

08.12.2022

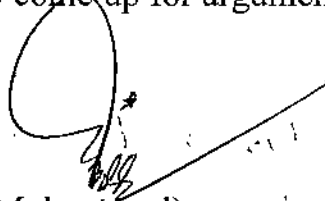
Appellant alongwith his counsel present. Mr. Asif Masood Ali

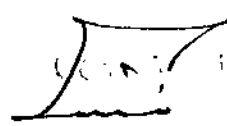
Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments.

Adjourned. To come up for arguments on 25.01.2023 before D.B.

SCANNED
KPST
Peshawar


(Mian Muhamimad)
Member (E)


(Salah-ud-Din)
Member (J)

25-1-23

Proper DB is not available the
case is adjourned to 8-5-23


Recorder

2-6-22

Proper DB not available the case
is adjourned to 10-8-22

of order
Reader

10-8-2022

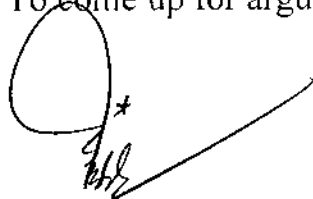
Proper DB not available the case is
adjourned to 2-11-22

of order
Reader

02.11.2022

Appellant in person present. Mr. Taj Muhammad,
Accountant alongwith Mr. Muhammad Jan, District Attorney for
the respondents present.

Appellant requested for adjournment on the ground that his
counsel is busy before Hon'ble Peshawar High Court, Peshawar.
Adjourned. To come up for arguments on 08.12.2022 before D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

22.11.2021

Proper D.B is not available, therefore, case is adjourned to 1.2.2021 for the same.


READER

01.02.2022

Learned counsel for the appellant present. Mr. Taj Muhammad, Accountant on behalf of respondent No. 3 alongwith Mr. Noor Zaman Khattak, District Attorney present.

Learned counsel for the appellant requested for short adjournment. Adjourned. To come up for arguments on 28.02.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

28-2-22

*Due to retirement of the Hon.ble Chairman
the case is adjourned on 31-3-22*

*Spoke
Reader*

31st March, 2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. A.G Taj Muhammad Assistant for the respondents present.

Former seeks adjournment due to non-availability of learned senior counsel for the appellant. Adjourned. Last opportunity is granted. To come up for arguments on 02.06.2022 before the D.B.



(Mian Muhammad)
Member(Executive)



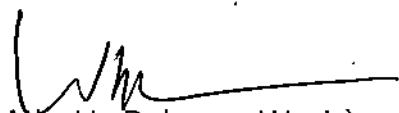
Chairman

04.08.2021

Appellant in person present.

Mr. Kabirullah Khattak, Additional Advocate General for
respondents present.

A request for adjournment was made on behalf of appellant as his counsel is not available today; granted. To come up for arguments on 22.11.2021 before D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

[Faint handwritten notes in Urdu script, possibly a summary or additional remarks.]

17.03.2021


Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 01.04.2021 before S.B.


Reader

01.04.2021

Junior to counsel for the appellant present. Mr. Kabirullah Khattak learned Addl. AG alongwith Taj Muhammad Accountant for respondents present.

Representative of respondents submitted reply/comments which is placed on file. To come up for rejoinder if any, and arguments on 20.05.2021 before D.B.



(Atiq Ur Rehman Wazir)
Member (E)

20.5.21 due to COVID 19, the case is adjourned to 4.8.2021 for the same.



23.11.2020

Mr. Bilal Ahmad Kakazai, Advocate, for appellant is present.

According to the learned counsel representing appellant in categorical terms and with stern refutation to the charges of corruption are leveled against appellant in consequence of which he was proceeded against departmentally which at long last converged on his dismissal from service through the impugned order dated 18.07.2020 which was assailed in departmental appeal/representation within the statutory period but it remained undecided hence, the present service appeal.

The point so agitated at the bar needs consideration. The 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 for 08.02.2021 before

S.B.

Appellate Document
Security & Process Fee
23/11/2020

(MUHAMMAD JAMAL KHAN)
MEMBER

MEMBER ACCOUNTS BAR

08.02.2021

Appellant in person present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Taj Muhammad Accountant for respondents present.

Written reply on behalf of respondents is still awaited. Representative of respondents made a request for time to furnish written reply/comments. Granted. To come up for written reply/comments on 17.03.2021 before S.B.





(Rozina Rehman)
Member (J)

FORM OF ORDER SHEET

Court of _____

Case No.- 12791 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/10/2020	<p>The appeal of Mr. Gul Tiaz presented today by Mr. Bilal Ahmad Kakaizai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23/11/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No: 12791 / 2020

GUL TIAZ

Versus

Government of KPK etc.

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Wakalatnama		

Rustam B
Appellant,

Through:

BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)
213, Sunehri Masjid Road, Near
HBL Nothia Branch, Peshawar
Cantt. 0300-9020098

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No: _____ / 2020

GUL TIAZ,
Ex-Driver,
District Courts, Lakki Marwat
R/o Baz Kally, Sarai Norang, Lakki Marwat.

..... Appellant

VERSUS

1. HONOURABLE ADMINISTRATIVE JUDGE,
(Appellate Authority)
Peshawar High Court, Peshawar,
Through Registrar, Peshawar High Court, Peshawar.

2. REGISTRAR,
Peshawar High Court, Peshawar.

3. DISTRICT & SESSIONS JUDGE,
(Competent Authority), Lakki Marwat.

..... Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974, AGAINST OFFICE ORDER NO. 563-71/DSJ DATED 06.07.2020 ISSUED BY DISTRICT & SESSION JUDGE, LAKKI MARWAT (COMPETENT AUTHORITY) WHEREBY APPELLANT IS AWARDED MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE, WITH IMMEDIATE EFFECT.

Prayer: On acceptance of this Service Appeal the Impugned Dismissal Order dated 06.07.2020 be set aside as being harsh, discriminatory, illegal and unlawful and Appellant

be reinstated in service with all with all back benefits with such other relief as may deem fit in the circumstances of the case may also be granted.

Respectfully Sheweth,

Short facts, giving rise to present Service Appeal, are as under:

- 1) That, Appellant, was performing duties as Driver with Additional District & Sessions Judge-III, Lakki Marwat, when he received an Explanation Letter dated 14.09.2019, copy of the Explanation Letter is attached as Annexure A.
- 2) That, since the contents of Allegations were not true and correct, hence Appellant submitted his reply dated 19.09.2019 wherein he explained his position regarding the allegations, copy of the Reply to the Explanation is attached as Annexure B.
- 3) That, on 12.10.2019 a Charge Sheet coupled with Statement of Allegations was served upon the Appellant, moreover as per the Statement of Allegations, Mr. Muhammad Asghar Ali Senior Civil Judge (Admn) Lakki Marwat was appointed as Enquiry Officer in order to probe the charges, copy of the Charge Sheet coupled with Statement of Allegations is attached as Annexure C.
- 4) That, once again Appellant submitted his reply to the Charge coupled with Statement of Allegations before the Enquiry Officer on 18.10.2019, copy of the Reply is attached as Annexure D.
- 5) That, an Enquiry was conducted against the Appellant by the Enquiry Officer wherein it was categorically mentioned that allegation of taking money from the Complainant could not be proved, copy of the Enquiry Report, Order Sheets etc are attached as Annexure E.
- 6) That, thereafter Show Cause Notice was issued to the Appellant which was also replied by him, wherein the Appellant once again refuted the charges and clarified his position, copy of the Show Cause Notice is attached as Annexure F.

- 7) That, vide Impugned Notification dated 06.07.2020, Appellant was dismissed from the service of the Respondent with immediate effect, copy of the Impugned Notification dated 06.07.2020 is attached as Annexure G.
- 8) That, as per law applicable, Appellant filed / submitted his Departmental Appeal / Representation against the Impugned Order of Dismissal from Service on 18.07.2020 vide Diary No 8125, copy of the Departmental Appeal / Representation dated 18.07.2020 is attached as Annexure H.
- 9) That, the Respondents failed to decide the fate of the Departmental Appeal / Representation within the requisite statutory period, hence this Appeal on the following amongst other grounds:

GROUNDS

1. That, the subject mentioned Punishment Order is illegal, unlawful, void and ineffective.
2. That, same is against the principles of Natural Justice, also.
3. That, the procedure as adopted by the Enquiry Officer as well as the Authority is totally defective and unlawful in view of Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011.
4. That, the Inquiry Officer has mentioned in the enquiry proceedings that receiving amount of Rs. 200000/-, cannot be established against the Appellant as the complainant did not face the cross examination of accused and left the premises where enquiry proceedings were being conducted.
5. That, it was incumbent upon the Inquiry Officer / Competent Authority, to have verified the Cell Phone Record from the relevant Mobile Operator or Pakistan Telecommunication Authority, in order to streamline the allegation against the

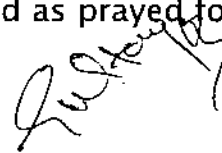
Appellant however nothing material has been done by the Inquiry Officer as well as the Competent Authority.

6. That, the audio recordings provided by the Complainant do not recognize the Appellant as helping hand to the Judicial Officer. It is important to mention here that being sub-ordinate official, whatever was ordered by any Judicial Officer, in Appellant's whole career, has been done accordingly, but no malpractice was ever made.
7. That, Appellant was never involved in any practice which is detrimental to the honour and dignity of the judiciary or any of the Judicial Officers.
8. That, being sub-ordinate official, it was duty of the Appellant to act in pursuance of order of the Judicial Officer, in ordinary routine.
9. That, in none of the audio recordings presented before the Competent Authority and Inquiry Officer, Appellant, himself, has demanded any money / bribe from the complainant.
10. That, the conduct and behavior of the Complainant, before and after making a Complaint, was suspicious, mistrustful and doubtful, that's why he escaped from the cross questions of the Appellant.
11. That, probably, the Complainant, was not able to support his version in Complaint against the Appellant due to not administering special oath in the name of Almighty Allah.
12. That, if the Judicial Officer has named the Appellant as intermediary, than it was incumbent upon the Department, to have summoned him during the enquiry proceedings, otherwise the statement made by the judicial officer in his own enquiry, cannot be made basis for any disciplinary action against the Appellant because the statement of the Judicial Officer has not been subjected to cross examination.

13. That, the complaint of the Complainant against the Appellant was vanished when the Complainant escaped from the enquiry proceedings, without being cross examined.
14. That, the actions and inactions of the Department are not in accordance with law and rules hence liable to be set at naught.
15. That, admittedly no Regular Inquiry was conducted inspite of the fact that Superior Courts and the law has time and again held that disputed questions of facts can only be resolved after conducting Regular Inquiry. In the instant case Appellant is charged with the Alleged Offence of demanding illegal gratification which tantamount to corruption and misconduct but no Regular Inquiry was conducted.
16. That, Appellant was not provided the so-called complaint of the Complainant neither during the Fact-Finding Inquiry not with the Charge Sheet coupled with the statement of Allegations. As per Appellant's knowledge and information, the said complaint is without any mandatory Affidavit nor does it contain any specific dates. Infact it was a vague and improper complaint and as per law it was not entertain-able and maintainable.
17. That, no proceedings were initiated or conducted against the Police Official (Guard) Waheed Noor, who's Cell Phone was also used by the Ex-Judicial Officer.
18. That, similar to the Complaint against the Ex-Judicial Officer, the Complainant also lodged complaint against the Enquiry Officer however no action was taken by the Competent Authority on his Complaint, copy of the Complaint is attached as Annexure J.
19. That, since the Ex-Judicial Officer was removed from service hence under pressure of the letters, communications etc of the Honorable Registrar Peshawar High Court, Peshawar, the Appellant was also dismissed from Service which is against the norms of justice and fair play.

20. That, wrong done by other, cannot be attributed to the Appellant because nothing erroneous was ever done on part of the Appellant.
21. That, no meaningful or purposeful personal hearing was given to the Appellant, as enumerated in law of natural justice.
22. That, the punishment as imposed upon the Appellant is too harsh and does not commensurate with his designation and alleged involvement to the extent of giving his mobile phone to the Judicial Officer.

It is, therefore, requested that Appeal, be accepted as prayed for.



Appellant

Through:

BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No: _____ / 2020

GUL TIAZ

Versus

Government of KPK etc.

AFFIDAVIT

I, GUL TIAZ, Ex-Driver, District Courts, Lakki Marwat, R/o Baz Kally, Sarai Norang, Lakki Marwat, Appellant, do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.


Deponent

Identified by:

BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No: _____ / 2020

GUL TIAZ Versus Government of KPK etc.

ADDRESSES OF PARTIES.

APPELLANT:

GUL TIAZ, Ex-Driver, District Courts, Lakki Marwat, R/o Baz Kally, Sarai Norang, Lakki Marwat.

RESPONDENTS

1. Honourable Administrative Judge, (Appellate Authority), Peshawar High Court, Peshawar, Through Registrar, Peshawar High Court, Peshawar.
2. Registrar, Peshawar High Court, Peshawar.
3. District & Sessions Judge, (Competent Authority), Lakki Marwat.

Appellant,

Through,

BILAL AHMAD KAKAIZAI
 (Advocate, Peshawar)
 213, Sunehri Masjid Road,
 Peshawar.
 0300-9020098

7

ANN- A

10

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge, Lakki Marwat
Phone # 0969-538150 Fax # 0969-538152 E-Mail: dsjlakki@yahoo.com

No: 2400 /DSI LK/Admn

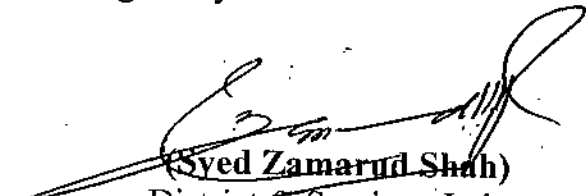
Dated Lakki, the 14/09/2019

To **Mr. Gul Taiz,**
Driver attached with Additional District & Sessions Judge-III,
Lakki Marwat.

Subject: **EXPLANATION**

Whereas information had laid before me through letter No.18429/Admn dated Peshawar the 04/09/2019 of Peshawar High Court, Peshawar that during the disciplinary proceedings against Mr. Nasir Kamal, Ex-Additional District & Sessions Judge, the complainant produced audio recordings which revealed that you were in league with the complainant and acted as intermediary/agent between the litigants and the Ex-Judicial Officer. (Copies of the recordings are attached herewith in USB).

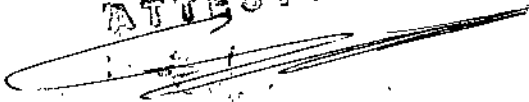
Your this act amounts to misconduct under E & D Rules, 2011, hence you are directed to explain in seven days of receipt of this notice as to why disciplinary proceedings should not be initiated against you.

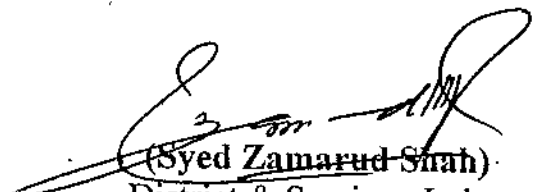

(Syed Zamarud Shah)
District & Sessions Judge
Lakki Marwat.

Endst; No. 2401 / Dated Lakki the 14/09/19 /2019

Copy forwarded to:

1. The Registrar, Peshawar High Court, Peshawar for information please.

ATTESTED

District & Sessions Judge
Lakki Marwat


(Syed Zamarud Shah)
District & Sessions Judge
Lakki Marwat.

حکومت ہریانہ ڈسٹرکٹ ایجوکیشن آفیسر ہریانہ

(8)

عنوان: جواب برائے جواب طلبی

جناب عالی،
من سائل ٹیوٹر کے عہدہ میں تین اجازت مہمان کے ساتھ
بجٹ ڈرائیور رہا ہوں اور ایسا اصرار ہے ساتھ میں فریقہ متعلقہ سرکاری
دیے ہیں اور کسی عزت مآب افسر جلیس مہمان کو کوئی شہادت کا موقع پیدا
نہی بلکہ جناب صاحب مہمان میرے ڈیوٹی اور حال چلنے کی تعریف کرتے ہیں
میں کہیں بھی کہیں غیر قانونی سرکاری میں ملوث نہیں رہا ہوں

OS-3
20.9.2018
DAS/12

جہاں تک مذکورہ Audio Record کیس میں مال کا تعلق ہے
میں بجٹ ڈرائیور اپنے افسر جلیس کا ہر وقت تعینادار رہا ہوں اور کسی
مذکورہ قانونی فعل میں نہ ملوث رہا ہوں اور نہ ہی عدالت نا جائز
کام میں افسر جلیس مہمان کا ہمراہ رہا ہوں نہ ٹیکس ہے کہ سب سے
افسر جلیس مہمان نے کسی دفعہ میرے فون پر باتیں بھی کیں ہیں اور
صوبہ حکم دشن کی دفعہ اپنے فون سے رابطے کے حال ملدیا ہے۔
لہذا جہاں تک ہمراہی کا تعلق اس سے تعلق ہوں البتہ اگرچہ
مہمان مذکورہ کسی کو کہہ دیئے کہ میں ڈرائیور کو کوئی چیز دینے کے لئے وہ وہ
اور مجھے کہہ دیتا ہے کہ فلاں شخص مجھے کوئی چیز بھیج رہا ہے تو
صوبہ حکم دشن میں وصول نہ کرتا تو یہ تو میری طرف سے انکار
ہوتا کیونکہ میں ڈرائیور "جی سر" کے بغیر کیا کر سکتا ہوں

حکومت ہریانہ ڈسٹرکٹ ایجوکیشن آفیسر ہریانہ
بجٹ ڈرائیور کے طور پر

(PTO)

ATTESTED
District & Sessions Judge
Karnal District

میر بھی اپنے بیٹے کے مطابق میں نے نہ لکھی ہے کوئی ایسا ڈیمانڈ
 یا آج صحت نڈورہ کے حکم کے مطابق ڈیمانڈ کیا ہے اور نہ لکھی
 کوئی حدیث نہ لکھی ہے اور نہ لکھی ہے
 میں آج تک نہ لکھی "حقہ مبارک" صحت میں صحت عدالت
 لکھی اور عدالت میں زیر سماعت ہو، صحت میں اور نہ لکھی
 لکھی لکھی ہوگی، کوئی نہ لکھی ڈیمانڈ لکھی اور آج صحت
 پاس ہوگی ہے

صحت عالی

مذکورہ بالا وصیعت صحت میں لکھی اور درست ہے
 اور کوئی آفس نوٹیشن میں لکھی ہے کہ خلف کے لئے میں وقت مبارک میں

کتاب صحت وصیعت (Explanation) کو داخل دفتر فرمایا ہے

ایسا بقیدار اور فرمائیدار

Full Copy

مبارک خان ڈرنگو رعد اللہ ضیاء AST / لکھی کو لکھی ہوگی

توفیق 19/9/2019

ATTESTED

 District Judge
 Jodhpur

CHARGE SHEET

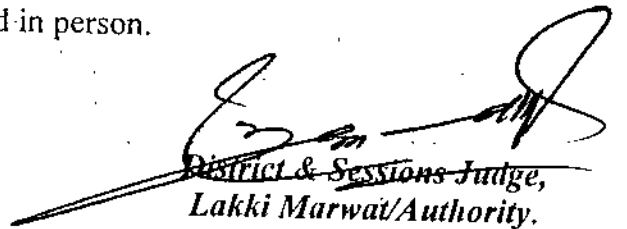
9 ANNI-C
13

1. Syed Zamarrud Shah, District & Sessions Judge Lakki Marwat, as competent authority, hereby charge you, that Mr. Gul Taiz Driver Attached to the Additional District & Sessions Judge-III, Lakki Marwat, as follows:

That you, while posted as, *(Driver to the court of Additional District & Sessions Judge-III, Lakki Marwat)* has committed the following misconduct:

During disciplinary proceedings against Mr. Nasir Kamal Ex-Additional District & Sessions Judge, Lakki Marwat, before Peshawar High Court, Peshawar, the complainant had produced audio recordings which revealed that you acted as an intermediary/ agent between the litigant, and Ex-Judicial Officer and he (Ex-Judicial Officer) used your cell phone number for conversation with litigants. (The copies of recordings have already been provided to you).

3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer.
4. Your written defence, if any, should reach the inquiry officer within the seven days of receipt of this communication, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.

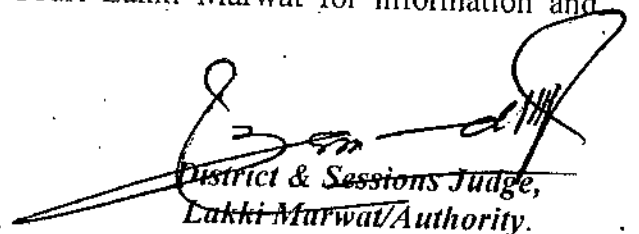

District & Sessions Judge,
Lakki Marwat/Authority.

Endst: No. 3145-47/Admn

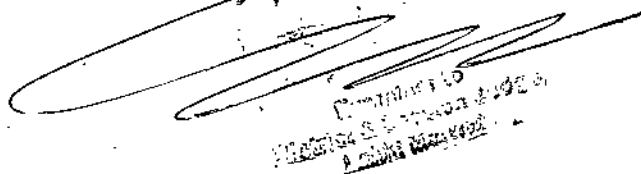
Dated Lakki the 12 / 10 / 2019.

Copy forwarded to:

1. The learned Senior Civil Judge, (Admn) Lakki Marwat/Inquiry Officer, for information and proper inquiry against the delinquent official concerned under Khyber Pakhtunkhwa (Efficiency & Disciplinary) rules 2011.
2. Mr. Gul Taiz Driver, Additional District & Sessions Judge-III Lakki Marwat for information and compliance.
3. Mr. Tariq Saleem Assistant Sessions Court Lakki Marwat for information and compliance.
4. Office Copy.


District & Sessions Judge,
Lakki Marwat/Authority.

ATTESTED


Committee to
Investigate & Report on
Lakki Marwat

① Saj (Admin)

✓

② Tarif Saleem

12/10/14

③ Amir Tariz Amir

Quetta

ATTESTED

[Signature]
1 1
[Faint text]

DISCIPLINARY ACTION

14

I, SYED ZAMARRUD SHAH, District & Sessions Judge Lakki Marwat, as competent authority, am of the opinion that Mr. Gul Taiz Driver Attached to the Additional District & Sessions Judge-III, Lakki Marwat, has rendered himself liable to be proceeded against, as he has committed the following acts/omission, within the meaning of Rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

During disciplinary proceedings against Mr. Nasir Kamal Ex-Additional District & Sessions Judge, Lakki Marwat, before Peshawar High Court, Peshawar, the complainant had produced audio recordings which revealed that you acted as an intermediary/ agent between the litigant, and Ex-Judicial Officer and he (Ex-Judicial Officer) used your cell phone number for conversation with litigants. (The copies of recordings have already been provided to you).


2. For the purpose of inquiry against the said accused/official with reference to the above allegations, an inquiry officer named below is nominated under Rule 10 (1) of the ibid rule:

Muhammad Asghar Ali,
Senior Civil Judge (Admn),
Lakki Marwat.

3. The Inquiry officer shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused/official, record his findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused/official.

Dated: _____/2019

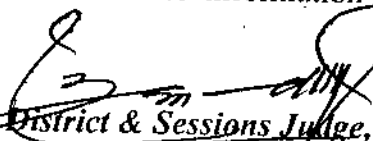
Endst: No. 3148 - 50/Admn


District & Sessions Judge,
Lakki Marwat/Authority.
Dated Lakki the 12 / 10 / 2019.

Copy forwarded to:

1. The learned Senior Civil Judge,(Admn) Lakki Marwat/Inquiry Officer, for information and proper inquiry against the delinquent official concerned under Khyber Pakhtunkhawa (Efficiency & Disciplinary) rules 2011.
2. Mr. Gul Taiz Driver, Additional District & Sessions Judge-III, Lakki Marwat for information and compliance.
3. Mr. Tariq Saleem Assistant Sessions Court Lakki Marwat for information and compliance.
4. Office Copy.

ATTESTED


District & Sessions Judge,
Lakki Marwat/Authority.


District & Sessions Judge,
Lakki Marwat/Authority.

① ScJ (Admin)

g/v

② Tarif Sakam

12/10/19

③ Lul Taiz Driver

g/v

ATTEN

17

17

17

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge, Lakki Marwat

Phone#0969-538150 Fax# 0969-538152

E-Mail:dsjlakkiarwat@gmail.com

No: 3151 DSJ/LK/Admn

Dated: 12 / 10 / 2019

11A
14-A

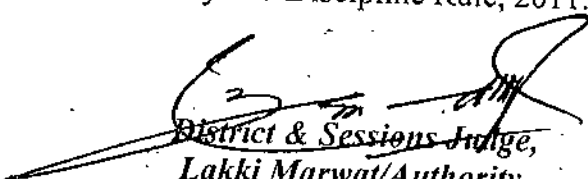
To Mr. Tariq Saleem,
Assistant, Sessions Court,
Lakki Marwat.

Subject: APPOINTMENT OF DEPARTMENTAL/REPRESENTATIVE.

Memo:

On the receipt of letter No.18429/Admn dated 04/09/2019 received from the Peshawar High Court, Peshawar, a departmental inquiry against Mr. Gul Taiz Driver of attached with Ex-Additional District & Sessions Judge-III, Lakki Marwat has been initiated in which Muhammad Asghar Ali learned Senior Civil Judge(Admn) Lakki Marwat has been appointed as Inquiry Officer to hold an inquiry under the Efficiency and Discipline Rules, 2011.

You are, therefore, appointed as Departmental Representative under Rule 10 (c) which the directions to provided full assistance to Inquiry Officer during the inquiry proceedings and prepare all the relevant record relating to inquiry, on each date of hearing. You are also authorized to cross-examine the witness (if any) to be produced by the accused/official and with the permission of the Inquiry officer may also cross-examine the prosecution witnesses, to rebut the grounds of defence offered by the accused/official before the Inquiry Officer etc as provided under the Efficiency and Discipline Rule, 2011.

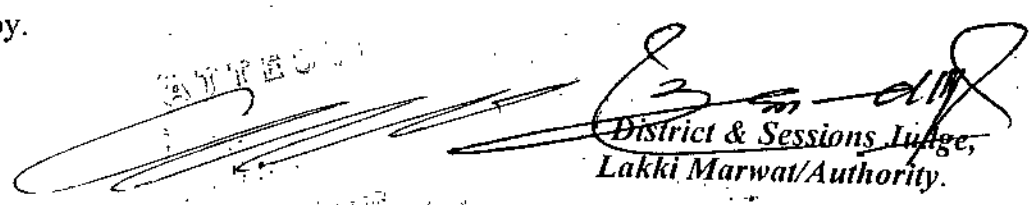

District & Sessions Judge,
Lakki Marwat/Authority.

Endst: No. 3152-53/Admn

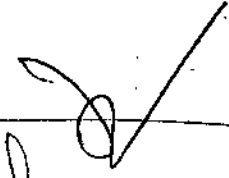
Dated Lakki the 12 / 10 / 2019.

Copy forwarded to:

1. The learned Senior Civil Judge (Admn), Lakki Marwat/Inquiry Officer, for information.
2. Mr. Gul Taiz Driver Additional District & Sessions Judge-III, Lakki Marwat for information.
3. Office copy.


District & Sessions Judge,
Lakki Marwat/Authority.

① Saj (Admin)


12/10/19

② Tarif Sakem

③ Lari Tarif Diriva



بخدمت جناب انکوآری آفیسر صاحب/ ایڈیشنل جج (ایڈمن) لکی مروت

عنوان: جواب بابت چارج شیٹ بحوالہ ڈسٹرکٹ ایڈیشنل جج صاحب لکی مروت لیٹر Endst نمبر 3145-47/Admn

تاریخ 12.10.2019

جناب عالی!

بحوالہ مذکورہ درج شدہ چارج شیٹ من گلتیاں ڈراپور ایڈیشنل جج صاحب-III مندرجہ ذیل حلقاً بیان کرتا ہوں۔

میں نے اپنی تمام تر وضاحت بابت Allegations مذکورہ چارج شیٹ میں بوقت جواب Explanation جناب ڈسٹرکٹ ایڈیشنل جج صاحب کو دے چکا ہوں۔ جو آپ صاحبان کے سامنے انکوآری فائل پر موجود ہیں اور قابل ملاحظہ ہے۔ چونکہ میری ڈیوٹی ڈسٹرکٹ ایڈیشنل جج صاحب نے ایڈیشنل ڈسٹرکٹ ایڈیشنل جج صاحب-III لکی مروت کے ساتھ لگائی تھی اور میں نے حکم کی تعمیل کرتے ہوئے اپنی ڈیوٹی احسن طریقے/خوش اسلوبی سے سرانجام دیتا رہا۔ چونکہ متعلقہ جج صاحب کے ساتھ میری ڈیوٹی تھی اُسکا ہر جائز حکم ماننا میرا قانونی، اخلاقی اور دینی فرض تھا لہذا میں نے اپنی ڈیوٹی میں کوئی کوتاہی نہیں چھوڑی ہے۔ اور اُس کا ہر جائز حکم (جو کہ میری ڈیوٹی میں آتا تھا) مانا ہے۔

(۱) میرے خلاف نہ کوئی ایسی شکایت ہے اور نہ کوئی شہادت ہے کہ میں نے جج صاحب کے غلط پیغام کو کسی تک پہنچایا ہے یا کسی مقدمہ باز کی غلط/غیر قانونی بات کو جج صاحب کے پاس پہنچایا ہو۔ اور نہ کوئی چیز کسی سے وصول کی ہے اور نہ سابقہ جج صاحب کو دی ہے میرے خلاف الزامات بے بنیاد ہیں۔ میں پوری ایمانداری سے اپنے فرائض منصبی انجام دے رہا ہوں۔ اور یہی میرے ایمانداری کی ثبوت ہے کہ میرے موجودہ جج صاحب اور سابقہ جج صاحبان نے میری کوئی شکایت نہ کی ہے۔ مزید یہ کہ بدوران کاروائی بر خلاف سابقہ جج صاحب جو کہ پشاور ہائی کورٹ پشاور میں زیر سماعت تھی اُس دوران نہ مدعی/درخواست کنندہ نے میرے خلاف کوئی دعویٰ/شکایت کی ہے، نہ میرے خلاف کوئی بیان دیا ہے اور نہ عدالت عالیہ نے مجھے بطور ملزم یا گواہ طلب کیا ہے۔

لہذا مندرجہ بالا وضاحت کی بنیاد مجھے چارج مذکورہ سے مستثنیٰ فرمایا جا کر انکوآری ہذا داخل دفتر فرمایا جاوے۔ دیگر حالات میں میں اپنی صفائی پیش کروں گا اور مجھے ذاتی سماعت کا موقع دلائی جائے۔ نیز مجھے اپنے صفائی کیلئے اپنے وکیل مقرر کرنے کی اجازت بھی دلائی جائے۔

18/10/19
Sultayaz Khan

سائل
Sultayaz Khan
گل تیاخان ڈراپور ایڈیشنل ڈسٹرکٹ ایڈیشنل جج-III لکی مروت

ATTESTED



Examined to
Deputy District Judge
Lakki Marwat

ANNI- E

16

OFFICE OF THE SENIOR CIVIL JUDGE (ADMN) LAKKI MARWAT

No. 1648 SCJ(A)LM

Dated 18.3.2020

To

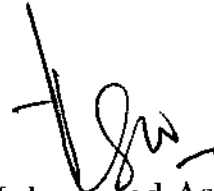
**The District & Sessions Judge
Lakki Marwat.**

Subject: **INQUIRY REPORT**

Respected Sir,

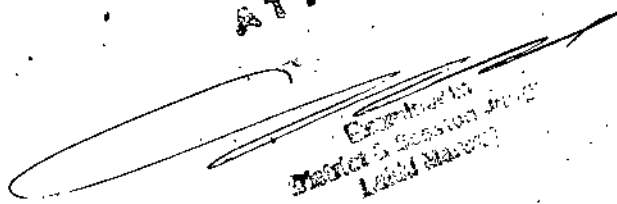
I have the honour to submit herewith the inquiry report initiated against Mr. Gul Tiaz Driver. The file consists of twenty five pages containing all the documents and Compact Disc according to attached Index please.

Yours obediently,



Muhammad Asghar Ali
Senior Civil Judge (Admn) Lakki Marwat
(Inquiry Officer)

ATTESTED



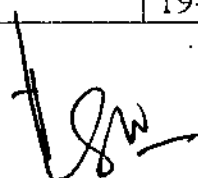
Executive
District & Sessions Judge
Lakki Marwat

BEFORE MUHAMMAD ASGHAR ALI SENIOR CIVIL JUDGE (ADMN)
LAKKI MARWAT/INQUIRY OFFICER

INQUIRY AGAINST MR. GUL TIAZ, DRIVER ATTACHED WITH
ADDITIONAL DISTRICT & SESSIONS JUDGE-III, LAKKI MARWAT

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Muhammad Asghar Ali
 Senior Civil Judge (Admn) Lakki Marwat
 (Inquiry Officer).

ATTESTED



18

1

OS.....1
11-09-2019

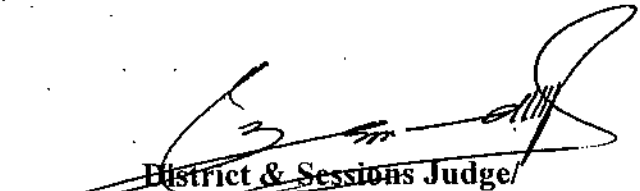
The instant inquiry received through letter No.18429/Admn dated Peshawar the 04/09/2019. Official concerned be summon for 13/09/2019.


~~District & Sessions Judge/~~
Competent authority,
Lakki Marwat.

OS.....2
13-09-2019

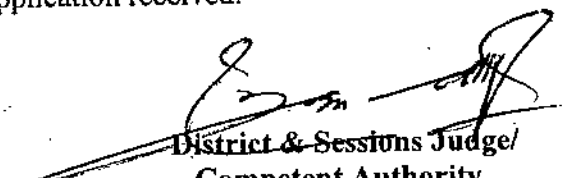
Tayaz

Accused official present. Explanation be called for concerned official for 20/09/2019.


~~District & Sessions Judge/~~
Competent authority,
Lakki Marwat.


OS-----03
20-09-19

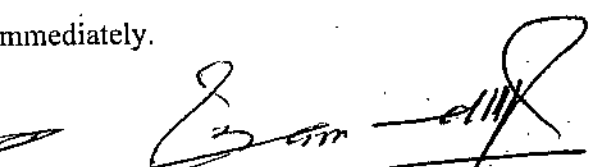
Accused official present. Reply of the application received. To come up for further proceeding.


~~District & Sessions Judge/~~
Competent Authority,
Lakki Marwat.

OS-----04
12-10-19

Accused official present. Reply not satisfactory.
Charge sheet, statement of allegation given to the accused official. Formal inquiry needs to be conducted into the matter, therefore inquiry initiated against the accused official namely Gul Tayaz Khan (Driver).
Mr. Muhammad Asghar Ali SCJ (Admn) appointed as inquiry officer.
And Mr. Tariq Saleem (Assistant) appointed as Departmental/ Representative of the competent authority.
Concerned file be sent to the inquiry officer immediately.

ATTESTED

District & Sessions Judge
Lakki Marwat



~~District & Sessions Judge/~~
Competent Authority,
Lakki Marwat.

19

19

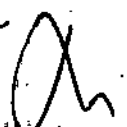
O-5
14.10.19

Inquiry file received. Notice be issued to the accused official and the Departmental Representative for
28/10/19


Senior Civil Judge (Admn)
Lakki Marwat

O-6
28/10/19

None present. Notice not issued. Concerned official is directed to be careful in future. Fresh process be issued as per previous order for
09.11.19


Senior Civil Judge (Admn)
Lakki Marwat

O-7
09.11.19

Mr. Tariq Saleem, Rep: of the department present. Mr. Gul Tiaz, Accused official present. The Departmental Representative is directed to produce the Complaint as well as who produced audio recordings on
02.12.19

ATTESTED

Attested by
Distt. & Sessions Judge
Lakki Marwat


Senior Civil Judge (Admn)
Lakki Marwat

O-8
03.9.19.

Since the undersigned was on casual leave on 02.12.19, therefore proceedings could not be conducted. The Departmental Representative is present. He is directed to produce the Complainant, who produced the audio recordings on 14.12.19.

[Signature]

O-9
13.12.2019

The inquiry proceedings are fixed for 14.12.2019, however on the said date I have to proceed to Islamabad to attend National Conference of Model Courts. at a Home notice to the Probation Departmental representative to produce the Complainant on 04.01.2020

[Signature]

Senior Civil Judge (Adm)
Lakki Marwat

ATTESTED

[Signature]

Deputy Commissioner
Lakki Marwat


O-10
04.01.2020

Mr. Tariq Saleem, Departmental Rep;
Present and seeks time to take
out the Complaint Kifayatullah.
Given. To come up on 22.01.2020.


Senior Civil Judge (Admn)
Lakki Marwat


O-11
22.01.2020

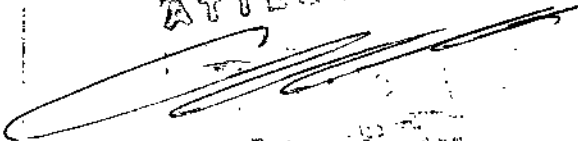
Being busy in Zoom training, proceed
could not be conducted. To come
up on 10.02.2020.


Senior Civil Judge (Admn)
Lakki Marwat

O-12
10.2.2020

As Rep: of the Department (Mr. Tariq
Saleem) is present. Kifayatullah
(Complaint) is present. Accused
Officer Gul Tiaz driven be summoned
for 11.2.2020.


Senior Civil Judge (Admn)
Lakki Marwat

ATTENTION

Senior Civil Judge (Admn)
Lakki Marwat

O-13

11.2.2020

Accused official Gul Tiaz Driver
 is present. Complainant Kifayatullah
 is also present. Mr. Tariq Saleem,
 Rep. of the Dept. present. Statement
 of the Complainant recorded, however
 the Accused official seeks time for
 cross examination. Given. To come
 up on 15.2.2020.

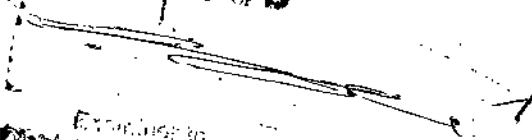

 Senior Civil Judge (Admn)
 Lakki Marwat

O-14

15/2/2020

Accused official Gul Tiaz present.
 Complainant also present. Mr. Tariq
 Saleem, Rep. of the Department present.
 One complainant/applicant intends to
 produce his brother as witness, and
 seeks time for it. Given. To come up
 on 17.2.2020.


 Senior Civil Judge (Admn)
 Lakki Marwat


ATTESTED

 Attesting Officer
 District & Sessions Judge
 Lakki Marwat

O-15
17.2.2020

(23)
(4)

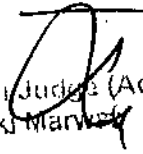
Accused Official - Gul Tiaz Dever present. Applicant Masum Kifayatullah along with his brother Faizanullah also present. Mr. Tariq Saleem, Rep. of the Department present. Statement of Faizanullah, the brother of the Complainant / applicant recorded. One Accused Official seeks time for cross-examining both of them and seeks time. Given. To come up on

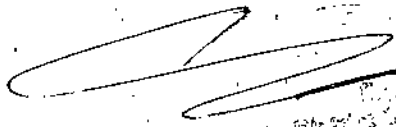
22.2.2020


Senior Civil Judge (Admn)
Lakki Marwat

O-16
22.2.2020

Accused Official present. Complainant Kifayatullah also present. One Complainant seeks time for production of his brother who has statedly left for Iqbal. One Complainant is directed to produce him on 29.2.2020


Senior Civil Judge (Admn)
Lakki Marwat


Lakki Marwat

24

24

O-17
29-2-2020

Accused official present while the complainant is not in attendance. Mr. Tariq Saleem, Rep: of the Dept: is present and informed that he has contacted the Complainant telephonically, who expressed his inability to come due to accident of his brother. The Rep: is directed to convey next date to the complainant as 07-7-2020

Senior Civil Judge (Admn)
Lahore

O-18
07.3.2020

Accused official present. Complainant is present along with his brother Fulmanullah. Today the inquiry was fixed for cross-examination. Kifayatullah, the Complainant insisted for his cross-examination in presence of his brother, but was told that it was against the law. After some arguments, he produced his brother for cross-examination and waited outside. When he was called for facing cross-examination, he refused. There is no need for further evidence. Inquiry report would be put up before worthy District & Sessions Judge, Lahore. District of Sessions
Lahore

Senior Civil Judge (Admn)
Lahore

ATTESTED
Signature
Deputy District & Sessions Judge
Lahore

25

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge, Lakki Marwat
Phone#0969-538150 Fax# 0969-538152 E-Mail:dsjlakki@Yahoo.com

No S&S /DSJ

Dated: 06 / 07 /2020

ORDER.

This inquiry has been conducted against the accused official Mr. Gul Tiaz, Driver (BPS-06) in compliance with letter No.18429/Admn Dated Peshawar the 04-09-2019, of the Honourable Peshawar High Court Peshawar, which is reproduced as under:

Subject: Compact Disc

Dear Sir,

I am directed to say that during disciplinary proceedings against Mr. Nasir Kamal, Ex-Additional District & Sessions Judge, the complainant produced audio recording which revealed that the official driver namely Gul Taiz of the Ex-Judicial Officer was also in league with the complainant and acted as intermediary between litigant and the Judicial Officer.

I am, therefore, directed to forward herewith Compact Disc containing the above-mentioned audio recording with the directions to proceed under E&D Rules against the said driver on the strength of above evidence.

Sincerely yours,

**ADDITIONAL REGISTRAR (ADMN)
FOR REGISTRAR**

ATTESTED

Ex-Additional District & Sessions Judge
Lakki Marwat

Explanation was called from the accused official vide Endst No. 2400/DSJ LK/Admn Dated 14/09/2019.

The accused official submitted his written reply.

The accused official was charge sheeted and statement of allegations were given to the accused official vide Endst No.3145-47/Admn

Dated 12/10/2019 and respectively and Mr. Muhammad Asghar Ali Senior Civil Judge (Admn), Lakki Marwat was appointed/nominated as Inquiry Officer under Rule 10 (1) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 with directions to provide reasonable opportunity of hearing to the accused official, record his findings and make recommendations as to punishment or other appropriate action against the accused official.

The accused official submitted his reply in written form to the charge sheet and statement of allegations. The learned Inquiry Officer, after completion of inquiry, submitted his report and recommended major penalty of removal of the accused official from service.

On receipt of report of learned Inquiry Officer, " Show Case Notice" was issued to the accused official.

The accused official submitted his reply in written form and requested to afford him an opportunity to be heard in person.

The accused official was called and heard in person. He denied from the allegations leveled against him and professed his innocence.

Perusal of the inquiry proceedings, conducted by the learned Inquiry Officer, reveal that one Kifayat Ullah S/O Muhammad Yaqoob Khan R/O Serai Naurang, who had provided audio recording as complainant during disciplinary proceedings against Mr. Nasir Kamal Khan, Ex-Additional District & Sessions Judge, was summoned and his statement was recorded. He also produced his brother Farman Ullah. Statement/evidence of Farman Ullah was recorded and he was also cross examined by the accused/official while the cross examination of the complainant Kifayat Ullah could not be recorded due to his own conduct.

The charges/allegations against the accused official are that he has acted as an intermediary/agent between the litigant (Kifayat Ullah) and Mr. Nasir Kamal Khan (Ex-Additional District & Sessions Judge) and the Ex-Judicial Officer has used his cell phone number for conversation with litigant (Complainant).

ATTESTED

[Handwritten signature and date]
06/07/2020

[Handwritten signature]

Secretary to
District & Sessions Judge,
Lakki Marwat

In his statement Kifayat Ullah, complainant (though not cross examined) has alleged that Mr. Nasir Kamal Khan (Ex-Additional District & Sessions Judge) had received unlawful gratification time to time from him in his cases. He has also alleged that the said Ex-Judicial Officer used to contact him through his own cell number and sometimes through cell number 0336-8868264 of his driver the accused official Gul Tiaz and cell number of his Police Guard, namely, Waheed Noor. He has further stated that the Ex-Judicial Officer demanded a huge amount from him in a petition u/s 22-A CrPC, filed by him, and the accused official (Gul Tiaz) struck the deal at Rs. 2,00,000/- and the amount was handed over to the accused official.

Farman Ullah (brother of Kifayat Ullah) has stated in his evidence that the accused official came to his Mobil Oil Agency at Seria Gambilla in 2018 and his brother Kifayat Ullah took Rs. 2,00,000/- from him (Farman Ullah) and handed over to Gul Tiaz (accused official) in connection of a case.

In all of the written replies to the initial notice, charge sheet and show cause notice, the accused official has admitted the facts of calling from his mobile phone number 0333-8868264 to the Kifayat Ullah and the genuineness of the audio recordings, provided by the said Kifayat Ullah to the Honourable Peshawar High Court. He has admitted that the Ex-Judicial Officer Nasir Kamal Khan had made calls from his mobile phone so many times and he also made calls for the Ex-Judicial Officer at his direction and further that he has also received things from the people upon the direction of Ex-Judicial Officer. Thus the allegations of conduct of accused official and that of Ex-Judicial Officer with the litigant Kifayat Ullah are established from his own admissions.

So for the questions as to which kind of relation the accused official was having with the litigant Kifayat Ullah and his role as an agent/intermediary of the Ex-Judicial Officer with Kifayat Ullah are concerned, the same are established/proved through the audio conversations/recordings provided by the complainant Kifayat Ullah to the Honourable Peshawar High Court, Peshawar. I have personally heard these conversations/audio recordings, present in the Compact Disc, in my office,

[Handwritten signature]
06/07/2020

ATTESTED

[Faint handwritten text and stamp]

two of which have been mentioned in detail by the learned Inquiry Officer in his report.

These conversations among the Ex-Judicial Officer, accused official and Kifayat Ullah speak volumes about unreasonable and unfair attachment of the accused official with Ex-Judicial Officer and being acting as an intermediary/agent between the Ex-Judicial Officer and Kifayat Ullah.

The plea of accused official that being subordinate, he was bound to obey the order of Ex-Judicial Officer, is not correct because he was not bound to obey the illegal orders. Further that the conversation that took place between the accused official and Kifayat Ullah also negates this plea and does not give a slightest impression that there was any kind of pressure upon him. Rather from the audio recordings, it is evident that at the time of conversation, the accused official and the Ex-Judicial Officer were sitting together and discussing the issue with Kifayat Ullah which fact strengthens the role of accused official as intermediary between the two. Had he not acted as an agent/intermediary, he would not have been part of discussion of Ex-Judicial Officer with Kifayat Ullah.

From the above mentioned facts, the allegations against the accused official are proved and he has been found guilty of "Misconduct" and "Corruption" as specified in Rule: 3 (b) & (c) and thus, while agreeing with the findings of the learned Inquiry Officer, major penalty as enumerated in Rule: 4 (1) (b) (iv) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rule: 2011 is imposed upon the accused official Gul Tiaz, Driver (BPS-06) and he is dismissed from service with immediate effect. Proper notification in this regard is issued.

3678

7-7-20

7-7-20

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7-7-20

7-7-20

(Signature)
(Syed Zamarrud Shah)
District & Sessions Judge,
Competent Authority

ATTESTED

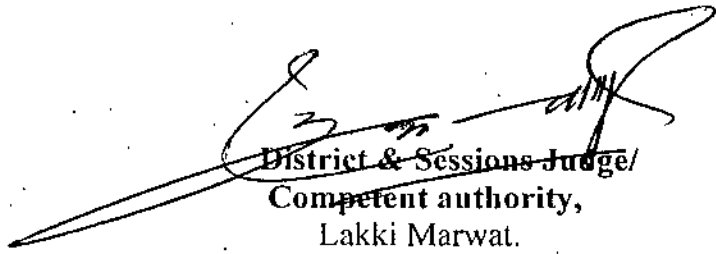
06/07/2020

(Signature)
Form 41
District & Sessions Judge
Khyber Pakhtunkhwa

Or.....01
03-06-2020

Report of Inquiry Officer is received. Be registered. In light of report of Inquiry Officer, " Final Show Cause Notice" is given to the accused official Gul Tiaz, Driver.

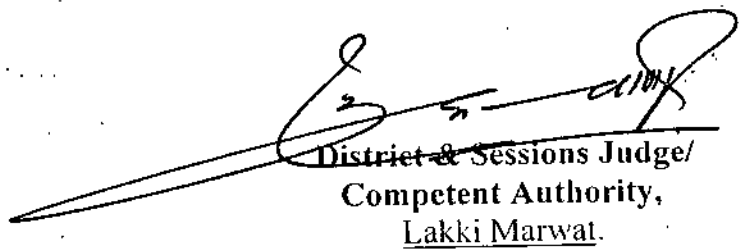
File to come up for reply of accused official and further proceedings for 10-06-2020.


District & Sessions Judge/
Competent authority,
Lakki Marwat.

Or.....02.
10.06.2020.

Written reply of the accused official Gul Tiaz Khan Drvier to the "Final show Show Cause Notice" is submitted.

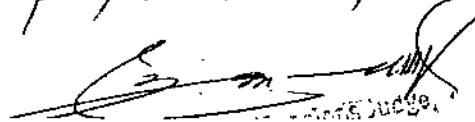
The accused official has desired and requested to be heard in person ~~to be heard in person~~, hence, he be summoned to appear before the Undersigned for personal hearing on 20.06.2020.


District & Sessions Judge/
Competent Authority,
Lakki Marwat.

0-3
20-06-2020

Accused official Gul Tiaz Khan (Driver) in person present and was heard in detail. He denied from the allegations levelled against him & professed his innocence.

File to come up for order for 06/07/20


District & Sessions Judge.

Received by
District & Sessions Judge
Lakki Marwat

SHOW CAUSE NOTICE

I, SYED ZAMARRUD SHAH, District & Sessions Judge Lakki Marwat, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. **Gul Tiaz Driver** attached to Additional Sessions Judge-III Lakki Marwat ^{as} follows:

" During disciplinary proceedings against Mr. Nasir Kamal Ex-Additional District & Sessions Judge, Lakki Marwat, before Peshawar High Court, Peshawar, the complainant had produced audio recordings which revealed that you were in league with the complainant and acted as an intermediary/ agent between the litigant, and Ex-Judicial Officer and he (Ex-Judicial Officer) used your cell phone number for conversation with litigants. (The copies of recordings have already been provided to you),,

1. (i) That consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing vide communication No.2400 dated 14-09-2019 and
- (ii) on going through the findings and recommendations of the Inquiry Officer, the material on record and other connected papers including your defence before the Inquiry Officers.

I am satisfied that you have committed the following acts/ omissions specified in rule 3 of the said rules and have been found guilty of

(a) Misconduct; and

(b) Corruption.

2. As a result therefore, I as competent authority have tentatively decided to impose upon you the penalty of removal /dismissal from service under rule 4 of the said rules.
3. You are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an exparte action shall be taken against you.
5. A copy of the findings of the Inquiry Officer is enclosed.

ATTESTED

Witness to
District & Sessions Judge
Lakki Marwat

COMPETENT AUTHORITY

31

To,

The Honourable District & Sessions Judge,
Lakki Marwat.

Subject: REPLY TO SHOW-CAUSE NOTICE.

Respected Sir,

Please refer to show cause notice No.nil Dated nil received on 04.6.2020.

Reply to Show Cause notice is submitted as under:

1. It is humbly stated that I was appointed as Driver on 24.9.2018 and I was directed to perform my duty with honourable Additional District Judge-III Lakki namely, Nasir Kamal and I remained with ADJ-III till 19.01.2019 when the said officer was transferred from Lakki Marwat.
2. That after the transfer of Mr. Nasir Kamal I was directed to perform my duty with Madam Wadiya Mushtaq with whom I remained on duty till 04.03.2019 when the madam got transferred from Lakki Marwat.
3. That after that I was directed to perform my duties as driver with Honourable Additional District & Sessions Judge and still performing my duty with the said officer for the last one year.
4. That I am performing my duties whole heartedly and there is not a single complaint against me.
5. That this is my first government job and I was told that your duty is to obey the orders of your superiors. Therefore upon my appointment, I trial my level best to obey all the legal orders of all my superiors .
6. That I never indulge myself in any illegal or immoral activities. The alleged phone recording also affirms my stance that I was just obey the orders of the honourable Additional District Judge to the extent that when and where he directed me to bring anything from local market I did that whole heartedly.
7. That I never formed any act or commission which comes under the preview of Misconduct or corruption.
8. That the complaint has also referred to be cross-examined , therefore, all his allegations could not be relied upon. Even the honourable Inquiry officer has also exonerated me from the charges of collection any amount from the complainant.

*Proctor/03/10/20
11/6/2020*

Thus the stance of the complainant has no weight at all.

The complainant in his statement has categorically stated that the said honourable ADJ used only my phone cell while talking to the complainant and that is too only on the one and the same day when the said honourable ADJ has been transferred from Lakki Marwat.

9. That it is astonishing that the learned inquiry officer has misinterpreted all the facts of the case. I just tried to clarify my position by presenting the example that when my immediate officer directs me to collect anything from any one, anywhere and bring to him, then how could I refuse the orders of immediate boss coupled with the fact that I was freshly recruited employee having no experience to take such like situation. The said example interpreted as "Admission on my part" by the learned inquiry officer hence not maintainable and is nullity in law.

10. That the learned Inquiry officer did not afforded me any opportunity to present my defence which amounts to condemned unheard.

11. That proposed penalty is very harsh and injustice. The honourable courts in number of judgments reiterated that penalty must be commensurate to the guilt of the accused. The said alleged occurrence took place which I was freshly recruited having no previous experience of government servant.

12. That after the transfer of the said learned ADJ, I performed my duties with number of other judicial officers but admittedly not a single complaint is against me either from any private person or from my superior. It also speaks loudly about my innocence.

13. That it is also requested that I may kindly be afforded an opportunity to be heard in person.

It is, therefore requested that I may kindly be exonerated from all the charges and the proceedings may be filed.

Reply is submitted sir,

Dated: 11.6.2020.

Gul Tayaz Khan
11/6/2020

Gul Tayaz Khan
Driver to honourable
Addl: Sessions Judge-III
Lakki Marwat.

33

ANN- G

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge, Lakki Marwat
Phone#0969-538150 Fax# 0969-538152 E-Mail:dsjlakki@Yahoo.com

No S63-71/DSJ

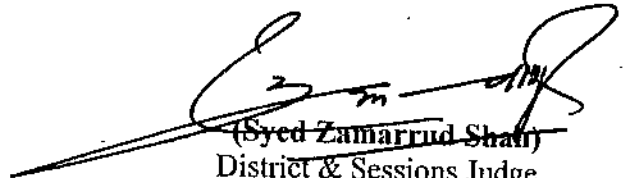
Dated: 06/07/2020

NOTIFICATION

WHEARAS, in compliance with letter No.18429/Admn Dated Peshawar the 04/09/2019 of the Honourable Peshawar High Court, Peshawar, disciplinary proceedings were initiated against Mr. Gul Tiaz, Driver (BPS-06) accused official, under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

And **WHEREAS**, Explanation was called from the accused official. He was charge sheeted. Inquiry was conducted and thereafter he was served with show cause notice and was also heard in person. After complying with the entire prescribed procedure under the Rules ibid, it has been found that the charges enumerated in the charge sheet and show cause notice have been proved against the accused official.

Now, **THEREFORE**, major penalty as enumerated in Rule 4(1) (b)(iv) of the Rules ibid, is notified and imposed upon the accused official Gul Tiaz, Driver and he is dismissed from service with immediate effect.

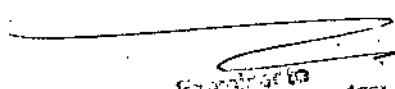

(Syed Zamarrud Shah)
District & Sessions Judge,
Lakki Marwat.
(Competent Authority)


Endst; No. & date even:

Copy forwarded to:

1. The Registrar, Peshawar High Court, Peshawar with reference to letter No.18429/Admn dated Peshawar the 04/09/2019.
2. The Member Inspection Team, Peshawar High Court, Peshawar with reference to letter No.351//MIT, Dated Peshawar the 09/06/2020.
3. The Senior Civil Judge (Admn) Lakki Marwat.
4. The District Account Officer, Lakki Marwat.
5. The Accountant to District & Sessions Judge, Lakki Marwat.
6. The Official concerned by name.
7. Personal file of the official concerned.
8. Office copy.

ATTESTED


Assistant District & Sessions Judge
Lakki Marwat


District & Sessions Judge,
Lakki Marwat.
(Competent Authority)
06/07/2020

Notification (Dismissed from service)

From: dsj lakki (dsjlakki@yahoo.com)
To: phcps@gmail.com; mitphc@gmail.com
Date: Monday, July 6, 2020, 11:21 PM CDT

DISTRICT & SESSIONS COURT LAKKI MARWAT
Phone#0969-538150
Fax#0969-538152
Email;dsjlakki@yahoo.com



Notification.pdf
32.4kB

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**BEFORE THE HONOURABLE ADMINISTRATIVE
JUDGE, PESHAWAR HIGH COURT, PESHAWAR,
(APPELLATE AUTHORITY)**

Through Registrar Peshawar High Court, Peshawar

8/25

18/7/22

I N D E X

Description of Documents		Page #
Memo of Departmental Appeal		1 - 3
<i>Annexure A</i>	Impugned Punishment Order dated 06.07.2020 & other relevant Documents.	4 - 38

Gul Tiaz Kher

(GUL TIAZ)
Ex-Driver,
District Courts, Lakki Marwat
R/o Baz kalay, Sarai Norang, Lakki
Marwat.

①
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**BEFORE THE HONOURABLE ADMINISTRATIVE
JUDGE, PESHAWAR HIGH COURT, PESHAWAR,
(APPELLATE AUTHORITY)**

Through Registrar Peshawar High Court, Peshawar

SUBJECT: DEPARTMENTAL APPEAL AGAINST OFFICE ORDER NO. 563-71/DSJ DATED 06.07.2020 ISSUED BY DISTRICT & SESSION JUDGE, LAKKI MARWAT (COMPETENT AUTHORITY) WHEREBY APPELLANT IS AWARDED MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE, WITH IMMEDIATE EFFECT.

Prayer: *On acceptance of this Departmental Appeal the Impugned Dismissal Order dated 06.07.2020 be set aside and Appellant be reinstated in service with all back benefits with such other relief as may deem fit in the circumstances of the case may also be granted.*

Respected Sir,

Reference subject mentioned Penalty Order I, GUL TIAZ, Ex-Driver, submit my Departmental Appeal for your Honor's sympathetic & benevolent considerations as under:-

1. That, the subject mentioned Punishment Order is illegal, unlawful, void and ineffective.
2. That, same is against the principles of Natural Justice, also.
3. That, the procedure as adopted by the Enquiry Officer as well as the Authority is totally defective and unlawful in view of Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011.
4. That, the Inquiry Officer has mentioned in the enquiry proceedings that receiving amount of Rs. 200000/- cannot be established against the Appellant as the complainant did not face the cross examination of accused and voluntarily left the premises where enquiry proceedings were being conducted.
5. That, it was incumbent upon the Inquiry Officer / Competent Authority, to have verified the Cell Phone Record from the relevant Mobile Operator or Pakistan Telecommunication Authority, in order to streamline the allegation against the Appellant however nothing material has been done by the Inquiry Officer as well as the Competent Authority.
6. That, the audio recordings provided by the Complainant do not recognize the Appellant as helping hand to the Judicial Officer. It is important to mention here that being sub-ordinate official, whatever was ordered by any Judicial Officer, in Appellant's whole career, has been done accordingly, but no malpractice was ever committed.

7. That, Appellant was never involved in any practice which is detrimental to the honour and dignity of the judiciary or its Judicial Officers.
8. That, being sub-ordinate official, it was duty of the Appellant to act in pursuance of order of the Judicial Officer, in ordinary routine.
9. That, in none of the audio recordings presented before the Competent Authority and Inquiry Officer, Appellant, himself, has demanded any money / bribe from the complainant.
10. That, the conduct and behavior of the Complainant, before and after making a Complaint, was suspicious, mistrustful and doubtful, that's why he escaped from the cross questions of the Appellant.
11. That, probably, the Complainant, did not support his version in Complaint against the Appellant due to fear of administering special oath in the name of Almighty Allah.
12. That, if the Judicial Officer has named the Appellant as intermediary, than it was incumbent upon the Department, to have summoned him during the enquiry proceedings, otherwise any statement made by the judicial officer in his own enquiry, cannot be made basis for any disciplinary action against the Appellant because the statement of the Judicial Officer has not been subjected to cross examination by the Appellant.
13. That, the Competent Authority as well as Inquiry Officer was duty bound to have verified the call records of Appellant through PTA and relevant mobile operator.
14. That, it cannot be established through cogent means that Appellant was the person who connected the Judicial Officer and the Complainant with each other and Appellant was himself involved in the instant case.
15. That, Appellant's Mobile Phone was malafidely used by the Judicial Officer with the intention to commit misconduct or corrupt practices, without any knowledge of the Appellant.
16. That, Appellant provided his Mobile Phone to the Judicial Officer under a bond of trust which has been misused by the Judicial Officer for which Appellant could not be blamed.
17. That, the complaint of the Complainant against the Appellant was vanished when the Complainant escaped from the enquiry proceedings, without being cross examined.
18. That, the actions and inactions of the Department are not in accordance with law and rules hence liable to be set at naught.
19. That, wrong done by other, cannot be attributed to the Appellant because nothing erroneous was ever done on part of the Appellant.

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20. That, no personal hearing was given to the Appellant, as enumerated in law of natural justice.

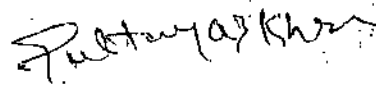
I WISH TO BE HEARD IN-PERSON.

It is, therefore, requested that Departmental Appeal / Representation, be accepted as prayed for.

Thanking You,

Dated: 18.07.2020

Yours Faithfully,



(GUL TIAZ)

Ex-Driver,

District Courts, Lakki Marwat

R/o _Baz kalay, Sarai Norang, Lakki
Marwat.

ANNI-J (39)



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: 9210149-68
Off: 9210133
Fax: 9210170
www.peshawarhighcourt.gov.pk
info@peshawarhighcourt.gov.pk
phcph@gmail.com

No. 351 /MIT

Dated Peshawar the 09/06/2020

To The District & Sessions Judge, Lakki Marwat.

CONFIDENTIAL

Subject: - APPLICATION/COMPLAINT (C # 22159)

Enclosed herewith a copy of application/complaint submitted by Kifayat Ulah, the Competent Authority has been pleased to direct to proceed Mr. Gul Taya; Driver, under the E&D Rules, under intimation to this office, please.

(MUHAMMAD ZUBAIR)
Member Inspection Team

Seen.
Place on the inquiry
file of the accused official.
13/06/2020

بخدمت جناب ہائی کورٹ اف پشاور

جناب عالی!

گزارش ہے کہ مسی کفایت اللہ ولد محمد یعقوب خان سکنہ حرامہ تالاسرائے کسبلا ضلع کئی مردت کارہائشی ہوں اور اپنے رشتہ داروں اور دیگر لوگوں کے ساتھ آرافیات و تنازعات کے باعث ضلع کئی مردت میں مقدمات زیر سماعت ہیں

فدوی نے ساتھ ایڈیشنل شیخ جج ناصر کمال پر درخواست کیا تھا اس کو برخاست کر دیا گیا اس کے ساتھ ڈرائیور تھا جسکا نام گل تیار تھا یہ ڈرائیور رشوت رقم لینے میں ایڈیشنل شیخ جج کے ساتھ شریک تھا میں سابقہ درخواست میں یہ ذکر کیا تھا کہ میری انکوائری پشاور ہائی کورٹ میں کرایا جائے شیخ جج صاحب نے میری انکوائری سول جج آصف علی کو مارک کیا آصف علی پہلے میرے ساتھ جوڑ تھوڑا لڑکا تھا کہ ناہر کمال پر جو آپ نے درخواست کیا ہے اسکو واپس کرو اور عدالت میں جو آپ کس قسم کا امداد مانگتے ہیں کراہتے میں نے یہ نہیں مانا۔ آخر اس نے مجھے بہت تنگ کیا اور دھمکیاں دی۔ جسکی وجہ سے مجھے صدمہ پہنچ کر بے ہوش ہو گیا اور کئی شہ ہسپتال پہنچایا۔ وہاں علاج کر کے ڈاکٹر صاحب نے ہدایت دی کہ زیادہ صدمہ کی وجہ سے آپ کو بے ہوشی آگئی ہے اس دوران اگر سول جج آصف علی نے میری انکوائری لگائی ہے وہ مجھے پتہ نہیں ہے اس کو میرا بھائی ان کے ہاں عدالت گیا اور کہا کہ انکوائری کو کفایت اللہ آجائیں یا نہیں۔ تو اس نے جواب کہ میں انکوائری فائل کیا ہے آصف علی جج کے کہا کہ اپنے بھائی کو سمجھادیں کہ وہ تجوں پر درخواست نہ کریں اگر وہ نہیں مانتے تو اس کو انصاف نہیں ملے گی اور ساتھ نقصان پہنچے گی۔ سول جج آصف علی اور ڈرائیور گل تیار کے خلاف قانونی کارروائی کی جائے

عین نوازش ہوگی

مورخہ 8/03/2020ء

کفایت اللہ ولد محمد یعقوب خان سکنہ حرامہ تالاسرائے ضلع کئی مردت

شناختی کارڈ نمبر 7-11201-3027743

موبائل نمبر 9867632 0344

دستخط کفایت اللہ

41

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA

Office of the District & Sessions Judge, Lakki Marwat

Phone#0969-538150 Fax# 0969-538152

E-Mail:dslakki@gmail.com

No: 1261 DSS

Dated: 13/6 2020

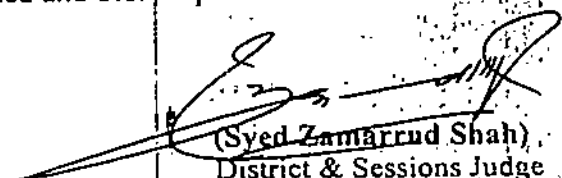
To The Member Inspection Team,
Peshawar High Court,
Peshawar.

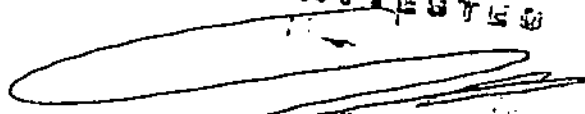
Subject: APPLICATION/COMPLAINT (C No.22159)

Respected Sir,

With reference to your good-self letter No. 351/MIT dated 09-06-2020 on the subject noted above. I have the honour to submit the inquiry against accused official. Mr. Gul Tayaz Driver has been completed in light of which "Final Show Cause Notice" was given to him and he has submitted his written reply.

Now the matter is pending for personal hearing for 20-06-2020.
Submitted as directed and desired please.


(Syed Zamarrud Shah)
District & Sessions Judge
Lakki Marwat.

ATTESTED

Examined by
District & Sessions Judge
Lakki Marwat



(6) 42

The
PESHAWAR HIGH COURT
Peshawar

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Exch: 9210149-58
Off: 9210135
Fax: 9210170

www.peshawarhighcourt.gov.pk
info@peshawarhighcourt.gov.pk
phcsh@gmail.com

No. 18429 / Admn:

Dated Pesh: the 04/09 / 2019

///CONFIDENTIAL///

To:

The District & Sessions Judge,
Lakki Marwat.

Subject: **COMPACT DISC.**

Dear Sir,

I am directed to say that during disciplinary proceedings against Mr. Nasir Kamal, Ex-Additional District & Sessions Judge, the complainant produced audio recording which revealed that the official driver namely Gul Taiz of the Ex-Judicial Officer was also in league with the complainant and acted as intermediary between litigation and the Judicial Officer.

I am, therefore, directed to forward herewith Compact Disc containing the above-mentioned audio recording with the directions to proceed under E&D Rules against the said driver on the strength of above evidence.

Sincerely yours,


ADDITIONAL REGISTRAR (ADMIN)
FOR REGISTRAR

23.9.19

بیان ازان کفایت اللہ ولد محمد یعقوب خان سکھ گلی ضلع نور پور بھٹنی

ڈاکٹر نہ سرائے گمبیدہ قرام تالہ سرائے نورنگ ضلع ملکی روت

CNIC No. 11201-3027743-7

میں FIR بھٹنی میں ملک ہوں اور اپنے خاندان کے عدالتی معاملات

کی پیروی کرتا ہوں۔ میں نے سابقہ ایڈیشنل سیشن جج ناصر کمال کے خلاف

عدالت عالیہ پشاور میں درخواست دی تھی جس پر انکوٹری کے بعد اُسے نوکر

سے برخاست کیا گیا ہے۔ ناصر کمال مذکورہ جج سے میرے مقدمات میں وقتاً فوقتاً

بطور رشوت کافی پیسے لے چکا ہے۔ میرا ناصر کمال سے اکثر رابطہ ہوتا تھا،

کبھی وہ اپنے ذاتی نوٹس بھر سے بات کرتا تھا اور کبھی اپنے ڈرائیور گل

جو کہ سرکاری ڈرائیور ہے کے ذریعہ رابطہ کرتا اور کبھی اپنے پولیس گارڈ

وحید نور کے فون پر سے۔ جو کہ گل تیار ڈرائیور کے ساتھ اتون بھر

کرتا تھا۔ ناصر کمال سابقہ ایڈیشنل سیشن جج ملکی روت جج سے ما

درخواست 22-A جس میں مسائل تھا اور دن 392/506 پھ کی فرط

کے لئے کافی رقم طلب کی۔ تاہم گل تیار ڈرائیور نے ہمارا سودا

طے کیا اور مبلغ دو لاکھ روپے پر بات طے ہوئی جس کے بعد میں نے

مبلغ دو لاکھ روپے گل تیار ڈرائیور کے حوالہ کیے اور میری درخواست

ATTESTED

Signature
Name of the
Witness

Senior CIVIL Judge (Adm)
Lahki Marwat

کفایت اللہ

زیر دہ 22-A ضابطہ نویداری اینڈ ٹینشن سیشن: 3 نافذال کے
 منظور کیا۔ جس نے اس کے تحت ایک ٹیلیفون کانسٹرکشن دیکھا دنگ
 ہائی کورٹ میں پیش کیا تھا۔

XX (اصل میاں ڈرامیٹر جرح کیلئے حثیت طلب کرتا ہے) محفوظ شدہ۔



مسترد دستاویز

11/2/2020
 محمد امجد علی

Senior Civil Judge (Admn)
 Lakki Marwat

کفایت اللہ ولد محمد لقیوہ
 سکونت گاہ فیصل ٹورڈز کمپنیز
 حرام تالہ نہیلہ مکی روڈ

سینئر سول جج (ایڈمن) مکی روڈ /
 انکوائری آفیسر

ATTESTED
 (Official stamp and signature area)

(8)

بیان ازاں فرزان اللہ ولد محمد یعقوب خان سکنہ گلی فیصل ٹوریز ٹھنڈی
ڈاکخانہ سرائے لمبیلہ حرام تالہ سرائے ٹورنگ ضلع مکی مروت
CNIC No. 11202-0354541-3

میں مسقیف مسائل کفایت اللہ کا ^{بھائی} ~~بھائی~~ ^{حقیقی} بیویوں - اور سرائے لمبیلہ
میں میری نو بائیل آئل کی ایجنسی ہے۔ سال 2018ء میں گل تیار ڈرائیور
ایڈیشنل سیشن جج مکی مروت میرے بھائی کے پاس ہماری ایجنسی پر آیا
اور میرے بھائی نے مجھ سے مبلغ دو لاکھ روپے کے کمر خاں انعام
میں گل تیار ڈرائیور کے حوالہ کیے۔ جب میں نے بھائی کفایت اللہ سے
پوچھا کہ یہ رقم کسی بڑے دی ہے تو اُس نے جواباً کہا کہ کسی کیس
کے سلسلہ میں دیے ہیں۔ میرا یہی بیان ہے۔

سن سردیلت سیم کیا

فرزان اللہ ولد محمد یعقوب خان

18/2/2020
Senior Civil Judge (Admn)
Lakki Marwat

سینئر سبج (ایڈمن) مکی مروت /
انٹروائٹری آفیسر

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Lakki Marwat
District Judge

شرح بر بیان گواہ قرآن اللہ

سوال: آپ سب کہاں آگئے رہتے ہیں۔

جواب: ہم ایک ہی باپ کی اولاد ہیں۔ مزید میں کوئی جواب نہیں دینا چاہتا۔

میری عمر تقریباً 24/25 سال ہے۔ بوقت حوائج رقم تم (مہل بیاز) آئیے

آئے تھے اور اینڈریشل سیشن جج تمہارے ساتھ نہ تھا۔ مجھے اُس دن کی

تاریخ یاد نہ ہے جبکہ سال 2018ء تھا اور تم 25 اس سے نوٹس سیشن پر

آئے تھے۔ مجھے تاہم بھی یاد نہ ہے کہ کس وقت آئے تھے۔ از خود کہا

کہ عھد کی نماز کا وقت تھا۔ مجھے یہ پتہ نہ ہے کہ کون سے نوٹس تھے۔

از خود کہا کہ اُن میں کچھ نوٹس تاریخ گزار اور کچھ ایک ایک گزار کے تھے۔

مجھے یہ علم نہ ہے کہ میرے کہاں کفایت اللہ پر 10/12 FIR ہوئے ہیں۔ مجھے

یہ علم نہ ہے کہ اکتوبر 2018ء میں نافر کمال اینڈریشل سیشن جج نے درخواست

2-A منظور کی تھی اور میرے کہاں نے 30 مارچ 2019ء کو اُسے خلاف

درخواست کی تھی۔ میں صرف اس بات کا گواہ ہوں کہ میرے ساتھ میرے

کہاں نے تمہارا پیسے دیے تھے۔ لہذا یہ سوال کہ تمہارے اور دباؤ کے باہر

مقددات میں کا جواب میرا کہاں کفایت اللہ دے گا۔ مجھے یہ علم نہ ہے کہ دو

لاکھ روپے کس قعدا کے سلسلہ میں دیے گئے تھے۔ میری اور تمہاری (مہل بیاز)

کی کہی تو بائیں بات نہ ہوتا ہے۔ سن کر دوست تمہارا

Handwritten signature

07/03/2020

RECEIVED stamp

محمد اسحاق علی (ایڈمن اسٹیٹ) سروس ایڈوکیٹری آفسر -

لواء قبا - سرسبز (ادنی) / دیوبند (دیوبند)

17

دیوبند

مقام - گلستان درانیہ / دیوبند (دیوبند)

پتہ - دیوبند (دیوبند) / دیوبند (دیوبند)
2018
9/9/18
سرسبز (ادنی) / دیوبند (دیوبند)

(Senior Civil Judge (Admin))
Magistrate Officer

ATTESTED

Senior Civil Judge
District & Sessions Judge
Lahore

C

V4P0S3 11

کراچی، پاکستان



01/06/2019



بہنو! - سید (میں نے) نے

آپ (Representative) کے

میں نے آپ کو مطلع کیا ہے کہ

(Admin) Inquiry Officer
08/11/19

لہذا یہ سہولتیں (۱۸) / ۱۸

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(Senior Civil Judge (Admin))
Inquiring Officer

ATTESTED
District & Sessions Judge
Lahore

19

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BEFORE MUHAMMAD ASGHAR ALI SENIOR CIVIL JUDGE (ADMN)
LAKKI MARWAT/INQUIRY OFFICER

INQUIRY AGAINST MR. GUL TIAZ, DRIVER ATTACHED
WITH ADDITIONAL DISTRICT & SESSIONS JUDGE-III,
LAKKI MARWAT

FACTS

The background of the present inquiry is that worthy Peshawar High Court, during disciplinary proceedings against Mr. Nasir Kamal Ex-Additional District & Sessions Judge received audio recordings from the Complainant (Kifayat Ullah) which revealed that Mr. Gul Tiaz, the official driver of the Ex-Judicial Officer was also in league with the Complainant and acted as intermediary between the litigant and the Judicial Officer. On this, the worthy Peshawar High Court sent the audio recordings through Compact Disc to the learned District & Sessions Judge Lakki Marwat alongwith letter No. 18429/Admn dated Pesh the 04.09.2019 with the direction to proceed against the said driver under E&D Rules on the strength of the recordings.

The learned District & Sessions Judge, Lakki Marwat called explanation from the Accused official (Gul Tiaz Driver) and after finding the reply not satisfactory, charge sheeted him and provided him statement of allegations and initiated the inquiry by deputing the undersigned as Inquiry Officer.

ATTESTED

On receipt of the case file, the undersigned summoned the Accused Official who submitted reply to the charge sheet. Thereafter, the Complainant (Kifayat Ullah s/o Muhammad Yaqoob

Examiner to
District & Sessions Judge
Lakki Marwat

Senior Civil Judge (Admn)
Lakki Marwat

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Khan r/o Serai Naurang) who produced the audio recordings was summoned. On his appearance his statement was recorded on 11.02.2019 while cross-examination was reserved at the request of the Accused Official. On 15.02.2020, the Accused Official had to cross examine the Complainant/witness, however, the Complainant requested for production of his brother as witness, which was allowed and on 17.02.2020, statement of Farman Ullah, the brother of the Complainant was recorded, while the Accused official sought time for cross-examination, which was given. On 07.03.2020, the inquiry was fixed for cross examination. Mr. Kifayat Ullah (Complainant against the Ex-Judicial Officer) appeared with his brother for cross examination and insisted for recording his cross examination in presence of his brother (the other witness). The witness was made to understand that legally during cross-examination one of the witness has to wait outside, however, after some arguments, Mr. Kifayat Ullah left the office, and produced his brother Farman for cross examination. After his cross examination, when Kifayat Ullah was called for cross examination, he refused to face cross examination and left the office. After the statements and reply of the Accused Official, the undersigned find no reason to record further evidence, as the material available on file was sufficient to give findings.

[Handwritten signature]

Civil Judge (Admn)

2020

ATTESTED

In his statement, Mr. Kifayat Ullah alleged that Mr. Nasir Kamal, Ex-Judicial Officer time to time received unlawful

[Handwritten signature]
Member to
Session Judge
2020

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considerations from him in his cases. He also alleged that the said Judicial Officer used to contact him through his own cell number and sometimes through cell number of Mr. Gul Tiaz Driver (Accused Official) which was 03368868264 or some times through cell number of his Police Guard namely Waheed Noor. He further stated that he filed a petition u/s 22-A Cr.P.C, for which the Ex-Judicial Officer demanded a huge amount however, the Accused Official (Gul Tiaz) struck a deal at Rs.200,000/- and the amount was handed over to the Accused official.

Farman Ullah, the brother of Kifayat Ullah in his statement uttered that Accused official came to his oil agency at Serai Gambila in 2018, and his brother Kifayat Ullah after taking money from him (Farman Ullah) handed it over to Accused Official Gul Tiaz.

FINDINGS

Signature

Senior Civil Judge (Admn)
Lakki Marwat

The worthy Peshawar High Court through above referred letter provided audio recordings and pointed out that Mr. Gul Tiaz, the official driver of Mr. Nasir Kamal, Ex-Additional District & Sessions Judge acted as intermediary between the Ex-Judicial Officer and Mr. Kifayat Ullah. The Accused in his reply dated 20.09.2019 and reply to the charge sheet admitted the genuineness of the audio recordings. He admitted that the Ex-Judicial Officer made calls from his mobile phone so many times

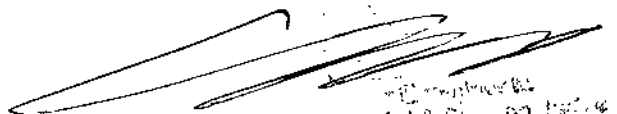
ATTESTED
Signature
Senior Civil Judge
Lakki Marwat

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and as per his orders he also used to make calls for him. He also admitted to have received things from the people upon the directions of the Ex-Judicial Officer. Since, Mr. Kifayat Ullah did not appear for cross examination, therefore, his allegations of payment of Rs.200,000/- could not be established, while the sole testimony of his brother is not sufficient to establish this fact, however, the allegations of being in contact with the litigant Kifayat Ullah are established through the Accused Official's own admission. The Accused official and the Ex-Judicial Officer were in contact with Mr. Kifayat Ullah through the cell number of the Accused Official and these allegations need no other proof as being admitted. Now comes the question as to which kind of relation the Accused Official was maintaining with the Complainant Kifayat Ullah and whether any evidence of his acting as an agent of the Ex-Judicial Officer exists or not. In this respect, the audio recordings of telephone calls provided by worthy Peshawar High Court and admitted by the Accused official in his reply are of much importance. Out of these audio recordings, a call was made by the Accused official himself from cell No.03368868264, duration of which was 11 minutes and 29 seconds. In this call, initially Accused Official Gul Tiaz talked with the Complainant Kifayat Ullah and discussed about the Ex-Judicial Officer. The Complainant in this call was expressing his annoyance against the Ex-Judicial Officer that he went against him for a sum of Rs.200,000/- while the Accused official was defending

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JUDGE
PESHAWAR HIGH COURT

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him. The significant point in this call is that the Ex-judicial Officer was present at that time because after talking for two minutes, the Accused Official handed over the phone to the Judicial Officer and then he talked with the Complainant for the remaining time. In this call, the Ex-Judicial Officer also took the name of the Accused Official by saying that Gul Tiaz told him (the Judicial Officer) that Complainant wanted to purchase some suits for him (Judicial Officer). The Complainant in this call went on to saying the Ex-Judicial Officer that he would arrange a program for him and Gul Tiaz would bring him secretly to his house.

Another call was made by Complainant Kifayat Ullah at the mobile number (03368868264) belonging to the Accused official duration of which was 04 minutes and 37 seconds. The call was picked by the Ex-Judicial Officer and after talking for some time he handed it over to the Accused official. In this call, the Complainant asked the Accused Official in a lighter mood, that it seems he (the Accused Official) had patched up his matter with the Judicial Officer. The Complainant also asked the Accused official to meet him on a day and he would give him, and it would be up to him (Accused Official) to purchase something or give as it is. (Although he did not mention what he wanted to give him, but proves the relation of giving and taking). The Accused Official replied it in affirmative.

lgm

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All these conversations speak volumes about the unreasonable and unfair attachment of the Accused Official with the Ex Judicial Officer and being acting as an intermediary between the two, otherwise what concern a driver has got to discuss disputed issues of his boss with a litigant. The Accused official took a plea that since he was a subordinate, therefore, he was bound to obey the orders of the Ex-Judicial Officer. The conversation that took place between the Accused Official and the Complainant negates this plea and does not give even a slightest impression that there was any kind of pressure upon him. He acted as an agent on behalf of the Judicial Officer and admittedly received things on his behalf from the Complainant Kifayat Ullah. From the audio recordings, it is evident that at the time of conversation, the Accused Official and the Ex-Judicial Officer were sitting together and discussing issues with the Complainant which fact strengthens the role of Accused Official as intermediary. Had he not acted as an agent, he would not have been part of the discussion with the Complainant. These acts on behalf of both clearly and undoubtedly suggests that he (Accused Official) was a close aide acting as an agent between the two otherwise an official driver is not supposed to deal in those matters of his boss which were not related to him or his official duty and receive consideration on his behalf while these acts amounts to misconduct.


Senior Civil Judge (Admn),
Lakki Marwat

The allegations against the Accused official are established through the conversation made through the audio calls

ATTACHED



Senior Civil Judge
Lakki Marwat

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and then through his own admissions. In my opinion the Accused official Mr. Gul Tiaz, Driver, committed mis-conduct, hence I suggest major penalty of removal from service for him.

Inquiry report is submitted.

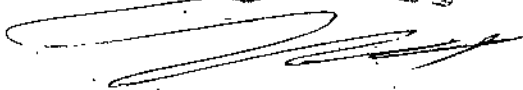
Dated 18.02.2020



Muhammad Asghar Ali
Senior Civil Judge (Admn) Lakki Marwat
(Inquiry Officer)

Senior Civil Judge (Admn)
Lakki Marwat

ATTESTED



Senior Civil Judge
(Admn) Lakki Marwat

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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. 35/ /MIT

Dated Peshawar the 09/06/2020

To

✓ The District & Sessions Judge,
Lakki Marwat.

CONFIDENTIAL

Subject: - **APPLICATION/COMPLAINT (C # 22159)**

Enclosed herewith a copy of application/complaint submitted by Kifayat Ullah, the Competent Authority has been pleased to direct to proceed Mr. Gul Tayaz Driver, under the E&D Rules, under intimation to this office, please.

(Signature)
(MUHAMMAD ZUBAIR)

Member Inspection Team

*Seen.
Place on the inquiry
file of the accused official.*

(Signature)
13/06/2020

KPK Service Tribunal

Reshawa

Gout of ² Gul Tiaz
KPK etc

مہور شدہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مشدرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی متعلق
آن مقام Bilal-A-Kakardel Reshawa کے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوفہ مقدمہ کی وکل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو رضی نامہ کرنے و تقریر نمائتہ فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور
یہ صورت ڈگری کرنے اجراء اور معمولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل گرانے و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے وکل یا پیروی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو کسی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
پر داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو فریڈ ہر جائز التوائے مقدمہ کے سبب سے وہ ہوگا
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا نکالت نامہ لکھد یا کہ سند ہے۔

Accepted
Bilal-A-Kakardel

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المترقوم

بمقام
Gul Tiaz
کے ترازو

"B"

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

S.B

No.

Appeal No. 12791 of 20 20

(7th Jia 2) Appellant/Petitioner

Versus

through Registrar High Court Peshawar Respondent
Respondent No. 3

Regd.

Notice to: —

Distt & Sessions Judge
(Competent Authority) Lakki Marwat.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 8/2/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No. dated.....

Given under my hand and the seal of this Court, at Peshawar this 8th

Day of Dec 20 20



Registrar

Khyber Pakhtunkhwa Service Tribunal
Peshawar.

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

"B"

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

S.B

No.

Appeal No. 12791 of 20 20

..... Gul Tiaz Appellant/Petitioner

Versus

..... through Registrar High Court Peshawar Respondent
Respondent No. 2

Notice to: -

Registrar Peshawar High Court
Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... 8/2/2021..... at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Given under my hand and the seal of this Court, at Peshawar this..... 8th

Day of..... Dec 20 20

Received
today 14/12/20
[Signature]

[Signature]
Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

Appeal No. *12791* of 20 *20*

Gul Tiar Appellant/Petitioner

Versus

through Registrar High court Peshawar Respondent

Respondent No. *1*

Notice to: -

through Registrar Peshawar High court Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *8/2/2021* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this *8th*.....

Day of..... *Dec* 20 *20*

Received today 14/12/2020
[Signature]
14/12/2020

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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



The
PESHAWAR HIGH COURT
Peshawar

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Fax: 9210170

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info@peshawarhighcourt.gov.pk
phcpsh@gmail.com

No/Admn

Dated...../...../2021

To,

The District & Sessions Judge,
Lakki Marwat.

Subject: **Service Appeal NO. 12791/2020**
Gul TiazVs....District Judiciary)



Sir,

I am directed to refer to the enclosures and to say that subject Service Appeal is pending adjudication before Hon' ble Khyber Pakhtunkhwa Service Tribunal, Peshawar and is fixed for hearing on 08.02.2021, wherein no written reply/comments have been submitted so far.

I am further directed to ask you to follow instructions contained in this office circulars No. 18707-51/Admin dated 07.09.2019, No. 3205-70/Admin dated 19.02.2020, in letter and spirit and to depute a person well versed with the facts of the case to pursue/appear before the learned Tribunal, under intimation to this office.

Yours Sincerely,

Encls:

- i. Copy of the Notice.
- ii. Copy of circulars.

ADDITIONAL REGISTRAR (ADMN)
FOR REGISTRAR.

Endst: No 465 /Admin

Dated. Pesh the 12/01 /2021.

Copy forwarded for information to the Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

put up to the court with
relevant app. f.

ADDITIONAL REGISTRAR (ADMN)
FOR REGISTRAR.

Leadw

CP

11-1-21

15/1/2021

8/02

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.12791/2020

Gul Tiaz..... Appellant

Versus

The Registrar PHC etc. Respondents

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Respondents

Dated: 31/03/2021

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.12791/2020

Gul Tiaz..... Appellant

Versus

The Registrar PHC etc. Respondents

REPLY ON BEHALF OF RESPONDENTS.

Respectfully Sheweth,

Preliminary Objection:-

1. The appellant has neither cause of action nor locus standi to file the instant appeal hence the same is liable to be dismissed.
2. That the appellant is estopped by his own conduct to file the appeal in hand.
3. That the appellant has concealed material and important facts from the Hon'ble Tribunal and therefore, the appeal in hand is liable to be dismissed on this score also.
4. That the instant appeal is time barred.

ON FACTS

1. Para No.1 of the appeal needs no reply.
2. Para No.2 of the appeal is incorrect. The allegations leveled against the appellant were correct and duly established.
3. Para No.3 of the appeal needs no reply.

- 4&5. Para No.4&5 of the appeal are not admitted as laid. The inquiry was conducted by the learned Inquiry Officer in accordance with the law and it was established that the appellant acted as an agent on behalf of Ex-Judicial Officer and admittedly received things on his behalf from the complainant, namely, Kifayatullah. Moreover, the audio recordings and all conversations speak volumes about the unreasonable and unfair attachment of the Appellant with the Ex-Judicial Officer and having acted as an intermediary between the two which otherwise appellant was not supposed to deal in those matters of his boss which were not related to him.
6. Para No.6 of the appeal is correct to the extent that Show Cause Notice was issued to the appellant who submitted his reply on 11.06.2020. However, appellant failed to satisfy the competent authority regarding his complicity.
- 7&8. Paras No.7 & 8 of the appeal are correct.
9. Para No.9 of the appeal needs no reply.

Para-wise Reply on Grounds.

- 1&2. Grounds-1 & 2 of the appeal are strongly denied. The punishment was awarded by the Competent Authority on proof of charge against appellant in accordance with law under the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary Rules, 2011 wherein appellant was given full chance of defense.
3. Para No.3 of the appeal is strongly denied, proper procedure as given under Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011 was adopted by the learned Inquiry Officer as well as Competent Authority.
4. Para No.4 of the appeal is not admitted. The details are fully elaborated in Order Sheet No.18 dated 07.03.2020, therefore, his allegation of payment of Rs.2,00,000/- (Rupees Two Lac) could not be established however, the allegations of being in contact with the litigant/complainant are highly established through the Appellant on his own admission and audio recording.

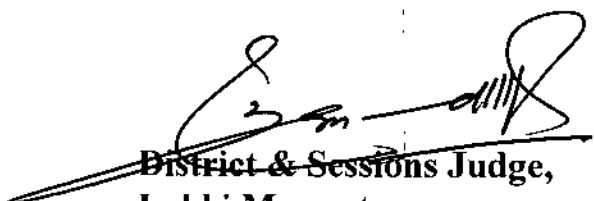
5. Para No.5 of the appeal is incorrect and hence forcefully denied. It is stated that appellant in his reply dated 20.09.2019 and reply to the Charge Sheet unequivocally and explicitly admitted the genuineness of the audio recordings provided by the Hon'ble Peshawar High! Court through "*Compact Disc*". After his candid admission, what left behind to verify the cell phone record from concerned authorities.
6. Para No.6 of the appeal is absolutely incorrect, against the facts and circumstances hence, strongly denied with clarification that admission made by appellant coupled with audio recordings highly proved that the appellant was in league with the complainant, namely Kifayatullah and acted as intermediary between the litigant/complainant/Kifayatullah and Ex-Judicial Officer. It would not be amiss to state here that the audio recordings of telephonic calls were provided by the Hon'ble Peshawar High Court and admitted by the appellant are of much importance. Out of these recordings, a call was made by the appellant himself from cell No.03368868264, duration of which was eleven (11) minutes and Twenty-Nine (29) seconds. In this call, initially appellant talked with the complainant, namely, Kifayatullah and discussed about the Ex-Judicial Officer. The complainant, namely, Kifayatullah in this call was expressing his annoyance against the Ex-Judicial Officer that he went against him for a sum of Rs.2,00,000/- (Rupees Two Lac) while the appellant was defending him. At that time, all the conversation was made by the appellant with complainant, namely, Kifayatullah in presence of Ex-Judicial Officer and after talking for two minutes, appellant handed over the cell phone to the Ex-Judicial Officer and then Ex-Judicial Officer started talking with complainant for remaining time. Furthermore, complainant, namely, Kifayatullah in this call said the Ex-Judicial Officer that he would arrange a program for Ex-Judicial Officer and appellant would bring him secretly to his house. This sort of conversation proves that he remained involved in illegal activities otherwise what concern a driver has got to discuss disputed issue of his boss with litigant. His plea that he was bound to obey the orders of his boss has no legal footing to stand on for a reason that nowhere does it fall into the category of obedience in performance of lawful duties rather it highly amounts to misconduct and corruption.

7. Para No.7 of the appeal is absolutely wrong, hence, strongly denied. The entire record in shape of findings of learned Inquiry Officer dated 18.02.2020 and order of Competent Authority dated 06.07.2020 coupled with audio "**Compact Disc**" negate the plea of Appellant that he never involved in any practice which is detrimental to the honour and dignity of Judicial Department.
8. Para No.8 of the appeal is entirely untrue, against the law hence, strongly denied. It is stated that such type of illegal activities nowhere plunges into the category of duty in pursuance of order of Judicial Officers.
9. Para No.9 of the appeal is wrong, hence, strongly denied. The detailed reply has already been given with addition that appellant was in league with the complainant Kifayatullah and his role was as intermediary/agent between the Ex-Judicial Officer and complainant Kifayatullah.
10. Para No.10 of the appeal is strongly denied. However, it is relevant to mention here that the cross examination of complainant namely Kifayatullah could not be recorded due to his own conduct and detailed reply has already been given in Para-4 ibid.
11. Para No.11 of the appeal is incorrect hence denied.
12. Para No.12 of the appeal is entirely against the facts hence, absolutely denied. It is submitted that letter bearing No.18429/Admn dated 04.09.2019 by Hon'ble Peshawar High Court divulges that the complainant Kifayatullah produced and presented the audio recording to the Hon'ble Peshawar High Court. Ex-Judicial Officer nowhere nominated appellant for his illegal activities and acting as intermediary then there was no need to summon the Ex-Judicial Officer at the time of inquiry proceedings.
13. Para No.13 of the appeal is incorrect hence denied. It is submitted that learned Inquiry Officer in the light of all the available record rendered his findings which are in accordance with the law and then agreeing by the Competent Authority.

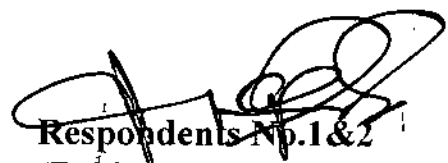
14. Para No.14 of the appeal is strongly denied. All the steps taken and proceedings so initiated are in accordance with law under Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011.
15. Para No.15 of the appeal is totally wrong, hence denied. The detailed reply has already been given in Para No.14 ibid.
16. Para No.16 of the appeal is incorrect and against the facts, hence, strongly denied. It is submitted that the inquiry proceedings were initiated against Appellant soon after receiving letter No. 18429/Admn dated 04.09.2019 through which Competent Authority was directed to proceed under E&D Rules, 2011 against the said appellant on the strength of "Compact Disc" containing audio recording which revealed that Official/Driver namely Gul Tiaz was also in league with the complainant Kifayatullah and acted as intermediary between litigant and Ex-Judicial Officer.
17. Para No.17 of the appeal is incorrect. Detailed reply has already been given in Para No.16 ibid.
18. Para No.18 of the appeal is correct to the extent that complainant Kifayatullah filed complaint against Inquiry Officer before Hon'ble Peshawar High Court. Hon'ble Peshawar High Court vide letter No.35/MIT dated Peshawar the 09.06.2020 directed to proceed Gul Tiaz Ex-official under the E&D, Rules. The learned Inquiry Officer proceeded strictly in accordance with E&D, Rules, 2011. Rest of the Para is totally denied.
19. Para No.19 of the appeal is misconceived hence vehemently denied. The punishment was awarded to the appellant by the Competent Authority on the proof of charge against him in accordance with law under Khyber Pakhtunkhwa (Efficiency and Disciplinary) Rules, 2011.
20. Para No.20 of the appeal is strongly denied.

21. Para No.21 of the appeal is absolutely wrong hence, strongly denied. It is obvious from charge sheet dated 12.10.2019 that he was given proper opportunity of personal hearing.
22. Para No.22 of the appeal is absolutely wrong, hence, strongly denied. The punishment awarded to appellant on proof of allegation and he has been found guilty of "Misconduct" and "Corruption" as specified in Rule 03 (b) & (c) and thus agreeing with the findings of learned Inquiry Officer, Major Penalty as enumerated in Rule 04 (I) (b) (iv) of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 20 II was imposed upon the appellant and he was dismissed from service with immediate effect. In this regard proper notification was also issued.

It is, therefore, humbly prayed that the appeal of the appellant may graciously be dismissed with costs.



**District & Sessions Judge,
Lakki Marwat
(Respondent No.3)**



**Respondents No.1 & 2
(Registrar, PHC) 23**

Through

Government Pleader,

Dated: 31 /03/2021

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.12791/2019

Gul Tiaz Appellant

Versus

The Registrar PHC etc. Respondents

Counter Affidavit

I, Taj Muhammad, Accountant (Ops-16) office of The District & Sessions Judge, Larn

do hereby affirm and declare on oath that the contents of these Reply are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Court.


Deponent

2

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The PESHAWAR HIGH COURT Peshawar

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No. 18429 / Admn:

Dated Pesh: the 04/09/2019

/// CONFIDENTIAL ///

To:

The District & Sessions Judge, Lakkī Marwat.

Subject: COMPACT DISC.

Dear Sir,

I am directed to say that during disciplinary proceedings against Mr. Nasir Kamal, Ex-Additional District & Sessions Judge, the complainant produced audio recording which revealed that the official driver namely Gul Taiz of the Ex-Judicial Officer was also in league with the complainant and acted as intermediary between litigation and the Judicial Officer.

I am, therefore, directed to forward herewith Compact Disc containing the above-mentioned audio recording with the directions to proceed under E&D Rules against the said driver on the strength of above evidence.

Sincerely yours,

Signature: W. Sidiq ADDITIONAL REGISTRAR (ADMIN) FOR REGISTRAR

5.9.19

9

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge, Lakki Marwat
Phone # 0969-538150 Fax # 0969-538152 E-Mail: dsjlakki@yahoo.com

No: 2400 /DSJ LK/Admn

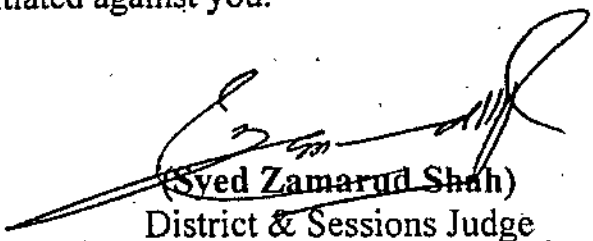
Dated Lakki, the 14 /09 /2019

To **Mr. Gul Taiz,**
Driver attached with Additional District & Sessions Judge-III,
Lakki Marwat.

Subject: **EXPLANATION**

Whereas information had laid before me through letter No.18429/Admn dated Peshawar the 04/09/2019 of Peshawar High Court, Peshawar that during the disciplinary proceedings against Mr. Nasir Kamal, Ex-Additional District & Sessions Judge, the complainant produced audio recordings which revealed that you were in league with the complainant and acted as intermediary/agent between the litigants and the Ex-Judicial Officer. (Copies of the recordings are attached herewith in USB).

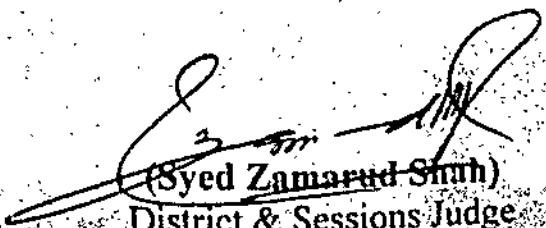
Your this act amounts to misconduct under E & D Rules, 2011, hence you are directed to explain in seven days of receipt of this notice as to why disciplinary proceedings should not be initiated against you.


(Syed Zamarud Shah)
District & Sessions Judge
Lakki Marwat.

Endst; No. 2401 / Dated Lakki the 14 /09 /2019

Copy forwarded to:

1. The Registrar, Peshawar High Court, Peshawar for information please.


(Syed Zamarud Shah)
District & Sessions Judge
Lakki Marwat.

کتابت میں ہے۔ ڈسٹرکٹ ایجنٹ سسٹن جی پی کے سرکار

8

عنوان جواب برائے جواب طلبی

جناب عالی: من سائل ٹور کے عزم میں ہیں اپنی اپنی جگہ پر جانے سے سابقہ بحیثیت ڈرائیور رہا ہوں۔ اور ایسا کرنا ہمارے سابقہ رہنے فریق سے نہیں ہر ایک دے ہیں۔ اور کسی عزت نامہ افر جیسے صاحب کو کوئی شہادت کا موقع نہیں ہے۔ بلکہ جناب جج صاحبان میرے ڈیوٹی اور حال صحت کی تعریف کرتے ہیں۔ میں کہتا ہوں کہ غیر قانونی سرکاری میں ملوث نہیں رہا ہوں۔

جہاں تک مذکورہ Record Audited کیونکہ مال کا تعلق ہے۔ میں بحیثیت ڈرائیور اپنے افر جیسے کا ہر وقت تقبہ اور رہا ہوں۔ اور یہی عند غیر قانونی فعل میں نہ ملوث رہا ہوں۔ اور نہ کبھی کسی عذر یا جائزہ کا میں افر جیسے صاحب کا ہرگز رہا ہوں۔ یہ سب کچھ ہے۔ کہ کچھ سابقہ افر جیسے صاحب نے کئی دفعہ میرے فون پر باتیں بھی کیں ہیں۔ اور سب کچھ دشمنی کئی دفعہ اپنے فون سے آگے لے کر لایا ہے۔

DS-3
20.9.2018
DAS/L

لکھیں جہاں تک ہمارا تعلق اس سے ہے تعلق ہوں البتہ شرح صاحب مذکورہ کسی کو کہہ دینے کہ میں ڈرائیور کو کوئی چیز نہ لے کر دو اور مجھے کہہ دیتا ہے کہ فلاں شخص مجھے کوئی چیز بھیج رہا ہے۔ تو سب اچھم دشمنی میں وصول نہ کرتا۔ تو یہ تو میری طرف سے آواز ہوتا۔ کیونکہ میں ڈرائیور "جی سر" کے پھر لیا کرتا ہوں بحیثیت ڈرائیور کسی چیز کی قانونی حیثیت یا جائز یا ناجائز کے بارے میں پوچھنا محال ہے

کفر بھی اپنے پہلے طلاق میں نے نہ لیا ہے تو ایسا ڈیمانڈ
یا حج صحت مذکورہ کے حکم کے طلاق ڈیمانڈ بیاتے اور نہ بھی
کوئی حد صحت مذکورہ و اصول میں

میں حج تک نہ لیا "قد صحت" صحت میں ہمارے عدالت
تاکہ اور عدالت میں زیر سماعت ہو، جہاں ہوں اور نہ تو
تعلق رکھتا ہوں۔ چونکہ میری ڈیوٹی ڈرائنگ میں ہے اور حج صحت
پس چوٹی ہے

صحت عالی

مذکورہ بالا وضاحت صحت پر مبنی اور درست ہے
اور کوئی آفس پوشیدہ میں لکھا گیا ہے خلف کیلئے اس وقت ہمارے ہوں

کلیہ عربہ وضاحت (Explanation) کو داخل دفتر فرمایا ہے

اپنا بقدر اور فرمائید

مہاراجہ صاحبان ڈرائنگ عدالت ضابطہ-1957/1001 کو داخل فرمایا ہے

تاریخ ۱۹/۹/۲۰۱۹

(12)

(27)

(9)

CHARGE SHEET

1. Syed Zamarrud Shah, District & Sessions Judge Lakki Marwat, as competent authority, hereby charge you, that Mr. Gul Taiz Driver Attached to the Additional District & Sessions Judge-III, Lakki Marwat, as follows:

That you, while posted as, *(Driver to the court of Additional District & Sessions Judge-III, Lakki Marwat)* has committed the following misconduct:

During disciplinary proceedings against Mr. Nasir Kamal Ex-Additional District & Sessions Judge, Lakki Marwat, before Peshawar High Court, Peshawar, the complainant had produced audio recordings which revealed that you acted as an intermediary/ agent between the litigant, and Ex-Judicial Officer and he (Ex-Judicial Officer) used your cell phone number for conversation with litigants. (The copies of recordings have already been provided to you).

3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer.
4. Your written defence, if any, should reach the inquiry officer within the seven days of receipt of this communication, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.

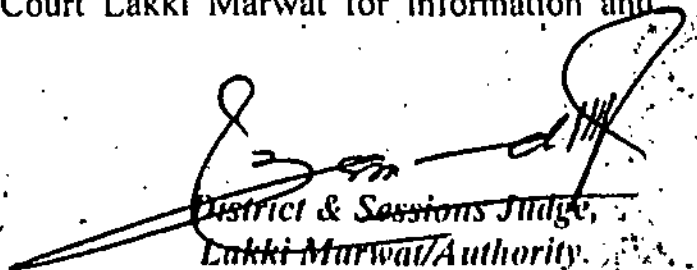

District & Sessions Judge,
Lakki Marwat/Authority.

Endst: No. 3145-47/Admn

Dated Lakki the 12 / 10 / 2019.

Copy forwarded to:

1. The learned Senior Civil Judge, (Admn) Lakki Marwat/Inquiry Officer, for information and proper inquiry against the delinquent official concerned under Khyber Pakhtunkhwa (Efficiency & Disciplinary) rules 2011.
2. Mr. Gul Taiz Driver, Additional District & Sessions Judge-III Lakki Marwat for information and compliance.
3. Mr. Tariq Saleem Assistant Sessions Court Lakki Marwat for information and compliance.
4. Office Copy.


District & Sessions Judge,
Lakki Marwat/Authority.

1. SYED ZAMARRUD SHAH, District & Sessions Judge Lakki Marwat, as competent authority, am of the opinion that Mr. Gul Taiz Driver Attached to the Additional District & Sessions Judge-III, Lakki Marwat, has rendered himself liable to be proceeded against, as he has committed the following act/omission, within the meaning of Rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

During disciplinary proceedings against Mr. Nasir Kamal Ex-Additional District & Sessions Judge, Lakki Marwat, before Peshawar High Court, Peshawar, the complainant had produced audio recordings which revealed that you acted as an intermediary/ agent between the litigant, and Ex-Judicial Officer and he (Ex-Judicial Officer) used your cell phone number for conversation with litigants. (The copies of recordings have already been provided to you).

2. For the purpose of inquiry against the said accused/official with reference to the above allegations, an inquiry officer named below is nominated under Rule 10 (1) of the ibid rule:

Muhammad Asghar Ali,
Senior Civil Judge (Admn),
Lakki Marwat.

3. The Inquiry officer shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused/official, record his findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused/official.

Dated: _____/2019

Endst: No. 3144-50/Admn

Dated Lakki the 12 / 10 /2019.
Lakki Marwat/Authority,
District & Sessions Judge,

Copy forwarded to:

1. The learned Senior Civil Judge,(Admn) Lakki Marwat/Inquiry Officer, for information and proper inquiry against the delinquent official concerned under Khyber Pakhtunkhwa (Efficiency & Disciplinary) rules 2011.
2. Mr. Gul Taiz Driver, Additional District & Sessions Judge-III, Lakki Marwat for information and compliance.
3. Mr. Tariq Saleem Assistant Sessions Court Lakki Marwat for information and compliance.
4. Office Copy.

Lakki Marwat/Authority,
District & Sessions Judge,

(10)

DISCIPLINARY ACTION

(24)

(13)

(14)

(25)

(11)

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge, Lakki Marwat

Phone#0969-538150 Fax# 0969-538152

E-Mail:dsjlakkiarwat@gmail.com

No: 3151 DSJ/LK/Admn

Dated: 12 / 10 / 2019

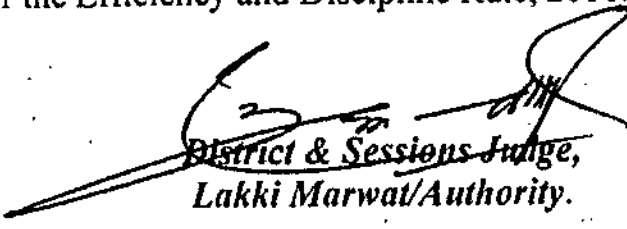
To Mr. Tariq Saleem,
Assistant, Sessions Court,
Lakki Marwat.

Subject: **APPOINTMENT OF DEPARTMENTAL/REPRESENTATIVE.**

Memo:

On the receipt of letter No.18429/Admn dated 04/09/2019 received from the Peshawar High Court, Peshawar, a departmental inquiry against *Mr. Gul Taiz Driver of attached with Ex-Additional District & Sessions Judge-III, Lakki Marwat* has been initiated in which Muhammad Asghar Ali learned Senior Civil Judge(Admn) Lakki Marwat has been appointed as Inquiry Officer to hold an inquiry under the Efficiency and Discipline Rules, 2011.

You are, therefore, appointed as Departmental Representative under Rule 10 (c) which the directions to provided full assistance to Inquiry Officer during the inquiry proceedings and prepare all the relevant record relating to inquiry, on each date of hearing. You are also authorized to cross-examine the witness (if any) to be produced by the accused/official and with the permission of the Inquiry officer may also cross-examine the prosecution witnesses, to rebut the grounds of defence offered by the accused/official before the Inquiry Officer etc as provided under the Efficiency and Discipline Rule, 2011.

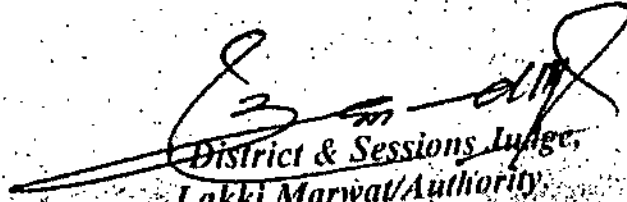

District & Sessions Judge,
Lakki Marwat/Authority.

Endst: No. 3152-53/Admn

Dated Lakki the 12 / 10 / 2019.

Copy forwarded to:

1. The learned Senior Civil Judge (Admn), Lakki Marwat/Inquiry Officer, for information.
2. Mr. Gul Taiz Driver Additional District & Sessions Judge-III, Lakki Marwat for information.
3. Office copy.


District & Sessions Judge,
Lakki Marwat/Authority.

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12

بخدمت جناب انکوائری آفیسر صاحب / سینئر سول جج (ایڈمن) لکی مروت

عنوان: جواب بابت چارج شیٹ بحوالہ ڈسٹرکٹ اینڈ سیشن جج صاحب لکی مروت اینڈ Endst نمبر 3145-47/Admn

تاریخ 12.10.2019

جناب عالی!

بحوالہ مذکورہ درج شدہ چارج شیٹ من گل تیا زڈرائیور ایڈیشنل سیشن جج صاحب - III مندرجہ ذیل حلفا بیان کرتا ہوں۔

میں نے اپنی تمام تر وضاحت بابت Allegations مذکورہ چارج شیٹ میں بوقت جواب Explanation جناب ڈسٹرکٹ اینڈ سیشن جج صاحب کو دے چکا ہوں۔ جو آپ صاحبان کے سامنے انکوائری فائل پر موجود ہیں اور قابل ملاحظہ ہے۔ چونکہ میری ڈیوٹی ڈسٹرکٹ اینڈ سیشن جج صاحب نے ایڈیشنل ڈسٹرکٹ اینڈ سیشن جج صاحب - III لکی مروت کے ساتھ لگائی تھی اور میں نے حکم کی تعمیل کرتے ہوئے اپنی ڈیوٹی احسن طریقے / خوش اسلوبی سے سرانجام دیتا رہا۔ چونکہ متعلقہ جج صاحب کے ساتھ میری ڈیوٹی تھی اُس کا ہر جائز حکم ماننا میرا قانونی، اخلاقی اور دینی فرض تھا لہذا میں نے اپنی ڈیوٹی میں کوئی کوتاہی نہیں چھوڑی ہے۔ اور اُس کا ہر جائز حکم (جو کہ میری ڈیوٹی میں آتا تھا) مانا ہے۔

(1)

09/11/2019
Senior Civil Judge (Admn)
Lakki Marwat

میرے خلاف نہ کوئی ایسی شکایت ہے اور نہ کوئی شہادت ہے کہ میں نے جج صاحب کے غلط پیغام کو کسی تک پہنچایا ہے یا کسی مقدمہ باز کی غلط / غیر قانونی بات کو جج صاحب کے پاس پہنچایا ہو۔ اور نہ کوئی چیز کسی سے وصول کی ہے اور نہ سابقہ جج صاحب کو دی ہے میرے خلاف الزامات بے بنیاد ہیں۔ میں پوری ایمانداری سے اپنے فرائض منصبی انجام دے رہا ہوں۔ یہی میرے ایمانداری کی ثبوت ہے کہ میرے موجودہ جج صاحب اور سابقہ جج صاحب 213 جج صاحبان نے میری کوئی شکایت نہ کی ہے۔ مزید یہ کہ بدوران کاروائی برخلاف سابقہ جج صاحب جو کہ پشاور ہائی کورٹ پشاور میں زیر سماعت تھی اُس دوران نہ مدعی / درخواست کنندہ نے میرے خلاف کوئی دعویٰ / شکایت کی ہے، نہ میرے خلاف کوئی بیان دیا ہے اور نہ عدالت عالیہ نے مجھے بطور ملزم یا گواہ طلب کیا ہے۔

(2)

(3)

لہذا مندرجہ بالا وضاحت کی بنیاد مجھے چارجز مذکورہ سے مستثنیٰ فرمایا جا کر انکوائری ہذا داخل دفتر فرمایا جاوے۔

دیگر حالات میں میں اپنی صفائی پیش کروں گا اور مجھے ذاتی سماعت کا موقع دلائی جائے۔ نیز مجھے اپنے صفائی کیلئے

اپنے وکیل مقرر کرنے کی اجازت بھی دلائی جائے۔

سائل

Sulayman Khan

تاریخ 18/10/2019

Sulayman Khan

گل تیا زخان ڈرائیور ایڈیشنل ڈسٹرکٹ اینڈ سیشن جج - III لکی مروت

بیان ازان کفایت اللہ ولد محمد یعقوب خان سکند گٹلی ضلع نورذھنی

ڈاکٹر نہ سرانے گھیسلا حرام تالہ سرانے نورنگ ضلع بکھروت

CNIC No. 11201-3027743-7

میں FIR بھنی میں ملک ہوں اور اپنے خاندان کے عدالتی معاملات

کی پیروی کرتا ہوں۔ میں نے سابقہ ایڈیشنل سیشن جج ناصر کمال کے عدالت

سے برخواست کیا گیا ہے۔ ناصر کمال مذکورہ جج سے میرے مقدمات میں وقتاً فوقتاً

بطور رشوت کافی پیسے لے چکا ہے۔ میرا ناصر کمال سے اکثر رابطہ ہوتا تھا اور

کبھی وہ اپنے ذاتی جوابائل بھر سے بات کرتا تھا اور کبھی اپنے ڈرائیور گل تیار

جو کہ سرکاری ڈرائیور کے ذریعہ رابطہ کرتا اور کبھی اپنے ڈرائیور گل تیار

وحید نور کے فون پر سے۔ جو کہ گل تیار ڈرائیور کے ساتھ انٹون نمبر 4

کرتا تھا۔ 03368868264 تھا جس سے ناصر کمال سابقہ ایڈیشنل سیشن جج کی روت جج سے بات

درخواست 22-A جس میں میں مسائل تھا اور دن 392/506ppہ تھی کی منظوری

کے لیے کافی رقم طلب کی۔ تاہم گل تیار ڈرائیور نے ہمارا سودا

طے کیا اور مبلغ دو لاکھ روپے پر بات طے ہوئی جس کے بعد میں نے

مبلغ دو لاکھ روپے گل تیار ڈرائیور کے حوالہ کیے اور میری درخواست

Senior Civil Judge (Admin) Larkana 2020



کفایت اللہ

29

زیر دفتہ 29-A ضابطہ نوعداری اینڈ سیشن سیشن 3 مافوق ال سے منظور کیا۔ جس نے اس وقت آجملہ ٹیلیفون کانسٹریکشن ڈیپارٹمنٹ ہائی کورٹ میں پیش کی تھی۔

XX (محل نیاز ڈرائیور پر 3 کیلئے قیمت طلب کرنا) محفوظ شدہ۔



العبد

سن 2020/11/21

11/2/2020
محمد اصف علی

Senior Civil Judge (Admn)
Lakki Marwat

کفایت اللہ ولد محمد یعقوب
بکنہ محل فیصل ٹورڈز کمپنی
گرام تالہ نہیل علی ٹورڈز

سینئر سول جج (ایڈمن) محل دوت /
انٹوائری آفیسر

بیان ازان فرمان اللہ ولد محمد یعقوب خان سکنہ گلی فیصل ٹوردر کھنسی
 ڈاکخانہ سرائے لمبیلہ فرام تالہ سرائے ٹورنگ ضلع مکی مروت
 CNIC No. 11202-0354541-3

میں مستقل مسائل کفایت اللہ کا ^{بھائی} ~~بھائی~~ ^{حقیقی} بیویوں - اور سرائے لمبیلہ
 میں میری نوبائل آئل کی ایجنسی ہے۔ سال 2018ء میں گل تیار ڈرائیور
 ایڈیشنل سیشن جج مکی مروت میرے بھائی کے پاس ہماری ایجنسی پر آیا
 اور میرے بھائی نے مجھ سے مبلغ دو لاکھ روپے کے کمر خاکی نظام
 میں گل تیار ڈرائیور کے حوالہ کیے۔ جب میں نے بھائی کفایت اللہ سے
 پوچھا کہ یہ رقم کس پٹے دی ہے تو اس نے جواباً کہا کہ کسی کیس
 کے سلسلہ میں دیے ہیں۔ میرا یہی بیان ہے۔

العبد

فرمان اللہ ولد محمد یعقوب خان

سن سردہت سیم کیا

18/2/2020
 Senior Civil Judge (Admn)
 Lakkj Marwat

سینئر سول جج (ایڈمن) مکی مروت /
 انکوائری آفیسر

شرح بر بیان گواہ فرزان اللہ

سوال: آپ سب بھائی اکتھے رہتے ہیں۔

جواب: ہم ایک ہی باپ کی اولاد ہیں۔ مزید میں کوئی جواب نہیں دینا چاہتا۔

میری عمر تقریباً 24/25 سال ہے۔ بوقت فوائلی رقم رقم (میں نیاز) آئی ہے

آئے تھے اور ایڈیشنل سیشن جج ٹھہرا رہے تھے۔ مجھے اُس دن کی تاریخ یاد نہ ہے جبکہ سال 2018ء تھا اور تم 25 اسی سے نوٹس سیشن پر

آئے تھے۔ مجھے نام بھی یاد نہ ہے کہ کس وقت آئے تھے۔ از خود کہا کہ عھڑ کی نماز کا وقت تھا۔ مجھے یہ پتہ نہ ہے کہ کون سے نوٹس

مجھے یہ علم نہ ہے کہ میرے بھائی کفایت اللہ یا جج بزار اور کچھ ایک ایک بزار کے تھے۔

یہ علم نہ ہے کہ اکتوبر 2018ء میں نامرکمال ایڈیشنل سیشن جج نے درخواست 22-A منظور کی تھی اور یہ بھائی نے 30 مارچ 2019ء کو اسے خلاف

درخواست کی تھی۔ میں صرف اس بات کا گواہ ہوں کہ میرے سامنے میرے بھائی نے تمہیں پیسے دیے تھے۔ لہذا یہ سوال کہ تمہارا اور بھائی کے پاس نقدات ہیں کا جواب میرا بھائی کفایت اللہ دے گا۔ مجھے یہ علم نہ ہے کہ دو لاکھ روپے کس وقت کے سلسلہ میں دیے گئے تھے۔ میرا اور بھائی (میں نیاز) کی کبھی دوبار بات نہ ہوئی ہے۔ سن 2018ء میں میرا اور بھائی (میں نیاز) کی کبھی دوبار بات نہ ہوئی ہے۔

محمد اصغر علی
2020/07/05

O-17

29.2.2020

Accused official present while the complainant is not in attendance. Mr. Taig Saleem, Rep: of the Dept. is present and informed that he has contacted the complainant telephonically, who expressed his inability to come here to accident of his brother. The Rep: is directed to convey next date to the complainant as 07-7-2020

Senior Civil Judge (Admn)
Lahore

O-18

07.3.2020

Accused official present. Complainant is present along with his brother Fuzmanullah. Today the inquiry was fixed for cross-examination. Kifayatullah, the complainant insisted for his cross-examination in presence of his brother, but was told that it was against the law. After some arguments, he produced his brother for cross-examination and waited outside. When he was called for facing cross-examination, he refused. There is no need for further evidence. Inquiry report would be put up before worthy District & Sessions Judge, Lahore. Muzat.

Senior Civil Judge (Admn)
Lahore

OFFICE OF THE SENIOR CIVIL JUDGE (ADMN) LAKKI MARWAT

No. 1648 SCJ(A)LM

Dated 18.3.2020

To

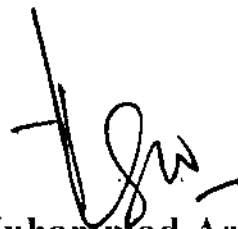
**The District & Sessions Judge
Lakki Marwat.**

Subject: **INQUIRY REPORT**

Respected Sir,

I have the honour to submit herewith the inquiry report initiated against Mr. Gul Tiaz Driver. The file consists of twenty five pages containing all the documents and Compact Disc according to attached Index please.

Yours obediently,



Muhammad Asghar Ali
Senior Civil Judge (Admn) Lakki Marwat
(Inquiry Officer)

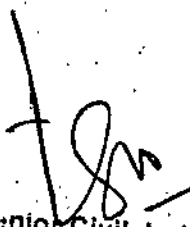
21

BEFORE MUHAMMAD ASGHAR ALI SENIOR CIVIL JUDGE (ADMN)
LAKKI MARWAT/INQUIRY OFFICER

INQUIRY AGAINST MR. GUL TIAZ, DRIVER ATTACHED
WITH ADDITIONAL DISTRICT & SESSIONS JUDGE-III,
LAKKI MARWAT

FACTS

The background of the present inquiry is that worthy Peshawar High Court, during disciplinary proceedings against Mr. Nasir Kamal Ex-Additional District & Sessions Judge received audio recordings from the Complainant (Kifayat Ullah) which revealed that Mr. Gul Tiaz, the official driver of the Ex-Judicial Officer was also in league with the Complainant and acted as intermediary between the litigant and the Judicial Officer. On this, the worthy Peshawar High Court sent the audio recordings through Compact Disc to the learned District & Sessions Judge Lakki Marwat alongwith letter No. 18429/Admn dated Pesh the 04.09.2019 with the direction to proceed against the said driver under E&D Rules on the strength of the recordings.


Senior Civil Judge (Admn)
Lakki Marwat

The learned District & Sessions Judge, Lakki Marwat called explanation from the Accused official (Gul Tiaz Driver) and after finding the reply not satisfactory, charge sheeted him and provided him statement of allegations and initiated the inquiry by deputing the undersigned as Inquiry Officer.

On receipt of the case file, the undersigned summoned the Accused Official who submitted reply to the charge sheet. Thereafter, the Complainant (Kifayat Ullah s/o Muhammad Yaqoob

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Khan r/o Serai Naurang) who produced the audio recordings was summoned. On his appearance his statement was recorded on 11.02.2019 while cross-examination was reserved at the request of the Accused Official. On 15.02.2020, the Accused Official had to cross examine the Complainant/witness, however, the Complainant requested for production of his brother as witness, which was allowed and on 17.02.2020, statement of Farman Ullah, the brother of the Complainant was recorded, while the Accused official sought time for cross-examination, which was given. On 07.03.2020, the inquiry was fixed for cross examination. Mr. Kifayat Ullah (Complainant against the Ex-Judicial Officer) appeared with his brother for cross examination and insisted for recording his cross examination in presence of his brother (the other witness). The witness was made to understand that legally during cross-examination one of the witness has to wait outside, however, after some arguments, Mr. Kifayat Ullah left the office, and produced his brother Farman for cross examination. After his cross examination, when Kifayat Ullah was called for cross examination, he refused to face cross examination and left the office. After the statements and reply of the Accused Official, the undersigned find no reason to record further evidence, as the material available on file was sufficient to give findings.

Senior Civil Judge (Admn)
Lakki Narwat

In his statement, Mr. Kifayat Ullah alleged that Mr. Nasir Kamal, Ex-Judicial Officer time to time received unlawful

9/21

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considerations from him in his cases. He also alleged that the said Judicial Officer used to contact him through his own cell number and sometimes through cell number of Mr. Gul Tiaz Driver (Accused Official) which was 03368868264 or some times through cell number of his Police Guard namely Waheed Noor. He further stated that he filed a petition u/s 22-A Cr.P.C, for which the Ex-Judicial Officer demanded a huge amount however, the Accused Official (Gul Tiaz) struck a deal at Rs.200,000/- and the amount was handed over to the Accused official.

Farman Ullah, the brother of Kifayat Ullah in his statement uttered that Accused official came to his oil agency at Serai Gambila in 2018, and his brother Kifayat Ullah after taking money from him (Farman Ullah) handed it over to Accused Official Gul Tiaz.

FINDINGS

The worthy Peshawar High Court through above referred letter provided audio recordings and pointed out that Mr. Gul Tiaz, the official driver of Mr. Nasir Kamal, Ex-Additional District & Sessions Judge acted as intermediary between the Ex-Judicial Officer and Mr. Kifayat Ullah. The Accused in his reply dated 20.09.2019 and reply to the charge sheet admitted the genuineness of the audio recordings. He admitted that the Ex-Judicial Officer made calls from his mobile phone so many times


Senior Civil Judge (Admn)
Lakki Marwat

and as per his orders he also used to made calls for him. He also admitted to have received things from the people upon the directions of the Ex-Judicial Officer. Since, Mr. Kifayat Ullah did not appear for cross examination, therefore, his allegations of payment of Rs.200,000/- could not be established, while the sole testimony of his brother is not sufficient to establish this fact, however, the allegations of being in contact with the litigant Kifayat Ullah are established through the Accused Official's own admission. The Accused official and the Ex-Judicial Officer were in contact with Mr. Kifayat Ullah through the cell number of the Accused Official and these allegations need no other proof as being admitted. Now comes the question as to which kind of relation the Accused Official was maintaining with the Complainant Kifayat Ullah and whether any evidence of his acting as an agent of the Ex-Judicial Officer exists or not. In this respect, the audio recordings of telephone calls provided by worthy Peshawar High Court and admitted by the Accused official in his reply are of much importance. Out of these audio recordings, a call was made by the Accused official himself from cell No.03368868264, duration of which was 11 minutes and 29 seconds. In this call, initially Accused Official Gul Tiaz talked with the Complainant Kifayat Ullah and discussed about the Ex-Judicial Officer. The Complainant in this call was expressing his annoyance against the Ex-Judicial Officer that he went against him for a sum of Rs.200,000/- while the Accused official was defending

Senior Judge (Adm)
Lakki Marwat

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him. The significant point in this call is that the Ex-judicial Officer was present at that time because after talking for two minutes, the Accused Official handed over the phone to the Judicial Officer and then he talked with the Complainant for the remaining time. In this call, the Ex-Judicial Officer also took the name of the Accused Official by saying that Gul Tiaz told him (the Judicial Officer) that Complainant wanted to purchase some suits for him (Judicial Officer). The Complainant in this call went on to saying the Ex-Judicial Officer that he would arrange a program for him and Gul Tiaz would bring him secretly to his house.

Another call was made by Complainant Kifayat Ullah at the mobile number (03368868264) belonging to the Accused official duration of which was 04 minutes and 37 seconds. The call was picked by the Ex-Judicial Officer and after talking for some time he handed it over to the Accused official. In this call, the Complainant asked the Accused Official in a lighter mood, that it seems he (the Accused Official) had patched up his matter with the Judicial Officer. The Complainant also asked the Accused official to meet him on a day and he would give him, and it would be up to him (Accused Official) to purchase something or give as it is. (Although he did not mention what he wanted to give him, but proves the relation of giving and taking). The Accused Official replied it in

[Handwritten signature]
Judge (Adm)

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All these conversations speak volumes about the unreasonable and unfair attachment of the Accused Official with the Ex Judicial Officer and being acting as an intermediary between the two, otherwise what concern a driver has got to discuss disputed issues of his boss with a litigant. The Accused official took a plea that since he was a subordinate, therefore, he was bound to obey the orders of the Ex-Judicial Officer. The conversation that took place between the Accused Official and the Complainant negates this plea and does not give even a slightest impression that there was any kind of pressure upon him. He acted as an agent on behalf of the Judicial Officer and admittedly received things on his behalf from the Complainant Kifayat Ullah. From the audio recordings, it is evident that at the time of conversation, the Accused Official and the Ex-Judicial Officer were sitting together and discussing issues with the Complainant which fact strengthens the role of Accused Official as intermediary. Had he not acted as an agent, he would not have been part of the discussion with the Complainant. These acts on behalf of both clearly and undoubtedly suggests that he (Accused Official) was a close aide acting as an agent between the two otherwise an official driver is not supposed to deal in those matters of his boss which were not related to him or his official duty and receive consideration on his behalf while these acts amounts to misconduct.

[Signature]
 Senior Civil Judge (Admn),
 Lakki Marwat

The allegations against the Accused official are established through the conversation made through the audio calls

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and then through his own admissions. In my opinion the Accused official Mr. Gul Tiaz, Driver, committed mis-conduct, hence I suggest major penalty of removal from service for him.

Inquiry report is submitted.

Dated 18.02.2020



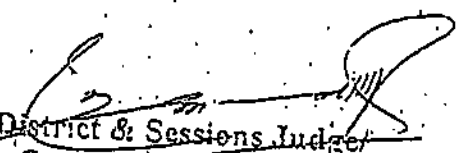
Muhammad Asghar Ali
Senior Civil Judge (Admn) Lakki Marwat
(Inquiry Officer)
Senior Civil Judge (Admn)
Lakki Marwat

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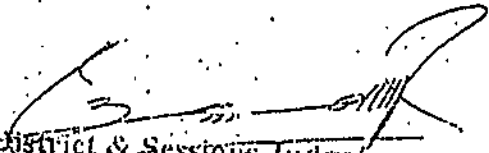
OS.....1
11-09-2019

The instant inquiry received through letter No.18429/Admn dated Peshawar the 04/09/2019. Official concerned be summon for 13/09/2019.


District & Sessions Judge
Competent authority,
Lakki Marwat.

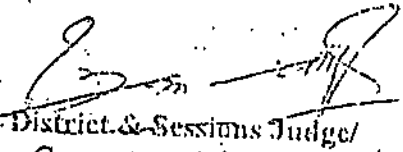
OS.....2
13-09-2019

Fuhtayaz Accused official present. Explanation be called for concerned official for 20/09/2019.


District & Sessions Judge
Competent authority,
Lakki Marwat.

OS.....03
20-09-19

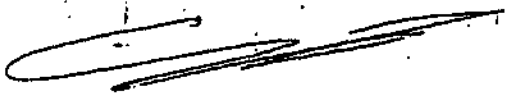
Accused official present, reply of the application received. To come up for further proceeding.

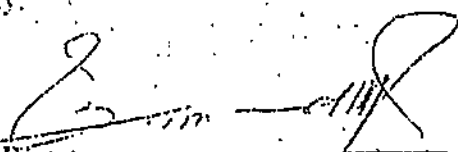

District & Sessions Judge/
Competent Authority,
Lakki Marwat.

OS.....04
12-10-19

Accused official present. Reply not satisfactory. Charge sheet, statement of allegation given to the accused official. Formal inquiry needs to be conducted into the matter, therefore inquiry initiated against the accused official namely Gul Tayaz Khan (Driver).
Mr. Muhammad Asghar Ali SCJ (Admn) appointed as inquiry officer.
And Mr. Faris Saleem (Assistant) appointed as Departmental Representative of the competent authority.
Concerned file be sent to the inquiry officer immediately.

ATTESTED



Examiner to
District & Sessions Judge
Lakki Marwat


District & Sessions Judge/
Competent Authority,
Lakki Marwat.

9

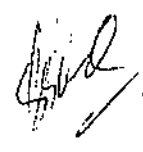
O-5
14.10.19

Inquiry file received. Notice be issued to the concerned official and the Departmental Representative for
28/10/19


Senior Civil Judge (Adm)
Lakh Narayan

O-6
28/10/19

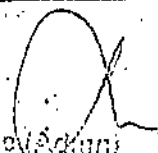
None present. Notice not issued. Concerned official is directed to be careful in future. Fresh process be issued as per previous order for
09.11.19





O-7
09.11.19

Mr. Tarig Jaisam, Rep: of the department present. Mr. Gurbhax, concerned official present. The Departmental Representative is directed to produce the Complainant who produced audio recordings on
02.12.19


Senior Civil Judge (Adm)
Lakh Narayan

ATTESTED

Examined & certified true copy
Lakh Narayan

30

10

19
2

O-8
03.9.19

Since the undersigned was on casual leave on 02.12.19, therefore proceedings could not be conducted. The Departmental Representative is present. He is directed to produce the Complainant, who produced the audio recordings on 14.12.19.

[Signature]

O-9
13.12.2019

The inquiry proceedings are fixed for 14.12.2019, however on the said date I have to proceed to Islamabad to attend National Conference of Mohel Courts. At a hence notice to the undersigned Departmental representative to produce the Complainant on

04.01.2020

[Signature]

ATTESTED

[Signature]
Examiner to
District & Session Judge
Lakki Marwat

Deputy Civil Judge (District)
Lakki Marwat

0-10
04.01.2020

Mr. Tariq Salim, Departmental Rep:
Present and seeks time to take
out the Complaint. Kifayatullah
Given. To come up on 22.01.2020

31

0-11
22.01.2020

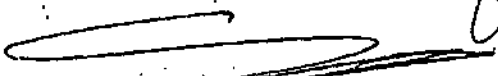
Being busy in Zoom training, Proceeds
could not be conducted. To come
up on 10.02.2020

Senior Civil Judge (Admn)
Lakki Marwat

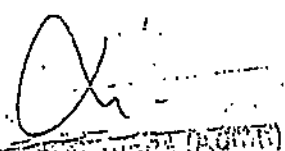
0-12
10.2.2020

As Rep. of the Department (Mr. Tariq
Salim) is present. Kifayatullah
(Complaint) is present. Assured
Official Gul Tiaz Driver be assured

ATTESTED


District & Sessions Judge
Lakki Marwat

for 11.2.2020


Senior Civil Judge (Admn)
Lakki Marwat

12

O-13
11.2.2020

Accused official Gul Tiaz Diner
is present. Complainant Kifayatullah
is also present. Mr. Tariq Saleem,
Rep. of the Deptt. present. Statement
of the Complainant recorded, however
the Accused official seeks time for
cross examination. Given. To come
up on 15.2.2020.

Senior CMA Judge (Admin)
Zakia Nisar

O-14
15/2/2020

Accused official Gul Tiaz present.
Complainant also present. Mr. Tariq
Saleem, Rep. of the Department present.
The complainant/applicant intends to
produce his brother as witness, and
seeks time for it. Given. To come up
on 17.2.2020.

Senior CMA Judge (Admin)
Zakia Nisar

ATTESTED

[Signature]


~~(B)~~

~~(A)~~

O-15
17.2.2020

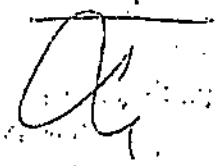
Accused Official Gul Tiaz Dever present. Applicant Masoom Kifayatullah along with his brother Farmanullah also present. Mr. Tariq Saleem, Rep. of the Department present. Statement of Farmanullah, the brother of the Complainant / applicant recorded. One accused official seeks time for cross-examining both of them and seeks time. Given. To come up on

22-2-2020

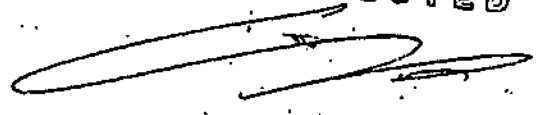

Senior Civil Judge (Admin)
Lakki Marwat

O-16
22-2-2020

Accused official present. Complainant Kifayatullah also present. One Complainant seeks time for production of his brother who has statadedly left for Jhanna. One Complainant is directed to produce him on 29.2.2020



ATTESTED



Examiner,
District & Sessions Judge
Lakki Marwat

0-17

29-2-2020

Accused official present while the complainant is not in attendance. Mr. Taig Saleem, Rep: of the Dept. is present and informed that he has contacted the complainant telephonically, who expressed his inability to come here to accident of his brother. The Rep: is directed to convey next date to the complainant on 07-7-2020

Senior Civil Judge (Admn)
Lahore District

0-18

07.3.2020

Accused official present. Complainant is present along with his brother Farmanullah. Today the inquiry was fixed for cross-examination. Kifayatullah, the complainant insisted for his cross-examination in presence of his brother, but was told that it was against the law. After some arguments, he produced his brother for cross-examination and waited outside. When he was called for facing cross-examination, he refused. There is no need for further evidence. Inquiry report would be put up before worthy District & Sessions Judge, Lahore District.

Senior Civil Judge (Admn)
Lahore District

Or.....01
03-06-2020

35

35

Report of Inquiry Officer is received. Be registered. In light of report of Inquiry Officer, "Final Show Cause Notice" is given to the accused official Gul Tiaz, Driver.

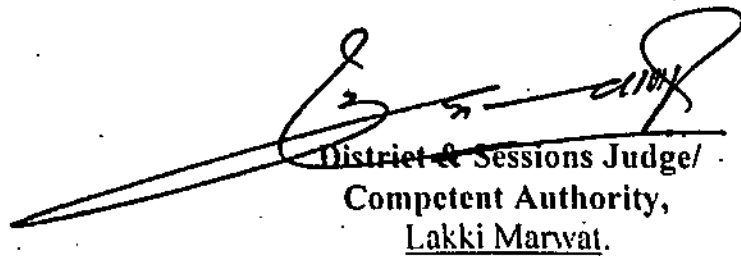
File to come up for reply of accused official and further proceedings for 10-06-2020.


District & Sessions Judge/
Competent authority,
Lakki Marwat.

Or.....02.
10.06.2020.

Written reply of the accused official Gul Tiaz Khan Driver to the "Final show Show Cause Notice" is submitted.

The accused official has desired and requested to be heard in person ~~to be heard in person~~, hence, he be summoned to appear before the Undersigned for personal hearing on 20.06.2020.


District & Sessions Judge/
Competent Authority,
Lakki Marwat.

0-3
20-06-2020

Accused official Gul Tiaz Khan (Driver) in person present and was heard in detail. He denied from the allegations levelled against him & professed his innocence.

File to come up for order for 06/07/2020


District & Sessions Judge/
Competent Authority,
Lakki Marwat.

SHOW CAUSE NOTICE

1, SYED ZAMARRUD SHAH, District & Sessions Judge Lakki Marwat, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Gul Tiaz Driver attached to Additional Sessions Judge-III Lakki Marwat^{as} follows:

" During disciplinary proceedings against Mr. Nasir Kamal Ex-Additional District & Sessions Judge, Lakki Marwat, before Peshawar High Court, Peshawar, the complainant had produced audio recordings which revealed that you were in league with the complainant and acted as an intermediary/ agent between the litigant, and Ex-Judicial Officer and he (Ex-Judicial Officer) used your cell phone number for conversation with litigants. (The copies of recordings have already been provided to you),,

1. (i) That consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing vide communication No.2400 dated 14-09-2019 and
- (ii) on going through the findings and recommendations of the Inquiry Officer, the material on record and other connected papers including your defence before the Inquiry Officers.

I am satisfied that you have committed the following acts/ omissions specified in rule 3 of the said rules and have been found guilty of

(a) Misconduct; and

(b) Corruption

2. As a result therefore, I as competent authority have tentatively decided to impose upon you the penalty of removal /dismissal from service under rule 4 of the said rules.
3. You are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex parte action shall be taken against you.
5. A copy of the findings of the Inquiry Officer is enclosed.


COMPETENT AUTHORITY

The Honourable District & Sessions Judge,
Lakki Marwat.
Subject: REPLY TO SHOW-CAUSE NOTICE.

(37)

Respected Sir,

Please refer to show cause notice No. nil Dated nil received on 04.6.2020.

Reply to Show Cause notice is submitted as under:

1. It is humbly stated that I was appointed as Driver on 24.9.2018 and I was directed to perform my duty with honourable Additional District Judge-III Lakki namely, Nasir Kamal and I remained with ADJ-III till 19.01.2019 when the said officer was transferred from Lakki Marwat.
2. That after the transfer of Mr. Nasir Kamal I was directed to perform my duty with Madam Wadiya Mushtaq with whom I remained on duty till 04.03.2019 when the madam got transferred from Lakki Marwat.
3. That after that I was directed to perform my duties as driver with Honourable Additional District & Sessions Judge and still performing my duty with the said officer for the last one year.
4. That I am performing my duties whole heartedly and there is not a single complaint against me.
5. That this is my first government job and I was told that your duty is to obey the orders of your superiors. Therefore upon my appointment, I tried my level best to obey all the legal orders of all my superiors.
6. That I never indulge myself in any illegal or immoral activities. The alleged phone recording also affirms my stance that I was just obey the orders of the honourable Additional District Judge to the extent that when and where he directed me to bring anything from local market I did that whole heartedly.
7. That I never formed any act or commission which comes under the preview of Misconduct or corruption.
8. That the complaint has also referred to be cross-examined, therefore, all his allegations could not be relied upon. Even the honourable Inquiry officer has also exonerated me from the charges of collection any amount from the complainant.

Received
11/6/2020

Thus the stance of the complainant has no weight at all.

The complainant in his statement has categorically stated that the said honourable ADJ used only my phone cell while talking to the complainant and that is too only on the one and the same day when the said honourable ADJ has been transferred from Lakki Marwat.

- 9. That it is astonishing that the learned inquiry officer has misinterpreted all the facts of the case. I just tried to clarify my position by presenting the example that when my immediate officer directs me to collect anything from any one , anywhere and bring to him, then how could I refuse the orders of immediate boss coupled with the fact that I was freshly recruited employee having no experience to take such like situation.. The said example interpreted as "Admission on my part" by the learned inquiry officer hence not maintainable and is nullity in law.
- 10. That the learned Inquiry officer did not afforded me any opportunity to present my defence which amounts to condemned unheard.
- 11. That proposed penalty is very harsh and injustice. The honourable courts in number of judgments reiterated that penalty must be commensurate to the guilt of the accused. The said alleged occurrence took place which I was freshly recruited having no previous experience of government servant.
- 12. That after the transfer of the said learned ADJ, I performed my duties with number of other judicial officers but admittedly not a single complaint is against me either from any private person or from my superior. It also speaks loudly about my innocence.
- 13. That it is also requested that I may kindly be afforded an opportunity to be heard in person.

It is, therefore requested that I may kindly be exonerated from all the charges and the proceedings may be filed.

Reply is submitted sir,
Dated: 11.6.2020,

Gul Tayaz Khan
11/6/2020

Gul Tayaz Khan
Driver to honourable
Addl. Sessions Judge-III

(49) (39)

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge, Lakki Marwat
Phone#0969-538150 Fax# 0969-538152 E-Mail:dsjlakki@yahoo.com

No S&S /DSJ

Dated: 06 / 07 / 2020

ORDER.

This inquiry has been conducted against the accused official Mr. Gul Tiaz, Driver (BPS-06) in compliance with letter No.18429/Admn Dated Peshawar the 04-09-2019, of the Honourable Peshawar High Court Peshawar, which is reproduced as under:

Subject: Compact Disc

Dear Sir,

I am directed to say that during disciplinary proceedings against Mr. Nasir Kamal, Ex-Additional District & Sessions Judge, the complainant produced audio recording which revealed that the official driver namely Gul Taiz of the Ex-Judicial Officer was also in league with the complainant and acted as intermediary between litigant and the Judicial Officer.

I am, therefore, directed to forward herewith Compact Disc containing the above-mentioned audio recording with the directions to proceed under E&D Rules against the said driver on the strength of above evidence.

Sincerely yours,

ADDITIONAL REGISTRAR (ADMN)
FOR REGISTRAR

Explanation was called from the accused official vide Endst No. 2400/DSJ LK/Admn Dated 14/09/2019.

The accused official submitted his written reply.

The accused official was charge sheeted and statement of allegations were given to the accused official vide Endst No.3145-47/Admn

06/07/2020



Dated 12/10/2019 and respectively and Mr. Muhammad Asghar Ali Senior Civil Judge (Admn), Lakki Marwat was appointed/nominated as Inquiry Officer under Rule 10 (1) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 with directions to provide reasonable opportunity of hearing to the accused official, record his findings and make recommendations as to punishment or other appropriate action against the accused official.

The accused official submitted his reply in written form to the charge sheet and statement of allegations. The learned Inquiry Officer, after completion of inquiry, submitted his report and recommended major penalty of removal of the accused official from service.

On receipt of report of learned Inquiry Officer, " Show Case Notice" was issued to the accused official.

The accused official submitted his reply in written form and requested to afford him an opportunity to be heard in person.

The accused official was called and heard in person. He denied from the allegations leveled against him and professed his innocence.

Perusal of the inquiry proceedings, conducted by the learned Inquiry Officer, reveal that one Kifayat Ullah S/O Muhammad Yaqoob Khan R/O Serai Naurang, who had provided audio recording as complainant during disciplinary proceedings against Mr. Nasir Kamal Khan, Ex-Additional District & Sessions Judge, was summoned and his statement was recorded. He also produced his brother Farman Ullah. Statement/evidence of Farman Ullah was recorded and he was also cross examined by the accused/official while the cross examination of the complainant Kifayat Ullah could not be recorded due to his own conduct.

The charges/allegations against the accused official are that he has acted as an intermediary/agent between the litigant (Kifayat Ullah) and Mr. Nasir Kamal Khan (Ex-Additional District & Sessions Judge) and the Ex-Judicial Officer has used his cell phone number for conversation with litigant (Complainant).

Handwritten signature and date: 06/07/2020

(41) (41)

In his statement Kifayat Ullah, complainant (though not cross examined) has alleged that Mr. Nasir Kamal Khan (Ex-Additional District & Sessions Judge) had received unlawful gratification time to time from him in his cases. He has also alleged that the said Ex-Judicial Officer used to contact him through his own cell number and sometimes through cell number 0336-8868264 of his driver the accused official Gul Tiaz and cell number of his Police Guard, namely, Waheed Noor. He has further stated that the Ex-Judicial Officer demanded a huge amount from him in a petition w/s 22-A CrPC, filed by him, and the accused official (Gul Tiaz) struck the deal at Rs. 2,00,000/- and the amount was handed over to the accused official.

Farman Ullah (brother of Kifayat Ullah) has stated in his evidence that the accused official came to his Mobil Oil Agency at Seria Gambilla in 2018 and his brother Kifayat Ullah took Rs. 2,00,000/- from him (Farman Ullah) and handed over to Gul Tiaz (accused official) in connection of a case.

In all of the written replies to the initial notice, charge sheet and show cause notice, the accused official has admitted the facts of calling from his mobile phone number 0333-8868264 to the Kifayat Ullah and the genuineness of the audio recordings, provided by the said Kifayat Ullah to the Honourable Peshawar High Court. He has admitted that the Ex-Judicial Officer Nasir Kamal Khan had made calls from his mobile phone so many times and he also made calls for the Ex-Judicial Officer at his direction and further that he has also received things from the people upon the direction of Ex-Judicial Officer. Thus the allegations of conduct of accused official and that of Ex-Judicial Officer with the litigant Kifayat Ullah are established from his own admissions.

So for the questions as to which kind of relation the accused official was having with the litigant Kifayat Ullah and his role as an agent/intermediary of the Ex-Judicial Officer with Kifayat Ullah are concerned, the same are established/proved through the audio conversations/recordings provided by the complainant Kifayat Ullah to the Honourable Peshawar High Court, Peshawar. I have personally heard these conversations/audio recordings, present in the Compact Disc, in my office,

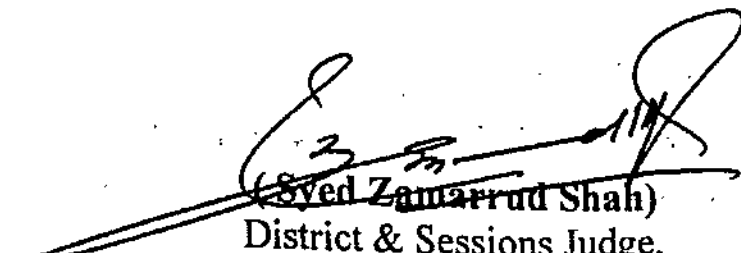
(49)

two of which have been mentioned in detail by the learned Inquiry Officer in his report.

These conversations among the Ex-Judicial Officer, accused official and Kifayat Ullah speak volumes about unreasonable and unfair attachment of the accused official with Ex-Judicial Officer and being acting as an intermediary/agent between the Ex-Judicial Officer and Kifayat Ullah.

The plea of accused official that being subordinate, he was bound to obey the order of Ex-Judicial Officer, is not correct because he was not bound to obey the illegal orders. Further that the conversation that took place between the accused official and Kifayat Ullah also negates this plea and does not give a slightest impression that there was any kind of pressure upon him. Rather from the audio recordings, it is evident that at the time of conversation, the accused official and the Ex-Judicial Officer were sitting together and discussing the issue with Kifayat Ullah which fact strengthens the role of accused official as intermediary between the two. Had he not acted as an agent/intermediary, he would not have been part of discussion of Ex-Judicial Officer with Kifayat Ullah.

From the above mentioned facts, the allegations against the accused official are proved and he has been found guilty of "Misconduct" and "Corruption" as specified in Rule: 3 (b) & (c) and thus, while agreeing with the findings of the learned Inquiry Officer, major penalty as enumerated in Rule: 4 (1) (b) (iv) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rule: 2011 is imposed upon the accused official Gul Tiaz, Driver (BPS-06) and he is dismissed from service with immediate effect. Proper notification in this regard is issued.


(Syed Zamarrud Shah)
District & Sessions Judge,
Competent Authority

06/07/2020

(43) (43)

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge, Lakki Marwat
Phone#0969-538150 Fax# 0969-538152 E-Mail:dslakki@yahoo.com

No S63-71/DSJ

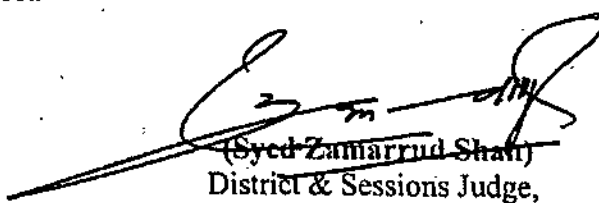
Dated: 06/07/2020

NOTIFICATION

WHEREAS, in compliance with letter No.18429/Admn Dated Peshawar the 04/09/2019 of the Honourable Peshawar High Court, Peshawar, disciplinary proceedings were initiated against Mr. Gul Tiaz, Driver (BPS-06) accused official, under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

And WHEREAS, Explanation was called from the accused official: He was charge sheeted. Inquiry was conducted and thereafter he was served with show cause notice and was also heard in person. After complying with the entire prescribed procedure under the Rules ibid, it has been found that the charges enumerated in the charge sheet and show cause notice have been proved against the accused official.

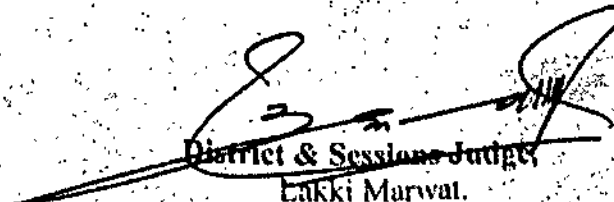
Now, THEREFORE, major penalty as enumerated in Rule 4(1) (b)(iv) of the Rules ibid, is notified and imposed upon the accused official Gul Tiaz, Driver and he is dismissed from service with immediate effect.


(Syed Zamarrud Shah)
District & Sessions Judge,
Lakki Marwat.
(Competent Authority)

Endst; No. & date even:

Copy forwarded to:

1. The Registrar, Peshawar High Court, Peshawar with reference to letter No.18429/Admn dated Peshawar the 04/09/2019.
2. The Member Inspection Team, Peshawar High Court, Peshawar with reference to letter No.351//MIT, Dated Peshawar the 09/06/2020.
3. The Senior Civil Judge (Admn) Lakki Marwat.
4. The District Account Officer, Lakki Marwat.
5. The Accountant to District & Sessions Judge, Lakki Marwat.
6. The Official concerned by name.
7. Personal file of the official concerned.
8. Office copy.


District & Sessions Judge,
Lakki Marwat.
(Competent Authority)

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No: 12791 / 2020

GUL TIAZ *versus* The Registrar, Peshawar High Court, etc.

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth,

Rejoinder on behalf of Appellant is as under: -

REJOINDER ON PRELIMINARY OBJECTIONS:

1. Preliminary Objections No. 1 to 4, as raised, by the Respondents, in their Comments, are routine objections having no nexus with the facts of the case moreover the same are not supported by any documentary evidence hence the same are refuted and negated by the Appellant.

REJOINDER ON FACTS:

1. Para-1 needs no rejoinder.
2. Para 2 of the Comments is illegal and incorrect. The allegations levelled against the Appellant were not true.
3. Para 3 needs no rejoinder.
4. Para 4 & 5 of the Comments are neither true nor proper. The mandate of enquiry proceedings as envisaged in the Khyber Pakhtunkhwa Efficiency & Discipline Rules, 2011 have not been

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No: 12791/2020

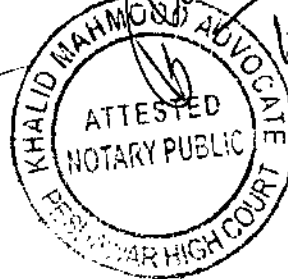
GUL TIAZ Versus Government of KPK etc.

COUNTER AFFIDAVIT

I, GUL TIAZ, Ex-Driver, District Courts, Lakki Marwat, R/o Baz Kally, Sarai Norang, Lakki Marwat, Appellant, do hereby on oath affirm and declare that the contents of the Rejoinder are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.

Identified by:

BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)



Deponent

Gul Tiaz