
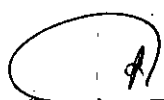


07.02.2023

Appellant alongwith counsel present. Umair Azam,
Learned Additional Advocate General Zafar Iqbal Record
Keeper for the respondents present.

Learned counsel for the appellant requested for
adjournment in order to prepare the brief. Adjourned. To
come up for arguments on 15.05.2023 before D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

SCANNED
BY ST
Fareeha Paul

03.08.2022

Appellant present in person. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Riaz Ali Khan, Assistant for respondents present.

Written reply/comments not submitted. Learned Addl. AG sought further time to submit the same on the next date. To come up for written reply/comments on 26.09.2022 before S.B.

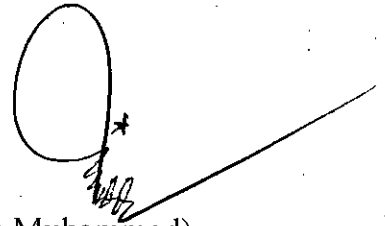


(Kalim Arshad Khan)
Chairman

26.09.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Awal Zaman, Superintendent for the respondents present.


Reply/comments on behalf of respondents submitted which are placed on file and copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, and arguments before the D.B on 02.12.2022



(Mian Muhammad)
Member (E)

2-12-22

Deleted from the list to come up on the next date 29-2-23



Reader

11.04.2022

Appellant in person present.

Security and process fee have not been deposited by the appellant, therefore, last chance is given to appellant with direction to deposit the same within 3 days, where-after, notices be issued to respondents for reply/comments. To come up for written reply/comments on 09.05.2022 before S.B.

Rs-400/-
Appellant Deposited
Security & Process Fee

A. Ullah
11/4/22

(Rozina Rehman)
Member (J)

09.05.2022

Counsel for appellant present:

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Reply on behalf of respondents was not submitted. Notice be issued to respondents for submission of written reply/comments. To come up for reply/comments on 15.06.2022 before S.B.

(Rozina Rehman)
Member (J)

15th June 2022

Appellant present in person. Mr. Kabirullah Khattak, Addl. AG alongwith Riaz Ali Khan, Assistant for the respondents present.

Respondents have not submitted written reply/comments. The learned AAG seeks time for submission of written reply/comments. Last chance is given. To come up for written reply/comments on 03.08.2022 before S.B.

(Kalim Arshad Khan)
Chairman

16.08.2021

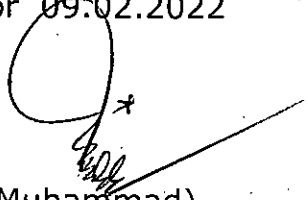
Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to full hearing, subject to all just and legal objections including that of limitation to be determined during the course full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 10.12.2021 before the D.B.


Chairman

10.12.2021

Nemo for the appellant. Security and process fee have not been deposited by the appellant, therefore, notice be issued to appellant as well as his counsel for 09.02.2022 before S.B.


(Mian Muhammad)
Member (E)

*Due to retirement of the worthy
Chairman the Tribunal is defunct, therefore
case is adjourned to 11-04-2022*

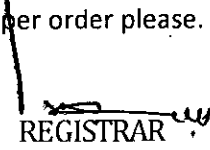



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 6620 /2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/06/2021	<p>The appeal of Mr. Haleem Muhammad Khan resubmitted today by Mr. Qamar Zaman Khattak 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>16/08/21</u>.</p> <p>10.02.2022</p> <p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 10.02.2022 for the same as before.</p> <p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore case is adjourned to 11.04.2022 for the same as before.</p> <p style="text-align: right;"> Reader</p>

The appeal of Mr. Haleem Muhammad Khan Junior Clerk to Judicial Magistrate Karak received today i.e. on 21.06.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of FIR mentioned in para-2 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Copy of first page of the departmental appeal is missing.

No. 1062 /S.T,


Dt. 22/06 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Qamar Zaman Khattak Adv.
High Court at Karak

R/Sir,

- 1- Objection No-1 is not valid, that never I use the word FIR in para no-2 of my Appeal, but used word report and I had annexed that report which is Annexure 'A' on page no-13, so kindly consider the removal of objection No-1 please.
- 2- objection No-2 being removed.
Therefore be fixed before the Honorable Service Tribunal KP, Peshawar please.

Advocate 
Qamar Zaman Khattak
22/06
2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 6620 /2021

Haleem Muhammad Khan.....Appellant

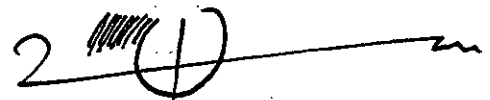
V E R S U S

District & Session Judge, Karak & another....Respondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Service Appeal with affidavit		1-8
2.	Application for condonation of delay alongwith affidavit		9-11
3.	Addresses of parties		12
4.	Copy of report dated 17.09.2020	A	13
5.	Copy of Show Cause Notice and Reply	B	14-18
6.	Copy of Departmental Appeal	C	19, 19A, 20 — 28
7.	Copy of relevant part of the Act	D	29-32
8.	Wakalatnama		33

Appellant
Through



Qamar Zaman Khattak
Advocate High Court
Cell No.0348-0105985

Dated 21.06.2021

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2021

Haleem Muhammad Khan,
Junior Clerk/Muharrir to Judicial Magistrate Karak
.....Appellant

V E R S U S

1. District & Session Judge, Karak
2. Registrar, Peshawar High Court Peshawar
.....Respondents

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT,
1974, AGAINST THE IMPUGNED ORDER
DATED 04.11.2020 OF THE LEARNED
RESPONDENT NO.1 AND AGAINST WHICH
THE APPELLANT FILED THE DEPARTMENTAL
APPEAL WHICH IS STILL PENDING WITHOUT
ANY DISPOSAL.**

Prayer

**On acceptance of this Service Appeal
this Hon'ble Tribunal may very graciously
be pleased to set aside the impugned
order dated 04.11.2020 with all
consequential/back benefits, and further**

Ats
G.

direct the respondents to allow the appellant to perform his function/duty as Junior Clerk.

Respectfully Sheweth:

1. That the appellant performing his duty as Junior Clerk/Muharir to the Court of Judicial Magistrate Karak with the entire satisfaction of his immediate as well as his Superior Officers and has not given any chance of irregularity about his official duty.
2. That on 13.09.2020 after Nimaz Isha some unknown assailants made firing upon the son of appellant official with intention to kill him but luckily, he escaped unhurt and in order to trace out assailants the appellant went on two days leave w.e.f 14.09.2020 to 15.09.2020 with prior permission of learned Judicial Magistrate, Karak. The Appellant also lodged report to the local police on 14.09.2020 in Police Station Karak against the unknown assailants. (Copy of report dated 17.09.2020 is attached as annexure "A").

At 5
C.

3. That on 17.09.2020 some miscreants of village Sarat Khel have given life threat to the appellant official; therefore, the appellant official was not in position to perform his official duty and thus could not attend the office from 17.09.2020 to 27.09.2020; however, after tackling the threat, the appellant official started his official duty from 28.09.2020 regularly and punctually.
4. That the appellant was served with Show Cause Notice by the learned District & Sessions Judge, Karak about absence from duty, whereby the appellant explained true picture of occurrence for which the appellant remained absent from duty by providing written reply to Show Cause Notice and also explained the situation before Hon'ble District & Session Judge, Karak at the time of personal hearing. (Copy of Show Cause Notice and Reply are attached as annexure "B").
5. That thereafter, Hon'ble District & Sessions Judge, Karak passed the impugned office order dated 04.11.2020.

As
Q.

6. That the appellant being aggrieved from the penal order of respondent No.1, the appellant preferred Departmental Appeal before the respondent No.2 which is still pending without disposal, hence the present service appeal, inter alia, on the following grounds: (Copy of Departmental Appeal is attached as annexure "C").

GROUNDS:

- A. That the appellant has not been treated by the respondent in accordance with law, rules and policy on the subject and acted in violation of Article-4 and 10-A of the Constitution of Islamic Republic of Pakistan, 1973. The Hon'ble Supreme Court of Pakistan has laid down a law that in case of major penalty there shall be full-fledged regular inquiry in the present case, no regular inquiry has been conducted by the respondent, therefore the impugned order cannot be clothed with validity and is liable to be set aside.
- B. That section 16 of the Civil Servants Act, 1973 provide that a civil servants is liable for

At
Q.

prescribed disciplinary action in accordance with prescribed procedure, in the instant case Rule-9 of the (E&D) Rules of 2011 provide special procedure in case of willful absence but this procedure has not been adopted, therefore the impugned order is liable to be interference with by this Hon'ble Tribunal.

- C. That it is very established from the available documents that the absence of the appellant was not wilful but were under compelling circumstances. Under Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973 appellant was entitled to be tried fairly, justly and transparently. In the present case appellant has clear placed the plea of compelling circumstances which resulted the absence of the appellant from the performance of his duty. In the present case since no regular inquiry has been conducted to threshed out the plea of compelling circumstances and therefore on this score alone the impugned order liable to be set aside.

AKS
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- D. That the impugned order is very harsh and inhumiliated one, whereby appellant directed to perform the job of Naib Qasid, and that too without any legal justification.
- E. That the impugned order is not speaking order within the meaning of judicial spirit and policy, it does not provide the element of ratio decedie, stairdecies and obetor dicta, therefore one need interference on the part of this Hon'ble Tribunal.
- F. That the appellant would like to seek the permission of this Hon'ble Tribunal to share other grounds at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of this Service Appeal this Hon'ble Tribunal may very graciously be pleased to set aside the impugned order dated 04.11.2020 with all consequential/back benefits and further direct the respondents to allow the appellant to perform his function/duty as Junior Clerk.

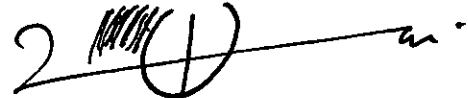
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Q

**Any other relief deems fit and appropriate
in the circumstances of the instant appeal may
also be passed in favour of the appellant.**



Appellant

Through



Qamar Zaman Khattak

Advocate High Court

Cell No.0348-0105985

Dated 21.06.2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2021

Haleem Muhammad Khan.....**Appellant**

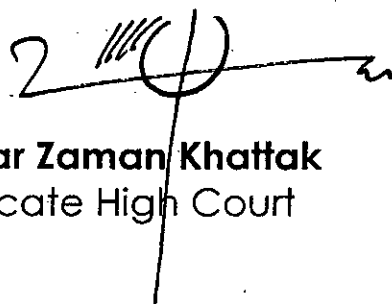
VERSUS

District & Session Judge, Karak & another....**Respondents**

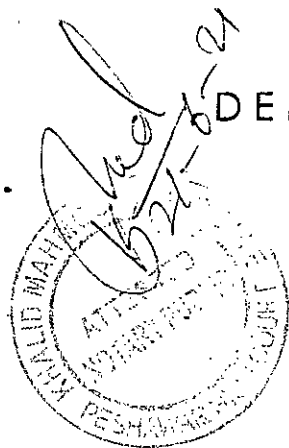
AFFIDAVIT

I, Haleem Muhammad Khan, Junior Clerk/Muharrir to Judicial Magistrate Karak , do hereby solemnly affirm and declare that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by:



Qamar Zaman Khattak
Advocate High Court




DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2021

In

Service Appeal No. _____/2021

Haleem Muhammad Khan.....**Appellant**

V E R S U S

District & Session Judge, Karak & another....**Respondents**

**APPLICATION FOR CONDONATION OF
DELAY IN FILING THE INSTANT SERVICE
APPEAL**

Respectfully Sheweth:

1. That the instant service appeal is being filed before this Hon'ble Tribunal which is yet to be fixed for its hearing.
2. That The Khyber Pakhtunkhwa Epidemic Control And Emergency Relief Act, 2020 Section-30 provides that "Notwithstanding anything contained in the Limitation Act, 1908 (Act No. IX of 1908) or any other law prescribing limitation for initiating any legal proceedings, the limitation period provided under various laws shall remain frozen from 1st March 2020 till the culmination of the emergency period and the

proceedings so filed before any court or tribunal during or immediately upon cessation of such emergency period, shall not be time-barred on account of any delay for the aforesaid period". (Copy of relevant part of the Act is attached as annexure "D")

3. That the delay in filing the instant appeal was neither intentional nor willful but due to aforesaid reason.
4. That the law favours adjudication on merit rather non-suiting the litigant on technicalities.
5. That it is just, fair and in the large interest of justice that the delay in filing instant appeal be condoned.

It is, therefore, most humbly prayed that by accepting this application, the delay in filing the instant service appeal may please be condoned.

Appellant

Through



Qamar Zaman Khattak
Advocate High Court

Dated 21.06.2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2021

In

Service Appeal No. _____/2021

Haleem Muhammad Khan.....**Appellant**

V E R S U S

District & Session Judge, Karak & another....**Respondents**

A F F I D A V I T

I, Haleem Muhammad Khan, Junior Clerk/Muharrir to Judicial Magistrate Karak , do hereby solemnly affirm and declare that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by:


Qamar Zaman Khattak
 Advocate High Court



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2021

Haleem Muhammad Khan.....**Appellant**

V E R S U S

District & Session Judge, Karak & another....**Respondents**

ADDRESSES OF PARTIES

APPELLANT:

Haleem Muhammad Khan,
Junior Clerk/Muharrir to Judicial Magistrate Karak

RESPONDENTS

1. District & Session Judge, Karak
2. Registrar, Peshawar High Court Peshawar

Appellant

Through



Qamar Zaman Khattak
Advocate High Court
Cell No.0348-0105985

Dated 21.06.2021

(Annexure B³)

(14)



DISTRICT JUDICIARY KHYBER PAKHTUNKHWA
office of the

DISTRICT AND SESSIONS JUDGE, KARAK

Email: dsjkarak@yahoo.com
Phone: 0927-290673 Fax No: 0927-290671

FINAL SHOW CAUSE NOTICE

I, (Jehangir Khan, District & Sessions Judge, Karak) as Competent Authority, under the provisions of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Haleem Muhammad (Junior Clerk/Civil Muharrir), as follows:

- i. That consequent upon the dispensing with inquiry due to willful absence as articulated in rule 9 of the Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline) Rules, 2011,
- ii. On-going through the record of your absence followed by report of the Presiding Officer of the Court concerned,

I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules:

- (a) Inefficient
- (b) Misconduct

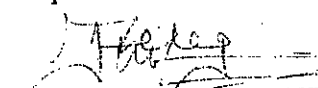
2. As a result, thereof, I, as competent authority, have tentatively decided to impose upon you one or more of the major or minor penalties as articulated under Rule 4 of the said Rules.

3. You are, thereof, required to show cause as to why the aforesaid penalty(s) should not be imposed upon you and also intimate whether your desire to be heard-in person.

4. If no reply to this notice is received till 08th day of October, 2020, it shall be resumed that you have no defense to put in and, in that case, an ex-parte action shall be taken against you. Further if you accused official wants to submit any additional defense then submit before the Competent Authority in writing, if any, within the above period which is not be less than seven days and more than fifteen days.

5. A copy of the absence report and Order of dispensing with the inquiry are enclosed.

Competent Authority


JEHANGIR KHAN
District and Sessions Judge,

AS
Q

خدمتِ جناب ڈسٹرکٹ انسپکشن اور پولیس کانسٹیبلز

محکمہ انسپکشن اور پولیس، 25/09/2022 بمطابق 78-1874

جناب صاحب سائل حلیم محمد خان جوینڈر کانسٹیبل

جناب عالی!

سائل صاحب ذیل عہد میں ارسال ہیں:-

(۱) ایم ۳ میں سائل بطور جوینڈر کانسٹیبل (محرمہ سول جج - آئی آر ٹی اپنی خدمات سرانجام دے رہا ہے۔

(۲) ایم ۳ میں سائل نے آئی آر ٹی کی فہمونی نیابت ایوانداری محنت اور خلوص سے کام لیا ہے۔
جانوں (حکیم آفسران) خانزادہ ادا ہے اور اسے کا ارادہ ہے۔

(۳) ایم ۳ میں سائل کا مقصد سٹیشنل کانسٹیبل بننا ہے۔ روزانہ ڈیوٹی ادا کرنے کو کہتے آنا جائز ہے۔

(۴) ایم ۳ روزم 20/9/2022 کو بعد از نماز تلامذہ کے گورنر ناسلام افراد نے سیر پٹے پر تفل کرنے کا ٹرنگ کی۔ لیکن فوجی سٹیج سے بچ گیا ہے۔ نو روزم 14/9/2022 اور 15/9/2022
سیانے سول 19/9/2022 جو ذیل فہمونی آئی آر ٹی سے درون وقت ملی۔ اور روزم 14/9/2022
شمار کانسٹیبل یا بائو رقوم تفل بد روزم سچ و سچ ہو گیا۔

(۵) ایم ۳ روزم 16/9/2022 اپنی سہاری خدمت ڈیوٹی سرانجام دی ہے۔

(۶) ایم ۳ روزم 17/9/2022 فہمونی کے قسم کے درپوں۔ لوہر نو فہمونی ثابت تفل کرنے
و جھلساں دے دی۔ اور ماہی میں نے آباں گھوڑے سے سہیل بال بچوں کے
دروں کے گھوڑا بد رسی اختیار کی۔

11-11-2022



DISTRICT JUDICIARY KHYBER PAKHTUNKHWA

office of the

DISTRICT AND SESSIONS JUDGE, KARAK

Email: dsjkarak@yahoo.com

Phone: 0927-290672

Fax No: 0927-290673

OFFICE ORDER

04/11/2020

In furtherance of proceedings initiated upon the written report dated 23/09/2020 of learned the Judicial Magistrate, Karak; whereby, it was established that the accused official has remained absent from his official duty and thus act of willful absence was committed by accused official namely Haleem Muhammad (Junior Clerk). Consequently, the conduct of inquiry was dispensed with for being mandated by Rules in case of willful absence from duty without permission and intimation.

Therefore, Final Show Cause Notice was issued to accused official with direction to submit his reply; however, written reply submitted by the accused official was not found satisfactory. Opportunity of personal hearing and additional defense was provided to accused official but no additional evidence was produced; whereas, the nothing has been rebutted in the personal hearing.

From the perusal of available record, including note sheets, final show cause notice, reply, notice for personal hearing; it is evident that willful absence w.e.f 16/09/2020 to 28/09/2020 from duty without permission and intimation has been committed by accused official namely Haleem Muhammad (Junior Clerk).

Consequently, major penalty of **"Reduction to lower post or pay scale or to a lower stage in a time scale"** for the period of one year as

Office Order Dated 04/11/2020

ATTESTED
Examined & Certified
Branch Karak

envisaged in Rule – 4 (b) (i) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 is imposed upon accused official namely Haleem Muhammad (Junior Clerk). Consequently, the accused official namely Haleem Muhammad (Junior Clerk) is reverted back to lower post of Naib Qasid for the period of one year; however, pay protection as prescribed is granted to the accused official during the period of Naib Qasid. The punishment will commence from 1st day of November, 2020 to 31st day of October, 2021. It is further ordered that on the expiry of this period, the reduction will have no effect of postponing his future increments of pay.

ATTESTED

Examiner
Karak

sd/
JEHANGIR KHAN
District and Sessions Judge,
Karak

Endorsement No. 30/2-19 /DSJ/KK Dated Karak the 04/11/2020

Certified to be true

Copy forwarded to:

Examiner
Karak

1. Worthy, the Registrar, Peshawar High Court, Peshawar.
2. The Senior Civil Judge – Admn, Karak.
3. The Judicial Magistrate, Karak.
4. The District Account Officer, Account Office, Karak.
5. The Superintendent, District Judiciary, Karak.
6. The Budget & Account Assistant, Karak.
7. Official concerned by name.
8. Office Copy.

JFK
District and Sessions Judge,
Karak

No. 4678

Date of 5-11-2020

44

5-11-2020

5-11-2020

(Annexure "C")

19

**BEFORE THE WORTHY APPELLATE AUTHORITY OF
PESHAWAR COURT/PESHAWAR**

Departmental Appeal No----- of 2020

Through Proper Channel.

INDEX

S. No	Description of Documents	Annexure	Page
1	Departmental Appeal		1-3
2	Photocopy of impugned office order dated 04/11/2020	A	4-5
3	Photocopy of report dated 17/09/2020	B	6
4	Photocopy of show cause notice and reply	C	7-9

Dated:- 05/11/2020


Haleem Muhammad
Junior Clerk Civil Judge-III,
Karak.

AS
G

19A

**BEFORE THE WORTHY APPELLATE AUTHORITY
OF PESHAWAR COURT, PESHAWAR**

Departmental Appeal No. _____ of 2020

Request for routing through **Proper Channel.**

DEPARTMENTAL APPEAL AGAINST OFFICE ORDER DATED 04.11.2020 PASSED BY HON'BLE, THE DISTRICT AND SESSIONS JUDGE, KARAK WHEREBY MAJOR PENALTY OF "REDUCTION TO LOWER POST OR PAY SCALE OR TO A LOWER STAGE IN A TIME SCALE" FOR THE PERIOD OF ONE YEAR HAS BEEN IMPOSED UPON THE APPELLANT OFFICIAL AND CONSEQUENTLY THE APPELLANT OFFICIAL HAS BEEN REVERTED BACK TO LOWER POST OF NAIB QASID FOR THE PERIOD OF YEAR; HOWEVER, PAY PROTECTION IS PRESCRIBED IS GRANTED TO THE APPELLANT OFFICIAL DURING THE PERIOD OF NAIB QASID AND THE PUNISHMENT IS ORDERED TO BE COMMENCED FROM 1ST DAY OF NOVEMBER, 2020 TO 31ST DAY OF OCTOBER, 2021.

(Attested photocopy of impugned Office Order dated 04.11.2020 is attached as Annexure "A")

Respected Sir,

The present appellant submits as under:

1. That the appellant before your worthy Appellate Authority is performing his duty as Junior Clerk/Muharrir to the Court of Judicial Magistrate, Karak with entire satisfaction of his immediate as well as his superior officers and has not given any chance of irregularity about his official duty.
2. That on 13.09.2020 after Nimaz Isha some unknown assailants made firing upon the son of appellant official with intention to kill him but luckily, he escaped unhurt and in order to trace out assailants the appellant went on two days leave w.e.f. 14.09.2020 to 15.09.2020 with prior permission of learned Judicial Magistrate, Karak. The appellant also lodged report to the local police on 14.09.2020 in Police Station, Karak against the unknown

AK
④

assailants. (Photocopy of report dated 17.09.2020 is attached as Annexure "B").

3. That on 17.09.2020 some miscreants of village Sarat Khel have given life threat to the appellant official; therefore, the appellant official was not in position to perform his official duty and thus couldn't attend the Office from 17.09.2020 to 27.09.2020; however, after tackling the threat, the appellant official started his official duty from 28.09.2020 regularly and punctually.
4. That the appellant was served with show cause notice by the learned District and Sessions Judge, Karak about absence from duty whereby the appellant explained true picture of occurrence for which the appellant remained absent from duty by providing written reply to show cause notice and also explained the situation before Hon'ble, the District and Sessions Judge, Karak at the time of personal hearing. (Photocopy of show cause notice and reply are attached as Annexure "C").
5. That thereafter, Hon'ble, the District and Sessions Judge, Karak passed the impugned Office Order dated 04/11/2020.
6. That the appellant being aggrieved from the impugned Office Order dated 04.11.2020 passed by Hon'ble, the District and Sessions Judge, Karak; prefers the instant Departmental Appeal before this Worthy Appellate Committee inter alia on the following grounds:

Grounds:

- a. That the impugned penalty imposed by the learned District and Sessions Judge, Karak against the appellant is arbitrary, harsh and fanciful, hence, liable to be set aside.

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- b. That the appellant has not remained absent from duty willfully and intentionally, but by way of compulsion as explained by the appellant in his written reply.
- c. That the written reply of the appellant official provides cogent and valid reason of absence from duty but the learned District and Sessions Judge, Karak while totally ignoring the problems faced by the appellant official imposed Major Penalty; therefore, the impugned Office Order is liable to be set aside.
- d. That except the absence from duty from 17.09.2020 to 27.09.2020 the appellant official never remained absent from duty and even did not give any chance of complainant to his immediate and superior officers.
- e. That situation and circumstances faced to the appellant official were very critical and sensitive and life question of appellant was involved, so, under compulsion the appellant official had to remained absent from duty which is condonable and the very impugned penalty imposed against the appellant is liable to be reversed and set aside.
- f. That the impugned penalty is patently illegally and unlawful and against the natural justice.

Prayer:


It is, therefore, most humbly and respectfully prayed that this Worthy Appellate Authority may very graciously be pleased to set aside the impugned penalty imposed by learned District and Sessions Judge, Karak against the appellant vide Office Order dated 04.11.2020 keeping in view the above-mentioned facts and grounds.

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(52)

That this Appellate Authority may also very graciously be suspended the impugned Office Order till the final disposal of instant Departmental Appeal.


Dated: 11-11-2020


(Haleem Muhammad Khan)
Junior Clerk/Civil Muharrir to
Judicial Magistrate, Karak

OFFICE OF THE JUDICIAL MAGISTRATE - KARAK

No. 25 /JM/KK Dated Karak the 11/11/2020


Forwarded in original to learned, the Senior Civil Judge – Admn, Karak for further necessary action, please.


MOHIB UR REHMAN
Judicial Magistrate,
Karak

OFFICE OF THE SENIOR CIVIL JUDGE (ADMN), KARAK

No. 640 Dated Karak the 11.11.2020.

Forwarded in original alongwith its enclosure to the Hon'ble District and Sessions Judge, Karak for onward transmission, please.

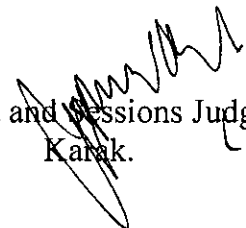

Senior Civil Judge, (Admin)
Karak

SENIOR CIVIL JUDGE (ADMN)
KARAK

OFFICE OF THE DISTRICT & SESSIONS JUDGE, KARAK

No. 3044 /DSJ/KK Dated Karak the 11/11/2020

Forwarded in original alongwith its enclosures to Worthy, the Registrar, Peshawar High Court, Peshawar for further necessary action, please.


District and Sessions Judge,
Karak.

FORM "A"
FORM OF ORDER SHEET
IN THE COURT OF SESSIONS JUDGE, KARAK
Review Petition # _____ of 2020

Serial No. of Order of Proceedings	Date of Order or Proceedings	Order or other proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No.1	18/11/2020	<p>The instant Review Petition presented by Mr. Haleem Muhammad Khan. To be checked and put up for Orders before Hon'ble, the District and Sessions Judge, Karak.</p> <p style="text-align: right;"><i>[Signature]</i> Superintendent Sessions Court, Karak 18/11/2020</p> <p>Petitioner in person present. To come up for hearing on 21/12/2020.</p> <p style="text-align: right;"><i>[Signature]</i> Jehangir Khan District & Sessions Judge, Karak District & Sessions Judge, Karak</p>


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ORDER
21.12.2020

1. Petitioner Halim Muhammad Khan (Junior Clerk) present and shortly heard.
2. Through the instant petition, the petitioner has sought for review of the order dated 04.11.2020 passed by the undersigned.
3. As per record, the matter-in-issue/question has already been decided vide order dated 04.11.2020 by the undersigned, vide which order though major penalty has been awarded to the petitioner, however, by taking lenient view pay protection as prescribed has been granted to the petitioner during the period of Naib Qasid. Therefore, the instant petition being not maintainable is hereby returned to the petitioner without any further proceedings. However, if the petitioner is feeling aggrieved of the order dated 04.11.2020, he is at liberty to approach the competent forum.

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Announced:
21.12.2020


Jehangir Khan,
 District & Sessions Judge,
 Karak
 District & Sessions Judge,
 Karak

خدمت جناب محترم ڈسٹرکٹ اینڈ سیشن جج صاحب کراچی
جناب عالی :-

عنوان :- رحمانہ درخواست نظر ثانی بر حکم و فیصلہ ڈسٹرکٹ
اینڈ سیشن جج صاحب کراچی مورخہ 04-11-2020

سائل ذیل عرض رساں ہیں :

1. یہ کہ سائل مورخہ 16/09/2020 تا 28/09/2020 تک کسی

مجبوری یعنی دشمنی کی خوف کیوجہ سے اپنی سرکاری ڈیوٹی
سے قاصر تھا۔ قصداً غیر خائن نہ تھا۔

2. یہ کہ سائل کو شوکار نوٹس بابت غیر خائنری دیا گیا جس
کا جواب سائل نے بروقت دیا اور جواب میں کوئی امر پوشیدہ
نہ رکھا گیا ہے۔

3. یہ کہ سائل کو ایک سال کے لئے میجر پینشن کے تحت سیشن
رول (i) (b) 4 آف KP گورنمنٹ سروسٹس (Efficiency and Discipline)
رول 2011 کے تحت نائٹ فائل کے پورٹ پر تنزیلی کی۔

4. یہ کہ میں سائل ایک غریب خاندان سے تعلق رکھتا ہے۔

لہذا مؤذبانہ گزارش ہے کہ میں سائل کے اس فیصلہ پر
نظر ثانی کیجا کر میں سائل پر رحم کرے۔ سائل آپکے اور


18/11/20

P.T.O

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آپ کے خاندان والوں کو تاحیات دعا گو رہیں گے
شکریہ

آپ کا فرمائندہ دار سول ٹرورٹو سول جج صاحب - III گری
مدہ 18/11/22
دکھن خان


12/11/22

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DISTRICT JUDICIARY KHYBER PAKHTUNKHWA

office of the

DISTRICT AND SESSIONS JUDGE, KARAK

Email: dsjkarak@yahoo.com

Phone: 0927-290672

Fax No: 0927-290673

No. 301 /DSJ/KK Dated Karak the 3 / 2 /2021

To

Worthy, The Registrar,
Peshawar High Court,
Peshawar.

Subject: DEPARTMENTAL APPEAL NO. 02/2021
Haleem Muhammad Khan vs. DSJ Karak.

Respected sir,

In furtherance of Notice No. 1240/Admn dated 22/01/2021;
whereby, this Office has been asked for submission of comments; following
is very humbly submitted.

1. Para No.1 is correct to the extent that the appellant was working as Junior Clerk/Muharrir to the Court of Judicial Magistrate, Karak; whereas, his working is below average and that the proceedings have been initiated against the appellant on the written complaint of Judicial Magistrate, Karak. Moreover, the appellant was proceeded under Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline Rules, 2011) for willful absence from duty without intimation and permission and all the legal provisions have strictly been adhered with.
2. Para No.2 is denied. No permission or intimation whatsoever has been sought and incident of firing is also not backed with any documentary proof.
3. Para No.3 is denied as intimation and application for leave was mandatory duty, which was ignored.
4. Para No.4 has wrongly been designed. The appellant could not satisfy the undersigned through any documentary or oral evidence and mere verbal assertion cannot be based for judicial determination.

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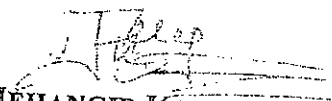
- 5. Para No 5 is factual being matter of record need no reply.
- 6. Para No 6 is factual being matter of record need no reply.

Grounds: In response to the grounds taken in the Departmental Appeal, the following is very humbly submitted:

- a. The willful absence from duty, that too, with no intimation has been established against the appellant and therefore, rightly proceeded under the law.
- b. The reasons and explanations for willful absence are not justifying the circumstances where one cannot intimate the authority or to file application for leave.
- c. The overall conduct of the appellant in performance of the official duty is not upto the mark.
- d. The penalty imposed upon the appellant was reasonable and his pay was protected on humanitarian ground.

Comments are submitted for appropriate Order, please.

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JEHANGIR KHAN
 District and Sessions Judge,
 Karak

(Annexure "D")

29

**THE KHYBER PAKHTUNKHWA EPIDEMIC CONTROL AND EMERGENCY
RELIEF ACT, 2020**

(KHYBER PAKHTUNKHWA ACT NO. XXVII OF 2020)

CONTENTS

PREAMBLE

SECTIONS

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PRELIMINARY**

1. Short title, extent and commencement.
2. Definitions.
3. Serious and imminent infection threat declaration.

**PART-II
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PROTECTION MEASURES**

4. Power to impose duties, confer functions etc.
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6. Directions and restrictions relating to attendance of public places, schools and burials etc.

**PART-III
CONTROL OF EVENTS, GATHERINGS AND
PREMISES**

7. Prohibition or restriction of events and gatherings.
8. Closing or restricting entry into and exit from a premises.
9. Restricting entry into and exit from a general area.

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**PART-IV
CONTROL OF POTENTIALLY INFECTIOUS
PERSONS**

10. Movement and retention of potentially infectious person to a suitable place.
11. Duty to undergo screening and assessment.
12. Additional requirements and restrictions for persons presenting significant risk.
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17. Offences and penalties in respect of directions and restrictions imposed under Part-II and III.
18. Offences and penalties in respect of certain directions, restrictions and duties imposed under Part-IV.
19. Offence and penalty for running away from a place of retention.
20. Cognizance and trial of offences.

**PART-VI
COMMON PROVISIONS**

21. General powers for prevention and control of infection.
22. Enforcement.
23. Requisition of services of Government officials.
24. Delegation and concurrent exercise of certain powers.
25. Revision against an order etc. of designated officer and others.

**PART-VII
RELIEF**

26. General Relief.

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27. Penalty.
28. Relief by Government.
29. Courts proceedings to be through video link.
30. Period of limitation under various laws.
31. Extension of transition period of local governments elections.
32. Extension of period to perform duties, etc.
33. Exemption from procurement laws.
34. Amendment of Schedule.
35. Authorization.
36. Bar to action.
37. Confidentiality.
38. Power to make rules.
39. Removal of difficulties.
40. Over-riding effect.
41. Savings.
42. Substitution of section 18 of the Khyber Pakhtunkhwa Act No. XXX of 2017.
43. Repeal of the Khyber Pakhtunkhwa Ord. No. XI of 2020.

Schedule-I

Schedule-II

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28. Relief by Government.--- (1) Notwithstanding anything contained in any other law, for the time being in force, Government may,-

- (a) provide total or partial exemption, suspension or deferral of the payment of the provincial taxes, duties, fees, cess, levies and charges in the manner as may be notified; and
- (b) appoint the health staff on short term contracts under locum tenens or otherwise, with such package and on such terms and conditions as the Government may specify:

Provided that the health staff, hired for short-term services under clause (b) of this sub-section, shall not be entitled to any permanent status, regularization or absorption into Government service in any manner.

(2) No penalty or surcharge shall be imposed for late submission of sales tax or other returns under the Khyber Pakhtunkhwa Finance Act, 2013 (Khyber Pakhtunkhwa Act No. XXI of 2013) by the relevant authorities for the months of March 2020 to June 2020.

29. Courts proceedings to be through video link.--- (1) Notwithstanding anything contained in any law, for the time being in force, all the Courts and Tribunals, wherever possible, may direct any litigant, accused, witness, legal representative or any other person or officer of the Court to participate in any proceeding of the Court, through video link:

Provided that while giving such directions the Courts or Tribunals, as the case may be, must consider all the circumstances of the case and may rescind such directions where it appears to the Court or the Tribunal that it is not in the interest of justice to do so.


Provided further that any proceedings so undertaken through video link shall be considered judicial proceedings and shall form part of the record. Upon pronouncement of a decision upon such proceedings, it shall not be called in question on the ground that presence of persons concerned was not procured physically.

(2) The powers of the Court or Tribunal under this section are in addition to and not in derogation of any other powers already available to such Courts or Tribunals, in this respect.


(3) High Court, if so deems appropriate, may issue guidelines for regulating the proceedings before Courts or Tribunals through video-link, which guidelines, if so issued, shall be notified in the official Gazette and shall be binding on all concerned.

30. Period of limitation under various laws.--- Notwithstanding anything contained in the Limitation Act, 1908 (Act No. IX of 1908) or any other law prescribing limitation for initiating any legal proceedings, the limitation period provided under various laws shall remain frozen from 1st March 2020 till the culmination of the emergency period and the proceedings so filed before any court or tribunal during or immediately upon cessation of such emergency period, shall not be time-barred on account of any delay for the aforesaid period.

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ایڈویکٹ:	بار کونسل / ایسوسی ایشن نمبر:	
رابطہ نمبر:		پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: خیر پختونخواہ سوسائٹی سروسز پشاور

منجانب: <u>ایپلارنٹ</u>	دعویٰ: <u>سروس ایپل</u>
	ملک نمبر:
	مورخہ: <u>21-06-2021</u>
	جج:
	تھانہ:
باعث تحریر آنکہ	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کاروائی متعلقہ

آن مقام پشاور کیلئے ایڈووکیٹ محمد رفیق فدا کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کر کے نوٹیفکیشن اور فیصلہ بر حلف دینے جو اب دعویٰ اقبال اور درخواست ازہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف سے یا اپیل کی برآمدگی اور پیروی، نیز دائر کرنے اپیل انگریزی و نظر ثانی و پیروی کر جانے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ مانگنے کے لئے اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا سبب پر درخواست منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانباً اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشگی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

مقام: پشاور

الع: محمد رفیق فدا

مقام: محمد رفیق فدا (ایپلارنٹ)

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal 6620/2021

Haleem Muhammad Khan

..... Appellant

VERSUS

District & Session Judge and Other


..... Respondents

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RESPONDANTS

THROUGH:


DISTRICT & SESSION JUDGE

DATED: 16/08/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal 6620/2021

HALEEM MUHAMMAD KHAN

..... Appellant

VERSUS

1) DISTRICT & SESSION JUDGE AND OTHER Respondents

WRITTEN REPLY ON BEHALF OF RESPONDENTS

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:

- A. That the appeal in hand is not maintainable in its present form hence liable to be dismissed.
- B. That the appellant has concealed material facts from this Hon'ble Tribunal.
- C. That the appellant has not come to the tribunal with clean hands.
- D. That the appellant has been estopped by his own conduct.
- E. That the appeal is bad for mis joinder and non joinder of parties.
- F. That the appeal is barred by law.

REPLY ON FACTS:

1. Para no.1 is correct to the extent that the appellant was working as junior Clerk/Muharrir to the court of Judicial Magistrate, karak whereas his working is below average and that the proceeding has been initiated against the appellant on the written complaint of Judicial Magistrate

Karak (Annex A). Moreover, the appellant was proceeded under Khyber Pakhtunkhwa Civil Servants (efficiency and discipline rules, 2011) for willful absence from duty without intimation and permission and all the legal provisions have strictly been adhered with.

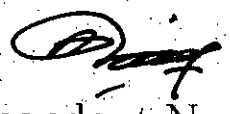
2. Para no .2 is incorrect. No permission or intimation what so_ ever has been sought and incident of firing is also not been backed with any documentary proof.
3. Para no.3 is denied as intimation and application for leave was mandatory which was ignored by the appellant.
4. Para no.4 is incorrect The appellant was issued final show cause notice by the competent authority upon dispensing with inquiry due to wilful absence as articulated in E&D rule 2011(Annex B). The appellant submitted reply to the final show cause notice (Annex C) however the same was found unsatisfactory and could not satisfy the Competent Authority through documentary and oral evidence and mere verbal assertion cannot be based for judicial determination.
5. Para no.5 is correct to extent that the competent authority after perusal of available record, including note sheets, final show cause notice, reply, notice for personal hearing imposed major penalty as envisaged in E&D rule 2011(Annex D&E).
6. Para no.6 is incorrect. After the impugned order 4.11.2020, the appellant submitted review petition to the competent authority (Annex F) which was again examined and regretted vide order dated 21.12.2020(Annex G). Thereafter the appellant submitted a departmental appeal which was accordingly forwarded

to the appellate authority and the same is still under consideration.

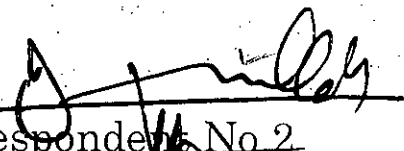
Grounds

- A. Incorrect. The appellant was treated by the respondents in accordance with law, rules and policy on the subject and acted within the parameters provided by the Constitution of Islamic Republic of Pakistan. Moreover, the Competent Authority extended full opportunity of defence to the appellant but the appellant badly failed to satisfy the Competent Authority about his wilful absence from duty which has been established against him.
- B. Incorrect. The appellant was issued final show cause notice which was properly replied by him but could not satisfy the Competent Authority.
- C. Incorrect. The reason of justification as mentioned by the appellant are not satisfying the circumstances where one cannot intimate the authority or to file application for leave. Moreover the overall conduct of the appellant in performance of official duty is not up to the mark.
- D. Incorrect. The penalty so imposed is commensurate with the charge/misconduct committed by the appellant.
- E. Incorrect. That the impugned order is speaking within the meaning of judicial spirit and policy.
- F. Incorrect. The respondents would like to seek the permission of this honourable tribunal to raise additional grounds during the course of arguments.

It is therefore requested that the instant appeal may graciously be dismissed.



Respondent No.1
District & Session Judge,
Karrak



Respondent No. 2
Registrar,
Peshawar High Court
Peshawar

AFFIDAVITE

I, Asif Rashid, District & Session Judge, Karrak, do hereby solemnly affirm and declare on oath that the contents of instant parawise comments are true and correct to the best of my knowledge and belief.



Deponent

(6)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal 6620/2021

Haleem Muhammad Khan

..... Appellant

VERSUS

District & Session Judge and Other

..... Respondents

WRITTEN REPLY OF APPLICATION FOR CONDONATION OF DELAY.

RESPECTFULLY SHEWETH;

PRELIMINARY OBJECTIONS:


- A. That the application in hand is not maintainable in its present form hence liable to dismissed.
- B. That the applicant has concealed material facts, from this Hon'ble court.
- C. That the applicant has not come to the tribunal with clean hands.
- D. That the applicant has been estopped by his own conduct.
- E. That the application is bad for miss joinder and non joinder of parties.
- F. That the application is barred by law.

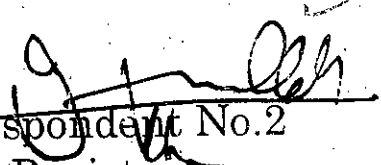
REPLY ON FACTS.

1. Para 1. Needs no comments
2. Incorrect. Under the law the applicant is required to explain each and every day of delay with sufficient justification in which he badly failed.

- 3. Incorrect. The appeal was intentionally delayed by the appellant which is no ground for condonation of delay under the law of a limitation.
- 4. Incorrect. The question of limitation is not a technicality rather the same is a pure question of law which required deep appraisal.
- 5. Incorrect. The applicant has not fulfilled the requisite for condonation of delay hence the instant application has no force.

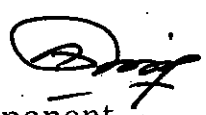
It is therefore, requested that the application for condonation of delay may very kindly be dismissed.


 Respondent No.1
 District & Session Judge,
 Karrak


~~Respondent No.2~~
 Registrar,
 Peshawar High Court
 Peshawar

AFFIDAVITE

I, Asif Rashid, District & Session Judge, Karrak, do hereby solemnly affirm on oath that the contents of instant parawise comments are true and correct to the best of my knowledge and belief.


 Deponent

8

No. 20 CJ/JM-III, Karak

Dated Karak the 23.09.2020

To: The Hon'ble,
Senior Civil Judge (Admn),
Karak

Respected Sir,

It is brought into your kind notice that Mr. Haleem Muhammad Civil Muharrir attached to this court, willfully remained absent for the last one week from his duties without any application and even his mobile number is off. Dear sir, strict action be taken against him.

Regard's.

Faithfully yours

(MOHIB UR REHMAN)

Civil Judge/Judicial Magistrate-III,

Dated Karak the 23.09.2020

Karak

No. 127 SCJ/KK(Admin).

This is case of willful absence from duty without prior permission and intimation on the fall of it. As the official is falling within the Establishment of District & Sessions Judge, Karak as Competent Authority; therefore, report is submitted to Hon'ble the District & Sessions Judge, Karak for appropriate order, please.

SAYED FAZAL WADOOD JAN

Senior Civil Judge/ADMIN

Karak

Hon'ble. The District & Sessions Judge, Karak

order
Inquiry be
against the
official
initiated
above
house
11/09/20



DISTRICT JUDICIARY KHYBER PAKHTUNKHWA

office of the

DISTRICT AND SESSIONS JUDGE, KARAK

Email: dsikarak@yahoo.com

Phone: 0927-290673

Fax No: 0927-290671

FINAL SHOW CAUSE NOTICE

I, (Jehangir Khan, District & Sessions Judge, Karak) as Competent Authority, under the provisions of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Haleem Muhammad (Junior Clerk/Civil Muharrir), as follows:

- i. That consequent upon the dispensing with inquiry due to willful absence as articulated in rule 9 of the Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline) Rules, 2011,
- ii. On-going through the record of your absence followed by report of the Presiding Officer of the Court concerned,

I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules:

- (a) Inefficient
- (b) Misconduct

2. As a result, thereof, I, as competent authority, have tentatively decided to impose upon you one or more of the major or minor penalties as articulated under Rule 4 of the said Rules.

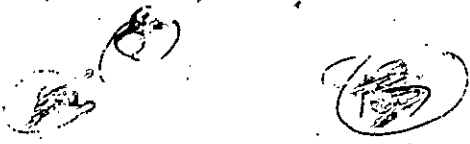
3. You are, thereof, required to show cause as to why the aforesaid penalty(s) should not be imposed upon you and also intimate whether your desire to be heard in person.

4. If no reply to this notice is received till 08th day of October, 2020, it shall be resumed that you have no defense to put in and, in that case, an ex-parte action shall be taken against you. Further if you accused official wants to submit any additional defense then submit before the Competent Authority in writing, if any, within the above period which is not be less than seven days and more than fifteen days.

5. A copy of the absence report and Order of dispensing with the inquiry are enclosed.

Competent Authority

JEHANGIR KHAN
District and Sessions Judge,
Karak



خدمتِ صفا - ڈیپارٹمنٹ آف اینڈرٹیکننگ اور پبلک ورکس

خواجہ انس الہی روضہ 25/09/2022 عمر 78-1874

جوب خانہ سائل حکیم محمد خان جوہر ڈیپارٹمنٹ

ضابطہ سائل!

سائل حسب ذیل عمر میں رساں ہیں:-

رد (۱) ایم ۳ سن سائل بطور جونیئر ٹیکسٹ (مختصر) - ایم آرٹ اپنی خدمات میں انجام
دے رہے ہیں۔

رد (۲) ایم ۳ سن سائل نے آئی ۲ میں ٹیچنگ کیا ہے ایم اے انگریزی - محنت اور خلوص سے ماہر طالبان
معاون (حکیم انسران خان) ملا ادا کی ہے اور رزے کا ارادہ ہے۔

رد (۳) ایم ۳ سن سائل کا ڈیپارٹمنٹ خلیہ کا سٹوڈنٹ ہے۔ روزانہ ڈیوٹی ادا کرنے کو
تعمیر سے آنا چاہتا ہے۔

رد (۴) ایم ۳ نومبر 20/9/13 کو بعد از نازتلا سے گورنر نا سلام انرا سے سہ ماہیہ پر
نقل کرنے کا آرڈر ہے۔ لیکن فوس ٹیچنگ ہے۔ نو نومبر 14/9/2022 سے 15/9/2022
سے سولہ جولائی 15/7/2022 سے ڈیپارٹمنٹ میں آئے ہیں۔ اور نومبر
20/9/14 سے ڈیپارٹمنٹ میں آئے ہیں۔

رد (۵) ایم ۳ نومبر 20/9/16 سے اپنی سہ ماہیہ ڈیپارٹمنٹ میں انجام دی ہے۔

رد (۶) ایم ۳ نومبر 20/9/17 سے ڈیپارٹمنٹ میں آئے ہیں۔ لوفت لوفتو نے ماہر ٹیچنگ سے
وہلیمان سے دی۔ اور ماہر ٹیچنگ میں آئے ہیں۔ سہ ماہیہ میں آئے ہیں۔
دوروں کے گھوٹا مہر دوسرا اختیار ہے۔

2022-11-05

۱۷) خانہ بدو والا لونی بعد ۱۶/۹ تا ۲۷/۹/۲۰۰۷ مل کاؤسٹ ٹورن درمست نہ تھا
 کافی فیسٹیو تھا۔ ٹورس دوران محکمے کے شیڈول سے روزہ ۲۷/۹/۲۰۰۷
 پورٹ محکمہ ۵:۵۰ PM سے ۱۱ بجوں کو منقو و طر لے سے اپنے
 آگاہ گھر دربار والیوں کے گھر آ گئے

۱۸) یکم نومبر ۲۰۰۷ء سے اپنی سرکاری ڈیوٹی اجڑی ہے اور اجڑنے
 پر شیڈول اور اس کے علاوہ مل کے حکم انٹرن بارا / جانوں اجڑنے کا اور ایچ

۱۹) یکم نومبر ۲۰۰۷ء تا ۲۷/۹/۲۰۰۷ مل کی غیر حاضر سہولت سے
 اور مل کے حکم علمی کی وجہ سے پورے مل سے۔ لہذا اس کے حکم مل
 کو اس بار معاف نہ کیا جائے بلکہ اس کے حال اور فائزوں اور مال بھرن

یہ رسم زیادہ جادے
 میں نذر میں ہوگی
 اکمل لہجہ

فصل دوم
 ۲۰۰۷/۱۱/۱۰

مل کے حکم لہجہ میں
 ۱۱/۱۱/۲۰۰۷

۲۰۰۷-۱۱-۵



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

Email: dsjkarak@yahoo.com

Phone: 0927-290672

Fax No: 0927-290673

No. 203 /DSJ/KK

Dated Karak the 21/10/2020

To:

Haleem Muhammad
*Junior Clerk/Criminal Muharrir to,
Judicial Magistrate, Karak.*

Subject: **NOTICE FOR PERSONAL HEARING**

As reply to show cause notice has been submitted by you; wherein you have opted for provision of personal hearing.

It is, therefore, directed to appear before the undersigned in the office for personal hearing on ~~Saturday~~ ^{26th Oct} ~~24th~~ October of 2020, failing which an ex-parte action shall be taken against you.

Competent Authority


JEHANGIR KHAN
o/c District & Sessions Judge,
Karak



(13) (28)

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA

office of the

DISTRICT AND SESSIONS JUDGE, KARAK

Email: dsjkarak@yahoo.com

Phone: 0927-290672

Fax No: 0927-290673

OFFICE ORDER

04/11/2020

In furtherance of proceedings initiated upon the written report dated 23/09/2020 of learned the Judicial Magistrate, Karak; whereby, it was established that the accused official has remained absent from his official duty and thus act of willful absence was committed by accused official namely Haieem Muhammad (Junior Clerk). Consequently, the conduct of inquiry was dispensed with for being mandated by Rules in case of willful absence from duty without permission and intimation.

Therefore, Final Show Cause Notice was issued to accused official with direction to submit his reply; however, written reply submitted by the accused official was not found satisfactory. Opportunity of personal hearing and additional defense was provided to accused official but no additional evidence was produced; whereas, the nothing has been rebutted in the personal hearing.

From the perusal of available record, including note sheets, final show cause notice, reply, notice for personal hearing; it is evident that willful absence w.e.f 16/09/2020 to 28/09/2020 from duty without permission and intimation has been committed by accused official namely Haieem Muhammad (Junior Clerk).

Consequently, major penalty of "Reduction to lower post or pay scale or to a lower stage in a time scale" for the period of one year as

Office Order Dated 04/11/2020

ATTEST
Ex. No. 11/2020
Erang Karak

(19)

envisaged in Rule - 4 (b) (i) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 is imposed upon accused official namely Haleem Muhammad (Junior Clerk). Consequently, the accused official namely Haleem Muhammad (Junior Clerk) is reverted back to lower post of Naib Qasid for the period of one year; however, pay protection as prescribed is granted to the accused official during the period of Naib Qasid. The punishment will commence from 1st day of November, 2020 to 31st day of October, 2021. It is further ordered that on the expiry of this period, the reduction will have no effect of postponing his future increments of pay.

sd/
JEHANGIR KHAN
 District and Sessions Judge,
 Karak.

sd/
 5-11-20

Endorsement No. 30/2-19 /DSJ/KK Dated Karak the 04/11/2020

Copy forwarded to:

1. Worthy, the Registrar, Peshawar High Court, Peshawar.
2. The Senior Civil Judge - Admr., Karak.
3. The Judicial Magistrate, Karak.
4. The District Account Officer, Account Office, Karak.
5. The Superintendent, District Judiciary, Karak.
6. The Budget & Account Assistant, Karak.
7. Official concerned by name.
8. Office Copy.

J. Khan
 District and Sessions Judge,
 Karak

4678
 5-11-2020

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 5-11-2020
 5-11-2020

محبت جناب مقرر ڈسٹرکٹ اینڈ سیشن جج صاحب کراچی
جناب عالی :-

موضوع :- رجحانہ درخواست نظر ثانی میر چشم و قیامہ ڈسٹرکٹ
انڈسٹری سیشن جج صاحب کراچی مورہ 04-11-2020

سائل ذیل عرض رساں ہیں

1۔ یہ کہ سائل مورہ 16/09/2020 تا 28/09/2020 تک کہ
مجبوری یعنی دشمنی کی خوف کیوجہ سے اپنے سرکاری فریڈ
سے قاصر تھا۔ قصداً منیر خانہ نہ تھا۔
2۔ یہ کہ سائل کو شوکارا نوٹسں بابت منیر خانہ منیر دیگا گیا
کا جواب سائل نے بروقت دیا اور جواب میں کوئی امر پوشیدہ
نہ تھا گیا ہے۔

3۔ یہ کہ سائل کو ایک سال کیلئے منیر پینشن کے تحت سے
رول (1) (b) آف KP گورنمنٹ سروسٹنس (Efficiency and Discipline)
رول 2011 کے تحت نائٹ نامہ کے پوسٹ پر تنزیلی کی

4۔ یہ کہ من سائل ایک غریب خاندان سے تعلق رکھتا ہے
لہذا مؤدبانہ گزارش ہے کہ من سائل کے اس فیصلہ پر
نظر ثانی کیا جا کر من سائل پر رحم کرے۔ سائل آگے اور
سے 11/11/20


P.T.O

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(16)

عائذ بنان والوں کو تاحیات دعا گو رہے
مکتوبہ

سر ماہنامہ دار سول و شریٹو سول جی ۴۴ ص ۳۳۳
لاہور
۱۸/۱۱/۲۰۰۰


۱۲/۱۱/۲۰۰۰

۱۱/۱۱/۲۰۰۰

(17)

FORM "A"
FORM OF ORDER SHEET
IN THE COURT OF SESSIONS JUDGE, KARAK
Review Petition # _____ of 2020

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
	18/11/2020	<p>The instant Review Petition presented by Mr. Haleem Muhammad Khan. To be checked and put up for Orders before Hon'ble, the District and Sessions Judge, Karak.</p> <p style="text-align: right;"><i>[Signature]</i> Superintendent Sessions Court, Karak</p>
Order No. 1	18/11/2020	<p>Petitioner in person present. To come up for hearing on 21/12/2020.</p> <p style="text-align: right;"><i>[Signature]</i> Jehangir Khan District & Sessions Judge, Karak District & Sessions Judge, Karak</p>

MS

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ORDER
21.12.2020

1. Petitioner Halim Muhammad Khan (Justice) present and shortly heard.

2. Through the instant petition, the petitioner has sought for review of the order dated 04.11.2020 issued by the undersigned.

3. As per record, the matter-in-issue/question has already been decided vide order dated 04.11.2020 by the undersigned, vide which order though major relief has been awarded to the petitioner, however, by taking lenient view pay protection as prescribed has been granted to the petitioner during the period of fact.

Therefore, the instant petition being not maintainable is hereby returned to the petitioner without any further proceedings. However, if the petitioner is feeling aggrieved of the order dated 04.11.2020, he is at liberty to approach the competent forum.

Announced:
21.12.2020

Jehangir Khan
Jehangir Khan,
District & Sessions Judge,
Karakoram
District & Sessions Judge,
Karakoram