013	Matric	30.03.1994	2011	<i>[Signature]</i>	Under Protest
20	Naik Sabil Khan	Umar Gul	Sweeper	25.07.2013	F.A	06.04.1989	2005		<i>[Signature]</i>
21	Sami Ullah Khan	Jahangir Khan	Naib Qasid	28.02.2014	B.A	10.09.1994	2010		<i>[Signature]</i>
22	Inam Ullah Khan	Muhammad Riaz Khan	Sweeper	09.03.2017	F.A	13.03.1992	2010	Inam.	

No 482 Dated: 22 /02/2020

Copies to:-

All concerned.

Note:

If any Official has got any object regarding his seniority, he can file a representation within a month to the District & Session Judge Bannu, otherwise the list would be considered as final and correct.

ATTESTED

24 FEB 2020

**Copying Agency
Lower Courts Bannu**

[Signature]
District & Sessions Judge,

Bannu

[Signature]
District & Sessions Judge,

Bannu

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA
OFFICE OF THE SENIOR CIVIL JUDGE, BANNU

Annexure "H"

OFF: 0928-9270195
FAX: 0928-9270195
scjbannu@gmail.com

No. 1089

Dated 20 /11/2019

OFFICE ORDER:-

Whereas, Mr. Ghelaf Ali, Sweeper was proceeded against under the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Rules 2011 for negligence with regard to willful absence from duties.

And whereas, Final Show Cause Notice was issued to Mr. Ghelaf Ali, Sweeper of this establishment (P.N.00175415) bearing No.976, dated 25.10.2019, the charges/allegations is proved on record and so he is held guilty of negligence and liable to punishment under the rules ibid.

Now, therefore, I, Abdul Qayyum Siddiqi, Senior Civil Judge, Bannu, as competent authority impose on the accused / official the major penalty of reduction to a lower pay scale (two times) BPS-02 under rule 4(1)(b)(i) of Khyber Pakhtunkhwa Efficiency and Disciplinary (E & D) Rules, 2011.

Sd/-
(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

Endst: No. 1090-93 /SCJ Dated At Bannu the 20 /11/2019

Copy forwarded for information to:

1. The Hon'ble District and Sessions Judge, Bannu.
2. The District Accounts Officer, Bannu.
3. The official concerned.
4. Office copy.

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13 FEB 2020

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Lower Court Bannu

(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu



(25) (31)

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA
OFFICE OF THE SENIOR CIVIL JUDGE, BANNU

Amendment
"I"

	OFF: 0928-9270195 FAX: 0928-9270195
	scjbannu@gmail.com

No. 1104

Dated 23 /11/2019

OFFICE ORDER:-

Line 3 of para 3 of this office order No. 1089, dated 20.11.2019 is hereby amended up to the extent that penalty of reduction to a lower pay scale (two times) BPS-02 be read as penalty of reduction to a lower pay scale BPS-03.

(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

Endst: No. 1105-08 /SCJ Dated At Bannu the 23 /11/2019

Copy forwarded for information to:

1. The Hon'ble District and Sessions Judge, Bannu.
2. The District Accounts Officer, Bannu.
3. The official concerned.
4. Office copy.

(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

1. Registration No.	<u>482</u>
2. Date of Presentation of Application	<u>8-2-2020</u>
3. Date of Receipt of the file	<u>13-2-2020</u>
4. Date of Preparation of copy	<u>13-2-2020</u>
5. Date of Delivery of copy	<u>13-2-2020</u>
6. No. of copies / words	<u>3</u>
7. Ordinary Fee	<u>/</u>
8. Urgent Fee	<u>/</u>
9. Total Fee	<u>/</u>
10. Signature of Copyist	<u>[Signature]</u>

ATTESTED
[Signature]
13 FEB 2020

Copying Agency
Lower Court Bannu

خدمت ضابطہ دستاویز انڈسٹریز مینجمنٹ سروسز

اپیل درخواست نمبر 4 کہ مسائل پر ارفع فرما کر مسائل دوبارہ
سکیں یا دی جاوے

ضابطہ عالی: مسائل ذیل مرضی کرتا ہے۔

1- یہ کہ من مسائل جو ڈیٹیل چیکس بنوں سو پیئر ڈیوٹی
سراجی دے رہا ہوں۔

2- یہ کہ غریب شخص ہوں بال بچے دار ہوں۔

مسائل کو سکین 4 سے کم کر کے سکین 3 دیا گیا ہے۔

3- یہ کہ من مسائل آئڈھ کے ڈیوٹی میں کسی قسم

کی کوتاہی نہیں کرونگا۔ اور ریویو ڈیوٹی

اصن طریقے سے کرونگا۔

4- یہ کہ منیجمنٹ کی اوقات ہے اور مسائل مشکل سے

گزارہ کرتا ہے۔

گنڈا راستہ ہے کہ مسائل حال پر ارفع فرما کر

مسائل کو دوبارہ سکین 4 دی جاوے مگر ہر داگر

دیکھوگا۔

سورج 12/19

غلام علی ولد ملدزم حسین مکان نمبر 55 قلعہ صہن آباد انور

غلام علی ہیریڈ گیسٹ ہنوں

11101-5891659-3

District & Sessions Judge
20 Bannu. 19

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Annexure 'K'

(27)

THE COURT OF MUNAWAR KHAN
DISTRICT & SESSIONS JUDGE BANNU

Departmental Appeal No. 01 of 2019

Ghelaf Ali, Sweeper, Senior Civil Judge, Bannu..... Appellant

Versus

The Senior Civil Judge, Bannu / Competent Authority..... Respondent

Present:

The appellant, namely, Ghelaf Ali, Sweeper, in person;

* * *

ORDER-03

03.02.2020

1. The applicant Ghelaf Ali, Sweeper, has submitted this application with the heading of mercy upon him and giving him again Scale-4 in the service of this establishment.

2. Brief facts of the case of applicant are that he was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 by the learned Senior Civil Judge, Bannu / Competent Authority for his having been guilty of habitually absenting himself from duty without prior approval of leave i.e. Clause (d) of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

3. Complaint was made to the learned Senior Civil Judge, Bannu / Competent Authority by the Civil Nazir on 09.10.2019 that the accused official Ghelaf Ali was absent from his duty without prior information or approval of leave for the last three days, upon which, Show Cause Notice No. 912/SCJ, Bannu dated 09.10.2019 was issued

3/2/20
Ghelaf Ali

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Departmental Appeal No. 01 of 2019
(Ghelaf Ali, Sweeper)

(28)

to him as to why he shall not be proceeded against under the E & D Rules, 2011. He was asked to submit reply within three days. The Process Server namely Sami Ullah visited his house / home for service, but he was not found, therefore, he returned the notice unserved with his report dated 12.10.2019. Another complaint regarding absence from duty of the applicant on 10.10.2019 was submitted to the learned Senior Civil Judge, Bannu / Competent Authority by the Civil Nazir on 11.10.2019. The learned Senior Civil Judge, Bannu / Authority issued a second Show Cause Notice No.916/SCJ dated 11.10.2019 to him and he was asked to submit reply within three days. The said notice was also returned with a report dated 12.10.2019 of Sami Ullah, Process Server, that he was not present in his house. A third complaint was made to the learned Senior Civil Judge, Bannu / Authority by the Civil Nazir regarding his absence from duty on 11.10.2019. So, a third show cause notice No.919 dated 11.10.2019 was issued to the applicant. The applicant failed to submit reply or to appear before the authority, therefore, vide order dated 24.10.2019, inquiry against him was dispensed with within the meaning of Rule-5(a) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Final Show Cause Notice No.976/SCJ dated 25.10.2019 was issued to him through publication in the newspaper daily "Pakistan" dated 01.11.2019. The said Show Cause Notice was duly published also in the newspaper (which is available on the record).

3/2/20
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4. At last, the applicant appeared and submitted reply to the final show cause notice on 14.11.2019, taking in the same a very strange and false defence that his wife and children were hostage at Pak-Iran border and the Iranian Forces were asking them to produce their guardian / husband. That he received the information on 09.10.2019 and on 10.10.2019, he left the country in the state of emergency. In support of such contention, he has annexed copies of his passport and the passports of his family members. According to these passports, the applicant, his wife, children and mother together have left the country on one and the same date i.e. 10.10.2019. Meaning thereby that the applicant without prior permission and approval of leave has left the country which is nothing but misconduct on his part.

5. The learned Senior Civil Judge, Bannu / Competent Authority, taking into consideration the above noted facts, and previous record of the accused official, held him guilty of willful absence from duty and vide office order No.1089 dated 20.11.2019 and amended office order No.1104 dated 23.11.2019, imposed upon him major penalty of reduction to a lower pay scale of BPS-3 from BPS-4.

6. The applicant instead of filing Departmental Appeal under Rule-17 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has submitted this application in which no ground / point has been raised. However, in the interest of justice and taking into consideration the nature of job of the applicant, his application is converted into a Departmental Appeal.

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(30)

7. The record from the office of learned Senior Civil Judge, Bannu / Competent Authority requisitioned and perused. The accused official was also personally heard.

8. It was found that the accused official submitted application for Ex-Pakistan Leave, which application was rejected by this office on 07.10.2019 and order of rejection of Ex-Pakistan leave application was communicated to him, but he unauthorizedly left the country and absented himself from duty willfully.

9. The grounds taken by him in the reply to final show cause notice were not mentioned in his application for Ex-Pakistan Leave. He, in the reply to the final show cause notice, has taken / raised false plea which was falsified by the copies of passports of his family and of his own, which shows that he and his family departed on 10.10.2019 together.

10. Previous service record of the official is also un-clean. He has many times been awarded minor penalties, warnings have been issued to him by the Competent Authority and this time, he, despite rejection of his Ex-Pakistan Leave application, willfully & deliberately absented himself from duty which is gross misconduct on his part.

The learned Senior Civil Judge, Bannu / Competent Authority has already taken a very lenient view in imposing penalty on the accused official. The accused official was unable to raise any legal, procedural or factual objection / ground in the Office Order No.1089 dated 20.11.2019 and Office Order No.1104 dated 23.11.2019. This office

3/2/20
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also see no ground in this Departmental Appeal for interference in the above noted office orders of the Competent Authority.

11. The office orders dated 20.11.2019 and 23.11.2019 are only modified to the extent that the accused official is reduced to a lower scale of BPS-3 from BPS-4 for a period of three (03) years from the date of the office order No.1104 dated 23.11.2019 of the learned Senior Civil Judge, Bannu. After expiry of said three years' period, he shall be restored to his original pay scale of BPS-4 and be placed below his erstwhile juniors promoted to higher posts during subsistence of the period of penalty.

12. Instant file be kept in English Record.

Announced
03.02.2020


MUNAWAR KHAN
District & Sessions Judge
Bannu

No. 408-11 /D&SJ Dated Bannu, the 07th February, 2020

Copy forwarded for information to:

1. The Senior Civil Judge, Bannu / Competent Authority.
2. The District Accounts Officer, Bannu.
3. The official concerned.
4. Office copy.


District & Sessions Judge
Bannu

1- Registration No: 517

2- Date of Presentation of Application: 10-2-2020

3- Date of Receipt of the file: 10-2-2020

4- Date of Preparation of copy: 10-2-2020

5- Date of Delivery of copy: 10-2-2020

6- No: of copies / words: 10-2-2020

7- Ordinary Fee: 7/-

8- Urgent Fee: 7/-

9- Total Fee: 7/-

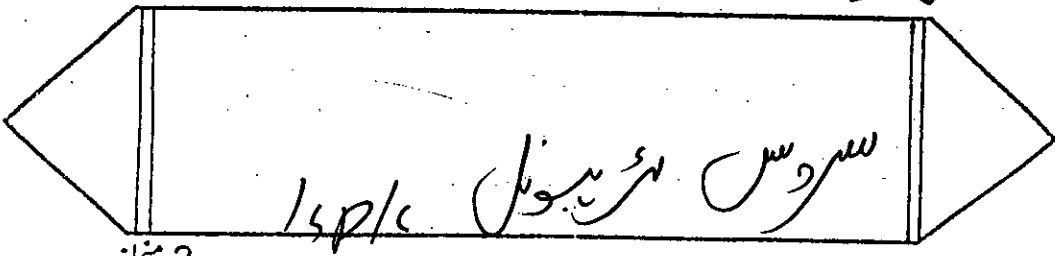
10- Signature of Copyist: [Signature]

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10 FEB 2020

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Departmental Appeal No. 01 of 2019
(Ghelaf Ali, Sweeper)

بعدالت



۲۰۱۶ء پنجاب

خداوند علی بنام سائنس جی بیرون

مورخہ
مقدمہ ۷۷
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ
آن مقام سروس ٹریبونل کیلئے محمد نور اللہ شاہ اور محمد علی کی طرف سے

۷۷ (۱۶/۷)

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا۔ نیز
ڈیکل صاحب کو راضی نامہ کرنے و تقرر ثالتہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لایا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب بایند ہوں گے۔ کہ یہی محمد علی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

محمد علی

Inayatullah
Khan

المرقوم ۱۹
ماہ ۰۲ ۲۰۲۰

واہ العیاد

بمقام محمد علی کے لئے منظور ہے۔

(کلوفرس)

خداوند علی

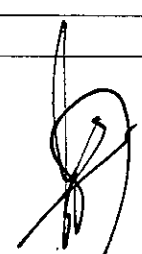
BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO.1204/ 2020

Ghilaf Ali Vs District & Sessions Judge, Bannu & others.

INDEX

Sr.#	Description of Documents	Annexure	Pages
1.	Reply on behalf of Respondents No. 1 & 2		1-4
2.	Affidavit		5
3.	Copy of Appointment Order dated 29.10.2001	"A"	6
4.	Copy show cause notices dated 09.10.2019, dated 11.10.2019 & 11.10.2019	"B", "B-1", "B-2"	7-9
5.	Copy of Final Show Cause Notice dated 25.10.2019	"C"	10-11
6.	Copy of order dated 24.10.2019	"D"	12-13
7.	Copy of reply of appellant dated 14.11.2019	"E"	14-15
8.	Copy of leave application dated 02.10.2019 alongwith order dated 07.10.2019 & copy of seniority list on 03.02.2020	"F", "G", "H"	16-18
9.	Copy of order dated 20.11.2019, corrigendum order dated 23.11.2019, Departmental Appeal dated 18.12.2019 & Final order dated 03.02.2020	"I", "J", "K", "L"	19-26
10.	Copy of complaint reports of Civil Nazir dated 09.10.2019, 10.10.2019 & 11.10.2019	"M", "M-1", "M-2"	27-29
11.	Copy of 3 Service Notices served through process server concerned	"N", "N-1", "N-2"	30-32
12.	Copy of order sheets No. 1 to 4 dated 09.10.2019, 10.10.2019, 11.10.2019 & 18.10.2019	"O"	33
13.	Copy of publication of notice through newspaper in "Daily Pakistan" dated 01.11.2019	"P"	34
14.	Copy of policy for performance of Umrah, Hajj and Tableegh of Hon'ble Peshawar High Court, Peshawar vide letter No. 17501-70/SDJ/HR&W/ Admn, dated 07.08.2019	"Q"	35
15.	Authority letter		36


SUPERINTENDENT
District & Sessions Judge
Bannu

①

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No.1204 of 2020

Ghilaf Ali S/o Mulazim Hussain,
Sweeper, Court of Senior Civil Judge, Bannu
R/o House No. 500/19, Mohallah Hussain Abad,
Inside Havaid Gate, District Bannu.Appellant/Petitioner

VERSUS

1. District & Sessions Judge, Bannu.
2. Senior Civil Judge, Bannu.Respondents

Reply on behalf of Respondents No.1 & 2.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to this Hon'able Tribunal with clean hands.
4. That the appellant has got no cause of action.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.

Facts:-

1. Para No.1 pertains to record(Copy of appointment order is annexed as Annex: "A").
2. Para No.2 pertains to record which shows that fair procedure was followed against the appellant(Copy of show cause notice dated 09.10.2019, show cause notice dated 11.10.2019 & show cause notice dated 11.10.2019 are annexed as Annex: "B", "B-1" & "B-2" respectively).
3. Para No.3 pertains to record(Copy of Final Show Cause Notice dated 25.10.2019 is annexed as Annex: "C").
4. Para No.4 pertains to record(Copy of order dated 24.10.2019 is annexed as Annex: "D").
5. Para No. 5 is incorrect for the reason that the appellant willfully absented himself from his duties but when disciplinary proceedings were initiated

against him, he took shelter by taking defense plea which was afterthought (Copy of reply dated 14.11.2019 is annexed as Annex: "E").

6. Para No.6 pertains to record (Copy of leave application alongwith order dated 07.10.2019 are annexed as Annex: "F", "G" and copy of seniority list is annexed as Annex: "H").
7. Para No. 7 pertains to record (copy of order dated 20.11.2019, corrigendum order dated 23.11.2019, Departmental Appeal dated 18.12.2019 and final order dated 03.02.2020 are annexed as Annex: "I", "J", "K" & "L" respectively).

GROUND:-

- a. Para No. a is incorrect. Orders passed by the authority were lawful and legal.
- b. Para No. b is incorrect and the appellant is misinterpreting the law.
- c. Para No. c is incorrect for the reason that the appellant's act was quiet, clear and proved on record. Brief facts of the case are that as per complaint by Civil Nazir, the accused/ appellant was absent on 09.10.2019 without prior permission from the competent authority. The notice was also served through his home address, however neither appellant was present nor any person was ready for his identification. Similarly, as per second and third complaints of Civil Nazir, show cause notices were issued to the appellant, but no reply of accused/ appellant received (Copies of Complaint Reports of Civil Nazir dated 09.10.2019 , 10.10.2019 & 11.10.2019 are annexed as "M", "M-1", "M-2" respectively) . The same notices were also served by process server concerned through his home address (Copies of service of notice through process server are annexed as Annex: "N", "N-1" & "N-2"). When the reply of the show causes notices were not submitted by the accused/ appellant then vide order dated 24.10.2019, due to absence of accused/ appellant, the regular inquiry was dispensed with under section 5(i)(a) of the rules ibid and thus Final show cause notice was issued against the accused appellant. Thereafter publication in the daily newspaper "Pakistan" dated 01.11.2019 was also issued for the attendance of the accused/ appellant. The accused/ appellant attended the office with submission of the reply of the final show cause notice. In para No.5 of his

reply he has admitted that he had left Pakistan on 10.10.2019 which is evident and proved on record that he was in knowledge of rejection of his application. The plea taken by the accused/ appellant is not satisfactory because he had not annexed any record wherein it can be proved that he was gone to sacred places at Iran and Iraq as part of his Shia custom sect. He had also not disclosed the name of alleged sacred places. Willful absence of the accused / appellant himself has been admitted by the accused/ appellant in his reply. Therefore, the accused/ appellant proved himself habitual absentee from the duty without prior approval of leave and his negligence is proved on record in discharging of his duties.(Copies of order sheets # 1 to 4 dated 09.10.2019 , 10.10.2019, 11.10.2019 and 18.10.2019 are annexed as Annex:"O", Copies of show cause notice dated 09.10.2019, show cause notice dated 11.10.2019 & show cause notice dated 11.10.2019 are already attached with Para No.2 as Annex: "B", "B-1" & "B-2" respectively , Copy of Final Show Cause Notice dated 25.10.2019 is already attached with Para No.3 as Annex: "C" and Copy of order dated 24.10.2019 is already attached with Para No.4 as Annex: "D" and copy of publication of notice through newspaper in "Daily Pakistan" dated 01.11.2019 is annexed as Annex: "P").

- d. Para No.d is also incorrect. Appellant admitted his absence from duty but took a shelter under the defense raised by him in the belated stage/application. The same has already been mentioned in Para No.5.
- e. Para No. e is incorrect on the grounds that as per policy circulated by the Hon'ble Peshawar High Court, Peshawar vide letter No. 17501-70/SDJ/HR & W/Admn: dated 07.08.2019 for performance of Hajj, Umrah or Tabligh, the officer/ official will first get permission from the competent authority six months prior to the anticipated date leave. Furthermore, once the officer/ official availed this kind of leave for sacred places, he could not apply within 05 years but the case of the accused / appellant is otherwise and he had availed this kind of leave in year 2016 and before lapse of five years he without prior application absented himself (Copy of the policy of Hon'ble Peshawar High Court, Peshawar vide letter No. 17501-70/SDJ/HR & W/Admn: dated 07.08.2019 is annexed as Annex: "Q"). In view of above, the application of applicant was rightly rejected vide order No. 2434/DSJ,

dated 07.10.2019 (Copy of order dated 07.10.2019 is already attached with Para No.6 of Facts as Annex: "G").

- f. Para No. f is also incorrect. Proper opportunity was provided to the appellant but he failed to defend himself.
- g. Para No. g is also incorrect. Orders of the lower forums are legal and lawful.
- h. Para No. h is incorrect. Appellant availed opportunity of personal hearing but he could not satisfy the competent authority.
- i. Para No. i is also incorrect. Inquiry was dispensed with under rule 5(i)(a) of Khyber Pakhtunkhwa Efficiency & Disciplinary (E & D) Rules, 2011, as the fact of absence was clear and proved on record(Copy of order dated 24.10.2019 is already attached with para No.4 as Annex: "D").
- j. Para No. j needs no comments.

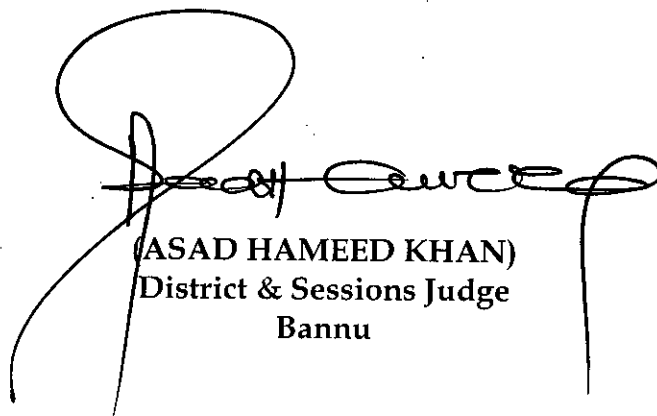
PRAYES:-

It is therefore most humbly prayed that in light of above facts, submission the appeal of the appellant being devoid of merits, legal footing may be dismissed.



03/05/2021

(MUHAMMAD JAMIL KHAN)
Senior Civil Judge(Admn)
Bannu



(ASAD HAMEED KHAN)
District & Sessions Judge
Bannu

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

Service Appeal No.1204 of 2020

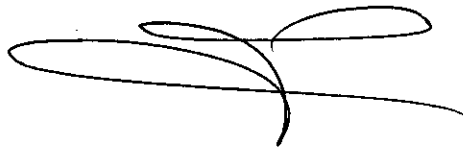
Ghilaf Ali S/o Mulazim Hussain,
Sweeper, Court of Senior Civil Judge, Bannu
R/o House No. 500/19, Mohallah Hussain Abad,
Inside Havaid Gate, District, BannuAppellant/Petitioner

VERSUS

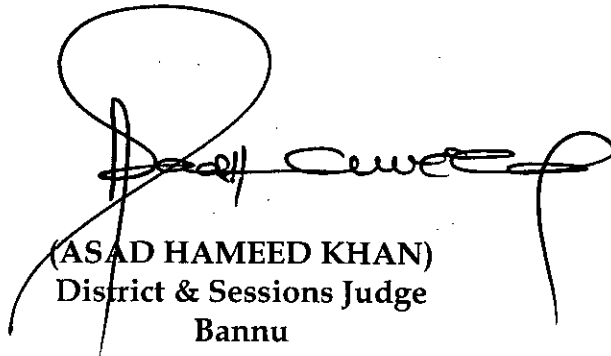
1. District & Sessions Judge, Bannu.
2. Senior Civil Judge, Bannu.Respondents

AFFIDAVIT

We respondents No.1 & 2 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed / kept secret from this Honorable Tribunal.


03/05/2021

(MUHAMMAD JAMIL KHAN)
Senior Civil Judge(Admn)
Bannu



(ASAD HAMEED KHAN)
District & Sessions Judge
Bannu

No. _____

DATED _____

OFFICE ORDER

Consequent upon finalization of result of interview on 25.10.2021 conducted by the Selection Committee for the selection of Naib Qasid EPS-1, Chowkidar EPS-1, and Sweepers EPS-1, following are declared, selected for appointment as Naib Qasid, Chowkidar and Sweepers:-

1. Usman Ghani son of Iqbal Ghani r/o Jauid Abadi No. 1, Jannam Road, Bannu. (Naib Qasid).
2. Habibullah son of Amir Shahzad r/o Bungalow near Bungalow Senior Civil Judge, Bannu (Naib Qasid).
3. Muhammad Rashid son of Said Rehman r/o Anad Kakki, Bannu (Naib Qasid).
4. Muhammad Sathan son of Mir Sahibullah Khan r/o Dhawan Khe, Bannu (Chowkidar).
5. Fida Muhammad Khan son of Muhammad Arif Khan r/o Kalam Tughel Khol (Chowkidar).
6. Muhammad Awang Seb son of Umer Daras Khan r/o Soku Hafozat Jannam Road, Bannu (Chowkidar).
7. Jambud Khan son of Gul Nawas Khan r/o Fatima Khol Kalam, Bannu (Sweeper).
8. Ghulam Ali son of Malawan Hussain r/o Hussain Abad, Inland Market Gate, Bannu City (Sweeper).
9. Shahid Naah son of Parah Naah r/o Hussain Abad, Bannu (Sweeper).

Their appointment will be subject to following terms and conditions:-

- (i) They will be governed by the conduct, E&D and Service rules framed under NWFP, Civil Servants Act, 1973 and amended time to time.
- (ii) Their appointment will be purely temporary and terminatable at any time without any notice and assigning any reason.
- (iii) They will be allowed maximum of EPS-1 plus other allowances as admissible to other civil servants of the same status.
- (iv) They will furnish an under taking of Rs. 5,000/- on stamp paper of Rs. 10/- duly attested by Notary Public to this effect that they will not shatter the trust posed in them, will not communicate Court information to any one or hand-over record to any unconnected and unauthorized person and will not indulge in sale practices.
- (v) Their appointment is subject to their medical fitness and clear police verification report.

On the acceptance of these terms and conditions they should report to Supdt. District & Sessions Judge, Bannu within seven (7) days from today.

(Muhammad-Din Siddiqui)
District & Sessions Judge, Bannu.

Ends: No. 1684/2021 Dated 29-10-2021

ATTESTED

06 SEP 2021

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1. Registrar, Peshawar High Court, Peshawar
2. District Accounts Officer, Bannu
3. Senior Civil Judge, Bannu
4. Medical Supdt: District Headquarter, Hospital, Bannu
5. All officials concerned.

[Handwritten signature]

District & Sessions Judge,
Bannu.

*① Packed as per order of 15 case
of CJ/SM-10*

② Addl. 27.11.10

RECEIVED
[Handwritten mark]
BANNU

No. 912 / SCJ, Bannu

Dated 09/10/2019

From:

The Senior Civil Judge,
Bannu.

To:

Ghilaf Ali
Sweeper
Senior Civil Judge, Bannu.

Subject: SHOW CAUSE NOTICE

Memo,

As per report of Civil Nazir, Senior Civil Judge, Bannu dated: 09.10.2019 that you are failed to perform duty for last three days. Your this act amounts to negligence and misconduct on your behalf.

Therefore, you are directed to explain your position as to why disciplinary action under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 should not be taken against you. Your reply in this regard should reach this office within three days failing which it will be presumed that you have nothing in your defense.

(Abdul Qayyum Siddiqi)
Senior Civil Judge, Bannu

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9/10/2019



8

(Signature)

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA
OFFICE OF THE SENIOR CIVIL JUDGE, BANNU

	OFF: 0928-9270195 FAX: 0928-9270195
	scjbannu@gmail.com

No. 916 / SCJ DATED AT BANNU THE 11 /10/2019

To,
Mr. Ghelaf Ali,
Sweeper to SCJ, Bannu.

Subject: **SHOW CAUSE NOTICE**

Memo,

The Civil Nazir has reported that on 10.10.2019 neither you were present nor you have marked your attendance in the register of attendance. Your this act displays negligence and amounts to misconduct on your behalf.

Therefore, you are directed to explain your position as to why disciplinary action under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 should not be taken against you. Your reply in this regard should reach this office within three days failing which it will be presumed that you have nothing in your defense.

(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

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DISTRICT JUDICIARY KHYBER PAKHTUNKHWA
OFFICE OF THE SENIOR CIVIL JUDGE, BANNU

	OFF: 0928-9270195 FAX: 0928-9270195
	scjbannu@gmail.com

No. 919 / SCJ DATED AT BANNU THE 11 /10/2019

To, Mr. Ghelaf Ali,
Sweeper to SCJ, Bannu.

Subject: SHOW CAUSE NOTICE

Memo,

The Civil Nazir has reported that today on 11.10.2019 you are found absent without prior permission from the authority. Your this act displays negligence and amounts to misconduct on your behalf.

Therefore, you are directed to explain your position as to why disciplinary action under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 should not be taken against you. Your reply in this regard should reach this office within three days failing which it will be presumed that you have nothing in your defense.

(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

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No. 976 / SCJ DATED AT BANNU THE 25 /10/2019**FINAL SHOW CAUSE NOTICE**

I, **ABDUL QAYYUM SIDDIQI**, Senior Civil Judge, Bannu, Competent authority, within the contemplation of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Ghelaf Ali, Sweeper as follows:-

- (i). Whereas, Civil Nazir of this court complained that you were found absent from your duty without any leave/permission. The undersigned sought explanation from you vide letter No. 912, dated 09.10.2019, but your reply was not received. Similarly, another explanations was sought by the undersigned vide letter No. 916, dated 11.10.2019 & No.919, dated 11.10.2019, replies of your explanation not received but you did not bother for appearance personally nor present for duty since 09.10.2019. That you have absented yourself since 09.10.2019 without any intimation and application.
- (ii). Your this act/ omission amounts to misconduct, negligence and inefficiency.
- (iv). That your previous record with regard to your performance is not satisfactory.

AND WHEREAS, I am satisfied that you have committed the following acts which are amenable under rule 3 (b) & (d) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

- a) Guilty of misconduct.
- b) Guilty of absenting himself from duty without prior approval of leave.

AND WHEREAS, you have also been found habitual transgressor of directives of the superiors and do not observe code of conduct.

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AND WHEREAS, sufficient material is available on record to prove the allegation above, therefore, further inquiry within the contemplation of Rule 5 & 7 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, *ibid*, is hereby dispensed with.

THEREFORE, I, competent authority in view of the said rules above hereby tentatively decide to impose upon you major penalty of removal from service under rule 4 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

IT IS, THEREFORE, required of you to show cause as to why major penalty within the said rules above may not be imposed upon you and you are given an opportunity of personal hearing if you so desire in which respect you are also directed to intimate this court.

YOU, shall submit your reply to the final show cause notice within fifteen(15) days failing which it shall be presumed that you have no defense to offer and you shall be proceeded against *ex-parte*.

Dated: 24.10.2019

ABDUL QAYYUM SIDDIQI
Senior Civil Judge/Competent
Authority

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N THE COURT OF ABDUL QAYYUM SIDDIQI
SENIOR CIVIL JUDGE, BANNU

ORDER # 5
24.10.2019

Mr. Ghelaf Ali, Sweeper not present.

The official was summoned but he could not appear. As per reports of the Process Server the official was not found in his house.

Since the official has willfully absented from his duties without proper leave application which amounts to misconduct, inefficiency and negligence on his part. He failed to appear, submit reply and explain his position. Thus has rendered himself to Departmental Inquiry under Khyber Pakhtunkhwa Efficiency and Disciplinary (E & D) Rules, 2011.

Since the official has failed to appear and submit reply meaning thereby he has nothing to say in his defense. Therefore, is proceeded against exparte.

As per record willful absence and unauthorized leave on part of the official namely Ghelaf Ali, Sweeper is proved.

Therefore the inquiry is dispensed with within the meaning of section 5 (i) (a) of the rules ibid. Final show cause notice be issued to the official that why he not be removed from the services, on the charges of willful absence from duties and unauthorized leave. The accused official is directed to appear in person and submit reply to the final show cause notice within 15 days.

In foregoing situation, Show Notice through publication with the direction to join official duty and explain the absence alongwith intimation of imposition of major penalty of removal from service be

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13

issued on the home address of the Official named above and through scheduled Newspapers, service report be submitted to this office on completion of 15 days. Office is directed to submit file on completion of 15 days and publication.

(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

ORDER # 6
14.11.2019

Accused / official Mr.Ghelaf Ali, Sweeper in person present. He submitted reply to the Final Show Cause Notice. The same is placed on file. The accused/ official in para 6 of his reply has taken the plea that he had submitted an application for leave on 02.10.2019.

Therefore, to peruse the same, the application of delinquent official dated 02.10.2019 be requisitioned through Superintendent of Sessions Division, Bannu for 18.11.2019. To come up for perusal and personal hearing on 18.11.2019.

(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

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عدالت صاحب سید / صاحب انٹوائری آفس میں

انٹوائری آفس خلع علی فار

14

جواب - جناب خلع علی سویسر بابت شوکارز نوٹس نمبر 976

Handwritten signature and scribbles

صفحہ 10/19 وصول شدہ صفحہ 12/19 جو صحتاً ذیل میں

12/11/21

جناب عالی! ذیل عرض ہے -

1- یہ کہ سائل کے خلع عدالت صاحب میں انٹوائری زیر سماعت ہے۔ اس سائل کو عدالت صاحب کی طرف سے شوکارز نمبر 976 صفحہ 12/19 وصول ہوئی ہے

2- یہ کہ سائل عدالت صاحب کے زیر سایہ بطور سویسر تعینات ہوں۔ اور آج صبح کے سے اپنی ڈیوٹی نبھاتی ہے۔ اور بال بچے دار ہوں۔ اور کافی کنبہ میرے زیر سایہ ہیں

3- یہ کہ سائل شیعہ مسلک سے تعلق رکھتا ہے۔ اور اپنے مسئلے کے مطابق آدھا

رسم دروازہ رکھتے ہیں۔ جسکے لئے من سائل نے اپنے آہل و عیال کو بھجوائے تھے

4- یہ کہ صفحہ 10/19 میں سائل کو اطلاع ملی کہ میرے آہل و عیال پاکستان اور ایران کے

Boundary پر پھنس گئے ہیں۔ اور زندگی دولت کے تعلق میں مسئلہ ہے۔ کیونکہ

ایران کے فوجی فورس نے میرے آہل و عیال سے مطالبہ کیا کہ اپنے سربراہ / شوہر

کو حاضر کرے۔ تا کہ صفائی ہو کر اپنے ہم آہل و عیال کو واپس لے کرے

5- یہ کہ ایسے حالات میں سائل صفحہ 10/19 کو بھیج سوئیے روانہ ہوا۔ جسکی ثبوت میرے

بیسورٹ پر موجود ہے۔ اور صفحہ 11-12 کو واپس پاکستان میں داخل ہوا۔ اور

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صفحہ 10/19 کو سائل نے اپنے آہل و عیال کے ساتھ ساتھ صفحہ 12/19 میں سائل نے حاضری لگائی ہے

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6- یہ کہ سائل نے حسب حال 10/19 کو برائے رخصت آنجناب کو بھیج دیا ہے

بھی دی تھی۔ جو کہ ثبوت موجود ہے

7- یہ کہ سائل ایسی حالت میں سماعت مجبور تھا۔ غیر حاضری قصداً نہیں کی ہے

Next Page.

لوالت صائے سے (2) (15)

میل کے ہاں خناب کے زیر سایہ ۱۹ سال سرورس کی ہے۔ جس میں کبھی لہی لہ پروا سی ہو کر
ہی ہے۔ اب اپنی ڈیوٹی فرض شناسی سے بھگائی ہے۔

یہ کہ سائل کا بیوی ان بچوں کے زندگی اب عورت ماسوا ل تھا نہایت جمجوری تھی۔

کیذا استدعا ہے۔ کہ سائل کو اس بار معاف فرمایا جاوے۔ اور اپنے نووری

پر برقرار رکھنے کے احکامات صادر فرمائے۔ آئندہ کبھی کبھی شکایت

کا موقع نہیں دے گا۔ اب سائل ہمیشہ کبھی دُعا تو رہے گا۔

سہ ۱۱/۱۹

عبدالغنی علی - سائل

عبدالغنی علی



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To

The Learned Senior Civil Judge,
Bannu.

16

SUBJECT: EX-PAKISTAN LEAVE

Respected sir,

It is very respectfully submitted that I am going to visit sacred places in Islamic Republic of Iran and Iraq. Therefore, it is requested that I may kindly be granted Ex-Pakistan leave according to law w.e.f. 05/10/2019 till 24/11/2019 (both days inclusive) and obliged. (Necessary documents are attached please).

Thanking you sir
Dated: 02/10/2019

Your obediently,

GHILAF ALI

Sweeper, Civil Establishment

نوٹ: میری جگہ کا مباح صبح اور
طارق نواز کرے گا

Not allowed.



OFFICE OF THE SENIOR CIVIL JUDGE, BANNU

No. 885 / SCJ DATED AT BANNU THE 03 /10/2019

Forwarded to Hon'ble the District & Sessions Judge,
Bannu, please.

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[Handwritten signature]

Respected Sir

The applicant namely Ghilaf Ali Sweeper is serving in the establishment of Senior Civil Judge, Bannu since 01-11-2001. He has submitted the present application for 15 days ex-pakistan leave. His service is more than 17 years. 720 days earned leave is on his credit. Report is submitted please.

[Signature]

COE

03-10-19

It is noteworthy to mention that that he has availed Ex: Pakistan earned leave w.e.f 04-11-2016 to 18-12-2016 vide Hon'ble Dist. & Session Judge, Bx No 2043-46 dt. 04-11-16.

[Signature]
COE

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DISTRICT JUDICIARY KHYBER PAKHTUNKHW
OFFICE OF THE DISTRICT & SESSIONS JUDGE, BANNU

No. 2434

Dated: 07/10 /2019

OFFICE ORDER:-

This is an application filed by one Ghelaf Ali (Sweeper) for Ex: Pakistan Leave to visit sacred places of Iran and Iraq. Although the applicant has earned leave lying in his credit, however it is to be noted that the Hon'ble Peshawar High Court, Peshawar has circulated a policy for performance of Umrah, Hajj and Tabligh vide letter No.17501-70/SDJ/HR&W/Admn, dated 07.08.2019. As per policy of the Hon'ble Peshawar High Court, Peshawar the judicial officers/ officials of the district Judiciary intending to avail Ex: Pakistan leave shall apply for NOC to respective appointing authorities at least 06 months before the anticipated date. Similarly, the judicial officer/ official once performed Hajj or Umrah shall not ordinarily apply for such leave before expiry of 05 years.

The applicant intends to visit sacred places in Iran and Iraq. Therefore, on the analogy of policy of Hon'ble Peshawar High Court, Peshawar, he should have applied for NOC at least 06 months before the availing date. Moreover the applicant has already availed Ex: Pakistan leave w.e.f. 04.11.2016 to 18.12.2016 for visiting the sacred places and the period of 05 years has not lapsed.

It is, further observed that there are almost 08 sweepers in the Sessions Division. Therefore the leave sought by the applicant would definitely affect the performance of cleanliness at the Judicial Complex, Bannu.

In light of above observations, the application filed by Mr. Ghelaf Ali, Sweeper is rejected.


(MUNAWAR KHAN)
District & Sessions Judge
Bannu

DATED AT BANNU THE 07/10/2019

ENDST: NO. 2435 / D & SJ BANNU

Copy forwarded to:-

1. Official concerned.
2. Office Copy.


(MUNAWAR KHAN)
District & Sessions Judge

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A COMMON SENIORITY LIST FOR THE PURPOSE OF PROMOTION TO THE POST OF DAFTARI & RECORD OFFICER AMONGST THE HOLDERS OF THE POST OF Naib Qasid, Chowkidar, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier etc on the basis of date of appointment and qualification of middle standard examination, as it stood on 03.02.2020

S.#	Name of Official	Father Name	Designation	Joining Date	Qualification	Date of Birth	Date of Passing Matric	Remarks	Signature
1	Gheiaf Ali	Mulazim Hussain	Sweeper	29.10.2001	Middle	24.04.1982		Vide order No 03 dated 03.02.2020 by the under signed, the office orders of SCJ dated 20.11.2019 and 23.11.2019 are only modified to the extent that the accused official is reduced to a lower scale of BPS-03 from BPS-04 for a period of three years from the date of the office order No. 1104 dt: 23.11.2019 of the learned Senior Civil Judge, Bannu. After expiry of said three years' period, he shall be restored to his original pay scale of BPS-04 and be placed below his erstwhile juniors promoted to higher posts during subsistence of the period of penalty	
2	Muhammad Sharif Khan	Gul Janan	Naib Qasid	07.11.2003	Matric	01.11.1981	2012		
3	Muhammad Jamil	Janan Khan	Chowkidar	24.02.2005	D.Com	01.10.1976	1993		
4	Raifullah	Mir Qad Ayaz	Chowkidar	17.01.2007	Matric	14.08.1969	1988		
5	Wajid Ullah Khan	Muhammad Riaz Khan	Chowkidar	01.02.2008	Matric	22.04.1982	2012		
6	Arnjid Ali	Umar Ayaz	Naib Qasid	13.09.2008	Middle	05.03.1990			
7	Mumtaz Khan	Abdur Rahman	Sweeper	18.07.2009	B.A	20.04.1976	1990		
8	Ataullah Khan	Gul Sahib Khan	Chowkidar	18.07.2009	F.A	09.02.1978	1995		
9	Qadeer Niaz	Noor Ayaz	Naib Qasid	18.07.2009	M.A	03.10.1979	1995		
10	Noor-ul-Amin	Umer Khan	Naib Qasid	28.05.2010	M.Sc/B.Ed/CT	01.03.1981	1997		
11	Zahid Ullah Khan	Muhamamad Akbar	Naib Qasid	28.10.2010	M.A	01.03.1976	1991		
12	Sheeba Sultana	Mir Khajan	Naib Qasid	28.10.2010	Matric	03.06.1981	1999		

Under protest

Under protest

Under protest

Under protest

Under protest

District & Sessions Judge
Bannu

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DISTRICT JUDICIARY KHYBER PAKHTUNKHWA
OFFICE OF THE SENIOR CIVIL JUDGE

HWA
INU

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OFF: 0928-9270195
FAX: 0928-9270195
scjbannu@gmail.com

No. 1089

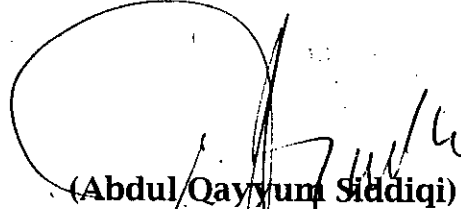
Dated 20 /11/2019

OFFICE ORDER:-

Whereas, Mr.GhelafAli, Sweeper was proceeded against under the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Rules 2011 for negligence with regard to willful absence from duties.

And whereas, Final Show Cause Notice was issued to Mr.Ghelaf Ali, Sweeper of this establishment (P.N.00175415) bearing No.976, dated 25.10.2019, the charges/allegations is proved on record and so he is held guilty of negligence and liable to punishment under the rules ibid.


Now, therefore, I, Abdul Qayyum Siddiqi, Senior Civil Judge, Bannu, as competent authority impose on the accused / official the major penalty of reduction to a lower pay scale (two times) BPS-02 under rule 4(1)(b)(i) of Khyber Pakhtunkhwa Efficiency and Disciplinary (E & D) Rules, 2011.


(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

Endst: No. _____/SCJ Dated At Bannu the _____/11/2019

Copy forwarded for information to:

1. The Hon'ble District and Sessions Judge, Bannu.
2. The District Accounts Officer, Bannu.
3. The official concerned.
4. Office copy.


(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

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DISTRICT JUDICIARY KHYBER PAKHTUNKHA
OFFICE OF THE SENIOR CIVIL JUDGE, BANNU

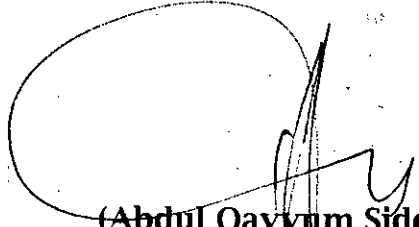
90

	OFF: 0928-9270195 FAX: 0928-9270195
	scjbannu@gmail.com

No. 1104
Dated 23 /11/2019

OFFICE ORDER:-

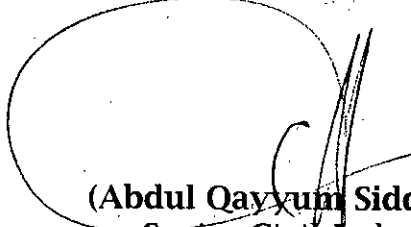
Line 3 of para 3 of this office order No. 1089, dated 20.11.2019 is hereby amended up to the extent that penalty of reduction to a lower pay scale (two times) BPS-02 be read as penalty of reduction to a lower pay scale BPS-03.


(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

Endst: No. 1105-08 /SCJ Dated At Bannu the 23 /11/2019

Copy forwarded for information to:

1. The Hon'ble District and Sessions Judge, Bannu.
2. The District Accounts Officer, Bannu.
3. The official concerned.
4. Office copy.


(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

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خدمت ضما - ڈسٹرکٹ انڈسٹریل سائیکس بنوں 3 ماہہ بنوں

درخواست نمبر 4 کہ سائل پر ارفع فرما کر سائل دوبارہ
سکلیں 4 دی جاوے

ضما عالی: سائل ذیل طرحی کرتا ہے

1- یہ کہ من سائل جو ڈسٹریٹ سائیکس بنوں سویپر ڈیوٹی
سراچی دے رہا ہے۔

2- یہ کہ غریب شخص ہیں۔ بال بچے دار ہیں۔
سائل کو سکلیں 4 سے کم کر کے سکلیں 3 دیا جائے۔

3- یہ کہ من سائل انڈسٹریل سائیکس ڈیوٹی میں کسی قسم
کی کوتاہی نہیں کرونگا۔ زور رکھو کہ ڈیوٹی
اصن فریٹ سے کرونگا۔

4- یہ کہ من سائل کی اوقات ہے۔ اور سائل مشکل سے
گزارہ کرتا ہے۔

0-1
District Judge
20 OCT 2019

گنہگار استعدا ہے کہ سائل حال پر ارفع فرما کر
سائل کو دوبارہ سکلیں 4 دی جاوے فرما کر
دیکھوگا۔

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18 12/19

غلام علی ولد ملدزم حسن مکان نمبر 553 قلعہ حسن آباد انوروز

غلام علی
سویپر ڈسٹریٹ بنوں

11101-5891659-3

29 2

THE COURT OF MUNAWAR KHAN
DISTRICT & SESSIONS JUDGE BANNU

Departmental Appeal No. 01 of 2019

Ghelaf Ali, Sweeper, Senior Civil Judge, Bannu..... Appellant

Versus

The Senior Civil Judge, Bannu / Competent Authority Respondent

Present:

The appellant, namely, Ghelaf Ali, Sweeper, in person;
* * *

ORDER-03
03.02.2020

1. The applicant Ghelaf Ali, Sweeper, has submitted this application with the heading of mercy upon him and giving him again Scale-4 in the service of this establishment.

2. Brief facts of the case of applicant are that he was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 by the learned Senior Civil Judge, Bannu / Competent Authority for his having been guilty of habitually absenting himself from duty without prior approval of leave i.e. Clause (d) of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

3. Complaint was made to the learned Senior Civil Judge, Bannu / Competent Authority by the Civil Nazir on 09.10.2019 that the accused official Ghelaf Ali was absent from his duty without prior information or approval of leave for the last three days, upon which,

Show Cause Notice No. 912/SCJ, Bannu dated 09.10.2019 was issued

Departmental Appeal No. 01 of 2019
(Ghelaf Ali, Sweeper)

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23

to him as to why he shall not be proceeded against under the E & D Rules, 2011. He was asked to submit reply within three days. The Process Server namely Sami Ullah visited his house / home for service, but he was not found, therefore, he returned the notice unserved with his report dated 12.10.2019. Another complaint regarding absence from duty of the applicant on 10.10.2019 was submitted to the learned Senior Civil Judge, Bannu / Competent Authority by the Civil Nazir on 11.10.2019. The learned Senior Civil Judge, Bannu / Authority issued a second Show Cause Notice No.916/SCJ dated 11.10.2019 to him and he was asked to submit reply within three days. The said notice was also returned with a report dated 12.10.2019 of Sami Ullah, Process Server, that he was not present in his house. A third complaint was made to the learned Senior Civil Judge, Bannu / Authority by the Civil Nazir regarding his absence from duty on 11.10.2019. So, a third show cause notice No.919 dated 11.10.2019 was issued to the applicant. The applicant failed to submit reply or to appear before the authority, therefore, vide order dated 24.10.2019, inquiry against him was dispensed with within the meaning of Rule-5(a) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Final Show Cause Notice No.976/SCJ dated 25.10.2019 was issued to him through publication in the newspaper daily "Pakistan" dated 01.11.2019. The said Show Cause Notice was duly published also in the newspaper (which is available on the record).

3/2/20
 [Signature]

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Departmental Appeal No. 01 of 2019
 (Ghelaf Ali, Sweeper)

29

4. At last, the applicant appeared and submitted reply to the final show cause notice on 14.11.2019, taking in the same a very strange and false defence that his wife and children were hostage at Pak-Iran border and the Iranian Forces were asking them to produce their guardian / husband. That he received the information on 09.10.2019 and on 10.10.2019, he left the country in the state of emergency. In support of such contention, he has annexed copies of his passport and the passports of his family members. According to these passports, the applicant, his wife, children and mother together have left the country on one and the same date i.e. 10.10.2019. Meaning thereby that the applicant without prior permission and approval of leave has left the country which is nothing but misconduct on his part.

5. The learned Senior Civil Judge, Bannu / Competent Authority, taking into consideration the above noted facts, and previous record of the accused official, held him guilty of willful absence from duty and vide office order No.1089 dated 20.11.2019 and amended office order No.1104 dated 23.11.2019, imposed upon him major penalty of reduction to a lower pay scale of BPS-3 from BPS-4.

6. The applicant instead of filing Departmental Appeal under Rule-17 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has submitted this application in which no ground / point has been raised. However, in the interest of justice and taking into consideration the nature of job of the applicant, his application is converted into a Departmental Appeal.

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Departmental Appeal No. 01 of 2019
(Ghelaf Ali, Sweeper)

25

7. The record from the office of learned Senior Civil Judge, Bannu / Competent Authority requisitioned and perused. The accused official was also personally heard.

8. It was found that the accused official submitted application for Ex-Pakistan Leave, which application was rejected by this office on 07.10.2019 and order of rejection of Ex-Pakistan leave application was communicated to him, but he unauthorizedly left the country and absented himself from duty willfully.

9. The grounds taken by him in the reply to final show cause notice were not mentioned in his application for Ex-Pakistan Leave. He, in the reply to the final show cause notice, has taken / raised false plea which was falsified by the copies of passports of his family and of his own, which shows that he and his family departed on 10.10.2019 together.

10. Previous service record of the official is also un-clean. He has many times been awarded minor penalties, warnings have been issued to him by the Competent Authority and this time, he, despite rejection of his Ex-Pakistan Leave application, willfully & deliberately absented himself from duty which is gross misconduct on his part. The learned Senior Civil Judge, Bannu / Competent Authority has already taken a very lenient view in imposing penalty on the accused official. The accused official was unable to raise any legal, procedural or factual objection / ground in the Office Order No.1089 dated 20.11.2019 and Office Order No.1104 dated 23.11.2019. This office

3/2/20
Signature

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Departmental Appeal No. 01 of 2019
(Ghelaf Ali, Sweeper)

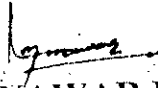
26

also see no ground in this Departmental Appeal for interference in the above noted office orders of the Competent Authority.

11. The office orders dated 20.11.2019 and 23.11.2019 are only modified to the extent that the accused official is reduced to a lower scale of BPS-3 from BPS-4 for a period of three (03) years from the date of the office order No.1104 dated 23.11.2019 of the learned Senior Civil Judge, Bannu. After expiry of said three years' period, he shall be restored to his original pay scale of BPS-4 and be placed below his erstwhile juniors promoted to higher posts during subsistence of the period of penalty.

12. Instant file be kept in English Record.

Announced
03.02.2020


MUNAWAR KHAN
District & Sessions Judge
Bannu

No. 408-11 /D&SJ Dated Bannu, the 07th February, 2020

Copy forwarded for information to:

1. The Senior Civil Judge, Bannu / Competent Authority.
2. The District Accounts Officer, Bannu.
3. The official concerned.
4. Office copy.


District & Sessions Judge
Bannu

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” رپورٹ بائٹ حاضری سوپیر ”

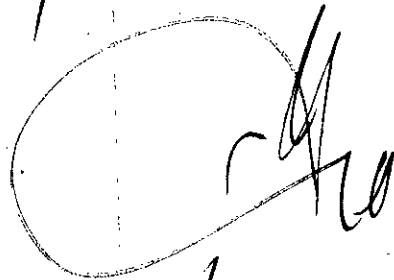
نیم: عرف علی سوپیر عدالت سٹیٹ بک بنوں

جہاں عالی

گزارش جسکے مذکورہ بالا سوپیر نہیں دیں
سے بغیر پیشگی اجازت دینی ڈیوٹی سے غیر حاضر ہو
گزارش بائٹ رپورٹ پیش کفرالور ہے


Senior Clerk
Bannu

Issue Show cause notice
for explaining position and
reply within (3) days.



3/10/21

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28

الوہیت حاضری



۱۔ عدالت عالیہ سوات میں عدالت سیشن کی ۱۰/۱۰/۲۰۱۹ کو مذکورہ

صاف علی

گزارش دینا، آج فورم ۱۰/۱۰/۲۰۱۹ کو مذکورہ

تا و سہ ماہیہ ایسی ڈکوی سے غیر حاضر ہے۔ اور صدر

حاضری میں حاضری نہیں لگائی ہے۔ - صدر عدالت

میں مذکورہ سہ ماہیہ غیر حاضر کیا۔ لہذا اس بات کو ملحوظ

Civil Nazir
Senior Civil Judge
Bd-10/10/19
Chitral

Show Cause notice has issued
and Report within 3 days.

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(29)

(18)

دستخط عالی

علی محمد علی

صاحب

گزارش رسید فرزند سعید آقا

11/10/2018

دستخط عالی

Handwritten signature

Handwritten text

Show cause when he issued
and Report within 3 days

Handwritten signature

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صفا علی

گواہی ہے کہ میں نے دیکھا ہے کہ موقع ہجرت
موقع خلاف عمل کی تلاش و دریافت سے
بعد دریافت ہوئی ہے جو وہ موقع ہے اور
کوئی بھی شخص اس کو نہیں جانتا ہے۔
لہذا اس کو اس لئے نہیں ہے۔

12/1/98 آغا خان

صفا علی

12/10

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(31)

لہذا حال

نہایت سے کہیں دم نہ لے لیں موقع نہیں
موقع یہ خلاف علی نگاہی آگاہی و
دریافت بعد از دریافت کہ یہ وہ جو دریا
اور لوگ جو شخص گورہ اور شہادت ہے
شہادت کا بہار پوری ہے

الغافل سے 12/10
۱۲

Handwritten signature

12/10

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16



**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA
OFFICE OF THE SENIOR CIVIL JUDGE, BANNU**



OFF: 0928-9270195
FAX: 0928-9270195



scjbannu@gmail.com

No. 9/16 SCJ DATED AT BANNU THE 11 /10/2019

To,
Mr. Ghelaf Ali,
Sweeper to SCJ, Bannu.

Subject: SHOW CAUSE NOTICE

Memo,

The Civil Nazir has reported that on 10.10.2019 neither you were present nor you have marked your attendance in the register of attendance. Your this act displays negligence and amounts to misconduct on your behalf.

Therefore, you are directed to explain your position as to why disciplinary action under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 should not be taken against you. Your reply in this regard should reach this office within three days failing which it will be presumed that you have nothing in your defense.

(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

88
11/10

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06 Sep 2021

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32

بسم الله الرحمن الرحيم

گواہی ہے کہ مندرجہ ذیل واقعہ
 درج ذیل واقعہ علاقہ کلاں میں واقع
 و در واقعہ بعد از دریافت گورنمنٹ
 اور کونسل کے مشورے اور
 تیار کیا گیا اور اس کے
 اگلیں 12/10
 محمد اسحاق

محمد اسحاق

12/10

ATTESTED

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**DISTRICT JUDICIARY KHAYBER PAKHTUNKHWA
OFFICE OF THE SENIOR CIVIL JUDGE, BANNU**



OPF: 0928-9270195
FAX: 0928-9270195
sejbannu@gmail.com

DATE: 10/10/2019

NO. 919 / S.C.J.

TO: Mr. Ghafar Ali, Sweeper to S.C.J, Bannu.

Subject: **SHOW CAUSE NOTICE**

Memo,

The Civil Nazir has reported that today on 11.10.2019 you are found absent without prior permission from the authority. Your this act displays negligence and amounts to misconduct on your behalf. Therefore, you are directed to explain your position as to why disciplinary action under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 should not be taken against you. Your reply in this regard should reach this office within three days failing which it will be presumed that you have nothing in your defense.

(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

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33

IN THE COURT OF ABDUL QAYYUM SIDDIQI
SENIOR CIVIL JUDGE, BANNU

ORDER # 1
09.10.2019

Complaint of Civil Nazir with respect to absence of Mr. Ghelaf Ali, Sweeper from duty submitted. Show cause notice be issued to the official with the direction to submit written explanation within three days.

(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

ORDER # 2
10.10.2019

Second Complaint of Civil Nazir with respect to absence of Mr. Ghelaf Ali, Sweeper from duty submitted. Show cause notice be issued to the official with the direction to submit written explanation within three days.

(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

ORDER # 3
11.10.2019

Third Complaint of Civil Nazir with respect to absence of Mr. Ghelaf Ali, Sweeper from duty submitted. Show cause notice be issued to the official with the direction to submit written explanation within three days.

(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

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ORDER # 4
18.10.2019

Replies of the official/Sweeper Ghelaf Ali to the show cause notices issued vide letter No. 912, dated 09.10.2019, No.916, dated 11.10.2019 & No.919, dated 11.10.2019 from the official did not received. To come up for 24.10.2019.

(Abdul Qayyum Siddiqi)
Senior Civil Judge
Bannu

عوامی استشارات

شرائط اشتہارات

کوئی بھی شخص یا ادارہ جو اس سروس کے تحت اشتہار دینا چاہے اسے اپنا اشتہار 307 روپے (ایک سو تیس ہزار روپے) میں (50 فیصد پیش ادائیگی اور 50 فیصد باقی) دینا چاہیے۔

اس سروس کے تحت اشتہار دینے والے کو اپنا اشتہار 307 روپے میں (50 فیصد پیش ادائیگی اور 50 فیصد باقی) دینا چاہیے۔

اس سروس کے تحت اشتہار دینے والے کو اپنا اشتہار 307 روپے میں (50 فیصد پیش ادائیگی اور 50 فیصد باقی) دینا چاہیے۔

اس سروس کے تحت اشتہار دینے والے کو اپنا اشتہار 307 روپے میں (50 فیصد پیش ادائیگی اور 50 فیصد باقی) دینا چاہیے۔

اس سروس کے تحت اشتہار دینے والے کو اپنا اشتہار 307 روپے میں (50 فیصد پیش ادائیگی اور 50 فیصد باقی) دینا چاہیے۔

اس سروس کے تحت اشتہار دینے والے کو اپنا اشتہار 307 روپے میں (50 فیصد پیش ادائیگی اور 50 فیصد باقی) دینا چاہیے۔

بہدالت جناب محمد شرف صاحب
نامب تحصیلدار، اسٹینٹ کلکٹر راجہ
اول حافظ آباد

جناب شریف صاحب
نامب تحصیلدار، اسٹینٹ کلکٹر راجہ
اول حافظ آباد

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نامب تحصیلدار، اسٹینٹ کلکٹر راجہ
اول حافظ آباد

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(35)

**The
PESHAWAR HIGH COURT
Peshawar**

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

Exch: 9210149-58
Off: 9210135
Fax: 9210170

www.peshawarhighcourt.gov.pk
Info@peshawarhighcourt.gov.pk
phcpsh@gmail.com

No 1751-7/SDJ/HR&W/Admn:

Dated Peshawar, the 07-08-2019

1. All the District & Sessions Judge(s) / Zilla Qazi(s),
In the Khyber Pakhtunkhwa.
2. All the District & Sessions Judge(s) (Ex-Cadre)
In the Khyber Pakhtunkhwa.

Subject: - **POLICY FOR PERFORMANCE OF UMRAH, HAJJ AND TABLEEGH.**

Dear Sir,

I am directed to refer to the subject noted above and to say that the Competent Authority has been pleased to lay down the following policy in relation to Leave for performance of Umrah, Hajj, and Tableegh, with the directions for its applicability to Judicial Officers and employees of District Judiciary in the province with its retrospective effect in case of those officers / officials who have already availed the leave for Hajj, Umrah and Tableegh: -

- i. The Judicial Officer / Official who intends to perform Hajj shall apply for NOC from their respective appointing authorities at least six months before the anticipated date of Hajj.
- ii. The Judicial Officer / Official who intends to perform Umrah shall apply for NOC from their respective appointing authorities at least two months before the anticipated date of Umrah.
- iii. The Judicial Officer / Official once performed Hajj or Umrah shall not ordinarily apply for such leave before expiry of five years.
- iv. Maximum 45 days leave will be allowed to Judicial Officer / Official for performance of Hajj and 21 days for performance of Umrah subject to furnishing of schedule.
- v. The District & Sessions Judge concerned before forwarding the leave application of Judicial Officer to this Court shall ensure smooth functioning of judicial business at the station.
- vi. Maximum three times Umrah leave is permissible in the whole service and beyond three times the leave will be allowed without pay.
- vii. In entire service only four months leave is allowed to "Tableegh" purpose with full pay. If an officer / official applies beyond four months, the leave will be granted without pay.

You are requested to circulate this policy at your end for compliance of all concerned, please.

Sincerely yours,

**ADDL: REGISTRAR (ADMN)
FOR REGISTRAR**

www.peshawarhighcourt.gov.pk

Info@peshawarhighcourt.gov.pk

phcpsh@gmail.com

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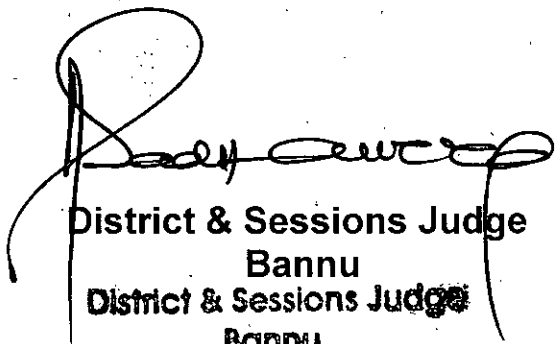
**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT & SESSIONS JUDGE, BANNU**

No. 2516 / D & SJ BANNU

DATED AT BANNU THE 06/09/2021

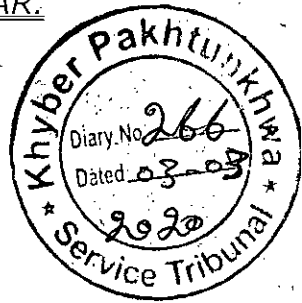
AUTHORITY LETTER

Mr. Shafqat Ullah Khan, Superintendent of this Sessions Division, is hereby nominated as Representative in Service Appeal No.1204 of 2020, titled "Ghilaf Ali Vs District & Sessions Judge, Bannu & another" fixed before the Khyber Pakhtunkhwa Service Tribunal, Peshawar for 07.09.2021, on behalf of the respondents No.1 & 2.


District & Sessions Judge
Bannu
District & Sessions Judge
Bannu.

1

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.



Service Appeal No.1204/2020

Ghilaf Ali Appellant

Versus

District and Sessions Judge, Bannu and another..... Respondents

put up to the court with relevant appeal.

APPLICATION FOR EARLY HEARING IN
APPEAL NO.1204/2020.

3/3/2020

Respectfully Sheweth;

Reader

1) That the above titled service appeal No.1204/2020 is fixed for preliminary hearing before this hon'ble Tribunal on 14.04.2020.

2) That at the time of filing service appeal no order was in field regarding constitution of Departmental Promotion Committee to consider the case of Sweepers (BPS-3 and 4) to Record Lifter (BPS-5).

It is pertinent to mention that order dated 25.02.2020 was passed by Hon'ble District and Sessions Judge, Bannu for constitution of Departmental Promotion Committee and the same is attached with this application for ready reference.

3) That the applicant also filed stay application dated 29.02.2020 before the Chairman DPC/ District and Sessions Judge, Bannu for suspension of the Departmental Promotion Committee meeting which is scheduled to be held on 14.03.2020.

Before before SB on 12-3-20 MA 6/3/2020

2

Keeping in view what has been stated above the instant appeal may kindly be expedited from 14.04.2020 to be fixed in the next week before 14.03.2020.

غلاف علی

Appellant/ Applicant
Ghilaf Ali

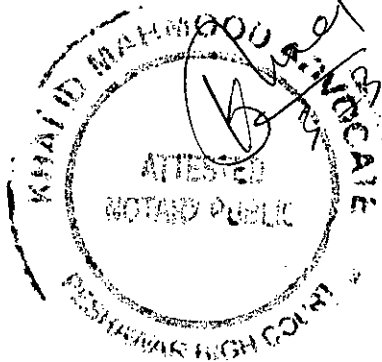
Through



Inayat Ullah Khan
Advocate High Court
LL. M (U.K)

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



غلاف علی

Deponent

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No.1204/2020

Ghilaf Ali Appellant

Versus

District and Sessions Judge, Bannu and another..... Respondents

Application for suspension of the office order No.504/DSJ/ Bannu dated 25.02.2020 whereby meeting of Departmental Promotion Committee is scheduled to be held on 14.03.2020

Respectfully Sheweth;

- 1) That the above titled service appeal No.1204/2020 is fixed for preliminary hearing before this hon'ble Tribunal on 14.04.2020.
- 2) That at the time of filing service appeal no order was in field regarding constitution of Departmental Promotion Committee to consider the case of Sweepers (BPS-3 and 4) to Record Lifter (BPS-5).

It is pertinent to mention that order dated 25.02.2020 was passed by Hon'ble District and Sessions Judge, Bannu for constitution of Departmental Promotion Committee and the same is attached with this application for ready reference. (Copy of order is attached).

- 3) That the applicant also filed stay application dated 29.02.2020 before the Chairman DPC/ District and Sessions Judge, Bannu for suspension of the Departmental Promotion Committee meeting which is scheduled to be held on 14.03.2020.

The Hon'ble Chairman DPC made a written comment on the application "**filed on the relevant file**". (Copy of application dated 29.02.2020 is attached).

It is pertinent to mention that the applicant/appellant is at serial No.1 of the seniority list of sweepers BPS-4 before passing the impugned order which has been challenged in the service appeal No.1204/2020.

- 4) That through instant application the appellant seeking suspension of the Departmental Promotion Committee meeting which is scheduled to be held on 14.03.2020.
- 5) That if the above meeting of Departmental Promotion Committee is not suspended then valuable rights of the appellant viz-a-viz his seniority and promotion would be adversely affected for which no satisfactory reparation/compensation would be provided to him.
- 6) That the applicant has challenged the illegal impugned order in service appeal No.1204/2020 whereby he was reverted from Sweeper BPS-4 to BPS-3 for a period of three years and it was further held that in the meanwhile if juniors are promoted then the appellant shall be placed below in the seniority list (no one should be vexed for the same cause).
- 7) That the appellant having a good prima facie case and is hopeful of its success, therefore balance of convenience lies in his favour.

Keeping in view what has been stated above the proposed/ scheduled meeting to be held on 14.03.2020 may kindly be suspended till the final adjudication of service appeal No.1204/2020.

غیلاف علی

Appellant/ Applicant
Ghilaf Ali

Through

[Signature]

Inayat Ullah Khan
Advocate High Court
LL. M (U.K)

3-03-2020

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

غیلاف علی

Deponent



(4)



**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT & SESSIONS JUDGE, BANNU**

No. 504 / DSJ BANNU

DATED AT BANNU THE 25 02-2020

OFFICE ORDER

In pursuance of the Hon'ble Peshawar High Court, Peshawar notification bearing Endst. No. D.R/(Admn)H.C/43-A-14/2002, dated 14/11/2002, Mr. Asim Riaz, Addl: District & Sessions Judge-I, Bannu is hereby nominated as a member of the Departmental Promotion Committee constituted for the promotion of Daftari / Record lifter Class-IV employees to Junior Clerk/Muharrir (BPS-11) and Naib Qasid, Chowkidar, Mali, Water Carrier & Sweeper (BPS-03 & 04) employees to Record Lifter (BPS-05) in this establishment. The meeting of the said committee is scheduled to be held on 14/03/2020.

District & Sessions Judge,
Bannu

Endst# 505-06 / Dated Bannu the 25th February, 2020

Copies to:-

1. The Registrar, Hon'ble Peshawar High Court, Peshawar.
2. Mr. Asim Riaz, Addl: District & Sessions Judge-I, Bannu.

District & Sessions Judge,
Bannu

1- Registration No. 979
 2- Date of Presentation of application 29.2.2020
 3- Date of Receipt of the file 29.2.2020
 4- Date of Preparation of copy 29.2.2020
 5- Date of Delivery of copy 29.2.2020
 6- No. of copies / words 2
 7- Ordinary Fee 2
 8- Urgent Fee 2
 9- Total Fee 2
 10- Signature of Copyist [Signature]

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29 FEB 2020

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Lower Courts Bannu

خدمت جناب صدر میں DPC / ڈسٹرکٹ ہیڈ کوارٹرز میں جج صاحب ہوں

غلام علی ولد ملازم حسین سٹوڈنٹ نمبر 500/A قلم حسین آباد اندرون حویلی پربت ہون
سائل / سوید

درخواست گزار بریں محزون کہ من سائل / سوید پر سرحدہ پینشن سال سے
جناب کے زیر سائن ڈیوٹی سرانجام دے رہا ہوں اور من سائل
ریٹائرڈ لفٹر سٹیٹس پر ہے۔ جبکہ من سائل / سوید
کا پرورش بند کر دی ہے۔ جس کے تعلق میں من سائل نے سرورس پر سائل
میں اپیل دائر کی ہے۔ ریٹائرڈ لفٹر DPC 2020 کا کو مقررہ آئی ہے
لہذا من سائل کا کیس فیصلہ ہونے تک DPC ریٹائرڈ لفٹر نہ
ہاں جائے اور اس میں Stay لگا دیے جائے، اس کے بعد درج ذیل
ہوگا

Placed on
the relevant
file
29/2/20

جناب عالی :- سائل / سوید پر حسب ذیل حکم ہے

- (1) یہ من سائل پر حد پینشن سال سے جناب کے زیر سائن ڈیوٹی سرانجام دے رہا ہوں
- (2) یہ کہ من سائل کا پرورش بند ہو چکا ہے۔ جبکہ من سائل کا تعلق ہیڈ آفیس
تلاک ہو گیا ہے
- (3) یہ کہ من سائل / سوید کا پرورش بحال ہونا تک ایسی ضرورت میں
Stay ہونا مطلوب ہے

لہذا ایڈووکیٹ درخواست گزار کے ساتھ کہ DPC ریٹائرڈ لفٹر
کے تعلق میں Stay لگا دیا جائے اس کے بعد درج ذیل حکم

تاریخ 29-2-20

غلام علی
بقلم خود غلام علی
سائل / سوید

ATTESTED
29 FEB 2020