

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 6192

Dated 26-06-23

In re:

S.A.No.151/2022

Javed Iqbal Appellant

Versus

Registrar and others Respondents

REJOINDER TO REPLY OF RESPONDENTS

Respectfully Sheweth;

Preliminary objections:

- 1) That the respondents have got no cause of action to file instant reply.
- 2) That the instant reply is not filed according to law and rules.
- 3) That the respondents have not come to the court with clean hands.
- 4) That the instant reply is based on personal grudge, ill-will.
- 5) That in the instant reply the respondents have suppressed material facts which are necessary for the just decision of the case.

On preliminary objections:

- i) That para-1 of preliminary objections is incorrect and vehemently denied. the appellant has got cause of action being awarded illegal punishment, hence denied.
- ii) That para-2 of the preliminary objections of reply is incorrect and denied. The appellant come to the court and participated with clean hands and according to law, hence denied.

- iii) That para-3 of the preliminary objections is incorrect and denied. The appellant has approached the respondents in departmental appeal through proper channel vide Daily Diary No.10746-47/F-185/D&SJ while the same was dispatched to the worthy Registrar Peshawar High Court vide Daily Diary dated 18.10.2021 dispatch No.14260 received on 26.10.2021 being departmental appeal No.21/2021 is still pending. A. A

It is noteworthy that the appellant filed another departmental appeal (in reduction of post case) connected appeal No.151/22 pending before Peshawar High HC No.1.-10-21 vide D.D.No.13607. The same was returned to appellant with direction to file the same through proper channel and thereafter the appellant filed appeal for on 11.10.2021 vide D.D.No.10662-64/F-185 D&SJ dated 16.10.21 was dispatched to the Registrar PHC dispatch No.14259 received on or 14.10.2021 being departmental appeal No.21/2021 still pending adjudication.

It is also noteworthy that the respondent in para-wise comments admitted the filing of representation before department.

- iv) That the instant para-4 of preliminary objections is incorrect and denied. The instant allegation is not based on true facts nor supported by any record. The matter in hand was consigned by presiding officer/ inquiry officer hence needs no comments being available on record.
- v) That para-5 of preliminary objections the instant para was replied that the appellant through an application for leave sought permission on 21.05.2021. (Copy attached). Besides the same the appellant submitted reply which has been fully explained supported by documentary evidence on 02.07.2021 along with medical prescription, hence para is replied as the reply of appellant (as annexed by respondent) was not considered nor

inquiry was conducted of the same and appellant was awarded two time major penalty, hence para is incorrect and denied.

- vi) Para No.6 of preliminary objection is incorrect and denied. The appellant remained in service for 21 years and no allegation of misconduct, hence the appellant has explained his position in the ibid paras, is replied.

PARA-WISE REPLY/ REJOINDER.

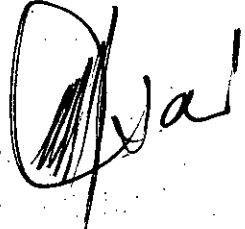
- 1) Para No.1 is correct/ true, however the allegation is incorrect.
- 2) Para No.2 is incorrect and denied. The instant para is replied in the preliminary objection as the appellant has already filed his departmental appeal, hence is denied.
- 3) Para No.3 of para-wise is correct that appellant has filed departmental appeal within time, hence denied.
- 4-5) Paras No.4 and 5 are incorrect as stated above. Moreover, if there was any proceedings that should also be made part and parcel of charge sheet/ show cause notices according to law.
- 6) Para No.6 of preliminary objections is incorrect and denied.
- 7) Para-7 is correct. However the incorrect is not supported by any documents, hence para is denied.

GROUND:

- A. Ground "A" of reply ground "A" is incorrect and denied. The proceedings were not conducted in accordance with law.
- B. Ground "B" of reply ground "B" is incorrect. All the proceedings are without law and rules.
- C. Ground "C" of reply Ground "C" is incorrect. The impugned order was passed in violation of law, hence order dated 08.10.2021 is not sustainable in the eyes of law.

- D. Ground "D" of reply is incorrect and denied. The appointing authority participated in inquiry, hence cannot pass the impugned order dated 08.10.2021.
- E. Ground "E" is incorrect to the extent that he filed explanation.
- F. Ground "F" is incorrect, hence denied being not based on true facts.
- G. Needs no reply.

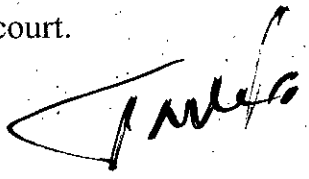
It is, therefore, most humbly prayed that on acceptance of this reply, the instant reply may kindly be dismissed with cost being not maintainable.

Petitioner
 Through
 Javed Ali Ghani
 Advocate Supreme Court
 Akhunda Asad Iqbal 

AFFIDAVIT

I, do hereby affirm and declare that the contents of the accompanying **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble court.




 Deponent

Annex - A



The District & Sessions Judge Swabi

Phone # 0938-280372
Fax# 0938-280117
Email: dsjswabi@gmail.com

No. 10746-49 /F-185 /D&S.J

Dated 18.10 2021

To

The Registrar,
Peshawar High Court
Peshawar

Subject: DEPARTMENTAL APPEAL/REPRESENTATION

Dear Sir,

Please find enclosed departmental appeal/representation with enclosures, submitted by Javed Iqbal on 16.10.2021, for further necessary action.

Encl: 01 sheets.

Yours faithfully,

Hafiz Naseem Akbar
District & Sessions Judge
Swabi

ned appeal/representation.

DISTRICT & SESSIONS JUDGE
SWABI

District & Sessions Judge
Swabi

6

TO


THE WORTHY
DISTRICT & SESSIONS JUDGE, SWABI/
REGISTRAR, / ADMINISTRATIVE JUDGE
Peshawar High Court, Peshawar.

Subject: DEPARTMENTAL APPEAL/ REPRESENTATION
AGAINST THE IMPUGNED ORDER DATED
08/10/2021 ALONG WITH (EARLIER
DEPARTMENT APPEAL ALSO FILED
AGAINST THE ORDERS DATE 01/07/2021
AND 08/07/2021 OF THE LEARNED
DISTRICT JUDGE, SWABI)

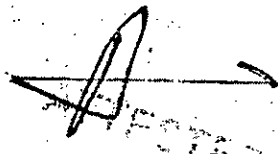
Respected Sir,

Most respectfully, it is stated that:

1. That the appellant was inducted as Clerk in 2001 in Sub-divisional Court Lahor, District Swabi, on satisfactory performance and fulfilling all the codal and legal formalities required for the promotion to higher ranks were given promotion to the post of Reader, hence, from the date of enlistment in judiciary till date the appellant have an unblemished service record of 21 years.
2. While performing the duties as Reader, the appellant received notice of allegation whereby some baseless allegations were lodged against the appellant, which was properly denied by appellant on submitting a detail reply to the inquiry officer but it very much may please be noted that all of proceeding by the authority were not served within time communicated that way the appellant compliance after receiving information then filed reply within time.
3. When the appellant received the notice of allegation and submitted the reply, the appellant came to know that Departmental proceedings have been initiated against the appellant, after receipt of notice of allegation where after no further proceeding required in the department inquiry were initiated or any further intimation have been made to the appellant in respect of inquiry.


TESTED

- 7
4. That the appellant was issued with final show cause notice which was also properly replied by denying the allegation leveled against me.
 5. That the appellant was summoned by District Judge, Swabi but the respondents was not provided any sort of personal hearing before any officer in respect of inquiry or otherwise.
 6. Astonishingly, the appellant received the impugned order dated 01/07/2021 whereby minor penalty of Censure was awarded to me without plausible / cogent reasons. **(Copy of minor penalty order is attached herewith)**
 7. The impugned order dated 01/07/2021 and 08/07/2021 has not been issued with prudent mind and is passed on surmises and conjectures based on malafide.
 8. That in the near past, in the month of Ramazan of 2021, the appellant was served with a notice of absence from the duty but the said notice was not been received by the appellant on time along with subsequent correspondence as well but the appellant was duly replied.
 9. That before the said month of Ramadan, the appellant was suffering from temperature due to some avoidable condition and also hospitalized for medical treatment and during that time my real brother along with wife and children faced a dangerous accident in which not only my brother but wife and children also got seriously injured and due to said accident I rushed to the hospital for look after at Swabi as well as at KTH Peshawar and appellant dialy informed the officials through his cell phone about the absence and during treatment, appellant donated blood due to which the appellant fell ill.
 10. That the appellant was also faced Typhoid as well in the same period.



- (3)
11. That the appellant received another impugned order dated 01/07/2021, in which major penalty of demotion/reduction to the post of Junior Clerk (BPS-11).
 12. No codal formalities has been adopted before issuing the impugned orders dated 01/07/2021 and 08/07/2021 i.e. Regular Inquiry, Charge Sheet, show cause notice, Examination & Cross-Examination of witness and more so, no chance of personal hearing/personal defense has been provided.
 13. By not fulfilling the legal & codal formalities before issuing the impugned orders dated 01/07/2021 and 08/07/2021 are against the judgment of the Apex Courts of Pakistan and also against the norms of Natural Justice.
 14. That the whole proceedings against the petitioner are based on misconception, surmises, conjectures, impugned with certain personal agenda based on personal vendetta and grudge. **(Copy of order dated 08/10/2021 along with other relevant documents are attached herewith as defence)**
 15. That the petitioner has unblemished record of service over a period of about 21 years, and there are numerous authorities of the Superior Courts that attributed integrity and conduct of an official neither can become maligned suddenly, rather effecting any kind of disciplinary proceedings reaching to any major penalty needs a thorough probe, which is missing in the instant case against the petitioner.
 16. That the petitioner state of mind could be judge from the factum alone, that his brothers whole family met with a serious accident and got hospitalized which necessitated his rushing towards hospital and taking care of them in such like emergency situation. Moreover an application dated 21/05/2021 on his behalf was also submitted before the superintendent concerned for according of due



(9)

leave, accordingly, however the appears that a slip shod and executive stay to procedure and manner was adopted, resulting in the summary removed of the petitioner, against the norms of justice which need kindly to be set aside. **(Copy of application is attached herewith)**

17. That the absent from duty was never willful, rather under the compelling circumstances beyond the control of the petitioner, in light of the above mentioned circumstances, which deserves a lenient view, and such absence, if any, may kindly be considered as leave due.
18. That petitioner received explanation letter in which not date and even no dairy number were mentioned in which the petitioner properly replied along with medical documents but no fruitful result. **(Copy of explanation along with reply are attached herewith)**
19. That the same nature case already decided by the Khyber Pakhtunkhwa Services Tribunal in favour of applicants, titled as "Inspector, Zahid Khan SHO Kalu Khan District Swabi Versus Government", "Ajeer Shah Constable Versus Government". **(Copy would be produced when needed)**
20. Any other grounds will be raised at the time of arguments with prior permission of your good-self furthermore any other medical documents regarding my family members will be produced at the time of arguments with prior permission.

Prayer

It is therefore, prayed that on acceptance of the instant representation, the impugned orders 01/07/2021, 08/07/2021 and 08/10/2021 be declared null and void, void-ab-initio, corum-non-judice may graciously be set aside and the petitioner may be restored on its original post, with all back benefits.

It is further submitted that whole proceedings of respondents is based on malafide,

A

(10)

because the brother of the applicant (RTD), Justice Shah Jehan Khan Akhunzada remained being a District & Sessions Judge, and Judge of High Court as well as member of Administrative Committee being a senior of the respondents, during the service it may be passable/admitted that the present Sessions Judge Swabi Hafiz Nasim was not doing his duty properly.

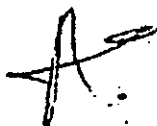
After the death of Justice Shah Jehan Akhunzada, the present Sessions Judge was posted at Swabi, after his arrival, he maltreated the younger brother of (RTD) Justice Shah Jehan Akunzda, it is pertinent to mentioned here that the applicant is efficient and perform his duties at his best till moment, automatically started proceeding against the applicant which shows malafide on the part of officials.

Now, it is clear that the said authority treated the applicant with ulterior motive, the same proceeding has been done in a hasty and cumbersome manner, without giving any opportunity to the applicant.

Note:

Before the present departmental representation, the petitioner was also field two separate departmental representations before the worthy Peshawar High Court, as well as before the District and Sessions Judge Swabi through proper channel and same may please be consider the integral part and parcel the same departmental appeal/representation.

Dated 15/10/2021
Through



APPELLANT
JAVED IQBAL
Reader (Now Junior Clerk)


Akhunzada Asad Iqbal

Advocate, High Court,
Peshawar
Cell# 0345-9499710

**BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR**

Appeal No. 159 /2022

JAVED IQBALAppellant

V E R S U S

Registrar PHC and others.....Respondents

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Memo of appeal	*	
	Application for suspension along with affidavit	*	1-7
2.	Application for condonation of delay along with affidavit	*	8-13
3.	Copy of the impugned order dated 08/10/2021	A	14
4.	Copy of departmental representation	B	15-19
5.	Copy of the application	C	20
6.	Copy of the application	D	22-
7.	Copies of reply along with medical record regarding the road accident	E	23-71
8.	Wakalatnama	*	72

Appellant

Through

Date: 01/02/2022

Javed
Asad
Akhunzada Asad Iqbal
Advocate, High Court,
Peshawar.
Cell# 0345-9499710

(1)

BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2022

JAVED IQBAL, Ex-Reader (Now Junior Clerk) at
District Court, Swabi at Lahor.....Appellant

V E R S U S

1. Worthy Registrar Peshawar High Court,
Peshawar

2. District & Sessions Judge, Swabi

.....Respondents

APPEAL UNDER SECTION 4 OF KP
SERVICES TRIBUNAL ACT 1974
AGAINST THE IMPUGNED ORDER
DATED 08/10/2021 BE
DECLARED NULL AND VOID, VOID-
AB-INITIO, CORUM-NON-JUDICE
MAY GRACIOUSLY BE SET ASIDE
AND THE PETITIONER MAY BE
RESTORED/REINSTATE ON ITS
ORIGINAL POST, WITH ALL BACK
BENEFITS.

Prayer in Appeal

On acceptance of this service appeal, the impugned order 08/10/2021 be declared null and void, void-ab-initio, corum-non-judice may

(13)

graciously be set aside and the petitioner may be restored/reinstated on its original post, with all back benefits.

Respectfully Sheweth:

1. That the appellant was inducted as Clerk on 2001 in Sub-divisional Court Lahor, District Swabi, after fulfilling all the codal and legal formalities, therefore, he got promotion to the post of Reader, hence, from the date of induction in judiciary after satisfactory performance of his official duty till date the appellant has an unblemished service record of 21 years.
2. That on 08/10/2021, the impugned order removed from service of the appellant, attested has been received by appellant on 11/10/2021 while the whole proceeding against the appellant are based on misconception, summaries, conjectures by not fulfilling the legal and codal formalities before the issuing the impugned order with certain personal agenda based on personal vendetta and grudge. (Copy of the impugned order dated 08/10/2021 is attached as Annexure-A)

(3)

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3. That the appellant filed department representation on 15/10/2021 before the competent authority which is still pending and no fruit full result. **(Copy of departmental representation is attached as Annexure-B)**
4. That the appellant wrote an application for leave on 21/05/2021 due to road accident of the family of the appellant, but the respondents did not considered the application of the appellant. **(Copy of the application is attached as Annexure-C)**
5. That another application was addressed to the respondents by the appellant, which was accepted on 15/06/2021. **(Copy of the application is attached as Annexure-D)**
6. That the respondents initiated department proceedings/inquiry against the appellant and issued letter to the appellant bearing No. 50/Admn of 2021 which was duly replied by the appellant. **(Copies of reply along with medical record regarding the road accident are attached as Annexure-E)**
7. That the appellant aggrieved from the impugned order of removal from service dated

(15)

08/10/2021, which is illegal, unlawful, void-ab-initio and liable to be set aside inter alia on the following grounds:

Grounds:

- A. That the respondent No.2 acted illegally and in violation of KPK Service Rules by issuing the impugned orders dated 08/10/2021 which is against the law and without proper inquiry and the appellant was condemned unheard because the appellant was discriminating for the opportunity of personal hearing and cross examination of witness, the impugned order dated 08/10/2021 is also against the norms of justice and verdicts of the superior courts.
- B. That the appellant was removed from service on some personal grudges because no show cause notice whatsoever was issued to the appellant, hence the impugned order dated 08/10/2021 is against the fundamental rights of the appellant which guaranteed by the Constitution of Islamic Republic of Pakistan 1973.
- C. That malafide and misuse of authority on the part of the respondents are very much clear

that he not treated the appellant in accordance with law while passing the impugned order dated 08/10/2021 which liable to liable to be set aside.

D. That the impugned order of the respondents are illegal, unlawful and without lawful authority, liable to be set aside.

E. That it is pertinent to mention here that the appellant was unaware from the major penalty/reduction post on 08/07/2021 after getting attested copy on 11/10/2021 and when the appellant seen the order in which allegedly mentioned major penalty from removal of service and in this regard the appellant also filed separate appeal, furthermore the appellant also field departmental representation which is still pending.

F. That whole proceedings of respondents is based on malafide, because the brother of the appellant (RTD), Justice Shah Jehan Khan Akhonzada .remained being a District & Sessions Judge, and Judge of High Court as well as member of Administrative Committee being a senior of the respondent No.2, during the service it may be passable/admitted that

the present Sessions Judge Swabi Hafiz Nasim was not doing his duty properly.) After the death of Justice Shah Jehan Akhuzada, the present Sessions Judge was posted at Swabi, after his arrival, he maltreated the younger brother of (RTD) Justice Shah Jehan Akunzda, it is pertinent to mentioned here that the appellat is efficient and perform his duties at his best till moment, automatically started proceeding against the applicant which shows malafide on the part of officials. Now, it is clear that the said authority treated the appellat with ulterior motive, the same proceeding has been done in a hasty and cumbersome manner, without giving any opportunity to the appellat.

- G. That the counsel for the appellat may kindly be permitted to explain his view on the points, which shall be raised at the time of arguments.

It is, therefore, respectfully prayed that on acceptance of this service appeal, the impugned order 08/10/2021 be declared null and void, void-ab-initio, coram-non-judice may graciously be set aside and the petitioner may be

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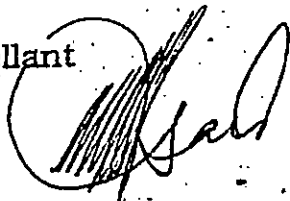
restored/reinstated on its original post,
with all back benefits.

Any other relief deems fit which not
specifically asked for may also be granted
to the appellant.

Dated: 01/02/2022

Appellant

Through


Akhunzada Asad Iqbal
Advocate, High Court,
Peshawar

A

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BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

Appeal No. _____ /2022

JAVED IQBALAppellant

V E R S U S

Registrar PHC and others.....Respondents

A

APPLICATION FOR SUSPENSION OF
OPERATION OF IMPUGNED ORDER
DATED 08/10/2021 TO THE EXTENT
OF SURRENDER THE SALARY/
FINANCIAL BENEFITS RECEIVED SINCE
18/05/2021 OR THE SAME MAY BE
RECEIVED IN ACCORDANCE WITH LAW,
TILL THE FINAL DECISION OF THE
SERVICE APPEAL.

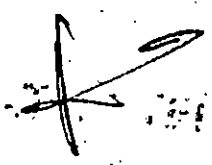
Respectfully Sheweth:-

1. That the above noted service appeal is being filed before this Honourable Tribunal, in which no date of hearing has yet been fixed.
2. That the facts and grounds of the service appeal may kindly be read as an integral part of this application.



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3. That the applicant has got a good prima facie case in her favour, and is sanguine about its success.
4. That the balance of convenience also lies in favour of the applicant.
5. That if the interim relief as prayed in the heading of the application is not granted in favour of petitioner/appellant, than the petitioner/appellant would suffer irreparable loss.



It is, therefore, respectfully prayed that on acceptance of this application, interim relief as prayed in the heading of the application may kindly be granted in favour of applicant/appellant, till the final decision of the appeal.

Applicant

Through

Akhunzada Asad Iqbal
Advocate; High Court;
Peshawar

Date: 01/02/2022

(1) (2)

BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

Appeal No. _____/2022

JAVED IQBAL **Appellant**

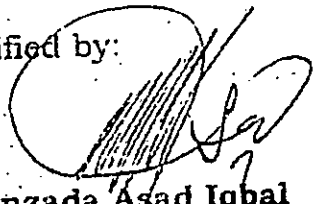
V E R S U S

Registrar PHC and others **Respondents**

AFFIDAVIT

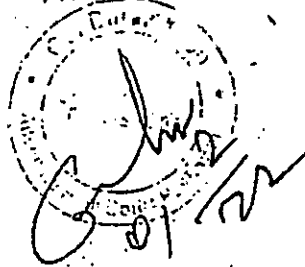
I, **JAVED IQBAL, Ex-Reader (Now Junior Clerk)** at District Court, Swabi at Lahor, do hereby solemnly affirm and declare on oath that the contents of accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.

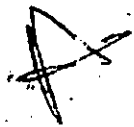
Identified by:


Akhunzada Asad Iqbal
Advocate, High Court,
Peshawar.


DEPONENT

ATTESTED





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**BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR**

Appeal No. _____/2022

JAVED IQBAL **Appellant**

V E R S U S

Registrar PHC and others **Respondents**

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth:

1. That the above service appeal has been filed by the petitioner and no date of hearing has yet been fixed.
2. That the counsel of the appellant was ill and unable to practice in the courts and was on bed rest for more than ¹⁶/₇ months.
3. That delay in filing the titled service appeal is neither willful nor deliberate but due to reason mentioned above.

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It is, therefore, most humbly prayed that on acceptance of this application, the delay, if any, in filing the above titled service appeal may kindly be condoned in the interest of justice.

Filed

Applicant

Through

Akhunzada Asad Iqbal
Advocate, High Court,
Peshawar

Date: 01/02/2022

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BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

Appeal No. _____/2022

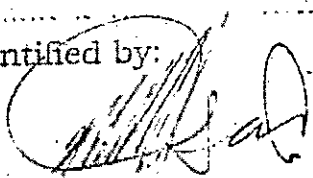
JAVED IQBALAppellant

VERSUS

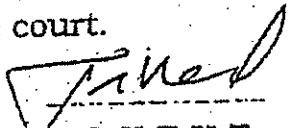
Registrar PHC and others.....Respondents

AFFIDAVIT

I, JAVED IQBAL, EX-Reader (Now Junior Clerk) at District Court, Swabi at Lahor, do hereby solemnly affirm and declare on oath that the contents of accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.

Identified by: 

Akhunzada Asad Iqbal
Advocate, High Court,
Peshawar.


DEPONENT

ATTESTED



Appel No 157/2021

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The
PESHAWAR HIGH COURT
Peshawar

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

Exch: 9210149-58
Off: 9210135
Fax: 9210170

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

No. 157/2021
To, Admin

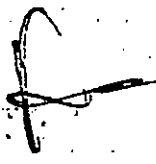
Dated 06/10/2021

Mr. Javed Iqbal
District Courts, Swabi.

Subj: DEPARTMENTAL APPEAL

Re: /

Reference your departmental appeals dated 01.10.2021. The same are returned herewith, in original, along with enclosure, with the directions to submit the same through proper channel.



4
M. S. Iqbal
ADDITIONAL REGISTRAR (ADMIN)
FOR REGISTRAR
S.K. 2021



The District Judiciary Swabi

Phone # 0938-280372
Fax# 0938-280117
Email: dsjswabi@gmail.com

No. 10662-64 F-185 D&SJ

Dated 15 10 2021

To

The Registrar,
Peshawar High Court
Peshawar

Subject DEPARTMENTAL APPEAL REPRESENTATION

Dear Sir,

Please find enclosed departmental appeal representation with enclosures, submitted by Javed Iqbal on 11.10.2021, for further necessary action.

Encl 12 sheets.

Yours faithfully,

Hafiz Naseem Akbar
District & Sessions Judge
Swabi.

Copy to:

1. Applicant Javed Iqbal w r to above mentioned appeal representation.
(through post at his home address)
2. Office-Record

District & Sessions Judge
Swabi

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Peshawar High Court, Peshawar.	
Receipt No.	19386
Date	1-10-21
Signature	MP(6)

**THE WORTHY
REGISTRAR, / ADMINISTRATIVE JUDGE**
Peshawar High Court, Peshawar.

Subject: **DEPARTMENTAL APPEAL/ REPRESENTATION
AGAINST THE IMPUGNED ORDER DATED
01/07/2021 AND 08/07/2021 OF THE
LEARNED DISTRICT JUDGE, SWABI**

Respected Sir.

Most respectfully, it is stated that:

1. That the appellant was inducted as Clerk in 2001 in Sub-divisional Court Lahor, District Swabi, on satisfactory performance and fulfilling all the codal and legal formalities required for the promotion to higher ranks were given promotion to the post of Reader, hence, from the date of enlistment in judiciary till date the appellant have an unblemished service record of 21 years.

2. While performing the duties as Reader, the appellant received notice of allegation whereby some baseless allegations were lodged against the appellant, which was properly denied by appellant on submitting a detail reply to the inquiry officer but it very much may please be noted that all of proceeding by the authority were not served within time communicated that way the appellant compliance after receiving information then filed reply within time.

When the appellant received the notice of allegation and submitted the reply, the appellant came to know that Departmental proceedings have been initiated against the appellant, after receipt of notice of allegation where after no further proceeding required in the department inquiry were initiated or any further intimation have been made to the appellant in respect of inquiry.

That the appellant was issued with final show cause notice which was also properly replied by denying the allegation leveled against me.

5. That the appellant was summoned by District Judge, Swabi but the respondents was not provided any sort of personal hearing before any officer in respect of inquiry or otherwise.

6. Astonishingly, the appellant received the impugned order dated 01/07/2021 whereby minor penalty of Censure was awarded to me without plausible / cogent reasons. **(Copy of minor penalty order is attached herewith)**

The impugned order dated 01/07/2021 and 08/07/2021 has not been issued with prudent mind and is passed on surmises and conjectures based on malafide. .

That in the near past, in the month of Ramazan of 2021, the appellant was served with a notice of

absence from the duty but the said notice was not been received by the appellant on time along with subsequent correspondence as well but the appellant was duly replied.

4

9 That before the said month of Ramadan, the appellant was suffering from temperature due to some avoidable condition and also hospitalized for medical treatment and during that time my real brother along with wife and children faced a dangerous accident in which not only my brother but wife and children also got seriously injured and due to said accident I rushed to the hospital for look after at Swabi as well as at KTH Peshawar and appellant duly informed the officials through his cell phone about the absence and during treatment, appellant donated blood due to which the appellant fell ill. **(Copies of medical documents along with other relevant documents are attached herewith)**

10 That the appellant was also faced Typhoid as well in the same period.

That the appellant received another impugned order dated 01/07/2021, in which major penalty of demotion/reduction to the post of Junior Clerk (BPS-11). **(Copy of major penalty order is attached herewith)**

11 No codal formalities has been adopted before issuing the impugned orders dated 01/07/2021 and

30

18

08/07/2021 i.e. Regular Inquiry, Charge Sheet, show cause notice, Examination & Cross-Examination of witness and more so, no chance of personal hearing/personal defense has been provided.

By not fulfilling the legal & codal formalities before issuing the impugned orders dated 01/07/2021 and 08/07/2021 are against the judgment of the Apex Courts of Pakistan and also against the norms of Natural Justice.

Any other grounds will be raised at the time of arguments with prior permission of your good-self furthermore any other medical documents regarding my family members will be produced at the time of arguments with prior permission.

R

Prayer

In view of the above, it is, therefore, most kindly requested that the impugned orders dated 01/07/2021 and 08/07/2021 of reduction to substantive lower rank of Junior Clerk (BS-11) may be set aside, declared void-ab-initio, null & void, coram non iudice and oblige, and the appellant may please be replaced as reader with all back benefits.

It is further submitted that whole proceedings of respondents is based on malafide, because the brother of the applicant (RTD), Justice Shah Jehan Khan Akhunzada remained being a District & Sessions Judge, and Judge of

31

High Court as well as member of Administrative Committee being a senior of the respondents, during the service it may be passable/admitted that the present Sessions Judge Swabi Hafiz Nasim was not doing his duty properly.

After the death of Justice Shah Jehan Akhunzada, the present Sessions Judge was posted at Swabi, after his arrival, he maltreated the younger brother of (RTD) Justice Shah Jehan Akunzda, it is pertinent to mentioned here that the applicant is efficient and perform his duties at his best till moment.


Now, it is clear that the said authority treated the applicant with ulterior motive, the same proceeding has been done in a hasty and cumbersome manner, without giving any opportunity to the applicant.

Any other relief deems fit which not specifically asked for may also be granted to the appellant.

dated 30/09/2021
Through

APPELLANT
JAVED IQBAL
Reader (Now Junior Clerk)


Akhunzada Asad Iqbal


Advocate, High Court,
Peshawar
Cell# 0345-9499710

32

**BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR**

Appeal No. 151 P/2022

SAVED IQBAL Appellant

VERSUS

Registrar PHC and others..... Respondents

INDEX

No.	Description of Documents	Annex	Pages
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3.	Copy of the impugned order dated 08/07/2021	A	13-14
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6.	Copy of the application	D	72
8.	Wakalatnama	*	73

[Handwritten mark]

[Handwritten signature]
Appellant

Through

[Handwritten signature]

Akhunzada Asad Iqbal
Advocate, High Court,
Peshawar
Cell# 0345-9499710

Date: 01/02/2022

33

BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2022

MAVED IQBAL, Ex-Reader (Now Junior Clerk) at
District Court, Swabi at Lahor.....Appellant

V E R S U S

1. Worthy Registrar Peshawar High Court,
Peshawar
2. District & Sessions Judge, Swabi

.....Respondents

APPEAL UNDER SECTION 4 OF KP
SERVICES TRIBUNAL ACT 1974
AGAINST THE IMPUGNED ORDER
DATED 08/07/2021 BE
DECLARED NULL AND VOID, VOID-
AB-INITIO, CORUM-NON-JUDICE
MAY GRACIOUSLY BE SET ASIDE
AND THE PETITIONER MAY BE
RESTORED/REINSTATE ON ITS
ORIGINAL POST, WITH ALL BACK
BENEFITS.

Prayer in Appeal

On acceptance of this service appeal, the
impugned order 08/07/2021 be declared null
and void, void-ab-initio, corum-non-judice may

graciously be set aside and the petitioner may be restored/reinstated on its original post, with all back benefits.

Respectfully Sheweth:

1. That the appellant was inducted as Clerk on 2001 in Sub-divisional Court Lahor, District Swabi, after fulfilling all the codal and legal formalities, therefore, he got promotion to the post of Reader, hence, from the date of induction in judiciary after satisfactory performance of his official duty till date the appellant has an unblemished service record of 21 years.
2. That on 08/07/2021, the impugned order of reduction of post of the appellant has been issued by the respondent No.2, while the whole proceeding against the appellant are based on misconception, summaries, conjectures by not fulfilling the legal and codal formalities before the issuing the impugned order with certain personal agenda based on personal vendetta and grudge. (Copy of the impugned order dated 08/07/2021 is attached as Annexure-A)
3. That the appellant filed department representation on 30/09/2021 before the

competent authority which is still pending and no fruit full result. **(Copy of departmental representation is attached as Annexure-B)**

4. That the appellant wrote an application about leave on 21/05/2021 due to road accident of the family of the appellant, but the respondents did not considered the application of the appellant. **(Copies application and medical documents are attached as Annexure-C and Copy of the application is attached as Annexure-D)**

5. That the appellant illegally awarded 2 time major penalties for the absentia which is result of double juberty and against the law and fact of the case and also against the norms of justice.

6. That the appellant aggrieved from the impugned order of reduction of post dated 08/07/2021, which is illegal, unlawful, void-ab-initio and liable to be set aside inter alia on the following grounds:

Grounds:

A. That the respondent No.2 acted illegally and in violation of KPK Service Rules by issuing

the impugned orders dated 08/07/2021 which is against the law and without proper inquiry and the appellant was condemned unheard because the appellant was discriminating for the opportunity of personal hearing and cross examination of witness, the impugned order dated 08/07/2021 is also against the norms of justice and verdicts of the superior courts.

- A →
- B. That the appellant was removed from service on some personal grudges because no show cause notice whatsoever was issued to the appellant, hence the impugned order dated 08/07/2021 is against the fundamental rights of the appellant which guaranteed by the Constitution of Islamic Republic of Pakistan 1973.
 - C. That malafide and misuse of authority on the part of the respondents are very much clear that he not treated the appellant in accordance with law while passing the impugned order dated 08/07/2021 which liable to liable to be set aside.
 - D. That the impugned order of the respondents are illegal, unlawful and without lawful authority, liable to be set aside.

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E. That it is pertinent to mention here that the appellant was unaware from the major penalty/reduction post on 08/07/2021 after getting attested copy on 11/10/2021 and when the appellant seen the order in which allegedly mentioned major penalty from removal of service and in this regard the appellant also filed separate appeal, furthermore the appellant also filed departmental representation which is still pending.

F. That whole proceedings of respondents is based on malafide, because the brother of the appellant (RTD), Justice Shah Jehan Khan Akhunzada remained being a District & Sessions Judge, and Judge of High Court as well as member of Administrative Committee being a senior of the respondent No.2, during the service it may be passable/admitted that the present Sessions Judge Swabi Hafiz Nasim was not doing his duty properly. After the death of Justice Shah Jehan Akhunzada, the present Sessions Judge was posted at Swabi, after his arrival, he maltreated the younger brother of (RTD) Justice Shah Jehan Akunzda, it is pertinent to mentioned here that the appellant is efficient and perform his

dudes at his best till moment, automatically started proceeding against the applicant which shows malafide on the part of officials. Now, it is clear that the said authority treated the appellant with ulterior motive, the same proceeding has been done in a hasty and cumbersome manner, without giving any opportunity to the appellant.

- G. That the counsel for the appellant may kindly be permitted to explain his view on the points, which shall be raised at the time of arguments.

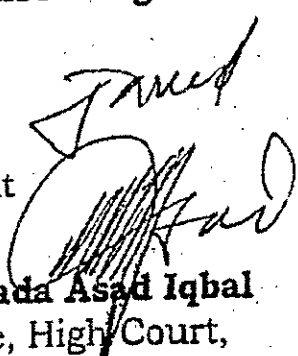
It is, therefore, respectfully prayed that on acceptance of this service appeal, the impugned order 08/07/2021 be declared null and void, void-ab-initio, coram-non-judice may graciously be set aside and the petitioner may be restored/reinstated on its original post, with all back benefits.

Any other relief deems fit which not specifically asked for may also be granted to the appellant.

Dated: 01/02/2022

Through

Appellant


Akhunzada Asad Iqbal
Advocate, High Court,
Peshawar

BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

Appeal No. _____/2022

SAVED IQBALAppellant

V E R S U S

Registrar PHC and others.....Respondents

APPLICATION FOR SUSPENSION OF
OPERATION OF IMPUGNED ORDER
DATED 08/07/2021, TILL THE FINAL
DECISION OF THE SERVICE APPEAL.

Respectfully Sheweth:-

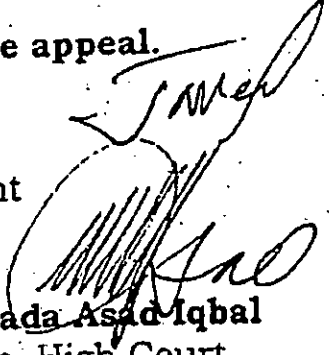
1. That the above noted service appeal is being filed before this Honourable Tribunal, in which no date of hearing has yet been fixed.
2. That the facts and grounds of the service appeal may kindly be read as an integral part of this application.
3. That the applicant has got a good prima facie case in her favour, and is sanguine about its success.

- 4. That the balance of convenience also lies in favour of the applicant.
- 5. That if the impugned order dated 08/07/2021 is not suspended, than the petitioner/appellant would suffer irreparable loss.

It is, therefore, respectfully prayed that on acceptance of this application, the impugned order dated 08/07/2021 may kindly be suspended, till the final decision of the appeal.

A

Applicant



Through

Akhunzada Asad Iqbal
Advocate, High Court,
Peshawar

ate: 01/02/2022

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BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

Appeal No. _____/2022

JAVED IQBALAppellant

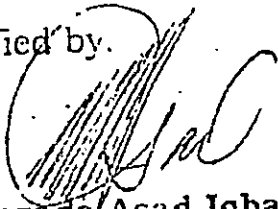
V E R S U S

Registrar PHC and others.....Respondents

AFFIDAVIT

I, JAVED IQBAL, Ex-Reader (Now Junior Clerk) at District Court, Swabi at Lahor, do hereby solemnly affirm and declare on oath that the contents of accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.

Identified by.



Akhunzada Asad Iqbal
Advocate, High Court,
Peshawar.

Javed
DEPONENT



42

BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

Appeal No _____/2022

MAVED IQBALAppellant

V E R S U S

Registrar PHC and others.....Respondents

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth:

1. That the above service appeal has been filed by the petitioner and no date of hearing has yet been fixed.
2. That the counsel of the appellant was ill and unable to practice in the courts and was on bed rest for more than $2\frac{1}{4}$ months.
3. That delay in filing the titled service appeal is neither willful nor deliberate but due to reason mentioned above.

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It is, therefore, most humbly prayed that on acceptance of this application, the delay, if any, in filing the above titled service appeal may kindly be condoned in the interest of justice.

Tameel

Applicant

Asad Iqbal

Through

Akhunzada Asad Iqbal
Advocate, High Court,
Peshawar

Date: 01/02/2022

A

44

BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

Appeal No. _____/2022

JAVED IQBALAppellant

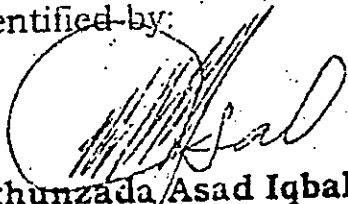
V E R S U S

Registrar PHC and others.....Respondents

AFFIDAVIT

I, JAVED IQBAL, Ex-Reader (Now Junior Clerk) at District Court, Swabi at Lahor, do hereby solemnly affirm and declare on oath that the contents of accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.

Identified by:


Akhunzada Asad Iqbal
Advocate, High Court,
Peshawar.


DEPONENT



45

No. 3 / CJ-II

Dated // / 01 / 2021

From:

**Ayesha Siddique,
Civil Judge-II, Swabi**

To:

**Javald Iqbal
Reader**

Subject:

Explanation

Your casual approach towards discharge of official obligation have been observed with seat concerned. You have been coming late to court from day first. When asked, you said you come from very far, that is the reason for your one long hour of absence. The reasoning is absolutely unprofessional and against work ethic. Despite repeated verbal warnings, you have made it your habit of coming late. In addition to these a recent act of yours has surprised me when you left the court premises at 1:30 PM on Saturday without any prior intimation and permission.

You are therefore, required to explain your position under what lawful authority, you leave without prior intimation to the undersigned.

Your reply in writing must reach this office within 03 days of the receipt of this notice, failing which it will be presumed that you have got nothing in defence, strict action shall be taken against you under Efficiency and Discipline Rules 3(a & d, 2011.

Ayesha
**Ayesha Siddique
Civil Judge-II, Swabi**

Forwarded to

- 1) Hon'ble District & Sessions Judge, Swabi
- 2) Senior Civil Judge Admn, Swabi

Ayesha
Ayesha Siddique

... & SESSIONS JUDGE
... SWABI

Phone # 0938-280372
Fax # 0938-280117
dsjswabi@yahoo.com
dsjswabi@gmail.com

46

Dated Swabi: ... 2021

No. ... DS.

Javed Iqbal
Reader to Civil Judge-II
Swabi

Subject: EXPLANATION

Dear Sir,

I am directed to call your explanation as during visit of the Hon'ble District & Sessions Judge to the court of learned Civil Judge-II Swabi you were found absent for duty without any intimation and prior permission of Presiding Officer.

You are therefore, directed to explain your position as to why disciplinary action may be initiated against you. Your reply should reach the undersigned within three days of receipt of this notice, for perusal of Hon'ble the District & Sessions Judge.

Superintendent
Sessions Division Swabi

Approved
[Signature]

Attested
[Signature]

13-01-2021

OFFICE OF THE DISTRICT & SESSIONS JUDGE
DISTRICT JUDICIARY SWABI

Phone # 0938-280372
Fax # 0938-280117

dsjswabi@yahoo.com
dsjswabi@gmail.com

No. _____ / (F-40) DSJ

46

Dated Swabi: _____ 2021

To:

Javed Iqbal
Reader to Civil Judge-II
Swabi

Subject: EXPLANATION

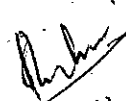
Dear Sir,

I am directed to call your explanation as during visit of the Hon'ble District & Sessions Judge to the court of learned Civil Judge-II Swabi you were found absent from duty without any intimation and prior permission of Presiding Officer.


You are therefore, directed to explain your position as to why disciplinary action may not be initiated against you. Your reply should reach the undersigned within three days, of receipt of this notice, for perusal of Hon'ble the District & Sessions Judge.


ATTESTED

Superintendent
Sessions Division Swabi

Approved


13-01-2021

Attested


OFFICE OF THE DISTRICT & SESSIONS JUDGE
DISTRICT JUDICIARY SWABI

Phone # 0938-280372
Fax # 0938-280117

dsjswabi@yahoo.com
dsjswabi@gmail.com

47

No. 200 (1-30) DSJ

Dated Swabi: 13.01.2021

To

Javed Iqbal
Reader to Civil Judge-II
Swabi


Subject: EXPLANATION

Dear Sir,

I am directed to call your explanation as during visit of the Hon'ble District & Sessions Judge to the court of learned Civil Judge-II Swabi you were found absent from duty without any intimation and prior permission of Presiding Officer.

You are therefore directed to explain your position as to why disciplinary action may not be initiated against you. Your reply should reach the undersigned within three days of receipt of this notice, for perusal of Hon'ble the District & Sessions Judge.

A


13.1.2021
Superintendent
Sessions Division Swabi

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No 59 CJ-II

Dated: 18 January, 2021

To

The Honorable
District & Sessions Judge,
Swabi

Through:

Proper Channel

Subject:

Explanation Report

Honorable Sir,

It is submitted with utmost respect that explanation was called from reader Javaid Iqbal. The reason were coming late to court on daily basis and leaving the premises of the court without prior permission of the undersigned. Copy of explanation was given to him and he attached an unsigned short leave application with the letter, which does not indicate date and time. It has no information on it as to whom is it submitted. The defence given is insufficient and carries no weight. No other defence was given in his reply. Therefore, I find the reader of this court guilty under R.3 (a & d) Government Servant (Efficiency and Discipline Rule, 2011).

Therefore, it is requested that appropriate action be taken against him.

Ayesha
Ayesha Siddique
Civil Judge-II, Swabi

Office to report

19.01-2021

Respected Sir,

An explanation was called from The Reader,

① Office to Note & Report:

- i. Explanation Call memo does not mention date of absence
- ii. Check whether the official subsequently applied for any leave in respect of the absence period from duty

A

④

Respected Sir,
No proceedings were initiated by the learned CT-II against the Reader for the subject absence.

By 21.1.2021

Suben

10.01.2021

⑤ Who is competent authority of the official.

⑥ R/sir,

The Hon'ble DAST is the Competent Authority.

21.01.2021

②

Respected Sir,

The matter of subsequent apply of the official for leave was asked from the concerned court. It was informed that the official (Reader Javed Sybal) has not applied for leave in respect of absence period. The visit was made on 12.1.2021 while the official relinquished the charge on 13.1.2021.

Submitted for further appropriate orders, please.

By 20.1.2021

③

Report whether any action for the subject absence was initiated by the providing officer herself? Its outcome? " No

(51)

- * Who is competent authority for the official?
- * Whether any defence in writing, apart from the application, was submitted by the official? Check please.

R/sir

[Signature]

21-01-2021

- The Hon'ble D & ST is the Competent Authority.
- As per the court officials, nothing else in writing has been submitted by the official.

[Signature]

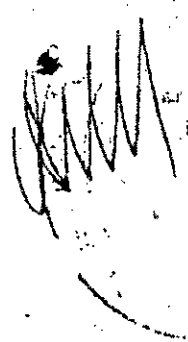
Constitute inquiry. Put up draft order.

[Signature]

22.01.2021

[Signature]

دوبلا ہوا دستخط



محضور جناب اعلیٰ تاج پور یا شمسینہ سول جج صاحبہ کو ارسال

معاون :- جواب / جواب طلبی حسب ذیل طریقہ سے

علیہ السلام!

مخبرہ میں منسوخ کی جاتی ہے کہ منسوخ سے بحوالہ چھٹی دستخط نامی (BSS-58/F-41) 2021-02-13 جواب ثابت غیر حاضری و بلا اطلاع میں کسی کو نہیں ہے۔
جنس کے جواب میں منسوخ کو کچھ وضاحت پیش کرتا ہوں۔

یہ منسوخ کو مدرسہ 2021-01-01 کی شب شدید سردی و مازگام اور بخار
نے گھیر لیا تھا۔ اور صبح بغرض ڈیوٹی عدالت متعلقہ برتے انجام دیں روانہ ہوا۔
مگر منسوخ شدید سردی اور بخار کی وجہ سے برتے ڈیوٹی نہ پہنچا، اور
جا کر ہسپتال کا کونٹاں میں اپنا معائنہ کروایا۔ جہاں پیر ڈاکٹر صاحب
متعلقہ نے دو یوم کی مکمل بیڈ ولسٹ تجویز کی۔ اس دوران منسوخ نے
اپنے ساتھیوں (Colleagues) کو بذریعہ فون اطلاع کرنے کی کوشش کی
مگر بے سود ثابت ہوئی۔ کیونکہ دوران ڈیوٹی کو بائیل فون وصول کرنا ممکن نہ ہوا۔
جنس کی وجہ سے منسوخ غیر حاضر پایا گیا۔ اور دوائی (Medicine) کے استعمال
کے بعد غنودگی کا غلبہ چھا گیا۔ اور منسوخ تیزی نیند میں چلا گیا۔ جس کے بعد
رابطہ ممکن نہ ہوا۔ قبل ازیں منسوخ نے جناب شمسینہ سول جج کو جواب بذیل طریقہ سے
لکھا کہ منسوخ نے منسوخ کی غیر حاضری قصداً عمدتاً نہ ہے بلکہ بوجہ بیماری و
مجبوری عمل میں ہو چکی ہے۔ لہذا منسوخ کو معاف کرنا منسوخ کیلئے محتاط
رہنے کا حکم صادر فرمایا جائے۔ ڈاکٹر کی نسخہ بہراہ لفت ہے۔

تاریخ 23-02-2021

محمد

چادر اقبال ریڈر عدالت جناب آئی جی سرحدی
سال محمد آئی جی صاحبہ

(3) (53)

The District Judiciary Swabi

Stamp: District Judiciary Swabi

Order of Inquiry

In order to... Government Servants (Efficiency & Discipline)

Appointing Officer

Mr. Farid Hussain... Swabi is appointed as Inquiry Officer to probe... (Secy of Clerk/Reader BPS-...)

Subject

... the court of AD&SI-I Jafar... misconduct and

... report of Civil Judge-I Swabi Ms Aisha... he was called upon to explain... from the court without her permission... he failed to defend the alleged

... without any intimation and... by the undersigned on... granting... dated

Departmental Representative

... attached in Superintendent's Office shall act as Departmental Representative for the purpose of inquiry proceedings under the Rules

... submit defense in writing, if any, before the Inquiry Officer... Proceedings shall be concluded in accordance with the Rules of the accused official's responsibility.

(Haliz Naveem Akhtar)
Competent Authority
District & Sessions
Judge, Swabi

Dated 13.02.2021

... (AD&S)

Copy for information and needful to:

- 1. ... report mentioned in the order
- 2. ... office notes thereon and explanation call
- 3. ...
- 4. ...

District & Sessions Judge, Swabi

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The District Judiciary Swabi

Office of the Senior Civil Judge, Swabi /Inquiry Officer

INQUIRY REPORT

An order of inquiry dated 12.02.2021, received by Hon'ble D&SJ, Swabi on 13.02.2021. It was initiated under Rule 10 of Khyber Pakhtunkhwa Govt servants efficiency & Disciplinary rules 2011 with the statement of allegations against Javed Iqbal, Senior Clerk attached with the court of AD&SJ-II, Lahor (then so attached with Civil Judge-II, Swabi).

• BACKGROUND

The inquiry has been initiated on the letter to Hon'ble D&SJ, by Civil Judge-II, with the subject explanation report. The Civil Judge-II, had called an explanation of the Reader attached to the court/delinquent official for his late coming on regular basis and leaving the court without prior permission of the Presiding Officer. Civil Judge-II, while receiving oral reply of the official, found it un-satisfactory and reported the matter to the Hon'ble D&SJ, Swabi vide letter NO.59/CJ-II, dated 18th January 2021. Upon which the inquiry is marked to the undersigned which was received on 13.02.2021.

• ALLEGATIONS AS PER CHARGE SHEET:

- i. That, as per facts contained in report of Civil Judge-II, Swabi Ms. Aisna Siddique bearing # 31 dated 11.01.2021, he was called upon to explain late coming to and early departure from the court without her permission.
- ii. That as reported by the said Officer, he failed to defend the alleged conduct.
- iii. That he was found absent from duty, without any intimation and permission, during visit of the said court by the undersigned on 12.01.2021 and that he could not produce any permission/leave granting order in response to explanation call vide No.200/F-

55

• **PROCEEDINGS:**

As directed, the accused/official submitted reply, professing innocence and soliciting for exoneration owing to his alleged unblemished service carrier. In view of their relevancy to the matter, and to scrutinize the conduct of accused/official in line with the allegation, statements of the following persons were recorded:

- I. Mr. Faran Nawaz Computer Operator (the then computer operator to CJ-II).
- II. Ms. Ayesha Siddique, Civil Judge-II, Swabi
- III. Mr. Javed Iqbal (the then Reader to CJ-II) accused/official
- IV. Mr. Sarfaraz Naib Qasid attached to learned Civil Judge-II
- V. Amjid Iqbal Junior Clerk/Dispatcher/departmental representative

• **ESTABLISHED FACTS:**

The Civil Judge-II, had called an explanation of Mr. Javed Iqbal Reader, attached to the court for his late coming on regular basis and leaving the court without prior permission of the Presiding Officer.

• **FACT TO BE ESTABLISH.**

Whether the accused official was often late from his duty and whether, he had left the court without prior permission of the presiding officer?

• **FINDINGS**

As per record explanation bearing # 31 dated 11.01.2021 by Civil Judge-II, was called from accused official/Reader of that court for his casual late coming and leaving the court without prior permission. No written reply was given by him to Civil Judge-II, while only an application for short leave was submitted, which bears no date and no sanction by competent authority. Another explanation of the same official was called by Superintendent (Sessions Division Swabi) vide No. 200/(F-40) DSJ dated 13.01.2021 for his absence from duty on 12.01.2021 on the eve of visit of Hon'ble D&SJ, Swabi to the court of

(56)

15.01.2021 in which he took plea of his illness and attached copy of prescription on OPD Slip of 12.01.2021. Evidence was recorded by departmental representative and accused official, both were given full opportunity to cross examined opposite witnesses and bring their stance on record. Through the evidence it has been cleared that the official was often late form his duty and his conduct of not submitting written reply to explanation by Civil Judge-II and leaving the court without prior permission is also disrespectful to his immediate Boss. Further no record as to admission of his daughter in hospital in consequence of a road accident has been given before Civil Judge-II, Swabi, nor during inquiry proceedings, which stance he has taken in his statement during inquiry.

• **CONCLUSION:**

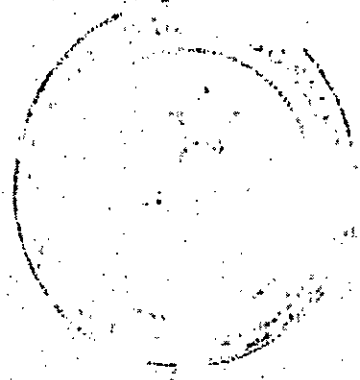
In view of the statements of the witnesses, so examined, during the inquiry, the documents, thus, brought on record and in view of forgoing discourse, the charge against the accused/official, has been proved.

Report submitted, please.

ka



Tania Hashmi
Senior Civil Judge, Swabi/ Inquiry Officer



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COURT OF DISTRICT & SESSIONS JUDGE, SWABI

**Court File No. 39/Admn of 2021
Title: Inquiry Against Javed Iqbal**

Order Under Rule 14(4)

22.04.2021

1. Accused official Javed Iqbal (Senior Clerk), having been found guilty vide order dated 10.04.2021 of learned Senior Civil Judge /Inquiry Officer in Court File No. 23/6 of 2021, is hereby served with notice to show cause as to why one or more penalties mentioned under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011 (the Rules) may not be imposed upon him for the charge as follows;


- i. That, as per facts contained in the report of Civil Judge-II Swabi Ms Aisha Siddique bearing No. 31 dated 11.01.2021, he was called upon to explain late coming to and early departure from the court without her permission.
- ii. That, as reported by the said officer, he failed to defend the alleged conduct.
- iii. That he was found absent from duty, without any intimation and permission, during visit of the said court by the undersigned on 12.01.2021 and that he could not produce any permission /leave granting order in response to explanation call vide No. 200/F-40/DSJ dated 13.01.2021.

2. The accused official shall submit reply in writing with additional defense, if any, within 10 days after receipt of this notice. He shall also indicate in his reply whether he wanted to be heard in person. Proceedings shall be concluded in accordance with the Rules if the accused official fails to respond.

3. Departmental Representative, Amjid Iqbal (Junior Clerk), shall appear with record on the date fixed.

Next date fixed in the matter is 08.05.2021 (09:40 hrs).

Dated: 22.04.2021



(Hafiz Naseem Akbar)
Competent Authority
/District & Sessions
Judge, Swabi

Endst: No. 2022-03 / (F-4) /D&SJ

Dated 22.04 2021

Copy for information and needful to:

- 1. The accused official with copy of order dated 10.04.2021 rendered by learned SCJ /Inquiry Officer in Court File No. 23/6 of 2021.
- 2. The Departmental Representative.


Competent Authority
/District & Sessions

بعد الت جناب حافظ نسیم اکبر ڈسٹرکٹ و سیشن جج صاحب، ضلع صوابی

انڈکس متفرق درخواست ہائے

58

نمبر مقدمہ	تاریخ	صفحات
39/Admn	06-07-2021	Part-A
	19-04-2021	Part-B
		415-

انڈکس بر خلاف فیوچر و دیگر احوال رپورٹ

عنوان:

(Part-A)

نمبر	تفصیل کاغذات	تاریخ	دستخط عہدہ دار
1			
2			
3			
4			
5			
6			

نمبر	تفصیل کاغذات
01	انڈکس
7 تا 2	آڈٹ رپورٹ ہائے
9 تا 8	درخواست - اعس زرنا - معافی نامہ
11 تا 10	حقوق امتداد متفرق آرڈر (140) (145) 10 تا 11
13 تا 12	نوٹس ملنے
45 تا 14	انڈکس بر خلاف فیوچر 23/13/2021
	Set - (1)

صفحات بعد از ایڈجسٹمنٹ

(بقلم سر)

Ac

(Part-B)

نمبر	تفصیل کاغذات

یہ ہے کہ کل بظاہر انڈکس درست ترتیب و تکمیل کی گئی ہے

(اسلام بھادر)

محرم دیوانی

10-07-2021

انڈکس بر خلاف

(حافظ نسیم اکبر)

بعد الت و سیشن جج صوابی

اعداد کاغذات

595

07

10/17

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COURT OF DISTRICT & SESSIONS JUDGE, SWABI

Case File No. 39/ Admin of 2021

Title: Inquiry Report against Javed Iqbal Senior Clerk/Reader

S.No. & Date of

Order/Proceeding Sheet

19.04.2021 File has been prepared as directed. It has been entered in the Admin Register as well at the given serial number.

Matter is submitted for further orders.

Superintendent
Sessions Division, Swabi

39
Admin of 2021

19/4/2021

06/27/2021

0-2
19.04.2021

Findings of the Inquiring Officer are agreed with. Put up draft order containing Show cause notice on 22.04.2021 (10:00 hrs)

595
2021

District & Sessions Judge
SWABI

0:03
22.04.2021

1. Order Under Rule 14(+) of Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011, containing requisite show cause notice for accused official Javed Iqbal (Senior Clerk), has also been signed. The same be issued to the concerned and its copy be placed on file.
2. Come up for reply to the show cause notice and further proceedings on 08.05.2021 (09:40 hrs).


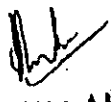
(Hafiz Naseem Akbar)
District & Sessions Judge,
Swabi

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COURT OF DISTRICT & SESSIONS JUDGE, SWABI

Court File No.39/Admn of 2021

Title: Inquiry against Javaid Iqbal (Senior Clerk)

S.No. & Date of order	Order/Proceeding Sheet
<p>Note Reader 08.05.2021</p>	<p>1. The presiding officer is not on duty in view of 50% attendance requirement vide order bearing Endst: No. 2643-72/F-62A dated 23.04.2021.</p> <p>2. File to come up for further proceedings on <u>21/05/2021</u> (09:30hrs).</p> <p style="text-align: right;">  (Reader) to District & Sessions Judge Swabi </p>
<p><u>O:04</u> 21.05.2021</p> <p style="text-align: center;">~</p> <p style="text-align: center;">A</p>	<p>1. Accused official Javed Iqbal is absent. Court Reader informs that he was present in the morning.</p> <p>2. Reply to show cause notice has not been filed by the accused official. He be summoned for the date fixed in the interest of justice.</p> <p>3. Come up for further proceedings on 04.06.2021 (09:10 hrs).</p> <p style="text-align: right;">  (Hafiz Nuseem Akbar) District & Sessions Judge, Swabi </p>

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COURT OF DISTRICT & SESSIONS JUDGE, SWABI

Court File No. 39/Admn of 2021

Title: Inquiry Against Javed Iqbal (Senior Clerk)

S.No. & Date of order	Order/Proceeding Sheet
<p>O:05 04.06.2021</p> <p>No. 503 5/06/2021</p>	<p>1. Accused official Javed Iqbal is absent again. It is reported overleaf the court process that he was not attending duty since some time. It is also informed that another disciplinary proceedings was pending against the said official for absence from duty in Court File No. 50/Admn of 2021.</p> <p>2. Accused official be summoned again through notice at his residential /home address in the interest of justice.</p> <p>3. Come up for attendance /further proceedings on 15.06.2021 (09:50 hrs).</p> <p>(Hafiz Naseem Akbar) District & Sessions Judge, Swabi</p>
<p>O:06 15.06.2021</p> <p>تیس جسٹس (سید)</p>	<p>1. Accused official Javed Iqbal is present in person. He seeks time to settle the matter with the officer who lodged complaint against him forming basis of the instant proceedings. A chance is granted.</p> <p>2. Come up for further proceedings on 29.06.2021 (09:20 hrs).</p> <p>(Hafiz Naseem Akbar) District & Sessions Judge, Swabi</p>

IN THE COURT OF TANIA HASHMI
SENIOR CIVIL/ INQUIRY OFFICER, SWABI

62

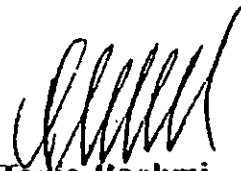
Order #01;

13.02.2021

File for initiating inquiry against the accused official, namely, Javed Iqbal, Senior Clerk Reader, attached to the court of Civil Judge-II, Swabi, received from the Worthy District & Sessions Judge competent Authority. Be entered in the miscellaneous register.

Since, thirty (30) days time has been stipulated for conclusion of inquiry proceedings, therefore, Reader is directed to fix the same, accordingly, so as to be concluded within the given time frame. Accused/Official be summoned. Notice also be issued to Mr. Amjid Iqbal, Junior Clerk/Dispatcher Departmental Representative for

23-2-2021



Tania Hashmi

Senior Civil Judge/Inquiry Officer, Swabi

Order No.02

23.02.2021

Official Javed Iqbal, Senior Clerk present who submitted his reply, placed on file. File to come up for further proceedings

on 25-2-2021



Tania Hashmi,
Senior Civil Judge (J), Swabi

63

Order #03;

25.02.2021

Present: Accused Official, Javed Iqbal and Mr. Amjid Iqbal, Junior Clerk/Dispatcher/Departmental Representative. List of witnesses has been filed. Put off for Prosecution evidence to 27th February 2021 at 13:30 hours. Mrs. Ayesha Siddique, Learned Civil Judge-II, Swabi be summoned for date and time fixed.



Tania Hashmi
Senior Civil Judge/Inquiry Officer, Swabi

Order #04;

27.02.2021

Accused Official, Javed Iqbal and Mr. Amjid Iqbal, Junior Clerk/Dispatcher/Departmental Representative as well as the Civil Judge-II, not in attendance. Accused Official and Departmental representative be noticed, while Mrs. Ayesha Siddique, Learned Civil Judge-II. Swabi be summoned for 2nd March 2021 at 13:30 hours.



Tania Hashmi
Senior Civil Judge/Inquiry Officer, Swabi

کتابت محمد نایب حاشمی نیک / انقواری اسیر عام احوال

انقواری نیا جاوید افضل ریڈر

فہم کارروائی

اللہ

۴

۴۔ عالمہ! فرست گواہان محمد علی

۱۔ محمد صغیر حاشمی صاحب سول جج صاحب احوال

۲۔ عارف نواز کپڑو آہر سول جج صاحب احوال

۳۔ سر فرید خان نایب قاضی سول

اللہ

Departmental Representative

20/2/21

۴

بسم اللہ الرحمن الرحیم
بجانب انتہائی سنجیدگی سے

انٹوائٹری بنا جاوید اقبال

۴

درخواست فحش گواہان حسب ذیل ہے

بنا اقبال

پولیس ریپورٹ جسٹس عدالت خان OPD: 33 مورخہ 12/12/2021

بنا جاوید اقبال سب سے پہلے ہے

جاوید اقبال رٹ II ADJ لاہور

25/2/2021

انٹوائٹری

جاوید اقبال رٹ II ADJ لاہور

(66)

OUT DOOR PATIENT TICKET

TYPE-D Hospital Kaly Khan (swabi)

Pt. Name Jawad

Month _____ OPD. No. 531

Age _____ Sex _____ Date 12/01/21

Village _____

MEDICINE FROM HOSPITAL

Handwritten mark

~~Tab: Aspirin 250mg~~
~~Tab: Paracetamol~~

Signature
S. J. / 19/01/21
S. J. / 19/01/21
S. J. / 19/01/21

Tab: Malyobac 250mg

1+1

Tab: Panadol

1+1

Tab: Montegret 10mg

1+2+2

Tab: Softin-F

0+1+1

Syp: Pulmonal

2+2+2

Adv complete bed rest for (2) days

67

Order #05;
02.03.2021

In attendance; Accused/Official, Javed Iqbal and Mr. Amjid Iqbal, Junior Clerk/Dispatcher/Departmental Representative.

Mrs. Ayesha Siddique, Learned Civil Judge-II, Swabi absent. Process not returned. Explanation be called from concerned Moharrir.

As

Mr. Faran Nawaz, Computer Operator appeared and was examined as PW-1. Mrs. Ayesha Siddique, Learned Civil Judge-II, Swabi be re-summoned for 4th March 2021 at 13:30 hours.

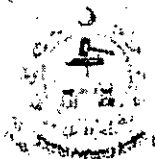
Tabia Hashmi
Senior Civil Judge/Inquiry Officer, Swabi.

Order # 06;
04.03.2021

In attendance; Accused/Official, Javed Iqbal and Mr. Amjid Iqbal, Junior Clerk/Dispatcher/Departmental Representative.

Mrs. Ayesha Siddique, Learned Civil Judge-II, Swabi also in attendance and has been examined as PW-2. One Mr. Sarfaraz, who is the prosecution witnesses has been abandoned as he is on medical leave. Put off for statement of accused/official on 6-3-21

Tabia Hashmi
Senior Civil Judge/Inquiry Officer, Swabi.



The District Judiciary Swabi

Phone # 0938-280372
Fax # 0938-280117

dsjswabi@yahoo.com
dsjswabi1@gmail.com

No. 5781-84 (F-41) D&SJ
(A)

Dated: 06 07 2021

Order Under Rule-14 (5)


(KPK Government Servants (Efficiency & Discipline) Rules 2011)

1. The accused official Javed Iqbal (Senior Clerk/Reader), belonging to this establishment, faced disciplinary proceedings in Court File No.39/Admn: of 2021 on the following charges;

- i. That, as per facts contained in the report of CJ-II Swabi Ms Aisha Siddique bearing No. 31 dated 11.01.2021, he was called upon to explain late coming to and early departure from the court without permission.
- ii. That, as reported by the said officer, he failed to defend the alleged conduct.
- iii. That he was found absent from duty, without any intimation and permission, during visit of the said court by the undersigned on 12.01.2021 and that he could not produce any permission/leave granting order in response to explanation call vide No.200/F-40/D&SJ dated 13.01.2021

2. The accused official has been found guilty with entitlement for lenient view due to grant of apology by the complainant officer, vide detailed order dated 01.07.2021, to the following effect;

"Minor penalty of Censure is imposed against the accused official in terms of Rule-4(1)(a)(i) of Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) Rules, 2011".


Hafiz Naseem Akbar
District & Sessions Judge, Swabi/
Competent Authority

Copy for information and the needful to:

1. Civil Judge-II Swabi Ms. Aisha Siddique w/r to her complaint mentioned above with appreciation for her note of forgiveness to the accused official.
2. The accused official by name.
3. Service record of the accused official
4. Court File No.39/Admn: of 2021


District & Sessions Judge,
Swabi/Competent Authority

68

Order # 07:
06.03.2021

In attendance; Mr. Amjid Iqbal, Junior Clerk/Dispatcher/Departmental Representative and Mrs. Ayesha Siddique, Learned Civil Judge-II, Swabi.

Accused Official, Javed Iqbal, did not mark attendance due to visit of worthy MPT.

File be put up for statement of accused/official on 08.03.2021 at 13:30 hours.

[Handwritten mark]

[Handwritten signature]

Tania Hashmi
Senior Civil Judge/Inquiry Officer, Swabi

Order # 08:
08.03.2021

In attendance; Accused/Official, Javed Iqbal and Mr. Amjid Iqbal, Junior Clerk/Dispatcher/Departmental Representative.

Mrs. Ayesha Siddique, Learned Civil Judge-II, Swabi also in attendance.

Statement of accused/official has been recorded as DW-1. File be put up for further proceeding on 11-3-21 at 13:30 hours.

[Handwritten signature]

Tania Hashmi
Senior Civil Judge/Inquiry Officer, Swabi

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Order # 09;
11.03.2021

In attendance; Accused/Official, Javed Iqbal and Mr. Amjid Iqbal, Junior Clerk/Dispatcher; Departmental Representative & Mrs. Ayesha Siddique; Learned Civil Judge II, Swabi

Sarfraz Naib Qasid also in attendance. His statement has been recorded as DW-2. File be put up for further proceeding on 13-3-21

[Handwritten mark]

[Signature]
Tania Hashmi
Senior Civil Judge/Inquiry Officer, Swabi

حاضر ہے۔ امجد ایف اے کے نام سے
کارڈز کے نام سے اور ایف اے کے نام سے
کے نام سے اور ایف اے کے نام سے
15 مارچ 2021 کو

70

Order # 11;
15.03.2021

Proceeding in the instant inquiry could not
conducted due to Judicial Officers monthly meeting.

Put off for further proceeding to 24-3-21


Tania Hashmi

Senior Civil Judge/Inquiry Officer, Swabi

Order # 12;
24.03.2021

In attendance; Accused official, Mr. Amjid Iqbal,
Junior Clerk/Dispatcher/Departmental Representative,
Mrs. Ayesha Siddique, Learned Civil Judge-II, Swabi.

Statement of Mr. Amjid Iqbal, Junior
Clerk/Dispatcher/Departmental Representative has been
recorded. File be put off for further proceeding to
10.04.2021.


Tania Hashmi

Senior Civil Judge/Inquiry Officer, Swabi

Order # 13;
10.04.2021

Inquiry proceeding has been completed and entire
record alongwith Inquiry report be sent to Hon'ble D&SJ,
Swabi for further necessary action.


Tania Hashmi

Senior Civil Judge/Inquiry Officer, Swabi

بیان اقبال جو نثر مدک / در پیچ مدک سپر نثر افسان سوشن کورد هموان

بیان که میں حکمان انگوارهای بر خلاف جاوید اقبال دیگر
Reprezentativ
میں حکمان رفیر بیسٹو حکم صبا - ڈرکٹ انڈر سوشن

تح صبا هموان حقہ رائیہ مولہ میں انگوارهای کرے بابت

حافظات جوئے انگار سبب / مدارک

اصل لغت از ملاطہ والیس سندر

Re

xxx

شرح نادر صق و با سق

سنگ در سبب - سبب
میں سوشن سوشن
24-3-2

بیان فاران نواز، کمیونٹی ریٹرن

بیان کیا کہ جاوید اقبال ریٹرن صاحب، کسی ایسے جیسی کسی وجہ سے
 شہادت لیا درخواست چھوڑ کر ہف کے نیشنل (13.30) بجے عدالت سے
 نکل گئے۔ پیر کے دن سیدم صاحبہ نے ریٹرن صاحب سے جواب طلبی طلب
 کی، کہ کیوں مجھ سے پوچھے ساتھ ہف کے نیشنل چھوڑ کر چلے
 گئے تھے۔ جب ریٹرن صاحب کو جواب طلبی ملی تو انہوں نے سیدم سے کہا کہ
 خیر جواب طلبی کیوں کی گئی ہے، خشک سہ ہے۔ سیدم نے پوچھا کہ پوری نہیں،
 اور شہادت لیا کو جواب طلبی کے ساتھ ہف کر کے سیدم صاحبہ کو نیا اور
 عدالت کو چھوڑ کر باہر چلا گیا۔ بس یہی سہرا سہرا ہے

XX -- (جرح ندارد موقع نیا گیا)

سین کر درست تسلیم کیا۔

02.03.2021



تانہہ ہاشمی
 سینیئر سول جج، صوابی /
 اکٹوبری آفیسر

بیان محترمہ عائشہ صدیق، سول جج-11، صوابی

بیان کیا کہ جاوید اقبال ریڈر صاحب روزانہ کی بنیاد پر لیت لیا کرتے تھے۔ اسی دن بھی لیت لیا تھے۔ جواب طلبی سے پہلے ہی میں نے لیت لیا کہ جاوید اقبال ریڈر صاحب کو زبانی طرز لیت لیا کہ یہ لیت لیا تھا کہ وقت پر عدالت میں اپنی حاضری یقینی بنانے۔ جس دن میں نے جاوید اقبال ریڈر صاحب کو جواب طلبی کی تحریر بذریعہ کمپیوٹر اپریٹر حوالہ کی تو وہ اتہ کر بغیر اجازت کے کمرہ عدالت سے چلے گئے۔ جواب طلبی سے ایک دن پہلے جب میں وقفہ کے دوران نماز پڑھنے گئی تو ریڈر صاحب بے اجازت نے عدالت سے رخصت ہونے تھے۔ اگلے دن جب میں نے ان سے کہا کہ بے اجازت کہ کیوں چلے گئے تھے تو انہوں نے کہا کہ میں نے شارت ابو کی درخواست کمپیوٹر اپریٹر کو حوالہ کی تھی، جو کہ مجھ سے منظور نہیں کروایا گیا تھی۔

بس یہی میرا بیان ہے۔

XX = (جرح ندارد موقع نیا گیا)

من کر درست تسلیم کیا۔

04.03.2021

سینیئر سول جج، صوابی،
ایڈووکیٹ آفیسر

بیان جاوید اقبال ریڈر

بیان کیا کہ میرا گاؤں، جوڈیشنل کمپلکس شاہ منصور سے بہت دوری یعنی تقریباً 60 کلومیٹر کے فاصلے پر واقع ہے۔ جواب طلبی سے ایک دن پہلے، مجھے بذریعہ موبائل فون اطلاع ملی کہ میرے بچھے جس گاڑی میں تھے اسکا ایسیسٹنٹ ہوا ہے تو اسکی وجہ سے میں شارت لیو کی درخواست چھوڑ کر عدالت سے رخصت ہوا تھا۔ جواب طلبی کے دن میں بیمار تھا، اور میں عدالت چھوڑ کر ہسپتال چلا گیا۔ ہسپتال کی OPD جت "C" Mark ہے، اور اسی دن میرا تحصیل کورٹس، لاہور (صوابی) تیار ہوا۔ میں نے ہمراہ، حضرت علی (صدر) اور اسرار علی میڈم صاحبہ سے ملاقاتی ہو کر معافی طلب کی۔ اسکے بعد میں نے تحصیل کورٹس، لاہور (صوابی) میں چارج سنبھالا۔ بس یہی میرا بیان ہے۔

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سوال (منجانب محترمہ عائشہ صدیق سول جج): آپ روزانہ عدالت کن دن پر پہنچتے تھے؟

جواب: میں عموماً 08:45 پر عدالت میں اپنی فرائض منصبی نبھانے کے لیے حاضر ہوتا تھا۔

سوال (منجانب محترمہ عائشہ صدیق سول جج): اکثر آپ 09:00 بجے تک عدالت میں حاضر نہ ہوتے؟

جواب: جس دن میں لیٹ آیا تھا، اس دن میں نے KPO، صاحب کو بذریعہ موبائل اطلاع دی تھی۔

سوال (منجانب محترمہ عائشہ صدیق سول جج): یہ اطلاع تو جواب طلبی کے اگلے دن جب محترم جج، صاحب راؤنڈ پر تھے، آپ نے دی تھی۔ اس سے پہلے آپ عموماً لیت آتے تھے۔

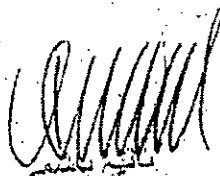
جواب: جی ہاں، چونکہ واسنہ (Swabi/Mardan) روڈ پر کام شروع ہے، میں وجہ لیت آتا تھا۔

سوال (منجانب محترمہ عائشہ صدیق سول جج): کیا عموماً لیت آتے کی آپ سے کوئی اطلاع دی تھی یا درخواست مجھ سے منظور کی تھی؟

جواب: میں نے صرف اطلاع دی کہ میں لیٹ ہوں، البتہ گر چہنی کا ارادہ ہوتا تو میں درخواست دیتا تھا، جو کہ متعلقہ ریکارڈ پر موجود ہوگی۔

سن کر درست تسلیم کیا،

08.03.2021



سفیڈر سول جج، صوابی /
انکوائری آفیسر

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DW-2

بیان سیر فراز نائب قاضد۔

بیان کیا کہ جاوید اقبال ریڈر صاحب جب جواب طلبی کے عدالت میں حاضر ہوئے اور اپنے نشست پر بیٹھ گئے تو میڈم صاحبہ سے کہنے لگے کہ میرا بچہ بیمار تھا، اسی وجہ سے میں جلدی میں نکل گیا، آپ صاحبہ نے مجھ سے جواب طلبی کیوں طلب کی، حالانکہ میں نے شارت لیو چھوڑی تھی۔ اسکے بعد ریڈر صاحب عدالت سے چلے گئے۔ بس یہی میرا بیان ہے۔

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سوال (منجانب محترمہ عائشہ صدیق سول جج): کیا جاوید اقبال ریڈر صاحب روزانہ لیت آتے تھے

یا نہیں؟

جواب: جی ہاں۔

سہ

تانیہ ہاشمی
سنیئر سول جج، صوبائی
انکوائری آفیسر

سن کر درست تسلیم کیا۔
11.03.2021

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OFFICE NOTE

16.04.2021

Respected Sir,

Inquiry report against Senior Clerk/Reader Javed Iqbal received from the Inquiry Commission learned Senior Civil Judge Swabi. Submitted for further appropriate orders,


Superintendent

KS

Respected District & Sessions Judge

Open separate admin file
for proceeding and put

up. 

16.04.2021

[Handwritten signature]

6/5/21
[Handwritten signature]
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15/6/2021

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Distric R. Services and
SWAET
07-07
07.06.21

TL

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COURT OF DISTRICT & SESSIONS JUDGE, SWABI

Court File No. 39/Admn of 2021
Title: Inquiry Against Javed Iqbal

S.No. & Date of order	Order/Proceeding Sheet
<p>O:07 29.06.2021</p> <p><i>[Handwritten signature]</i></p>	<p>1. Application of the accused official, seeking forgiveness from the complainant Presiding Officer /CJ-II Ms Aisha Siddique, received from the concerned officer with the note "Apology Accepted".</p> <p>2. The accused official Javed Iqbal be summoned for personal hearing in the interest of justice.</p> <p>3. Put up on 01.07.2021 (12:00 hrs).</p> <p style="text-align: right;"><i>[Handwritten signature]</i> (Hafiz Naseem Akbar) District & Sessions Judge, Swabi</p>
<p>O:08 29.06.2021</p> <p><i>[Handwritten signature]</i></p> <p><i>[Handwritten signature in Urdu]</i></p>	<p>Accused official Javed Iqbal attends late in the closing hours. File requisitioned and the accused has been informed of the next date.</p> <p style="text-align: right;"><i>[Handwritten signature]</i> (Hafiz Naseem Akbar) District & Sessions Judge, Swabi</p>

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COURT OF DISTRICT & SESSIONS JUDGE, SWABI


Court File No. 39/Admn. /21/21
Title: Inquiry Against Javid Iqbal

S.No. & Date of order Alert/Proceeding Sheet

0:09
11/07/2021

1. Accused official Javid Iqbal is absent again.
2. Presiding Officer is filing the disciplinary action for the following charges;
 - i. That as per facts contained in the report of CJ-II Swabi Ms Aisha Siddique bearing No. 31 dated 11.31.2021, he was called upon to explain late coming to and early departure from the court without permission.
 - ii. That as reported by the said officer, he failed to defend the alleged conduct.
 - iii. That he was found absent from duty, without any intimation and permission, having visit of the said court by the undersigned on 12.01.2021 and that he did not produce any permission/leave granting order in response to explanation call vide No.200/F-40/D&SJ dated 13.01.2021
3. The disciplinary complaint received from the learned CJ-II Swabi Ms Ayesha Siddique was marked for inquiry to SCJ Ms Tania Hashmi vide order bearing No. 59/F-40/D&SJ dated 13.02.2021. Report from the Inquiry Officer bearing No. 22 of 2021, was received at this end on 19.04.2021.
4. As per the learned Inquiry Officer was agreed and order containing show cause notice under Rule-4(4) of Khyber Pakhtunkhwa Government Servants (Disciplinary) Rules 2011, vide No 2602-03.(F-41)/D&SJ dated 22.04.2021, was issued. But the show cause notice was not filed by the accused official and he was absent. He was summoned in the interest of justice. On 23.04.2021 he started up and sought time to settle the matter with the officer against him. A chance was granted to the official. The learned Inquiry Officer's complaint Ms Aisha Siddique forwarded the application of withdrawal with note "Apology Accepted".
5. Presiding Officer (Javid Iqbal, Senior Clerk), keeping in view the material facts and circumstances is found guilty of the charges. However the Presiding Officer being lenient has been gracious in forgiving the official and therefore a lenient order is issued in the circumstances of the case. Minor penalty of Censure is imposed on the accused official in terms of Rule-4(1)(a)(i) of the Rules. This order in this respect be put up on 06.07.2021 (11:00 hrs).


APPROVED
11/07/21


(Hafiz Naseem Akbar)
District & Sessions Judge,
Swabi

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COURT OF DISTRICT & SESSIONS JUDGE, SWABI

Court File No. 39/Admn of 2021
Title: Inquiry Against Javaid Iqbal

S.No. & Date of order	Order/Pceeding Sheet
O:09 01.07.2021	<p>1. Accused official Javaid Iqbal is absent again.</p> <p>2. Accused official is facing the disciplinary action for the following charges;</p> <ol style="list-style-type: none">That, as per facts contained in the report of CJ-II Swabi Ms Aisha Siddique bearing No. 31 dated 11.01.2021, he was called upon to explain late coming to and early departure from the court without permission.That, as reported by the said officer, he failed to defend the alleged conduct.That he was found absent from duty, without any intimation and permission, during visit of the said court by the undersigned on 12.01.2021 and that he could not produce any permission/leave granting order in response to explanation call vide No.200/F-40/D&SJ dated 13.01.2021 <p>3. The underlying complaint, received from the learned CJ-II Swabi Ms Ayesha Siddique, was marked for inquiry to SCJ Ms Tania Hashmi vide order bearing Endst: No. 855-58/(F-41)/D&SJ dated 13.02.2021. Report from the Inquiry Officer, in Court File No. 23/6 of 2021, was received at this end on 19.04.2021.</p> <p>4. Finding of the learned Inquiry Officer was agreed and order containing show cause notice under Rule 14(4) of Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011, vide No. 2602-03/(F-41)/D&SJ dated 22.04.2021, was issued. Reply to the show cause notice was not filed by the accused official and he absented himself instead. He was summoned in the interest of justice. On 04.06.2021 he turned up and sought time to settle the matter with the officer lodging complaint against him. A chance was granted to the official. The learned Presiding Officer /complainant Ms Aisha Siddique forwarded the application of accused official with note "Apology Accepted".</p> <p>5. Accused official Javaid Iqbal (Senior Clerk), keeping in view the material available on file, is found guilty of the charges. However the Presiding Officer /complainant has been gracious in forgiving the official and therefore a lenient view is adopted in the circumstances of the case. Minor penalty of Censure is imposed against the accused official in terms of Rule-4(1)(a)(i) of the Rules. Formal order in this respect be put up on 06.07.2021 (11:00 hrs).</p> <p><u>Announced</u> 01.07.2020</p> <p style="text-align: right;"> (Hafiz Naseem Akbar) District & Sessions Judge, Swabi</p>

ATTESTED