

2nd Mar, 2023

1. Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

2. Arguments heard. To come up for consideration tomorrow.

(Rozina Rehman)
Member (Judicial)

(Kalim Arshad Khan)
Chairman

3rd Mar, 2023

1. Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

2. We found that there is a reference of report of the Anti Corruption Committee dated 30.06.2011 in the show cause notice. Similarly there is a reference of some PER and departmental enquiry mentioned in the order dated 04.7.2014 passed by the Hon'ble Senior Puisne Judge/appellate authority. This Tribunal, on 11.11.2022, had directed production of the record by the Superintendent of learned District and Sessions Judge, Peshawar which had not been produced till conclusion of arguments, therefore, we would like to go through the record before passing any order. The learned District and Sessions Judge, Peshawar may direct his Superintendent to produce the record. To come up for the requisite record and further proceedings on 12.05.2023 before D.B.

(Rozina Rehman)
Member (Judicial)

(Kalim Arshad Khan)
Chairman

SCANNED
KPST
Peshawar

11.11.2022


Appellant alongwith counsel present.

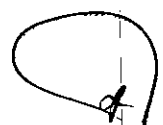
Muhammad Riaz Khan Paindakhel learned Assistant Advocate General for respondents present.

Learned counsel for the appellant was very much ready for arguments but from the record it is evident that necessary record in shape of ACR of the appellant were missing, therefore, Superintendent of learned District and Sessions Judge Peshawar was contacted to attend this Tribunal alongwith relevant record but none appear till rising of the bench.

In this view of the matter respondent No. 2 be put on notice to depute his Superintendent for personal attendance before this Tribunal alongwith all necessary record of the appellant in shape of ACRs. To come up for arguments on 03.02.2022 before D.B.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

3rd Feb, 2023

Appellant in person present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Lawyers are on strike, therefore, case is adjourned. To come up for arguments on 02.03.2023 before D.B. Office is directed to notify the next date on the notice board as well as on the website of the Tribunal.

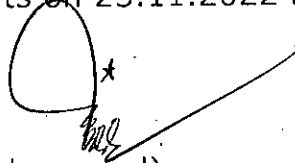

(Muhammad Akbar Khan)
Member (E)


(Kalim Arshad Khan)
Chairman

23.09.2022

Appellant alongwith his counsel present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant sought time for further preparation of arguments. Adjourned. To come up for arguments on 23.11.2022 before the D.B.



(Mian Muhammad)
Member (Executive)



(Salah-Ud-Din)
Member (Judicial)

23rd Nov. 2022

Appellant in person present. Mr. Muhammad Adeel Butt, Addl. Advocate General for the respondents present.

Appellant seeks adjournment due to engagement of his learned counsel in Honourable Peshawar High Court. Last opportunity granted. To come up for arguments on 11.01.2023 before the D.B.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member(E)



(Kalim Arshad Khan)
Chairman

DRR

2nd Mar, 2023 /- Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

> - Arguments heard. To come up for consideration tomorrow.

(Rozina Rehman)
Member (Judicial)

(Kalim Arshad Khan)
Chairman

3rd Mar, 2023 /- Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

> - We found that there is a reference of report of the Anticorruption Committee dated 30.04.2011 in the show cause notice. Similarly there is a reference of some PER and departmental enquiry mentioned in the order dated 04.7.2014 passed by the Hon'ble Senior ^{Puisne} Judge/appellate authority. This Tribunal, on 11.11.2022, had directed production of the record by the Superintendent of learned District and Session Judge, Peshawar which had not been produced till conclusion of arguments, therefore, we would like to go through the record before passing any order. The learned District and Session Judge, Peshawar may direct his Superintendent to produce the record. To come up for the requisite record and ^{Further proceedings} arguments on 12.05.2023 before D.B..

(Rozina Rehman)
Member (Judicial)

(Kalim Arshad Khan)
Chairman

03.03.2023

Appellant present through counsel. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Former made a request for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 19.05.2023 before D.B. P.P given to the parties.

(Fareeha Paul)
Member (E)

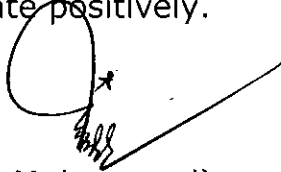
(Rozina Rehman)
Member (J)

04.07.2022

Appellant in person present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Appellant submitted rejoinder, copy of which handed over to learned Assistant Advocate General. Appellant requested for adjournment on the ground that his counsel is out of station. Adjourned. Last opportunity given. To come up for arguments on 31.08.2022 before the D.B.

As the appeal in hand lingering on since the year 2014, therefore, appellant shall make sure presence of his counsel on the next date positively.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

31.08.2022

Bench is incomplete, therefore, case is adjourned to 23.09.2022 for the same as before.

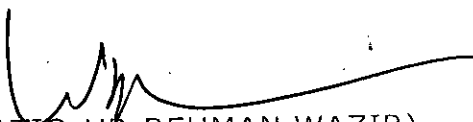


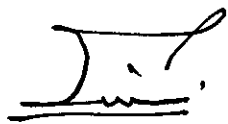
Reader

17.12.2021

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Arguments on restoration application heard and record perused.


Vide our order of today passed in restoration application bearing No. 05/2019 titled "Mehboob Ali Versus The Honorable Administrative Judge through Registrar Peshawar High Court Peshawar & another", the appeal in hand stands restored on its original number. To come up for arguments before the D.B on 28.03.2022.

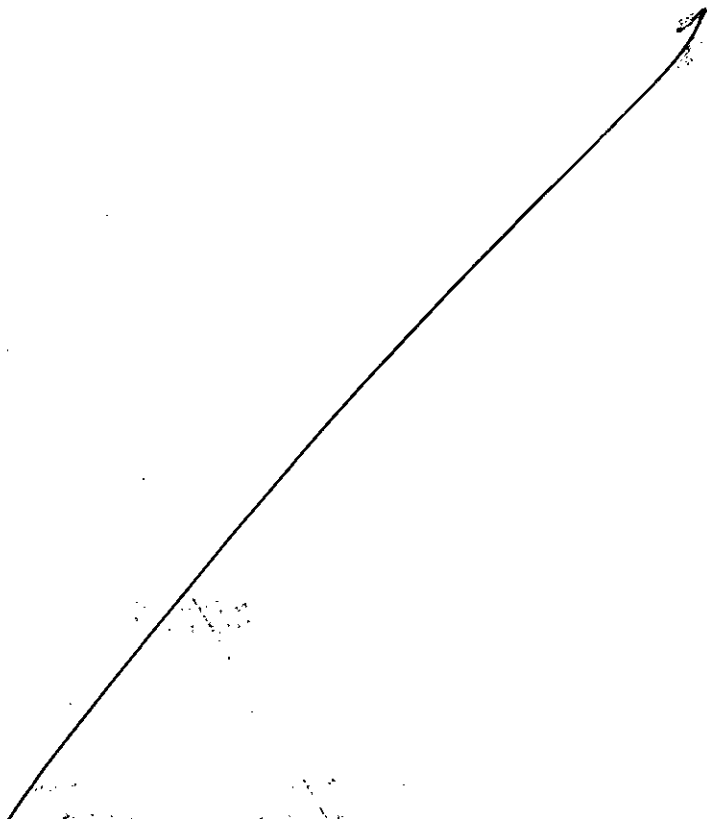

(ATTIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

28-3-2022

Proper DB not available the case is adjourned to come up for the same as before on 4-7-2022


Reader



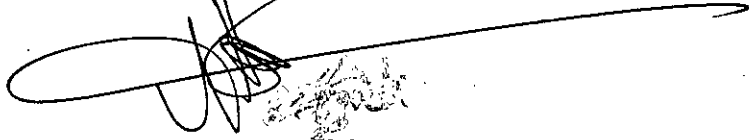
1091/2014

30.11.2018

Nemo for appellant. Mr. Muhammad Riaz Pinda Khej,
Asstt. A.G for the respondents present.

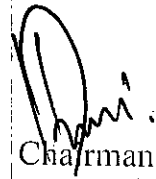
The record shows that adjournment in the matter was sought many times by/on behalf of appellant while on atleast two occasions i.e. on 14.12.2017 and 10.08.2018 the appellant remained unrepresented. It is now 2.30 P.M and the case has been called several times.

Dismissed for non-prosecution. File be consigned to the record room.



Member

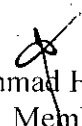
Announced:
30.11.2018

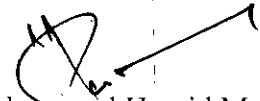


Chairman

10.07.2018

Neither appellant nor his counsel present. Mr. Usma Ghani, District Attorney for respondents present. Adjourned. To come up for arguments on 21.08.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

21-8-2018

Due to Eid-ul-Azha vacation
the case is adjourned to
17-10-2018


Reader

17.10.2018

Learned counsel for the appellant and Mr. Riaz Ahmed Paidakhel learned Assistant Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.11.2018 before D.B.


Member


Member

Service Appeal No. 1091/2014

23.10.2017

Counsel for the appellant and Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. The learned Additional AG seeks adjournment. Granted. To come up for arguments on 14.12.2017 before the D.B.

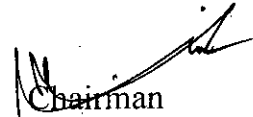

Member


Chairman

14.12.2017

None present for the appellant. Addl. AG for the respondents present. To come up for arguments on 21.02.2018 before the D.B.


Member


Chairman

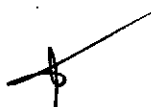
21.02.2018


Due to non availability of D.B. Adjourned. To come up on 24-4-18 before D.B.


(Gul Zehra Khan)
Member

24.04.2018

Clerk to counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment as Learned counsel for the appellant is not available. Adjourn. To come up for arguments on 10.07.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

16.08.2017

Junior to counsel for the appellant and Mr. Kabeerullah Khattak, Asstt. A.G for the respondents present. Arguments on the point of jurisdiction heard. To come up for order tomorrow on 17.08.2017 before the Larger Bench.

Chairman
(M. Amin Kundi)
Member
(Ahmad Hassan)
Member
(M. Hamid Mughal)
Member

17.08.2017


Junior to counsel for the appellant and Mr. Kabeerullah Khattak, Asstt. A.G for the respondents present. Arguments on the point of jurisdiction heard and record perused.

Vide our detailed judgment of today, in connected service appeal No. 41/2016, entitled "Zubair Ahmad Vs. the Appellate Judge through Registrar, Peshawar High Court, Peshawar etc." this Tribunal has the jurisdiction to entertain the appeal. To come up for arguments before D.B on 23.10.2017.


Chairman
(M. Amin Kundi)
Member
(Ahmad Hassan)
Member
(M. Hamid Mughal)
Member

11.05.2017

Agent to counsel and Mr. Muhammad Adeel Butt,
Additional AG for the respondents present. Due to incomplete
larger bench the case is adjourned. To come up for arguments on
16.08.2017 before Larger Bench.


(M.Amin Khan Kundi)
Member


(Gul Zeb Khan)
Member


(Ahmad Hassan)
Member

14.12.2016

Clerk to counsel for the appellant and Addl. AG for respondents present. Arguments could not be heard due to non-availability of learned Member Executive. Adjourned for final hearing before the larger bench on 10.01.2017.


(MUHAMMAD AZIM KHAN AFRIDI)
CHAIRMAN


(MUHAMMAD AAMIR NAZIR)
MEMBER


(ASHFAQUE TAJ)
MEMBER

10.01.2017

Mr. Saleem Abdullah, junior counsel for the appellant and Additional AG for the respondents present. Learned counsel for the appellant is stated busy before the Hon'ble Peshawar High Court, Peshawar. Adjourned for final hearing to 11.05.2017 before the Larger Bench.


(MUHAMMAD AZIM KHAN AFRIDI)
CHAIRMAN


(MUHAMMAD AAMIR NAZIR)
MEMBER


(ASHFAQUE TAJ)
MEMBER


(AHMAD HASSAN)
MEMBER

16.08.2016

Counsel for the appellant and Mr. Muhammad Jan GP for respondents present. During the course of arguments, learned GP stated that per recent decision of the august Supreme Court of Pakistan reported in 2016 SCMR 1206, the Service Tribunal has no jurisdiction to entertain appeal of the Employees of the District Judiciary. Hence it would be appropriate to put up this case alongwith other appeals on the same point to the Worhty

Chairman for further orders. *as similar nature cases are already pending before the learned*

Chairman

Member

Member

29.09.2016

Clerk of counsel for the appellant and Addl. AG for the respondents present. Seeks adjournment. Adjourned for final hearing before the larger bench on 14.12.2016.

(Pir Bakht Shah)
Member

(Abdul Latif)
Member

(Muhammad Azim Khan Afridi)
Chairman

(Muhammad Aamir Nazir)
Member

01.09.2015

Agent of counsel for the appellant, M/S Samiullah, Judicial Assistant and Ayaz Muhammad, Computer Operator alongwith Assistant A.G for respondents present. Written reply by respondent No. 1 submitted while request for adjournment made on behalf of respondent No.2. To come up for written reply/comments on behalf of respondent No. 2 on 10.11.2015 before S.B.


Chairman

10.11.2015

Appellant in person and Mr. Muhammad. Ayaz, Assistant alongwith Addl: A.G for respondents present. Written reply by respondent No. 2 also submitted. The appeal is assigned to D.B for rejoinder and final hearing for 25.4.2016.


Chairman

25.04.2016

Counsel for the appellant and Adeel But, GP for official respondents present The learned Judicial Members is on official tour to D.I. Khan, therefore, case is adjourned to 16.8.2016 before D.B.


Chairman



11.03.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Stenographer when served with show cause notice dated 01.07.2011 contained allegation for corruption and vide impugned order dated 11.07.2011 the appellant was compulsorily retired from service without any enquiry and only on the strength of show cause notice. That the appellant preferred departmental appeal against the impugned order which was rejected on 04.07.2014 and communicated to the appellant on 19.07.2014 where-after the instant service appeal was preferred on 18.08.2014.

That the impugned order and findings of the respondents are violative of law and rules governing the subject as the allegations of corruption were required to be probed through a departmental enquiry in the prescribed manners.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 24.06.2015 before S.B.


Chairman

24.06.2015

Agent of counsel for the appellant and Mr. Samiullah, Judicial Assistant alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 1.9.2015 before S.B.


Chairman

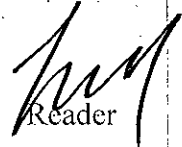
*Appellant deposited
process fee & security*

3

Reader Note:

20.11.2014

Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 29.12.2014 for the same.


Reader

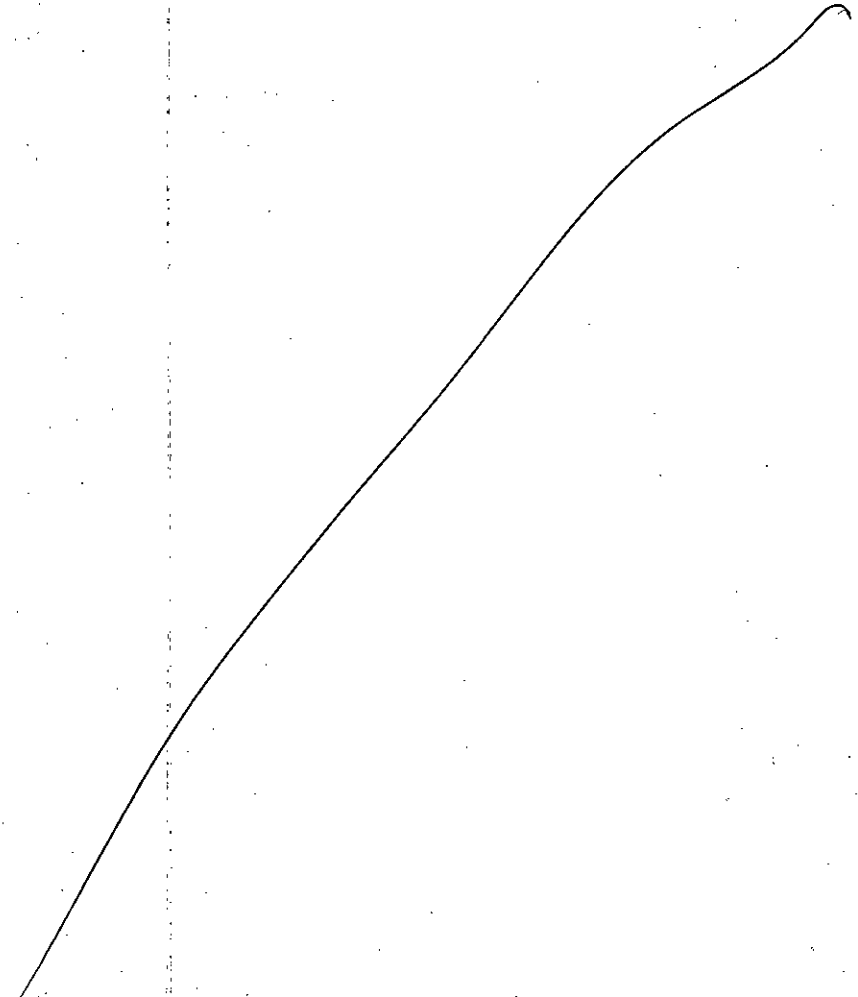
4

Reader Note:

29.12.2014

Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned 11.03.2015 for the same.


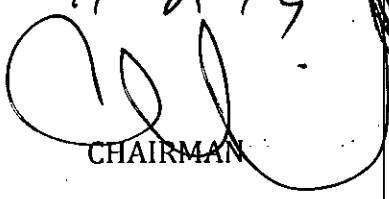

Reader



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1091/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	29/08/2014	<p>The appeal of Mr. Mehboob Ali resubmitted today by Mr. Ijaz Anwar Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	3-9-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>20-11-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Mehboob Ali son of Noroz Khan Ex-Stenographer Sessions Court Peshawar. received today i.e. on 18.08.2014 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- The authority to whom the departmental appeal was preferred has not been arrayed/made a party.
- 2- Copy of order dated 11.07.2014 mentioned in the heading of appeal is not attached with the appeal which may be placed on it.


No. 1222 /S.T,

Dt. 19/8 /2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ijaz Anwar Adv. Pesh.

Sir,
The authority to whom the applt. appeal was made/preferred is arrayed as a party. Copy of order mentioned in the heading of appeal is actually dated 11.07.2011 which is inadvertently mentioned as 11.07.2014. Correction to this effect is made and copy of said order is annexure-'C' re-submitted for further proceedings please.


Ijaz Anwar Khan,
Advocate.

BEFORBEFORE THE HON'BLE SERVICES
TRIBUNAL, PESHAWAR.

Service Appeal No. 1091 /2014.

Mehboob AliVS..The Registrar PHC, Peshawar.

INDEX

S. #	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE No.
1).	Appeal	=	1-7
2).	The Affidavit	=	8
3).	Addresses of parties	=	9
4).	Show Cause Notice	A	10
5).	Reply to Show Cause Notice	B	11-12
6).	Impugned order of authority	C	13
7).	Receipt of Application for attested copies of feedback etc.	D	14
8).	Application for attested copies of feedback etc.	E	15-16
9).	Impugned order of departmental authority	F	17-25
10).	Covering letters of ACR's	G	26
11).	Copies of ACR's for the year 2009-2010	H&I	27-28
11).	Certificate of applicant published by AD&SJ-VII, Peshawar	J	29

APPELLANT.
Through

Ijaz Anwar Khan,
Advocate.

BEFORE THE HONOURABLE, KHYBER PAKHTOON KHWA
SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No. 1091 /2014.

Mehboob Ali s/o Noroz Khan r/o Village Dagi Jadeed Tehsil
Pabbi District Nowshera Ex. Stenographer Sessions Court,
Peshawar.....APPELLANT.

Versus.

The Honble Administrative Judge through

1. The Honourable Registrar of the Peshawar High Court,
Peshawar.
2. The Honourable District & Sessions Judge,
Peshawar..... RESPONDENTS.

APPEAL UNDER SECTION 4 OF THE KHYBER PUKHTUNKHWA
SERVICES TRIBUNAL ACT, 1974 AGAINST OFFICE ORDER DATED
11.7.2014 OF THE LEARNED DISTT; AND SESSIONS JUDGE,
PESHAWAR WHEREBY THE APPELLANT WAS COMPULSORY
RETIRED FROM HIS SERVICES IN TERMS OF CLAUSE (A) OF
SUB-SECTION (1) OF SETION 13 OF THE NWFP CIVIL SERVANTS
ACT, 1973 (NWFP ACT NO. XVIII OF 1973) AND AGAINST THE
FINAL ORDER DATED 4-7-2014 WHEREBY, HIS DEPARTMENTAL
APPEAL WAS DISMISSED.

Respectfully Sheweth:

FACTS IN APPEAL.

1. That the appellant while serving as Stenographer at
Sessions Court, Peshawar was served with a show cause
notice by the learned Distt: & Sessions Judge, Peshawar ,

alleging that "there are reliable and credible information and reasonable circumstances exists about your persistent reputation of being corrupt, which has brought a bad name to the institution and your this conduct is prejudicial to good order service discipline and contrary to the NWFP Government Servants (Conduct) Rules 1987 and whereas the Anti-Corruption Committee of this Sessions Division in the report dated 30-6-2011 has affirmed the above allegations and has recommended action against you," the appellant was put to show cause notice as to why you should not be retired from service in terms of clause (a) of Sub-section (I) of section 13 of the NWFP Civil Servants Act, 1973 (NWFP Act No.XVIII of 1973), the appellant was called upon to submit his explanation within seven days (Copy of the show cause is attached as Annexure-A).

2. That the appellant refuted the allegations and submitted his detailed reply and also applied for the alleged incriminatory material that are used against the appellant, however it was not supplied (Copy of the reply is attached as Annexure-B).
3. That the authority without applying his independent mind vide office order No.89-93 dated 11-7-2011 directed the retirement from service of the appellant w.e.f. 12.7.2011 (forenoon) in terms of clause (a) of Sub-section(I) of section 13 of the NWFP Civil Servants Act, 1973(NWFP Act No.XVIII of 1973). (Copy of the order dated 11-7-2011 is attached as Annexure-C).

4. *That after the receipt of the order dated 11.7.2011, the appellant applied for the grant of the copies of the record on the basis of which he has been deprived of his livelihood (forced retirement) however it was not supplied. Copy of the application dated 13.7.2011 and receipt or attached as Annexure-D&E.*
5. *That feeling aggrieved from the impugned order, the appellant filed Departmental appeal before the august Peshawar High Court, Peshawar which was dismissed vide impugned order and judgment of the Administrative Judge (Appellate Authority) dated 4.7.2014. Copy conveyed on/9-7-2014 (Copy of the impugned order and judgment is attached herewith as Annexure-F).*
6. *That the appellant prays for setting aside the impugned order dated 11.7.2011 and the order of the appellate Authority dated 4.7.2014 interalia on the following grounds.*

GROUNDS IN APPEAL

- A. *That all the proceedings conducted against the appellant were illegal and run counter to the express provisions of NWFP Govt. Servants E&D Rulers, 1973 hence the resultant order of retirement/penalty is nullity in the eyes of law.*
- B. *That there was no evidence available whereby it could have been proved that the appellant has willfully misconduct himself or for that matter his service record was such that could warrant forced retirement of the appellant.*

- C. *That resort to the provision of Clause (a) of Sub-Section (i) of section 13 of the NWFP Act No.XVIII of 1973), was uncalled for because the manner in which the appellant has been proceeded against / or the material that has been alleged to have available against the appellant required full fledged regular enquiry in terms of NWFP Govt Servants (E & D) Rules, 1973 therefore the proceedings so conducted are illegal and violative of law.*
- D. *That proceedings under the Provisions of Clause (a) of Sub-Section (i) of section 13 of the NWFP Act (No.XVIII of 1973), whereby a decision has been taken for the retirement of the appellant with effect from 12.7.2011 was arbitrary, unfortunately the matter seems to be decided one because no efforts have been made to confront the appellant with the allegations if any, or to have referred to his service record/ACRs, because the object of this section was to do away the services of only those employees whose service record is full of bad entries and despite warnings there is no prospects of the employee becoming reformed civil servant and are incorrigible, no single instance has been quoted wherein a person from general public, lawyers or members of judiciary have ever complained against the appellant regarding any corrupt practice, thus the show cause notice served basing any committee report seems to be a device, arbitrary and against the universal principles of natural justice.*
- E. *That the so-called committee did not make any probe,*

neither associated the appellant with any inquiry nor the inquiry proceedings / report was supplied or put to the appellant for rebuttal, so cannot be used against him.

- F.** *That so far as the question with regard to the receipt of credential regarding the appellant from Anti-Corruption Cell of the august Peshawar High Court, Peshawar is concerned, during proceedings of the Departmental appeal of the appellant at the august Peshawar High Court, Peshawar, Mr. Justice Mazhar Alam Khan Honourable the Chief Justice of the august Peshawar High Court, Peshawar, (the then Administrative Judge), vide order sheet dated 24.3.2014 have held that "During the course of hearing, it transpired that the feed back about the credentials of para-legal staff from Anti-Corruption Cell of this Court is not available with the Superintendent General as well as with the representative of the respondent which is the basis of entire controversy. The same be traced and be placed on file. In case of failure, the same be requisitioned from the members of the committee." The response thereto from the Honourable Registrar of the august Peshawar High Court, Peshawar and that from the Honourable Distt: and Sessions Judge, Peshawar were in negative stating that noting in this regard was traced out, but despite of that while passing the impugned order, the learned Administrative Judge of the august Peshawar High Court, Peshawar, ignored this fact.*

- G.** *That so far as the question with regard to the alleged*

ACR for the period from 1st January, 2011 to June, 2011 is concerned, first of all, there is no Provision of ACR under the law of a member of the Ministerial Staff for such a period, secondly, the same is not conveyed to the appellant in any manner whatsoever so cannot be used against him as evidence under the law; thirdly, the complaint as alleged to have verbally received is stated to have decided on oath on Holy Quran, then what is left there, and fourthly, the ACRs of the appellant duly written and sent by the same Presiding Officer for the years 2009 and 2010 to the Authority vide covering letter No.9 /ADJ-VII, Dated Peshawar the 29th March, 2011 coupled with the certificate issued by Ms. Muneera Abbasi, the then Addl: Distt: & Sessions Judge-VII, Peshawar in respect of the appellant dated 24-5-2011 clearly indicate that the alleged ACR for the period from January, 2011 to June, 2011 is clearly based on malafide intention, after taught and fabricated one. Copy of the aforesaid letter alongwith copies of ACRs and that of certificate are attached herewith as Annexure-G,H,I & J.

- H. That the impugned order of the Appellate Authority is illegal, not meant to meet the ends of justice and is clear cut violation of Article^s 199 of the Constitution of the Islamic Republic of Pakistan, 1973.
- I. That this Honourable Tribunal has the jurisdiction to entertain the instant appeal.
- J. That the cause of action for filing the instant appeal arose when the appellant received the copy of the

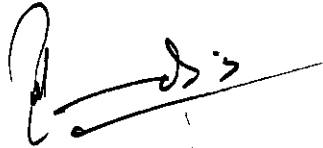
impugned judgment and order on 19-7-2014.

- K. *That since the date of impugned order dated 12.7.2011 the appellant is jobless.*
- L. *That the appellant seeks leave of this Hon'ble Tribunal to claim any further grounds at the time of hearing.*

PRAYER IN APPEAL.

That on acceptance of this appeal, the impugned orders may be set-aside the appellant may please be exonerated of the charges and be re-instated in service with full back benefits and wages of service.

Appellant



Mehboob Ali

Dated:- 15/8/2014

Through

Ijaz Anwar Khan,

Advocate, Peshawar.

BEFORE THE HONOURABLE, KHYBER PAKHTOON KHWA
SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No. _____/2014.

Mehboob Ali ...VS..The Registrar PHC, Peshawar.

AFFIDAVIT

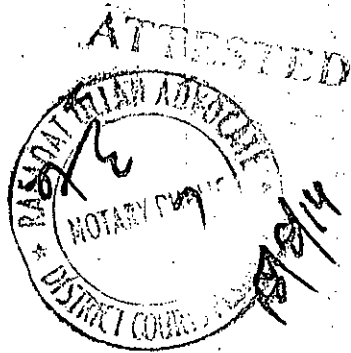
I, appellat solemnly affirm on oath that contents of the
accompanied appeal are true and correct to the best of my
knowledge and belief and nothing has been concealed from this
Honourable Tribunal,

[Handwritten Signature]

[Handwritten Initials]

Deponent.

Dated: 15/8/14.



**BEFORE THE HONOURABLE, KHYBER PAKHTOON KHWA
SERVICES TRIBUNAL, PESHAWAR.**

Service Appeal No. _____/2014.

Mehboob AliVS..The Registrar PHC, Peshawar.

ADDRESSES OF THE PARTIES.

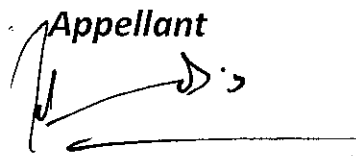
**Mehboob Ali s/o Noroz Khan, r/oVillage Dagi Jaded, Tehsil
Pabbi, District, Nowshera.**

APPELLANT.

AND

- 1. The Registrar Peshawar High Court, Peshawar.**
- 2. The District & Sessions Judge, Peshawar.**

RESPONDENTS.

Appellant

Mehboob Ali

Through

**Ijaz Anwar Khan,
Advocate, Peshawar.**

Office of the District & Sessions Judge, Peshawar.

(1)

No. 63 Dated 01/07/2011

ANNEXURE - A.

From:

The District & Sessions Judge,
Peshawar.

To:

Mr. Mehboob Ali Khan,
Stenographer.

Subject:

SHOW CAUSE NOTICE.

Whereas there are reliable and credible information and reasonable circumstances exist about your persistent reputation of being corrupt, which has brought bad name to the institution and your this conduct is prejudicial to good order, service discipline and contrary to the NWFP Government Servants (Conduct) Rule 1987:

And whereas the Anti-Corruption Committee of this Sessions Division in its report dated 30.6.2011 has affirmed the above allegations and has recommended action against you:

And whereas, as per the office record, you have completed twenty years of service qualifying for pension or other retirement benefits:

Now, therefore, you are hereby, called upon to show cause as to why you should not be retired from service in terms of clause (a) of sub-section (1) of section 13 of the NWFP Civil Servants Act, 1973 (N.W.F.P Act No. XVIII of 1973) with effect from **12th July, 2011.** Your explanation should reach this office within seven days from receipt of this notice.

(Zia-ud-Din Khattak)
District & Sessions Judge,
Peshawar.

No. 64-66 Dated 1st July, 2011.

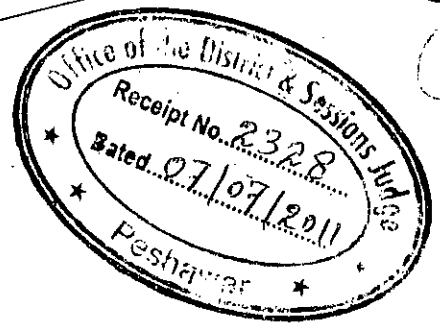
Copy forwarded for information to:

1. The Registrar, Peshawar High Court, Peshawar for information.
2. The Member Inspection Team, Peshawar High Court, Peshawar.
3. Sahibzada Khurshid Ahmad Additional Registrar (Jud), Peshawar High Court, Peshawar.

District & Sessions Judge,
Peshawar

ANNEXURE - B

11
2



To

The District & Sessions Judge,
Peshawar.

Subject: REPLY TO SHOW CAUSE NOTICE BY ACCUSED/OFFICIAL
MEHBOOB ALI, STENOGRAPHER.

Respected Sir,

In reply to show cause notice No.63 dated 01/07/2011, it is respectfully submitted that the allegations are unfounded and baseless. Just before this notice I was served with another show cause notice bearing No.50-51/AD&SJ-XIII, Peshawar dated 30/06/2011 of which I was just submitting reply when received the instant one. I do not know what happened to those proceedings. This is thus, with respect, a duplication of proceedings.

It is further submitted that under the law, if there are so serious kind of allegations/charges as to entail/warrant the most harsh step of depriving me of my source of earning livelihood, these should be supported by very strong and reliable evidence and I should have had a fair opportunity of rebutting the same. However, till date neither I have been shown the source of the credible information nor have been confronted with any evidence supporting the allegations against me so as to enable me to rebut the same. So much so that no specific instance/occasion has been disclosed/quoted which has led to the inference of my corrupt reputation. So it is impossible to meet/rebut the allegations.

So far as the report of Anti Corruption Committee of this Sessions Division is concerned, neither such report has been provided/shown to me as yet nor I was associated with any proceedings culminating into such report. As such it

11/07/2011
5/7/11

12
3

would be against the law and principles of justice to condemn me for such invisible consideration.


It is pointed out, with respect, that although the matter is still subjudice but it has already been announced on electronic as well as print media that certain persons of this office have been relieved of their jobs for charges of corruption clearly alluding to me and the few others who have also just been issued notices. This coupled with the duplication of proceedings referred to in para-1 above, suggest of some prejudice which is highly unbecoming of a Public Institution specially the one charged with administering justice.

Respected Sir, this service/salary is the only source of my income, depending a large number of family members, including my aged and ailing mother. **Apart from that I am a patient of chronic diseases of HCV +ive, spinal cord disc and handicapped on right leg.**

I respectfully deny all the allegations and request to kindly file the same without any further proceeding. In alternative, I may be provided/shown the specific grounds of the proposed action/charges against me, the evidence supporting the same and a fair and reasonable opportunity of rebuttal thereof according to law and may not be penalized on the basis of bald allegations of general nature and invisible consideration, an act against law and principles of justice.

Dated: 07/07/2011

Yours faithfully,

 23
07/7/11
Mehboob Ali
Stenographer.

83 13

Office of the District & Sessions Judge, Peshawar.

No. 89-93 Dated 11-07-2011

OFFICE ORDER.

ANNEXURE-C

Whereas there were reliable and credible information and reasonable circumstances existed about Mr. Mehboob Ali Stenographer of this Session Division, having persistent reputation of being corrupt, which had brought bad name to the institution and his this conduct was prejudicial to good order, service discipline and contrary to the NWFP Government Servants (Conduct) Rules 1987; and

Whereas the Anti-Corruption Committee of this Sessions Division, on the basis of feedback from the Anti-Corruption Cell of the Peshawar High Court, Peshawar as well as from scrutiny of credentials of the above named official, affirmed the above allegations and recommended action against him vide its report dated 30.6.2011; and

Whereas; as per the office record, the said official has completed twenty years of service qualifying for pension or other retirement benefits; and

Whereas on 1.7.2011, a notice was issued to the said official calling upon him to show cause as to why he should not be retired from service in terms of clause (a) of sub-section (1) of section 13 of the NWFP Civil Servants Act, 1973 (N.W.F.P Act No. XVIII of 1973) with effect from 12th July, 2011; and

Whereas the said official has submitted his reply to the show cause notice which was found unsatisfactory.

Now, therefore, I, Zia-ud-Din Khattak, District & Sessions Judge, Peshawar, as authority, being satisfied of the circumstances that continuation of the said official in service is not in the interest of public, direct his retirement from service in terms of clause (a) of sub-section (1) of section 13 of the NWFP Civil Servants Act, 1973 (N.W.F.P Act No. XVIII of 1973) with effect from 12th July, 2011 (Forenoon)

(Zia-ud-Din Khattak)
District & Sessions Judge,
Peshawar.

No. 89-93 Dated 11th July, 2011.

Copy forwarded for information to:

1. The Registrar, Peshawar High Court, Peshawar.
2. The Additional registrar Judicial/Incharge Anti Corruption Cell Peshawar High Court, Peshawar.
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. The Accountant of this Court.
5. The official concerned

District & Sessions Judge,
Peshawar.

- Compulsory Retirement
- Falls under 1973 Rules
- P.D.
- Section 5 of RSO 2001.
- No inquiry conducted
- D.A dt. 7.2011
- Appellate order 4.7.2011
- no personal hearing
- کوئی شخص نہیں جرح ہوا
- کی عدالت کی ہے
- اسٹیشن نہیں لکھی
- کی پتہ رسید کا
- نہیں ہے

کوئی شخص نہیں جرح ہوا
کی عدالت کی ہے
اسٹیشن نہیں لکھی
کی پتہ رسید کا
نہیں ہے

11/7

11/7

ANNEXURE-D

RECEIPT BOOK
FORM C.D. 9

FORM C.D. 9
RECEIPT FOR COURT FEE DEPOSITED AND DATE OF PREPARATION OF
ATTESTED COPIES COMMUNICATED.

Book No. _____ S.No. _____

Received application from _____

alongwith court fees of Rs. _____

on account of Copying Department _____

entered at S.No. 6591 of Register CD-1.

Today on 13/7/11 /2010. The attested copies be prepared by the Copyist

namely _____

and be delivered to the applicant on 14/7/11

Name & Signature of Incharge/
Examiner Copying Branch

Name & Signature of Copyist
Copying Branch

FORM C.D. 9 (REVISED 17/07/2010) PHC JUDGE / FORM C.D. 9

Readable Copy

ANNEXURE-E

The District & Session Judge.

Peshawar

Subject : Application for provision of attested copies.

Respected Sir,

I have been retired from service on the basis of so-called reliable and credible information and feed back from the Hon'ble High Court and Anti Corruption Committee Session court Peshawar, having alleged persistently of being corrupt.

It is, therefore most humbly prayed that all the incriminating evidence making basis for my retirement may kindly be provided to the appellant.

Your's obediently

(Mehbood Ali)
Ex stenographer, sessions Court,
Peshawar

9

16

ANNEXURE-B

The District & Sessions Judge,

Peshawar.

Application for provision of attested copies.

Respected Sir,

I have been retired from service on the basis of so-called reliable and ^{an. info.} ~~reliable~~ information and feed back from the Hon'ble High Court and Anti Corruption Committee Sessions Court, Peshawar, having alleged persistently of being corrupt.

It is, therefore, most humbly prayed that all the incriminating ~~information~~ ^{evidence} leading basis for my retirement may kindly be provided to the appellant.

Your's obediently,

Attested

Advocate

[Signature]
(Mehboob Ali)

Ex stenographer, Sessions Court,
Peshawar.

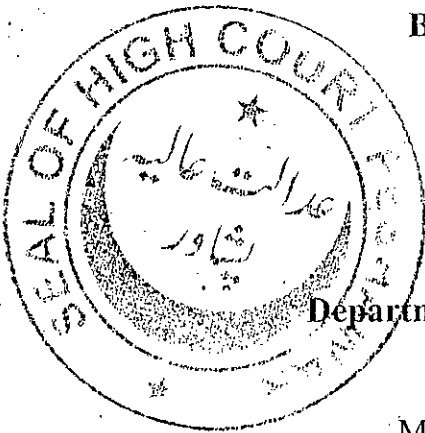
15/7/01

1/1/7

(17)

ANNEXURE-F

BEFORE THE ADMINISTRATIVE JUDGE, PESHWAR
HIGH COURT PESHAWAR



Department Appeal No. 22 /2011

PESHAWAR HIGH COURT, PESHAWAR.	
Receipt No.	<u>23463</u>
Date.	<u>20-7-11</u>
For action.	<u>[Signature]</u>
Signature.	<u>[Signature]</u>

Mr. Mehboob Ali Ex- Stenographer, Sessions Court, Peshawar
R/O Village Daggi Jadeed Tehsil Pabbi District Nowshera.
(Appellant)

Versus

District and Sessions Judge Peshawar (Authority).

(Respondent)

INDEX

S. No	Description of Documents	Annexure	Page No
1	Memo of Appeal & Affidavit		1-4
2	Show cause notice	A	5
4	Reply to the Show cause notice	B	6-7
5	Office order dated 11.7.2011	C	8
6	Application	D	9
7	Vakalatnama		

Appellant

Through

Ijaz Anwar
Advocate Peshawar

ATTESTED
[Signature]
EXAMINER
Peshawar High Court.
19 JUL 2014

**BEFORE THE ADMINISTRATIVE JUDGE, PESHWAR
HIGH COURT PESHAWAR**

Departmental Appeal No. 22 /2011

Mr. Mehboob Ali Ex- Stenographer, Sessions Court, Peshawar
R/O Village Daggi Jadeed Tehsil Pabbi District Nowshera.
(Appellant)

Versus

District and Sessions Judge Peshawar (Authority)

(Respondent)

Subject: Departmental appeal under section 22 of the NWFP Civil Servants Act, 1973 read with Rule 3 of the NWFP Civil Servants (Appeal) Rules, 1986 against the office order No. 89-93 dated 11.07.2011 whereby the appellant has been compulsory retired from service with immediate effect allegedly under section 13 of the NWFP Civil Servants Act, 1973.

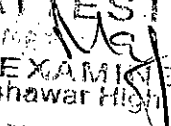
Prayer in Appeal:

On acceptance of this appeal the impugned office order dated 11.07.2011 may please be set-aside and the appellant may be exonerated of the charges and be reinstated in service with all back benefits and wages.

Respected Sir,

I respectfully submit my departmental appeal as follows:

1. That while serving as Stenographer attached to the court of Mrs. Munira Abbasi, I was proceeded departmentally for certain unfounded and baseless allegations, in that case I was suspended from service, I duly replied the show causes notices, however later on no action was taken thereon.

ATTESTED

EXAMINER
 Peshawar High Court.
 19 JUL 2014

2. That in the meantime again I was served with a show cause notice by the Authorized Officer, alleging *"that there are reliable and credible information and reasonable circumstances exists about your persistent reputation of being corrupt, which has brought a bad name to the institution and your this conduct is prejudiced to good order service discipline and contrary to the NWFP Govt Servant (Conduct) Rules 1987. and Whereas the Anti corruption committee of this Sessions Division in the report dated 30.6.2011 has affirmed the above allegations and has recommended action against you"* the appellant was put to show notice as to why he should not be retired from service in terms of clause (a) of Sub-section (1) of section 13 of the NWFP Civil Servants Act, 1973(NWFP Act No. XVIII of 1973), the appellant was called upon to submit his explanation within seven days. (Copy of the show cause notice sheet is attached as Annexure A)
3. That the appellant refuted the allegations and submitted his detailed reply, he also applied for the alleged incriminatory material that are used against the appellant, however it was not supplied. (Copy of the reply is attached as Annexure B)
4. That the Authority without applying his independent mind vide office order No. 89-93 dated 11.07.2011 directed the retirement from service of the appellant w.e.f 12.7.2011(forenoon) in terms of clause (a) of Sub-section (1) of section 13 of the NWFP Civil Servants Act, 1973(NWFP Act No. XVIII of 1973). (Copy of the order dated 11.07.2011 is attached as Annexure C)
5. That after the receipt of the order dated 11.7.2011, the appellant applied for the grant of the copies of the record on the basis of which he has been deprived of his livelihood (forced retirement) however it was not supplied. (Copy of the application dated 13.7.2011 is attached as Annexure D)
6. That the appellant prays for the setting aside of the impugned order dated 11.07.2011 inter alia on the following grounds.

Grounds of Appeal:

- A. That all the proceedings conducted against the appellant were illegal and run counter to the express provisions of NWFP Govt Servant E&D Rules, 1973 hence the resultant order of retirement /penalty is nullity in the eyes of law.

ATTESTED
[Signature]
EXAMINER
Peshawar High Court.

19 JUL 2014

- B. That there was no evidence available whereby it could have been proved that the appellant has willfully misconducted himself or for that matter his service record was such that could warrant forced retirement of the appellant.
- C. That resort to the provision of clause (a) of Sub-section (1) of section 13 of the NWFP Civil Servants Act, 1973(NWFP Act No. XVIII of 1973), was uncalled for because the manner in which the appellant has been proceeded against / or the material that has been alleged to have available against the appellant required full fledged regular enquiry in terms of NWFP Govt Servants (E &D) Rules, 1973, therefore the proceedings so conducted are illegal and violative of law.
- D. That proceedings under the provisions of clause (a) of sub-section (1) section 13 of the NWFP Civil Servant Act, 1973 (NWFP Act No. XVIII of 1973), whereby a decision has been taken for the retirement of the appellant with effect from 12.7.2011 was arbitrary, unfortunately the matter seems to be decided one because no efforts have been made to confront the appellant with the allegations if any, or to have referred to his service record/ ACRs, because the object of this section was to done away the services of only those employees whose service record is full of bad entries and despite warnings there is no prospects of the employee becoming reformed civil servant and are incorrigible, no single instance has been quoted wherein a person from general public, lawyers or members of judiciary have ever complained against the appellant regarding any corrupt practices, thus the show cause notice served basing any committee report seems to be a device, arbitrary and against the universal principles of natural justice.
- E. That It is stated with respect that forming an opinion as alleged that of about appellants persistent reputation of being corrupt, can only be gathered from his entire service record, the complaints to this effect if any made against him and his ACRs must have said so, in the instant case all these things are lacking so how can at spur of moment this opinion has been formed without any supportive oral or documentary evidence, thus the subject show cause notice is ill founded, baseless & misconceived, and the resultant order of retirement is liable to be set at naught.

ATTESTED

EXAMINER

19 JUL 2014

21

F. That the appellant seeks the permission of this Honourable Court to rely on additional grounds at the hearing of this appeal.

It is therefore prayed that on acceptance of this departmental appeal the office order dated 11.07.2011 may please be set aside and the appellant may please be exonerated of the charges and be reinstated in service with full back wages and benefits of service:

Appellant

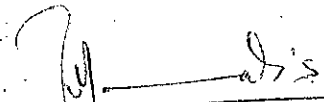
Through



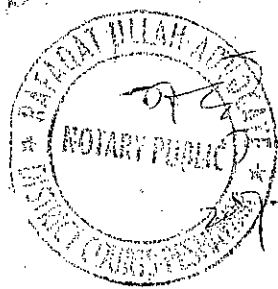
Ijaz Anwar Khan
Advocate Peshawar

Affidavit

I do hereby solemnly affirm and declare on oath that the contents of the above departmental appeal are true and correct and that nothing has been kept back or concealed from this Honourable Court.


Deponent

ATTESTED

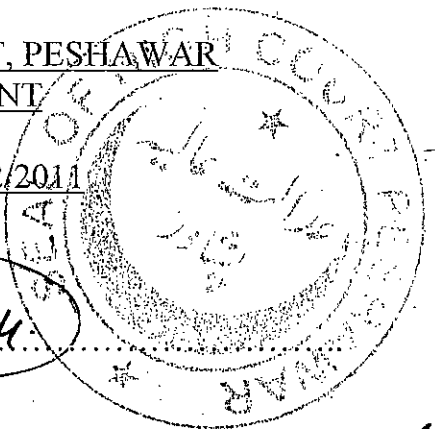


ATTESTED
EXAMINER
Peshawar High Court,
19 JUL 2014

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

Departmental Appeal No. 22/2011



JUDGMENT

Date of hearing..... 04-07-2014

Appellant(s)/Petitioner (s) *by Mr. G. Jaz, Advocate*
Appellant along with appellant in person.

Respondent (s) *by Mr. Muhammad Ayaz, Assistant / Representative*
behalf of D.S.J, Peshawar. Suptd. General on behalf
****** Registrar, Peshawar High Court, Peshawar*

YAHYA AFRIDI :-J: Through the instant

Departmental Appeal, Mehboob Ali, appellant, seeks

the following prayer:

"It is, therefore, prayed that on acceptance of this departmental appeal, the office order dated 11.7.2011 may please be set aside and the appellant may please be exonerated of the charges and be reinstated in service with full back wages and benefits of service".

2. In essence, the appellant while serving as Stenographer in the Court of learned Additional District & Sessions Judge-VII, Peshawar, was served with a show cause notice on the ground of having persistent reputation of being corrupt and after conducting departmental inquiry against him, he was

ATTESTED
M. J.
EXAMINER
Peshawar High Court
19 JUL 2014

compulsory retired from service vide order dated 11.7.2011; hence the instant Departmental Appeal.

3. Valuable arguments of learned counsel for the appellant were heard and available record of the case thoroughly considered.

4. Perusal of the record would reveal that the appellant was posted as Stenographer in the Court of learned Additional District & Sessions Judge, Peshawar and after issuing show cause notice on the ground of having persistent reputation of being corrupt and conducting departmental inquiry against him, he was compulsory retired from service. The respondent in his parawise comments stated that a committee was constituted for curbing corruption by the paralegal staff in compliance with the decision of National Judicial (Policy Making Committee), who had received credential regarding appellant from Anti-Corruption Cell of the august Peshawar High Court, Peshawar, litigant public and the bar, and found him to have a persistent reputation of being corrupt.

ATTESTED
EXAMINER
Peshawar High Court,
19 JUL 2014

However, the learned Additional District & Sessions Judge-VII, Peshawar, with whom, the appellant was serving as Stenographer, has also reported on his integrity which read as under:

"PART-II: (A)

(1) Integrity.

(I) Incorruptible.. Oral complaint received.

(II) Reported to be corrupt.. Complaint received for asking money which stood decided on Holy Quran taken by the official under report.

(III) Believed to be corrupt, because of:

(a) Money consideration...Doubtful.

(b) Other consideration.....Doubtful.

5. Since the appellant has been afforded proper opportunity throughout the proceedings and could not rebut the consistent reputation of being corrupt or impute any "malafide" or "bias" of any of the officials or members of the committee, who had declared him as one having a reputation of being corrupt, therefore, the punishment awarded to him by the Authority deserves no interference. In this regard, the law has been laid down by the Apex Court in Matiullah Khan Alizai's case (1994 SCMR 722) and

ATTESTED
 EXAMINER
 Peshawar High Court,
 19 JUL 2014

later affirmed in Ch. Shabbir Hussain's case (2004 PLC (CS) 236).

6. What is most important to note is that the appellant personifies the entire "Judiciary" and his actions or inactions directly affects and reflects upon the entire "Judiciary". Had the appellant not been associated with the judiciary, the quantum of punishment would have been surely other wide. But, there is to be no tolerance for corruption in the "Judiciary"; be it in the lowest rung of the ladder or the highest.

7. Resultantly, this. Departmental Appeal is dismissed.

Yalaya Afridi

Announced:
4.7.2014



CERTIFIED TO BE TRUE COPY

[Signature]
Peshawar High Court, Peshawar
Authorized under Article 87 of
The Constitution of Pakistan Order 1984

19 JUL 2014

No. 397

Date of Presentation of Application 07/7/14

No of Pages 2

Copying fee 18-

Urgent Fee 18-

Total 18- *Nawab Shah*

Date of Filing 19/7/14

Date Given For Bail 19/7/14

Date of Delivery of Copy 19/7/14

Received By [Signature]

No. 9 / AD&SJ VII, Dated Peshawar, the 29/3/11

(CONFIDENTIAL)

Annexure B

From:

Ms. Muneera Abbasi,
Addl. Distl. & Sessions Judge VII,
Peshawar.

To:

The Honourable,
District & Sessions Judge,
Peshawar.

Subject: ACR OF MINISTERIAL STAFF FOR THE YEARS 2009 And 2010

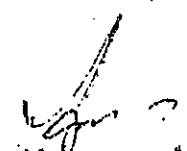
Dear Sir,

Reference letter No. 57 (ACRS)752-50, dated 08-02-2011 on the subject cited above.

Enclosed please find herewith ACRs forms, duly filled in and signed by the undersigned, in respect of the following officials for further necessary action as desired, please:-

1. Mehboob Ali Khan, Stenographer
2. Malik Ghais Ahmad, Assistant/Peader
3. Sardar Husain, Computer Operator
4. Mian Yousaf Ali Shah, Junior Clerk/Moharir
5. Muhammad Ashtiq, Haib Nazir

Yours faithfully,


(Ms. Muneera Abbasi)
AD&SJ-VII, Peshawar
Personal No. 015/10-1

GOVERNMENT OF N.W.F.P.

ANNEXURE-H

EVALUATION REPORT FORM FOR P.Ss, P.As, STENOGRAPHERS/STENOTYPISTS

Annual
Special.

NAME OF DEPARTMENT/OFFICE

REPORT FOR THE PERIOD 1-1-09 TO 31-12-09

Part-I

Name (in block letters) Mehboob Ali 1(a) Father's Name Norroz Khan
 Date of Birth 11-3-65 Qualification BA. LLB
 Designation Stenographer Grade 15 Pay Rs 43,144.00/-
 Date of entry into Government Service 12-11-88 Date of Appointment to the Present Grade

Training courses, if any, Nil

Part-II

(A)	A1	A	B	C	D	Alternates
(1) Standard of Shorthand/Typing: (a) Speed (b) Accuracy	<i>efu</i>					
(2) Maintenance of Officers engagement, diary and conducting of visitors.	<i>efu</i>					
(3) Movement of files and record of suspense cases	<i>efu</i>	<i>efu</i>				
(4) Dress and cleanliness.	<i>efu</i>					
(5) Regularity and punctuality in attendance	<i>efu</i>	<i>efu</i>				
PERSONAL TRAITS		<i>efu</i>				
(6) Intelligence.		<i>efu</i>				
(7) Perseverance and devotion to duty	<i>efu</i>					
(8) Cooperation and tact.	<i>efu</i>	<i>efu</i>				
(9) amenability to discipline.		<i>efu</i>				
(10) Any disciplinary action taken during the period of report.						<i>efu Nil</i>

(11) Integrity:-

(I) Incorruptible Yes Honest.
 (II) Reported to be corrupt Nil.
 (III) Believed to be corrupt, because of:
 (a) Monetary consideration Nil
 (B) Other consideration Nil

(12) Trust worthiness in confidential and secret matters.

Reliable.

Note:- the rating should be recorded by initiating the appropriate column of box 'A1' Very Good, 'A' Good, 'B' Average, 'C' Below Average, 'D' Poor.

Part-III

GENERAL ASSESSMENT OF ANY PARTICULAR QUALITIES
(Appraise in the present grade by initiating the appropriate column below)

Very Good	Good	Average	Below Average	Poor	Special aptitude, if any.
					<i>He is found as law knowing, Command and grasp on even legal side particularly in criminal matters side.</i>

[Handwritten mark]

Part-IV

SUITABILITY FOR PROMOTION

(Initial the appropriate box below)

- (A) Recommended for accelerated promotion. *Recommended.*
- (B) Fit for promotion
- (C) Recently promoted, assessment for further promotion premature.
- (D) Not yet fit for promotion
- (E) Unfit for further promotion Fit Un Fit
- (F) Fitness for retention after 25 years service

Pen Picture

The said person/employee is Punctual, Disciplined, neat and clean and duty full official. He is obedient & reliable & needs to be utilized even after his retirement such competent officers should be encouraged.

Muneez Abbas
Additional D & S
Signature, Name and Designation of Reporting Officer.

Dated 28.2.11
Official Stamp

GOVERNMENT OF N.W.F.P.

28
ANNEXURE-1

EVALUATION REPORT FORM FOR P.Ss, P.As, STENOGRAPHERS/STENOTYPISTS

Muzamir Abbasi, ADJ-24, Pesh.

Annual
Special

NAME OF DEPARTMENT/OFFICE Judiciary

REPORT FOR THE PERIOD 01-01-10 TO 31-12-10

Part-I

Name (in block letters) Mehboob Ali Khan 1(a) Father's Name Nazim Khan

Date of Birth 11-03-65 Qualification B.A / LL.B

Designation Stenographer Grade 15 Pay RS 43/44,000/-

Date of entry into Government Service 10-11-82 Date of Appointment to the Present Grade

Training courses, if any, Nil

Part-II

(A)	A1	A	B	C	D	Alternates
(1) Standard of Shorthand/Typing: (a) Speed (b) Accuracy	<u>efan</u>					
(2) Maintenance of Officers engagement, diary and conducting of visitors.	<u>efan</u>					
(3) Movement of files and record of suspense cases	<u>efan</u>	<u>efan</u>				
(4) Dress and cleanliness.	<u>efan</u>					
(5) Regularity and punctuality in attendance	<u>efan</u>					
PERSONAL TRAITS						
(6) Intelligence.	<u>efan</u>	<u>efan</u>				
(7) Perseverance and devotion to duty	<u>efan</u>					
(8) Cooperation and tact.	<u>efan</u>					
(9) amenability to discipline.		<u>efan</u>				
(10) Any disciplinary action taken during the period of report.						

Nil
efan

(11) Integrity:-

(i) Incorruptible Yes - Not Honest

(ii) Reported to be corrupt Nil

(iii) Believed to be corrupt, because of:

(a) Monetary consideration Nil

(B) Other consideration Nil

(12) Trust worthiness in confidential and secret matters.

Reliable, Trust worthy

Note:- the rating should be recorded by initiating the appropriate column
'A1' Very Good, 'A' Good, 'B' Average, 'C' Below Average, 'D' Poor.

Part- III

GENERAL ASSESSMENT OF ANY PARTICULAR QUALITIES
(Appraise in the present grade by initiating the appropriate column below)

Very Good	Good	Average	Below Average	Poor	Special aptitude, if any.
<i>Am</i>					<i>He is found as law knowing having command on particularly criminal matters cases.</i>

Part- IV

SUITABILITY FOR PROMOTION

(Initial the appropriate box below)

- (A) Recommended for accelerated promotion. *Am* *is recommended.*
- (B) Fit for promotion
- (C) Recently promoted, assessment for further promotion premature.
- (D) Not yet fit for promotion
- (E) Unfit for further promotion
- (F) Fitness for retention after 25 years service

Fit
 Un Fit

Pen Picture

Mr Mehboba Ali is a Punctual and dutiful official. He has remarkable skills in conducting the evidence and has special aptitude in criminal matters. law knowing & obedient official. He needs to be utilized even after his retirement keeping in view his knowledge & intelligence / skills in typing / computer. Such competent officers should be encouraged.

Muneera Abbas
Signature, Name and Designation of Reporting Officer.

28/2/11
Official Stamp

ANNEXURE - J

TO WHOM IT MAY CONCERN

It is certified that Mr. Mehboob Khan s/o Noroz Khan is working as Stenographer (BPS-15) in the court of undersigned. He is hard worker, honest and trustworthy.

He bears good moral character with the potential ability to serve anywhere and everywhere with credit.

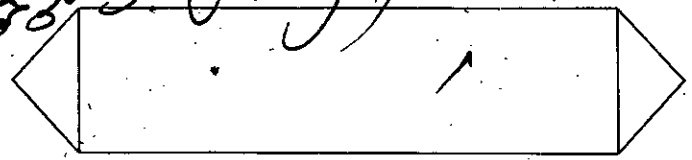
I wish him every success in his future endeavour.



(Mrs. Muneera Abbasi),
Additional District & Sessions
Judge-VII, Peshawar

Dated: 24-05-2011

بعد التمسر و مسر ٹری بیسٹول حسین بختیاری کو ۱۵ اپریل ۲۰۱۴



۲۰۱۴ پنجاب محمد علی ایبل منٹ
بنام
ڈسٹرکٹ اینڈ سیشن جج میا دروین

15/8/04

مورخہ
مقدمہ
دعویٰ
جرم
مسر و مسر ایبل

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام متیساور کیلئے اعبیاز امور رفان ریڈویٹ شہاد
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پرداختہ منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

Appellant

20

ماہ

15/8/04 المرقوم

الع الع
Accepted
کے لئے منظور ہے۔
مقام

Advocate 15/8/04

**BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUN KHAWA,
PESHAWAR.**

Service Appeal No. 1091/2014

Mehboob Ali S/O Noroz Khan
R/O village Dagi Jadeed Tehsil Pabbi,
District Nowshera, Ex- Stenographer
Sessions Court, Peshawar

.....Appellant

Versus

1. The Hon'ble Administrative Judge
Through the Registrar
Peshawar High Court, Peshawar.

2. The Hon'ble D&SJ Peshawar.

.....Respondents

Reply/Comments of the Respondent No. 1

Respectfully Sheweth,

Parawise comments of the undersigned, in the subject appeal, are as under:-

Preliminary Objection:-

- a. That the instant appeal is time barred.
- b. That the appellant has got no locus standi to file the present appeal.
- c. That the appellant has not come to the tribunal with clean hands, he has suppressed material facts, and his appeal deserves dismissal on this score alone.

On Facts

1. Correct to the extent that he ^{was} an employee in the Sessions Court Peshawar and proceeded departmentally on report of the Anti Corruption Committee, however, he was proceeded in accordance with law on the subject.

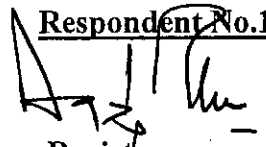
2. Not related with the replying respondent.
3. Incorrect, he was rightly retired from service.
4. Not related with the replying respondent.
5. Correct to the extent that his departmental appeal was dismissed by the Administrative Judge of the Peshawar High Court, Peshawar.
6. Needs no reply.

Grounds

- A. The impugned order is legal and passed after fulfilling all the required formalities.
The averment is evasive.
- B. Needs no comments as it pertains to the personal feelings of the appellant and the proceedings so conducted ^{are} legal and as per law.
- C. The proceedings so conducted are legal as per law.
- D. Incorrect.
- E. Incorrect.
- F. Vehemently Denied
- G. Vehemently Denied
- H. Incorrect. The order of the appellate authority is legal and meets the ends of justice.
- I. Discretion of the hon'ble Tribunal.
- J. Needs no comments.
- K. Vehemently Denied
- L. Discretion of the hon'ble Tribunal..

It is, therefore, requested, keeping in view the above, that on acceptance of this Reply/ Comments, the appeal in hand, being devoid of force, may kindly be dismissed with cost.

Respondent No.1


Registrar
Peshawar High Court,
Peshawar

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUN KHAWA,
PESHAWAR.

Service Appeal No. 1091/2014

Mehboob Ali S/O Noroz Khan
R/O village Dagi Jadeed Tehsil Pabbi,
District Nowshera, Ex- Stenographer
Sessions Court, Peshawar

.....Appellant

Versus

1. The Hon'ble Administrative Judge
Through the Registrar
Peshawar High Court, Peshawar.

2. The Hon'ble D&SJ Peshawar.

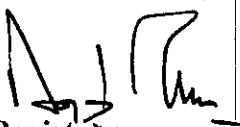
.....Respondents

AFFIDAVIT

I, Muhammad Ayub Khan , Registrar Peshawar High Court, Peshawar,

Respondent, solemnly affirm and declare that the contents of the Reply/Comments are true to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

(Muhammad Ayub Khan)


Registrar
Peshawar High Court,
Peshawar.

Dated 29/6/2015

BEFORE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 1091/2014

Mehboob Ali S/O Noroz Khan r/o village Dagi Jadeed Tehsil Pabbi District
Nowshera Ex. Stenographer Sessions Court, Peshawar.

..... (Appellant)

Versus

1- The Honourable Administrative Judge through Registrar Peshawar
High Court, Peshawar.

2- The Honourable District & Sessions Judge, Peshawar.

..... (Respondents)

WRITTEN REPLY OF RESPONDENT NO.2

Respected Sir,

Para-wise reply in the subject appeal is submitted as under:-

- 1- Admitted to the extent that he was an employee in the Sessions Court, Peshawar & proceeded departmentally on the report of Anti-corruption committee, in accordance with law on the subject.
- 2- Admitted to the extent of unsatisfactory reply submitted in response to the show cause notice tendered while rest of Para is denied.
- 3- Incorrect, he vide office order No. 8993 dated, 11/7/2011 was rightly retired from service with no illegality committed.
- 4- Admitted to the extent of application, however, he was provided with the record except confidential record of the Anti-corruption committees.
- 5- Correct to the extent that the appellant's departmental appeal was dismissed by the Honorable Administrative Judge of the Peshawar High Court, Peshawar.
- 6- Needs no reply.

GROUND

A- Incorrect. The impugned order is legal & was passed after fulfilling all the required formalities under the law.

- B- Incorrect. The subject Para depicts misconceived personal feelings of the appellant about his person and the proceedings culminating into the impugned order were conducted, as per law.
- C- Incorrect. The proceedings were legally conducted.
- D- Incorrect.
- E- Incorrect.
- F- Incorrect.
- G- Incorrect.
- H- Incorrect. The impugned order of the Appellate Authority is legal & meets the ends of justice
- I- Discretion of the Honorable Tribunal.
- J- Incorrect. Appellant has got no cause of action to file the instant appeal.
- K- Needs no comments.
- L- Discretion of Honorable Tribunal.

Therefore, it is submitted that the instant time barred appeal may kindly be dismissed being baseless & devoid of merits.

Respondent No. 2


(District & Sessions Judge)
Peshawar.

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service appeal No.1091/14

Mehboob AliAppellant.

VERSUS

Honourable Administration Judge and anotherRespondents.

Rejoinder to the reply
of Respondent No.2.

Respected Sir,

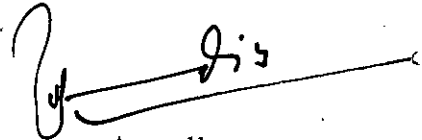
1. The appellant was never proceeded in accordance with law. The matter involving factual disputes, needed thorough inquiry with reasonable opportunity of rebuttal and defence to the appellant which were never resorted to.
2. Para-2 of the reply is incorrect while that of the appeal is correct.
3. Para-3 of the reply is incorrect while that of the appeal is correct. Besides the facts mentioned in this para of the appeal, the reply of the appellant to the show cause notice attached with the appeal is in detail which may also be considered as part of this reply.
4. Para-2 of the reply is incorrect while that of the appeal is correct. Whatever record cannot be provided to an official being confidential, can never be used against him.
5. Needs no reply.
6. Needs no reply.

G R O U N D S .

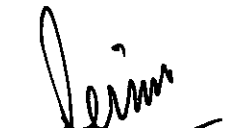
- A. Ground-A of the reply is incorrect while that of the appeal is correct.
- B. Ground-B of the reply is incorrect while that of the appeal is correct. Having not been provided or confronted with the evidence used against him, the appellant was totally deprived of the right of fair trial as guaranteed by the constitution and the law.
- C. Ground-C of the reply is incorrect while that of the appeal is correct.
- D. Ground-D of the reply is incorrect while that of the appeal is correct.

- E. Ground-E of the reply is incorrect while that of the appeal is correct.
- F. Ground-F of the reply is incorrect while that of the appeal is correct.
- G. Ground-G of the reply is incorrect while that of the appeal is correct.
- H. Ground-H of the reply is incorrect while that of the appeal is correct.
- I. Ground-I of the reply is incorrect while that of the appeal is correct.
- J. Ground-J of the reply is incorrect while that of the appeal is correct.
- K. Ground-K of the reply is incorrect while that of the appeal is correct.
- L. Ground-L of the reply is incorrect while that of the appeal is correct.

It is, therefore, prayed that the appeal of the appellant may please be accepted as prayed for.


Appellant

Through



Ruhul Amin,

Advocate, Peshawar.

28/3/22

AFFIDAVIT

The contents of the rejoinder are correct and true to the best of my knowledge and belief.

Attested

28/3/22



BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service appeal No.1091/14

Mehboob AliAppellant.

VERSUS

Honourable Administration Judge and another.....Respondents.

Rejoinder to the reply
of Respondent No.1.

Respected Sir,

Preliminary objections:

- a. The appeal is barred only by three days for separate request has been made for condonation.
- b. The appellant does have locus standi to file the appeal.
- c. Inccorret. The appellant has come with clean hands and no fact has been suppressed.

FACTS.


1. The appellant was never proceeded in accordance with law. The matter involving factual disputes, needed thorough inquiry with reasonable opportunity of rebuttal and defence to the appellant which were never resorted to.
2. Not replied by the respondent.
3. Para-3 of the reply is incorrect while that of the appeal is correct. Besides the facts mentioned in this para of the appeal, the reply of the appellant to the show cause notice attached with the appeal is in detail which may also be considered as part of this reply.
4. Not replied by the respondent
5. Needs no reply.
6. Needs no reply.

GROUNDS.

- A. Ground-A of the reply is incorrect while that of the appeal is correct.

- B. Ground-B of the reply is incorrect while that of the appeal is correct. Having not been provided or confronted with the evidence used against him, the appellant was totally deprived of the right of fair trial as guaranteed by the constitution and the law.
- C. Ground-C of the reply is incorrect while that of the appeal is correct.
- D. Ground-D of the reply is incorrect while that of the appeal is correct.
- E. Ground-E of the reply is incorrect while that of the appeal is correct.
- F. Ground-F of the reply is incorrect while that of the appeal is correct.
- G. Ground-G of the reply is incorrect while that of the appeal is correct.
- H. Ground-H of the reply is incorrect while that of the appeal is correct.
- I. Ground-I of the reply is incorrect while that of the appeal is correct.
- J. Ground-J of the reply is incorrect while that of the appeal is correct.
- K. Ground-K of the reply is incorrect while that of the appeal is correct.
- L. Ground-L of the reply is incorrect while that of the appeal is correct.

It is, therefore, prayed that the appeal of the appellant may please be accepted as prayed for.


Appellant

Through


Ruhul Amin,

Advocate, Peshawar.

28/3/22

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service appeal No.1091/14

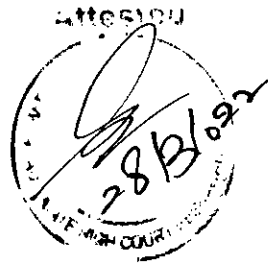
Mehboob AliAppellant.

VERSUS

Honourable Administration Judge and another.....Respondents

AFFIDAVIT.

I, Mehboob Ali son of Nauroz Khan resident of Dagi Jadeed, Tehsil Pabbi, District Nowshera appellant, do hereby declare and affirm on oath that the contents of this rejoinder are true and correct to the best of my knowledge and belief.



dis
DEPONENT.
28/3/22

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service appeal No.1091/14

Mehboob AliAppellant.

VERSUS

Honourable Administration Judge and another.....Respondents

Application for condonation of
Delay caused in filing the appeal.

The applicant submits as under:

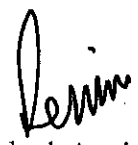
1. That the above noted appeal is pending in this Honorable Tribunal which is fixed for 28.3.2014
2. That the departmental appeal of the appellant was heard in late hours of days on 4.7.2014 which was Friday.
3. That the appellant could not know about the result of the appeal that day because he had left for Juma prayer under the belief that the order would be announced on the following Monday because of Saturday being Judgment in the High Court.
4. That accordingly on the coming Monday i.e. 7.7.2014 the appellant came to the High Court and knew about the decision of the appeal and submitted application for copies the same day.
5. That the copies were provided to the appellant on 19.7.2014.
6. That thereafter the appellant had to arrange fee etc for his counsel and delivered the same to the learned counsel who filed the appeal on 19.8.2014 as 18.8.2014 was Sunday.
7. That this way a delay of about three days was caused in filing the appeal due to the above said mis understanding.

8. That the case involves the entire service career of the appellant, therefore, deserves disposal on merits.
9. That the appellant has got a good case on merits, therefore, the delay caused in filing the appeal may not hurdle the course of justice.
10. That law favours decisions on merits rather than technicalities.

It is, therefore, prayed that the delay caused in filing the appeal may be condoned and the case may please be decided on merits.

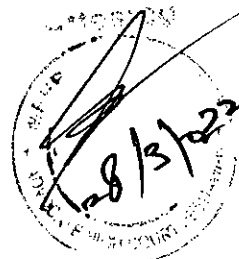

Appellant


Through


Ruhul Amin,
Advocate, Peshawar.

AFFIDAVIT.

I, Mehboob Ali son of Nauroz Khan resident of Dagi Jadeed, Tehsil Pabbi, District Nowshera appellant, do hereby declare and affirm on oath that the contents of this application are true and correct to the best of my knowledge and belief.




DEPONENT
28/3/22.

ORDER
17.12.2021

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Arguments on restoration application heard and record perused.


The Service Appeal bearing No. 1091/2014 titled "Mehboob Ali Versus The Hon'ble Administrative Judge through Hon'ble Registrar of the Peshawar High Court, Peshawar", was dismissed for non-prosecution vide order dated 30.11.2018. According to the learned counsel for the petitioner, his clerk had wrongly entered another date in his diary and for that reason the appeal was dismissed for non-prosecution.

Learned Additional Advocate General for the respondents has contended that the restoration application in hand has been dismissed on 30.11.2018 and the petitioner has filed the application for restoration of appeal on 08.01.2019, which is time barred, therefore, the restoration application is not maintainable and liable to be dismissed.

Though the petitioner has submitted application for restoration of appeal on 08.01.2019 which is time barred but the application for restoration is supported by duly sworn affidavit. Law also favours adjudication on merit by avoiding technicalities, therefore, the application in hand is allowed and the Service Appeal bearing no. 1091/2014 stands restored on its original number. Copy of this order be placed on file of Service Appeal bearing No. 1091/2014. File be consigned to the record room after necessary completion and compilation. *on 28.3.2022.*

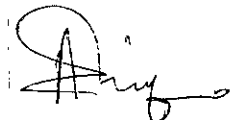
ANNOUNCED
17.12.2021


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


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

28-3-2022

Proper DB not available the case is adjourned to come up for the same as before on 4-7-2022

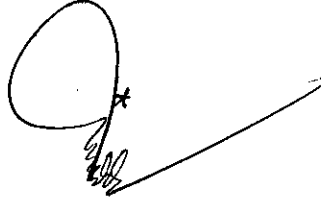


Reader

07.10.2021

Mr. Rooh Ul Amin Khan, Advocate on behalf of the appellant present and submitted fresh Wakalatnama. Mr. Muhammad Rashid, DDA for respondents present.

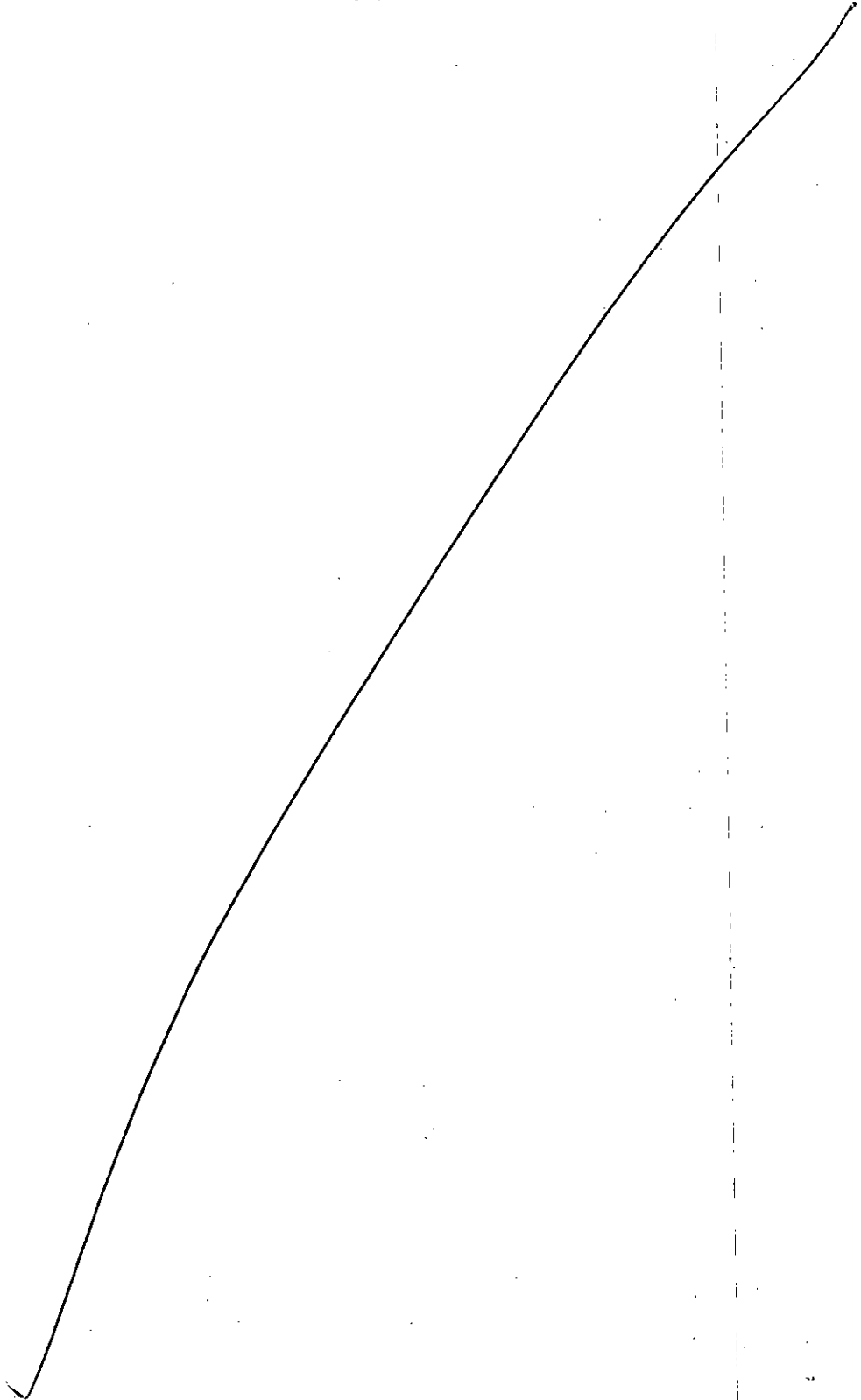
Learned counsel for the appellant requested for adjournment on the ground that he is being freshly engaged. Granted. To come up for arguments on ~~17.12.2021~~ before the D.B.



(Mian Muhammad)
Member(E)



Chairman



21.12.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present. Due to COVID-19, the case is adjourned to 12.03.2021 for the same.


Reater

12.3.21

DB is not available, therefore the case is adjourned to 16.6.2021 for the same.



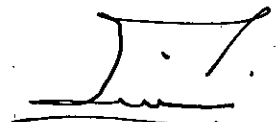
16.06.2021

Appellant in person present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents present.

Appellant stated at the bar that he is not feeling well today, therefore, adjournment may be granted. Adjourned. To come up for arguments on restoration application before the D.B on 07.10.2021.



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



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

06.2020

Appellant in person and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 18.08.2020 for arguments on restoration application before D.B.


(Mian Muhammad)
Member.


(M. Amin Khan Kundi)
Member

18.08.2020

Due to summer vacations, the case is adjourned to 26.10.2020 for the same.


Reader

26.10.2020

Proper D.B is on Tour, therefore, the case is adjourned for the same on 21.12.2020 before D.B.


Reader

04.12.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Muhammad Ayaz Superintendent on behalf of respondent No.2 present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 04.02.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

04.02.2020


Appellant in person and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muhammad Ayaz, Superintendent on behalf of respondent No. 2 present. Appellant requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 31.03.2020 for arguments on restoration application before D.B.

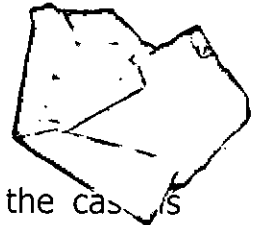

(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

31.03.2020

Due to public holiday on account of COVID-19, the case is adjourned to 09.06.2020 for same as before.



Reader



26.07.2019

Junior to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Junior to counsel for the appellant requested for adjournment as senior counsel for the appellant is not in attendance. Adjourned. To come up for further proceedings on 17.09.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

17.09.2019

Learned counsel for the petitioner present and seeks adjournment. Notice of the present restoration application be issued to the respondents for reply. Adjourn. To come up for reply and arguments on 28.10.2019 before D.B.


Member


Member

28.10.2019

Appellant in person and Mr. Adnan Khan, Judicial Assistant on behalf of respondent No. 1 and Mr. Muhammad Ayaz, Superintendent on behalf of respondent No. 2 alongwith Mr. Riaz Ahmad Pindakhell, Assistant AG present. Representative of respondent No. 1 submitted replication on restoration application, which is placed on record. Appellant requested for adjournment on the ground that his counsel is busy before the Hon'ble Peshawar High Court, Peshawar. Adjourned to 04.12.2019 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member


12.03.2019

Appellant in person and Mr. Muhammad Riaz Paindakhel, Asstt. AG for the respondents present.

Appellant requests for adjournment as his learned counsel is not in attendance today.

Adjourned to 26.03.2019 before the D.B.


Member


Chairman

26.03.2019

Learned counsel for the appellant and Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. To come up for replication/arguments on 10.06.2019 before D.B.


(Hussain Shah)
Member


(Muhammad Amin Khan khudi)
Member

10.06.2019

Petitioner in person and Mr. Ziaullah, DDA for the respondents present.

Appellant requests for adjournment as his learned counsel is indisposed today. Adjourned to 26.07.2019 before the D.B.


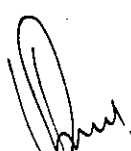



Member


Chairman

FORM OF ORDER SHEET

Court of _____

Misc. Application No. 05/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08/01/2019	<p style="text-align: center;">The application for restoration of appeal No. 1091/2014 submitted by Mr. Mehboob Ali through Mr. Yasir Saleem Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <div style="text-align: right;">  REGISTRAR </div> <p style="text-align: center;">This Misc. application be put up before DB-I Bench on <u>1-02-19</u></p> <div style="text-align: right;">  CHAIRMAN </div>
2	25-1-19	<p style="text-align: center;">Notice of application be issued to the parties for 12.03.2019 before the D.B.</p> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">  Member </div> <div style="text-align: center;">  Chairman </div> </div>

N. K. J.

1

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

**Khyber Pakhtunkhwa
Service Tribunal**

Restoration Application No 5/2019
IN

Diary No. 41

Dated 8-1-2019

Appeal No.1091/2014

**Mehboob Ali S/O Noroz Khan, R/O Dagi Jadeed Tehsil Pabbi
District Nowshera Ex- Stenographer Sessions Court, Peshawar.
(Appellant)**

VERSUS

**The Honorable Administrative Judge through registrar
Peshawar High Court Peshawar & another.**

(Respondents)

**Application for restoration of the captioned service appeal,
dismissed for non-prosecution vide order dated 30.11.2018**

Respectfully Submitted:

1. That the above noted appeal was pending in this Honorable Court and fixed on 30.11.2018, however it was dismissed for non-prosecution on the said date. *(Copy of the order dated 30.11.2018 is attached as Annexure A)*
2. That clerk of the counsel for the applicant/ appellant wrongly entered another date of the captioned appeal in his diary and for the reason the appeal was dismissed for non-prosecution.
3. That the absence of the counsel on the said date was not willful but was due to the reason stated above.
4. That the Applicant or his counsel never absented them selves willfully but it was due to the above reason, the case in hand was throughout pursued diligently and vigilantly, moreover the applicant has valuable rights involved in the instant suit, hence the case deserves to be decided on merits.
5. That the superior courts have always favoured adjudication of disputes on merits hence the applicant may please be allowed to contest the appeal on merit.

It is, therefore, prayed that on acceptance of this application the order dated 30.11.2018 may please be set-aside and the noted appeal may please be restored and be decided on merit.

Applicant/ Appellant

Through,

Yasir Saleem
YASIR SALEEM
Advocate High Court,

Jawad Ur Rehman
JAWAD UR/REHMAN
Advocate Peshawar

Affidavit

I do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal

Mahbub Khan
Deponent

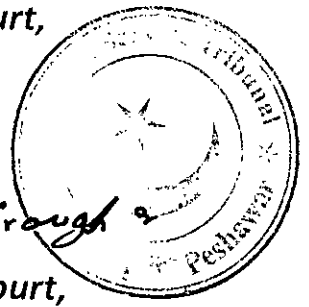


BEFORE THE HONOURABLE, KHYBER PAKHTOON KHWA SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No. 1091 /2014.

1087
18/8/2014

Mehboob Ali s/o Noroz Khan r/o Village Dagi Jadeed Tehsil Pabbi District Nowshera Ex. Stenographer Sessions Court, Peshawar.....APPELLANT.



Versus. The Hon'ble Administrative Judge Through

1. The Honourable Registrar of the Peshawar High Court, Peshawar.

2. The Honourable District & Sessions Judge, Peshawar..... RESPONDENTS.

APPEAL UNDER SECTION 4 OF THE KHYBER PUKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST OFFICE ORDER DATED 11.7.2011 OF THE LEARNED DISTT; AND SESSIONS JUDGE, PESHAWAR, WHEREBY, THE APPELLANT WAS COMPULSORY RETIRED FROM HIS SERVICES IN TERMS OF CLAUSE (A) OF SUB-SECTION (1) OF SETION 13 OF THE NWFP CIVIL SERVANTS ACT, 1973 (NWFP ACT NO. XVIII OF 1973) AND AGAINST THE FINAL ORDER DATED 4-7-2014 WHEREBY HIS DEPARTMENTAL APPEAL WAS DISMISSED.

18/8/14

Respectfully Sheweth:

FACTS IN APPEAL.

- 1. That the appellant while serving as Stenographer at Sessions Court, Peshawar was served with a show cause notice by the learned Distt: & Sessions Judge, Peshawar ,

is submitted to-day and filed.

29/8/14

Certified to be true copy

Khyber Pakhtoon Khwa Services Tribunal, Peshawar



1091/2014

30.11.2018

Nemo for appellant, Mr. Muhammad Riaz Painda
Asstt. A.G for the respondents present.

The record shows that adjournment in the matter was sought many times by/on behalf of appellant while on atleast two occasions i.e. on 14.12.2017 and 10.08.2018 the appellant remained unrepresented. It is now 2.30 P.M and the case has been called several times.

Dismissed for non-prosecution. File be consigned to the record room.

[Handwritten signature]
Member

[Handwritten signature]
Chairman

Announced:
30.11.2018

Certified to be true copy
[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application	31-12-18
Number of Words	800
Copying Fee	6
Urgent	
Total	6
Amount of Copy	<i>[Signature]</i>
Date of Completion of Copy	02-01-19
Date of Delivery of Copy	02-01-19

NOTIFICATION.

Consequent upon their selection by the Deptt: selection committee, the District Education officer, (M) P. Mardan has been pleased to appoint the following trained PTC Candidates at the school noted against their names in BPS-7 (Rs: 1480-81-2695) plus usual allowances as admissible to them under the rules with immediate effect subject to the existing terms and conditions:-

S.No.	Name, Father's Name/Address:	No. & Merit list.	School where Posted.	Remarks.
1	2	3	4	5
<u>OPEN MERIT.</u>				
1.	Mohd: Khaleeq S/o Mohd: Ismail R/O Dagai Hoti.	1/18	GPS, No. 1 Kass Kuroona.	Vice Nasir Khan Term:
2.	Sajid Ali S/O Mirzad Gul R/O Tariq Coloney Mardan.	2/18	,, Sharqi Hoti.	Vice Salim Shah.
3.	Obaidullah S/O Mohd: Arif R/O New Baghdad.	3/18	GPS, Sharqi Hoti.	Vice Abid Shah Ter:
4.	Abdul Akber S/O Sherzai R/O Baricham Mardan.	4/18	,, Hoti.	Vice Zubair Ali Ter:
5.	Dilawar Khan S/O Ghulam Qadir R/O Shahi Bagh Hoti.	5/18	,, Karwan Road.	Vice Sajid Jamal Ter:
6.	Mushtaq Ahmed S/O Gul Zarin R/O Duran Abad.	6/18	,, Shah Dandh No. 1.	Post already occupied.
7.	Sardar Hussain S/O Imran ullah R/O Babu Mohallah Mardan.	7/19	,, Railway Station	already occupied.
8.	Asif Shehzad S/O Faqir Hussain Moh: Muslim Abad Mardan.	8/18	,, Surkh Dheri Mardan.	-do-
9.	Ahmed Ali S/O Ghulam Jilani R/O Khaksar Manzil.	9/18	,, Baricham.	Vice Hazrat Ali Ter:
10.	Mohd: Ullah S/O Lajbar R/O Hoti Mardan.	10/18	,, Kashmir Abad.	,, Nasir Khan.
11.	Mohd: Jawad S/O Sher Mohd: R/O Falo Shah Mardan.	11/18	,, No. 1, Mardan.	,, Awais- Khan.
12.	Sher Wali Khan S/O Sher Jang R/O Jazoon Ground.	1/19	GMPS, Fazal Shah Farsh.	Already occupied.
13.	Yahya Khan S/O Amir Mohd: R/O Seddi Khel G. Kapoora.	23/19	,, Sufaid Khan.	Vice Khair- Mohd: Term:
14.	Wasiullah S/O Taza Gul R/O Gharib Abad.	5/19	,, Uzair Kandar.	Vice Nawab- Ali Term:
15.	S. Anwar Hussain S/O S. Ahmed Hussain R/O G. Kapoora.	4/19	,, Spin Jumat.	Vice Badar- Khan Term:
16.	Inayatullah S/O Mohd: Isrees R/O Shahbaz Garhi.	5/19	,, Khatako Koragh.	Already occupied.
17.	Abdul Ghafar S/O Sanobar Khan R/O Mayar.	6/19	GPS, Mayar No. 2.	Vice M. Hayat Hayat Ter:
18.	Nazirullah S/O Takbir ullah R/O G. Kapoora Mardan.	7/19	GMPS, Anar Baig.	,, Mohd: Sharif Term:
19.	Ali Asghar S/O Mir Akbar, R/O Carhi Kapura.	8/19	GPS, Sadudin	Vic, Maroud Khan Term:
20.	Achtalanosh S/O Amir Nosh R/O Kandar.	9/19	GPS, Gumbat,	Already Occupied.
21/	Sufai: Khan S/O Ghulam Rahman R/O D.G. Zai.	10/19	GPS, Qari Abad.	Vice, Mohd: Tofail Ter:
22.	Abid Ali S/O Khan Said R/O Mohib Banda	11/19	GMPS, Muqbara Jumat	Post Already Occupied.

BEFORE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

RESTORATION APPLICATION NO. 5/19

In
SERVICE APPEAL NO. 1091/2014

Mehboob Ali Khan s/o Noroz Khan r/o Village Dagi Jadeed Teshil Pabbi
District Nowshera Ex-Stenographer Sessions Court, Peshawar.

..... (Appellant)

VERSUS

1. The Honorable Administrative Judge through Registrar, Peshawar High court, Peshawar
2. The Honorable District & Sessions Judge, Peshawar.

..... (Respondents)

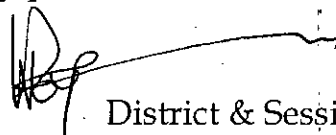
WRITTEN REPLY OF RESPONDENT NO. 2

Respected Sir,

Para-wise reply to the subject application is submitted as under:-

1. Pertains to record.
2. It was duty of the appellant and his counsel to note correct date of hearing. Mere wrong entry of date of hearing by the clerk of counsel/appellant is not good excuse for non-attendance of this Hon'ble Tribunal.
3. The appellant himself seems to be not so much interested in his appeal, who had sought many adjournments as well as remained absent on many dates of hearing, as evident from order sheet dated 30/11/2018.
4. Incorrect, as explained above in Para No.3.
5. Although the disposal of disputes on merit has always been favored but in the instant case the appellant himself has failed to diligently and vigilantly pursue his case.

In view of the above, it is requested that instant Restoration Application of the appellant having no legal footing may please be dismissed.


District & Sessions Judge,
Peshawar. 25/10/2018

Filed for 28-10-2019.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Restoration Application No.5/2019

IN

Service Appeal No. 1091 /2014

Mehboob Ali Khan Applicant

Versus

Administrative Judge through Registrar PHC and others.....Respondents

Replication on behalf of Respondent No.1/Registrar PHC.

Respectfully Sheweth,

1. That on the day of hearing neither appellant nor his counsel were present before the Hon'ble Tribunal, therefore, the appeal was dismissed for non-prosecution on 30.11.2018.
2. Misconceived. It was held in Order Sheet dated 30.11.2018 "*that the record shows that adjournment in the matter was sought many times by/on behalf of appellant while on at least two occasions i.e. 14.12.2017 and 10.08.2018 the appellant remained unrepresented. It is now 2:30 pm and the case has been called several times,*" therefore, appeal of the appellant has rightly been dismissed for non-prosecution.
3. Regarding para3 of the application it is submitted that the appellant himself seems to be not so much interested in his appeal. Moreover, the instant application is not maintainable on the ground of limitation because applicant/appellant has called in question the order of this Hon'ble Tribunal dated 30.11.2018 while he submitted the same before this Hon'ble Tribunal beyond the prescribed period of 30 days.
- 4&5. Incorrect. The detailed explanation has already been given in the preceding paras. Moreover, as per law it is mandatory upon applicant/appellant to vigilantly pursue his case.

It is, therefore, humbly prayed that the application of applicant/appellant may graciously be rejected with costs.

Respondent No.1/
(Registrar, PHC)

Through

Khaled Rahman
Advocate, Supreme Court

Dated: 26/10/2019

Verification

Verified that the contents of this Replication are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Applicant/Appellant

MIAN RASHID HUSSAIN SHAHEED
MEMORIAL HOSPITAL PABBI

No: 1968

Name: Shahid

Address: _____

Date: 16/12/1968

Clinical Findings/Investigations/Treatment/Referred/Test Findings

AGE

• Inf. Cipes

• Inj. Grate $\frac{1}{2}$

(35)

ORS

Tob. Novidat 500mg

1+

(5)

• Syp. Mucame

(2) + (2)

(5)

Signature

قیمت
50 روپے

102348



ایڈویکیٹ:

بار کونسل/ ایسوسی ایشن نمبر:

رابطہ نمبر:

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: محترم جج مسر جسٹس سید سید نواز کھٹانہ

مخاطب: محبوب علی خان

دعویٰ: Services Appeal

علت نمبر:

مورثہ:

جرم:

تھانہ:

محکمہ عدالت پشاور
بنام
سید سلطان علی خان
ادلہ مشین

باعت تحریر آگے

صاحب
فائل
و غیرہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دی کاروائی متعلقہ
آن مقام قیاد پر ایکے رومح الا منحن خان آید وکست شیاور
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 مے نے وغیر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمزاء یا اپنے بجائے بقرار اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور ان کا ساختہ پرداختہ منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جاندا توائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی 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

الرقوم: 20/10/2021
PUNJAB BAR ASSOCIATION
HYDERABAD

مقام قیاد کے لیے منظور ہے۔
Attested & Accepted
7/10/2021

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔