

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 7271/2021

Saeed Akhtar s/o Yousaf Saeed, resident of Village Banda Dilzak, Tehsil & District, Abbottabad.

..... APPELLANT

V E R S U S

1. Chief Justice Peshawar High Court through Registrar Peshawar High Court, Peshawar.
2. District & Sessions Judge, Abbottabad.
3. Additional District and Session Judge, Havelian.

.....RESPONDENTS

PARAWISE COMMENTS IN DEPARTMENTAL APPEAL

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.....RESPONDENT

District & Sessions Judge
Abbottabad

Service Appeal # 7271/2021

Saeed Akhter s/o Yousaf Saeed, resident of Village Banda Dilzak,
Tehsil & District Abbottabad.

APPELLANT

VERSUS

1. Chief Justice Peshawar High Court through its Registrar Peshawar High Court.
2. District & Sessions Judge, Abbottabad.
3. Additional District and Session Judge Havelian, District Abbottabad.

.....RESPONDENTS

PARA-WISE COMMENTS IN SERVICE APPEAL

Respectfully Sheweth: -

Draft para-wise comments are as under

FACTS:

1. Para # 1 is correct.
2. The assertions made by the appellant in the second paragraph are unfounded and baseless. The appellant's claim regarding his son's illness is an afterthought, and he did not inform his office or obtain permission before leaving his duty. Furthermore, if his son's condition was as serious as he claimed, he should have gone straight home instead of picking up passengers along the way. Additionally, there was no medical documents presented to support his claim, and it appears to have been used to gain sympathy.
3. Para # 3 is incorrect. On 06.03.2021 as per appellant usual routine he left the duty after attending the Tehsil Courts, Havelian for about 10 minutes and then disappeared without any approval/intimation. On the very day the then learned Senior Civil Judge (Admn) visited Tehsil Courts, Havelian and on his return back to Abbottabad he found the appellant driving a Suzuki carry

van during duty hours. Report of the learned Senior Civil Judge (Admn) to this respect is annexed herewith as "**Annexure A**".

4. Para # 04 is correct. On the report of the learned Senior Civil Judge (Admn), Abbottabad disciplinary proceedings in inquiry # 159/VI consisting of 34 pages, annexed herewith as "**Annexure B**" was conducted, and he was proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline Rules 2011) by issuing show cause notice to him on 19/03/2021 and his reply was submitted on the same date, which was found unsatisfactory. Subsequently, he was given opportunity for personal hearing but he could not put forward any plausible justification, hence, vide order dated 06/04/2021, in the light of cogent and unrebutted charges, against the appellant, he was found guilty of misconduct under section S.2 (1)(L)(i) of ibid rules and major penalty of removal from service was imposed.
- 1) Para # 5 is correct to the extent of departmental appeal filed by the appellant before the concerned forum.

GROUND:

- a. The impugned dismissal order is neither illegal, unjust nor against the law & rules and the same is based on cogent and convincing grounds.
- b. The order passed by the respondent is in accordance with the E & D Rules 2011 and is not harsh in nature as appellant was given ample opportunities to time and again to mend his ways but of no avail despite repeated warnings and explanations.
- c. The appellant was appointed as sweeper on 23.02.2004 in the office of District & Sessions Judge, Abbottabad. During his service period, his personal file is full of explanations and warning letters, which were issued to him due to his negligence and lack of interest in official duties. On 01.12.2011, after completion of a detailed inquiry, while taking a lenient view, major penalties in shape of stoppage of two annual increments were imposed upon him. However, the appellant failed to mend his ways and due to

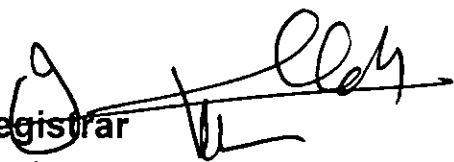
non-observance of office timings and continuously absence for some period during the office timing numerous complaints were received and explanations were called by the learned AD&SJ, Havelian and learned Judicial Magistrate, Havelian. Wherein, he was again proceeded under the Khyber Pakhtunkhwa Government Servants (E&D Rules), 2011, which resulted into minor penalty of censure vide order dated 25.11.2020. Copies of order dated 01.12.2011 & 25.11.2020 are annexed herewith as

Annexures "C & D" respectively.

- d. The appellant was given ample opportunities of personal hearing but he could not put forward any plausible justification.
- e. The ground taken in this para is regarding the personal life of appellant, which has no concern with this office and official duty of the appellant.
- f. This para of the appeal needs no comment.

In light of above, it is submitted that the impugned order dated 06.04.2021 is based on cogent and convincing grounds; therefore, it is humbly prayed that appeal of the appellant may kindly be dismissed with cost, being meritless.

Comments are submitted, as directed, please.


 Registrar
 Peshawar High Court,
 Peshawar.


 Addl; District & Sessions Judge,
 Havelian.


 District & Sessions Judge,
 Abbottabad.

AFFIDAVIT

The contents of the parawise comments submitted in service appeal No. 7271/2021 are correct and true to the best of my knowledge and belief and nothing has been suppressed from the Hon'ble Service Tribunal. *It is further stated on oath that in this appeal the answering respondents have neither been placed ex parte nor defense is struck off.*

DEPONENT

MUHAMMAD ADMAN YOUNIS
 ADVOCATE HIGH COURT
 OATH COMMISSIONER
 Abbottabad Lc # 2986-88
 15/06/2023



OFFICE OF THE
SENIOR CIVIL JUDGE (ADMIN)
ABBOTTABAD

Phone: 0992-9
Fax: 0992-3
Email: scjstd@yahoo

ANNEXURE
'A'

Consisting
of (2) two pages

REPORT:
06.03.2021

Complaints were time and again received against Saeed Sweeper that he does not perform his duties and quite often remain absent during the court hours. It was also complained that Saeed Sweeper during the duty hours bring and take away the passengers on carry van. Today, the undersigned visited Havelian and when reached at Havelian Chowk a driver of carry van was suspected that he is Saeed. The undersigned made a phone call to Hukamdad, Naib Nazir Tehsil Courts Havelian and asked that Saeed is on duty or not. He informed that Saeed Sweeper remained there only for 10 minutes and thereafter he disappeared. On this, the undersigned traced the vehicle and observed that Saeed Sweeper was driving carry van bearing No. LOZ-897 full of passengers from Havelian to Abbottabad in duty hours. The undersigned chased the carry van slowly and steadily and when reached at Abbottabad Adda stopped the vehicle through gunner and deboarded all the passengers from carry van. An official of traffic police present at the spot is accompanied with him by undersigned and brought the carry van in the premises of District Courts Abbottabad. This act of Saeed Sweeper shows that, he during the duty hours bring and take away the passengers in his private carry van which is against the Khyber Pakhtunkhwa Government Servants, Efficiency and Discipline Rules, 2011. The carry van is parked in the premises of District Courts Abbottabad and its keys are handed over to Superintendent District and Sessions Court, Abbottabad.

The report is submitted to Honourable District & Sessions Judge,
Abbottabad for appropriate order, please.

Attested

Superintendent to
District & Sessions Judge
Abbottabad

ISHTIAQ AHMED
Senior Civil Judge (Admn),
Abbottabad

06/03/2021

ANNEXURE

'B'

Consisting of 31 pages

(1) (7)

1030

92373

1302

(2) (1)

1302

بعدالت جناب ڈسٹرکٹ جج صاحب ایف آئی آر

تلفات	نوٹیت مقدمہ	نیٹیم	رجسٹر	میز مقدمہ
(34)	حکیمانہ انگریزی	06/04 2021	08/03 2021	159/VI

سید فاکر حسین

نوٹیت کاغذات	تعداد اوراق	میز شمار
انڈکس فارم - پرت آرڈر شیٹ ہائے	05	1-5
ریپورٹ نمونہ نیٹیم - ریپورٹ نائب ناظم	03	6-8
ٹیکسٹ کیس - جوائنٹ نوٹس - آرڈر آرڈر	04	9-12
نوٹیت واپس کارڈ - منفرد نقولاستا	17	13-29
نوٹیت - کاپی NIC - حوالگی گاڑی رسید	04	30-32
	01	34-34
میزان	34	34

نوٹ: - ترتیب و تکمیل مثل هذا درست اور مثل هذا مشتمل پر (34) اوراق سے -

ORD
17.03

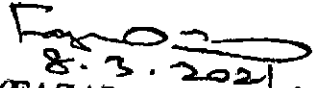
COUNTERSIGNED

District & Sessions Judge
Abbottabad

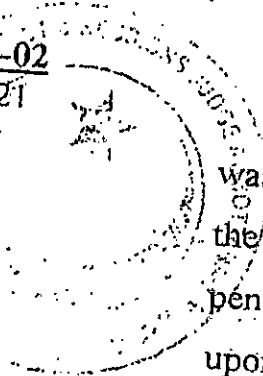
SUPPLEMENTARY
District & Sessions Judge
Abbottabad

Order # 01
08.03.2021

A detailed report about the absence of Mr. Saeed, sweeper form the duty and his involvement in private work/ ² playing Suzuki to pick and drop passengers, which is violation of Rule 16 of the KP Government Servants (conduct) Rules 1987. Besides, this report, other reports from learned AD&SJ Havelian were also received previously; hence, put up alongwith entire record.


8.3.2021
(FAZAL SUBHAN)
D&SJ, Abbottabad

ORDER-02
17.03.2021



Mr. Saeed Akhtar, sweeper, Tehsil Havelian was reported to be incompetent and inefficient in the performance of his duties and in the past, major penalty of stoppage of two increment was imposed upon him. Despite that he did not mend his ways and as per record he has made it a routine to clean the verandas of Tehsil Court Havelian at about 08:00 AM and then leave the court premises. This practice has now continued for quite some time and several explanations and inquiries were held against him but with no improvement in his performance. On 06.03.2021, as per his routine, he left his duties after attending the tehsil Courts for

Attested

Superintendent to
District & Sessions Judge
Abbottabad

3 9

of show-
tioned

about 10 minutes and then disappeared. The Senior Civil Judge (Admn) visited the Tehsil Court premises and while proceeding to Abbottabad, he noticed the said official driving a Suzuki carry van with passenger on board. He followed the vehicle of Saeed Akhtar till Abbottabad Adda stop and with the help of traffic police brought him to District Courts Abbottabad and submitted his report about the illegal plying of Suzuki carry van during duty hours. This clearly amounts to misconduct on the part of Mr. Saeed Akhtar, sweeper, hence in light of these facts and report of Senior Civil Judge (Admn) Abbottabad, I being competent authority, dispensed with inquiry under Rule 5(a) of the KP Government Servants (E&D) Rules, 2011, and decide the proceed against him under Rule 7 of the said Rules. A show-cause notice under Rule 7(b) of the ibid Rules is served upon the accused official. Office to put up show cause notice immediately for serving upon the accused official.



Fazal Subhan
19.3.2021
(FAZAL SUBHAN)
D&SJ, Abbottabad

Show cause notice prepared and served upon the accused official today, hence to come up for reply on or before 26.03.2021.

Attested
[Signature]
Superintendent to
District & Sessions Judge
Abbottabad

Fazal Subhan
19.3.2021
(FAZAL SUBHAN)
D&SJ, Abbottabad

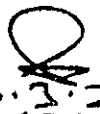
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(90)

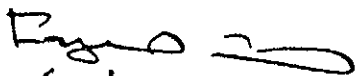
ORDER-04
26/03/2021

657

Accused/official is not in attendance. Reply of show-
cause notice already received. Accused/official be summoned
for personal hearing for 6/4/2021 /2021.


26.3.2021
Fazal Subhan
District Judge, Abbottabad

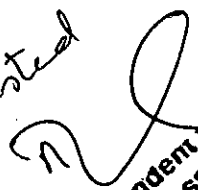
ORDER-05
06.04.2021


6.4.2021

Accused / official Saeed Akhtar Sweeper,
District Court, Abbottabad, presently posted at
Tehsil Courts, Havelian appeared in person in
response to the notice for personal hearing and was
heard. The accused/ official has advanced no good
grounds / reasons for his absence from duty on
06.03.2021. At the same time, in his reply to the
show cause notice, he has admitted that he is a low
paid official and to meet his house hold
expenditure, he on the relevant day i.e. 06.03.2021,
took passengers from Havelian to Abbottabad,
which amounts to admission on the part of accused
official.

The track record of the Accused / official
reveals that in the year 2011, he, as a result of
inquiry, was found guilty and the inquiry officer
proposed awarding major penalty of stoppage of
two increments, however, the competent authority
while taking lenient view, imposed minor penalty
of withholding of two increments, vide order No.
1695-98-2/52 dated 01.12.2011.

Similarly, record brought on record shows
that numerous complaints were received and
explanations called from the accused / official by

Attested

Superintendent &
District & Sessions Judge
Abbottabad

appeared. The Senior
Tehsil Court
Abbottabad, he
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Phone: 0992-
Fax: 0992-
Email: scljst@yah

eeper that h
ts. It was
v the

the Additional District and Sessions Judge, Havelian and Judicial Magistrate Havelian, about his absence from duty. On the basis of frequent complaints, an inquiry was initiated by this court and vide order dated 25.11.2021, a minor penalty of "Censure" under R.4(1)(a)(i) of KP, Government Servants (Efficiency and Discipline) Rules, 2011 was imposed upon him but despite that the accused official has not improved his performance and remained absent from duty and at the same time, he used to drive carry van to carry passengers, during duty hours, which amounts to serious misconduct on the part of accused/ official Saeed Akhtar, sweeper and therefore I being competent authority, in the light of cogent and rebutted charges against him, am of the considered view that he is guilty of misconduct as defined under S.2(1)(L)(i) of the ibid Rules, and impose a major penalty of removal from service upon him under Rule 4(1)(b)(iii) of the KP Government Servants (Efficiency & Discipline) Rules, 2011.



Office is directed to issue order accordingly.
File be consigned to record room after completion.

Announced:
06.04.2021

Fazal Subhan
6.4.2021
(FAZAL SUBHAN)
D&SJ, Abbottabad

Attested
[Signature]
Superintendent to
District & Sessions Judge
Abbottabad

Sessions Judge,
Havelian, about
frequent
this court
by



OFFICE OF THE
SENIOR CIVIL JUDGE (ADMIN)
ABBOTTABAD

Phone: 0992-9
Fax: 0992-
Email: scjtd@yahoo

REPORT:
06.03.2021

Complaints were time and again received against Saeed Sweeper that he does not perform his duties and quite often remain absent during the court hours. It was also complained that Saeed Sweeper during the duty hours bring and take away the passengers on carry van. Today, the undersigned visited Havelian and when reached at Havelian Chowk a driver of carry van was suspected that he is Saeed. The undersigned made a phone call to Hukamdad, Naib Nazir Tehsil Courts Havelian and asked that Saeed is on duty or not. He informed that Saeed Sweeper remained there only for 10 minutes and thereafter he disappeared. On this, the undersigned traced the vehicle and observed that Saeed Sweeper was driving carry van bearing No. LOZ-897 full of passengers from Havelian to Abbottabad in duty hours. The undersigned chased the carry van slowly and statedly and when reached at Abbottabad Adda stopped the vehicle through gunner and deboarded all the passengers from carry van. An official of traffic police present at the spot is accompanied with him by undersigned and brought the carry van in the premises of District Courts Abbottabad. This act of Saeed Sweeper shows that, he during the duty hours bring and take away the passengers in his private carry van which is against the Khyber Pakhtunkhwa Government Servants, Efficiency and Discipline Rules, 2011. The carry van is parked in the premises of District Courts Abbottabad and its keys are handed over to Superintendent District and Sessions Court, Abbottabad.

The report is submitted to Honourable District & Sessions Judge, Abbottabad for appropriate order, please.

ISHTIAQ AHMED
Senior Civil Judge (Admn),
Abbottabad

Attested
Superintendent
District & Sessions
Court, Abbottabad

(A)

(B)

Verib Nazir is directed to report the matter to the

with his set file. 15.3.2021

Verib Nazir

Verib Nazir is directed to report the matter to the
with his set file. 15.3.2021

Verib Nazir is directed to report the matter to the

Signature

Attested

Superintendent to District & Sessions Judge Abbottabad

Verib Nazir is directed to report the matter to the
to the good office of
learned Sd/- Admin Abbottabad
as well.

06-3-2021

(9)

No. 1029-2/52

Dated 19/11/21

OFFICE OF
114

SHOW CAUSE NOTICE

I, Fazal Subhan, District & Sessions Judge, Abbottabad, as competent authority, under the Khyber Pakhtunkhwa, Government Servant (Efficiency and Discipline) Rules, 2011, having decided to dispense with the inquiry in accordance with Rule 07 of the above-mentioned Rules, do hereby serve you, Mr. Saeed Akhtar, sweeper, District Courts, Abbottabad, presently posted at Tehsil Courts Havelian, with this show cause notice on the following grounds: -

1. Whereas, you accused official being posted as sweep at Tehsil Court Havelian, was reported to be always absent from your duties and thereby failed to perform your duties as such, and the learned Additional District Judge, Havelian and Civil Judge, Havelian, time and again called you for explanations, which you failed to legally justify.
2. Whereas, on 06.02.2021, you the accused official attended the Tehsil Havelian Courts premises only for 10 minutes and then disappeared and during his visit the Senior Civil Judge (Admn), Abbottabad found you absent from duties and while proceeding to District Courts Abbottabad, he observed the accused official driving carry van No. LOZ-897 with passengers on board and on reaching Abbottabad Adda, the van was stopped and after alighting the passengers, brought along with carry van to the District Courts premises which

Attested

[Signature]

Superintendent to
District & Sessions Judge
Abbottabad

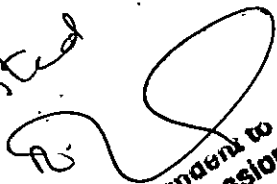
(10)

(15)

undeniable proof of the fact that you drive a passenger van during duty hours which amounts to misconduct within the meaning of Rule 3(b)(d) of the ibid Rules, which is a valid ground for taking disciplinary action against you and I being competent authority, has tentatively decided to impose upon you and major penalty of removal from service, under Rule 4 (1)(b)(III) of the above said Rules.

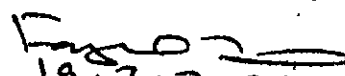
3. You are, therefore, required to show cause, as to why the aforesaid penalty of removal from service may not be imposed upon you. Your reply to the show cause notice should reach to the undersigned within seven (07) days of the delivery of this show cause notice, failing which, it shall be presumed that you have no defence to advance and in that case, an ex-parte action shall be taken against you.
4. You should also intimate as to whether you desire to be heard in person.

Attested



Supernumerary to
District & Sessions Judge,
Abbottabad

Competent Authority


19.3.2021
District & Sessions Judge,
Abbottabad

16

11

To,

The District & Session Judge,
Abbottabad.

SHOW CAUSE NOTICE DATED 19.03.2021.

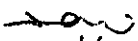
- 1) Reference is made to show cause Notice dated 19.03.2021. (Copy is attached)
- 2) Para-wise reply to the show cause notice dated 19.03.2021 is appended below:
 - i) That the applicant is serving as sweeper in Tehsil Court Havelian. The applicant is a poor low paid employee and hardly cope with household and expenditures of the dependents and school going children. The applicant performs his duties with complete devotion. Besides, there can be found garbage and filth in the premises of the Courts. It is humbly submitted that the applicant always performs duties and keeps the Courts neat and clean.
 - ii) That on 06.02.2021, the spouse of the applicant telephonically told that the child namely Adil studying in Class-2 is seriously ill. Therefore, as a human being the applicant rushed towards his house situated at Abbottabad to take his beloved minor son to the hospital. As stated above, the applicant is a poorest and lowest paid sweeper and cannot forebear unavoidable household expenses out of his meager salary. Therefore, on coming to Abbottabad, the applicant took a passenger on board from Havelian to Abbottabad just to manage small amount for the bread and butter of his dependent family members.

In view of the above it is humbly prayed that the show cause notice dated 19.03.2021 may be cancelled so as to enable the applicant to serve the department with peace of mind. The applicant assures your honour that he shall not take the passengers on his SUZUKI from Havelian to Abbottabad in future.

Attested


Superintendent to
 District & Sessions
 Abbottabad

On relevant file. He has to appear for Personal hearing on Dated: 19-03-2021 the date already mentioned in the Show Cause notice.

Thanking you in anticipation.

 Saeed Yousaf
 S/o Yousaf

(19)

**OFFICE OF THE
DISTRICT AND SESSIONS JUDGE
ABBOTTABAD**

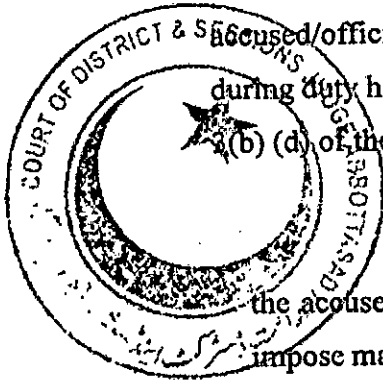
ORDER

Dated Abbottabad the 07th April, 2021

WHEREAS on 6.3.2021, the Senior Civil Judge (Admn) Abbottabad reported that, in the wake of complaints received against Mr. Saeed Akhtar, Sweeper, posted at Tehsil Courts, Havelian, he remained absent and often drive a Suzuki carry van for carrying passengers during duty hours and that on the relevant day he was spotted driving Suzuki carry van with passengers. He was followed up till Abbottabad and after alighting passengers, he along with Suzuki was brought to the Districts Courts, Abbottabad.

WHEREAS, the accused official was caught red handed, which was sufficient to dispense with the inquiry proceedings under Rule 5 (a) of the Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules, 2011, hence he was proceeded under Rule 7 of the said Rules and a show cause notice was served upon him. After submission of reply, he was personally heard however in his reply to the show cause notice and during personal hearing, the accused/official did not deny the charges of carrying passengers in his vehicle during duty hours, and therefore charges of misconduct within the meaning of Rule 4(b) (d) of the ibid Rules are proved against him.

NOW, THEREFORE, I being competent authority while finding the accused/official Mr. Saeed Akhtar, Sweeper, guilty of misconduct, hereby impose major penalty of removal from service under Rule 4(1)(b)(iii) of the said Rules.



Fazal Subhan
7.4.2021.
(Fazal Subhan)
District & Sessions Judge, Abbottabad

Dated Abbottabad the 07-04-2021

Attested
[Signature]
Superintendent
District & Sessions Judge,
Abbottabad

Ensdst. No. _____
1269-272-21
52

Copy forwarded to :-

1. Additional District & Sessions Judge, Havelian.
2. District Account Officer, Abbottabad.
3. The official concerned by name.
4. Office record.

Fazal Subhan
7.4.2021.
(Fazal Subhan)
District & Sessions Judge, Abbottabad

کتاب صحیفہ اہلبیت آباد

(18)

(13)

کتاب خالی

تزارش سید سائیل عدالت میں سرکاری مکتوم بلکہ خانہ روپ
 قائم کرتا ہے۔ سائیل عدالت کی ایک حدود گھڑی ڈبہ قازمی ہے۔
 کہ جو ڈاکٹیوینا ہے۔ دوران ڈاکٹیوینا میں نے قازمی اور سوارمی
 بیٹھا کر نام کیا۔ جس کی بنا پر سرکار نے میری قازمی ضبط
 کی ہے۔ لہذا کتاب سے استریٹائیبلہ سائیل آگیندہ
 دوران ڈاکٹیوینا ایسی کوئی غلطی نہیں کرے گا۔ اور اپنی ڈاکٹیو
 صحیح طور سے انجام دے گا۔ میری فرمائش ہے سرکاری قازمی
 باز پاب فرمائی جاوے۔

العارضین

سید یوسف

0318-5572350

الموتموم
19-3-21

Original File

Forwarded to Hoable Distt, Abbottabad
appropriate order, please.

Senior Civil Judge/JM
Abbottabad

19/03/21

Attested
Superintendent to
District & Sessions Judge
Abbottabad

20

(14) (19)
OFFICE OF ADDITIONAL DISTRICT & SESSIONS JUDGE,
ABBOTTABAD AT HAVELIAN.

No. 157 Dated AD&SJ, at Havelian the 13-2 /2021.

To

Saeed Sweeper,
Posted at District Courts at Havelian.

Subject: EXPLANATION.

Whereas, the Naib Nazir Hukamdad informed through written application that you attended the court at 08.00 AM today and just by cleaning veranda and courtyard of Tehsil Courts left without seeking any permission or information. The other premises including court rooms as well as offices of allied staff were not cleaned. You were contacted through your mobile cell number but the same was switched off. More so, you are reported to be absent from your duty without any information and also do not observe office time.

Whereas, your this act amounts to misconduct within the meaning of section 3, of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011.

Now, therefore, you are directed to explain your position as to why disciplinary proceedings should not be initiated against you.

Your reply should reach this office within three days after receipt of this explanation, otherwise, it will be presumed that you have nothing to offer in your defence.

(Wajid Ali)

Addl: District & Sessions Judge,
Abbottabad at Havelian

Copy to:-

The Worthy District & Sessions Judge, Abbottabad for information please.

The learned Senior Civil Judge (Administration), Abbottabad.

(Wajid Ali)

Addl: District & Sessions Judge,
Abbottabad at Havelian

Attested
A
Supernumerary
District & Sessions Judge,
Abbottabad

Saw

15/02/2021

(20) عدالت جناب ایڈیشنل ڈسٹرکٹ اینڈ سیشن جج صاحب (15)

جناب عالی

گزارش ہے کہ آج مورخہ 13⁰²/₂₀₂₁ کو سعید سوپیر
میجسٹریٹ نے ٹی وی پر آکر برآمدہ اور محنت کی صفائی
کرنے واپس چلا گیا ہے۔ اور عدالت کے کمروں اور
محرمات کے کمروں کی صفائی نہ کی ہے۔ موبائل غیر پیر
بھی رابطہ کرنے پر موبائل غیر بند ہے۔ بار بار متعلقہ
سوپیر کو زبانی ہدایت بھی دی جاتی رہی مگر
جان بوجھ کر روز صبح کا صبح بنا گیا ہے۔

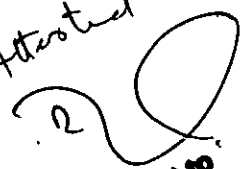
استدعا سعید سوپیر کے خلاف
قانونی کارروائی کی جاوے۔

نائب ناظم سول کورٹ حویلیاں



13-02-2021

Attested



Superintendent to
District & Sessions Jurn
Abbottabad

Explanation be called
from the official concerned



13⁰²/₂₁

16

28

In the court of District & Sessions Judge,
Abbottabad

Order # 01
25.11.2020

Inquiry report into the charges of misconduct of Mr. Saeed, Sweeper posted at Tehsil courts Havelian received from the Senior Civil Judge (Admn), Abbottabad. In his report, the Inquiry Officer has given findings on the basis of evidence recorded in the inquiry that charges against the official is proved, however keeping in view nature of his job, a minor penalty has been recommended. I, after going through the inquiry record, agree with the findings and recommendations of the Inquiry Officer and impose minor penalty of "censure" under Rule 4(1) (a) (i) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Office is directed to put up order accordingly and place one copy of same on the personal file of the official.

The inquiry is consigned to record room after completion.

25.11.2020

Attested
[Signature]
Superintendent to
District & Sessions Judge
Abbottabad

[Signature]
25.11.2020
(Fazal Subhan)
D&SJ, Abbottabad

[Signature]
28.11.2020

2/52

18

23

20

OFFICE OF JUDICIAL MAGISTRATE-I, ABBOTTABAD AT HAVELIAN.

No. 34 Dated JMIC-I, at Havelian the 13th, March, 2020.

To
Saeed Akhtar,
Sweeper.

Subject: EXPLANATION.

Whereas, today on 13.03.2020, you remained absent from your duty without any intimation and;

Whereas, your this act amounts to misconduct within the meaning of section 3, of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011.

Now, therefore, you are directed to explain your position as to why disciplinary proceedings should not be initiated against you.

Your reply should reach this office within three days after receipt of this explanation, otherwise, it will be presumed that you have nothing to offer in your defence:

Attested
[Signature]
Copy to: **Superintendent to District & Sessions Judge, Abbottabad**

[Signature]
(Sardar Jawad Ahmed)
Judicial Magistrate-I
Abbottabad at Havelian

- 1. The Worthy District & Sessions Judge, Abbottabad.
 - 2. The Learned Senior Civil Judge, Abbottabad.
- For information please.

[Handwritten notes and signatures]
3/13/2020
[Signature]

[Signature]
(Sardar Jawad Ahmed)
Judicial Magistrate-I
Abbottabad at Havelian

بذاتہ جناب سول جج صاحب آف آف جج صاحب

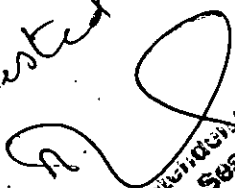
منیجنگ ضلعی ایجوکیشن
بہر ضلع سید سوہیل پٹر

جناب عالی

گذشتہ صبح آج مورخہ 23/12/2019 کو سید
سوہیل پٹر اپنی ڈیوٹی حاضر نہیں ہوئے اور
فون بھی نہیں اٹھایا اور کوئی اطلاع
بھی نہیں آئی ہے منیجنگ ضلعی ایجوکیشن
بہر ضلع سید سوہیل پٹر پیش بنظر اور
ضمانت جمع معادرا فرمایا جاوے

نائب ناظم عدالت جیڈا

Attested



Superintendent to
District & Sessions Judge
Abbottabad



23/12/20



OFFICE OF THE
SENIOR CIVIL JUDGE (ADMIN)
ABBOTTABAD

Phone: 0992-931
Fax: 0992-3
Email: scjatl@yahoo.com

No. 610

dated Abbottabad the 20/12/2018

To,
Saeed Sweeper,
Havelian, Abbottabad.

Subject: EXPLANATION

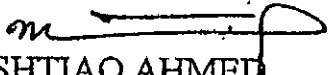
Memo,

Whereas you official sweeper were repeatedly been directed to be punctual and ensure cleanliness of the court premises in time. But you have not taken interest in your official duties and start cleanliness when the court proceedings are in progress, which create disturbance.

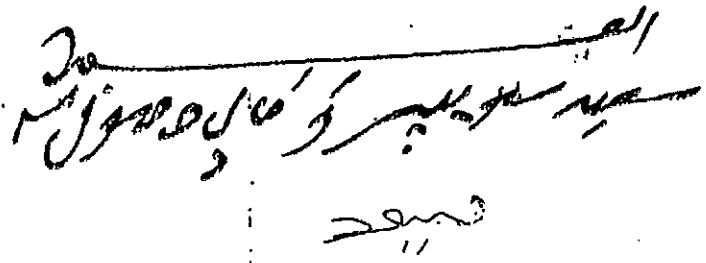
By issuing this notice, you are directed to explain your position within three days, that why you should not be proceeded against under Khyber Pakhtunkhwa Government Servants, Efficiency and Discipline Rules, 2011. Failure will reflect that you have nothing in your defence and will result in ex-parte action against you under the ibid Rules.

Attested

Superintendent to
District & Sessions Judge
Abbottabad


ISHTIAQ AHMED
Senior Civil Judge (Admin),
Abbottabad

20/12/18



8 Oct 2019

26



OFFICE OF THE SENIOR CIVIL JUDGE (ADMIN) ABBOTTABAD

Phone: 0992-9310054
Fax: 0992-344467
Email: scjabb@yab60.com

No. 537

dated Abbottabad the 7/10/2019

To: Saced Sweeper,
Havelian, Abbottabad.

*be communicated to
official concerned*

Subject: EXPLANATION

7/10/19

Memo,

Baradar Jawad Ahmad
CJ/JFC/R/C/JM-1st Magistrate
u/s 30 Cr. PC & SCMO, Havelian
Abbottabad

Whereas you official sweeper were repeatedly been directed to be punctual and ensure cleanliness of the court premises in time. you have not taken in in your official duties and start earliness when the court proceedings are in progress, which create disturbance. On 02.02.019 you started cleanliness at about 08:30AM and created disturbance in court proceedings and was to stop and do it after court timing, but even then, you were obstinate and did not stop disturbance.

By issuing this notice, you are directed to explain your position, that why you should not be proceeded against under Cyber Law, 2007 and Government Servants, Efficiency and Discipline Rules, 2011. Failure will reflect that you have nothing in your defence and will result in ex-parte action against you under the law.

Attested
[Signature]
Superintendent to
District & Sessions Judge
Abbottabad

[Signature]
ISHTEIAQ AHMED
Senior Civil Judge (Admin).
Abbottabad

[Signature]

8/10/19

(23)

(27)

OFFICE OF ADDITIONAL DISTRICT & SESSIONS JUDGE
ABBOTTABAD AT HAVELIAN

No. 832 Dated AD&SJ, at Havelian the 02/10/2019.

To
The Senior Civil Judge (Admn),
Abbottabad.

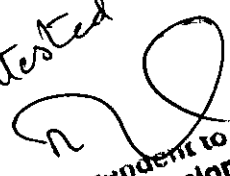
Subject: **COMPLAINT AGAINST SAEED SWEEPER POSTED**
FOR JUDICIAL COMPLEX HAVELIAN.

Dear Sir,

It is to bring in your kind notice that Saeed, Sweeper is posted for cleanliness of courts at Havelian. He has repeated been directed to be punctual and ensure cleanliness of the court premises in time. But it is observed he is not taking interest in his official duties and mostly start cleanliness when the court proceedings are in progress, which create disturbance.

Naib Nazir has been repeatedly involved to ensure the cleanliness of the courts in time, but he is also could not taking any interest.

Today the sweeper started cleanliness at about 08.30 AM, he was creating disturbance in court proceedings and was asked to stop and do it after court timing, but even then, he was obstinate and did not stop disturbance. It is therefore, requested that disciplinary proceedings may be initiated against the said official or he and may be replaced any other dutiful and punctual official and the Naib Nazir may also be asked to play some role in the instant matter.

Attested

Superintendent to
District & Sessions Judge
Abbottabad


(Wajid Ali)

Addl: District & Sessions Judge,
Abbottabad at Havelian

(24)

(28)

OFFICE OF ADDITIONAL DISTRICT & SESSIONS JUDGE
ABBOTTABAD AT HAVELIAN

No. 1365 Dated AD&SJ, at Havelian the 19/12/2019.

To

The Senior Civil Judge (Admn),
Abbottabad.

Subject: COMPLAINT AGAINST SAEED SWEEPER AND
NAIB NAZIR HUKAMDAD POSTED AT TEHSIL
HAVELIAN.

Dear Sir,

In continuation of my previous complaint bearing No. 832 dated 02.10.2019, it is once again brought in your kind notice that Saeed, Sweeper is posted for cleanliness of courts at Havelian. He has repeatedly been directed to be punctual and ensure cleanliness of the court premises in time. But it is observed that he is not taking interest in his official duties and mostly start cleanliness when the court proceedings are in progress, which create disturbance and also effect court work.

Naib Nazir namely; Hukamdad has also been repeatedly involved to ensure the cleanliness of the courts in time, but he is also not taking any interest.

Today, as usual, the sweeper started cleanliness at about 08.45 AM and was creating disturbance in court proceedings.

It is therefore, requested that disciplinary proceedings may please be initiated against the said official or he and may be replaced with any other dutiful and punctual official and the Naib Nazir may also be directed to ensure cleanliness and punctuality of the sweeper.

Attested
Superintendent to
District & Sessions Judge
Abbottabad

(Wajid Ali)

Addl: District & Sessions Judge,
Abbottabad at Havelian

Copy to:-
The Worthy District & Sessions Judge, Abbottabad.

(Wajid Ali)

Addl: District & Sessions Judge,
Abbottabad at Havelian



OFFICE OF THE
SENIOR CIVIL JUDGE (ADMIN)
ABBOTTABAD

Phone: 0992-
Fax: 0992-
Email: scjtd@yah

No. 660

dated Abbottabad the 20/12/2018

To,

Hukamdad,
Naib Nazir,
Havelian, Abbottabad.

Subject: EXPLANATION

Memo,

Whereas you official Naib Nazir was involved to ensure the cleanliness of the court premises as well as Courts in time but you have not taken interest to supervise the sweeper Saeed as he creates disturbance by starting the cleanliness during court hours.

By issuing this notice, you are directed to explain your position within three days, that why you should not be proceeded against under Khyber Pakhtunkhwa Government Servants, Efficiency and Discipline Rules, 2011. Failure will reflect that you have nothing in your defence and will result in ex-parte action against you under the ibid Rules.

Attested

Superintendent
District & Sessions Judge
Abbottabad

ISHTIAQ AHMED
Senior Civil Judge (Admin),
Abbottabad.

20/12/18

(26)

(23)

(30)

(33)

OFFICE OF THE DISTRICT & SESSIONS JUDGE, ABBOTTABAD

OFFICE ORDER

In consequence of the report of the Authorized Officer, whereby, ~~Sadda Akbar Mughal~~, Sweeper has been found guilty and the Authorized Officer proposed that he be awarded major penalty, however while taking lenient view, two increments due from 01.12.2011 and 01.12.2012 are hereby withheld. Intimation to this effect be also made to the concerned quarter for necessary entry in the service book.

[Signature]
(AYMON ZIA)
District & Sessions Judge,
Abbottabad.

No 1685-98-2152

Dated Abbottabad the 01/12/2011

Copy forwarded to the:-

1. Registrar Peshawar High Court, Peshawar.
2. Senior Civil Judge, Abbottabad.
3. District Comptroller of Accounts, Abbottabad.
4. Accountant District & Sessions Court, Abbottabad for compliance.

Attested to be True Copy

[Signature]
District & Sessions Judge,
Abbottabad.

Attested
[Signature]
Superintendent to
District & Sessions Judge
Abbottabad

No. 20150 Date 24.12.04

D. of Presentation Application _____

No of words _____

Copying Fee _____

Urgent Fee _____

Total 4774

Name of Copyist _____

Date of Preparation of Copy 24.12.04

Date of Delivery of Copy 24.12.04

Attested to be true copy
[Signature]
Haji Muhammad Zahir Shah
Advocate Supreme Court
A.O.R./ Peshawar

OFFICE OF THE DISTRICT & SESSIONS JUDGE, ABBOTTABAD.

1401 -2/52

Dated Abbottabad the 25/2

Mr. Saeed Akhtar,
Sweeper.

Subject: SHOW CAUSE NOTICE

Memo.

WHEREAS, on conclusion of enquiry, it was proved that you, being unauthorized person were given release warrant, for extraneous considerations by Mr. Shah Nawaz Moharrir to ADJ-VI, Abbottabad to benefit yourself and the Authorized Officer has also recommended major penalty on you.

AND WHEREAS, the perusal of your previous record reveal that you are in the habit of availing un-necessary leaves without justification and usually found absent from your duty. Besides, an FIR has also been lodged against you for possessing contrabands for which you remained in jail and the trial of the case is yet to follow.

AND WHEREAS, the above facts clearly suggest that you are involved in malpractices and cases involving moral turpitude and you enjoy a persistent reputation of being corrupt.

AND WHEREAS, by your above conduct you have been instrumental in scandalizing the institution of judiciary;

AND WHEREAS, the reply submitted by you is also not found satisfactory. Besides, the record of enquiry and recommendation of Authorized Officer squarely hold you to be treated with iron-hand by giving exemplary punishment;

NOW, therefore, you are hereby given final show cause as to why disciplinary action under E&D Rules 1973 entailing imposition of major penalty of removal of service should not be taken against you. Your reply must reach this office within three days of issuance of this notice, failing which, it shall be presumed that you have no defence to offer and the instant notice shall be considered as final show cause notice. However, you are allowed to appear before the undersigned in person.

Attested

[Signature]

Superintendent to
District & Sessions Judge
Abbottabad

[Signature]
Received
25/2/11

[Signature]
(AYMON ZIA)
District & Sessions Judge
Abbottabad

Attested to be True Copy

Examiner
District & Sessions Judge
Abbottabad
14/12/11

2/82

Attested to be true copy

[Signature]

Haji Muhammad Zahir Shah
Advocate Supreme Court
A.O.R.J Peshawar



24
27

(15)

31
~~31~~

No.

1029-250

Dated

01/11

SHOW CAUSE NOTICE

I, Fazal Subhan, District & Sessions Judge, Abbottabad, as competent authority, under the Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules, 2011, having decided to dispense with the inquiry in accordance with Rule 07 of the above-mentioned Rules, do hereby serve you, Mr. Saced Akhtar, sweeper, District Courts, Abbottabad, presently posted at Tehsil Court Havelian, with this show cause notice on the following grounds: -

1. Whereas, you accused official being posted as sweeper Tehsil Court Havelian, was reported to be always absent from your duties and thereby failed to perform your duties as such, and the learned Additional District Judge, Havelian and Civil Judge, Havelian, time and again called your explanations, which you failed to legally justify.
2. Whereas, on 06.02.2021, you the accused official attended the Tehsil Havelian Courts premises only for 10 minutes and then disappeared and during his visit the Senior Civil Judge (Admn), Abbottabad found you absent from duties and while proceeding to District Courts Abbottabad, he observed you accused official driving carry van No. LOZ-897 with passengers on board and on reaching Abbottabad Adda, you were stopped and after alighting the passengers, brought you alongwith carry van to the District Courts premises which is

Attested



Superintendent to
District & Sessions Judge
Abbottabad

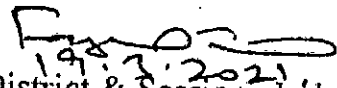
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undeniable proof of the fact that you drive a passenger van during duty hours which amounts to misconduct within the meaning of Rule 3(b)(d) of the ibid Rules, which is a valid ground for taking disciplinary action against you and being competent authority, has tentatively decided to impose upon you and major penalty of removal from service, under Rule 4 (1)(b)(III) of the above said Rules.

3. You are, therefore, required to show cause, as to why the aforesaid penalty of removal from service may not be imposed upon you. Your reply to the show cause notice should reach to the undersigned within seven (07) days of the delivery of this show cause notice, failing which, it shall be presumed that you have no defence to advance and in this case, an ex-parte action shall be taken against you.
4. You should also intimate as to whether you desire to be heard in person.

Attested

 Superintendent to
 District & Sessions Judge
 Abbottabad

Competent Authority

 19.3.2021
 District & Sessions Judge,
 Abbottabad

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بعدالت جناب ڈسٹرکٹ جج صاحب ایبٹ آباد

6/4/2021

308
57
برقمہ

رندو سہری

578
29/7

نوش بنام

صدر سوسائٹی عدالت تحصیل حوض میناں

6/4/2021

تاجب ناظر ایبٹ آباد
اندرین مقدمہ بالا میں
کو حاضر عدالت ہذا ہو کر بیرونی مقدمہ کرے۔

(5)
No 27/3/21

32 ضابطہ ڈکٹر سیشن جج صاحب ایف۔ اے۔

35

درخواست بل و والیم سٹائل کے جاننا گیری جوہر محمد حاجی

Allowed after Paper

Receipt. Page 8.4.2021.

ضابطہ عالیٰ درخواست قبیل میں ہے۔

۱) یہ سٹائل صاحب کے زیر سایہ ملازم تھا۔

۲) یہ سٹائل کی گاڑی گیری عمر میر بند سیشن کورٹ ایف۔ اے۔

۳) یہ سٹائل کی گاڑی گیری جوہر محمد کے ریشے سے خراب ہو رہی ہے۔

لہذا استدعا ہے کہ سٹائل کی گاڑی گیری جوہر محمد کو اس سٹائل کی جاننا گیری سے ملازم رکھا جائے۔

اعتراف 8-4-21

Attested
Superintendent to
District & Sessions Judge
Abbottabad

منزل - سید اختر ولد یوسف جج صاحب سٹیٹ

بانڈہ دلائل میں ایف۔ اے۔

سید

34

OFFICE OF THE
DISTRICT AND SESSIONS JUDGE
ABBOTTABAD

37

ORDER

Dated Abbottabad the 07th April, 2021

WHEREAS on 6.3.2021, the Senior Civil Judge (Admn) Abbottabad reported that, in the wake of complaints received against Mr. Saeed Akhtar, Sweeper, posted at Tehsil Courts, Havelian, he remained absent and often drive a Suzuki carry van for carrying passengers during duty hours and that on the relevant day he was spotted driving Suzuki carry van with passengers. He was followed up till Abbottabad and after alighting passengers, he along with Suzuki was brought to the Districts Courts, Abbottabad.

WHEREAS, the accused official was caught red handed, which was sufficient to dispense with the inquiry proceedings under Rule 5 (a) of the Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules, 2011, hence he was proceeded under Rule 7 of the said Rules and a show cause notice was served upon him. After submission of reply, he was personally heard however in his reply to the show cause notice and during personal hearing, the accused/official did not deny the charges of carrying passengers in his vehicle during duty hours, and therefore charges of misconduct within the meaning of Rule 3(b) (d) of the ibid Rules are proved against him.

NOW, THEREFORE, I being competent authority while finding the accused/official Mr. Saeed Akhtar, Sweeper, guilty of misconduct, hereby impose major penalty of removal from service under Rule 4(1)(b)(iii) of the said Rules.

Attested
[Signature]
Superintendent to
District & Sessions Judge
Abbottabad

[Signature]
7.4.2021.
(Fazal Subhan)
District & Sessions Judge, Abbottabad

1259-1272-21
52
Ensdst: No. _____

Dated Abbottabad the 07-04-2021

Copy forwarded to :-

1. Additional District & Sessions Judge, Havelian.
2. District Account Officer, Abbottabad.
3. The official concerned by name.
4. Office record.

[Signature]
7.4.2021.
(Fazal Subhan)
District & Sessions Judge, Abbottabad

9

Annexure 'C'

38

OFFICE OF THE DISTRICT & SESSIONS JUDGE, ABBOTTABAD.

OFFICE ORDER

Consisting of 02 page

In consequence of the report of the Authorized Officer, whereby Saeed Akhtar Masih, Sweeper has been found guilty and the Authorized Officer proposed that he be awarded major penalty, however while taking lenient view, two increments due from 01.12.2011 and 01.12.2012 are hereby withheld. Intimation to this effect be also made to the concerned quarter for necessary entry in the service book.

[Signature]
(AYMON ZIA)
District & Sessions Judge,
Abbottabad.

Dated Abbottabad the 01/12/2011

No. 1685-98-2/52

Copy forwarded to the: -

1. Registrar Peshawar High Court, Peshawar.
2. Senior Civil Judge, Abbottabad.
3. District Comptroller of Accounts, Abbottabad.
4. Accountant District & Sessions Court, Abbottabad for compliance.

[Signature]
District & Sessions Judge,
Abbottabad.

Attested
[Signature]
Superintendent to
District & Sessions Judge
Abbottabad

ANNEXURE
'D'

39

In the court of District & Sessions Judge,
Abbottabad

Consisting of page

Order # 01
25.11.2020

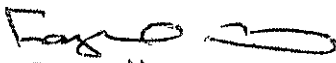
Inquiry report into the charges of misconduct of Mr. Saeed, Sweeper posted at Tehsil courts Havelian received from the Senior Civil Judge (Admn), Abbottabad. In his report, the Inquiry Officer has given findings on the basis of evidence recorded in the inquiry that charges against the official is proved, however keeping in view nature of his job, a minor penalty has been recommended. I, after going through the inquiry record, agree with the findings and recommendations of the Inquiry Officer and impose minor penalty of "censure" under Rule 4(1) (a) (i) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Office is directed to put up order accordingly and place one copy of same on the personal file of the official.

The inquiry is consigned to record room after completion.

25.11.2020

Atas Eeal


Superintendent to
District & Sessions Judge
Abbottabad


25.11.2020
(Fazal Subhan)
D&SJ, Abbottabad



**OFFICE OF THE
DISTRICT AND SESSIONS JUDGE
ABBOTTABAD**

Phone: 0992-921051
Fax: 0992-921594
@Email: dsjatd@gmail.com

40

AUTHORITY LETTER

Mr. Rizwan Pervaiz, Superintendent, District & Session Judge, Abbottabad is hereby authorized to appear before the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar in connection with Service appeal bearing No.7271 of 2021 titled "**Saeed Akhter Vs Chief Justice PHC. Peshawar**".

District & Sessions Judge
District & Sessions Judge,
Abbottabad