

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3355

Dated 31-1-2023

Misc Application _____ 2023

In Re:

Appeal No 1289/2022

Mehmood Alam.....(Applicant/Appellant)

VERSUS

District and Sessions Judge etc.....(Respondents)

Application for placing on

file the additional documents


Respectfully Sheweth: -

The Applicant/Appellant humbly submits as under:-

- 1) That the instant service appeal is pending before this Honourable Tribunal and is fixed for 10-02-2023.
- 2) That some important documents were unintentionally forgotten to be submitted at the time of submission of instant appeal, which the Applicant/Appellant wants to place on file now.
- 3) That if, the Applicant/Appellant is not allowed to place on file the additional documents
- 4) That the Accused/Petitioner wants to place on file the relevant documents with the main file of bail application.

- 5) That there is no legal bar in allowing the instant application; rather the same shall secure the ends of justice.
- 6) That this Honourable Court has got ample to adjudicate upon the matter.

It is, therefore, humbly prayed that on acceptance of this Application, the Applicant/Appellant may kindly be allowed to place on file the additional documents.

Applicant/Appellant
Through: 
(SUPYAN KHAN)
Advocate,
High Court, Peshawar

Dated: -31-01-2023

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Misc Application _____2023

In Re:

Appeal No 1289/2022

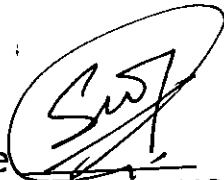
Mehmood Alam.....(Applicant/Appellant)

V E R S U S

District and Sessions Judge etc.....(Respondents)

AFFIDAVIT

I, Sufyan Khan Advocate, Peshawar (as per information of my client), all the contents of accompanying Misc Application are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Honourable Court.

Advocate 
CNIC # 17301-5411563-9
Cell # 0311-9108999

Signature: [Signature]
 Date of Delivery: 17.11.22
 Date of Preparation: 17.11.22
 Total Fee: 91/-
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 No. of Copies: 3
 No. of Pages: 3
 Revenue Fee: 01/-
 Urgent Fee: 01/-
 Date of Application: 17.11.22
 S.No: 1581

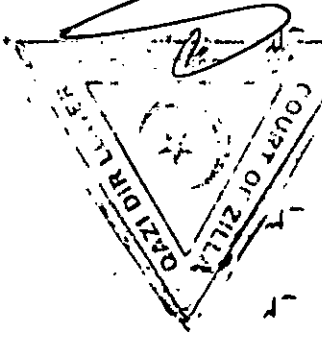
Allowed as per rule
Superintendent

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منظور ہے کہ اس کی تصدیق کے بغیر اس کی کاپیوں کو پیش نہیں کیا جائے گا۔
 یہ درخواستیں صرف ان کے لئے ہی منظور کی جائیں گی جن کی تصدیق عدالتوں کی طرف سے کی گئی ہو۔

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یہ درخواستیں صرف ان کے لئے ہی منظور کی جائیں گی جن کی تصدیق عدالتوں کی طرف سے کی گئی ہو۔

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2021.6.19

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2-4-2022
 No 1511



محمد صالح بن محمد طه

خبر عالی

هذه / ان شاء الله تعالى
اور ان کے بعد ان کے احوال سے
میں نے خبر لی ہے۔

08/07/2021

پھر وہ دن بعد معلوم ہے۔

قدّم هذا حال وصول من ابواب مكة بعد صلاة 23.7.21 و معلوم ان

19.7.21

قدّم هذا حال وصول من ابواب مكة بعد صلاة 23.7.21 و معلوم ان

23/7/21

قدّم هذا حال وصول من ابواب مكة بعد صلاة 23.7.21 و معلوم ان

17/8/2021

قدّم هذا حال وصول من ابواب مكة بعد صلاة 23.7.21 و معلوم ان

21.8.21

قدّم هذا حال وصول من ابواب مكة بعد صلاة 23.7.21 و معلوم ان

23.8.21

قدّم هذا حال وصول من ابواب مكة بعد صلاة 23.7.21 و معلوم ان

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قدّم هذا حال وصول من ابواب مكة بعد صلاة 23.7.21 و معلوم ان

30.8.2021

قدّم هذا حال وصول من ابواب مكة بعد صلاة 23.7.21 و معلوم ان

07.9.2021

قدّم هذا حال وصول من ابواب مكة بعد صلاة 23.7.21 و معلوم ان

15.9.2021

22/9/2021

قدّم هذا حال وصول من ابواب مكة بعد صلاة 23.7.21 و معلوم ان
30-9-2021
قدّم هذا حال وصول من ابواب مكة بعد صلاة 23.7.21 و معلوم ان
11-10-2021

محمد عالم بیگ کی طرف سے 1512

مقدمہ ہذا تا حال وصول نہیں ہوا ہے۔ لہذا ایک بیعتہ بعد صلوات کر کے

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06.11.2021

تقدیم ہاں کار وصول شدہ۔ لہذا دو دن بعد صلوات کر کے

17/11/2021

مقدمہ ہذا تا حال وصول نہیں ہوا ہے۔ لہذا ایک بیعتہ بعد صلوات کر کے

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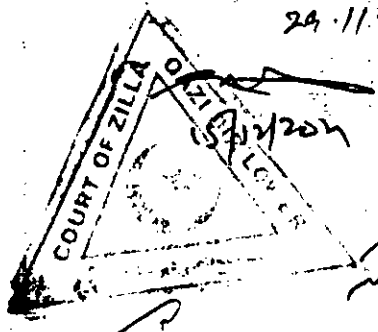
22.11.2021

مقدمہ ہذا تا حال وصول نہیں ہوا ہے۔ لہذا ایک بیعتہ بعد صلوات کر کے

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29.11.2021

تقدیم ہاں کار وصول شدہ۔ لہذا دو دن بعد صلوات کر کے



مقدمہ ہذا تا حال وصول نہیں ہوا ہے۔ لہذا ایک بیعتہ بعد صلوات کر کے

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23/12 سے موسم سرما کی پیشانیوں میں لہذا ایک بیعتہ

صرفہ 22/12 کو صلوات کر کے

22.12.2021

مقدمہ ہذا تا حال ضرر علی التاھدہ کو وصول نہیں ہوا ہے۔ لہذا

ایک بیعتہ بعد صلوات کر کے

15.1.2022

تقدیم ہاں کار وصول شدہ۔ لہذا دو دن بعد صلوات کر کے

27.1.2022

مقدمہ ہذا تا حال وصول نہیں ہوا ہے۔ لہذا ایک بیعتہ بعد صلوات کر کے

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04.3.2022

مقدمہ ہذا تا حال ضرر کو وصول نہیں ہوا ہے۔ لہذا ایک بیعتہ بعد صلوات کر کے

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11.3.2022

مقدمہ ہذا تا حال ضرر علی التاھدہ کو وصول نہیں ہوا ہے۔ لہذا ایک بیعتہ بعد صلوات کر کے
24-3-2022

(4)

Inquiry Report

Accused official Mehmood Alam, Junior Clerk absent. Accused official Zahid Ullah Naib Qasid present. Record has been perused.

Background

2. Mr. Junaid Alam, learned Civil Judge/Ilaqa Qazi-IV, Timergara submitted written report/complaint on 12.2.2021 against Mehmood Alam, Junior Clerk/Moharrar of his Court. The brief allegations in the complaint were as under;

- a) That the accused official made several false and fake signatures of the learned Judicial Officer in a forged Civil Case registered as 189/1 instituted on 23.12.2020 with title as "Mst: Farida Bibi vs NADRA".
- b) The said official has issued a forged/fabricated court decree in the above forged case.
- c) The official has dishonestly and fraudulently removed, created and tampered with record of the court in connection with the said case.
- d) The accused official has given illegal benefits to the plaintiff of the case.
- e) The act of the official has brought disrespect and hatred of the public to the court proceedings, presiding officer and the judiciary at large due to his corrupt and fraudulent practices.

3. The official was immediately suspended on 13.2.2021 and Mr. Essa Khan Afridi, learned Senior Civil Judge (Admn)/Aala Ilaqa Qazi, Dir Lower, was directed to conduct comprehensive fact finding inquiry in the matter through office order dated 13.02.2021.

4. The learned inquiry officer submitted written intimation on 26.2.2021, reporting that Zahid Ullah, Naib Qasid, posted in the District Record Room, has a role in the corrupt practices. The official was suspended as well.

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The learned Senior Civil Judge/Inquiry Officer submitted comprehensive Inquiry report on 22.4.2021.

Proceedings

6. The accused officials were with issued show cause notices on 25.5.2021 (The show cause notices are placed on the inquiry file, these may be read as part of this order). The officials submitted written replies to the notices on 31.5.2021. They were personally heard on 06.8.2021. Their personal hearing was held in separate sessions and they were heard individually. A resume of their personal hearings was reduced in writing and is part of the record.

7. The learned Inquiry Officer recommended that proceedings against the accused officials may be initiated in the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011(the Rules). Sufficient material was available on inquiry files, therefore, show cause notices were issued to them under rule 5 of the Rules, dispensing with the inquiry against the officials.

8. In replies to the show cause notices both the official contended their innocence and denied all the allegations against them. They requested that they may be exonerated from the allegations leveled against them.

Findings

9. After perusal of the complaint, record of the inquiry, inquiry report and the evidence brought on the record during the inquiry, personal hearing of the officials, undersigned is of the view that the allegations contained in the complaint of the learned Civil Judge-IV and formally laid before the accused officials in the form of show cause notices constitute the points for determination for these proceedings against each of the accused officials.

10. Findings regarding role of Mehmood Alam, Junior Clerk with reference to the allegations are as under:

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- (6) (6)
- a) Firstly, statement of Sajid Nawaz, reader (IW-1) indicates that the case titled as "Mst: Farida vs Chairman NADRA" was presented in the court of learned Senior Civil Judge (Judicial) on 23.01.2021. It was entrusted to the Court of learned Civil Judge-IV. The official has stated that, on 29.12.2020, he was on winter vacations. Order sheet No.1 of the suit indicates date of institution in the court of learned Senior Civil Judge as 29.12.2020. Record of this office reveals that learned Senior Civil Judge (Judicial) was on winter vacations on 29.12.2020. The witness stated that apparently the date of institution was tampered with. Perusal of the date of institution in the record of the suit reveals tampering in order sheet No.1.
- b) Secondly, statement of Nawab Zada, junior clerk, court of Senior Civil Judge (IW-2), reveals that the suit was dispatched through dispatch No.55 on 23.12.2021. It was handed over to Ali Zaman, junior clerk of the court of learned Civil Judge-IV, who has signed the dispatch register EX IW-2/1, as token of receipt.
- c) Thirdly, Ali Zaman, junior clerk (IW-3), deposed that the suit was registered in Register No.1 (Register of Civil Suit) at S. No. 189/1 of year 2021. Its date of institution in the Register (EX IW-3/1) has been reflected as 29.12.2021. Entries in this regard were made by Mehmood Alam, junior clerk. This indicates that after tampering with the order sheets No. 1 and 2 of the suit, the accused official made entries in Register No.1 in line with tampering, however, he could not resist the natural inclination to write year as 2021.
- d) Fourthly, Register No.9 (Daily Diary Register) is maintained by Reader of court. Amir Zada, Reader of the court of the learned Civil Judge-IV (IW-4) produced Daily Diary Register as EX IW-4/1 to EX IW-4/6. He deposed that entries in the back dates regarding in the case as well as in succeeding dates have been made in his register. The case has been reflected as fixed for hearing on 06.1.2021, 11.1.2021, 18.1.2021, 22.1.2021, 25.1.2021 and 02.2.2021. He categorically stated that all the entries were made in the hand writing of Mehmood Alam and these were not been made

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by him (Amir Zadar, Reader). This indicates that after tampering with the dates in the first order sheet and succeeding order sheets, the accused official tampered not only with the dates in record of the case but also made fake entries in back date (from 23.1.2021) in order to reflect proceedings in natural course of events. One of the object of tampering with date of institution reflects this and wrong entry in Register No.1 by the accused official followed by fake entries in Register 9 in the same day in his own hand writing establishes the allegations against the official to this extent. Statement of the Reader (IW-4) also reveals that the cause list maintained by the Reader and Register of decided cases does not reflect case entries regarding the case.

- e) Fourthly, statement of Muhammad Nisar representative of NADRA /Defendants reflected in the suit has also made shocking revelation these are;
- (a) The authority letter placed on the case file attributed to him reveals tampered in titled to the suit as well as in the date. He has stated that it appears that it has been taken from some other file and has been placed on file of the suit.
- (b) The written statement does not relate to this case. Rather it was relating to Form "Bay"/CRC while the present case was regarding change in the date of birth and CRC was not required in this case. Moreover date of birth in the written statement has been changed/tampered with. The date in the written statement has been tampered with. Title of the case in the written statement has also been tampered with.
- (c) No record of NADRA has been annexed, though in every case NADRA submits its record. The Written statement relates to the Form "Bay" of two children while the suit is regarding an aged/young lady.
- (d) That neither his statement recorded in the suit nor any signature on the statement has been obtained. This reveals that multiple tampering have been made not only in authority letter but in the written statement

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which have taken up from another file and have been imported to this file.

- f) Fifthly, the statement of Mehmood Alam, Junior Clerk (IW-7) was also recorded during inquiry. He has stated that another civil suit titled as "Ibrar Shah vs D.C" was registered by him in Register of Civil Suit at S.No.1 88/1 on 29.12.2020 while civil suit Ni.189/1 (the case file under inquiry) was also registered by him in Register No.1 on 29.12.2021. He has stated that the first order sheet in civil suit 88/1 was written by the learned Civil Judge-IV while the first order sheet in civil suit 189/1 was written by the learned Senior Civil Judge (Judicial). This indicates that he has made back date entries in Register No.1. He has also stated that he normally made entries in Register of civil suit and there is every likelihood that the official has left space blank in the Register No.1 for making the entries in back date.
- g) Sixthly, Mr. Muhammad Junaid Alam, the learned Civil Judge/Ilmuqa Qazi-IV has recorded his detailed statement as IW-18 before the learned Inquiry Officer. His statement reveals the following.
- (i) On 10.2.2021 he was presented the case file titled "Farida VS NADRA" for signatures of index and attestation of decree sheet. He suspected the same taken the file in custody and informed his Senior Civil Judge. On the next day he examined and reached to the conclusion that in order sheet No.1,2,3 and 7 (EX IW-18/2) reveals tampering in the dates and his fake signatures. Order sheet No.8 EX IW-18/3 , judgment and decree EX IW-18/4 , order sheets 4,5,6 and 7 reveals that this have been impressed with his fake signatures. The order sheet , judgment and decree were fake documents. These were not prepared and signed by him. The plaint EC IW-18/5 written statement EX IW-18/6, Issues EX IW-18/7 list of witnesses EX IW-18/8, CNIC of the father of plaintiff EX PW-18/9, his affidavit EX IW-18/10, CNIC of husband of the plaintiff EX IW-18/11, affidavit of husband of plaintiff EX IW-18/2 , statements of Umar Zaib Bacha (PW-1) EX IW-18/3, statement of Shahzad Khan (PW-2) EX IW-18/14 and repeated statement of Umar

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Zaib as IPW-3, EX IW-18/5, power of authority EX IW-18/16, authority letter on behalf of respondents EX IW-18/17, CNIC of the plaintiff EX IW-18/19, notice purportedly issued on respondents EX IW-18/20. All of these reveals tampered in the documents and these bore fake signature of the learned judge. Thus from order sheet No.1 end of the proceedings in the suit all are result of the tampering and these were created to benefit plaintiff of the suit and ensure issuance of a fake decree in favour of the plaintiff.

(ii) The learned Judicial officer has stated that on his inquiry of the official of the court informed that Mehmood Alam Moharrar has admitted the same.

(iii) On the same day i.e 11.2.2021 Mehmood Alam Moharrar visited the learned Judicial Officer at his residence, he has confessed his guilt, condemned himself and sought apology. since learned Judicial Officer at residence, he could not record his statement.

11. The above discussion and evidence reveals that accused official tampered with the order sheet from the date of receipt of the suit, made fake entries in register No.1, Register of Daily Diary (Register No.9) tampered with the whole record, created fake order sheet, forged decree, imported authority letter and written statement from other cases and tampered with the same and has done all that was required to prepare a fake, forged, fabricated judgment and decree in favour of the plaintiff Mst: Farida. The next part of our discussion would reveal as to why the official did the same and what was the role of the co-accused official.

12. The findings regarding Zahid Ullah Naib Qasid are as under;

(a) Firstly, Umar Zaib Bacha (IW-8/IW-14) is husband of Mst. Farida Bibi, plaintiff in the case. The accused official Zahid Ullah, has in his personal hearing admitted that he has got no ill-will with the said Umar Zaib. He has deposed before the learned inquiry officer, that the accused official has;

- (i). Disclosed himself as an advocate;
- (ii). Promised to institute suit for correction of date of birth of his wife at professional fee of Rs.20,000/-;

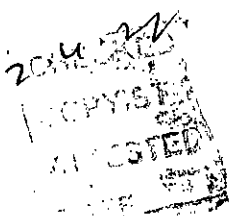
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- (iii). On the next day of their meeting, he has delivered him, Rs.6,000/- with copy of his CNIC and CNIC of his wife, brother and his father in law;
- (iv). the accused official has given him his contact number, that is, 0344-97877715 for remaining in contact with him.
- (v). On instructions of the witness, Rs.4,000/- was paid by owner of M/S Zahid Chemicals to the accused official. He remained regularly in contact with the accused official;
- (vi). The accused official after a month informed him on his cell number 0307-8530181, that his documents are ready and asked him to bring his remaining professional fee. He also informed him that he could take his documents;
- (vii). On the next day he met with the accused official in a hotel, taken tea with him and made remaining payment of Rs.10,000/- in presence of one Umar Daraz (IW-15);
- (viii). The accused official delivered him two sets of attested copies, wrote his cell number on overleaf one of the documents and asked him to take the documents to NADRA for the needful. The witness produced the documents as EX IW-8/1 to EX IW-8/10 and endorsement made by the accused official as EX IW-8/11.

12. Umar Zaib Bacha has also recorded his additional statement on 27.2.2021. During his statement the accused official was summoned who was identified by the witness in presence of Zubair Shah Superintendent, Sufaid Muhammad Khan Computer Operator and Shah Hisar English Clerk. After identification he also endorsed that the accused official remained engaged with him during the transaction.

13. The accused official was also identified by Umar Daraz (IW-15). Umar Daraz (IW-15) has supported Umar Zaib (IW-8/IW-14). He has deposed that his friend Umar Zaib, asked him to accompany him for payment of fee to the lawyer and receipt of documents. He accompanied him and in his presence the payment of Rs.10,000/- was made to the accused official who handed over two sets of the documents to Umar Zaib.

(b) Secondly, statement of the accused official was recorded as IW-11. He has denied any contact with the plaintiff, her husband or witness and stated



that he did not know them. He stated that almost 20 days ago he received call from phone number 0303-2929450 and of phone number starting from 0307. The callers asked about consignment of a case but he does not remember titled of the case. Thus the accused official expressed his ignorance about any transaction or any contact with husband of the plaintiff. He denied allegations.

(c) Thirdly, Muhammad Riaz, Incharge Copying Brach (IW-13) deposed that the accused official was serving as Naib Qasid in Sessions Record Room, delivered him an application (in hand writing of the accused official EX IW-13/I), for attested copies, duly allowed, with two copies of documents including judgment and decree for attestation and original case file (fabricated case file in question). He asked accused official to affix tickets. He affixed the same. The accused official informed him that Umar Zaib was his closed relative, therefore, he issued copies in the name of Umar Zaib and delivered the same to the accused official after attestation.

(d) Fourthly, Muhammad Riaz (IW-16), owner of the Raiz Chemical, has deposed that on request of Umar Zaib he asked his brother Hidayat Khan (IW-17) to hand over Rs. 4,000/- to the accused official. Hidayat Khan (IW-17) endorsed payment, however, he expressed his inability to identify the accused official, since they are dealing with huge number of customers on daily.

(e) Fifthly, the accused official during his personal hearing stated that he remained in contact with Umar Zaib who asked him about consignment of the case in the record room, however, he has denied receipt of any amount from him. Thus, he has admitted contacts with husband of the plaintiff in the case, as opposed to his first statement before the learned inquiry officer.

(f) Sixthly, the learned Inquiry Officer has placed on record the bulk of CDR, which indicate frequent contacts of the accused official with Umar Daraz and Umar Zaib, before and during the inquiry.

This evidence leads us to the following conclusion;

- (a). Neither Umar Zaib (IW-8/IW-14) husband of the plaintiff in the forged case nor Umar Daraz, witness (IW-15) have got any ill-will towards the accused official. There exists no reason with them for deposing falsely

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against him and leveling allegations of impersonation as lawyer and receipt of professional fees;

- (b). The accused official has impersonated himself as an advocate, entered into transaction with Umar Zaib for procuring him decree for correction of date of birth of his wife;
- (c). The accused official received Rs.20,000/- as professional fee in consideration of his above illegal services;
- (d). The accused official was duly identified not only by the Umar Zaib but also by the Umar Daraz, witnesses.
- (e). The Incharge Copying Branch has also deposed that the accused official not only produced the application for obtaining attested copies in his hand writing, but also the record of the case. He also received attested copies from him. This read with statements of Umar Zaib and Umar Daraz, witnesses, establishes that the accused official delivered the documents to Umar Zaib, husband of the plaintiff in the case in question;
- (f). The attested copies were obtained delivered by the accused official with endorsement in his handwriting to Umar Zaib in presence of Umar Daraz, witness;
- (g). The plethora of CDRs speaks volumes of contacts of the accused official with Umar Zaib before inquiry and during inquiry. In his statement, before inquiry officer, he expressed ignorance of any contact with Umar Zaib rather he stated that he did not know him. However, during his personal hearing he stated that Umar Zaib, was in contact with him and he would asked about consignment of the said case to the record room. This indicates contradictory stances. This is also an admission on the part of accused official because on one hand he does not remembers any contact with the Umar Zaib and on the other he admits contacts with him:

13. The above discussion leads us to the conclusions that both the officials were working together in connivance with each other. The accused official Zahid Ullah, was working as front man for the accused official Mehmood Alam. The accused official Zahid Ullah Naib Qasid, would fish innocent litigants, impersonate as a lawyer and the accused official Mehmood Alam

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would handle rest of documentary arrangements for creation of fake and fabricated decrees and judgments. Thus, both the officials worked in collaboration, accused official Zahidullah, Naib Qasid, impersonated himself as an advocate, entered into transaction of obtaining decree for correction in date of birth of one Mst: Farida with her husband. Obtained Rs.20,000/- as consideration. The accused official Mehmood Alam, facilitated him by fabricating court record, tempering with court record, creation of fake record, fake evidence, fake judgment and decree and impressing signatures of learned Civil Judge-IV on the same. The accused official Zahidullah, obtained attested copies of the same and delivered the same to Umer Zeb, husband of the plaintiff, in the case in question. The CDR also establishes connection of the accused official with the said Umer Zeb. Thus there is sufficient evidence on the file to establish allegations of impersonation, forgery, bribery, corruption, corrupt practices, fabricating false evidence, preparation and issuance of false decree, obtaining illegally the undue financial gain of Rs.20,000/- by the above illegal acts and by compromising their official duties.

M. Shoaib

14. Reportedly four more such cases have fabricated been by the accused official Mehmood Alam Junior Clerk.

15. This discussion establishes the allegation contained in the Show Cause notice against both the accused officials. The undersigned is satisfied that both the accused officials are guilty of misconduct and corruption within the meaning of rule 3 (a) and (b) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. This has brought stigma and bad name to the judicial institution and their conduct ^{is so} prejudicial to good order and service discipline. Therefore, both the accused officials are dismissed from service with immediate effect, by imposing major penalty under rule 4(b)(iv) of the Rules. Office is directed to issue formal orders. This file be consigned to the record room.

Announced
19.06.2021

1511

S.No. _____

Date of Application 21-6-22

Urgent Fee Nil

Revenue Fee 01

No of Pages 60/

No of Words _____

Copying Fee 01

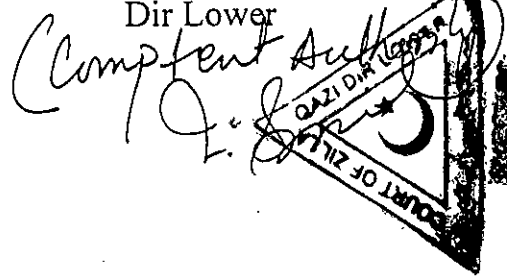
Total Fee 120/-

Date of Preparation 02-4-22

Date of Delivery 1-11

St. _____

M. Shoaib
(Muhammad Shoaib)
District & Sessions Judge,
Dir Lower



مذکورہ کیسز کی فیصلہ دینا کیلئے 21-6-22 کو اجازت ہوگی۔
21-6-22 کو اجازت ہوگی۔
21-6-22 کو اجازت ہوگی۔

M. Shoaib

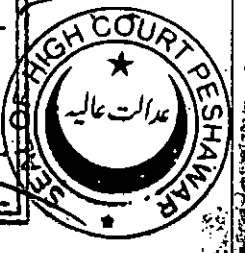
21-6-22

(14)

To

Eminent,
Registrar,
Peshawar High Court,
Peshawar.

Peshawar High Court, Peshawar	
Receipt No	6033
Date	27 APR 2022
For Action	
Signature	



Subject: **APPEAL AGAINST THE IMPUGNED ORDER PASSED BY HONORABLE DISTRICT & SESSION JUDGE, LOWER DIR, DATED: 19.06.2021, WHEREIN THE SERVICES OF THE APPELLANT BEING JUNIOR CLERK OF THE LEARNED FAMILY COURT/ DISTRICT QAAZI LOWER DIR AT TIMERGARA, COMPRISING OF ALMOST 10 OR MORE YEARS, WAS ORDERED TO DISMISSED.**

PRAYER IN APPEAL:

By considering the quite innocence of the appellant in the below detailed illegalities and irregularities, this Honorable Appellate forum may very graciously please be set aside the above order of Honorable District & Session Judge Dir Lower Dated: 19.06.2021, and in consequential relief, the services of the appellant being Junior Clerk of the Learned Court below may also please be restored as reinstated.

BRIEF BUT SHARP & PRECISE FACTS OF THE MATTER:

1. Appellant was proud to be the part of lower judiciary since his initial appointment dated: 03.02.2012 and from commencement of the service till its illogical ending, it is admitted fact that appellant was remained excellent with unblemished character of his service men, as no complaint whatsoever specially of the alleged leveled nature, was earlier been filed on either behalf of any individual party or any official so this unblemished character of the appellant is required to consider while pronouncing any judgment on appeal in hand.
2. That all of sudden the Show Cause notice under rule 7 of the Khyber Pakhtunkhwa servants (efficiency & discipline) rules 2011 was served to the appellant by the worthy office

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(15)

of District & Session Judge, Dir Lower at Timergara wherein certain allegations of **BOGUS & FAKE SIGNATURES OF THE LEARNED CIVIL JUDGE IN CASE TITLED "MST. FAREEDA BIBI...VS...NADRA"**, WAS COMMITTED, WHICH SHOW CAUSE WAS DULY REPLIED BY THE APPELLANT? (COPY OF THE SHOW CAUSE AND REPLY THEREWITH IS ANNEXED)

3. That thereafter the inquiry was also conducted and the statements of all the concerns were recorded and the learned District & Session Judge lastly concluded the matter by pronouncing the impugned order dated: 19.06.2021, whereby the services of the appellant was ordered to dismissed. (COPIES OF THE INQUIRY REPORT ALONGWITH THE STATEMENTS OF ALL CONCERNS INCLUDING STATEMENT OF APPELLANT ALONGWITH THE IMPUGNED ORDER PASSED BY LEARNED DISTRICT & SESSION JUDGE, LOWER DIR AT TIMERGARA DATED: 19.06.2021, ARE ANNEXED IN SERIATED FORM RESPECTIVELY).
4. That aggrieved with the impugned findings of learned District & Session Judge, Lower Dir at Timergara dated: 19.06.2021, appellant beg to file instant appeal against the above order while seriously aggrieved, inter alia on the following ground amongst other;

GROUND S:

- A. The whole case is circulated as lead, in the statement of the learned Civil Judge-IV, Timergara Dir Payan, who is an alleged complainant of the case actually, recorded his comprehensive statements being IW18 and his statement is duly available in the case file, which astonished the whole background and base of the case, wherein it was surprisingly endorsed that the appellant has admitted his guilt and came to the house of the learned complainant/Civil Judge and sought pardon thereof, however in this respect no admittance whatsoever is made

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on the part of the appellant and no such like happened is ever been played so the whole story duly narrated by the Learned Civil Judge-IV, Timergara Dir Payan is self-fabricated, concocted, fictitious, planted having no footing at all and it is very safely to state that this act of the learned Civil Judge is nothing but the result of gross discrimination and exploitation of individual rights of appellant and it is often and usually established through certain precedents that on such like matter the statement of any complainant is not conclusive at all.

- B. On another hand if the other consistent statements of other officials of Honorable Civil Courts, Timergara Lower Dir may also please be taken into thorough consideration, it will ultimately revealed that no nexus whatsoever is established to connect the appellant for the commission of the offence and the co-accused, who is also facing such impeachment, in its own statement disclosed that he has not also committed any irregularity or illegality which liable to be punished, as he taken the charge of his official status few days back so the foundation of the case laid down completely upon the appellant as well as co-accused is also not reckoned by circumstantial evidence.
- C. That appellant was impeached in a compulsive manner, it was thus no extension of any cross examinations extended to the appellant to analyze the recorded statements of the stake holders, hence on this score alone the finding of the inquiry committee and conclusion thereof reached to unjustifiable.
- D. That it is required to consider at this stage that the allegation so leveled against the appellant, it self-needed more impleadment of more employees but it is to say that


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the inquiry was only conducted against the appellant as well as co-accused which prima facie established the case of the complainant false and incorrect.

E. Any other ground which is not agitated right at the movement, will be raised at the time of the presentation of argument before your exclusive authority.

It is therefore, most humbly prayed that in the light of the above, the impugned order passed by learned District & Session Judge, Dir Lower, dated: 19.06.2021 may graciously please be set aside and consequentially, the services of the appellant may graciously please be restored as reinstated.

Appellant


MEHMOOD ALAM
(Junior Clerk)
Civil Court,
Timergara.

Dated: 26.04.2022


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