



06.01.2023

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the brief of the instant appeal. Adjourned. To come up for arguments on 22.03.2023 before the D.B.

SCANNED
KPST
Peshawar


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)


22.03.2023

Learned counsel for the appellant present.

Mr. Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

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Peshawar

Learned Member Judicial (Mrs. Rozina Rehman) is on leave, therefore, case is adjourned to 07.06.2023 for arguments before D.B. Parcha Peshi given to the parties.


(Muhammad Akbar Khan)
Member (E)

10.10.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Learned counsel for the appellant requests for adjournment in order to further prepare the brief. To come up for arguments on 15.12.2022 before D.B.

Q

(Farecha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

Late Diary
10th Oct, 2022

Both the respondents are out district & due to non-availability of postal tickets, they were not served upon notice.
Noted for Counsel
15th Nov. 2022
mm
14-11-22

Despite direction for fixation of the cases for the shortest possible dates, the office has fixed this case for a longer date. The Reader of the court is warned to be careful in future. The date fixed in this case is accelerated to 15 / 11 / 2022. Notices be issued to the parties and their counsel for the date fixed.

Q

(Farecha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

Counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. This is an old appeal of 2017 & the last opportunity is granted. To come up for arguments on 06.01.2023 before the D.B.

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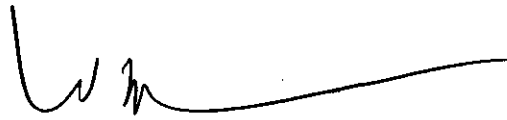
(FAREEHA PAUL)
Member(E)

(ROZINA REHMAN)
Member (J)

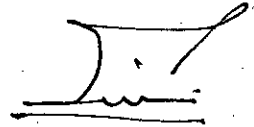
08.11.2021

Clerk of counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Clerk of counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned To come up for arguments before the D.B. on 09.02.2022.



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



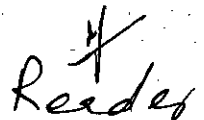
(SALAH-UD-DIN)
MEMBER (JUDICIAL)

Due to retirement of the Honorable Chairmen the case is adjourned To come up for the same as before on 02/6/2022


Reader

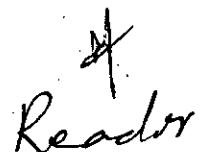
2-6-2022

Proper DB not available the case is adjourned to 15-8-2022


Reader

15-8-2022

Due to summer vacations the case is adjourned to 10-10-2022


Reader

21.06.2021

Appellant in person and Mr. Kabirullah Khattak, Addl. AG the respondents present.

Respondents have not submitted reply/comments. Learned AAG seeks time to contact the respondents. Learned AAG is required to contact the respondents for submission of reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 08.11.2021 before the D.B.

Stipulated period has passed in this appeal along with other connected appeals and reply has not been submitted.


Chairman

P.S

05.07.2021

Learned Addl: A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.


Chairman

01.02.2021

Counsel for the appellant present.

Learned counsel contends that for a similar act of receipt of Banzir Income Support Programme, learned District Judge, Timergara absolved the accused Muhammad Saleem Khan, while on the other hand, the appellant was penalized to recovery of the received amount under the programme ibid vide impugned order passed by District & Sessions Judge, Shangla. The appellant being similarly placed civil servant could not be treated with discrimination, it was added.

Subject to all just exceptions, the appeal is admitted to regular hearing. Appellant is required to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 28.04.2021 before S.B.

Alongwith the appeal, there is an application for suspension of operation of impugned order. Notice of the application be also given to the respondents for the date fixed. In the meanwhile, the disputed amount shall not be recovered from the appellant.

Appellant Deposited
Security & Process Fee

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Chairman

28.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 21.06.2021 for the same as before.



Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No: 1069 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/01/2021	<p>The appeal of Mr. Muhammad Didar presented today by Mr. Irfan Ali Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/02/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

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Peshawar

BEFORE THE KHYBER PAKHUNTKHWA SERVICES
TRIBUNAL PESHAWAR

Service Appeal No. 1069 /2021

Muhammad Dedar..... **Appellant**

V E R S U S

Senior Civil Judge and another **Respondents**

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Memo of Appeal	*	1-7
2.	Application for suspension	*	8-9
3.	Affidavit	*	10
4.	Addresses of Parties	*	11
5.	Copy of letter dated 23/04/2020	A	12-17
6.	Copy of show cause notice and reply	B	18-21
7.	Copy of order dated 16/07/2020	C	22-26
8.	Copy of department representation	D	27-30
9.	Copy of the impugned order dated 19/12/2020	E	31-35
10.	Copy of verdict of District Judge, Dir	F	36-38
11.	Copy of relevant documents	G	39-40
12.	Wakalat Nama		41

Dated:-06/01/2021

Through:-

Appellant

Irfan Ali Yousafzai

Advocate High Court,
Peshawar

&

Aurangzeb Khan

Advocate High Court,
At Swat

Cell: 0314-9070658

Office: FF-10, 5th

Floor Bilour Plaza

Peshawar Cantt.

**BEFORE THE KHYBER PAKHUNTKHWA SERVICES
TRIBUNAL PESHAWAR**

Service Appeal No. _____/2021.

Muhammad Dedar Junior Clerk (BPS-11) District
Judiciary District Shangla **Appellant**

V E R S U S

1. Senior Civil Judge, Shangla

2. District & Sessions Judge, Shangla

..... **Respondents**

**SERVICE APPEAL UNDER SECTION 4 OF
THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER DATED 19/12/2020
PASSED BY THE RESPONDENT NO.2
WHEREBY THE APPEAL OF THE
APPELLANT WAS PARTIALLY ALLOWED
AGAINST THE ORDER DATED
16/07/2020 OF RESPONDENT NO.1
WHEREBY IMPOSED PENALTY THAT
"HE HAS AWARDED PENALTY OF
WITHHOLDING INCREMENTS FOR
THREE YEARS WITH NON-
ACCUMULATIVE EFFECT UNDER RULE
(4)(1)(A)(II) OF THE IBID RULES" AND**

2

**“RECOVERY OF RS. 1,15,874/- BE
MADE FROM APPELLANT AND BE
DEPOSITED IN GOVERNMENT
TREASURY UNDER RULE 4(1)(A)(III) OF
THE IBID RULES” ON THE ACCOUNT OF
THE GETTING BENEFIT FROM BENAZIR
INCOME SUPPORT PROGRAM, THE
IMPUGNED ORDER DATED 19/12/2020
BE SET ASIDE TO THE EXTENT OF
RECOVERY IN 10 EQUAL INSTALMENTS
FROM THE APPELLANT.**

Prayer in Appeal:

On acceptance of this service appeal, the order dated 19/12/2020 passed by the respondent No.2 may kindly be set aside to the extent of recovery in 10 instalments from the appellants and appellant may kindly be exonerated from the subject penalty.

Respectfully Sheweth:

1. That the appellant is regular employee in the Court of Senior Civil Judge Shangla as Junior Clerk.
2. That on initiative of Government a letter bearing No. SOR-I(E&AD)4-17/2020 dated 07/02/2020 was circulated which included a list of

government officers/officials whose spouses were the beneficiaries of the Benazir Income Support Program.

3. That in compliance of the above mentioned letter, the Hon'ble Peshawar High Court, Peshawar vide letter bearing No. 6454-206/Admin: dated 23/04/2020 addressed to all District & Session Judges/Senior Civil Judges of Khyber Pakhtunkhwa to take disciplinary action against those Govt. servants himself or through spouse received Income Support from BISP. **(Copy of letter dated 23/04/2020 is attached as Annexure-A)**
4. That in compliance of the same, a show cause notice was issued on 13/05/2020 to the appellant which was commented/replied by the appellant. **(Copy of show cause notice and reply are attached as Annexure-B)**
5. That the respondent No.1/competent authority after hearing the appellant and without conducting inquiry passed the impugned order dated 16/07/2020 against the against the appellant which are as under:
 - i. **“HE HAS AWARDED PENALTY OF WITHHOLDING INCREMENTS FOR THREE YEARS WITH NON-**

**ACCUMULATIVE EFFECT UNDER RULE
(4)(1)(A)(II) OF THE IBID RULES**

- ii. **“RECOVERY OF RS. 1,15,874/- BE MADE
FROM APPELLANT AND BE DEPOSITED
IN GOVERNMENT TREASURY UNDER
RULE 4(1)(A)(III) OF THE IBID RULES”**

(Copy of order dated 16/07/2020 is attached as Annexure-C)

- 6. That the appellant being aggrieved from the order dated 16/07/2020, filed department representation before the respondent No.2. **(Copy of department representation is attached as Annexure-D)**
- 7. That on 19/12/2020, the learned Respondent No.2 partially allowed the representation/appeal of the appellant and modified as “The penalty of stoppage of increment is set aside/recalled” and the recovery of the amount from the appellant was ordered to recovered in 10 equal instalments the amount which the appellant or spouse of the appellant was received from the BISP. **(Copy of the impugned order dated 19/12/2020 is attached as Annexure-E)**

8. That the appellant is aggrieved of the said order prefer this service appeal before this Hon'ble Tribunal on the following amongst other grounds:

GROUND S:

- A. That the same nature cases was already decided by the other district judicial staff and officers and all the liabilities were struck off because according to the Act of Benazir Income Support Program benefit of the said program is not against the rules and policy of the Government Servant. **(Copy of verdict of District Judge, Dir is attached as Annexure-F)**
- B. That the impugned order dated 16/07/2020 and 19/12/2020 of the respondents is against the law, rules and policy, hence liable to be corrected.
- C. That the respondent has committed serious illegalities and irregularities while issuing the impugned orders as no cogent reason is mentioned while imposing the penalty, hence the impugned orders are illegal, unlawful, void-ab-initio as well as corum-non-judice.

- 6
- D. That the impugned orders of the respondents are against the principle of natural justice and as no chance of personal hearing is given to the appellant while issuing impugned orders.
 - E. That the impugned orders are even against the Constitution of Islamic Republic of Pakistan 1973 as well as principle of policy, hence the same are liable to be set aside.
 - F. That the appellant is treated against the law, rather discriminately been treated and with malafide, hence the impugned orders are liable to be set aside.
 - G. That any other ground will be agitated at the time of arguments with prior permission of this Hon'ble Tribunal.

For the aforesaid reasons, it is, therefore, humbly prayed that by accepting of this service appeal, the order dated 19/12/2020 passed by the respondent No.2 may kindly be set aside to the extent of recovery in 10 instalments from the appellants and appellant may kindly be exonerated from the subject penalty.

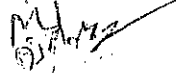
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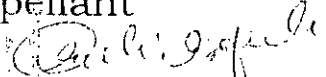
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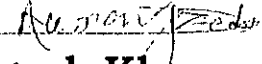
Any other remedy deems proper and just
may also be granted in the circumstances of
the case.

Dated:-06/01/2021

Through:-


Appellant


Irfan Ali Yousafzai
Advocate High Court,
Peshawar

& 
Aurangzeb Khan
Advocate High Court,
At Swat

CERTIFICATE:

Certified on instructions of my client that appellant
has not previously moved such like appeal before this
Hon'ble Tribunal.


ADVOCATE

8

BEFORE THE KHYBER PAKHUNKHWA SERVICES
TRIBUNAL PESHAWAR

CM No. _____/2021

IN

Service Appeal No. _____/2021

Muhammad Dedar.....**Appellant**

V E R S U S

Senior Civil Judge and another**Respondents**

APPLICATION FOR SUSPENSION OF
THE IMPUGNED ORDERS DATED
16/07/2020 AND 19/12/2020,
PASSED BY THE SENIOR CIVIL
JUDGE, SHANGLA AND DISTRICT &
SESSIONS JUDGE, SHANGLA
RESPECTIVELY, TILL THE FINAL
DECISION OF THE SERVICE APPEAL.

Respectfully Sheweth:

1. That the accompanying Service Appeal is being filed before this Hon'ble Tribunal, in which no date of hearing has yet been fixed.
2. That the petitioner has got a good prima facie case in his favour, and is sanguine about its success.

- 3. That the balance of convenience also lies in favour of the petitioner.
- 4. That if the orders dated 16/07/2020 and 19/12/2020 are not suspended, then the petitioner would suffer irreparable loss.
- 5. That the facts and grounds of the Service Appeal may kindly be read as an integral part of this application.

It is, therefore, respectfully prayed that on acceptance of this application, the impugned judgments and orders of the learned lower forum may kindly be suspended, till the final decision of the case.

Dated:-06/01/2021

Through:-

[Signature]
 Appellant
[Signature]
Irfan Ali Yousafzai
 Advocate High Court,
 Peshawar
 & *[Signature]*
Aurangzeb Khan
 Advocate High Court,
 At Swat

10

**BEFORE THE KHYBER PAKHUNKHWA SERVICES
TRIBUNAL PESHAWAR**

CM No. _____/2021

IN

Service Appeal No. _____/2021

Muhammad Dedar.....**Appellant**

V E R S U S

Senior Civil Judge and another**Respondents**

AFFIDAVIT

I, **Muhammad Dedar Junior Clerk (BPS-11) District Judiciary District Shangla**, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal & Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by

Irfan Ali Yousafzai

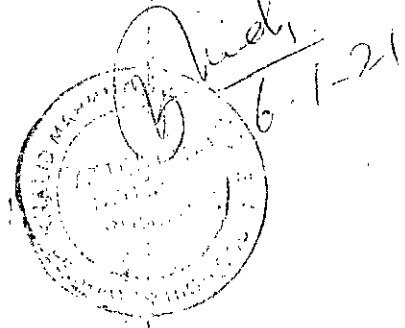
Irfan Ali Yousafzai
Advocate, High Court,
Peshawar

Muhammad Dedar

DEPONENT

CNIC# 15501-2241099-9

Cell#0314-9070658



11

**BEFORE THE KHYBER PAKHUNKHWA SERVICES
TRIBUNAL PESHAWAR**

Service Appeal No. _____/2021

Muhammad Dedar.....**Appellant**

V E R S U S

Senior Civil Judge and another**Respondents**

ADDRESSES OF PARTIES

APPELLANT

Muhammad Dedar Junior Clerk (BPS-11) District
Judiciary District Shangla

RESPONDENTS

1. Senior Civil Judge, Shangla
2. District & Sessions Judge, Shangla

Dated:-06/01/2021

Through:-

Appellant

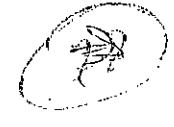
(Signature)
Irfan Ali Yousafzai
Advocate High Court,
Peshawar

& *(Signature)*
Aurangzeb Khan
Advocate High Court,
At Swat

ANNEX X (12)

ORDERS
IN CIVIL
Suits of 2020
signature of Judge or
Magistrate where necessary.

Court, Peshawar
2020 was



The
PESHAWAR HIGH COURT
Peshawar

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

Exec: 9210149-58
CMT: 9210135
Fax: 9210170

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

No. ADMN:

Dated Pesh the / / 2020

To:

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

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

Sir,

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

Sincerely yours,

(KHAWAJA WAJAH-UD-DIN)
REGISTRAR

REGISTERED COPY

LIST OF EMPLOYEES OF CIVIL COURTS THROUGHOUT KPK WHO WERE BENEFICIARY OF BISP				
S No.	Name with Pay Scale	F/Name	NIC	Cost Center
1	Zer Rehman (BPS-04)	Muhammad Luqman	11101-1457479-5	SCJ B----
2	Zakirullah (BPS-16)	Sabir Khan	15505-0209199-7	SCJ, Shangla
3	Zahoor Khan (BPS-03)	Abdul Jabbar	14301-1921825-9	SCJ, Kohat
4	Zahirullah (BPS-11)	Mir Janan	14203-2036522-7	SCJ-----
5	Zahidullah Khan (BPS-03)	Muhammad Akbar	11101-8245247-5	SCJ-----
6	Waris Khan (BPS-03)	Roshan Khan	13504-7864737-5	SCJ, Mansehra
7	Wali Rahman (BPS-03)	Fazal Rahman	15602-7076416-5	SCJ, Swat
8	Usman Ghani (BPS-11)	Mir Sahib Khan	11201-3366685-5	SCJ, Peshawar
9	Umer Ayaz (BPS-04)	Sher Dad	11201-0396766-7	SCJ-----
10	Umar Janan (BPS-06)	Sakhi Janan	14202-1329398-7	SCJ-----
11	Tariq Ali (BPS-05)	Khewa Noor	15101-2132812-7	SCJ-----
12	Suleman Shah (BPS-11)	Mir Badshah	14301-1990764-1	SCJ, Kohat
13	Shamsul Qamar (BPS-06)	Shah Nazar	15501-1209371-3	Process Serv---
14	Shah Dawran (BPS-06)	Johar	15602-8039587-1	SCJ, Swat
15	Samullah (BPS-05)	Sakhi Jan	15601-1006682-1	SCJ, Swat
16	Salimullah (BPS-11)	Saidullah	15701-1229525-5	SCJ-----
17	Saleem Khan (BPS-11)	Sikandar Khan	12201-0985463-3	SCJ-----
18	Salahuddin (BPS-03)	Sarfraz	15501-2235703-3	SCJ, Shangla
19	Sajid Masih (BPS-04)	Sadiq Masih	11101-3653114-7	SCJ, B-----
20	Sajidullah (BPS-03)	Mustafa Kamal	17301-7444731-7	SCJ, Peshawar
21	Saifullah Almas (BPS-18)	Ayub Gul	14301-8629128-3	SCJ, B-----
22	Saiful Islam (BPS-03)	Muhammad Iqbal	16202-0904980-5	SCJ, S-----
23	Said Nazar (BPS-04)	Gul Nazar	15602-1330326-3	SCJ, Swat

SHANGLA JUDGE (ADMIN) SHANGLA

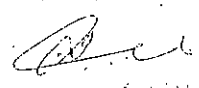
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(12)

S No.	Name with Pay Scale	F/Name	NIC	Cost Center
26	Sabir Ali (BPS-11)	Muhammad Qayum	15501-2246161-1	SCJ, Shangla
27	Riaz Ahmad (BPS-11)	Rahimdad Khan	16101-8093741-9	SCJ, M-----
28	Raj Wali Khan (BPS-06)	Chaman Gul	17101-0307654-3	SCJ, C-----
29	Rahmatullah (BPS-04)	Samin Gul	17301-1636503-5	SCJ, Peshawar
30	Pashmin Khan (BPS-04)	Jafoor Khan	15602-6152658-9	SCJ, Swat
31	Obaidullah Jan (BPS-06)	Said Khan	12201-1899467-9	SCJ-----
32	Paida Khan (BPS-04)	Gul Zamin	15502-6155213-9	SCJ, Shangla
33	Noor Akbar Khan (BPS-11)	Noor Hamad Khan	15101-6154369-5	SCJ, B-----
34	Nizam Din (BPS-06)	Shams ud Din	13401-1504912-9	Pr.Ser.Agen;---
35	Namos Khan (BPS-11)	Amir Zada	15505-5165534-5	SCJ, Shangla
36	Naib Khan (BPS-04)	Mazeef Khan	11101-9709073-9	SCJ, B-----
37	Naeem Ali (BPS-11)	Muhammad Unas	15501-4442219-3	SCJ, Shangla
38	Muhammad Zada (BPS-04)	Nasray Mian	15501-4702424-5	SCJ, Shangla
39	Muhammad Yousaf (BPS-03)	Muhammad Jan	12102-7971028-5	SCJ, C-----
40	Muhammad Saleem (BPS-11)	Nassrullah Jan	12201-2903012-5	SCJ, P.S.-----
41	Muhammad Ramzan (BPS-06)	Ahmad Din	12101-2226103-1	SCJ, D.I.Khan
42	Muhammad Raheem (BPS-06)	Islam Mir	14101-9637997-1	SCJ, H-----
43	Muhammad Naeem (BPS-11)	Ghulal Rafique	14301-1145693-3	SCJ, Kohat
44	Muhammad Khalid (BPS-11)	Wali Muhammad	13101-0952211-5	SCJ, Abbottabad
45	Muhammad Ishaq (BPS-05)	Bazgul Khan	14101-9273563-1	SCJ, H-----
46	Muhammad Ilyas (BPS-06)	Sher Amin Khan	15306-3924086-5	SCJ, T-----
47	Muhammad Ijaz (BPS-05)	Noor Hussain	13101-9567932-3	SCJ, Abbottabad
48	Muhammad Hanif (BPS-16)	Muhammad Zameer	42501-2412727-5	SCJ, Shangla
49	Muhammad Didar (BPS-11)	Taj Bakht Sultan	15501-2241099-9	SCJ, Shangla

(13) (15) (18)

S No.	Name with Pay Scale	F/Name	NIC	Cost Center
52	Muhammad Amin (BPS-11)	Sazah	15602-5652341-5	SCJ, Swat
53	Muhammad Afsar (BPS-14)	Abdul Khaliq	15501-9352704-7	SCJ, Shangla
54	Muhammad Javed Akhtar (BPS-04)	Mir Afzal	13302-5235370-3	SCJ-----
55	Muhammad Ismail (BPS-14)	Mohammad Anwar	15501-5818692-9	SCJ, Shangla
56	Mehdi Hassan (BPS-04)	Allah Bakhsh	12101-0478751-9	SCJ, D.I.Khan
57	M. Saleem (BPS-16)	Gul Azam	17101-0284480-3	SCJ, Haripur
58	Liaqat Ullah (BPS-16)	Hamidullah	12201-9006481-5	SCJ-----
59	Kirammat Khan (BPS-14)	Sher Muhammad Khan	17301-1398718-1	SCJ, Charsadd
60	Jan Alam Khan	Umat Khan	15301-1941982-9	SCJ-----
61	Iltbar Gul (BPS-04)	Ali Haider	15501-2252541-7	SCJ, Shangla
62	Inayatullah (BPS-14)	Said Hussain	15702-2483811-9	SCJ-----
63	Ihsan Muhammad (BPS-06)	Nazir Muhammad	15101-6611164-1	SCJ, B-----
64	Hafiz Hussain (BPS-05)	Israfil Gul	17301-4315309-9	SCJ, Peshawar
65	Hazrat Ali Chaman (BPS-05)	Chinar	13401-3823863-7	Pr.Ser.Agency
66	Hasham Khan (BPS-05)	Mohammad Zahid	13202-0719996-7	SCJ, Peshawar
67	Gul Anwar (BPS-06)	Sherbat Khan	12201-3784687-1	SCJ, Charsadd
68	Ghulam Qasim (BPS-04)	Faizullah	11201-5400536-7	SCJ, Charsadd
69	Ghulam Nabi (BPS-16)	Abdul Khaliq	13202-0757320-3	Proc. Ser.Age
60	Fida Hussain (BPS-04)	Iqbal Hussain	17301-1264256-1	SCJ, Peshawar
61	Fidaullah (BPS-06)	Najeebullah Khan	11201-0362964-1	SCJ, Charsadd
62	Fazal Rabi (BPS-11)	Ghulam Nabi	17301-7001361-1	SCJ, Peshawar
63	Faridullah (BPS-11)	Khairullah	15701-1528698-9	SCJ-D,-----
64	Faizul Haq (BPS-06)	Fazal Haq	15602-8155520-5	SCJ, Swat
65	Ijaz Ahmad (BPS-05)	Raziq Khan	61101-2625933-9	SCJ, Haripur



Swat vide letter
 11.03.2020 a

The

All communications should be addressed to the Registrar Peshawar

15

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S No.	Name with Pay Scale	F/Name	NIC	Cost Center
68	Azat Gul (BPS-14)	Sahib Gul	15602-0336226-5	SCJ, Swat
69	Asmatullah Khan (BPS-16)	Amir Sahib Khan	11201-3048856-1	SCJ, Charsadda
70	Aslam Khan (BPS-04)	Saifullah Khan	11201-7090454-7	SCJ, Charsadda
71	Arshad (BPS-03)	Abdul Kamal Khan	15402-7693442-1	SCJ, B-----
72	Aqeel Ahmad (BPS-05)	Muhammad Yousif	13101-5887245-1	SCJ, Abbottabad
73	Anwar ullah (BPS-03)	Yousaf Khan	16202-0126366-5	SCJ, S-----
74	Amir Zeb (BPS-11)	Jan Muhammad	17201-0873944-9	SCJ, Nowshera
75	Ali Zar (BPS-03)	Sher Goli	15202-0818158-1	SCJ, Charsadda
76	Alamgir Khan (BPS-05)	Jehangir Khan	12103-1498384-7	SCJ, D.I.Khan
77	Akhtar Nawaz Khan (BPS-04)	Rabnawaz Khan	11101-1461157-7	SCJ, B-----
78	Akbar Ali (BPS-19)	Hazrat Jan	17301-8978164-7	SCJ, Nowshera
79	Akbar Ali (BPS-05)	Jehangir Khan	17101-0392643-1	SCJ, Charsadda
80	Akbar Ali (BPS-03)	Gul Jamal	15602-0494942-3	SCJ, Swat
81	Akbar Nawaz Khan (BPS-11)	Gul Nawaz Khan	11101-4902417-3	SCJ, B-----
82	Abdur Rashid (BPS-04)	Shah Roz	15602-0532176-9	SCJ, Swat
83	Abdur Rashid (BPS-07)	Muhammad Farid	13503-9299954-5	SCJ, Mansehra
84	Abdul Samad (BPS-03)	Murad Khan	15202-0809978-1	SCJ, Charsadda
85	Abdul Manan (BPS-06)	Mir Baz Khan	11201-0377729-9	SCJ, Peshawar
86	Abdul Ghaffar (BPS-14)	Sher Murad Khan	15201-0554842-1	SCJ, Charsadda
87	Abdul Akbar (BPS-03)	Muhammad Umar	15602-5522109-5	SCJ, Swat
88	Ajab Khan (BPS-14)	MR Khawaja	11101-1432259-9	SCJ, B----
89	Shaman Ali (BPS-05)	Elman Ali	21603-8899592-5	Civil Court
90	Shah Faisal (BPS-11)	Zareef Khan	13403-8137414-3	Civil Court
91	Shafiullah (BPS-03)	Gul Saleem Khan	12201-6033286-5	Civil Court

shawar vide le

11.03.2020

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S No.	Name with Pay Scale	F/Name	NIC	Cost Center
95	Abdul Wahid Khan (BPS-03)	Shamshad Khan	17301-1617458-7	Civil Court

ATTESTED
16/05/2016

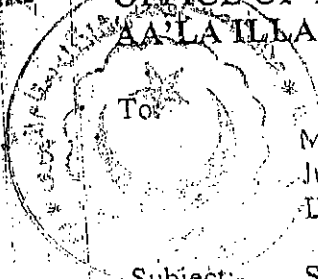
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than NADRA

OFFICE OF THE SENIOR CIVIL JUDGE (ADMIN)
AA'LA ILLAQA QAZI ALPURAI SHANGLA

Ph: 0996-850767 Fax: 0996-850768
E-Mail: scjshangla@gmail.com
No. 342-127/SCJ/AIQ (SH)
Dated 13/05/2020



To: Mr. Muhammad Didar,
Junior Clerk/Naib Nazir (BPS-11),
District Courts Shangla.

9

Subject:- SHOW CASE NOTICE.

Whereas your name is at scrial No. 49 in the list annexed with letter No. 6154-206/Admin: dated 23.04.2020 of Hon'ble Peshawar High Court Peshawar which shows that either you or your spouse is beneficiary of Benazir Income Support Program despite not being entitled thereto, hence it manifests your delinquency and thus, your conduct is unbecoming of a good official.

Your act/omission makes you 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, Muhammad Sher Ali Khan, Senior Civil Judge (Admin) Shangla as Competent Authority, have tentatively decided to impose upon you one or more penalties as provided under Rule 4 of the said rules by dispensing the inquiry as sufficient documentary evidence is available on file.

You are, therefore, required to Show Cause as to why the aforesaid penalties should not be imposed upon you and also intimate whether you desired to be heard in person.

If no reply to this notice is received within fifteen 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.

Given under my hand and seal, today on 13th day of May, 2020.

(MUHAMMAD SHER ALI KHAN)
Senior Civil Judge (Admin)
SHANGLA

Endst: No. & Date Even.

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

14.5.20

ATTESTED

Examiner
Sessions Court Shangla

(MUHAMMAD SHER ALI KHAN)
Senior Civil Judge (Admin)
SHANGLA.

ADVOCATE

SENIOR CIVIL

No. 4/Inq of 20

with signature of Judge or in-
counsel where necessary.

Lawar

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23



The Hon'ble,
Senior Civil Judge (Admin),
Shangla.

10

Subject: SHOW CAUSE NOTICE

Respected Sir,

With reference to show cause notice No. 342-43/
SCJ/AIQ(SH) dated 13.05.2020 served to me with the allegations that
my spouse was beneficiary of Benazir Income Support Program. My
reply to the show cause notice is as under:-

That in the year 2010, a survey team of BISP visited
our village and asked the women folk of our village for their CNICs by
saying that government through BISP program is paying income
support to women of the rural areas throughout Pakistan. On this like
other women of the village, my wife may have given them her own
CNIC. At that time I was not present at home.

That we never applied BISP for income support in fact they
themselves enrolled my wife in BISP.

That neither I nor my wife was in knowledge that
government employees and their families are not eligible for BISP
grant, nor the BISP ever asked about this fact and nor there was
anything in black in white in the shape of clear policy or rules in this

ATTESTED

Examiner
Sessions Court Shangla

ATTESTED
[Signature]
10/10/2020

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(Handwritten initials)

(ADMIN) SHANGLA

(Handwritten mark)

11

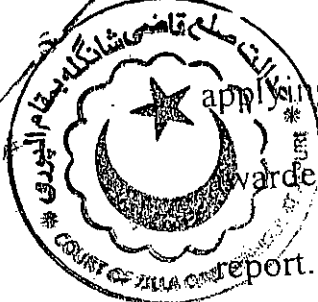


regard. In fact this condition was implicated in the cabinet meeting held on 24th December 2019 and 0.8 million people including government employees were excluded from BISP. Before this no such conditions were implicated and there is no such policy or rule that government servants or their families were not entitled. While at the time of survey in 2010, BISP had fixed a ratio of poverty in which the people who came in score of 16-17 or less were included in their program and at that time, there were no prohibitions for government employees and the score was fixed on social poverty status. But now the government changed its policy and government employees who came under score of poverty during the survey could not be blamed for misconduct etc. Besides this, no government employee can hide his personal information or data from any other government department because his personal information or data can easily be accessed from NADRA and this fact is evident from the act taken by government by getting personal information of people and removing them from BISP.

That according to report of BISP, each and every record was processed through a highly transparent mechanism by

ATTESTED
 Examiner
 Sessions Court Shangla

(Handwritten signature)
 to be certified
 Admitted



applying various biometric checks for poverty score and then NADRA awarded contract for complete verification which is evident from their report. The important portions of the said report consisting of five pages are (Annexure-A).

Sir my previous service record is quite clear and I humbly request that E & D proceedings against me may kindly be dropped and lenient view may kindly be taken against me.

Yours Obediently

(Signature)
(Muhammad Didar)
Junior Clerk/Naib Nazir
In the Court of
SCJ (Admin), Shangla.

*Reply not satisfactory
Personal hearing done
Put up for final
order*

ATTESTED
Examiner
Sessions Court Shangla

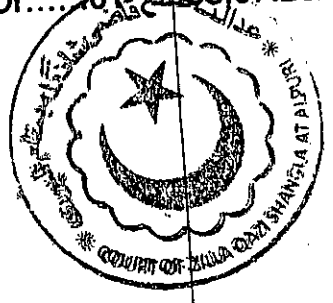
*یونس علی علاقہ قاضی
شادانکلیہ الپوری*

(Signature)
RECEIVED
to the copy
of the

FORM "A"
FORM OF ORDER SHEET

IN THE COURT OF SHERAZ TARIQ SENIOR CIVIL JUDGE (ADMIN) SHANGLA

Show Cause Notice/Inquiry No. 4/Inq of 2020

Serial no of order or proceedings	Date of order of proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
<p>Or.....01</p> 	<p>08.07.2020</p>	<p>letter of the Hon'ble Peshawar High Court, Peshawar bearing No. 6154-206/ADMIN: dated 23.04.2020 was received on 28.04.2020 for Disciplinary proceeding against Muhammad Didar Naib Nazar in the Court of SCJ (Admin) Shangla (BPS-11) s/o Taj Bakht Sultan CNIC No. 15501-2241099-9. Be registered. On 13.05.2020 Show cause notice bearing No. 342-431/SCJ/AIQ (SH) dated 13.05.2020 was issued to accused/official. Reply was submitted on 28.05.2020. To come up for personal hearing on 11.07.2020.</p> <p style="text-align: right;">Sheraz Tariq SCJ(Admin)/AIQ Shangla.</p>
<p>Or.....02</p>	<p>11.07.2020</p>	<p>Muhammad Didar Naib Nazar in the Court of SCJ (Admin) Shangla (BPS-11) present. Accused/official personally heard. To come up for final order on 16.07.2020.</p> <p style="text-align: right;">Sheraz Tariq SCJ(Admin)/AIQ Shangla.</p>
<p>Or.....03</p>	<p>14.07.2020</p>	<p>Muhammad Didar Naib Nazar in the Court of SCJ (Admin) Shangla (BPS-11) present. Record available on file perused.</p>

ATTESTED
Examiner
Sessions Court Shangla

According to information placed before the Hon'ble Peshawar High Court, Peshawar vide letter No. E&D/LD/3-2(54)/2020, dated 11.03.2020 and

FORM "A"
FORM OF ORDER SHEET

IN THE COURT OF SHERAZ TARIQ SENIOR CIVIL JUDGE (ADMIN) SHANGLA

Show Cause Notice/Inquiry No. 4/Inq of 2020

Or.....03
Continued..

16.07.2020



یئر سول جج / علی علاقہ تاضی
شنگلا، پشاور

ATTESTED

Examiner
Sessions Court Shingla

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letter No. SOR-1(E&AD)4-17/2020, dated 14.02.2020, list was shared with the Hon'ble Peshawar High Court, Peshawar, showing officials of this establishment whose spouses were receiving cash grant from Benazir Income Support Program and requested for initiating disciplinary proceeding against them.

Vide letter of the Hon'ble Peshawar High Court, Peshawar bearing No. 6154-206/ADMN: dated 23.04.2020, list received included name of **Muhammad Didar Naib Nazar in the Court of SCJ (Admin) Shingla (BPS-11) s/o Taj Bakht Sultan CNIC No. 15501-2241099-9** presently working as Naib Nazar in the Court of Senior Civil Judge (Admin) Shingla at serial No. 49 for being his wife having CNIC No. 15501-2177688-0 as beneficiary, for receiving an amount of Rs. 1,15,874/- from Benazir Income Support Program despite of the fact that accused/official being government servant and his wife was not entitled for receiving the same.

Disciplinary proceedings were initiated against accused/official by dispensing inquiry and adopting shorter procedure as per Rule 7 of Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline), Rules 2011.

FORM "A"
FORM OF ORDER SHEET

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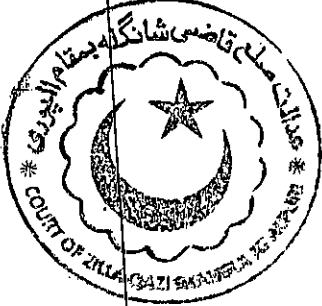
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IN THE COURT OF SHERAZ TARIQ SENIOR CIVIL JUDGE (ADMIN) SHANGLA

Show Cause Notice/Inquiry No. 4/Inq of 2020

Or.....03
Continued..

16.07.2020



On 12.05.2020, show cause notice bearing No. 342-431/SCJ/AIQ(SH) was issued to Muhammad Didar Naib Nazar in the Court of SCJ (Admin) Shangla (BPS-11) as to why penalty provided under Rule 4 of Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline Rules), 2011 should not be imposed upon him, which was duly received by him.

On 28.05.2020, Muhammad Didar Naib Nazar in the Court of SCJ (Admin) Shangla (BPS-11) submitted written reply to show cause notice in which he has mentioned that neither his wife nor he was in the knowledge that Government employees and their families are not eligible for Benazir Income Support Program nor concerned officer of Benazir income Support Program asked about this fact.

In the reply there is at least no denial of the fact that he was not government servant and his wife has not received the BISP cash grant.

Vide letter No. 475/SCJ-Admin(SH) dated 06.07.2020 relevant information were sought from Assistant Director BISP Shangla who vide letter No. AD/BISP/ALP/SH/21-14 dated 09.07.2020 submitted the same.

According to the information received, wife of

ATTESTED
Examiner
Sessions Court Shangla

copy
Advocate

FORM "A"
FORM OF ORDER SHEET

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(5)

IN THE COURT OF SHERAZ TARIQ SENIOR CIVIL JUDGE (ADMIN) SHANGLA

Show Cause Notice/Inquiry No. 4/Inq of 2020

Or....03
Continued..

16.07.2020



Muhammad Didar Naib Nazar in the Court of SCJ

(Admin) Shangla (BPS-11) having CNIC No. 15501-2177688-0 has received an amount of Rs. 1,15,874/- as BISP cash grant.

The reply of the show-cause notice submitted by Muhammad Didar Naib Nazar in the Court of SCJ (Admin) Shangla (BPS-11) was found not satisfactory. Muhammad Didar Naib Nazar in the Court of SCJ (Admin) Shangla (BPS-11) was heard in person but he could not justify receiving of BISP cash grant in the name of his wife, being a government servant and his wife not entitled to receive the same. The BISP was meant for poor and needy people, who had no bread earner or live below the poverty line.

Therefore, in view of the above, charges enumerated in the show-cause notice are proved against the accused/official and the following minor penalties as embodied in Rule 4(1)(a)(ii)(iii) of Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011 are imposed:

- i. He is awarded penalty of withholding increments for three years with non-accumulative effect under Rule 4(1)(a)(ii) of the ibid rules.
- ii. Recovery of Rs 1,15,874/- be made from accused/official and be deposited in government

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Examiner
Sessions Court Shergodha

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FORM "A"
FORM OF ORDER SHEET

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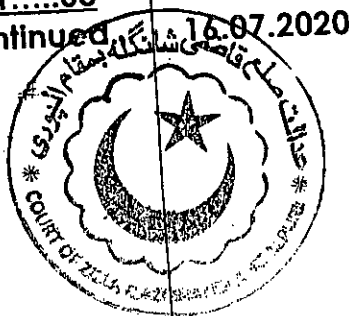
IN THE COURT OF SHERAZ TARIQ SENIOR CIVIL JUDGE (ADMIN) SHANGLA

Show Cause Notice/Inquiry No. 4/Inq of 2020

8

treasury under Rule 4(1)(a)(iii) of the ibid rules.

Or.....03
Continued



Accountant/Nazir is directed to proceed further for recovery and deposit of the same in State Exchequer. Office order issued accordingly. File be consigned.

Announced:
16.07.2020



Sheraz Tariq
SCJ(Admin)/AIQ Shangla.

سینئر سول جج / اعلیٰ علاقہ قاضی
شہانگہ مقام پورہ

Certified to be True Copy

EXAMINER
District & Sessions Judge
SHANGLA

18/7/2020

No. 249
Date of Presentation of Application 18.7.2020
Date on which Copy prepared 18.7.2020
No. of Pages 3P
Urgent Fee N/C
Name of Copyist Wali
Signature Wali
Copying Fee N/C
Date of Delivery 18.7.2020

CERTIFIED
Wali
To be true copy
Advocate

27

7/2

To,

The Hon'ble District & Sessions Judge,
Shangla

Muhammad Dedar Junior Clerk (BPS-11) District Judiciary
District Shangla.....Appellant

Subject: Departmental representation against the impugned order dated 16th July, 2020, whereby the minor penalties of "Withholding of three annual increments for three years with non accumulative effect" and "Recovery of Rs. 1,15,874/-" are imposed upon appellant;

Respected Sir,

on
on
SUPERINTENDENT
Sessions Courts
Shangla.

1. That the appellant is regular employee in the Court of Senior Civil Judge Shangla as Junior Clerk.
2. That on initiative of Government a letter bearing No. SOR-I(E&AD) 4 -17/2020 dated 07.02.2020 was circulated which included a list of government officers/official whose spouses were the beneficiaries of the Benazir Income Support Program, hence in compliance of the same the Peshawar High Court, Peshawar vide letter bearing No. 6154-206/Admin: dated 23.04.2020 addressed to all District & Sessions Judges/Senior Civil Judges of Khyber Pakhtunkhwa to take disciplinary action against those Govt

on

on

servant himself or through spouse received income support from BISP. (Letters alongwith list are Annexed)

3. That in compliance of the same a show cause notice was issued to which was commented/replied by the appellant and the competent authority after hearing the appellant and without conducting inquiry passed the impugned order dated 16.07.2020 against the appellant. (Copy of reply and Order are annexed)

4. That the Benazir Income Support was launched in the year 2010, which was based on fixed ratio of poverty. At that time there was no any clear policy or rules that Govt servants or their spouses were not entitled to take benefits from the said income support program. Now recently the Govt has changed its policy, therefore the appellant has not committed any misconduct and is not liable to any punishment because appellant nor his spouse personally appeared before the interviewer/official of the BISP.

0120
12-8-2020

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01/2/20

5. That the appellant was condemned on the fault committed by the officials of the BISP as they were required under the rules to stop enrolment/stop payment of grant, despite the fact at that time the BISP in corroboration with NADRA pledge that the NADRA played a crucial role of identifying the rightful person under the BISP by applying various

biometric verifications. As per report of (Targeting Process Evaluation) all entries were made by the NADRA after proper scrutiny and data entry mechanism and it was a mandate of the Ibid policy that biometric verification of every individual carried out then how for the fault committed by NADRA and the BISP the appellant could become sacrificial animal.

6. That the Hon'ble Senior Civil Judge (Admin) Shangla, instead of initiating an impartial inquiry regarding receiving of benefits of the said program by the appellant himself, ordered disciplinary proceedings against the appellant.

or
Sho
SUPERINTENDENT
Sessions Court
Shangla 8.02

7. That the appellant neither received any amount nor he himself is named as a beneficiary by the Peshawar High Court, Peshawar vide it's letter bearing No. 6154-206/Admin: dated 23.04.2020 but his spouse was named therein, for which he couldn't be held liable. It is also a matter of importance that the said form belongs to the spouse/wife of the appellant and the appellant came to know about the matter after receiving show cause notice from the Hon'ble Senior Civil Judge (Admin) that his wife receiving benefits from BISP

My
dicta

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8. That it is the rule/command of Islamic law that no one should be punished for the offence committed by other, even by close relative.
9. That the appellant condemned for the charges which had no nexus to him, hence the order appeal herewith is harsh and untenable in the eyes of law.

Therefore, it is requested that my case may kindly be consider on humanitarian basis and the representation in hand may be accepted and the impugned order dated 16-07-2020 passed by the Senior Civil Judge (Admin), may be set aside and the appellant may kindly be exonerated from the subject penalties imposed upon him.

ST
SUPERINTENDENT
Sessions Court
Shangha
12/08/20

Yours obediently

Dated: 30.07.2020

Muhammad

*Muhammad Dedar
Junior Clerk (BPS-11)*

FORM "A"
FORM OF ORDER SHEET

THE COURT OF HAYAT GUL MOHMAND SESSIONS JUDGE/ZQ SHANGLA

Departmental Representation. 3/13 of 2020

Muhammad Dedar (Junior Clerk/Naib Nazir) in the Court of SCJ (Admin), Shangla

10	19.12.2020	<p>Appellant present. His arguments heard. Record available on file perused.</p> <p>This departmental appeal has been preferred against order No. 03 dated 16.07.2020, passed by learned Senior Civil Judge (Admin) Shangla whereby on the basis of proof of receiving cash grant from BISP by spouse of appellant, minor penalties as embodied in Rule 4(1)(a)(ii)(iii) of Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011 were imposed upon appellant as follows:-</p> <ol style="list-style-type: none">i. He is awarded penalty of withholding increment for three years with non-accumulative effect under Rule 4(1)(a)(ii) of the ibid rules.ii. Recovery of Rs 1,15,874/- be made from accused/official and be deposited in government treasury under Rule 4(1)(a)(iii) of the ibid rules. <p>Being aggrieved with impugned order dated 16.07.2020, appellant preferred instant departmental appeal.</p> <p>After hearing the arguments and perusal of record, I have come to the conclusion that according to information placed before the Hon'ble Peshawar High Court, Peshawar vide letter No. E&D/LD/3-2(54)/2020, dated 11.03.2020 and letter No. SOR-1(E&AD)4-17/2020, dated 14.02.2020, list was shared with the Hon'ble Peshawar High Court,</p>
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HAYAT GUL MOHMAND
DISTRICT JUDGE
SHANGLA

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FORM "A"
FORM OF ORDER SHEET

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THE COURT OF HAYAT GUL MOHMAND SESSIONS JUDGE/ZQ SHANGLA

Departmental Representation. 3/13 of 2020

Muhammad Dedar (Junior Clerk/Naib Nazir) in the Court of SCJ (Admin), Shangla

10	19.12.2020	<p>Peshawar, showing officials of this establishment whose spouses have received cash grant from Benazir Income Support Program and requested for initiating disciplinary proceeding against them.</p> <p>Vide letter of the Hon'ble Peshawar High Court, Peshawar bearing No. 6154-206/ADMN: dated 23.04.2020, list received included name of Mr. Muhammad Didar s/o Taj Bakht Sultan Naib Nazir in the court of SCJ (Admin) Shangla (BPS-11) at serial No. 49 for being his wife having CNIC No. 15501-2177688-0 as beneficiary, for receiving an amount of Rs. 1,15,874/- from Benazir Income Support Program despite of the fact that appellant being government servant, his wife was not entitled for receiving the same.</p> <p>Disciplinary proceeding were initiated against appellant by dispensing inquiry and adopting shorter procedure as per Rule 7 of Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline), Rules 2011.</p> <p>Show cause notice No. 342-43 dated 13.05.2020 was issued to appellant, who submitted reply and was also heard in person.</p> <p>On 16.07.2020 vide impugned order, minor penalties as embodied in Rule 4(1)(a)(ii)(iii) of</p>
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HAYAT GUL MOHMAND
DISTRICT JUDGE/ZILAH NAZIR
SHANGLA

FORM "A"
FORM OF ORDER SHEET

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7

THE COURT OF HAYAT GUL MOHMAND SESSIONS JUDGE/ZQ SHANGLA

Departmental Representation. 3/13 of 2020

Muhammad Dedar (Junior Clerk/Naib Nazir) in the Court of SCJ (Admin), Shangla

10	19.12.2020	<p>Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011 were imposed upon appellant as follows:-</p> <p>iii. He is awarded penalty of withholding increment for three years with non-accumulative effect under Rule (4)(1)(a)(ii) of the ibid rules.</p> <p>iv. Recovery of Rs 1,15,874/- be made from accused/official and be deposited in government treasury under Rule 4(1)(a)(iii) of the ibid rules.</p> <p>Appeals against similar orders were filed by staff members of Hon'ble Peshawar High Court, Peshawar before Hon'ble Peshawar High Court Peshawar which was decided by lordship Hon'ble the Chief Justice Peshawar high Court vide order dated 26.09.2020, wherein it was observed that:-</p> <p>"Office produced a brief of proceedings carried out by different Departments in identical BISP relating matters. This brief shows that invariably penalty has not been imposed with direction for recovery for amount wrongly received was made.</p> <p>The staff facing these proceedings of this court are as good government servants as those of the other departments. They both share the same pedestal to stand. It would be unjust to penalize the officials of this court harshly vis-à-vis officials of other departments who had illegally received the aid from BISP".</p> <p><i>[Handwritten signature]</i> JUDGE ZQ SHANGLA 19/12/2020</p>
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FORM "A"
FORM OF ORDER SHEET

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THE COURT OF HAYAT GUL MOHMAND SESSIONS JUDGE/ZQ SHANGLA

Departmental Representation. 3/13 of 2020

Muhammad Dedar (Junior Clerk/Naib Nazir) in the Court of SCJ (Admin), Shangla

10	19.12.2020	<p>Therefore, by relying on order of Hon'ble Peshawar High Court Peshawar dated 26.09.2020, by partially accepting the appeal impugned order of learned Senior Civil Judge (Admin) is hereby modified as:</p> <ol style="list-style-type: none">1. The penalty of stoppage of increment is set aside/ recalled.2. Office shall recover in 10 equal installments from the appellant the amount received from BISP either by the appellant himself or through his spouse. The target date to reckon while calculating the installments is the date the official was employed in this Court. Thus, the amount received earlier thereto would not come within the ambit of this recovery.3. Accountant/Nazir shall make necessary calculation after verification of record and shall issue necessary vouchers for payment of the said amount.4. If for any reason there is a default in payment of installment, then the amount shall be recoverable from the salary of the concerned official. <p>Copy of this order be sent to learned Senior</p>
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HAYAT GUL MOHMAND
DISTRICT JUDGE/ZQ SHANGLA
14

FORM "A"
FORM OF ORDER SHEET

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(Signature)

THE COURT OF HAYAT GUL MOHMAND SESSIONS JUDGE/ZQ SHANGLA

Departmental Representation. 3/13 of 2020

Muhammad Dedar (Junior Clerk/Naib Nazir) in the Court of SCJ (Admin), Shangla

<p>10</p> <p>338</p> <p>138</p> <p>M/C</p> <p>M/C</p> <p>31 12 2020</p>	<p>10.12.2020</p> <p>31.12.2020</p> <p>31.12.2020</p>	<p>Civil Judge (Admin) Shangla for information. Copy of this order be also sent to Accountant/Nazir of Senior civil Judge (Admin) Shangla for compliance as directed. File be consigned to Sessions record room after necessary completion and compilation.</p> <p>Announced: 19.12.2020.</p> <p><i>(Signature)</i> Hayat Gul Mohmand D&SJ/ZQ, Shangla</p> <p><i>(Signature)</i></p> <p>31-12-2020</p>
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بعدالت محمد شعیب ڈسٹرکٹ جج / ضلع قاضی / ایڈیٹ اتھارٹی ضلع دیر پائین بمقام چیئر گرہ
سروس ایبل نمبر: 01/10 برائے سال 2020

تاریخ رجوعہ: 31.08.2020

تاریخ فیصلہ: 17.10.2020

محمد سلیم خان، اجراء محمد عدالت سینئر سول جج ضلع دیر پائین بمقام چیئر گرہ۔۔۔۔۔ (ایڈیٹ)

نام۔۔۔۔۔ نام۔۔۔۔۔ (ایڈیٹ)

تعمیرات ایبل برخلاف حکم / فیصلہ سینئر سول جج (ایڈیٹ) صدرہ 30.7 2020

فیصلہ

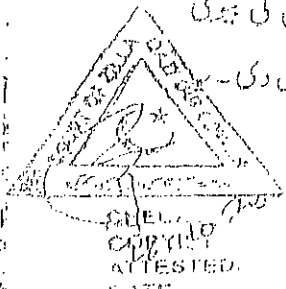
ایڈیٹ اصلاً حاضر۔ امتیاز C.O.C عدالت سینئر سول جج حاضر۔ ایڈیٹ کو سنا گیا ہے۔

ریکارڈ ملاحظہ کیا گیا۔

۲۔ ایبل زیر فور محمد سلیم خان، اجراء محمد عدالت سینئر سول جج ضلع دیر پائین ایڈیٹ نے زیر دفعہ
17، Khyber Pakhtunkhwa Government Civil Servants (Efficiency & Discipline) Rules, 2011 کے تحت سینئر سول جج (ایڈیٹ) / اتھارٹی کی حکمانہ انکوائری میں فیصلہ
صدرہ 30.07.2020 سے ریجیدہ ہو کر ہوئی ہے۔

لیٹر

۳۔ بینظیر انکم سپورٹ پروگرام (BISP) نے محترم عدالت عالیہ کو ان تمام اہلکاروں کی فہرست فراہم
کی جو خود یا ان کے اہل خانہ BISP سے مستفید (Beneficiaries) تھے۔ محترم عدالت عالیہ نے
بروز چھٹی نمبر 154-20/ADMN مورخہ 23.4.2020 متعلقہ اتھارٹی کو ہدایت کی کہ زیر
دفعہ 7، Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011 کے تحت متعلقہ اہلکاروں کے خلاف کارروائی کرے۔ مورخہ 16.7.2020 کو ایڈیٹ کو اظہار
وجہ نوٹس زیر دفعہ 7 کیا گیا جس کا جواب ایڈیٹ نے داخل کیا۔ ایڈیٹ نے یہ موقف اختیار کیا
کہ BISP نے اس کی غیر موجودگی کے دوران گھر گھر کے دوران BISP کارروائی کی بیوی
کو جاری کیا، اس نے یا اس کی بیوی نے BISP کی ذمہ داری حاصل کرنے کیلئے کوئی درخواست نہیں دی۔



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کے formulated criteria کی بنیاد پر BISP کی ٹیم نے اس کی بڑی کا نام مستفید کنندہ کے ناموں میں شامل کیا۔ اس وقت سرکاری ملازمین خصوصاً کم تنخواہ پانے والے ملازمین کی اہل خانہ پر مالی امداد وصول کرنے پر کوئی پابندی نہیں تھی۔ اور ملازم کو سنا گیا اور BISP سے وصول شدہ رقم کی تصدیق لی گئی۔ اس کے بعد ذیل حکم صادر کیا گیا:

Now, Therefore, I, being Competent Authority impose the following minor penalties upon the accused/official as enumerated in Rule-4(1)(a)(ii)(iii) of the government of Khyber Pakhtunkhwa, Civil Servant (Efficiency & Discipline) Rules, 2011. It is ordered that Rs. 95,474/- be recovered from the pay of the accused/official and be deposited in the state Exchequer under Rule-4(1)(a)(iii) of the Ibid rules.

کارروائی اہل خانہ

۴۔ داخل اختیار کی گئی کہ اس طلب کیے گئے۔ رہنما رڈ طلب کیا گیا۔ رہنما رڈ کی سٹمس اور یہ آف اہل خانہ ملازمہ کیا گیا۔ انچارج BISP رہنما رڈ کو بھی اس وقت متعدد سٹمس جاری کیے گئے کہ وہ زیر دفعہ 11، پیٹری آفم پورٹ پورگرام ایکٹ 2010 کے تحت پانکوسٹ کی پالیسی پر ریکوریشن جس کے تحت اہل خانہ برائے حصول مالی امداد کی تعریف کی گئی اور تینوں کیا گیا ہو، بھولانے۔ اسی طرح کینٹ کا فیصلہ 23.12.2019 جس کے تحت کچھ افراد کی کیمپرز کو مالی امداد کی حصول کے لئے نااہل تصور کیا گیا طلب کیا گیا۔

نکات تفسیر طلب

۵۔ اہل خانہ کے لئے نکات تفسیر طلب ذیل ہیں:

الف۔ کیا پانکوسٹ یا اس کے اہل خانہ نے BISP سے کوئی مالی منافع حاصل کیا ہے جو کہ BISP ایکٹ 2010 کے تحت پالیسی پر ریکوریشن یا ریکوریشن (Efficiency and Discipline) Rules, 2011 The Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 کے تحت اہل خانہ کے لئے نااہل تصور کیا گیا ہے؟



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مطابق ریکارڈ کے بعد عدالت کی ریکارڈ اور سمٹس کے مطابق کے بعد عدالت کے مباحث اور آراء
 ذیل ہیں:

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

اب ہم دیکھتے ہیں کہ کیا ایپلانٹ کی زوجہ کی جانب سے BISP سے حاصل کی گئی مالی منفعت کیا
 ایپلانٹ یا اس کے اہل خانہ نے BISP ایکٹ 2010 حکومتی پالیسی یا رگولیشن یا The Khyber
 Pakhtunkhwa Government Servani (Efficiency and Discipline) Rules, 2011
 The Khyber Pakhtunkhwa Government Civil Servant (Conduct) Rules, 1987

یا کسی بھی قانون کے خلاف ہے؟
 a- جیسا کہ پہلے ذکر کیا گیا ایپلانٹ یا اس کی زوجہ نے خود BISP کو مالی منفعت کی کوئی درخواست
 نہیں دی۔ مسئلہ طور پر صورت حال یہی ہے کہ اس کو مالی امداد BISP کی ٹیم کے سروے کے نتیجے میں دی
 گئی۔ یہ BISP کی جانب سے فراہم کردہ ریکارڈز سے مسلم ہے۔
 b- جیسا کہ ریکارڈز سے واضح ہے BISP نے خود سروے کر کے، ایپلانٹ کی نصف بہتر کو مالی امداد کا
 اجراء کیا اور یہ سلسلہ 24 مئی 2011 سے 28 نومبر 2019 تک چلا رہا۔

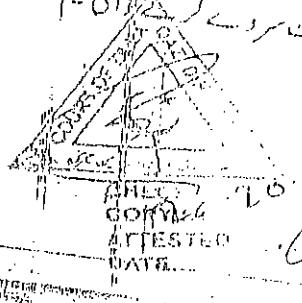
c- اس مالی امداد کی اجراء کا معیار BISP کی جانب سے Score/Points based Beneficiaries Eligibility criteria تھا اور یہی معیار 23.12.2019 تک مقرر، مستعمل اور نافذ

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23.12.2019 کو جاری قرار نامی کی منظوری کے بعد پیشوں و دیگر اہلیان کے اہلخانہ کو ایٹاٹ کے سرکاری ملازم ہونے کی وجہ سے BISP کے مستفید افراد کی فہرست سے نکالا گیا۔ یہ کسی فرد کو مستفید افراد کی فہرست سے نکالا جائے گا اس کو ملازم قرار دیا جائے کہ اس کی جانب سے وصول کیے گئے مفاد کو واپس کیا جائے، یا یہ کہ اس نے کوئی خلاف ضابطہ قانون کام کیا ہے۔ ایسے افراد کے خلاف کسی قانونی کارروائی کا آغاز کیا جائے۔ اگر ایسا ہے تو 23.12.2019 کے فیصلے کے مطابق وہ افراد جنہوں نے خود یا ان کے اہلخانہ نے بیرون ملک سفر کیا ہو یا سوئیا کوئی بھی گاڑی رکھتے ہوں یا جن کے ٹیلیفون/موبائل فون ان کے پاس 1,00 روپے سے زیادہ ہو یا ان کے پاس ورنٹ ایگریگیشن سسٹم سے پراسس ہونے والے یا اہلخانہ کے تین یا اس سے زیادہ افراد سے کوئی شناختی کارڈ یا ایگریگیشن پراسسنگ سے حاصل کیے گئے ہوں یا ان کے ساتھ 112 ایکڑ سے زیادہ اراضی ہو، ان سب کو مستفید افراد کی فہرست سے نکالا گیا۔ کیا ان کے خلاف بھی کوئی کارروائی یا نو جداری کارروائی کا آغاز کیا گیا اور ان سے بھی کوئی وصولی کی اقدام کیے گئے۔ ان ضمن میں جو اب آئی ہیں وہ یہ ہے۔ عدالت اس امر سے آگاہ ہے کہ کسی ادارے کی اپنی فرمائش کی انجام دہی نہ کرنا، یہ دیکھ کر اس کی فرمائش کی انجام دہی سے نہیں روکتی۔ تاہم قانون اور انصاف کا یہ تقاضا ہے کہ ایک جیسے مفاد حاصل کرنے والوں کے ساتھ ایک جیسا سلوک کیا جائے اور سرکاری ملازم کو سرفرازی سے سزا نہ دی جائے کہ وہ سرکاری ملازم ہے اور دیگر مفاد حاصل کرنے والے لوگ سرکاری ملازم نہیں۔ قانون کا اطلاق سب کے لئے یکساں اور بلا تفریق ہونا چاہیے۔ اس سبب کی بحث کے بعد اب ہم تفریق منافیہ قرار دیتے ہیں کہ کیا ایٹاٹ نے کوئی ایسا فعل سر انجام دیا ہے یا ایسی گفت

بجراحت اختیار کی۔ یہ جس کی بنیاد پر وہ مستفید ہوا۔
e-27) ایٹاٹ کے سرکاری ملازم (BISP) کی دفعہ 11 کے مطابق اس قانون کے تحت بورڈ کی ذمہ داری ہے کہ وہ BISP سے مستفید ہونے کی اہلیت کے لئے معیار مقرر کرے۔ اس عدالت کے بارہا اصرار ہے کہ یہ معیار پیشہ ورانہ طور پر یا اس کے لئے اہلیت مستفید افراد ہی کو پیش کیا گیا جس کے مطابق مسائل کی وجہ سے BISP سے امداد حاصل کرنے کا اہل قرار دیا گیا۔ اگر کوئی معیار (Criteria) موجود نہیں تھا، اس معیار سے کوئی غامض یا اس معیار کی بنیاد پر مسائل کی اہلیت کو BISP کی جانب سے امداد دی گئی تو اس کا وہ معیار نہیں کہ معیار متعین کرنے والے افراد اس کے تحت سروس کر رہے ہیں۔



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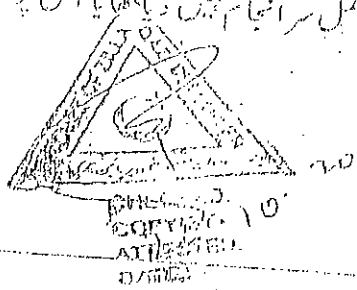
اور مالی امداد منظور کرنے والے افراد/انکار ہے۔

f - آئین اسلامی جمہوریہ پاکستان، 1973 کا آرٹیکل 12 اس کی ضمانت دیتا ہے کہ کسی بھی قانون کا اطلاق سابقہ عرصے (Retrospective effect) سے نہیں کیا جائے گا۔ اگر اہلیت کے معیار کو 23.12.2019 کو تبدیل کیا گیا تو 24.5.2011 سے 22.12.2019 تک کی اہلیت کیونکر متاثر ہو سکتی ہے اور اس پر ایپلینٹ کا مواخذہ کیونکر ہو سکتا ہے۔ اس عدالت کی یہ رائے ہے کہ ایپلینٹ کی اہلیت 22.12.2019 تک BISP سے مالی امداد حاصل کرنے کی اہل تھی اور اسی وجہ سے BISP اُسے مالی امداد دیتی رہی، جب اہلیت کا معیار تبدیل ہوا تو اس کا نتیجہ مالی امداد کی بندش تھی کہ اُس نے وصولی یا اُس کے شوہر/ایپلینٹ کے خلاف انضباطی کارروائی۔

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

h - اس طرح مذکورہ بحث کا حاصل یہ ہے کہ ایپلینٹ کی اہلیت نے BISP سے مبلغ - 95,474/- روپے مالی منفعت حاصل کی ہے تاہم یہ تو BISP ایکٹ، حکومت کی پالیسی یا ریگولیشن کے خلاف تھی اور نہ ہی Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011

The Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 - یہ 17 سے پہلے کا تعلق تھا۔ یہ تعلق طلب کا جواب ہے۔
یہ دوسرے یہ کہ اگر کوئی نفل مشورہ سزا ہی نہیں تو اُس پر کسی مواخذہ کیونکر کیا جاسکتا ہے۔ اس عدالت کی یہ رائے ہے کہ ایپلینٹ بحیثیت سول سرورنٹ، اُس کی اہلیت کی BISP سے مالی منفعت لینے کی وجہ سے، کسی انضباطی کارروائی کا سزاوار نہیں تھا کیونکہ اُس نے ایسا کوئی عمل سرانجام نہیں دیا تھا یا اُس پر



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عاموشی اختیار کرنے کی قسم کی قانوناً سزا نہیں ہے۔ اس لئے اس کی سزا کاٹل شامل نہیں ہے۔
ج۔ تیسرے، یہ کہ نظم و انضام اور شفافیت کے حوالہ سے دائرہ ہے کہ نظم و انضام میں صرف ایک ہی
وجہ ذکر کی گئی ہے کہ اس کے خوراک اس کے اہل خانہ کے ذریعے BISP سے امداد حاصل کی ہے اس لئے
یہ Misconduct ہے۔ لیکن نتائج سے اس میں کوئی آراء (Findings) ہے اور نہ ہی تعیناتی دعوہ اس
لئے بھی قابل حوالہ نہیں

د۔ پوچھے، اس صورت حال میں دائری کیا ہوئی چاہئے جب ایوانٹ سے کوئی قابل مواخذہ کیا
ہی نہیں اور نہ ہی اس کی ایوانٹ پر کوئی ایوانٹ یا عدم فعل انجام دیا گیا ہے تو اسے اس کی سزا کی ذکر کی جانے
چاہئے۔

۹۔ اس لئے نظم و انضام شامل نہیں، مندرجہ کیا جاتا ہے۔ اس نسبت باقاعدہ آئیں آرڈر جاری ہو۔
کاوست خیر ہجرت کو BISP اگر چاہیں تو BISP کے مشفق ذمہ دار افراد کے خلاف رقم کی وصولی کی
اور دیگر انتظامی کارروائی میں لائے ہیں۔ اس کے لئے سزا بشمول واپسی رقم وصول شدہ سے بری
الذمہ قرار دیا جاتا ہے (کیونکہ جب ایوانٹ کی ایوانٹ سے رقم وصول کی تو اس وقت ایوانٹ کے معیار
(Elegibility criteria) کے مطابق یہ خلاف قانون نہیں تھا)۔ قسم ہذا کی ایک نقل قابل
انتظامی کو رکھنا ہے اس لئے اسے منسلک عدالت ہذا بعد از ترمیم و تشکیل کے داخل حوالہ ہونا
ہو۔ یہ کارروائی میں مواخذہ شامل ہے۔

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تکمیل نام

17.10.2020

ڈسٹرکٹ جج / ضلع قاضی، وزیر پائین، مقام بکر گڑھ

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ڈسٹرکٹ جج / ضلع قاضی، وزیر پائین، مقام بکر گڑھ

Form with fields: S.No., Date of Application, Present Post, Revenue Cert, No. of Pages, Copying Fee, Title, Date of Preparation, Date of Delivery, Signature.

Anna G (39)

بندت برائے

(H)

(8)



GOVERNMENT OF PAKISTAN
OFFICE OF THE ASSISTANT DIRECTOR
BENAZIR INCOME SUPPORT PROGRAMME
COLLEGE ROAD TEHSIL ALPURI DISTRICT SHANGLA

No: AD/BISP/ALP/SH/21-14

Dated: 09th July, 2020.

To
The Senior Civil Judge,
Shangla.

SUBJECT: - PROVISION OF INFORMATION REGARDING BENEFICIARIES OF CASH GRANT

Dear Sir,

Reference to your letter No. 475/SCJ-Admin (SI), Dated, 06.07.2020 on the subject cited above.

Payment detail of the official spouses are given below.

S.#	Name with Pay scale	CNIC NO	Designation	Wife CNIC NO	Amount
1.	Muhammad Didar (BPS-11)	1550122410999	J.Clerk/NN	1550121776880	115874/-
2	Shamsul Qamar (BPS-06)	1550112093713	Bailiff	1550144371750	129874/-
3	Itbar Gul (BPS-04)	1550122525417	Naib Qasid	1550136887044	132874/-
4	Sabar zada (BPS-04)	1550129960847	Naib Qasid	1550180549960	129874/-
5	Salah uddin (BPS-04)	1550122357303	Naib Qasid	1550197363118	127874/-
6	Pinda Khan (BPS-04)	1550261552139	Chowkidar	1550116065268	129874/-
7	Muhammad Zada (BPS-04)	1550147024245	Sweeper	1550110670646	129874/-

de
ex

1st: No

2nd: No

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Assistant Director
Tehsil Alpuri District Shangla.

(40)

(36)

سجے نظر انکم پیپر اسٹ پر ڈاگرام

T-1 فارم (حصہ دوم)

سوالات		جوابات	
24۔ کوہستان کے آس پاس کی پہاڑیوں کی سرحدیں کیسے ہیں اور ان کے درمیان کیسے فرق ہے؟ (10)		<input type="checkbox"/>	<input type="checkbox"/>
25۔ کوہستان کے سرحدوں کو آواز سے اور آواز سے پہلے کیسے پہچان سکتے ہیں؟		<input type="checkbox"/>	<input type="checkbox"/>
26۔ کوہستان میں کوہ پیما کی کون سی خصوصیات ہیں اور ان کی کون سی خصوصیات ہیں؟ (10)		<input type="checkbox"/>	<input type="checkbox"/>
27۔ کوہستان میں کون سی خصوصیات ہیں اور ان کی کون سی خصوصیات ہیں؟		<input type="checkbox"/>	<input type="checkbox"/>
28۔ کوہستان کی سرحدوں کی خصوصیات اور ان کی خصوصیات کیا ہیں؟ (10)		<input type="checkbox"/>	<input type="checkbox"/>
29۔ کوہستان کی سرحدوں کی خصوصیات اور ان کی خصوصیات کیا ہیں؟		<input type="checkbox"/>	<input type="checkbox"/>
30۔ کوہستان کی سرحدوں کی خصوصیات اور ان کی خصوصیات کیا ہیں؟		<input type="checkbox"/>	<input type="checkbox"/>

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- (1) صحیح
- (2) غلط
- (3) کوئی جواب نہیں دیا
- (4) کوئی جواب نہیں دیا
- (5) کوئی جواب نہیں دیا

14.5.2020
15.5.2020

35۔
36۔
37۔
38۔
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40۔
41۔

43۔

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34.84851
72.180256

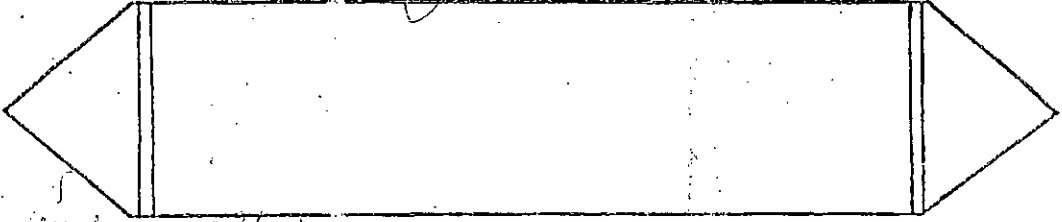
KIPRI
S H A M G I L A
C H I A R K I S A R
C H E E D A M
A L I H A N D E R
T I O T I A K I A N Y
C H E E D A M

AL I H A N D E R
G U L A R A M Y
I T B A R G U L
A T M A E N A
R U K I H S A M A
M U T E M U L L A H
W A S I D U L L A H
A M W A R U L L A H
R A H I L D A
A M M I D U L L A H

No	Nama	Jenis Kelamin	Umur	Golongan Darah	Kategori	Tinggi Badan		Berat Badan		Lingkar Perut	Lingkar Lengan	Lingkar Pinggul	Lingkar Betis
						cm	kg	cm	cm				
1	AL I H A N D E R	P	1		1	193	8	11	38				
2	G U L A R A M Y	P	3		1	193	8	11	38				
3	I T B A R G U L	P	1		1	193	8	11	38				
4	A T M A E N A	P	1		1	193	8	11	38				
5	R U K I H S A M A	P	2		1	193	8	11	38				
6	M U T E M U L L A H	P	2		1	193	8	11	38				
7	W A S I D U L L A H	P	1		1	193	8	11	38				
8	A M W A R U L L A H	P	1		1	193	8	11	38				
9	R A H I L D A	P	2		1	193	8	11	38				
10	A M M I D U L L A H	P	1		1	193	8	11	38				
11													
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15. Nama
16. Alamat
17. Pekerjaan
18. Pendidikan
19. Agama
20. Tanggal Pengambilan Data

بعدالت سرکاری دستاویزوں کی



2012ء مختاب برائے

بنام منیر حسین

محمد زید

موزخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کارروائی متعلقہ
 آن مقام کیلئے عشر میں مقرر ہوگا کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے اور ثبوت ہر حلقہ دینے جو راضی نامہ اور اقبال دعویٰ اور
 بسورت ڈگری کرنے اجراء اور صلی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کیلئے یہ یا ایسی کی برادگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی پیروی کرنے کا اختیار ہوگا۔ از بسورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کارروائی 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
 پر داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا عدسے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم _____ ماہ _____ 2012ء

کے لئے منظور ہے۔

بمقام

(Signature)

Attested
 Accepted
(Signature)