

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

Service Appeal No. 1407/2022

*Eid Badshah*

*VERSUS*

*D&SJ Orakzai etc.*

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 5545

Dated 24/5/2023

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Date: 24/5/2023

Answering Respondents No. 01 & 02.

  
District & Sessions Judge  
Orakzai at Hangu

**Before KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

**SERVICE APPEAL NO.1407/2022**

**EidBadshah...vs...D&SJ, Orakzai at Baber Mela etc.**

**Draft Para-wise Comments of Respondent (District & Sessions Judge, Orakzai) in the captioned Service Appeal**

**RESPECTFULLY SHEWETH:-**

**PRELIMINARY OBJECTIONS:-**

- I. That the Appellant has got no cause of action/locus standi to file the instant Appeal.
- II. That Appellant has not come to this Hon'ble Tribunal with clean hands.
- III. That this Honorable Tribunal has got no jurisdiction to adjudicate upon the matter.
- IV. That the Appellant has deliberately concealed material facts from this Honorable Tribunal.
- V. That the instant Appeal is bad in its present form, hence not maintainable and liable to be dismissed with special cost throughout.
- VI. That the instant Service Appeal is pre-mature, hence, liable to be discussed on this score only.

**FACTS: -**

1. Para No. 1 is correct to the extent that Appellant was appointed as driver rest of the para is denied because of his casual and inattentive behavior, he was known for his discourteous and aggressive attitude amongst all the Judicial Officers and his colleagues.
2. Para No. 2 is incorrect. The services of appellant being Driver were placed at the disposal of In-charge Conference Room due to his indifferent attitude mentioned herein above. (Transfer/posting order is annexed as Annexure-A). That no adverse entry in the PER of the appellant was made due to his fresh posting and the overall situation of service in the merged district where every one of the paralegal staff was dealt with leniency
3. Para No. 3 is correct; however, it is clarified that the Appellant despite being Driver was posted in Conference Room as Naib Qasid with the object to be out of sight and to mend his ways and behavior, he was again posted to his original post i.e. as Driver with AD&SJ, Orakzai.
4. Para No. 4 is correct. The appellant was habitual absentee as number of time he willfully absented without intimation and permission, hence, he was rightly given explanation (explanation is annexed as Annexure-B).

5.

Para No. 5 is incorrect. The Appellant has twisted the facts in instant para, which exhibits his conduct prejudicial to good order and service discipline, he has admitted his absence from the duty in his written reply with stubbornness which reveals that he was remained absent from 25-02-2022 to 08-03-2022 willfully (Reply to Explanation is annexed as Annexure-C). The stubborn behavior of the appellant can be gauged from the fact that even explanation notice served upon him for his absence from duty did not compel him to mend his ways and remained absent from duty leaving the place of duty on his own without transfer/posting Order and refused to join duty with learned AD&SJ Qrakai as recorded in para no. 04 of the final order (Para No. 04 of the final judgment is annexed as Annexure-D)

6. Para No. 6 is misleading. Showcause Notice was issued to the Appellant after he had admitted his willful absence and the other charges mentioned against him in explanation letter (Already annexed as Annexure-C). Furthermore, reply to final show cause notice was derogatory, insulting, indirect attack on privacy of the learned Judicial Officers and an old-hard-to-die blackmailing technique of the Appellant against the complainant, that is why the same was sealed and locked vide Order dated 30-04-2022.

7. Para No. 7 denied. The Appellant has also concealed the fact that he was heard in person after proper Notice and during the hearing his behavior was unbecoming of a Government Servant (Notice of personal hearing duly received by the Appellant is annexed as Annexure-E). The dismissal order from service was passed in his presence with a copy of order issued to him, which was received by him from office of Superintendent on 01.06.2022.

8. Para No. 8 is admission on part of the appellant that he has not submitted <sup>rep</sup>resentation before answering respondent as Competent Authority and deviated from the settled procedure which is another fact confirming his bad attitude. He was required under the law to file representation and wait for completion of 90 days but instead, the appellant preferred appeal before the Worthy the Registrar Peshawar High Court, Peshawar; that too, before the prescribed time period, hence, being pre-mature appeal is liable to be dismissed on this score only.

**Grounds:-**

A. Ground-A is mechanically inserted for just fabrication of paper. the Appellant has categorically admitted willful absence in his written reply to explanation and the laws and rules made there under have fully been complied with while conducting proceedings against appellant. The


appellant was provided opportunity of explanation and personal hearing on 23-04-2022 (order sheet is annexed as Annexure-F).


- B. Ground-B is no ground as for as the constitution of inquiry committee is concerned, it is submitted that once the Appellant admitted his willful absence from duty in his reply to explanation, the question of constitution of inquiry was not needed at all and that a specific procedure has been provided in the KP Civil Servants (Efficiency and Discipline) Rules, 2011 for officials remain willfully absent and was rightly followed in case of appellant wherein the inquiry was dispensed with under Rule 5 (b) (II) & (III) read with Rule 07 of the KP Civil Servants (Efficiency and Discipline) Rules, 2011. Besides willful absence, availability of sufficient material was second ground for dispensing with the inquiry proceedings which is due course of law provided in the KP Civil Servants (Efficiency and Discipline) Rules, 2011.
- C. Ground-C is misconceived. The disciplinary proceedings against the appellant have been started from explanation followed by dispensing with the inquiry for being case of willful absence, final show cause notice, personal hearing and written order in accordance with rules and laws on the subject.
- D. Ground-D is incorrect. As the appellant has admitted categorically his absence from duty, there arises no question of inquiry for he has accepted the fact of willful absence from duty in his written reply to explanation. Regular inquiry was dispensed with on the score of willful absence as well as the availability of sufficient material on record. All the proceedings against the appellant have been conducted in line with the service rules and law.
- E. Ground-E is baseless. Appellant was afforded full opportunity of leading his case on three different stages but instead of offering his reply, the appellant preferred to blackmail the complainant by writing a charge sheet type document comprising upon so many pages. This method of blackmailing complainant was successful in previous inquiry against the appellant wherein instead of replying the charge sheet, he filed counter complaint against the Incharge Record Room (the complainant of previous inquiry). Fair proceedings have been carried out against the Appellant who tried to degrade soft image of Judicial Officers by fabricating concocted stories attributing it to private lives of the Judicial Officers.
- F. Ground-F is wrongly assumed. As the appellant has admitted categorically his absence from duty, there arises no question of inquiry or recording of evidence, for he has admitted the fact of willful absence from duty in his

written reply to explanation. The KP Civil Servants (Efficiency and Discipline) Rules, 2011 provides specific procedure in willful absence where inquiry is being dispensed with. Similarly, sufficient materials were available against the appellant which were fully mentioned in the Office Order dated 26-03-2022 annexed as Annexure-G.

- G. Comments of the answering respondent on Ground No. have sufficiently answered this ground and the Appellant till end admitted the fact that he remained absent during the said period.
- H. Ground-h is based on lame excuse. Appellant was provided full opportunity and instead of offering explanation and defense to the allegation of willful absence, he opted for his earlier utilized method of blackmailing the complainant. Moreover, Proceedings against the appellant are in accordance with law from 8<sup>th</sup> March, 2022, and concluded on 30<sup>th</sup> April, 2022 that is almost near to two long months. The appeal in hand is presented in haste and hurry manner as neither representation has been filed nor has the minimum time period for filing departmental appeal been observed, making it non maintainable being devoid of adherence to Service Rules & Law.

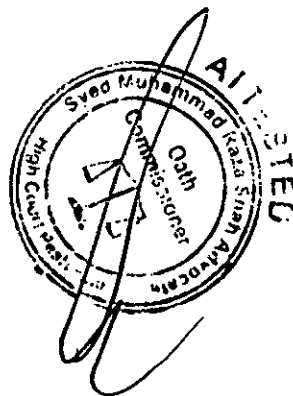
The appeal in hand may please be dismissed with cost throughout.


  
Registrar Peshawar High Court,  
Peshawar  
Respondent No.2

  
SHAUKAT AHMED KHAN/  
D&SJ, Orakzai at Baber Mela  
Respondent No.1

**Affidavit**

It is solely affirmed on oath that contents of the comments are true to the best of my knowledge and belief and nothing has been concealed.

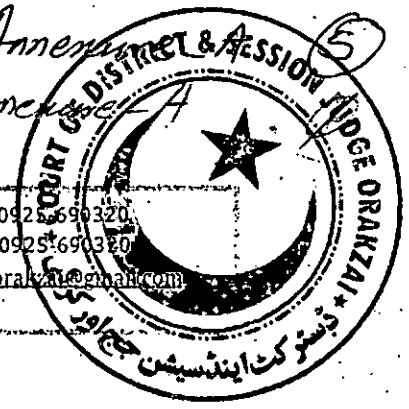


  
Deponent



OFFICE OF THE  
DISTRICT & SESSIONS JUDGE,  
ORAKZAI AT BABER MELA

Phone No: 0925 690320  
Fax No: 0925 690320  
Email: dsiorakzai@gmail.com



No. 2182/DSJ/ORK - Dated: October 3<sup>rd</sup>, 2020

**ORDER:**

The following transfer(s)/posting(s) of the official(s) are hereby made in the public interest, with immediate effect, till further orders.

S.No.	Name of Official(s) with Designation	Present Post	From	To	Remarks
01	Mr. Hisham Shah Computer Operator	Computer Operator	DSJ	Conference Room/Library (DSJ)	Transferred and posted as Incharge Conference Room and Librarian (in own basic pay scale)
02	Mr. Eid Badshah Driver	Driver	SCJ	Conference Room/Library (DSJ)	Transferred and posted as Attached to Incharge Conference Room (In own Basic Pay Scale)

District & Sessions Judge,  
Orakzai at Baber Mela

Endorsement: No: 2183-90/DSJ/ORK

Dated: October 3<sup>rd</sup>, 2020

**Copy forwarded to:**

1. All the learned Judicial Officers, Orakzai at Baber Mela.
2. Official(s) concerned by name.
3. Website.
4. Notice Board.
5. Office Copy.

District & Sessions Judge,  
Orakzai at Baber Mela

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ORAKZAI AT HANGH

*Amendment B* (6/1)  
*Amendment B* (2)



**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA**

*office of the*

**ADDITIONAL DISTRICT AND SESSIONS JUDGE, ORAKZAI**

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

Phone: 0925-690320 Fax.No: 0925-690320

F.(1) 251 /Gen/AD&SJ-ORK/2022

Dated Orakzai, the 08/03/2022

To,

**Eid Badshah, Driver (BPS-6)**

Attached to the Office of Additional District & Sessions Judge, Orakzai.

Memo:

While referring to the subject noted above, it is stated that you, Eid Badshah Driver (BPS-6), is in constant habit of absenting yourself without any permission, application and intimation with intervals and excusing with baseless pretexts when appears after such absence. You while driving are using abusive language and gestures to the road users without considering other passengers including the undersigned and family seated in vehicle. You have time and again been directed to reform your attitude and style of driving but you failed to comply with. Your attitude is non-submissive and you also instigate other officials for insubordination. Your behavior is aggressive and you don't care the words you use in communication. You put your appearance for the last time on 25<sup>th</sup> of February, 2022 and since then you are absent without prior approval, intimation or application. This explanation has been directed to be served through Superintendent District Judiciary, Orakzai as the official concerned is still absent till this day of 8th March, 2022. It is further directed that your explanation to the undersigned shall reach within three days of service of this letter.

Additional District and Sessions  
Judge Orakzai.

Copy for information to:

1. Hon'ble the District & Sessions Judge, Orakzai.
2. Senior Civil Judge, Orakzai.
3. The Superintendent with direction to serve the official concerned in person or to deliver or dispatch on his last permanent address with intimation to the undersigned.

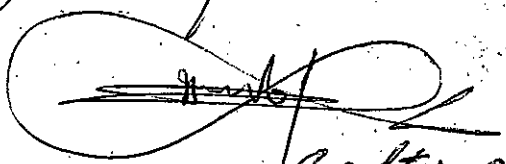
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ORAKZAI AT HANGI

Additional District and Sessions  
Judge Orakzai

*Shw*  
*09/03/22*

Delivered through Mr. Mushtaq Ali, Driver besides the delinquent official is also informed telephonically by office of the Superintendent, Session Courts, Prayagrah.



Supdt: of JSP/2022

Explanation Memo received on behalf of Eid Badshah by Mushtaq Ali, Driver, and committed to be delivered today.



29/02/2022



بعدالت جناب ایڈیشنل ڈسٹرکٹ اینڈ سیشن جج صاحب اور کزئی  
جواب طلبی

جناب عالی!

مودبانہ گزارش ہے کہ میں نے 25-02-2022 تک اپنی ڈیوٹی سرانجام دی جبکہ 25-02-2022 سے لیکر 8-3-2022 تک ڈرائیور حبیب کی ڈیوٹی تھی۔

یہ کہ آپ اور آپ کے فیملی کے ساتھ ڈرائیونگ کے دوران میں نے کبھی دوسرے لوگوں کے ساتھ غلط زبان کا استعمال محسوس نہ کی ہے اگر پھر بھی غلطی سے آپ کو میری کوئی بات محسوس ہوئی ہے تو معذرت خواہ ہوں آہندہ کیلئے محتاط رہوں گا۔

لہذا آپ صاحبان سے عاجزانہ التماس کی جاتی ہے کہ اس دفعہ سائل کو معاف کر کے آہندہ کے لیے محتاط رہے گا جواب طلبی پیش  
بمخبر ہے۔

الحاضر  
کسیر بادشاہ

ڈرائیور عید بادشاہ

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STATIONER & COPYING AGENCY  
B-11, 2nd FLOOR, JALALI

(12) Ammeure-D-8  
Ammeure-D-11

grounds for initiating proceedings against a Government servant under these rules it shall either:

(a) Proceed itself against the accused by issuing a show cause notice under rule 7 and, for reasons to be recorded in writing, dispense with inquiry:

2. Therefore, show cause notice in line with Rule-7 was issued to accused official with direction to submit his reply through the Office of Superintendent as the accused official was not in appearance for duty till that date. Reply was presented and absence in the given period was categorically admitted with the stance that it was the other driver who performed the duty of driving; however, the other charges of inefficiency and misconduct have been denied.

3. Final Show Cause Notice dated 26.03.2022 was served on accused official. Reply of final Show Cause Notice consisting upon about three thousand (3000) words have been presented opting therein the opportunity of personal hearing as well.

4. The reply of final Show Cause Notice is no answer of the charges rather it is derogatory, insulting and unreasonable notes of accused official against two Senior Judicial Officers working in two different districts of Hangu and Orakzai. It is not out of place to mention here that accused official was earlier posted in

30/01/22  
District Judge  
Orakzai

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ORAKZAI AT HANGH

the Conference Room and he, in inquiry, adopted the same procedure of attacking the person of Incharge of IT Cell (Hisham Shah, Computer Operator) who was complainant in inquiry and was succeeded in getting his inquiry closed. This is by now established that the accused official is using personal attack on complainant as a tool for closing inquiry proceedings and cannot be ignored further as the present personal attack on complainant (Additional District & Sessions Judge, Orakzai) was aggravated in comparison to previous personal attacks on complainant (Hisham Shah, Incharge IT Cell) and if he has been spared this time, the next personal attack is expected to be more engineered and manipulated that may cause irreparable loss. Moreover, since commencement of the proceedings against the accused official i.e., from the date when he was served with notice of explanation by the Additional District and Sessions Judge, Orakzai, the accused official, without any order of his transfer or otherwise, has continue his wilful absent from his duty. During his personal hearing, when the accused official was asked that as to why he is absent from duty, he was having no explanation for. He refused straightaway from joining duty with the Officer to whom he is attached.

5. If at all, the reply is presumed as gospel truth despite the fact that it is unbelievable on the apparent reasons of known bad character of accused official who is in habit of utilizing method of slandering of complainant; even then, the accused

Shaukat Ahmad Khan  
District & Sessions Judge  
Orakzai at Baber Mela  
30/01/01

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ORAKZAI AT HANGH



OFFICE OF THE  
DISTRICT & SESSIONS JUDGE,  
ORAKZAI AT BABER MELA.

Phone No: 0925-690320  
Fax No. 0925-690320  
Email: [dsjorakzai@gmail.com](mailto:dsjorakzai@gmail.com)  
Website: [www.districtcourtsorakzai.gov.pk](http://www.districtcourtsorakzai.gov.pk)

No. 5439-N /DSJ/ORK - Dated: 12<sup>th</sup> April, 2022

NOTICE

WHEREAS disciplinary proceedings were initiated against you dispensing with inquiry under the Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) Rules, 2011. Thereafter you were served with Final show cause Notice and after receiving reply to the same, you are provided an opportunity for personal hearing.

You are, therefore, directed to appear before the undersigned being Competent Authority on Thursday April 13<sup>th</sup>, 2022 for personal hearing in the ibid departmental proceedings.

(SHAUKAT AHMAD KHAN)  
District & Sessions Judge,  
Orakzai at Baber Mela.

1. Eid Badshah, Driver, attached to the establishment of D&SJ, Orakzai

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ORAKZAI AT HANGH

Amendment - F  
Amendment - F  
11  
2

IN THE COURT OF DISTRICT & SESSIONS JUDGE, ORAKZAI AT BABER

Case Title: Departmental Proceedings against Eid Badshah (Driver)

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
Order No.01	26.03.2022	Complaint regarding Eid Badshah (Driver-BPS-06) received from the learned Additional District & Sessions Judge, Orakzai. Register. Final showcause notice be issued to the delinquent official.  (SHAUKAT AHMAD KHAN) District & Sessions Judge, Orakzai at Baber Mela
Order No.02	04.04.2022	Reply to showcause notice received. The delinquent official be called for personal hearing on 23.04.2022.  (SHAUKAT AHMAD KHAN) District & Sessions Judge, Orakzai at Baber Mela
Order No.03	23.04.2022	The delinquent official Eid Badshah present. He is personally heard. To come up for order on 30.04.2022.  (SHAUKAT AHMAD KHAN) District & Sessions Judge, Orakzai at Baber Mela
Order No.04	30.04.2022	The delinquent official Eid Badshah present. Vide my detailed order of today, separately placed on file, major penalty of "Dismissal from Service" as envisaged in Rule - 4 (b) (iv) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, is imposed upon the accused/official namely, Eid Badshah (Driver BPS-06). In addition to that, the salary, if drawn, in period of absence shall be recovered in accordance with law. Consign.  <u>Pronounced:</u> 30.04.2022  (SHAUKAT AHMAD KHAN) District & Sessions Judge,

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ORAKZAI AT HANGH



OFFICE OF THE  
DISTRICT & SESSIONS JUDGE,  
ORAKZAI AT BABER MELA

Phone No: 0925-690320  
Fax No. 0925-690320  
Email: dsjorakzai@gmail.com  
Website: [www.districtcourtsorakzai.gov.pk](http://www.districtcourtsorakzai.gov.pk)

Annexure-9  
Annex-9-12

OFFICE ORDER:

26.03.2022

Consequent upon receiving complaint regarding Eid Badshah (Driver-BPS-16), forwarded by learned Additional District & Sessions Judge, Orakzai and on perusal of annexed explanation followed by reply, the undersigned being Competent Authority is of the firm opinion that sufficient material is available to proceed with the matter further by dispensing with the inquiry. Resultantly, final show-cause notice as per prescribed format be issued accordingly.

(SHAUKAT AHMAD KHAN)  
District & Sessions Judge,  
Orakzai at Baber Mela.

Endorsement No. 5418 - 20 /DSJ/ORK

Dated: 26/03/2022

Copy Forwarded to:

1. Learned Additional District & Sessions Judge, Orakzai.
2. Superintendent, District Judiciary Orakzai for compliance.
3. Office Copy.

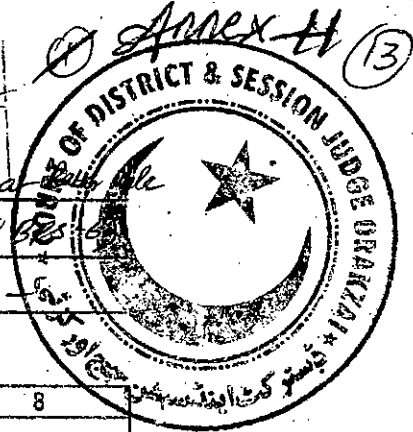
(SHAUKAT AHMAD KHAN)  
District & Sessions Judge,  
Orakzai at Baber Mela.

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ORAKZAI AT HANGH

GENERAL INDEX

30.04.2022



In the Court of Shaukat Ahmad Khan, District & Sessions Judge, Orakzai

Case Title Departmental Proceedings against Eid Badshah (Driver)

Case No. 1/9 instituted on 26.3.22 Decided on 30.4.22 FIR no. \_\_\_\_\_

Dated: \_\_\_\_\_ UIS \_\_\_\_\_ PS \_\_\_\_\_

1 Serial No. Of paper	2 Number of sheets	3 Date of Admission to the record	4 Nature of paper	5 Language in which it is written	6 Court fee		7 Record A or B	8 Remarks
					Number of labels	Value		
1	1	30 <sup>04</sup> / <sub>22</sub>	Index	English	-	-	A	
2	1	From 26 <sup>03</sup> / <sub>22</sub> To 30 <sup>04</sup> / <sub>22</sub>	Orders (01-04)	English	-	-	A	
3	1	26 <sup>03</sup> / <sub>22</sub>	Complaint	-/-	-	-	A	
4-5	1	26 <sup>03</sup> / <sub>22</sub>	Explanation	-/-	-	-	A	
6-7	1	26 <sup>03</sup> / <sub>2022</sub>	Reply of Explanation	urdu	-	-	A	
8	1	26 <sup>03</sup> / <sub>2022</sub>	Order of Show Cause	English	-	-	A	
9	1	26 <sup>03</sup> / <sub>22</sub>	Showcause Notice	-/-	-	-	A	
10	1	30 <sup>04</sup> / <sub>22</sub>	Reply of Showcause by Accused official (locked) (Envelop)	English	-	-	A	
11-15	5	30 <sup>04</sup> / <sub>22</sub>	Judgement	Eng	-	-	A	
16	1	26 <sup>03</sup> / <sub>22</sub>	Copy of Posting/Transfer	Eng	20	-	A	
17	1	12 <sup>06</sup> / <sub>22</sub>	Notice	Eng	-	-	A	
18-19	2	30 <sup>4</sup> / <sub>22</sub>	Copy of Office Order	-/-	-	-	A	
20	1	-	Receipt	urdu	-	-	A	

Office of the District & Sessions Judge - Orakzai  
No. -171 Date of consignment Record Room 01.06.22  
RECORD ROOM

Certified that 18 papers, as detailed above, bearing Court-fee labels of an aggregate value of Rs. \_\_\_\_\_ were filed in this case.

Prepared by Moharrir

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Examined and found correct by Record Keeper

*Uwo Khan*

*[Signature]*

IN THE COURT OF DISTRICT & SESSIONS JUDGE, ORAKZAI AT BABER

Case Title: Departmental Proceedings against Eid Badshah (Driver)

(7) (14)

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
Order No.01	26.03.2022	<p>Complaint regarding Eid Badshah (Driver-BPS-06) received from the learned Additional District &amp; Sessions Judge, Orakzai. Register. Final showcause notice be issued to the delinquent official.</p> <p>(SHAUKAT AHMAD KHAN) District &amp; Sessions Judge, Orakzai at Baber Mela</p>
Order No.02	04.04.2022	<p>Reply to showcause notice received. The delinquent official be called for personal hearing on 23.04.2022.</p> <p>(SHAUKAT AHMAD KHAN) District &amp; Sessions Judge, Orakzai at Baber Mela</p>
Order No.03	23.04.2022	<p>The delinquent official Eid Badshah present. He is personally heard. To come up for order on 30.04.2022.</p> <p>(SHAUKAT AHMAD KHAN) District &amp; Sessions Judge, Orakzai at Baber Mela</p>
Order No.04	30.04.2022	<p>The delinquent official Eid Badshah present. Vide my detailed order of today, separately placed on file, major penalty of "Dismissal from Service" as envisaged in Rule – 4 (b) (iv) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, is imposed upon the accused/official namely, Eid Badshah (Driver BPS-06). In addition to that, the salary, if drawn, in period of absence shall be recovered in accordance with law. Consign.</p> <p><b>Pronounced:</b> 30.04.2022</p> <p>(SHAUKAT AHMAD KHAN) District &amp; Sessions Judge, Orakzai at Baber Mela</p>





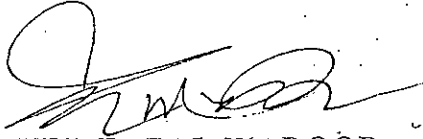
**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA**  
*office of the*  
**ADDITIONAL DISTRICT AND SESSIONS JUDGE, ORAKZAI**  
Email: [dsjorakzai@gmail.com](mailto:dsjorakzai@gmail.com)  
Phone: 0925-690320 Fax No: 0925-690320

**Report regarding Eid Badshah Driver BPS-06**

Your kind attention is invited to the captioned subject and to state that Mr. Eid Badshah Driver BPS-06, has been attached to the Office of undersigned. The following matters are required to be reported for bringing it into your kind notice and appropriate order, please.

1. The official named above is habitually absenting himself from duty without application, intimation and permission. Explanation has already been called; whereas, the unsatisfactory reply has been furnished; both are enclosed herewith in original.
2. The official is using abusive language and expresses uncivilized gesture and words about passerby users of vehicles. He shows his aggressiveness and insubordination while driving.

In light of the above, coupled with the explanation annexed and clean breast admission regarding willful absence for more than seven days, the official concerned may please be exposed to penal laws. Report is submitted for appropriate order, please.

  
**SAYED FAZAL WADOOD**  
Additional District and Sessions  
Judge Orakzai

**Honorable, the D&SJ, Orakzai.**





DISTRICT JUDICIARY KHYBER PAKHTUNKHWA  
office of the

ADDITIONAL DISTRICT AND SESSIONS JUDGE, ORAKZAI

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

Phone: 0925-690320 Fax No: 0925-690320

(X) (16)

F.(1) 251 /Gen/AD&SJ-ORK/2022

Dated Orakzai, the 08/03/2022

To;

Eid Badshah, Driver (BPS-6)  
Attached to the Office of Additional District & Sessions Judge,  
Orakzai.

Memo:

While referring to the subject noted above, it is stated that you, Eid Badshah Driver (BPS-6), is in constant habit of absenting yourself without any permission, application and intimation with intervals and excusing with baseless pretexts when appears after such absence. You while driving are using abusive language and gestures to the road users without considering other passengers including the undersigned and family seated in vehicle. You have time and again been directed to reform your attitude and style of driving but you failed to comply with. Your attitude is non-submissive and you also instigate other officials for insubordination. Your behavior is aggressive and you don't care the words you use in communication. You put your appearance for the last time on 25<sup>th</sup> of February, 2022 and since then you are absent without prior approval, intimation or application. This explanation has been directed to be served through Superintendent District Judiciary, Orakzai as the official concerned is still absent till this day of 8th March, 2022. It is further directed that your explanation to the undersigned shall reach within three days of service of this letter.

Additional District and Sessions  
Judge Orakzai.

Copy for information to:

1. Hon'ble the District & Sessions Judge, Orakzai.
2. Senior Civil Judge, Orakzai.
3. The Superintendent with direction to serve the official concerned in person or to deliver or dispatch on his last permanent address with intimation to the undersigned.

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09/03/22

Additional District and Sessions  
Judge Orakzai

CERTIFIED TRUE COPY

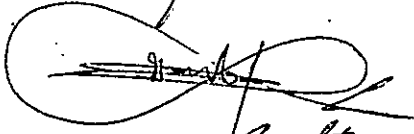
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ORAKZAI AT HANGH

P.T.O.

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Delivered through Mr. Mushtaq Ali, Driver besides the delinquent official is also referred telephonically by office of the Superintendent, Senior Courts, Patna.



Supdt: of/02/2012

Explanation Memo received on behalf of Eid Baidshah by Mushtaq Ali, Driver, and committed to be delivered today.



09/02/2012

بعدالت جناب ایڈیشنل ڈسٹرکٹ اینڈ سیشن جج صاحب اور کزئی

جواب طلبی

جناب عالی!

مودبانہ گزارش ہے کہ میں نے 25-02-2022 تک اپنی ڈیوٹی سرانجام دی جبکہ 25-02-2022 سے لیکر 8-3-2022 تک ڈرائیور حبیب کی ڈیوٹی تھی۔

یہ کہ آپ اور آپ کے فیملی کے ساتھ ڈرائیونگ کے دوران میں نے کبھی دوسرے لوگوں کے ساتھ غلط زبان کا استعمال محسوس نہ کی ہے اگر پھر بھی غلطی سے آپ کو میری کوئی بات محسوس ہوئی ہے تو معذرت خواہ ہوں آہندہ کیلئے محتاط رہوں گا۔ لہذا آپ صاحبان سے عاجزانہ التماس کی جاتی ہے کہ اس دفعہ سائل کو معاف کر کے آئندہ کے لیے محتاط رہے گا جواب طلبی پیش بخسور ہے۔

العارض  
کسیر بادشاہ  
ڈرائیور عید بادشاہ

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ORAKOTA HANGH

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2:52 pm

24/8/2022

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OFFICE OF THE  
DISTRICT & SESSIONS JUDGE,  
ORAKZAI AT BABER MELA

Phone No; 0925-690320  
Fax No. 0925-690320  
Email: [dsiorakzai@gmail.com](mailto:dsiorakzai@gmail.com)  
Website: [www.districtcourtsorakzai.gov.pk](http://www.districtcourtsorakzai.gov.pk)

**OFFICE ORDER:**

26.03.2022

Consequent upon receiving complaint regarding Eid Badshah (Driver-BPS-06), forwarded by learned Additional District & Sessions Judge, Orakzai and on perusal of annexed explanation followed by reply, the undersigned being Competent Authority is of the firm opinion that sufficient material is available to proceed with the matter further by dispensing with the inquiry. Resultantly, final show-cause notice as per prescribed format be issued accordingly.


  
(SHAUKAT AHMAD KHAN)  
District & Sessions Judge,  
Orakzai at Baber Mela.

Endorsement No. 5418 - 20 /DSJ/ORK

Dated: 26/03/2022

**Copy Forwarded to:**

1. Learned Additional District & Sessions Judge, Orakzai.
2. Superintendent, District Judiciary Orakzai for compliance.
3. Office Copy.

  
(SHAUKAT AHMAD KHAN)  
District & Sessions Judge,  
Orakzai at Baber Mela.



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**FINAL SHOW CAUSE NOTICE**

I, **Shaukat Ahmad Khan, District & Sessions Judge, Orakzai**, as Competent Authority, under Section 7 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, do hereby serve you, **Mr. Eid Badshah Son of Din Hassan, Driver (BPS-06)** attached to the establishment of undersigned as follows;

2. Whereas as per report of learned Additional District & Sessions Judge, Orakzai, you have absented yourself from duty without application, intimation and permission.
3. whereas you are also reportedly noticed using abusive language/uncivilized gestures while driving official vehicle of the learned Presiding Office.
4. Whereas, sufficient material is available on record to proceed against your unbecoming attitude as you have already admitted that in your written reply.
5. whereas even after serving you with the notice of explanation your indifferent behavior towards the duty has not been changed despite the fact that a minor penalty has also been imposed upon you in recent past.
6. Your acts enumerated herein above make it evident that you are guilty of misconduct which is a valid ground for disciplinary action as prescribed under the **Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011**. As a result, thereof, I, as Competent Authority, have tentatively decided to impose upon you one or more **penalties as provided under Rule 4** of the said Rules.
7. You are, therefore, required to show cause, as to why the aforesaid penalties should not be imposed upon you, and also intimate whether you desire to be heard in person.
8. If no reply to this notice is received within ten days of its delivery, it shall be presumed that, you have no defense to put in, and in that case, an ex-parte action shall be taken against you.

Date of issue: 26.03.2022

Competent Authority



**SHAUKAT AHMAD KHAN,**  
District & Sessions Judge  
Orakzai at Baber Mela

  
**CERTIFIED TO TRUE COPY**

**EXAMINER COPYING AGENCY  
ORAKZAI AT HANGH**

Reply of Show Cause.

محترم سیشن جج صاحب شو کا رٹوش میں آپ نے میرے غیر حاضری کا ذکر کیا ہوا ہے۔ ہماری جو ڈیوٹی ہے۔ وہ فضل وادود صاحب کے مشورے سے ہم نے ڈیوٹی کا رٹوش بنایا ہوا ہے۔ فضل وادود صاحب نے کہا کہ رٹوش کے مطابق رڈوں، پانچ دن، دس دن یا پندرہ دن ڈیوٹی کرو گے آپس میں ایک ترتیب بناؤ لیکن آپ دونوں میں ایک بندہ یہاں حاضر ہونا چاہیے۔  
 آپ صاحب فضل وادود صاحب سے اس رٹوش کے بارے میں بھی کنفرم کر سکتے ہیں ہم نے جو کیا ہے فضل وادود صاحب کے مشورے سے کیا۔ ہم نے کبھی بھی غیر حاضری نہیں کی ہے۔ غیر حاضری کا تو سوال ہی پیدا نہیں ہوتا کہ صاحب سے پوچھتے بغیر ہم چھٹی کریں۔

پر حلف بیان کرتا ہوں کہ ڈرائیور ایک شریف گھرانے سے تعلق رکھتا ہے۔ اس عرصہ میں چند واقعات مختصراً آپ صاحب کے سامنے پیش کرتا ہوں سرجی جب خانوادہ نے آپ کو درخواست دی کہ میں کپڑے نہیں دھو سکتا یہ میری ڈیوٹی نہیں ہے تو آپ نے خانوادہ کی پوسٹنگ وہاں سے دوسری جگہ کر دی اور میری ڈیوٹی سید فضل وادود صاحب کے گھر لگا دی اور آپ نے مجھے یہ بھی کہا کہ یہ آپ کی ڈیوٹی ہے۔ آپ مجھے درخواست وغیرہ نہیں دینگے کہ میں یہ ڈیوٹی نہیں کر سکتا اگر نہیں کر سکتے تو آپ ڈیوٹی سے فارغ ہو جاسکتے ہیں۔ جب میں ڈیوٹی کیلئے سید فضل وادود صاحب کے گھر گیا تو تیسرے دن سید فضل وادود نے مجھے فون کیا کہ ٹیل کے ٹول پلازہ کے پاس ایک بندہ جس کے پاس RAVO گاڑی ہے اس کے ساتھ ڈی آئی خان چلا جائے جب میں وہاں گیا تو صاحب کے کہنے پر میں نے گاڑی ڈرائیو کر کے روانہ ہوا۔ مجھے پتہ نہ تھا کہ وہ ٹھیکہ اریا اٹھجیر ہے۔ (آپ نے میری پوسٹنگ صاحب کے گھر بتا رہے ہیں 29-11-2021 کو کیا تھا) ہم ڈی آئی خان چلے گئے رات ڈی آئی خان میں گزارا۔ پھر ڈی آئی خان سے اسلام آباد چلے گئے۔ پھر اسی رات کو اسلام آباد سے پشاور 3:00am بجے پہنچے پھر ادھر سے میں صاحب کے گھر واپس آیا۔ اس کے بعد میں صاحب کے گھر ڈیوٹی سرانجام دے رہا تھا کہ میڈم (صاحب کی بیوی) نے مجھے کہا کہ صاحب کے مہمان آ رہے ہیں آپ صاحب کے مہمانوں کی خدمت نہ کریں اپنے گھر چلے جاؤ۔ چند دن بعد صاحب کے مہمان آئے (یعنی صاحب کے والدین)۔ موسم سرما میں صاحب کے والدین شائع دیر سے کوہاٹ صاحب کے گھر آئے یعنی سرزی کی وجہ سے دو مہینوں کیلئے دیر سے کوہاٹ آئے۔

صاحب نے مجھے کہا کہ آپ گاڑی کو صاف کریں ہمیں جلدی ہے کہی جانے اور صاحب مہمان کے گاڑی میں اور سامان لینے کیلئے بازار چلے گئے ہیں گاڑی کو صاف کرنا تھا کہ میڈم نے مجھے کہا کہ آپ گاڑی کو چھوڑ دو گاڑی کپڑے دھو لو۔ میں نے کہا کہ صاحب نے کہا ہے کہ گاڑی صاف کرو میں گاڑی صاف کر کے پھر وہ کپڑے وغیرہ دھو لوں گا اسی دوران میڈم نے پھیڑ چھاڑ میرے ساتھ شروع کر کے کہتی ہے کہ گاڑی کے چابی دے دو اور ساتھ میڈم نے یہ بھی کہا کہ میں نے پہلے ہی آپ کو کہا تھا کہ ادھر سے چلے جاؤ ان لوگوں کی خدمت نہ کرو میں نے گاڑی کی چابی دے دی تو میڈم نے کہا کہ نکلو یہاں سے (یعنی مجھے گھر سے نکالا) میڈم کے کہنے پر باہر جانے لگا کہ میڈم نے کہا کہ گھر جاؤ ادھر مت رکھو۔ میں گھر نکل کر سوزو کی میں بیٹھا تھا کہ صاحب کا فون آیا صاحب نے کہا کہ گاڑی صاف ہوئی تو میں نے کہا کہ میڈم نے مجھے زبردستی اپنے گھر سے نکالا تھی کہ چلے جاؤ تو صاحب نے کہا کہ آپ میری ماں رکھیں میری عزت رکھیں میرے مہمان آئے ہوئے ہیں آپ آ جاؤ میرے مہمانوں کی خدمت کرو۔ میں واپس آیا تو صاحب نے کہا کہ یہ کتنی ہے اس کی بات مت سنبھالو گاڑی کا دروازہ بند کر کے میڈم کو اندر مت جانے دینا۔

صاحب ہمہ مہمان سب چکر پر باہر چلے گئے ہم مہمانوں کیلئے کھانے کا بندوبست کر رہے تھے اسی دوران میڈم کچن میں آئی اور مجھے کہا کہ باہر چکر پر جاتے ہیں تو میں نے کہا کہ میں آپ کے ساتھ نہیں جا سکتا صاحب نے مجھے مہمانوں کیلئے کھانا تیار کرنے کو کہا ہے۔ میڈم نے کہا کہ چابی دے دو تو میں نے صاحب کو فون کیا کہ میڈم چابی مانگ رہی ہے تو صاحب نے کہا کہ چابی دے دو میں نے میڈم کو چابی دے کر وہ چلی گئی۔ مہمان جب سے صاحب کے گھر آئے ہوئے تھے تو میڈم کہتی تھی کہ ایک پلیٹ میں مجھے سماں الگ کر کے باقی سامن میں پانی ڈالا کرو تو اس کے بارے میں (یعنی سامن میں زیادہ پانی ڈالنے کے بارے میں) صاحب کو اور مہمانوں کو بھی علم تھا۔

صاحب نے کہا کہ سامن میں پانی مت ڈالا کریں تو ہم نے سامن میں پانی نہیں ڈالا رات کے کھانے کا وقت تھا کہ میں نے دسترخوان پر کھانا لگا دیا میں نے سارا سامن جو کہ 4 یا 3 پلیٹ تھے تھوڑا سا سامن سامن کی برتن میں رہ گیا تھا۔ جو آدھے پلیٹ سے بھی کم تھا جو آدھا سامن برتن میں تھا وہ صرف دو بارہ پلیٹ تازہ کرنے کیلئے رکھا تھا لیکن اس وقت میڈم اپنے بچے سے کہا کہ دو سامن کی برتن اندر لے کر آؤ میں نے برتن بچے کو دے دیے سب کچھ خود کھا دیکھ رہے تھے پھر صاحب نے میڈم سے پوچھنے کے بجائے مجھ سے پوچھنے لگا کہ سامن ہے یا نہیں تو میں نے کہا کہ سامن نہیں ہے جو سامن بچا تھا وہ میڈم



لے گئی تو صاحب نے کہا کہ ایک انڈا فرائی کرو تو ہم انڈا فرائی ہی کر رہے تھے کہ میڈم آئی اور کہنی لگی کہ میرے لیے دو انڈے فرائی کرو۔ انڈا ایک تھا تو میں نے صاحب کے لیے وہ فرائی کیا تو میڈم نے کہا کہ آپ نے میرا حکم کیوں نہیں مانا آپ نے صاحب کیلئے انڈا کیوں فرائی کیا یہ انڈا میرے لیے کیوں نہیں فرائی کیا تو اس وقت میڈم نے کک کے ہاتھ سے آٹے کا پیڑا لیکر باہر دیوار پر پھینک دیا اور کوک کو پکڑ کر باہر نکالا اور کہا کہ سامان وغیرہ اٹھا دو اور یہاں سے چلے جاؤ اس دوران میں صاحب کے پاس جا کر کہا کہ میڈم کوک کو چلے جانے کا کہہ رہی ہے تو صاحب آکر میڈم کو تھپڑ مارا تو میڈم اپنے کمرے سے باہر آکر کچن میں آئی وہاں کچن میں مجھے پکڑ کر باہر نکالا اور دو تین تھپڑ بھی مارے یہ سب کچھ مہمان دیکھ رہے تھے۔

میں صاحب کے پاس دوبارہ گیا صاحب پوچھنے لگا کہ تم کیوں آئے ہو تو میں نے کہا کہ میڈم نے مجھے بھی مارا تو صاحب نے کیا کہ آپ لوگ جو صلے سے کام لو۔ میڈم اس لیے ایسی حرکتیں کر رہی ہے کیونکہ میڈم میرے مہمانوں کو برداشت نہیں کر سکتی ہے صاحب نے اس کے بعد سالن وغیرہ ہمارے کمرے میں لے کر آئے صاحب کی وجہ سے ہم نے کھانا کھایا اور نہ کھانا کھانے کو دل نہیں کر رہا تھا۔ کھانا کھا کر ہم نے سوچا کہ ذرا باہر جا کر خود کو فریش کریں (walk etc)۔ ہم کمرے میں ہی تھے کہ میڈم دوبارہ آکر مجھے کہنے لگی کہ آپ انعام کے قابل ہو کیونکہ آپ نے کوک کے بارے میں صاحب کو کیوں کہا کیونکہ میں کوک کو گھر سے نکالنے والی تھی۔ میڈم نے مزید یہ بھی کہا کہ میں اس صاحب کے ہاتھوں آپ کو Dismiss کرو گئی۔ اگر میں نے ایسا نہیں کیا تو میں آپ کے بچی ہو گئی۔ میڈم مجھے اس طرح کی دھمکیاں بھی دی۔ اور میڈم نے مزید یہ بھی کہا کہ جاؤ 6 انڈے لے کر آؤ اور صاحب کے کھاتے میں لکھو صاحب نے انڈوں کے بارے میں سن کر دوبارہ میڈم کو مارا پینا۔

صبح ہو گئی میڈم نے انڈے لانے کو کہا میں نے انڈے لائے اور میں پیسے مانگنے میڈم کے پاس گیا تو میڈم نے کہا کہ صاحب کے کھاتے میں لاؤ۔ تو میڈم نے مجھے بلایا اور کہا کہ آپ صاحب کے خلاف درخواست دے دیں۔ کیونکہ آپ ڈرائیور ہو کپڑے دھونے، کھانا پکانے وغیرہ آپ کا کام نہیں ہے کیونکہ آپ پر مجھے ترس آتا ہے آپ صاحب کے خلاف شکایت سن جج کو درخواست مت دو۔ میں آپ کو طریقہ بتاتی ہوں آپ صاحب کے خلاف پشاور ہائی کورٹ میں درخواست دے دو۔ یہ بات کئی بار میڈم نے مجھ سے کہی لیکن میں نے اس بات پر خاموشی اختیار کی کسی کو کچھ نہیں بتایا۔ کچھ دنوں کے بعد ان دنوں کے بیچ دوبارہ کسی وجہ سے لڑائی شروع ہی ہوئی تھی۔ تو ایک دن چار سہ ماہی صاحب کے رشتہ داروں میں فونگئی ہوئی تھی صاحب بمعہ والدین اور میڈم جا رہے تھے تو صاحب کے والد صاحب گاڑی کے فرنٹ سیٹ میں بیٹھے تھے تو میڈم نے صاحب کے والد کو کہا کہ آپ پیچھے والی سیٹ میں بیٹھ جاؤ تو صاحب نے یہ سن کر میڈم کو وہی جگہ پر چھوڑ دیا (یعنی گھر میں)۔

میڈم نے دوبارہ مجھ سے کہا کہ آپ صاحب کے خلاف درخواست کیوں نہیں دیتے؟ میں نے آپ کے بارے میں شکایت جج کو بھی فون کیا ہے کہ عید بادشاہ بہت اچھا لڑکا ہے کام والا لڑکا ہے عید بادشاہ کی یہاں سے ٹرانسفر کرادو (یہ ذکر کرتے ہوئے میڈم نے مجھے بیٹھا (مٹھائی، لڈو) دے کر مجھے مبارک باد دے کر کہنی لگی کہ آپ کی یہاں سے ٹرانسفر ہو گئی) اور شکایت جج کو یہ بھی کہا ہے کہ عید بادشاہ بہت حسین ہے بیگ ہے، خوبصورت ہے ہمارے گھر کے سب لڑکیاں، عورتیں اس سے پردہ کرتی ہیں۔

ایک دن میڈم نے مجھے کہا کہ آپ اپنے پاؤں یا ناگ پر پلاسٹر لگاؤ میڈیکل رپورٹ بناؤں کہ میری پاؤں یا ناگ میں فریکچر ہے کیونکہ آپ کو میڈیکل چھٹی مل جائے۔ ایسا کرنے سے آپ مہمانوں کے خدمت سے فارغ ہو جائیں گے۔ پھر بھی میں نے خاموشی اختیار کی لیکن خاموشی کی بات نہ تھی کیونکہ میں نے کسی سٹیر کے ساتھ شیر نہ کی تاکہ مشورہ کر لیتے کہ میڈم مجھے ایسا کیوں کہہ رہی ہے کہ رپورٹ بناؤں صاحب کے خلاف ہائی کورٹ میں درخواست دے دو۔

ایک دن میڈم نے کہا کہ آپ میری باتوں پر عمل نہیں کرتے ہو (یعنی آپ صاحب کے خلاف درخواست نہیں دیتے) آپ خوبصورت ہو مجھے آپ سے ڈر لگتا ہے میری بیٹی بھی جوان ہے آپ ادھر سے چلے جاؤ۔ پھر بھی میں خاموش ہوا کیونکہ شکایت جج صاحب نے مجھے کہا تھا کہ تم آپ کو تم

کے درخواست وغیرہ نہیں دینگے اگر ڈیوٹی کر سکتے ہو تو ٹھیک ہے اگر نہیں کر سکتے تو ڈیوٹی سے فارغ ہو گھر جا سکتے ہو تو اس ڈر کی وجہ سے میں نے کوئی شکایت یا درخواست وغیرہ نہیں کی کہ میرے ساتھ ایسا ظلم وغیرہ ہو رہا ہے۔

میڈم نے میرے ساتھ ایسا ظلم شروع کیا کہ رات کو ہم نہیں سو سکتے تھے کیونکہ رات کو ایک بجے، ننگ، مجھ سے کپڑے دھو کر استری کیا کرتی تھی۔ اس کے علاوہ رات کو دو بجے، تین بجے مجھے فون کر کے کہا کرتی تھی کہ گریز رنگا صبح ہوتے ہی کرے کا دروازہ کھٹکا کر کہتی تھی کہ ناشتہ تیار کرو اس کے علاوہ اور بھی بہت سے کام کرواتی تھی ہمیں آرام سے نہیں بیٹھنے دیتی۔

ایک دن میڈم نے مجھ سے کہا کہ آپ نے میرا حکم نہیں مانا ہے میں اسی صاحب کے ہاتھوں آپ کو Dismiss کر دوں گی۔

اور اہم بات یہ ہے کہ چلنے گاڑی میں وہ دونوں آپس میں اکثر لڑتے تھے اس وقت ڈرائیور پر بہت پریش پڑتا تھا اور حادثے کا شکار بھی ہو سکتا تھا اس لڑائی کے دوران میڈم کہتا تھی کہ گاڑی روکو میں اترتی ہوں اور صاحب کہتا تھا کہ جاؤ مت روکو۔

اس کے علاوہ سب سے زیادہ خطرے والی بات یہ ہے کہ میڈم نے کئی بار یہ بھی کہا ہے کہ آپ لوگ صاحب کو کیوں نہیں چھوڑتے اپنی بیوی صاحب کو لیکر آتے ہو یا اپنی پوتی اپودی صاحب سے مروا تے ہو۔ اس پر بھی میں نے خاموشی اختیار کی۔

بڑی گناہ جو مجھ سے میڈم کرواتی تھی اکثر میڈم خود کچھ کھاپی کر حساب صاحب کے کھاتے میں لکھنے کو کہتی تھی (میڈم نے پشاور میں ہسپتال سے علاج کروایا تو ٹوٹل حساب 350 روپے بنے تھے اور میڈم نے جوس وغیرہ پی کر ٹوٹل 1150 روپے کا خرچہ کیا تو میڈم نے کہا کہ صاحب کو کہو کہ علاج پر ٹوٹل

1500 روپے خرچہ آیا ہے اور صاحب کے کھاتے میں ڈالو)۔ جب میں صاحب سے پیسے مانگتا تو صاحب کہتا کہ میڈم کے پیسے میڈم سے مانگا کرو۔

اور میڈم یہ بھی کہتی تھی کہ اپنے پاس اپنی آدھا تنخواہ رکھا کرو۔ کیونکہ میری تنخواہ ایڈوانس میں چلی جاتی ہے کیونکہ میں نے پراجیکٹ کیلئے لوگوں کو ایڈوانس میں چیک دئے ہیں تنخواہ آتی ہی لوگ کیش کر لیتے ہیں۔ (میں فقیرنی ہوں میرے پاس پیسے نہیں ہے صاحب نے مجھے فقیرنی بنائی ہے وہ مجھے جیب خرچہ بھی نہیں دیتا)

میڈم یہ بھی کہتی تھی کہ 50 اور 100 روپے کا حساب کتاب ہمارے ساتھ نہ کیا کرو کیونکہ گھر میں لگ جاتے ہیں۔ (وہ میرے 100/50 روپے نہ میڈم دیتی تھی اور نہ ہی صاحب)۔

میں اس کے بارے میں فرمان اللہ سنیر سول جج صاحب کے پاس گیا کہ کوہاٹ میں صاحب کے گھر میں ڈیوٹی کر رہا ہوں لیکن وہاں کے حالات کچھ ٹھیک نہیں ہے کیونکہ میڈم مجھے غلط باتیں کرتی ہے اس وجہ سے میں ذہنی طور پر مکمل خراب ہوں۔ تو فرمان اللہ سنیر سول جج صاحب نے کہا کہ آپ تھوڑا گزارا کریں میں مشر صاحب (شوکت شن جج) صاحب کے ساتھ بات کرونگا۔

میڈم نے مجھے تنگ کیا۔ میڈم نے کہا کہ آپ گھر کے باہر ٹینٹ لگاؤ اپنے گلے میں چکول ڈال کر کوہاٹ KDA میں خیرات اخیر مانگا کرو میں کسی قسم کا خوراک اور رہنے کی جگہ آپ کو نہیں دوں گی۔ اس کے بلج میں نے ہوٹل میں کھانا شروع کیا ابھی میں ہوٹل میں کھانا کھاتا ہوں۔ اور میڈم نے کہا کہ گھر کے باہر مرغیوں کا بھی دیکھ بھال کرو یعنی مرغیوں کو چرایا کرو گھر کے اندر مت آیا کرو اگر مرغی گھم ہوئی تو میں آپ کو Dismiss کر دوں گی۔

صرف کپڑے دھویا کرو اور پالش، استری وغیرہ کیا کرو یہ سب کچھ ختم کر کے گھر کے باہر ٹینٹ میں رہو۔ اگر میں گھر کے اندر کام کیلئے آتا ہوں تو مرغیوں کا دیکھ بھال کون کرے گا گھم ہونے کی صورت میں Dismiss کا خطرہ ہے۔

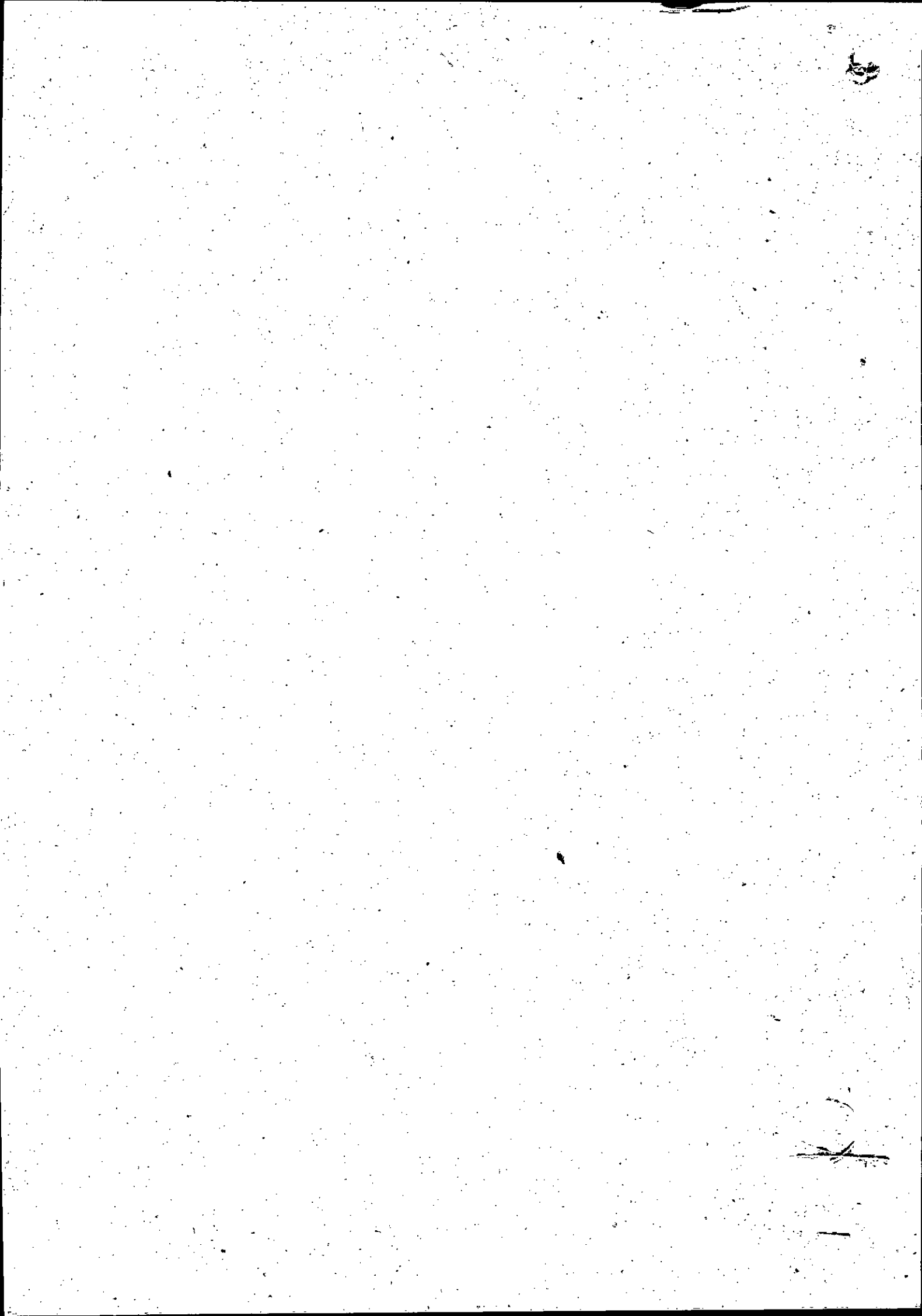
اور ایک دن میڈم نے یہ بھی کہا کہ صاحب مجھے طلاق کیوں نہیں دے سکتا کیونکہ میرا ایک بھائی ہے جو کہ اجرتی ہے ایک گندا گیر انسان ہے صاحب

میرے بھائی کے ڈر کی وجہ سے بھی مجھے طلاق نہیں دے سکتا۔

اگر آپ نے میری کوئی بات کسی کو کہا (یعنی گھر کی کوئی بات کہ میں آپ سے کپڑے دھوتی ہوں یا مرغی وغیرہ چرواتی ہوں) تو میں اسے

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(25)

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سے 100000 روپے دے کر آپ کا سر کٹاؤنگی۔

اب میں نے یہ بات آپ کے ساتھ شیئر (Share) کی۔ تو اب میرے سر کو بھی خطرہ ہے لہذا میں کوہاٹ میں صاحب کے گھر ڈیوٹی نہیں کر سکتا۔  
- میڈم نے مزید یہ بھی کہا کہ آپ جہاں بھی جاؤ گے ہر جگہ ہمارے بندے ہیں یہ سب آپ کے سامنے ہیں فرمان اللہ صاحب کے نے ٹرانسفر کرائی۔  
رحمت اللہ صاحب کو اور کزن کی ٹیشن ہی میں ہی رکھوایا۔ شوکت صاحب اور کزن کی شن جج اور ہنگو کاشن جج اور پشاور ہائی کورٹ کا رجسٹرار سب اپنے ہی بندے ہیں۔

- ایک دن صاحب نے مجھے کہا کہ یہ میڈم مجھے بلیک میل کر رہی ہے اور اس نے پلاٹ، اور بنگلے بھی اپنے نام پر کیے ہیں آپ لوگ برداشت کریں حالانکہ یہ جو کچھ بھی کریں آپ خاموشی اختیار کریں۔

- لہذا آپ صاحب اصحابان سے استدعا ہے کہ مذکورہ بالا وضاحت کو حقیقت جان کر من ڈرائیور کے خلاف شروع کردہ انتقامی کارروائی معطل کی جا کر من ڈرائیور کو اپنی ڈیوٹی جاری رکھنے کا حکم جاری کریں۔ من ڈرائیور غربت کی وجہ سے یہ نوکری کر رہا ہوں۔ من ڈرائیور قطعی طور پر صاحبان کے زور کے برابر نہ ہے من ڈرائیور آپ کے مہربانی و درگزر کا تاحیات مشکور رہوں گا۔  
عین نوازش ہوگی

4-4-2022

عبدالرحمن  
عمید بادشاہ ولد دین حسن  
ڈرائیور بی بی ایس-06

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AGENCY

(11) (26)

**THE OFFICE OF DISTRICT & SESSIONS JUDGE,**  
**ORAKZAI AT BABER MELA**

DISCIPLINARY PROCEEDINGS : 1/9 OF 2022  
DATE OF INSTITUTION : 26.03.2022  
DATE OF ORDER : 30.04.2022

EID BADSHAH, DRIVER (BPS-06), Attached to the office of Additional District & Sessions, Orakzai

------(Accused/Official)

**JUDGEMENT**  
30.04.2022

In furtherance of the written report dated 08/03/2022 of the Office of Additional District & Sessions Judge, Orakzai; whereby, it was reported that the accused official has remained absent from his official duty with effect from 25<sup>th</sup> of February of 2022 till 8<sup>th</sup> of March, 2022 and thus, act of wilful absence was committed by accused official namely Eid Badshah (Driver, BPS-06), disciplinary proceedings were initiated. An inefficiency and misconduct on part of accused official have also been reported therein. Consequently, the conduct of inquiry was dispensed with for being mandated by Rule No. 05, of KP Government Servants (Efficiency and Discipline) Rules, 2011; the relevant part is reproduced here in below for ease of reference.

(5). "Initiation of proceedings. \_ (1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient

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ORAKZAI AT HANGH

Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber Mela  
30/04/22

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grounds for initiating proceedings against a Government servant under these rules it shall either:

(a) Proceed itself against the accused by issuing a show cause notice under rule 7 and, for reasons to be recorded in writing, dispense with inquiry:

....."

2. Therefore, show cause notice in line with Rule-7 was issued to accused official with direction to submit his reply through the Office of Superintendent as the accused official was not in appearance for duty till that date. Reply was presented and absence in the given period was categorically admitted with the stance that it was the other driver who performed the duty of driving; however, the other charges of inefficiency and misconduct have been denied.

3. Final Show Cause Notice dated 26.03.2022 was served on accused official. Reply of final Show Cause Notice consisting upon about three thousand (3000) words have been presented opting therein the opportunity of personal hearing as well.

4. The reply of final Show Cause Notice is no answer of the charges rather it is derogatory, insulting and unreasonable notes of accused official against two Senior Judicial Officers working in two different districts of Hangu and Orakzai. It is not out of place to mention here that accused official was earlier posted in

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the Conference Room and he, in inquiry, adopted the same procedure of attacking the person of Incharge of IT Cell (Hisham Shah, Computer Operator) who was complainant in inquiry and was succeeded in getting his inquiry closed. This is by now established that the accused official is using personal attack on complainant as a tool for closing inquiry proceedings and cannot be ignored further as the present personal attack on complainant (Additional District & Sessions Judge, Orakzai) was aggravated in comparison to previous personal attacks on complainant (Hisham Shah, Incharge IT Cell) and if he has been spared this time, the next personal attack is expected to be more engineered and manipulated that may cause irreparable loss. Moreover, since commencement of the proceedings against the accused official i.e., from the date when he was served with notice of explanation by the Additional District and Sessions Judge, Orakzai, the accused official, without any order of his transfer or otherwise, has continue his wilful absent from his duty. During his personal hearing, when the accused official was asked that as to why he is absent from duty, he was having no explanation for. He refused straightaway from joining duty with the Officer to whom he is attached.

5. If at all, the reply is presumed as gospel truth despite the fact that it is unbelievable on the apparent reasons of known bad character of accused official who is in habit of utilizing method of slandering of complainant; even then, the accused

Shaukat Ahmad Khan  
District & Sessions Judge  
Orakzai at Baber Nala

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official is driver who as usual remains in close contact with the house of the Judicial Officer and is not supposed to shatter the privacy and disgrace the Officer with whom he is attached. His bad behaviour was evident in personal hearing when was asked to take back the reply and confine it to the charges levelled against him. He bluntly denied despite the fact of lenient view promised with him. In this scenario, it is in the fitness of thing being close to the demand of justice that the reply shall be sealed and locked so that both the Judicial Officers may not be unnecessarily harassed and dishonoured. Besides, it is being observed that this kind of character is by no sketch of imagination suitable for employment; that too, as driver who as usual interact with the family of the Officer to whom it is attached.

6. Moreover, since commencement of the proceedings against the accused official i.e., from the date when he was served with a notice of explanation by the learned ASJ, he (the accused official) without any order of his transfer or otherwise, has been absent from his duty. During his personal hearing, when he was asked that as to why he is absent from his duty, he flatly refused to perform duty with the learned ASJ.

From the perusal of material available on file; previous official record of accused official; his frequent transfer postings on administrative grounds; constant bad behaviour; admission of wilful absence in reply to explanation and final show cause

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ORAKZAI AT HANGH**



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notice; his stubborn behaviour and language used in personal hearing and his flat refusal to perform his duty, it is evident that wilful absence from duty without permission and intimation has been committed with having sufficient material of inefficiency and misconduct on the credit of accused official.

Consequently, major penalty of "Dismissal from Service" as envisaged in Rule - 4 (b) (iv) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, is imposed upon the accused official namely Eid Badshah (Driver BPS-06). In addition to that, the salary, if drawn, in period of absence shall be recovered in accordance with law.




**Pronounced**  
30.04.2022

  
(Shaukat Ahmad Khan)  
District & Sessions Judge,  
Orakzai, at Baber Mela

**CERTIFICATE**

Certified that this judgment consists of five (05) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 30.04.2022

  
(Shaukat Ahmad Khan)  
District & Sessions Judge,  
Orakzai, at Baber Mela



EXAMINED & CORRECTED  
BY THE DISTRICT & SESSIONS JUDGE



OFFICE OF THE  
DISTRICT & SESSIONS JUDGE,  
ORAKZAI (AT BABER MELA)


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Fax No. : 0925-690320  
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Website: [www.districtcourisorakzai.gov.pk](http://www.districtcourisorakzai.gov.pk)

**OFFICE ORDER:**

The following transfer/posting of the officials are hereby made in the public interest, with immediate effect, till further orders.

S. No.	Name of Official(s) with Designation	Present Post	From	To	Remarks
01	Hisham Shah Computer Operator	On assumption of charge after expiry of his earned leave	D&Sj, Orakzai	AD&Sj, Orakzai	Transferred and posted as Computer Operator
02	Khanwada Chowkidar	Chowkidar	AD&Sj, Orakzai	Circuit House, Baber Mela.	Transferred and posted as Chowkidar
02	Eid Badshah Driver	Driver	Conference Room/Library (D&Sj)	AD&Sj, Orakzai	Transferred and posted as Attached to the court of AD&Sj, Orakzai.

Note: Official at Serial No. 01 shall assist, in addition to his own duties, this office related to all IT equipment and to coordinate with Mr. Lal Nabi, as and when required.

  
District & Sessions Judge,  
Orakzai at Baber Mela

Endorsement No. 4859-66 /DSJ/ORK


Dated: 29/11/2021

Copy Forwarded to:

1. All the Learned Judicial Officers, District Courts Orakzai, for information.
2. Officials concerned by name.
3. Notice board.
4. Office Copy.

  
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District & Sessions Judge,  
Orakzai at Baber Mela



OFFICE OF THE  
DISTRICT & SESSIONS JUDGE,  
ORAKZAI AT BABER MELA


Phone No: 0925-690320  
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Email: [dsjorakzai@gmail.com](mailto:dsjorakzai@gmail.com)  
Website: [www.districtcourtsorakzai.gov.pk](http://www.districtcourtsorakzai.gov.pk)

No. 5439-N/DSJ/ORK - Dated: 12<sup>th</sup> April, 2022

**NOTICE**

WHEREAS disciplinary proceedings were initiated against you dispensing with inquiry under the Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) Rules, 2011. Thereafter you were served with Final show cause Notice and after receiving reply to the same, you are provided an opportunity for personal hearing.

You are, therefore, directed to appear before the undersigned being Competent Authority on Thursday April 13<sup>th</sup>, 2022 for personal hearing in the ibid departmental proceedings.

  
(SHAUKAT AHMAD KHAN)  
District & Sessions Judge,  
Orakzai at Baber Mela.

1. Eid Badshah, Driver, attached to the establishment of D&SJ, Orakzai





**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA**

*Office of the*

**DISTRICT AND SESSIONS JUDGE, ORAKZAI**

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

Phone: 0925-690320 Fax No: 0925-690320

(18)

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**OFFICE ORDER**

30/04/2022

Whereas, in furtherance of the written report dated 08/03/2022 of the Office of Additional District & Sessions Judge, Orakzai; whereby, it was reported that the accused official has remained absent from his official duty with effect from 25<sup>th</sup> of February of 2022 till 8<sup>th</sup> of March, 2022 and thus, act of willful absence was committed by accused official namely Eid Badshah (Driver, BPS-06), disciplinary proceedings were initiated. An inefficiency and misconduct on part of accused official have also been reported therein.

Whereas, the conduct of inquiry was dispensed with for being mandated by Rule No. 05, of KP Government Servants (Efficiency and Discipline) Rules, 2011 and a final Show Cause Notice dated 26.03.2022 was served on accused official. Reply of final Show Cause Notice consisting upon about three thousand (3000) words have been presented opting therein the opportunity of personal hearing as well.


Whereas, from the perusal of material available on file; previous official record of accused official; his frequent transfer postings on administrative grounds; constant bad behavior; admission of willful absence in reply to explanation and final show cause notice; his stubborn behavior and language used in personal hearing and his flat refusal to perform his duty, it is evident that willful absence from duty without permission and intimation has been committed with having sufficient material of inefficiency and misconduct on the credit of accused official.

Consequently, major penalty of "**Dismissal from Service**" as envisaged in Rule - 4 (b) (iv) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, is imposed upon the accused official namely Eid Badshah (Driver BPS-06). In addition to that, the salary, if drawn, in period of absence shall be recovered in accordance with law.

**SHAUKAT AHMAD KHAN**  
*District and Sessions Judge,*  
*Orakzai*

Copy forwarded for information to:

1. Worthy, the Registrar, Peshawar High Court, Peshawar.
2. The Additional District & Sessions Judge, Orakzai.
3. The Senior Civil Judge, Orakzai.
4. The District Account Officer, Account Office, Orakzai.
5. The Superintendent, District Judiciary, Orakzai.
6. The Clerk of Court, Orakzai.
7. The Budget & Account Assistant, Orakzai.
8. Official concerned by name.
9. Office Copy.

  
District and Sessions Judge,  
Orakzai

  
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ORAKZAI AT HANGH

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در سبب مشتاق غیر بادشاہ

کہ میں مرہول ہوا

Explanation

دستخط غیر بادشاہ غیر بادشاہ

9/3/22

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OFFICE OF THE  
DISTRICT & SESSIONS JUDGE,  
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No. /DSJ/ORK - Dated: 06<sup>th</sup> January, 2023

To

Worthy the Registrar,  
Peshawar High Court,  
Peshawar.

Subject: DRAFT PARA WISE COMMENTS IN SERVICE APPEAL NO.  
1407/2022  
Eid Badshah...Vs...District & Sessions Judge, Orakzai etc.

Respected Sir,

In compliance with Notice dated 19-12-2022 of the Khyber Pakhtunkhwa Service Tribunal, Peshawar read with directions contained in Letter No. 17490/Admn. Dated: 24-12-2022 of Hon'ble Peshawar High Court, Peshawar, enclosed please find herewith draft para-wise comments of the Respondent (D&SJ, Orakzai) in the above noted Service Appeal alongwith supporting documents duly indexed for further proceedings, as directed, please.

It is further submitted that Sayed Muhammad Razi Shah, Superintendent (BPS-17) of District Judiciary Orakzai, is nominated to represent this Office as well as Office of worthy the Registrar, Peshawar High Court, Peshawar before the Khyber Pakhtunkhwa Service Tribunal Peshawar in the aforementioned service appeal on 17.01.2023 and on each date of hearing.

Submitted, as directed, please.

(SHAUKAT AHMAD KHAN)  
District & Sessions Judge,  
Orakzai at Baber Mela.

Endst. No. 6254 /DSJ/ORK

Dated: 06.01.2023

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

(SHAUKAT AHMAD KHAN)  
District & Sessions Judge,  
Orakzai at Baber Mela.