

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**  
**AT CAMP COURT D.I.KHAN**

Service Appeal No. 7210/2021

Date of Institution... 09.08.2021

Date of Decision... 21.03.2023

Saleem Khan Junior Clerk Establishment of District & Sessions Judge Tank.

... (Appellant)

VERSUS

The District & Sessions Judge Tank.

... (Respondents)

-----  
MR. GUL TIAZ KHAN MARWAT,  
Advocate

--- For appellant.

MR. MUHAMMAD JAN,  
District Attorney

--- For respondents.

MR. KALIM ARSHAD KHAN  
MR. SALAH-UD-DIN

--- CHAIRMAN  
--- MEMBER (JUDICIAL)

JUDGMENT:


SALAH-UD-DIN, MEMBER:- Precisely stated the facts as alleged by the appellant in his appeal are that, he while serving as Junior Clerk in the Establishment of District & Sessions Judge Tank was proceeded against departmentally on the allegations that he was found beneficiary of Benazir Income Support Programme through his spouse Mst. Noor Jehan and had been receiving cash financial grant. On conclusion of the inquiry, the appellant was awarded penalty of withholding of increment for one year with non-accumulative effect under Rule-4 (I) (a) (ii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. The appellant filed departmental appeal, which was



turned down vide order dated 13.07.2021, hence the appellant filed the instant service appeal for redressal of his grievance.

2. On admission of the appeal for regular hearing, notices were issued to the respondents, who contested the appeal by way of filing of reply, wherein they refuted the assertion raised by the appellant in his appeal.

3. Learned counsel for the appellant has addressed his arguments supporting the grounds agitated by the appellant in his service appeal. On the other hand, learned District Attorney for the respondents has controverted the arguments of learned counsel for the appellant and has supported the comments submitted by the respondents.

 4. Arguments of learned counsel for the parties heard and record perused.

5. A perusal of the record would show that the appellant is serving as Junior Clerk in District judiciary Tank. He was proceeded against departmentally on the allegations that he was found beneficiary of Benazir Income Support Programme through his spouse Mst. Noor Jehan and was awarded penalty of withholding of increment for one year without cumulative effect. The appellant was awarded impugned penalty by District & Sessions Judge Tank vide impugned order dated 27.08.2020. The appellant was required to have preferred departmental appeal before the august Peshawar High Court, Peshawar, however he submitted

departmental appeal/representation to the District & Sessions Judge Tank. In view of Rule-6 (d) of Khyber Pakhtunkhwa Civil Servants Appeal Rules, 1986, it was required that the departmental appeal of the appellant should have been withheld and he should have been informed of the fact that the same has been addressed to an officer, to whom the appeal was not lying. Instead of adopting aforementioned procedure, The District & Sessions Judge Tank heard arguments on the departmental appeal and turned down it vide impugned order dated 13.07.2021, which course is not permissible under the Khyber Pakhtunkhwa Civil Servants Appeal Rules, 1986. This Tribunal vide its judgment dated 07.04.2022 has already decided similar nature matter in Service Appeal bearing No. 4751/2021 titled "Mir Nawaz Khan Versus The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar and 02 others". Para-6 & para-7 of the said judgment are reproduced as below:-

*"It is evident from the record and is not disputed that spouse of the appellant has been the direct beneficiary of cash grant from BISP since the time when the appellant was not in government service. How an individual can be penalized for the misdoing of another person simply on the ground being her husband and who is a government servant? And that too when families of government servants were debarred from the said facility in the year 2019? The appellant as a responsible citizen, on joining government service, tried to formally inform District officer BISP, Bannu to stop the cash grant facility being availed by her spouse. Neither the appellant was himself*

*registered as beneficiary under BISP during his service nor he has been in receipt of the facility directly then he cannot be grilled and condemned on account of misconduct.*

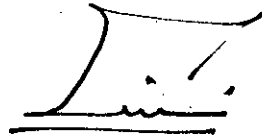
*7. Forgoing in view, we have arrived at the conclusion that the appellant being no registered beneficiary under BISP is not guilty of misconduct and had also made a request in writing for stoppage of the grant on appointment. Therefore, the punishment to the extent of stoppage of one increment is set-aside. However, the order regarding recovery of Rs. 1,07,874 is not interfered with. The service appeal is therefore partially allowed in the above manner. Costs shall follow the event. Consign.*

6. The controversy in the above mentioned appeal and the one in hand is no different rather same, therefore, this appeal is also partially allowed accordingly and the punishment to the extent of stoppage of one increment is set-aside. However, the order regarding recovery shall remain intact. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
21.03.2023



(KALIM ARSHAD KHAN)  
CHAIRMAN  
CAMP COURT D.I.KHAN




(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT D.I.KHAN

ORDER  
21.03.2023

Learned counsel for the appellant present. Mr. Muhammad Jan,  
District Attorney for the respondents present. Arguments heard and  
record perused.

Vide our detailed judgment of today, separately placed on  
file, the punishment to the extent of stoppage of one increment is  
set-aside. However, the order regarding recovery shall remain  
intact. Parties are left to bear their own costs. File be consigned to  
the record room.

ANNOUNCED  
21.03.2023



(Kalim Arshad Khan)  
Chairman  
Camp Court D.I.Khan



(Salah-Ud-Din)  
Member (Judicial)  
Camp Court D.I.Khan

14<sup>th</sup> Feb, 2023

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation of the brief. Adjourned. To come up for arguments on 21.03.2023 before D.B at camp court D.I.Khan.

SCANNED  
KPST  
Peshawar



(Muhammad Akbar Khan)  
Member (E)




(Kalim Arshad Khan)  
Chairman  
Camp Court D.I.Khan

24.10.2022

Appellant present in person.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Esa Khan S.C for respondents present.

Representative of respondents submitted reply. Copy of the same was handed over to the appellant. To come up for rejoinder, if any, and arguments on 22.11.2022 before D.B at Camp Court, D.I.Khan.

  
(Rozina Rehman)  
Member (J)

Camp Court, D.I.Khan

**SCANNED**  
**KPST**  
**Peshawar**

22.11.2022

Tour to camp court has been cancelled therefore, the case is adjourned for the same on 17.01.2023.

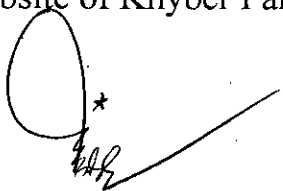
  
READER


17<sup>th</sup> Jan, 2023

Nemo for the appellant. Mr. Muhammad Riaz Khan Paidakhel, Assistant Advocate General for the respondents present.

Counsel are on strike, therefore, the case is adjourned for arguments on 14.02.2023 before D.B at camp court D.I.Khan. Office is directed to notify the next date on notice board as well as on the Website of Khyber Pakhtunkhwa Service Tribunal.

**SCANNED**  
**KPST**  
**Peshawar**

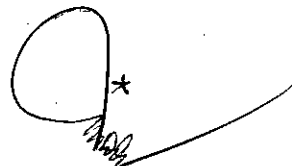
  
(Mian Muhammad)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman  
Camp Court D.I Khan

27.06.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Written reply/comments on behalf of respondents not submitted. Learned Additional Advocate General seeks time to contact the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 29.07.2022 before S.B at Camp Court, D.I.Khan.



(Mian Muhammad)  
Member (E)  
Camp Court, D.I.Khan

29/07/2022

Due to Summer vacation

come up 30/09/2022

Reader

30.09.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Reply/comments on behalf of respondent are still awaited. Learned Deputy District Attorney shall intimate the respondents to positively submit reply/comments on 24.10.2022 before the S.B at Camp Court D.I.Khan.

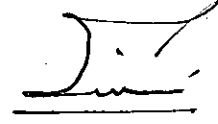


(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan



24.11.2021

Learned counsel for the appellant present and sought further time for preliminary hearing. Adjourned. To come up for preliminary hearing before the S.B on 25.11.2021 at Camp Court D.I.Khan.



(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan

25.11.2021

Mr. Gul Tiaz Khan, Advocate, for the appellant present. Preliminary arguments heard.

Points raised need consideration, hence the appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments on 27.01.2022 at Camp Court D.I.Khan.

Appellant Deposited  
Security & Process Fee



(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan

27.01.2022. Tour to Camp Court D.I.Khan  
cancel. To come up for the  
same before S.B on 27/01/2022.

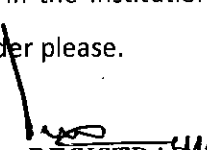


Oh  
Reader

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. - 7710 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/08/2021	<p>The appeal of Mr. Saleem Khan received today by post through Mr. Gultiaz Khan Marwat 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>
2-		<p>This case is entrusted to S. Bench at Peshawar. Notice be issued to appellant/counsel for preliminary hearing to be put up there on <u>20/09/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
21.09.2021		<p>Nemo for appellant.</p> <p>Notice be issued to appellant/counsel for 10.11.2021 for preliminary hearing, before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. \_\_\_\_\_/2021

Saleem Khan ..... (Appellant)

**Versus**

District & Sessions Judge Tank .....(Respondent)

**APPLICATION CONTAINING THE REQUEST FOR FIXATION OF  
APPEAL ON 23.08.2021**

Respected Sir,

1. That the above noted the service appeal is being filed before this Honorable Tribunal.
2. That another appeal bearing No. 6730/2001 titled as "Kaleem Ullah V/S Govt. of KPK" is already fixed for preliminary hearing on 23.08.2021 and Counsel for the Appellant in the case of Kaleem Ullah has to appear before this honourable Tribunal on the date fixed i.e. 23.08.2021. *copy of notice enclosed.*
3. That to save the Counsel for Appellant from hardship and trouble of journey from D.I.Khan to Peshawar for appearance before this honourable Tribunal, it will be convenient that the instant appeal is also listed for hearing on 23.08.2021.

It is therefore, requested that the subject appeal may please be adjourned to 23.08.2021.

Dated: 04.08.2021

  
GULTIAZ KHAN MARWAT,

Advocate High Court D.I.Khan  
(Counsel for Appellant)

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No. \_\_\_\_\_/2021

Saleem Khan ..... **Appellant**

**VERSUS**

District & Sessions Judge Tank ..... **Respondent**

**SCANNED  
KPST  
Peshawar**

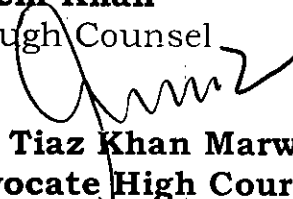
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5	Copies of representation and impugned order dated 13.07.2021	<b>D&amp;E</b>	15-19
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Your humble appellant,

Dated: 04/08/2021

**Saleem Khan**  
Through Counsel

  
**Gul Tiaz Khan Marwat**  
**Advocate High Court**  
**DIKhan**

I

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No. 7210 /2021

Saleem Khan Junior Clerk Establishment of District &  
Sessions Judge Tank 03059392475 **Appellant**

**VERSUS**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7428

The District & Sessions Judge Tank

Dated 09/08/2021

.....**Respondent**

**APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974**  
**AGAINST THE ORDER DATED 13.07.2021 PASSED BY**  
**RESPONDENT VIDE WHICH REPRESENTATION OF**  
**APPELLANT AGAINST THE ORDER DATED 27.08.2020**  
**PASSED BY THE RESPONDENT/ COMPETENT AUTHORITY**  
**VIDE WHICH BESIDES THE RECOVERY OF AN AMOUNT OF**  
**RS. 1,40,500/- RECEIVED BY THE WIFE OF APPELLANT**  
**FROM THE BENAZIR INCOME SUPPORT PROGRAMME**  
**HAS BEEN ORDERED TO BE RECOVERED FROM THE**  
**APPELLANT IN EQUAL INSTALLMENT @ RS. 5000/- PER**  
**MONTH FROM THE MONTHLY PAY/ SALARY AND ALSO**  
**PENALTY OF WITHHOLDING OF INCREMENT FOR ONE**  
**YEAR WITH NON-ACCUMULATIVE EFFECT HAS BEEN**  
**AWARDED TO THE APPELLANT.**

~~Filed~~ **to-day Respected Sir,**

9/8/2021  
Registrar

1. That the Appellant is a Junior Clerk (BPS-11) in the establishment of District & Sessions Judge Tank.
2. That like the other citizen of the country, name of wife of appellant was also registered during survey for receipt /

*Junior*

payment of financial support from Benazir Income Support Programme launched by the Govt. of Pakistan and no doubt she was a beneficiary/ recipient of Benazir Income Support Programme.

3. That the appellant was thus served in this respect with the show cause notice dated 27.04.2020 to which the appellant submitted his reply which is self-explanatory wherein the appellant categorically explained his position that the financial benefit has been received by his wife as per her entitlement and there is no complaint against her whatsoever by the officers / authorities of the Benazir Income Support Programme and thus neither the appellant is liable or responsible for the any action of her wife and further the appellant has thus committed no mis-conduct to be proceeded against under the KP Govt. servants (efficiency and discipline rules-2011). Copies of show cause notice and reply are enclosed as **Annexure - A&B** respectively.

4. That after submission of reply to the show cause notice the Appellant was provided an opportunity of personal hearing on 08.07.2020 and the Competent Authority passed impugned order dated 27.08.2020 vide which the amount of Rs. 1,40,500/- was ordered to be recovered from the monthly salary of appellant in equal installments @ Rs. 5000/- per month and the appellant

*Annex 2*

was also awarded a penalty of withholding of increment for one year with non-accumulative effect under Rule-4 (I)(a)(ii) of the Rules 2021. Copy of impugned order are enclosed as **Annexure - C**.

5. That the appellant submitted representation before the Competent Authority against the impugned order of imposition of penalties which has been turned down vide impugned judgment dated 13.07.2021. Copies of representation and impugned order are enclosed as **Annexure - D&E** respectively.
6. That the Appellant feeling aggrieved from all the impugned orders/actions and inactions of respondent, the appellant seeks the indulgence of this learned tribunal under its appellate jurisdiction inter alia on the following grounds.

**GROUND:-**

- A. That the impugned order of Respondent of imposition of recovery of amount received by the wife of appellant from Benazir Income Support Programme as well as withholding of increment for one year is against law, arbitrary, Malafide void abinitio, without lawful authority, without Jurisdiction and of no legal effect qua the rights of appellant.
- B. That the receipt of financial benefits by the wife of appellant under the scheme of Benazir Income Support

*Jan*

Programme do not constitute mis-conduct for which either the appellant is to be proceeded against or any penalty to be imposed upon the appellant as also there is no provisions either under the KPK Civil servants (Efficiency and Discipline Rules), 2011 or in the Benazir Income Support Programme (Act No. XVIII of 2010) to authorize the respondent/ Competent Authority to pass an order of recovery from the appellant or to award any penalty to appellant.

C. That the Appellant has been met out discriminatory treatment and he has not been treated under the law as required under the provisions of fundamental rights guaranteed the Constitution of Islamic Republic of Pakistan as the same Presiding Officer/ Competent Authority has accepted a departmental appeal of one Mr. Liaqat Civil Nazir District Tank on 25.03.2021 and set aside the penalty of awarding of one increment while awarded penalty of withholding of increment for one year vide impugned order dated 27.08.2020. Copy of order is enclosed as **Annexure - F**.

D. That similarly there is a judgment / order of learned District Judge/ Zila Qazi Dir Pain at Taimergara on 17.10.2020 vide which the employees of the subordinate Courts have been held not responsible for payment / recovery of the amount which their wives have been





received under the Benazir Income Support Programme.

Copy of judgment / order is enclosed as **Annexure - G**.

- E. That the petitioner is entitled of treatment of equal treatment provided under Article-25 of the constitution as extended to the employees of members of establishment of District Dir.
- F. That the impugned order of recovery of amount of financial benefits received by the wife of appellant as well as awarding of penalty of withholding of increment for one year of appellant by the learned District & Sessions Judge / Competent Authority is also against the provisions of fundamental rights guaranteed under Constitution of Islamic Republic of Pakistan as not only the appellant has been deprived of his vested rights of property and life but due to imposition of penalty of withholding one increment for one year, the appellant will sustain evergreen financial loss not during life time but even after death as the appellant's family will get less pension after death of appellant.
- G. That this Honorable Tribunal is creation of Constitution under which fundamental rights of the citizens of the Country are protected and having vast Constitutional Power, this Honorable Tribunal is competent and authorized to correct the failure, faults, dereliction of duty, laches, defects in jurisdiction denial of justice,

*Qureshi*

bias or disability and to set aside/struck down illegal and order without lawful authority of the Departmental Authorities of Government Offices/Departments including the Respondents.

H. That Counsel for the Appellant may please be allowed to raise additional ground during the course of arguments.

It is, therefore, humbly prayed on acceptance this Appeal this Honorable Tribunal may very graciously be pleased to accept the appeal of the Appellant and as a consequence thereof the impugned order dated 27.08.2020 and 13.07.2021 respectively may please be set aside and recalled in the interest of Justice and fair play.

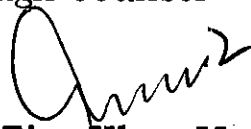
Any other relief deems appropriate in the prevailing circumstances may also be granted.

Your humble appellant,



**Saleem Khan**  
Through Counsel

Dated: 04/08/2021



**Gul Tiaz Khan Marwat**  
**Advocate High Court**  
**DIKhan**

**CERTIFICATE**

Certified that it is a first appeal by the appellant before this Honorable Tribunal against the impugned orders.



Appellant

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No. \_\_\_\_\_/2021

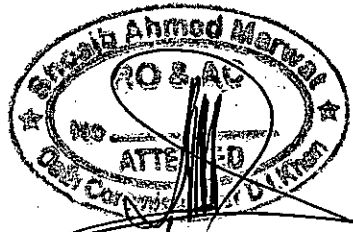
Saleem Khan Junior Clerk Establishment of District &  
Sessions Judge Tank ..... **Appellant**

**VERSUS**

The District & Sessions Judge Tank  
.....**Respondent**

**AFFIDAVIT**

I, Saleem Khan Junior Clerk Establishment of District &  
Sessions Judge Tank, the appellant do hereby solemnly affirm  
and declare on Oath that the contents of appeal are true and  
correct to the best of my knowledge and belief and nothing has  
been concealed from this Honorable Tribunal.



04/8/21

*Saleem*

**DEPONENT**

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Civil Misc. Application No. \_\_\_\_\_/2021

In

Service Appeal No \_\_\_\_\_/2021

Saleem Khan

.....

***Appellant***

**VERSUS**

District & Sessions Judge Tank

.....***Respondent***

**APPLICATION FOR INTERIM RELIEF FOR SUSPENSION OF OPERATION  
OF IMPUGNED ORDER DATED 27.08.2020 QUA RECOVERY OF AMOUNT  
FROM THE MONTHLY PAY / SALARY OF APPELLANT.**

Respected Sir,

1. That the accompanied appeal is being filed before this honourable Tribunal wherein besides the awarding of penalty of withholding of increment for one year as well as impugned order of recovery of amount from the monthly pay of appellant has been impugned.
2. That the petitioner has a prima facie case.
3. That balance of connivance also lies in favor of petitioner.
4. That the petitioner will sustained irreparable loss if interim relief is not granted by this Honourable Tribunal, then the object/purpose of the Appeal would become illogical and fruitless.

*Qureshi*

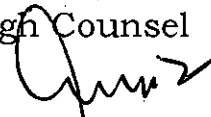
It is, therefore, prayed that on acceptance this petition, this Honourable Tribunal may very graciously be please to suspend the operation of impugned order dated 27.08.2020 qua recovery of monthly installment from the pay/salary of appellant till disposal of Appeal.

Your humble Petitioner,



**Saleem Khan**  
Through Counsel

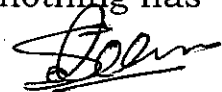
Dated: 04.08.2021



**Gul Tiaz Khan Marwat**  
**Advocate High Court**  
**DIKhan**

**AFFIDAVIT**

I, Saleem Khan Junior Clerk Establishment of District & Sessions Judge Tank, the appellant do hereby solemnly affirm and declare on Oath that the contents of petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.



**DEPONENT**





مولا عبدالست سید ڈی جی ٹانک  
نمبر مقدمہ 8/24/19  
DISTRICT & SESSIONS JUDGE TANK

Phone # 0963-510024, Fax #0963-510515

E mail: dsjtank@gmail.com

10

Dated at Tank the 27<sup>th</sup> April, 2020

No. 619/E-8/DSJ/Tank

To,

Mr. Salim Khan,  
Junior Clerk (BPS-11),  
Establishment of District & Sessions Judge, Tank,  
(Currently posted as Moharrir in the court of AD&SJ, Tank)

A

**SHOW CAUSE NOTICE.**

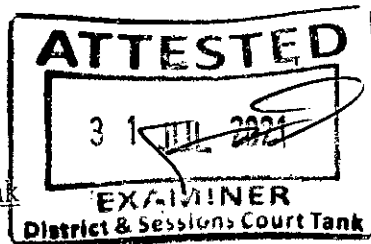
Whereas, according to the information placed before the Hon'ble Peshawar High Court, Peshawar vide letter No. E&D/LD/3-2(54)/2020, dated 11-03-2020 and letter No. SOR-1(E&AD)4-17/2020, dated 14-02-2020, along-with, list annexed therewith and letter No. of the Hon'ble Peshawar High Court, Peshawar bearing No. 6154-206/ADMN: dated 23-04-2020, you named above have been found deriving financial benefits from Benazir Income Support Programme, as your name is existing amongst the list of Government Officials, deriving financial benefits from the Programme, despite being not entitled thereto, as the Programme is meant for providing financial assistance and support to the destitute, economically distressed, chronically poor, and vulnerable citizens of Pakistan, which renders you unbecoming of a good official and is an act of gross-misconduct.

Your act and/or omission mentioned above makes you guilty of gross-misconduct and provides for a strong ground to take disciplinary action against you under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline), Rules, 2011. Therefore, I, Jehanzeb Shinwari, District & Sessions Judge, Tank being the Competent Authority, while considering the evidence as sufficient, dispensing with the inquiry proceeding, have decided, tentatively to impose one or more of the penalties provided by Rule 4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline), Rules, 2011, upon you Mr. Salim Khan S/o Sikandar Khan, holder of CNIC No. 112201-0985463-3, serving as Junior Clerk (BPS-11) in the establishment of District & Sessions Judge, Tank.

You are, therefore, directed to **Show Cause** as to why the aforesaid penalty should not be imposed upon you. Your written reply shall reach the undersigned within 15 days of the delivery of this notice, positively. You may also intimate whether you want to be heard in person or not.

In case of failure to submit the reply within the time frame given above, it will be presumed that you have nothing to offer in your defense and accordingly, an ex-parte action will be taken against you.

Given under my hand and seal, today on the 27<sup>th</sup> day of April, 2020.



No. 620/E-8/DSJ/Tank

*Jehanzeb Shinwari*

Jehanzeb Shinwari  
District & Sessions Judge, Tank

Dated at Tank the 27<sup>th</sup> April, 2020

Copy forwarded to the Registrar, Hon'ble Peshawar High Court, Peshawar for information.

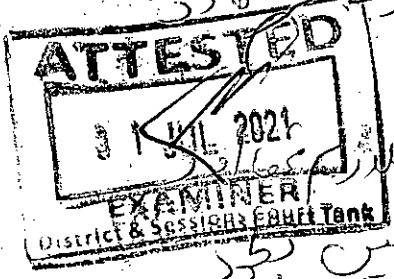
*Jehanzeb Shinwari*  
Jehanzeb Shinwari  
District & Sessions Judge, Tank

خدمت مناب سیشن ① / حج / ڈسٹرکٹ ایجوکیشن آفیس / جھنگ  
B  
خواجہ ایت شوکانہ نوشی نمبر 619/E-8/DSJ/Tank

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مورخہ 27-04-2020

مناب عالی

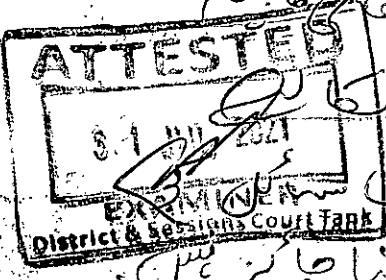
سائل بحوالہ شوکانہ نوشی نمبر 619/E-8/DSJ/Tank  
تاریخ 27-04-2020 سے ذیل جواب تحریر کیا گیا ہے کہ  
من سائل پر اپنی ذمہ داری کے نام سے تین ماہ کے ذریعے BISP  
کمپن سے مالی امداد وصول کرنے کا الزام لگایا گیا ہے  
جو کہ سراسر غلط اور بے بنیاد ہے۔ کیونکہ BISP  
مستحقات کا مکمل ڈیٹا حاصل کیا۔ جس کا مقصد مالی  
ضروریات کو پورا کرنا ہے۔ اس لیے مستحقات کے نشاندہی کر کے ان کو  
مرد کرنا تھا۔ چونکہ من سائل کے اہل خانہ کے تین ماہ کے  
وغیرہ بھی اسی صورت کے دوران منظور کردہ B-I-S-P  
ٹیم نے حاصل کیے تھے اور بعد ازاں ان کو اپنے حوزہ  
طریقہ کار کے مطابق منتخب کر کے ان کے ذریعے  
حالیہ کیا گیا۔



بوقت سروے من سائل کے ذریعے  
سید سول حج سب ڈسٹرکٹ آفیس جھنگ  
میں بطور  
مائبہ حاضر تھا۔ BISP سکیم کے منظور شدہ

نے تمام تر کاغذی کا درجہ و فائنل پیری میری عمر میں  
 موجودگی میں کی ہے اور تمام ڈیٹا میری فیر موجودگی  
 میں حاصل کیا ہے۔ میں نے ذاتی طور پر BISP  
 یکم اپریل 2019 کو کوئی فیر کی درخواست  
 پیش کی ہے اور سبھی کا درجہ کے اہل ادا مالی امداد  
 کیلئے ان سے رجوع کیا ہے۔ بعد میں اپیلی کا  
 ڈیٹا انہوں نے خود حاصل کیا ہے۔  
 BISP یکم کے صورتہ پٹنوں نے ان کو اس  
 سے بے فیر رکھا کہ یہ امداد گورنمنٹ ہلڈرین  
 کیلئے مائنٹیننس ہے اور یہ امداد کا درجہ  
 میں شامل کی لاگتوں میں جاری کیا گیا ہے۔

جواب عالی۔ دیکھ 2019 سے قبل مالی امداد حاصل  
 کرنے یا اسکے فائنل والوں کیلئے سرکاری ملازمت  
 کا ہونا ان کی تالیف کوشش طے ہے۔  
 حالانکہ یہ شرط سڈ گورنمنٹ کے بعد وفاقی کابینہ  
 کے اجلاس میں رکھی گئی اور پروگرام سے لگا کر  
 کی سفارشات کی تھی، جس کی رو سے میں  
 اپنی اپیلی کے سب کچھ بہا اقدام کی سزا دینا جائز ہے۔



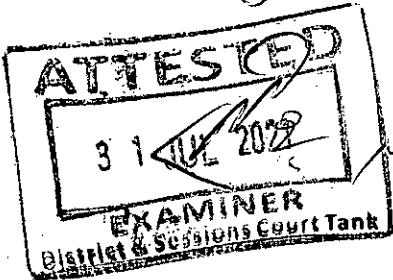
اسی طرح جو کا درجہ اپیلی کو جاری کیا گیا اس پر واضح طور پر  
 یہ تحریر ہے "کہ یہ فاقوں فائنل کی ہے اور سڈ گورن  
 کا درجہ کو اپیلیوں نے ہی اپنے کورف میں لاکر کوئی فائنل



حاصل کیا ہے اور مالی مدد حاصل کی ہے۔  
 میں سائل ایک ذمہ دار سرکاری ملازم ہے۔  
 اور میں سائل نے ہمیشہ قانونی طور پر کام کیا ہے۔  
 اور کبھی کوئی غیر قانونی ریفیڈنڈی اقدام  
 نہیں لیا ہے۔

سائل 7/8 افراد کے کنبے ماہر کفیل ہے۔  
 سائل کی ویرہہ ضعیف العمر ہے اور اسکے علاج  
 کا تمام خرچہ اس کے ذمہ ہے۔  
 میں سائل کے چھوٹے چھوٹے بچے ہیں اور کنبے  
 کے افراد سے مشکل اور تنگدستی سے  
 بچے کر رہا ہے۔

میں سائل نے گناہ اور بے قصور ہے۔  
 اور معاملہ ہذا کنبے سائل کے ساتھ استیصال  
 نہیں دیکھا ہے اور اس کے ساتھ  
 کو بھلا کر لیا ہے اور شوکانہ کو  
 بد مزاجی کا رونا دھونا ہے اور دراصل  
 دفتر میں



سائل ذاتی طور پر اپنے کا فوراً پیشہ  
 اور شہادت دینے کو تیار ہے۔

سائل سلیم خان جو پٹر فلورک مال ٹور عدالت ایڈیشنل  
 جج ٹانک

NIL: NO = 12201-0985463-3

11-05-2020



## DISTRICT & SESSIONS JUDGE, TANK

Phone # 0963-510024, Fax #0963-510515

E mail: [dsjtank@gmail.com](mailto:dsjtank@gmail.com)

No. 1254/E-8/DSJ

Dated Tank the 27/08/2020

14

### ORDER:

**WHEREAS**, the Hon'ble Peshawar High Court, Peshawar vide letter No.6154-201/Admn; dated 23.04.2020, shared list of officials of this establishment including Mr. Salim Khan, Junior Clerk (BPS-11), who was found beneficiary of Benazir Income Support Programme, through his spouse Mst. Noor Jehan and had been receiving cash financial grant.

**AND WHEREAS**, disciplinary proceedings were initiated against the accused/official named above, under the Government of Khyber Pakhtunkhwa, Civil Servants (Efficiency & Discipline) Rules, 2011 and as ample proof in the shape of documentary evidence was available, therefore, the requirement/formality of conducting inquiry was dispensed with and Show Cause notice bearing No. 619/E-8/DSJ/Tank, dated 27.04.2020 was served upon the accused/official. The accused/official submitted reply and was heard in person. During personal hearing, he admitted the receipt of the amount through his spouse (vide BISP Card No: 6271 0080 0168 6243).

**AND WHEREAS**, after confirmation of the amount, realized by the accused/official from the BISP, the Assistant Director, BISP, Tank confirmed that the wife of accused/official has so far received an amount of Rs. 140,500/-.

Therefore, I, being Competent Authority have found the accused/official Mr. Salim Khan, Junior Clerk (BPS-11) of this establishment as guilty of gross misconduct, using his spouse for gaining financial benefit from BISP, which is meant for providing financial assistance and support to destitute, economically distress, chronically poor and vulnerable poor citizens and impose the following penalties upon the accused/official as enumerated in Rule 4 (I) (a) (II) (III) of the Government of Khyber Pakhtunkhwa, Civil Servants (Efficiency & Discipline) Rules, 2011:

1. The amount of Rs. 140,500/- shall be recovered from the monthly salary of the accused/official in equal installments of Rs. 5,000/- per month and be deposited in the State Exchequer, under Rule-4 (I) (a) (iii) of the Rules (ibid).
2. The accused/official is also awarded with penalty of withholding of increment for one year with non-accumulative effect, under Rule-4 (I) (a) (ii) of the Rules, 2011 (ibid).

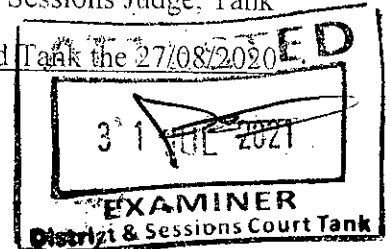
Endst: No. 1255-59/E-8/DSJ

### Copy forwarded for information and necessary action to:

1. The Worth Registrar, Hon'ble Peshawar High Court, Peshawar.
2. The Senior Civil Judge (A), Tank.
3. The District Account Officer, Tank.
4. The B&A Assistant of this Court.
5. The official concerned by name.

*Jehanzeb Shiwari*  
District & Sessions Judge, Tank

Dated Tank the 27/08/2020



*Jehanzeb Shiwari*  
District & Sessions Judge, Tank

M.P. = 3  
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15

BEFORE THE WORTHY DISTRICT AND SESSIONS JUDGE

TANK

Subject:

MERCY PETITION/REPRESENTATION/DEPARTMENTAL  
APPEAL/ REVIEW AGAINST THE ORDER ENDST: NO. 1254-  
E-8/DSJ PASSED BY THE HON'BLE DISTRICT & SESSIONS  
JUDGE, TANK VIDE WHICH THE RECOVERY OF  
RS.140,500/- HAS BEEN IMPOSED UPON THE PETITIONER  
ALONGWITH AWARDING SENTENCE OF WITHHOLDING  
OF ANNUAL INCREMENT FOR ONE YEAR WITH NON-  
ACCUMULATIVE EFFECTS AS PENALTY.

Prayer:

On acceptance of instant petition the impugned office order Endst: No. 1254/E-8/DSJ passed by Hon'ble District & Sessions Judge, Tank may kindly be set aside in the light of order/judgment of the Hon'ble and august Chief Justice (Late) Waqar Ahmad Seth dated 26.09.2020 in the dictum of my colleagues and thus the petitioner be treated as similar to their colleagues and not be discriminated and the petitioner be remained very obliged in this regard.

Respected Sir,

The petitioner humbly submits as under:

1. That the appellant was appointed as Class-IV employee under your kind control and presently serving as Reader at the court of learned Senior Civil Judge (J), Tank.
2. That a show case notice bearing No. 619/E-8/DSJ/Tank dated 27.04.2020 was issued to the petitioner with the allegations that on the name of petitioner's spouse, you have availed the financial benefits of Benazir Income Support Program, wherein the petitioner fully explained his position in reply of show cause notice. Actually, the petitioner was not in intention to any malafide to get the financial benefits from the scheme but at that time in that circumstances the petitioner was not having any ill will. Later on, the Hon'ble District & Sessions Judge, Tank vide aforementioned impugned order-

ATTESTED  
EXAMINER  
District & Sessions Court Tank

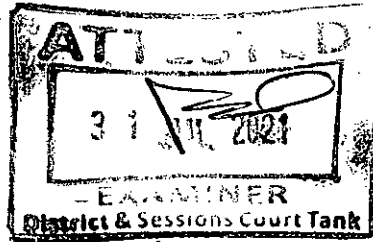
16

imposed recovery of Rs. 140,500/- against the petitioner as well as awarded sentence of withholding of annual increment for one year with non-accumulative effects as penalty.

3. That a similar nature of punishment was also awarded to petitioner's colleagues which was assailed before the Hon'ble Chief Justice Peshawar High Court, Peshawar (Late Waqar Ahmad Seth) which was accepted by the Hon'ble court vide order dated 26.09.2020, hence, the present petitioner is also entitled to be treated similarly. Copies of petition and order alongwith other relevant record are annexed herewith for ready reference.

**It is, therefore, humbly prayed that the instant petition may kindly be accepted as prayed for in the headnote and contents of petition.**

Dated 30/03/2021



Jeem

Humble Petitioner

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IN THE COURT OF DISTRICT & SESSIONS JUDGE, TANK

17

Muhammad Salim, Junior Clerk  
District Courts, Tank

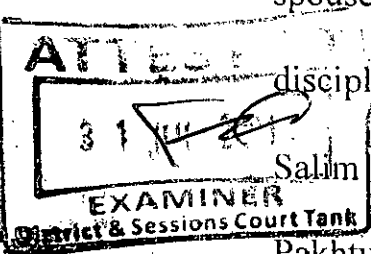
Mercy Petition/Representation/Appeal/Review petition, preferred by the petitioner Muhammad Salim, Junior Clerk (convicted official) against the order, passed by learned District Judge, Tank vide order No. No. 1239/E-8/DSJ dated 27-08-2020

Through instant judgment, this court intends to adjudicate upon the representation/appeal/review petition, preferred by the petitioner Muhammad Salim, Junior Clerk against the order, passed by learned District Judge, Tank vide order No. 1239/E-8/DSJ dated 27-08-2020, whereby the petitioner was held guilty of misconduct and was penalized in shape of stoppage of two increments and recovery of Rs: 1,40,000/- to the Government Exchequer; and having stood for consideration to this day, the Court delivered the following Judgment.

JUDGMENT:

1. Succinct facts of the case are that Salim Khan, Junior Clerk (BPS-11), was found beneficiary of Benazir Income Support Programme, through his spouse Mst. Noor Jehan and had been receiving cash financial grant. The disciplinary proceedings were initiated against the delinquent official Salim Khan, Junior Clerk (BPS-11), under the Government of Khyber Pakhtunkhwa, Civil Servants (Efficiency & Discipline) Rules, 2011. As ample proof in the shape of documentary evidence was available, therefore, the requirement/formality of conducting inquiry was dispensed with and Show Cause Notice bearing No. 619/E-8/DSJ/Tank, dated 27.04.2020 was served upon the accused/official. The accused/official

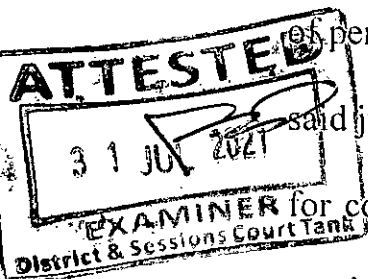
بشمول احوالات و خدمات  
31/08/2020  
137  
مقام



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Mulla

submitted reply and was heard in person. During personal hearing, he admitted the receipt of the amount through his spouse (vide BISP Card No: 6271 0080 0168 6243).

2. On conclusion of the proceedings, learned predecessor-in-office, vide order No. 1239/E-8/DSJ Dated Tank the 27/08/2020 was pleased to award the penalty. Feeling aggrieved of imposition of the penalty, the petitioner preferred instant mercy petitioner/appeal/review petition.
3. The petition was placed before this Court after assuming charge and the date was fixed for hearing. The petitioner was heard and the available record was perused.
4. From scanning of the record coupled with averments of the petitioner, it divulges that petitioner was held guilty of the misconduct and was penalized vide impugned order dated 28-07-2020. He felt aggrieved of the order and filed instant mercy petition/review/appeal on 30-03-2021. In the petition, it was mentioned that the departmental appeals of various officials of ministerial cadre of judiciary were accepted by Worthy Peshawar High Court vide judgment dated 26-09-2020 and the imposition of penalty of stoppage of increment was withdrawn. It is observed that the said judgment was not pronounced in *rem* and could not be taken a ground for considering his case in hand, therefore the petitioner would not draw any benefit from said judgment.



5. It is further observed that the petition in hand was submitted as 'the mercy petition', 'appeal', 'review petition'. First, it is observed that if the petition is taken as departmental representation, the same was instituted after seven months of the impugned order. Therefore, the same was also

*J. Pulat*

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time barred. In such scenario, it would be considered as the official did not make any representation. The impugned order was made by learned Predecessor-in-office of this Court; therefore, appeal does not lie before this Court/office. The petition was required to have filed departmental appeal before the Worthy Competent Forum. Lastly, no ground was highlighted in the petition or furnished afterward to bring it within preview of the review of the impugned order. The judgment of Worthy Peshawar High Court would not benefit the petitioner as it was not available before learned Predecessor-in-office at the time of imposition of the fine to justify his case for review of the impugned order.

6. In the wake of above findings, this court is of considered opinion that the petition in hand is not legally tenable, and for the reasons stated above, the petition in hand is turned down. The petitioner may avail other remedy, if so desires. Case file shall be consigned after completion and compilation.

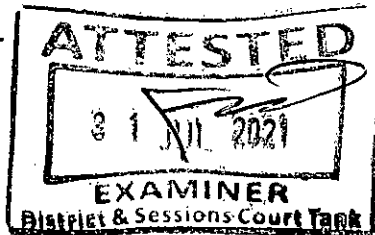
**Announced**

13.07.2021

*Ghulam Abbas*  
GHULAM ABBAS,  
District Judge, Tank

**CERTIFICATE**

It is certified that this judgment consists of three (03) pages. Each page has been read over, rectified and signed by me where it was necessary.



*Ghulam Abbas*  
GHULAM ABBAS,  
District Judge, Tank

ملفوظات قلمی و دستخطی بشمول بعدالت دکن و دیگر امور

نمبر مقدمہ 2/13 رجوع 30/9/2020

14.10.2020,

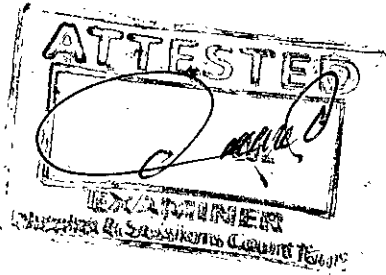
F 20/13

PUC is a departmental appeal submitted by one Mr. Liaqat Ullah, Civil Nazir against order of the Senior Civil Judge (A), Tank bearing No. 348-352, dated 21.09.2020 where by a penalty of recovery of Rs. 35000/- @Rs. 5000/- PM alongwith stoppage of an Annual increment with non-accumulative effect has been imposed upon him for the reason that spouse of the officer has been receiving cash grant form the BISP .

The appellant has substantiated the appeal vide its memo containing grounds in support of the prayer requesting for setting aside the order in question.

Submitted for kind perusal and further orders

please.



Superintendent

10/10/2020

DSJ

Fix for hearing on 18.11.2021

YH



Sept

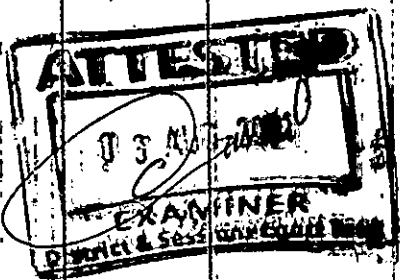


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IN THE COURT OF  
**JEHANZEB SHINWARI**  
DISTRICT & SESSIONS JUDGE/JSC TANK  
Department Appeal No. 02/13 of 2020  
Liaqat Ullah... VS... SCJ (Admin) Tank.

Order#	Date	Order/Proceedings
01	04.03.2021	<p>The instant Departmental Appeal has preferred by appellant Liaqat Ullah, Civil Nazir of the Establishment of Senior Civil Judge, Tank. As per the contents of appeal and the order sheets annexed therewith show that the appeal was received in the office on 14.10.2020 against the order of competent authority/ Senior Civil Judge (Admn), Tank; whereby, his representation was turned down.</p> <p>Comments of the competent authority/ SCJ (Admin), Tank and his record be requisitioned for the next date fixed. He may also either in person or through representative participate in the proceedings.</p> <p>Office is directed to open a separate register with relevant columns for the departmental appeals and register the appeal in hand in the said register and assign a specific number to the appeal.</p> <p>Adjourned to 13.03.2021 for arguments.</p> <p style="text-align: right;"> <b>Jehanzeb Shinwari</b> District &amp; Sessions Judge Tank</p>
02	13.03.2021	<p><b>Present:</b> Appellant in person, alongwith, his learned counsels Mr. Javed Akhter Kundi Advocate, Mr. Salman Kundi Advocate and Mr. Kaleem Ullah Kundi Advocate.</p> <p>Arguments concluded and come up for order on 25-03-2021.</p> <p style="text-align: right;"> <b>JEHANZEB SHINWARI</b> District Judge Tank</p>



**BEFORE THE DISTRICT & SESSIONS JUDGE TANK**

Departmental Appeal No. 02/13 of 2020

(Title: Liaqat Ullah ...vs... Senior Civil Judge (Admn), Tank)

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Order #	Date	Order/Proceedings
03	25.03.2021	<p><b>Present:</b> Counsel for the appellant; representative of respondent.</p> <p>Comments of the respondent gone through and arguments of the learned counsel heard.</p> <p>Appellant Liaqat Ullah, Civil Nazir, SCJ (Admn), Tank being aggrieved by the order of respondent bearing Endst: No. 348-352/SCJ/Admn, dated 21.09.2020 has preferred this departmental appeal; whereby, the impugned order the following penalties were imposed upon the appellant, while proceeding him under Rule-4(1)(a)(ii)(iii) of the Khyber Pakhtunkhwa Government Servants (Efficiency &amp; Discipline) Rules, 2011:</p> <ol style="list-style-type: none"><li>1. Awarding penalty of withholding of increment for one year with non-accumulative effect under Rule-4(1)(a)(ii) of the rules ibid.</li><li>2. Recovery of Rs. 35,000/- in equal installments at the rate of Rs. 5,000/- per month from the salary of the appellant to be deposited in the state exchequer under Rule-4(1)(a)(iii) of the rules ibid.</li></ol> <p>The appellant contends that appellant and his spouse had never applied for the financial assistance to the BISP, however, considering his financial condition and poor standard of living, his spouse might have been</p>

ATTENDED  
EXAMINER  
District & Sessions Court Tank

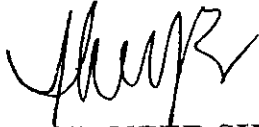
25/03/2021

203<sup>5</sup>  
declared as deserving for the financial aid. It has also been contended that soon after the knowledge, receiving the financial assistance was discontinued and the card was blocked.

Appellant produced the copy of order of his lordship the Chief Justice, Peshawar High Court, Peshawar dated 26.09.2020, passed in similar matter, where the penalty of stoppage of increment has been reviewed and recalled. Hence, while deriving wisdom from the latest order of the Hon'ble Peshawar High Court, Peshawar, passed in the similar case of the employees of the Hon'ble Peshawar High Court, Peshawar, the penalty of stoppage of increment is hereby set aside/recalled/review. However, the penalty of recovery of the amount realized from the facility of BISP is maintained. The amount shall be recovered as ordered. Appeal stands partially accepted.

Copy of this order be sent to learned Senior Civil Judge (Admn), Tank for compliance. Record (if any) be returned and this file be consigned to the record room after its compilation.

Announced  
25.03.2021

  
**JEHANZEB SHINWARI**  
District & Sessions Judge Tank

عدالت محمد شعیب ڈسٹرکٹ جج / ضلع قاضی / ایپلٹ اتھارٹی ضلع دیرپائین بمقام تیمرگرہ  
سروس اپیل نمبر: 02/10 برائے سال 2020

تاریخ رجوعہ: 31.08.2020

تاریخ فیصلہ: 17.10.2020

جان عالم خان (نائب قاصد) ڈسٹرکٹ ریکارڈ روم تیمرگرہ ضلع دیرپائین ----- (ایپلانٹ)  
بنام

سینئر سول جج (ایڈمن) ضلع دیرپائین ----- (ریپلانٹ)

محکمانہ اپیل برخلاف حکم / فیصلہ سینئر سول جج (ایڈمن) مصدرہ 30.7.2020

فیصلہ

ایپلانٹ اصالتاً حاضر۔ امتیاز C.O.C عدالت سینئر سول جج حاضر۔ ایپلانٹ کو سنا گیا ہے۔  
ریکارڈ ملاحظہ کیا گیا۔

۲۔ اپیل زیر غور جہان عالم، نائب قاصد ریکارڈ روم ایپلانٹ نے زیر دفعہ 17، Khyber  
Pakhtunkhwa Government Civil Servants (Efficiency & Discipline)  
Rules, 2011 کے تحت سینئر سول جج (ایڈمن) / اتھارٹی کی محکمانہ انکواری میں فیصلہ مصدرہ  
30.07.2020 سے رنجیدہ ہو کر دائر کی ہے۔

پس منظر

۳۔ بینظیر انکم سپورٹ پروگرام (BISP) نے محترم عدالت عالیہ کو ان تمام اہلکاروں کی فہرست فراہم  
کی جو خود یا ان کے اہل خانہ BISP سے مستفید (Beneficiaries) تھے۔ محترم عدالت عالیہ نے  
بروئے چھٹی نمبر 6154-20/ADMN مورخہ 23.4.2020 متعلقہ اتھارٹیز کو ہدایت کی کہ زیر  
دفعہ 7، Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011  
کے تحت متعلقہ اہلکاروں کے خلاف کارروائی کرنے۔ مورخہ 17.7.2020 کو ایپلانٹ کو اظہار  
مخبرہ نوٹس زیر دفعہ 7 دیا گیا جس کا جواب ایپلانٹ نے داخل کیا۔ ایپلانٹ نے یہ موقف اختیار کیا کہ وہ  
2010 تک بے روزگار تھا۔ BISP نے اُس کی غیر موجودگی کے دوران گھر، گھر مہم کے دوران  
2012 میں BISP کارڈ اُس کی بیوی کو جاری کیا۔ وہ یتیم اور لاوارث تھی اسی لئے اُسے کارڈ جاری کیا

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گیا۔ اُس رقم سے اُس کی بیوی نے گھریلوں سامان خریدا ہے، جسے وہ سرکاری خزانے میں جمع کرنے کے لئے تیار ہے۔ ایپلانٹ کو سنا گیا اور BISP سے وصول شدہ رقم کی تصدیق لی گئی۔ اس کے بعد ذیل حکم صادر کیا گیا:

Now, Therefore, I, being Competent Authority impose the following minor penalties upon the accused/official as enumerated in Rule-4(1)(a)(ii)(iii) of the government of Khyber Pakhtunkhwa, Civil Servant (Efficiency & Discipline) Rules, 2011. It is ordered that Rs. 1,44,874/- be recovered from the pay of the accused/official and be deposited in the state Exchequer under Rule-4(1)(a)(iii) of the ibid rules.

### کارروائی اپیل

۴۔ فاضل اتھارٹی سے کمنٹس طلب کیے گئے۔ ریکارڈ طلب کیا گیا۔ ریکارڈ، کمنٹس اور میمو آف اپیل کا مطالعہ کیا گیا۔ انچارج BISP دیر لوز کو بھی اس بابت متعدد نوٹس جاری کیے گئے کہ وہ زبردفعہ 11، پیٹرنی انکم سپورٹ پروگرام ایکٹ 2010 کے تحت یا حکومت کی پالیسی یا ریگولیشن جس کے تحت اہل افراد برائے حصول مالی امداد کی تعریف کی گئی ہو اور تعین کیا گیا ہو، بھجوائے۔ اسی طرح کابینٹ کا فیصلہ 23.12.2019 جس کے تحت کچھ افراد کی کیٹیگریز کو مالی امداد کی حصول کے لئے نا اہل تصور کیا گیا طلب کیا گیا۔

### نکات تصفیہ طلب

۵۔ اپیل زیر غور کے لئے نکات تصفیہ طلب ذیل ہیں:

الف۔ کیا ایپلانٹ یا اُس کے اہل خانہ نے BISP سے کوئی مالی منفعت حاصل کی ہے جو کہ BISP ایکٹ 2010 حکومتی پالیسی یا ریگولیشن یا The Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011 یا کسی بھی The Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 کے خلاف ہے؟

ب۔ کیا سزا قانون کے مطابق درست ہے اور کیا یہ قابل بحالی ہے؟ اگر نہیں تو مناسب دائرہ اختیار کیا ہے؟

### عدالتی آرا

۶۔ مطالعہ ریکارڈ کے بعد عدالت کی ریکارڈ اور کمنٹس کے مطالعہ کے بعد عدالت کے



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ذیل ہیں:

۷۔ BISP سے امداد حاصل کرنے کی اہلیت کے لئے معیار (Benchmark) Score based/point based معیار کے مطابق سائل کی اہلیت کو BISP سے مالی امداد کے حصول کا، BISP کی جانب سے حقدار قرار دیا گیا تھا۔ مورخہ 23.12.2019 کو محترم وزیر اعظم اسلامی جمہوریہ پاکستان کے لئے Poverty Elevation and Social Safty Division، حکومت پاکستان، نے ایک سمری تیار کی اور یہ سمری 23.12.2019 کو منظور ہوئی۔ سمری کے پیرا 4 اور 5 میں مذکور افراد، جس میں صوبائی سرکاری ملازمین بھی شامل تھے، کو اُن کی معاشی اور معاشرتی حیثیت میں بہتری کی وجہ سے، مستفید افراد کی فہرست سے نکلنے کی سفارش کی گئی۔ نتیجتاً، ایسے افراد اس فہرست سے نہ صرف نکلے گئے بلکہ اپیلانٹ (بشمول دیگر) کی فہرست محترم عدالت عالیہ اور متعلقہ اتھارٹیز کو ضروری کارروائی کے لئے بھیجی گئی جو کہ سزا زیر تنازعہ پر منتج ہوئی۔

۸۔ اب ہم دیکھتے ہیں کہ کیا اپیلانٹ کی زوجہ کی جانب سے BISP سے حاصل کی گئی مالی منفعت کیا اپیلانٹ یا اُس کے اہل خانہ نے BISP ایکٹ 2010 حکومتی پالیسی یا ریگولیشن یا The Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011, The Khyber Pakhtunkhwa Government Civil Servant (Conduct) Rules, 1987 یا کسی بھی قانون کے خلاف ہے؟

a۔ جیسا کہ پہلے ذکر کیا گیا اپیلانٹ یا اُس کی زوجہ نے خود BISP کو مالی منفعت کی کوئی درخواست نہیں دی۔ مسلمہ طور پر صورت حال یہی ہے کہ اُس کو مالی امداد BISP کی ٹیم کے سروے کے نتیجے میں دی گئی۔ یہ BISP کی جانب سے فراہم کردہ ریکارڈز سے مسلم ہے۔

b۔ جیسا کہ ریکارڈز سے واضح ہے BISP نے خود سروے کر کے، اپیلانٹ کی نصف بہتر کو مالی امداد کا اجراء کیا اور یہ سلسلہ ستمبر 2019 تک چلتا رہا۔

c۔ اس مالی امداد کی اجراء کا معیار BISP کی جانب سے 'Score/Points based' Beneficiaries Eligibility criteria تھا اور یہی معیار 23.12.2019 تک مقرر، مستعمل اور نافذ رہا۔

d۔ 23.12.2019 کو مجاز اتھارٹی کی منظوری کے بعد بشمول دیگر اپیلانٹ کے اہلخانہ کو اپیلانٹ کے



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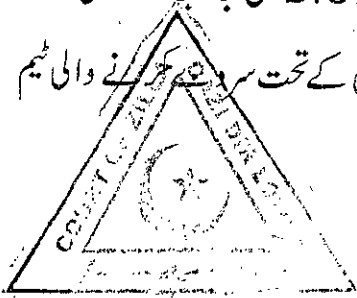
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کے سرکاری ملازم ہونے کی وجہ سے BISP کے مستفید افراد کی فہرست سے نکالا گیا۔ کیا کسی فرد کو مستفید افراد کی فہرست سے نکالا جانا اس کو لازم قرار دیتا ہے کہ اُس کی جانب سے وصول کئے گئے مفاد کو واپس کیا جائے، یا یہ کہ اُس نے کوئی خلاف ضابطہ قانون کام کیا ہے یا یہ کہ اُس کے خلاف کسی قانونی کارروائی کا آغاز کیا جائے۔ اگر ایسا ہے تو 23.12.2019 کے فیصلے کے مطابق وہ افراد جنہوں نے خود یا اُن کے اہلخانہ نے بیرون ملک سفر کیا ہو یا موٹر یا کوئی بھی گاڑی رکھتے ہوں یا جن کے ٹیلیفون/موبائل فون بل 1,000/- روپے سے زیادہ ہو یا اُن کے پاسپورٹ انگریزی سٹم سے پراسس ہوئے ہوں یا اُن کے اہلخانہ کے تین یا اس سے زیادہ افراد کے قومی شناختی کارڈ انگریزی سٹم سے حاصل کیے گئے ہوں یا اُن کے ساتھ 12 ایکڑ سے زیادہ اراضی ہو، ان سب کو مستفید افراد کی فہرست سے نکالا گیا۔ کیا اُن کے خلاف بھی کسی دیوانی یا فوجداری کارروائی کا آغاز کیا گیا اور اُن سے بھی کوئی وصولی کی اقدام کیے گئے۔ اس ضمن میں جواب نفی میں ہے۔ یہ عدالت اس امر سے آگاہ ہے کہ کسی ادارے کی اپنی فرائض کی انجام دہی نہ کرنا، کسی دیگر ادارے کو اُس کی فرائض کی انجام دہی سے نہیں روکتی۔ تاہم قانون اور انصاف کا یہ تقاضا ہے کہ ایک جیسے مفاد حاصل کرنے والوں کے ساتھ ایک جیسا سلوک کیا جائے اور سرکاری ملزم کو صرف اس وجہ سے سزا نہ دی جائے کہ وہ سرکاری ملازم ہے اور دیگر مفاد حاصل کرنے والے لوگ سرکاری ملازم نہیں۔ قانون کا اطلاق سب کے لئے یکساں اور بلا تفریق ہونا چاہیے۔ اس مبادی بحث کے بعد اب ہم تصریح سے متعلقہ قوانین کا جائزہ لیتے ہیں کہ کیا اپیلانٹ نے کوئی ایسا فعل سرانجام دیا ہے یا ایسی غفلت مجرمانہ اختیار کی ہے جس کی بنیاد پر وہ مستوجب سزا ہو۔

e۔ بینظیر انکم سپورٹ پروگرام (BISP) کی دفعہ 11 کے مطابق اس قانون کے تحت بورڈ کی ذمہ داری ہے کہ وہ BISP سے مستفید ہونے کی اہلیت کے لئے معیار مقرر کرے۔ اس عدالت کے بارہا اصرار کے باوجود پونٹ/سکور میڈ کرائیٹیر یا برائے اہلیت مستفید افراد ہی کو پیش کیا گیا جس کے مطابق مسائل کی زوجہ کو BISP سے امداد حاصل کرنے کا اہل قرار دیا گیا۔ اگر کوئی معیار (Criteria) موجود نہیں تھا یا اس معیار میں کوئی خامی تھی یا اس معیار کی بنیاد پر مسائل کی اہلیت کو BISP کی جانب سے مالی امداد دی گئی تو اس کا ذمہ دار مسائل نہیں بلکہ معیار متعین کرنے والے افراد، اُس کے تحت سرکار کے کرنے والی ٹیم اور مالی امداد منظور کرنے والے افراد/اہلکار تھے۔



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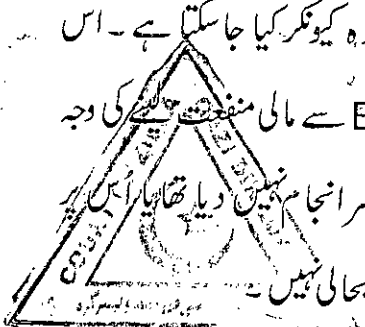
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f- آئین اسلامی جمہوریہ پاکستان، 1973 کا آرٹیکل 12 اس کی ضمانت دیتا ہے کہ کسی بھی قانون کا اطلاق سابقہ عرصے (Retrospective effect) سے نہیں کیا جائے گا۔ اگر اہلیت کے معیار کو 23.12.2019 کو تبدیل کیا گیا تو 20.10.2012 سے 22.12.2019 تک کی اہلیت کیونکر متاثر ہو سکتی ہے اور اس پر ایپیلانٹ کا مواخذہ کیونکر ہو سکتا ہے۔ اس عدالت کی یہ رائے ہے کہ ایپیلانٹ کی اہلیت 22.12.2019 تک BISP سے مالی امداد حاصل کرنے کی اہل تھی اور اسی وجہ سے BISP اُسے مالی امداد دیتی رہی، جب اہلیت کا معیار تبدیل ہوا تو اس کا نتیجہ مالی امداد کی بندش تھانہ کہ اُس سے وصولی یا اُس کے شوہر/ایپیلانٹ کے خلاف انضباطی کارروائی۔

g- بینظیر انکم سپورٹ پروگرام (BISP) ایکٹ 2010، The Khyber Pakhtunkhwa Government Civil Servant (Conduct) Rules, 1987، The Khyber Pakhtunkhwa Government Civil Servants (Efficiency & Discipline) Rules, 2011 کے مطابق سائل کی اہلیت کا BISP سے امداد لینا کوئی Misconduct نہیں تھا۔ اگر یہ پہلے سے طے ہوتا اور یہ مشتہر ہوتا کہ کوئی سول سرونٹ یا اُس کے اہل خانہ BISP سے مستفید ہونے کے اہل نہیں اور اس کے باوجود ایپیلانٹ یا اُس کے اہل خانہ ایسا کرتے تو اُس کا یہ عمل لازماً قابل مواخذہ ہوتا۔

h- اس طرح مذکورہ بحث کا حاصل یہ ہے کہ ایپیلانٹ کی اہلیت نے BISP سے مبلغ -/1,44,874 روپے مالی منفعت حاصل کی ہے تاہم یہ نہ تو BISP ایکٹ، حکومت کی پالیسی یا ریگولیشن کے خلاف تھی اور نہ ہی Khyber Pakhtunkhwa Government Civil Servants (Efficiency & Discipline) Rules, 2011 یا The Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987۔ یہ ہمارے پہلے نکتہ تصفیہ طلب کا جواب ہے۔

ب۔ دوسرے یہ کہ اگر کوئی فعل مستوجب سزا ہی نہیں تو اُس پر کسی مواخذہ کیونکر کیا جاسکتا ہے۔ اس عدالت کی یہ آراء ہے کہ ایپیلانٹ بحیثیت سول سرونٹ، اُس کی اہلیت کی BISP سے مالی منفعت حاصل کرنے کی وجہ سے، کسی انضباطی کارروائی کا سزاوار نہیں تھا کیونکہ اُس نے ایسا کوئی عمل سرانجام نہیں دیا تھا یا اس پر خاموشی اختیار نہیں کی تھی جس کی قانوناً ممانعت ہو۔ اس لئے اُس کی سزا قابل بجالی نہیں۔



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ج۔ تیسرے، یہ کہ حکم تنازعہ اور متعلقہ ریکارڈ کے مطالعہ سے واضح ہے کہ حکم تنازعہ میں صرف ایک ہی وجہ مذکور کی گئی ہے کہ اُس نے خود یا اُس کے اہل خانہ کے ذریعے BISP سے امداد حاصل کی ہے اس لئے یہ Misconduct ہے۔ فیصلہ تنازعہ میں کوئی آراء (Findings) ہے اور نہ ہی تفصیلی وجوہ، اس لئے بھی قابل بحالی نہیں۔

د۔ چوتھے، اس صورت حال میں دادرسی کیا ہونی چاہئے جب ایپلانٹ نے کوئی فعل قابل مواخذہ کیا ہی نہیں اور نہ ہی اُس کی ایما پر کوئی ایسا فعل یا عدم فعل انجام دیا گیا ہے تو اُسے اس کی سزا کیونکر دی جانے چاہئے؟ اس لئے حکم سزا قابل بحالی نہیں، منسوخ کیا جاتا ہے۔ اس نسبت باقاعدہ آفس آرڈر جاری ہو۔ حکومت خیبر پختونخوا یا BISP اگر چاہیں تو BISP کے متعلقہ ذمہ دار افراد کے خلاف رقم کی وصولی کی اور دیگر انضباطی کارروائی عمل میں لاسکتے ہیں۔ سائل کو جملہ سزا بشمول واپسی رقم وصول شدہ سے بری الذمہ قرار دیا جاتا ہے (کیونکہ جب ایپلانٹ کی اہلیہ نے رقم وصول کی تو اُس وقت اہلیت کے معیار (Elegibility criteria) کے مطابق یہ خلاف قانون نہیں تھا)۔ حکم ہذا کی ایک نقل فاضل اتھارٹی کو ریکارڈ کے ہمراہ بھیجی جائے۔ مسل عدالت ہذا بعد از ترتیب و تکمیل کے داخل محافظ خانہ ہو۔ ریکارڈ واپس محافظ خانہ ہو۔

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حکم سنایا گیا۔

17.10.2020

(محمد شعیب)

ڈسٹرکٹ جج / ضلع قاضی،

دیر پائین بمقام تیمرگرہ

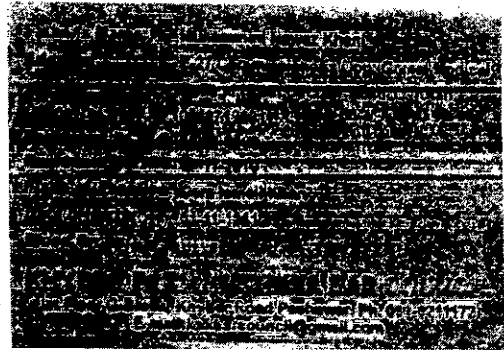
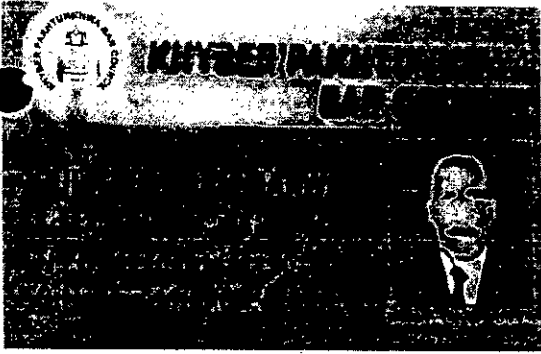
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تصدیق کی جاتی ہے کہ فیصلہ ہذا مشتمل برچھ (06) صفحات ہے۔ ہر صفحہ میراج و دستخط کردہ ہے۔

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ڈسٹرکٹ جج / ضلع قاضی،  
دیر پائین بمقام تیمرگرہ

No.	835
Date of Application	24.2.20
Urgent Fee:	01
Revenue Fee:	01
No of Pages:	06
No of Word:	
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Total Fee:	181/-
Date of Preparation:	
Date of Delivery:	24.2.20
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VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Requor  
D.I.Khan

Saleem Khan VERSUS DIST: 3 Sessions Judge

Title Service Appeal Bank

I/we Saleem Khan

The above named Appellant herby appoint Gul Tiaz Khan Marwat Advocate High Court D.I.Khan, in the above mentioned case to all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this court/tribunal in which the same may be tried or heard or any other proceedings out of our connected therewith.
  2. To sign and verify and file or withdraw all proceedings, petitions, appeals, affidavits, and applications for compromise or withdrawal, or for the submission to arbitration of the said case or any other documents, may be deemed necessary or advisable by them by the conduct, prosecution or defense of the said case at all its stages.
  3. To receive payments of and issue receipts for all moneys that may be or become due and payable to us during the course on conclusion of the proceeding.  
To do all other acts and things, which may deemed necessary or advisable during the course of proceedings.
- AND hereby agree:
- a. To ratify whatever advocates may do the proceedings.
  - b. Not to hold the advocates responsible if the said case be proceed ex-parte or dismissed in default in consequence of their absence from the court when it is called for hearing.
  - c. That the advocates shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains un-paid.
  - d. That advocates may be permitted to argue any other point at the time of arguments.

In witness whereof I/we have signed this vakalatnama here under the contents of which have been read/explained to me/us which is fully understood by me/us.

Date: 4/8/2021

Signature of Executants (s)

Attested & Accepted:

Gul Tiaz Khan Marwat  
Advocate High Court D.I.Khan (KPK)  
Cell No. 0300-9092488 / 0345-9853488

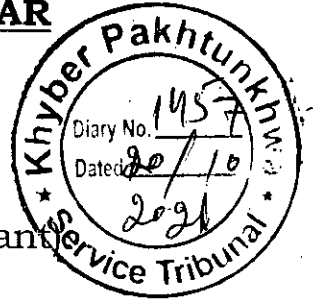
(Saleem Khan)

10/11

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

*Put up to the worthy  
chairman with app.*

Service Appeal No. 7210/2021



Saleem Khan

.....(Appellant)

**VERSUS**

District & Sessions Judge Tank

.....(Respondent)

*21/10/21*  
*Lead*

**APPLICATION FOR EARLY HEARING OF APPEAL AT  
CAMP COURT D.I.KHAN**

Respected Sir,

1. That the above noted service appeal and is fixed for 10.11.2021 for preliminary hearing at Peshawar.
2. That Counsel for the Appellant is a practicing lawyer of District Bar D.I.Khan and a Bench of this Honourable Tribunal will be on tour to D.I.Khan from 25th instant.
3. That it will be more convenient if the appeal is listed for preliminary hearing before the Camp Court at D.I.Khan in the month of October 2021 instead of Peshawar as there is an application for interim relief for maintenance of status quo.

It is, therefore, prayed that on acceptance this application, this Honourable Tribunal may very graciously be please to pass an order directing the early fixation of the subject cited service appeal at Camp Court D.I.Khan in the touring week to be commenced from 25th October 2021.

Dated: 18.10.2021

Your Humble Appellant,

Through Counsel

**GUL TIAZ KHAN MARWAT,**  
Advocate High Court,  
D.I.Khan

*Be fixed in tour of CC to D.I.K  
in NOV, 2021  
24-11-21  
25/10/2021*

"A"

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

No.

APPEAL No. 7210 of 2021.

Saleem Khan

Appellant/Petitioner

Versus

The District & Sessions Judge Tank,

RESPONDENT(S)

(counsel)  
Notice to Appellant/Petitioner

Gul Tiar Khan Marwat

Advocate High Court D.I. Khan

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 10/11/2021 at 9:00 AM at Peshawar.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

# BEFORE THE HONORABLE SERVICE TRIBUNAL KP, PESHAWAR

Saleem Khan vs DSJ, Tank

## WRITTEN STATEMENT ON BEHALF OF THE RESPONDENT

### **Legal Objections:**

1. That the appellant has got no cause of action to institute the instant appeal.
2. That the appeal/stance of the appellant is barred by law, hence, liable to be rejected.

### **Factual Objections:**

1. That Para No.1 relates to the record; hence, the same needs not to be answered.
2. That Para No.2 also pertains to the record, hence needs not to be replied.
3. Para No.3 is denied. The proceedings against the official Saleem Khan, Junior, Clerk was initiated and finalized in line with the direction of his lordship the then Chief Justice, Peshawar High Court, Peshawar contained in letter No. 6154-206, dated 23.04.2020 (copy enclosed for ready as reference).
4. Para No.4 is conceded to. Copy of the order dated 27.08.2020 is enclosed being self-explanatory.
5. Para No.5 relates to record, hence need no need of replying.

### **Grounds:**

- a) Para-A of the grounds is replied as such that the appeal is barred by time and also against the law and facts of the case because the appellant was proceeded against on the direction of Hon'ble the then CJ, Peshawar High Court, Peshawar. Rejection of the representation was also well in accordance with law and no illegality has been committed by the respondent. The appellant was afforded full opportunity of being heard personally. Hence, the allegations levelled in ground of the appeal are hereby denied.
- b) Para-B of the grounds is hereby denied as the same being incorrect. The appeal is time barred. The law ibid shall be followed in letter and spirit. The official/respondent having no ill-will and malafide violated the rules on the subject coupled with instructions of Hon'ble the then Chief Justice, Peshawar High Court, Peshawar.

- c) Para-C of the grounds is also incorrect because numerous officials as per list received from the Hon'ble Peshawar High Court, Peshawar was proceeded against and punished in the like manner. Hence, the appellant was not subjected to discriminatory treatment at all. The SCJ being competent authority for the process serving agency has already proceeded against the staff of process serving agency including one Liaqat Ullah Civil Nazir. The then D&SJ, Tank being the appellate forum accepted the appeal in case of Liaqat Ullah. Case of the appellant cannot be linked to that of the Civil Nazir who properly filed departmental appeal within time.
- d & e) Para-D&E of the grounds relate to the record. Hence, no comments are offered.
- f) Para-F is denied and replied as such that imposition of penalty of an increment for one year will be restored after elapse of a year and the loss categorized turned to be evergreen is not correct.
- g) No doubt the Hon'ble Tribunal has got powers for protection of fundamental rights of citizens of the country and any such order passed by it shall be complied with in its true spirit.

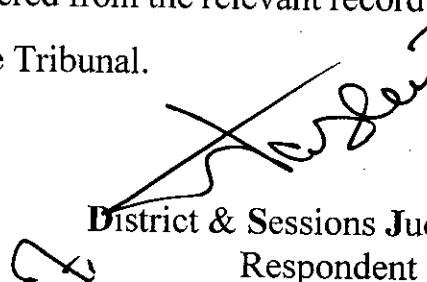
It is therefore prayed that the appeal of the appellant being devoid of merits may kindly be dismissed.

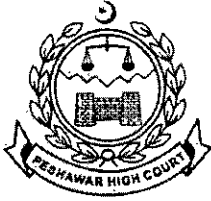


  
District & Sessions Judge, Tank  
Respondent

### AFFIDAVITE

I, Liaqat Ali Khan, District & Sessions Judge, Tank Respondent hereby solemnly affirms and declares on oath that all the contents of the written statement are true and correct as gathered from the relevant record and nothing has been concealed from this Hon'ble Tribunal.

  
District & Sessions Judge, Tank  
Respondent



*The*  
**PESHAWAR HIGH COURT**  
*Peshawar*

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

Exch: 9210149-58  
Off: 9210135  
Fax: 9210170

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

No. 6/54-20/ADMN:

Dated Pesh the 23/04/2020

To:

1. All the District & Sessions Judges/ZQs in the Khyber Pakhtunkhwa.
2. All the Judges of Anti-Terrorism Courts in the Khyber Pakhtunkhwa.
3. All the Senior Civil Judges/AIQ in the Khyber Pakhtunkhwa.
4. The Presiding Officers, Labour Courts, Swat & Mardan.

Subject: **GOVERNMENT OF KHYBER PAKHTUNKHWA EMPLOYEES OR THEIR SPOUSES WHO WERE BENEFICIARIES OF BENAZIR INCOME SUPPORT PROGRAMME (BISP).**

Sir,

I am directed to refer to the subject noted above and to forward herewith list of employees of your respective establishments, who either themselves or their spouses were receiving BISP cash grant with the remarks that Hon'ble the Chief Justice has been pleased to direct that disciplinary proceedings be initiated against the delinquent officials by dispensing inquiry, by adopting shorter procedure as per rule-7 of the Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline) Rules, 2011, issuing show cause notices, as ample evidence is available on file, under intimation to this Court, please.

Sincerely yours,

(KHAWAJA WAJIB-UD-DIN)  
**REGISTRAR**

23/4

**LIST OF EMPLOYEES OF DISTRICT COURTS WHO WERE BENEFICIARY OF BISP**

S No.	Name with Pay Scale	F/Name	NIC	Cost Center
1	Zubair Shah (BPS-03)	Mir Akbar Shah	16202-0630094-1	D&SJ-----
2	Zubair Shah (BPS-17)	Azad Bakht	15302-0873672-1	D&SJ-----
3	Zakirullah (BPS-11)	Rahimullah	15701-4470401-3	D&SJ-----
4	Zale Habib (BPS-06)	Noor Hakeem	21603-8208089-9	D&SJ-----
5	Zalkap Khan (BPS-04)	Jalal Khan	21601-6963134-3	D&SJ-----
6	Zahoor Ahmad (BPS-04)	Asfandiyar Khan	17101-8249617-9	D&SJ-----
7	Zahid Shah (BPS-16)	Muhammad Din	14101-5444793-9	D&SJ-----
8	Umar Dher (BPS-05)	Pir Muhammad	15602-0505743-3	D&SJ, Swat
9	Sirbiland Khan (BPS-05)	Shir Khan	13403-2391760-7	D&SJ-----
10	Saddiqur Rehman (BPS-03)	Aziz ur Rehman	17301-9382890-9	D&SJ-----
11	Shoukat Khan	Raj Wali	21202-6874808-9	D&SJ-----
12	Shifa Muhammad (BPS-03)	Faqir Muhammad	15402-3594497-1	D&SJ, Batkhela
13	Sher Amin (BPS-03)	Muhammad Gul	15701-4438103-7	D&SJ-----
14	Shahid Ali BPS-16	Amin Ali	21603-1030680-1	D&SJ-----
15	Shafiq ur Rehman (BPS-11)	Habib ur Rehman	13401-1674024-7	D&SJ-----
16	Sartaj Ali (BPS-04)	Khadim Ali	14101-0767986-5	D&SJ-----
17	Saifullah (BPS-11)	Muhammad Mula	15702-2493705-7	D&SJ-----
18	Saifullah Khan (BPS-11)	Syed Zafar	11101-1450105-7	D&SJ-----
19	Shahid Khan (BPS-11)	Shan Gul	21202-6773003-1	D&SJ-----
20	Sabir Hussain (BPS-04)	Mir Nosh	17101-0281658-5	D&SJ-----
21	Riaz Muhammad (BPS-06)	Fazal Karim	15101-0324239-1	D&SJ, Buner
22	Rasul Khan (BPS-04)	Noor Muhammad	17301-1245162-1	D&SJ-----
23	Rahmanullah (BPS-11)	Bakht Zaman	15602-6643162-5	D&SJ, Swat
24	Rahmat Ali (BPS-11)	Umar Payoon Khan	15602-8509311-7	D&SJ, Swat
25	Raees Khan (BPS-11)	Gul Muhammad	11201-0354533-5	D&SJ-----
26	Muhd. Yahya (BPS-16)	Muhd. Quraishi	15101-0401451-1	D&SJ-----
27	Muhammad Saleem (BPS-11)	ABC	15302-0888655-1	D&SJ-----
28	Muhammad Rasheed (BPS-17)	Muhammad Zamin	15501-2278632-7	D&SJ, Shangla
29	Muhammad Israr Ul Haq (BPS-03)	Muhammad Naseem	13503-1363635-9	D&SJ-----
30	Muhammad Islam (BPS-04)	Abdul Sattar	15402-6436934-3	D&SJ, Batkhela
31	Muhammad Ishaq (BPS-11)	Gul Munir	21407-3314579-1	D&SJ-----
32	Muhammad Iqbal (BPS-14)	M Saeed Khan	16101-0246143-9	D&SJ-----
33	Muhammad Akbar (BPS-04)	Khan Akbar	14301-8028511-1	D&SJ, Kohat



S No.	Name with Pay Scale	F/Name	NIC	Cost Center
34	Muhammad Essa (BPS-06)	Khan	13401-1503659-7	D&SJ-----
35	Moinullah (BPS-06)	Muhammad Jamil	17301-6386519-9	D&SJ-----
36	Mashhad Ali (BPS-03)	Suleman Khan	17301-1370838-1	D&SJ-----
37	Manasar Khan (BPS-04)	Afzal Ali Khan	15302-0994346-1	D&SJ-----
38	Khaial Daraz (BPS-04)	Muhammad Nawaz	14202-1318753-1	D&SJ-----
39	Khair Muhammad (BPS-04)	Zair Muhammad	16101-1146960-1	D&SJ-----
40	Juma Khan (BPS-04)	Hashim Khan	12103-3878979-7	D&SJ, D.I.Khan
41	Javed Khan (BPS-03)	Muhammad Shah	21303-4387947-9	D&SJ-----
42	Javed Akbar (BPS-11)	Ghulam Sadiq	15402-1406983-7	D&SJ, Batkhela
43	Javed Gul (BPS-04)	Khan Sher	17301-1273306-3	D&SJ-----
44	Janat Mir (BPS-06)	Asal Mir	11101-5066736-9	D&SJ-----
45	Irfanullah (BPS-05)	Mohammad Iqbal	17101-8680789-9	D&SJ-----
46	Iqbal Hussain (BPS-04)	Razi Gul	15501-2243596-5	D&SJ, Shangla
47	Imam Ahmad Khan (BPS-03)	Muhammad Ameen	11201-6364447-9	D&SJ-----
48	Ihsanullah (BPS-05)	Amanullah	11201-0361133-7	D&SJ-----
49	Ifikhar Ahmad Safi	Dawa Jan	16101-7517724-7	D&SJ-----
50	Hayat Din (BPS-04)	Ghulam Ali	15701-1191101-1	D&SJ-----
51	Hassanullah (BPS-04)	Ghaffar Ali	15201-0571375-5	D&SJ-----
52	Habibullah (BPS-06)	Saadullah Jan	12201-0602714-1	D&SJ-----
53	Gul Zada (BPS-11)	Khanzada	17101-4902628-5	D&SJ, Charsadda
54	Gul Muhammad (BPS-09)	Sultan Muhammad	11201-0388502-9	D&SJ-----
55	Gul Badan (BPS-04)	Khan	13401-2832528-5	D&SJ-----
56	Ghulam Rabbani	Nil	12101-0958347-5	D&SJ, D.I.Kh.
57	Ghulam Fareed (BPS-03)	Illahi Bakhsh	12101-7864653-3	D&SJ-----
58	Feroz Shah (BPS-16)	Raham Dil	15602-0380092-1	D&SJ, Swat
59	Fazl-e- Wahid (BPS-03)	Muhammad Khitab	16102-2318672-5	D&SJ-----
60	Fazl Wahid (BPS-06)	Abdul Wahid	16202-3978732-1	D&SJ
61	Fazal Akbar (BPS-16)	Ghulam Sadiq	15402-1400408-3	D&SJ, Batkhela
62	Faqir Hussain (BPS-04)	Tehmash Khan	17301-1679574-5	D&SJ-----
63	Faham Dil (BPS-16)	Shah Nawaz Khan	16202-0960372-3	D&SJ-----
64	Dil Roz Khan (BPS-05)	Jamroz Khan	17103-0348723-3	D&SJ-----
65	Dawood Gul (BPS-03)	Zahid Gul	42101-7936197-9	D&SJ-----
66	Bismillah Khan (BPS-11)	Shah Jehan	15602-7306832-9	D&SJ, Swat
67	Bulbul Nadir Shah (BPS-04)	Gul Muhammad	15201-0201870-7	D&SJ-----

S No.	Name with Pay Scale	F/Name	NIC	Cost Center
68	Bagh Gul (BPS-04)	Sahib Gul	14202-1354271-1	D&SJ-----
69	Badshah Rahman (BPS-16)	Gran Khan	15702-2499796-5	D&SJ-----
70	Azmat Ali Khan (BPS-04)	Bakht Janan	14202-1316859-7	D&SJ-----
71	Aziz ul Haq (BPS-04)	Bakhtawar Shah	15501-1084368-5	D&SJ, Shangla
72	Aurangzeb (BPS-11)	Suleman Khan	17301-3533563-5	D&SJ----
73	Aseel Badshah (BPS-11)	Yaqeen Shah	14202-2520174-5	D&SJ-----
74	Anwar Sher (BPS-05)	Shamsher Khan	17301-4029416-7	D&SJ-----
75	Ali Ahmad (BPS-04)	Taj Muhammad	16101-7014158-5	D&SJ-----
76	Akhtar Gul (BPS-03)	Noor Said	21403-0254793-1	D&SJ-----
77	Adam Khan (BPS-05)	Nil	12201-9844673-7	D&SJ, D.I.Khan
78	Abdur Rashid (BPS-04)	Nil	12103-1689520-1	D&SJ-----
79	Abdullah Jan (BPS-06)	Khana Jan	21302-6202040-9	D&SJ-----
80	Abdul Wahid (BPS-06)	Taj Muhammad	15501-6940010-9	D&SJ, Shangla
81	Abdur Rauf (BPS-04)	Khan	13403-7411485-5	D&SJ-----
82	Abdul Qadeer (BPS-04)	Haya Khan	17301-6632166-3	D&SJ-----
83	Abdul Ghaffar (BPS-14)	Mukhtasar Khan	13401-1504855-1	D&SJ-----
84	Aaqibullah (BPS-05)	Nawab Khan	12201-5000907-9	D&SJ-----
85	Muhammad Javed (BPS-07)	Said Gul	16101-1172788-0	Supdt: Judl:
86	Muhammad Amin (BPS-09)	Hassan Muhammad	15402-8882868-9	Supdt: Judl:



## **DISTRICT & SESSIONS JUDGE TANK**

Phone # 0963-510024, Fax #0963-510515

Email: [dsjtank@gmail.com](mailto:dsjtank@gmail.com)

Appeal No.1151-2018

**Saleem Khan** vs **District & Sessions Judge, Tank**

### **AUTHORITY**

Mr. Essa Khan, Senior Clerk (BPS-14) of this Court is hereby authorized to represent the undersigned in the above service appeal pending adjudication in the Hon'ble Khyber Pakhtunkhwa Services Tribunal fixed for hearing at D.I.Khan on 24.10.2022. He shall also appear in the Hon'ble court on all the subsequent dates as well.



*[Signature]*  
District & Sessions Judge, Tank