


FORM OF ORDER SHEET

Court of

Appeal No. 1641/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/08/2023	<p>The appeal of Mr. Gul Raheem presented today by Mr. Muhammad Jamshed Kundi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

MEMORANDUM KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECKLIST

Case Title: Gul Rahim vs Reg. Pesh High Court & 2 others.

S.No	Contents	Yes	No
1.	This appeal has been presented by: <u>Gul Rahim</u>	✓	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
	Whether affidavit is appended?	✓	
	Whether affidavit is duly attested by competent oath commissioner?	✓	
	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on	✓	
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on		
26.	Whether copies of comments/reply/rejoinder submitted? on		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

M. Jamshed

Signature:

Dated:

10/08/2023

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

In Ref:

Service Appeal No. 1641 /2023

Gul Rahim (Naib Qasid) **APPELLANT**

V E R S U S

Registrar, Peshawar High Court & others **RESPONDENTS**

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Contents of the Appeal alongwith Affidavit		1-10
2.	Addresses of parties		11
3.	Copy of the appointment order	A	12
4.	Copy of the Medical Prescription	B	13
5.	Copy of the Explanation dated: 20.01.2023	C	14
6.	Copy of the Reply dated: 21.01.2023	D	15
7.	Copy of Complaint dated: 23.01.2023	E	16
8.	Copy of office order regarding suspension dated: 31.01.2023	F	17-18
9.	Copy of Charge Sheet	G	19
10.	Copy of statement of allegations dated:02.02.2023	H	20
11.	Copy of reply of Charge Sheet dated: 06.02.2023	I	21 to 25
12.	Copy of Statement of IW-1	J	26
13.	Copy of statement of appellate	K	27
14.	Copy of inquiry report	L	28 to 29


15.	Copy of final Show Cause Notice	M	30-32
16.	Copy of Reply to Final Show Cause Notice	N	33-38
17.	Copy of Impugned Order dated 14.03.2023	O	39
18.	Copy of Departmental Appeal	P	40-45
19.	Copy of Dismissal Order of Departmental Appeal dated 24.06.2023	Q	46-49
20.	Copies of 8 ACRs	R1 to R8	50-56
21.	Copy of Application dated 24.06.2023 for granting attested copy of the Impugned Order dated 24.06.2023	S	57
22.	Wakalatnama	-	58


Appellant

Through

MUHAMMAD JAMSHED KUNDI
Advocate

&


ADNAN AHMAD KUNDI
Advocate High Court

Dated: 09.08.2023

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 1641 /2023

Gul Rahim (Naib Qasid) S/o Gul Muhammad R/o
Talash China, District Dir Lower.

Appellant

VERSUS

1. Registrar Peshawar High Court Peshawar.
2. District & Sessions Judge Dir Lower at Timergarah
3. Senior Civil Judge (Admin) Dir Lower.

Respondents

APPEAL U/S-4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 14/03/2023 WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM his SERVICE AGAINST WHICH THE APPELLANT FILED DEPARTMENTAL APPEAL ON 16.03.2023 WHICH WAS REJECTED ON 24.06.2023 and the attested copy of it WAS DELIVERED / COMMUNICATED TO THE APPELLANT ON 24.07.2023 ON NO GOOD GROUNDS.

Prayer:-

ON ACCEPTANCE OF THIS SERVICE APPEAL THE IMPUGNED ORDERS DATED 14.03.2023 & 24.06.2023 MAY KINDLY BE SET ASIDE AND THE

APPELLANT MAY KINDLY BE
REINSTATED IN SERVICE ALONG WITH
ALL BACK BENEFITS.
ANY OTHER REMEDY WHICH DEEMS FIT
BY THIS HON'BLE TRIBUNAL MAY ALSO
BE GRANTED IN FAVOUR OF THE
APPELLANT.

Respectfully Sheweth,

- 1) That the Appellant was inducted in the District judiciary as Naib Qasid on 31.03.2005 and till impugned orders had been performing his duties regularly with full devotion, commitment, hard work and no complaint whatsoever may be has been made by any of his officers against the appellant. (copy of the appointment order of the appellant is annexure "A").
- 2) That during service the appellant was fallen sever ill owing to the appellant was unable to perform his official duty for two days. In this regard proper medical prescription of the authorized medical officer showing advise of the doctor for two days bed rest to the appellant was submitted to the concern office. (Copy of medical prescription is attached as annexure " B ").

3) That after getting abt recovery from his illness the appellant attended his office on 20-01-2023 for discharging of his official duty but the learned civil judge called explanation from the appellant for his two days absence from the duty. On the next day i.e on 21-01-2023 appellant submitted his reply to the learned presiding officer but the same was not accepted and the matter was reported to the honorable district and sessions judge vide latter no. 96 dated 23-01-2023. The respondent no. 2 directed the respondent no. 3 for necessary action in accordance with law vide endorsement of even number dated 26-01-2023. Thereafter the appellant was suspended vide office order of respondent no. 3 bearing no. 236-40 dated 31-01-2023 followed by initiation of departmental inquiry by serving of charge sheet and statement of allegations on 02-02-2023. **(Copy of the explanation dated 20-01-2023, copy of the reply of appellant dated 21-01-2023, copy of complaint by learned civil judge at Lal Qilla to honorable sessions judge dated 23-01-2023, copy of office order regarding suspension of appellant dated 31-01-2023, copy of charge sheet and copy of statement of allegations dated 02-02-2023, are attached as annexure "C, D, E, F, G and H" respectively).**

4) That in response of charge sheet and statement of allegations the appellant submitted his written reply whereby the appellant precisely mentioned reasons for both the allegation i-e late arrival / early departure and his two days absence from the duty in para no. 1 & 2 of the reply. **(Copy of reply of charge sheet dated 06-02-2023. is attached as annexure " I ")**.

5) That without passing any order on reply of the appellant submitted in response of the show cause and statement of allegations the respondent no. 3 recorded statement of witness as IW-1 as well as statement of appellant followed by inquiry report submitted by the authority to him self as inquiry officer / authorized officer on 07-03-2023. There after respondent no. 3 issued a final show cause notice to appellant on 07-03-2023 seeking the reply of complainant with in 7 days i.e. by 14-03-2023. in compliance of the direction the detail reply was submitted by appellant to respondent no. 3 on 11-03-2023. **(Copy of the statement of IW-1, copy of the statement of appellant, copy of inquiry report, copy of final show cause notice and copy of reply to final show case notice are attached as annexure "J, K, L, M & N" Respectively).**

6) That ultimately on 14.03.2023 the impugned order had been passed against the appellant where by major penalty of dismissal from service has been imposed upon the appellant against which the appellant filed a departmental appeal on 16.03.2023 which was dismissed on 24.06.2023.

(Copy of impugned order dated 14.03.2023 passed by respondent no. 3, copies of departmental appeal and dismissal order of departmental appeal dated 24.06.2023 passed by respondent no. 2 are attached as annexure "O, P & Q" Respectively).

7) That feeling aggrieved from above mentioned inquiry proceedings followed by impugned orders the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

GROUNDS:-

A) That the impugned orders dated 14.03.2023 & 24.06.2023 are illegal and void ab-initio because it has been passed without observing the existing law on the subject besides non fulfillment of the mandatory codal formalities.

B) That no regular inquiry has been conducted by the respondent no. 3 and no chance of personal hearing or recording evidence in defense has been provided to the appellant. The respondent no. 3 in his capacity as

competent authority was so biased that he did not appoint representative for participation in inquiry proceedings on behalf of department and played the dual role by him self. Even the statement of departmental representative is missing which is requirement of law under Rule 11(4) of the E&D Rules 2011. In this respect the appellant relies upon the judgment dated 2008 SCMR Page:1369.

- C) It is a well settled maxim that “ no one can be condemned unheard” because it is against the principle of natural justice. In this respect appellant relies upon a judgment reported on 2008 SCMR page: 678.
- D) That the respondent No.3 committed gross illegality for the reason that the show cause notice has been issued to the appellant on 07.03.2023 whereby 07-days’ time for reply of show cause notice has been mentioned, while the impugned dismissal order has been issued before the specific period mentioned in the show cause notice.
- E) That the impugned dismissal order dated 14.03.2023 is also void and illegal and as such liable to be set aside on the sole ground that the inquiry against the appellant has been conducted by the competent / authority as inquiry officer. **(Copy of inquiry report has already been attached above as annexure “ L ”).**
- F) That appellant had submitted medical prescription for granting medical leave to the concerned office regarding his two days absence from duty which was rejected without observing the relevant law on the

subject i. e. rule 13 of the K. P. K. Civil Servant Revised Leave Rules, 1981.

For convenience and ready reference Rule 13 of the ibid law has been reproduced herein as under.

"Leave applied for on medical certificate shall not be refused. The authority competent to sanction leave may, however, at its discretion, secure a second medical opinion by requesting the civil surgeon or the medical board to have the applicant medically examined. The existing provisions contained in supplementary Rules 212, 213 & Rules 220 to 231 for the Grant of Leave on medical grounds will continue to apply."

- G) That the absence of the appellant was not intentional or deliberate but was result of suffering from illness of the appellant. In this connection appellant had also submitted a medical prescription to the concern office.
- H) That the impugned dismissal order is also void because no specific date of absence from duty has been mentioned in the impugned order, show cause notice as well as charge sheet.
- I) That the punishment of dismissal from service imposed upon the appellant by reason of two days absence on pure medical ground is too harsh, disproportionate and against fair administrative dealings of the departmental high-ups with the subordinate class iv staff.
- J) That all previous ACRs given to the appellant by the reporting officers as well as counter signing authorities available on service record of the appellant are showing best performance of the appellant in all respect including punctuality, regular

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and timely attendance of office for duty. (The copies of 8 successive ACRs given by different reporting officers and counter signing authorities are annexed here with as annexure R1 to R8.

K That impugned order of departmental appeal was passed on 24-6-2023 for delivery of attested copies of which application was made by appellant on the same date. The attested copies of the impugned order were then furnished on 24-07-2023 which fact is evident from the mark of attestation stamp and date of the delivery of attested copies to appellant. The instant appeal has been filed before the tribunal on 09-08-2023. In light of above un-rebuttable facts and figures the instant appeal is well with in time. No question of delay or barred by limitation arises. (Copy of the application dated 24-06-2023 for granting of attested copy of the impugned order is annexed as annexure "S").

L That any other ground not raised herein may graciously be allowed to be raised at the time of advancing full arguments on the instant service appeal.

It is therefore, most humbly prayed that on acceptance of this service appeal the impugned orders dated 14.03.2023 & 24.06.2023 may kindly be set aside and the appellant may kindly be reinstated in service along with all back benefits..

Dated: 09/08/2023

GUL RAHIM (Appellant)

Through.

Muhammd Jamshed Kundi & Adnan Ahmad Kundi.
Advocates Peshawar high court, Peshawar.

BEFORE THE HON'BLE SERVICE TRIBUNAL

PESHAWAR

In Re S.A No. _____ /2023

**Gul Rahim (Naib Qasid) S/o Gul Muhammad R/o
Talash China, District Dir Lower.**

Appellant

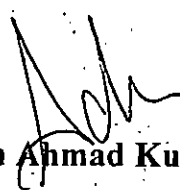
VERSUS

- ① Registrar Peshawar High Court Peshawar.
- ② District & Sessions Judge Dir Lower at Timergarah
- ③ Senior Civil Judge (Admin) Dir Lower.


Respondents

Certificate:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.


Adnan Ahmad Kundi, Advocate.

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____ /2023

Gul Rahim (Naib Qasid).

VERSUS.

Registrar Peshawar High Court Peshawar & others.

AFFIDAVIT.

I, **Gul Rahim Naib Qasid S/o Gul Muhammad R/o Talash China District Dir Lower**, do hereby solemnly affirm and declare that all the contents of the **instant appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from the knowledge of this Hon'ble Court.

DEPONENT

Dated: 09th -Aug- 2023



[Handwritten Signature]

9-8-23

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BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____ /2023

Gul Rahim (Naib Qasid).

VERSUS.

Registrar Peshawar High Court Peshawar & others.

ADDRESSES OF PARTIES

PETITIONER.

Gul Rahim Naib Qasid S/o Gul Muhammad R/o Talash China
District Dir Lower.

ADDRESSES OF RESPONDENTS

1. Registrar Peshawar High Court Peshawar.
2. District & Session Judge Dir Lower at Timergarah
3. Senior Civil Judge (Admin) Dir Lower

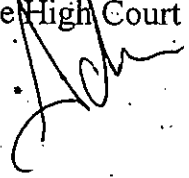
Dated: 8th -Aug- 2023


APPELLANT

Through


Muhammad Jamshed Kundi
Advocate Peshawar.

&
Adnan Ahmad Kundi
Advocate High Court Peshawar



Office Order

In the interest of public service and as per recommendations of the Departmental Selection Committee, the following candidates are hereby appointed Process Servers, BPS-01 and Naib Qasid BPS-01 plus usual allowances as admissible under rules subject to the following terms & conditions with immediate effect.

S. No.	Name of candidate with father's Name	Appointed as
1	Mr. Anbar Said S/o Faqir Said, R/o Tangai Banda Tehsil Timergara, Dir Lower.	Appointed as Process Server (BPS-01)
2	Mr. Amjad Khan S/o Mohammad Akbar Khan, R/o Diaroon Tehsil Munda, Dir (L)	Appointed as Process Server (BPS-01)
3	Mr. Ashraf Zaman S/o Ali Haider, R/o Kamangara Talash Tehsil Timergara, Dir (L)	Appointed as Process Server (BPS-01)
4	Mr. Mohammad Zahid S/o Abdul Hamid, R/o Tangai Khwar Tehsil Timergara, Dir (L)	Appointed as Process Server (BPS-01)
5	Mr. Zehsi Qamar S/o Laiq Mohammad, R/o Galambat Tehsil Balambat, Dir Lower.	Appointed as Process Server (BPS-01)
6	Mr. Mohammad Ikram S/o Wazir Khan, R/o Nasafa Talash Tehsil Timergara, Dir Lower.	Appointed as Process Server (EPS-01)
7	Mr. Gul Rahim S/o Gul Mohammad, R/o Chino Talash Tehsil Timergara, Dir Lower.	Appointed as Naib Qasid (BPS-01)

Terms & Conditions

1. The appointments are subject to medical fitness.
2. In case of resign one month's prior notice will be necessary or in lieu thereof, a month's pay may be forfeited.
3. The appointments are purely temporary and service may be terminated at any time without assigning any reason.
4. In case the candidate fails to report for duty within seven days then his appointment shall be terminated as cancelled.

Senior Civil Judge/AIQ,
Dir Lower at Timergara.

No. 155-167 /Dated SCJ/AIQ, Timergara the 31 /03/2005.

Copy forwarded for information & necessary action to:-

1. The Hon'ble Registrar, Peshawar High Court Peshawar.
2. The Member Inspection Team Peshawar High Court, Peshawar.
3. The District & Sessions Judge/ZQ, Dir at Timergara
4. Mr. Jehangir Khan, Senior Civil Judge/AIQ, Dir Upper.
5. The District Accounts Officer, Dir Lower at Timergara.
6. The Civil Nazir, of this court.
7. The Candidates concerned.

(Syed Obaidullah Shah),
Senior Civil Judge/AIQ,
Dir Lower at Timergara.

Attested
P.
16.3.23
SUPERINTENDENT
Sessions Court
Dir(L) at Timergara

24 7 23
M E M

~~18/11/23~~
~~18/11/23~~

18 to 20/11/23

Best Rest for two days

Tab Metaxolone
Tab Nivida 500mg

Tab Enamgale 15
Nivida 500mg

Paracetamol 500mg
Fengalact D 500mg

4 E Vomiting
Fever 100F

DISEASE
 DATE ... 22/11/23
 YEARLY NO
 NAME ...
 OUTPATIENTS DEPARTMENT
 No. 18/11/23
 DATE ... 18/11/23
 YEARLY NO
 NAME ...
 OUTPATIENTS DEPARTMENT
 Medical No. 2
 RS 2

Annex B

No. 92 CJ-/JM LalQilla

Dated: 20/01/2023

From:

The Civil Judge/JM,
Dir Lower at LalQilla.

To

Gul Raheem
Naib Qasid , in the court of CJ/JM Lal Qilla

Subject: EXPLANATION.

Memo;

You the above Naib Qasid of this court is absent since two days without any application for leave or any permission of this court. It is also noticed that you always arrive late and leave the court early before closing hours without permission of undersigned and you were several times orally warned in that respect by the undersigned but you consistently neglected the court directions,

Your this attitude and conduct reflects in competency and breach of duty on your part. By issuing this notice you are required to submit your written report within three days. Failure will reflect that you have nothing in your defense resulting upon ex-parte disciplinary action E&D rules 2011.

Ajaz Ul Haq
Civil Judge/JM Lal Qilla
Dir Lower.

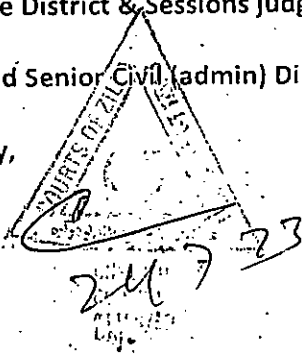


No. 93-95 CJ/JM LalQilla

Dated: 20/01/2023

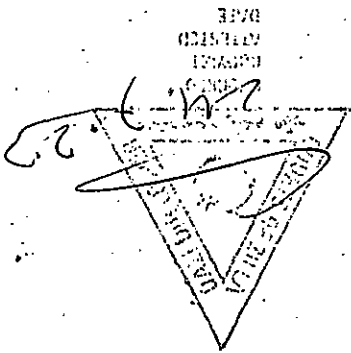
Copy forwarded To the:

1. The Hon'ble District & Sessions judge Dir lower at Timergarar;
2. The Learned Senior Civil (admin) Dir Lower at Timergara.
3. Office Copy,



Ajaz Ul Haq
Civil Judge/JM Lal Qilla
Dir Lower.





اصل: نائب صدر عدالت سول جج قلم
علی رحیم

21-01-2023: مورخہ

اور اپنی حیات گزارے۔

لہذا اپنی عمر میں کر کے اہل حیات اور آقا اور اہل اسلام کے لئے دعا ہے

تعمیر فرمائے۔

3. کہ اپنی عمر میں کر کے اہل حیات اور آقا اور اہل اسلام کے لئے دعا ہے

(مشائیہ شہادت)

2. کہ اپنی عمر میں کر کے اہل حیات اور آقا اور اہل اسلام کے لئے دعا ہے

19-01-2023 تا 18-01-2023

1. کہ اپنی عمر میں کر کے اہل حیات اور آقا اور اہل اسلام کے لئے دعا ہے

خانہ

جس کی کوئی وجہ نہ ہو گی۔ مورخہ 20-01-2023

Annex D

بعض جناب سول جج / علاقہ قاضی صاحب اہل قلم ہیں اور

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(C)



Annex- E

16

No: 96 /CJ/JM

Dated Lal Qilla the 23-01-2023.

To,

The Hon'ble District & Sessions Judge,
Dir Lower at Timergara.

From,

Ajaz Ul Haq,
Civil Judge,
Dir Lower at Lal Qilla.

16.3.23

Subject: Explanation.

Respected Madam:-

With utmost respect, it is brought to your knowledge that Naib Qasid namely Gul Rahim attached to this court remained absent from duty for two days without any application/prior permission of the court. Similarly, he also arrives late and leaves the court early without prior permission of the undersigned. In this respect, explanation was called from the said Naib Qasid who submitted his reply along with Medical report stating therein, that he was ill; however, he failed to explain his position with respect to prior leave application as well as arriving late and leave early the court without permission of the undersigned. Hence, the explanation was found unsatisfactory.

The said correspondence (explanation, reply to the explanation and M.R. attached herewith) is hereby submitted to your good self for further necessary action, please.....

Encl: as Above

SGJ (Admin) for
m/a in annex with her
DSJ Dirdun
26/01/23

AJAZ UL HAQ
Civil Judge JM,
Dir Lower at Lal Qilla

16.3.23

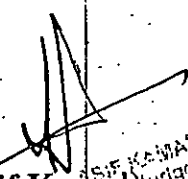
IN THE COURT OF ASIF KAMAL, SENIOR CIVIL JUDGE
(ADMIN)/MTMC DIR LOWER AT TIMERGARA.

Order #.01
31.01.2023

The instant complaint received from the court of Hon'ble District & Sessions Judge, Dir Lower. It be registered in the relevant register. The allegations mentioned in explanation are serious. Therefore, he be suspended immediately. In this regard separate order of suspension be issued. Notice to the accused-official namely Gul Raheem, Naib Qasid of the Court of learned Civil Judge/JM Lal Qilla be issued for date fixed.

File to come up for attendance of accused-official on

02 / 02 / 2023.

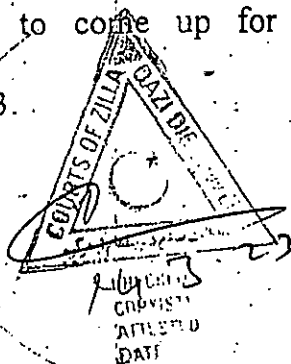

(Asif Kamal) Senior Civil Judge (Admin)/JM
Dir Lower at Timergara

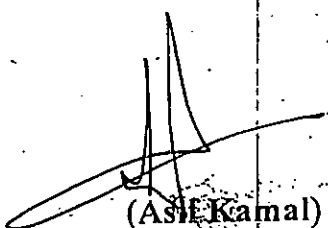
Order #.02
02.02.2023

Accused-official namely Gul Raheem in person present. Charge Sheet and statement of allegations framed. Copy be issued to the official. Written reply/defense, if any, should be submitted within seven days.

File to come up for reply/written defense of official on

09/02/2023.




(Asif Kamal)
Senior Civil Judge (Admin)/JM
Dir Lower at Timergara


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Order #.03
09.02.2023

Accused-official in person present. Reply/written defense submitted. Summon for recording statement of learned Civil Judge/Judicial Magistrate Dir Lower at Lal Qilla be issued for date fixed.

File to come up for recording statement of learned Civil Judge/JM Lal Qilla on 10 / 02 / 2023.

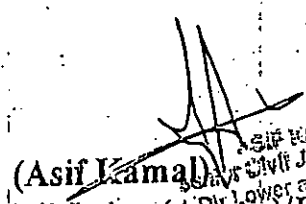
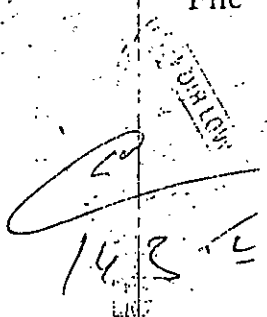


(Asif Kamal)
Senior Civil Judge (Admin)/JM
Dir Lower at Timergara

Order #.04
10.02.2023

Accused-official in person present. Learned Civil Judge/JM Lal Qilla Dir Lower present and his statement recorded. IW-1. The accused-official does not want to be cross-examined. His statement was recorded and his signature was taken.

File to come up for arguments/order on 11/02/2023.



(Asif Kamal)
Senior Civil Judge (Admin)/JM
Dir Lower at Timergara

(8)


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(20)

OFFICE OF SENIOR CIVIL JUDGE (ADMIN)/JM DIR LOWER AT
TIMERGARA

OFFICE ORDER

Whereas, the learned Civil Judge/JM Lal Qilla, has forwarded a letter vide No.96/CJ/JM dated 23.01.2023, wherein he reported that Mr. Gul Raheem, Naib Qasid, presently posted at court of Learned Civil Judge/Judicial Magistrate, Lal Qilla, is prima facie involved in irregularity highlighted in the letter and explanation dated 20.01.2023 forwarded by the learned Civil Judge/Judicial Magistrate, Lal Qilla, therefore, the official is immediately suspended from service for 90 Days under Section 6 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, till further orders.

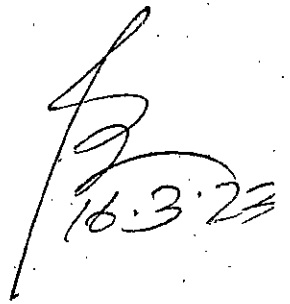

(Asif Kamal)
Senior Civil Judge (Admin)
Dir lower at Timergara

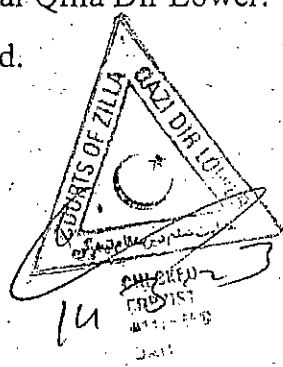
No: 236-40/SCJ/Admin Dir Lower

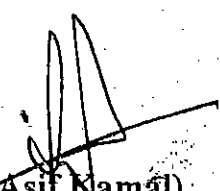
Dated 31/01/2023

Copy for information to the: -

1. Registrar, Peshawar High Court, Peshawar.
2. Hon'ble District & Sessions Judge Dir Lower.
3. Civil Judge/JM Lal Qilla Dir Lower.
4. Official concerned.
5. Office copy.


16.3.23




(Asif Kamal)
Senior Civil Judge (Admin)
Dir lower at Timergara

C

19

Annex - "G1"

CHARGE SHEET

I, **Asif Kamal**, Senior Civil Judge (Admin)/Judicial Magistrate, as competent authority, hereby charge you Mr. Gul Raheem, Naib Qasid of the court of Learned Civil Judge/Judicial Magistrate, Lal Qilla as follows.

That you while posted as Naib Qasid in the establishment of undersigned committed following irregularity.

You were found absent for two days without any application of leave or any permissions of concerned officer/Civil Judge/JM Lal Qilla. It was also noticed that you always arrive late and leave the Court early before closing hours without permission of the said officer. In this regard the said officer several times orally warned you, but you consistently neglected the orders/directions of said officer. Moreover, on the visit of Hon'ble D&SJ to the Lal Qilla dated 19.01.2023, lawyers' community and honorable judges reported that as routine you are late comer and often remain absent from duty without taking leave.

1. By reason of the above, you appear to be guilty of performing your duty inefficiently under rule 3(a)(b)(d) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule 4 of the rules *ibid*.
2. You are, therefore, required to submit your written defense/reply within seven days of the receipt of this charge sheet to the undersigned.
3. Your written defense, if any, should reach the undersigned within the specified period, failing which it shall be presumed that you have no defense to put in and, in that case, ex-parte action shall be taken against you.
4. Intimate whether you desire to be heard in person.
5. A statement of allegation is enclosed.

Dated: 02.02.2023.


(Asif Kamal)

Senior Civil Judge (Admin) / Competent Authority
Dir Lower

14

16.3.23

CHECKED
COPYIST
ATTESTED
DATE

3

14

ASIF KAMAL
Senior Civil Judge (Admin)
Dir Lower

Annex H

20

DISCIPLINARY ACTION

1. I, Asif Kamal, Senior Civil Judge (Admin) Dir Lower, as competent authority, am of the opinion that Mr. Gul Raheem, Naib Qasid of the Court of Learned Civil Judge/JM Lal Qilla has rendered yourself liable to be proceeded against, as you committed the following act/omission, within the meaning of rule 3(a)(b)(d) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

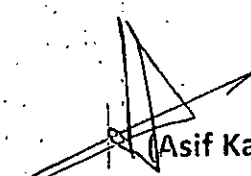
16-3-23

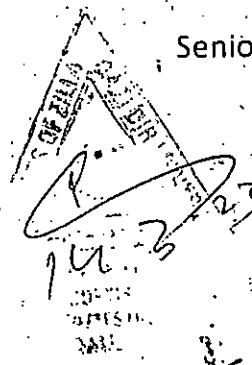
STATEMENT OF ALLEGATIONS

You were found absent for two days without any application of leave or any permissions of concerned officer/Civil Judge/JM Lal Qilla. It was also noticed that you always arrive late and leave the Court early before closing hours without permission of the said officer. In this regard the said officer several times orally warned you, but you consistently neglected the orders/directions of said officer. Moreover, on the visit of Hon'ble D&SJ to the Lal Qilla dated 19.01.2023, lawyers' community and honorable judges reported that as routine you are late comer and often remain absent form duty without taking leave.

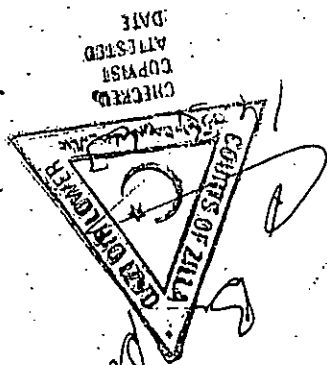
2. By reason of the above, you appear to be guilty of performing your duty inefficiently under rule 3(a)(b)(d) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule 4 of the rules ibid.

Dated: 02.02.2023.


(Asif Kamal)
Senior Civil Judge (Admin)/Competent Authority
Dir Lower


16-3-23

06/02/2023



16.3.23

آش خانہ اندازہ
کلیں
تعمیرات کے لیے

06/02/2023

آئی ایم ایف کے ذریعے
کے لیے

پروگرام کے تحت
کے لیے

18/01/2023

2- ...
3- ...

1- ...

...

02/02/2023

...

21 Answer

(25)

(22)

Office of the Civil Judge/ Ilaqa Qazi Dir Lower at Timergara.

Office order

certified that Mr. Gul Rahim NQ
of this court visited Headquarters
in connection with correspondence of this
court on the following dates:

① Dated 8-9-2022

② Dated 12-10-2022

it is further certified that no TAJIDA
has been paid to him so far.

Ajaz ul Haq

Civil Judge/IQ Lal Qilla

No. 1081 /CJ/IQ Lal Qilla

dated the 12/10/2022

Copy forwarded to the learned senior civil judge/AIQ Dir Lower at
Timergara for information.

Ajaz ul Haq

Civil Judge/IQ Lal Qilla

26

23

Office of the Civil Judge/ Ilqa Qazi Dir Lower at Timergara.

Office order

(1) on date 18-10-2022 Mr. N. Q. proceeded to Head Quarter regarding the statement to bring here to the court of Civil Judge Lal Qilla Dir. (Lower)

[Large section of the page is crossed out with diagonal lines.]

Ajazz-ul-Haq

Civil Judge/IQ Lal Qilla

No. 1098 /CJ/IQ Lal Qilla dated the 18/10/2022

Copy forwarded to the learned senior civil judge/AIQ Dir Lower at Timergara for information.

Ajazz-ul-Haq

Civil Judge/IQ Lal Qilla

27


24

Office of the Civil Judge/ Ilaga Qazi Dir Lower at Timergara.

Office order

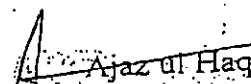
① Gul Raheem Waib David of this court is deputed for depositing the sent amount of the shop/kebin under the control of the undersigned, for today, dated on 28/11/2022

② He is also deputed for the depositing the fine/challan in National Bank Timergara for today date 28/11/2022


Ajaz ul Haq
Civil Judge/IQ Lal Qilla

No. 1243 /CJ/IQ Lal Qilla dated the 28/11/2022

Copy forwarded to the learned senior civil judge/AIQ Dir Lower at Timergara for information.


Ajaz ul Haq
Civil Judge/IQ Lal Qilla

28

25

Office of the Civil Judge/ Ilqa Qazi Dir Lower at Timergara.

Office order

Civil Judge/ Ilqa Qazi Dir Lower at Timergara has been
deputed for two cases to take
to the court of worthy District
Session Judge Timergara on

21-11-2022

(1) C/c Year 2022
Case title: Khaista Gram vs Akhunda

(2) F/c Year 2022
Case title: Khaista Gram vs Jaseer Khan

Ajaz ul Haq
Civil Judge/ Ilqa Qazi Dir Lower at Timergara

No. 1223 /CJ/IQ Lal Qilla dated the 22/11/2022

Copy forwarded to the learned senior civil judge/AIQ Dir Lower at
Timergara for information.

Ajaz ul Haq
Civil Judge/ Ilqa Qazi Dir Lower at Timergara

IW-1
10-02-2023

بیان اعجاز الحق سولج / علاقہ قاضی لعل قلعہ، ضلع دیرپاکین۔

بیان کیا کہ میں بطور سولج / علاقہ قاضی لعل قلعہ، ضلع دیرپاکین میں تعینات ہوں۔ مسکی گل رحیم بطور نائب قاصد میرے ساتھ عدالت میں تعینات ہے۔ جس نے بغیر میرے اجازت و بغیر درخواست کی دودن چھٹی کی تھی۔ نیز مذکورہ اہلکار اپنی ڈیوٹی میں دلچسپی نہیں لے رہا تھا اور ہمیشہ اپنے ڈیوٹی پر صبح دیر سے آتا تھا، جبکہ چھٹی کے اختتام کے وقت سے پہلے بغیر اجازت میرے واپس جاتا تھا۔ مذکورہ اہلکار کو میں نے متعدد بار زبانی کہا اور تنبیہ دی کہ وہ اپنے ڈیوٹی میں دلچسپی لے کر اپنے طور طریقے درست کرے۔ تاہم مذکورہ اہلکار مسلسل میرے احکامات کو نظر انداز کر رہا تھا۔ بدیں وجہ میں نے مذکورہ اہلکار سے جواب طلبی نمبر 92 مورخہ 20-01-2023 کی ہے۔ تاہم متذکرہ اہلکار کا جواب تسلی بخش نہیں تھا۔ لہذا میں نے متذکرہ جواب طلبی جناب ڈسٹرکٹ اینڈ سیشن جج صاحبہ تیسر گروہ کو ارسال کیا ہے۔ بس یہی میرا بیان ہے۔

(آصف کمال)

سینئر سولج ایڈمن / مجاز اتھارٹی ضلع دیرپاکین

بیان گل رحیم نائب قاصد عدالت جناب سولج لعل قلعہ ضلع دیرپاکین:

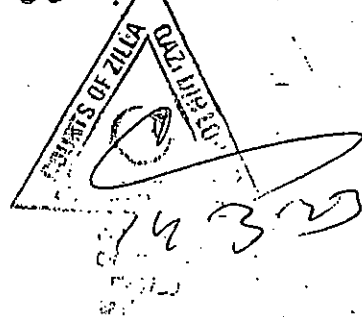
میں بیان متذکرہ جناب سولج صاحب لعل قلعہ کے بیان پر جرح کرنے کا خواہاں نہ ہوں۔

گل رحیم

گل رحیم نائب قاصد عدالت سولج لعل قلعہ

(آصف کمال)

سینئر سولج ایڈمن / مجاز اتھارٹی ضلع دیرپاکین



Annex
K

ذاتی شنوائی کا خلاصہ ازاں گل رحیم نائب قاصد

بیان کیا کہ میں نے اپنی ڈیوٹی ایمانداری سے سرانجام دی ہے۔ میں نے کوئی دیدہ دانستہ طور کوئی غفلت نہیں کی ہے۔ اگر آپ آفسران صاحبان سمجھتے ہیں کہ میں نے کوئی غفلت کی ہے تو میں معافی کا طلب گار ہوں۔ نیز آئندہ کیلئے محتاط رہوں گا۔

مورخہ: 14.03.2023

(آصف کمال)
ASIF K. MAL
Senior Civil Judge (Admin)
District Court Tinsargara

16.3.23

بیان گل رحیم نائب قاصد:

میں متذکرہ بیان پر اکتفا کرتا ہوں اور مزید اپنے دفاع میں کچھ نہیں کہنا چاہتا ہوں،

گل رحیم نائب قاصد

(آصف کمال)
ASIF KAMAL
Senior Civil Judge (Admin)
District Court Tinsargara

ZILLA COURT
TINSARGARA
14.3.23

28

(مستعمل بر دوائیات)

IN THE OFFICE OF ASIF KAMAL, SENIOR CIVIL JUDGE
(ADMIN)/JM/COMPETENT AUTHORITY DIR LOWER AT
TIMERGARA

TITLE: "STATE VS GUL RAHIM NAIB QASID"

INQUIRY REPORT:

In view of allegation made in complaint letter bearing No.96/CJ/JM Lal Qilla dated 23-01-2023 of the learned Civil Judge/Judicial Magistrate Lal Qilla Dir Lower, against the accused-official Mr. Gul Raheem, Naib Qasid in the establishment of undersigned/SCJ (Admin) Dir Lower, a regular inquiry was lodged.

Brief facts are that, on 23.01.2023 the learned Civil Judge/Judicial Magistrate Lal Qilla, Dir Lower moved a complaint to the Hon'ble District and Sessions Judge Dir Lower in which it was complained that the Naib Qasid namely Gul Raheem attached to the Court of Civil Judge Lal Qilla was found absent for two days without any application of leave or any permissions of concerned officer/Civil Judge/JM Lal Qilla. It was also noticed that he always arrives late and leave the Court early before closing hours without permission of the said officer. In this regard the said officer several times orally warned him, but he consistently neglected the orders/directions of said officer. Moreover, on the visit of Hon'ble D&SJ to the Lal Qilla dated 19.01.2023, lawyers' community and honorable judges reported that as routine he is late comer and often remain absent from his duties without taking leave. The Hon'ble District & Session Judge Dir Lower marked the said letter/complaint to the undersigned for immediate action. Whereupon vide office order No.236-40/SCJ/Admin dated 31/01/2023 of the undersigned the said official was suspended. Thereafter, on 02.02.2023 charge sheet and statement of allegations framed and copy handed over to the accused official. Whereon the said official submitted his written reply. Whereupon the undersigned concluded that reply of said official is not satisfactory. Hence, notice for date 10-02-2023 was issued to the learned Civil Judge Lal Qilla for recording his statement.

16.3.23

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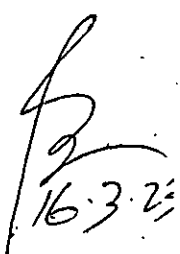
29

Statement of Ijaz-Ul-Haq learned Civil Judge Lal Qilla (complainant) was recorded as IW-1. Which fully support the complaint/allegations filed by him: After statement full fledged, opportunity was provided to the said accused official for cross-examination. However, the accused official did not want to cross-examine the witness. To this effect his statement recorded, and his signature was obtained. Which shows that the accused official has accepted all the charges levelled against him and he has nothing to defend himself with.

Keeping in view the above, the inquiry officer/authorized officer recommend that the accused official has been found guilty of inefficiency, misconduct and habitually absenting himself from duty without prior approval of leave under sections 3(a)(b)(d) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. Therefore, major penalty of dismissal from service be awarded to the accused official under rule 4(1)(b)(iv) of the ibid rules.

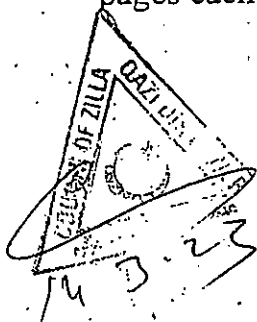
Announced
07-03-2023

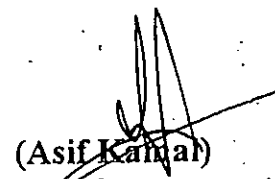

 (Asif Kamal)
 SCJ (Admin)/IO/ Competent Authority
 Dir Lower


 16.3.23

CERTIFICATE:

It is certified that this inquiry report consisting upon 02 pages each page duly signed by me after necessary correction.




 (Asif Kamal)
 SCJ (Admin)/IO/ Competent Authority
 Dir Lower
 Senior Civil Judge (Admin) / MTBC
 Dir Lower of Trawangsa

IN THE OFFICE OF ASIF KAMAL, SENIOR CIVIL JUDGE (ADMIN)/JM/
COMPETENT AUTHORITY DIR LOWER AT TIMERGARA

(شہل پرین لکھنات)
Dated 07/03/2023

No: 433 /SCJ (Admin)/JM

To,

Mr. Gul Raheem,
Naib Qasid/Accused official,
Court of Civil Judge Lal Qilla/JM,
Dir Lower

Subject: SHOW CAUSE NOTICE UNDER RULE 7 OF THE KHYBER
PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY
AND DISCIPLINE) RULES, 2011

Whereas the learned Civil Judge/Judicial Magistrate Lal Qilla Dir Lower vide written complaint No.96/CJ/JM Lal Qilla dated 23-01-2023 (attached), reported that you Mr. Gul Raheem (here in after referred to as accused official) were found absent for two days without any application of leave or any permissions of concerned officer/Civil Judge/JM Lal Qilla. It was also noticed that you always arrive late and leave the Court early before closing hours without permission of the said officer. In this regard the said officer several times orally warned you, but you consistently neglected the orders/directions of said officer. Moreover, on the visit of Hon'ble D&SJ to the Lal Qilla dated 19.01.2023; lawyers' community and honorable judges reported that as routine you are late comer and often remain absent from your duties without taking leave. You thereby appear to be guilty of inefficiency, misconduct and habitually absenting yourself from duty without prior approval of leave under sections under Section 3(a)(b)(d) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule 4 of the rules ibid.

(31)

Whereas on receipt of said complaint, the Hon'ble District & Session Judge Dir Lower marked the said letter/complaint to the undersigned for immediate action. Whereupon vide this office order No.236-40/SCJ/Admin dated 31/01/2023 you were suspended, and a regular inquiry was initiated against you.

Whereas through this office order/report dated 24-02-2022, the Inquiry Officer/Undersigned recommended disciplinary proceeding under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 against you.

Whereas order/inquiry report reveals that you were found absent for two days without any application of leave or any permissions of concerned officer. It was also noticed that you always arrive late and leave the Court early before closing hours without permission of the said officer. In this regard the said officer several times orally warned you, but you consistently neglected the orders of said officer. Moreover, on the visit of Hon'ble D&SJ to the Lal Qilla dated 19.01.2023, lawyers' community and honorable judges reported that as routine you are late comer and often remain absent from your duties without taking leave.

Your above conduct is prejudicial to good order and service discipline, contrary to the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 12011 and your conduct is unbecoming of Government Servant and gentleman, thus, you are guilty of inefficiency, misconduct and habitually absenting yourself from duty without prior approval of leave.

The complaint and statement of learned Civil Judge Lal Qilla is sufficient to establish the allegations of inefficiency, misconduct and habitually absenting yourself from duty without prior approval of leave against you.

Handwritten signature and date: 23/02/23

Handwritten signature and date: 16.3.23

Official stamp: OF ZILLA...
CHECKED...
DATE

33

ASIF KAMAL

IN THE OFFICE OF THE ASIF KAMAL, SENIOR CIVIL JUDGE
(ADMIN)/JM/COMPETENT AUTHORITY DIR LOWER AT TIMERGARA.

(تشیل برکات)

SUBJECT: REPLY TO THE SHOW CAUSE NOTICE BEARING
NO. 433/SCJ(Admin)/JM dated 07/03/2023.

Respected Sir,

The incumbent Gul Raheem, Naib Qasid respectfully submit the following reply to the show cause Notice as under :-

- 1) That I am serving in Judiciary since 2007 as Naib Qasid and served the District judiciary with zeal and honesty, I always obey the orders of the superior without any objection what so ever from any corner.
 - 2) That on 20/01/2023 the undersigned was called an explanation vide latter No, 92-CJ/JM Lal Qilla of even date, that you remain absent from duty since two days and always arrives on duty and leave the court before the closing hours without prior permission from the competent authority.
 - 3) That reply to the explanation was submitted before the Civil Judge/I.Q Lal Qilla and the facts were brought in the kind notice of the presiding officer, that on the said date, the undersigned was seriously ill and was unable to attend the office and perform the duties, the outpatient department slip of the DHQ Hospital was attached with the reply.
 - 4) That the learned presiding officer the Civil Court Lal Qilla without waiting to the reply of the incumbent, forwarded copies of the said explanation to the Hon'ble District, & Session Judge and also to the learned Senior Civil judge (Admin) Timergara and no order was passed on the reply, which is itself contrary to the law and rules.
- That without prejudice to the above the learned Senior Civil Judge (Admin) also without appreciating the facts of the passed suspension order for Ninety (90) days and no opportunity was

16-3-23

ASIF KAMAL
or Civil Judge (Admin)
Dir Lower at Timergara

CHIEF OF ZILLA
TIMERGARA DIR LOWER
CHECKED
COPYIST
ATTESSED
DATE

32

You are directed to show cause as to why major penalty of dismissal from service should not be imposed against you in terms of section 4(1)(b)(iv) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, should not be imposed against you. Your reply should reach this office within seven (07) days of the receipt of this notice failing which, it shall be presumed that you have no defense to make and the charges shall be presumed to be proved against you. You are also required to attend in person for personal hearing while submitting your written reply on 14.03.2023.



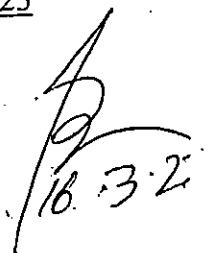
(Asif Kamal)
Senior Civil Judge (Admin)
Dir Lower at Timergara

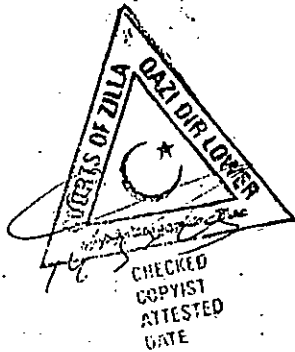

Dated 07/03/2023

No: 434-35/SCJ (Admin)/JM

Copy for information to the:

1. Hon'ble District and Sessions Judge, Dir Lower.
2. Civil Judge/Judicial Magistrate Lal Qilla, Dir Lower.


16.3.23

Senior Civil Judge (Admin)
Dir Lower at Timergara

given to the undersigned to clarify the facts and situation of his absence for two days, the incumbent also annexed the medical prescription along with reply to the explanation, the allegation of late arrival and early leaving the courts are based on misconception, the incumbent is devoted to his duties irrespective of the fact, that he attend the court from for flung remote area.

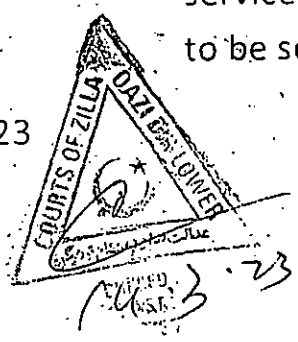
6) That the same allegation were incorporated in the charge sheet dated 02/02/2023, however the reply of the incumbent was not called for from the office of the Civil Judge Lal Qilla which cause grave miscarriage of justice to the undersigned, it is worthwhile to mention here that, that the undersigned submitted his detail reply before your good self, even no appropriate was passed on the same and on 07/03/2023 an enquiry was conducted and an order was passed and imposed major penalty of dismissal from service was awarded. The Hon'ble Senior Civil judge (Admin) on the same day issued Show Cause Notice bearing No. 433/SCJ(Admin)/JM/ competent authority Dir Lower at Timergara and 14/03/2023 was fixed for reply to the show cause notice, this fact is unknown to the law and jurisprudence.

16.3.23

7) That under the law one person cannot be as Enquiry Officer, Competent authority as such the entire action is contrary to the law and liable to be declared as such.

It is accordingly respectfully prayed that letter No. 433/SCJ (Admin)/Jm dated 07/03/2023 and Enquiry Report dated 07/03/2023 whereby major penalty of dismissal from services was imposed, may kindly be ordered to be set aside in the interest of justice.

Dated 11/03/2023



(Handwritten signature)

Gul Rahim Naib Qasid
District Courts Dir Lower
Timergara.

35

Office of the Civil Judge/ Ilqa Qazi Dir Lower at Timergara.

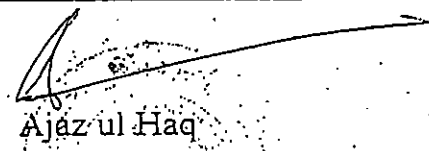
Office order

certified That Mr. Gul Rahim NQ
of This court visited Headquarters
in connection with correspondence of This
court on the following dates:

① Dated 8-9-2022

② Dated 12-10-2022

It is further certified that no TA/DA
has been paid to him so far.


Ajaz ul Haq

Civil Judge/IO Lal Qilla

No. 1081 /CJ/IO Lal Qilla dated the 12/10/2022

Copy forwarded to the learned senior civil judge/AIQ Dir Lower at
Timergara for information.

Ajaz ul Haq

Civil Judge/IO Lal Qilla

36

Office of the Civil Judge/ Ilqa Qazi Dir Lower at Timergara.

Office order

On date 18-10-2022
N.O. proceeded to Head Quarters
regarding the statement to be
made to the court of Civil Judge
Lal Qilla Dir (Lower)

[Large diagonal scribble covering the main body of the page]

Ajaz ul Haq
Civil Judge/IQ Lal Qilla

No. 1098 /CJ/IQ Lal Qilla dated the 18.10.2022

Copy forwarded to the learned senior civil judge/AIQ Dir. Lower at Timergara for information.

Ajaz-ul Haq
Civil Judge/IQ Lal Qilla

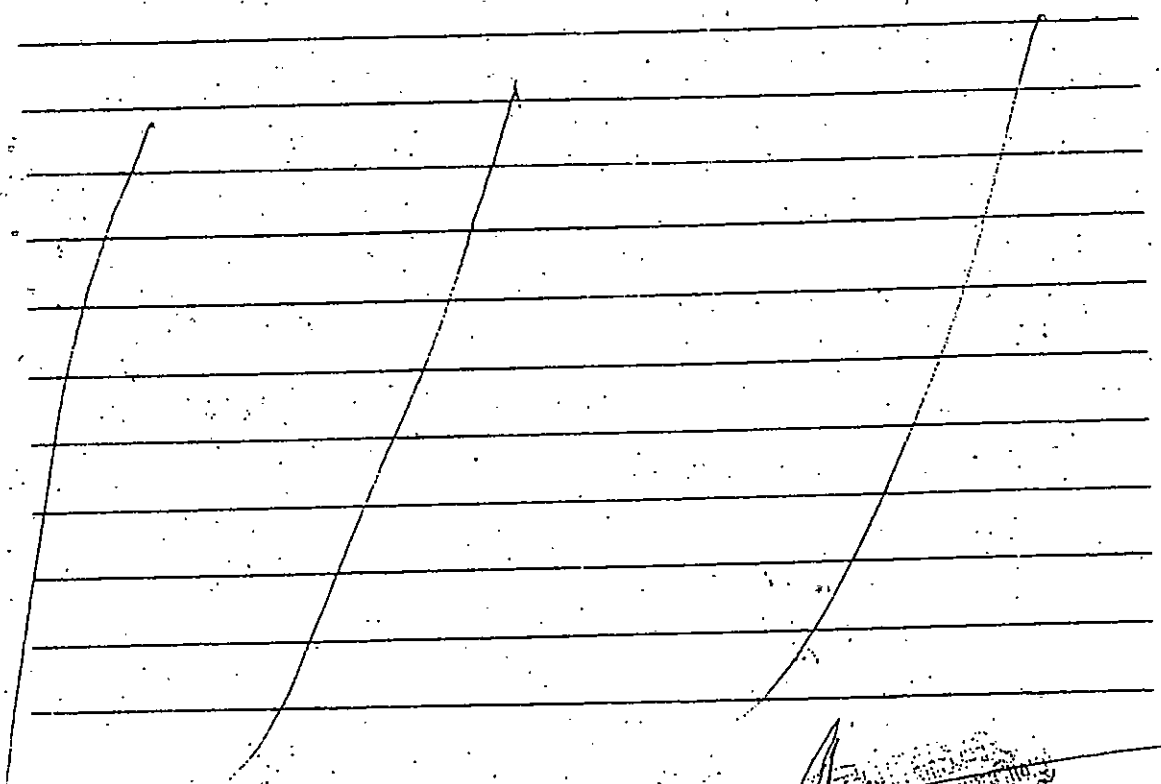
37


Office of the Civil Judge/ Ilaga Qazi Dir Lower at Timergara.

rice order

Qad Raheem Waris Daud of this ^{court} is
deputed for depositing the
sent amount of the steps/cabin
under the control of the undersigned,
for today, dated on 28/11/2022


(2) He is also deputed for the depositing
the fine/challan in National Bank
Timergara for today date 28/11/2022




Ajaz ul Haq
Civil Judge/IQ Lal Qilla

No. 1243 /CJ/IQ Lal Qilla dated the 28/11/2022

Copy forwarded to the learned senior civil judge/AIQ Dir Lower at
Timergara for information.


Ajaz ul Haq
Civil Judge/IQ Lal Qilla

(38)

Office of the Civil Judge/ Ilqa Qazi Dir Lower at Timergara.

Office order

Qad Rehman Akh Qasid has been
deputed for two cases to take
to the court of worthy District
Session Judge Timergara on
21-11-2022;

(1) 6/CC Year 2022
Case title: Khaista Gram vs Akhunda

(2) 7/CC Year 2022
Case title: Khaista Gram vs Saadullah

Ajaz ul Haq
Civil Judge/IO Lal Qilla

No. 1223 /CJ/IO Lal Qilla

dated the 22/11/2022

Copy forwarded to the learned senior civil judge/AIQ Dir Lower at
Timergara for information.

Ajaz ul Haq
Civil Judge/IO Lal Qilla

39

Annex-0

Order #10
14.03.2023

Accused official in person present. Written reply to show cause notice already submitted. The accused official was personally heard and a summary of his personal hearing was also prepared today and placed on file.

In view of complaint, written replies of accused official, inquiry report and personal hearing of the accused official the undersigned is satisfied that the accused official is guilty of inefficiency, misconduct and habitually absenting himself from duty without prior approval of leave within the meaning of rule 3(a)(b)(d) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. Therefore, major penalty of dismissal from service is awarded to the accused official under rule 4(1)(b)(iv) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. In this regard formal order issued. Copy of office order be placed on this file while original be handed over to the COC for necessary proceeding on his behalf.

This file be consigned to record room after necessary completion, compilation and scanning.

Announced
14-03-2023

(Ash Kamal) KAMAL
Senior Civil Judge (Admin)
Dir Lower District Courts
Mardan

16.3.23

14.3.23

S.No.	1113
Date of Application	14.3.23
Urgent Fee	0/-
Revenue Fee	0/-
No. of Pages	257
W	
L	1
T	75/-
Date of Registration	14.3.23
Date of Delivery	14.3.23
Signature	

(40)

Annex P

IN THE COURT OF SESSION JUDGE DIR LOWER AT TIMERGARA.

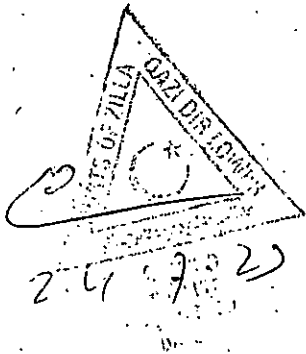
(شکل برائت)

GUL RAHIM NAIB QASID SON OF
GUL MUHAMMAD R/O TALASH CHINO

DISTRICT DIR LOWER.....APPELLANT

VERSUS

- 1) SENIOR CIVIL JUDGE (ADMIN)
DIR LOWER AT TIMERGARA.
- 2) CIVIL JUDGE LAL QILLA DIR
LOWER AT MAIDANRESPONDENTS



DEPARTMENTAL APPEAL AGAINST THE
ORDER DATED 14/03/2023 PASSED BY
RESPONDENT NO.1, WHEREBY THE MAJOR
PENALTY OF DISMISSAL FROM THE SERVICE
WAS AWARDED TO APPELLANT CONTRARY
TO FACTS, LAW & EQUITY WITH A PRAYER
TO SET A SIDE THE SAME.

[Signature]
16.3.23

RESPECTFULLY SHEWEETH.

Brief facts of the case to file this appeal are :-

- 1) That the appellant was appointed as Naib Qasid BPS-01 vide office order dated 31/03/2005 having its endorsement no. 155-167/dated SCJ/AIQ, Timergara, the appellant performing his duty in the District Judiciary since from the date of his appointment at a various station without any objection what so ever from any corner, and with the satisfaction of high-ups.
(Copy of the appointment order is attached and mark as Annex-A).
- 2) That the appellant as mention above performing his duties in the District judiciary and for the last one year the appellant was attached to the court of Civil Judge Lal Qilla Maidan Dir Lower, the learned Civil judge Lal Qilla issued an explanation to the appellant, that you are absent since two days without any application for leave,

41

with further allegation that you always arrive late and leave the court early before closing hours without permission.

(Copy of the explanation No.92/CJ-/JM Lal Qilla dated 20/01/2023 is attached and mark as Annex-B)

- 3) That the appellant reply to the explanation and explain No. 92 that the appellant was seriously ill and as per advice of the Doctor, the appellant was on bed rest, further the situation was apprise to the Moharar, who accordingly filed an application before the presiding officer of the Civil Court Lal Qilla, who without appreciating the situation dismiss the application for leave of the appellant.

(Copy of the rejoinder to the explanation and prescription of the OPD is attached and mark as Annex-C & D).

- 4) That the learned Civil Judge Lal Qilla issued another letter to the District and Session Judge bearing no. 96/CJ/JM, dated Lal Qilla the 23/01/2023 and the previous story was narrated in the same, however the reply to the explanation and M.R were also attached and sent to the office of this Hon'ble authority.

(Copy of the same is attached and mark as Annex-E).

16.3.23

- 5) That from the perusal of the order No.1 dated 31/01/2023, that the Complaint was received from the court of Hon'ble District & Session Judge Dir Lower, however no such order is available on record, whereby the instant complaint was entrusted to the Senior Civil judge (Admin) Timergara, the learned respondent no.1 on the receipt of the complaint immediately suspended the appellant vide order sheet No. 1 dated 31/01/2023.

(Copy of the same is attached and mark as Annex-F).

- 6) That the respondent no.1 also issued Charge Sheet on 02/02/2023 On the ground of explanation issued by respondent No.2 and further added in the charge sheet that on 19/01/2023 the Hon'ble District and Session judge while at the visit of the Lal Qilla, the lawyers' community and the respondent no.2 reported the above allegation, but there is nothing on record in term of the complaint by the lawyers' community, even no statement of lawyers'

(42)

President of Tehsil Bar have been recorded during the course of enquiry as such the entire proceeding is against the law and natural justice.

(Copy of the charge sheet and reply are attached and mark as Annex-G & H).

- 7) That the respondent No.1 only recorded the statement of respondent No.2, but no other statement of any other incumbent attached to the said court has been recorded to substantiate the allegation, the attendance register was not called for to verify the allegation, the reason is best known to the respondent no.1, it is worthwhile to mention here that, that the appellant is devoted to his duties and the attendance register is sufficient proof of his regular attendance on his duties. Both the respondents deal with the matter in cursory manner which cause grave miscarriage to the appellant.

(Copy of the statement of the respondent No.1 is attached and mark as Annex-I).

16.3.23

- 8) That the Respondent No. 1 also recorded the statement of the Appellant, the appellant also clarified the situation in his statement and show that he is performing his duties with devotion and honesty (Copy of the same is attached and mark as Annex-J)

24/3/23

- 9) That it would not be out of place to mention here that, that the Respondent No.1 while taking the cognizance of the matter on 31/01/2023 passed an office order and suspended the appellant from the official duties immediately for Ninety days (90) on 31/1/023 (Copy of the suspension order is attached and mark as Annex-K)

- 10) That the respondent No.1 prepared an enquiry report "I the enquiry Officer/authorized officer recommend that the accused official has been found guilty of Inefficiency, Misconduct and Habitual absenting himself from the duty without prior approval of leave under the law.

43

Therefore a major penalty of dismissal from services be awarded to the accused official vide enquiry report dated 07/03/2023".

(Copy of the same is attached and mark as Annex-L)

- 11) That the respondent no.1 after conducting enquiry and recommended the major penalty of dismissal from the service issued Show Cause notice bearing No. 433/SCJ(Admin)/JM on 07/03/2023 and directed the appellant to submit his reply within seven (7) days from the receipt of the show cause notice.

(Copy of the same is attached and mark as Annex-M).

16.3.23

- 12) That the appellant filed his reply to the show cause notice on 11/3/23 and once again denied the allegation, the appellant submitted that, that due to ailment he was unable to perform his duties and as per advice of the Doctor, the appellant was on bed rest for two days as such the absence was not intention, but due to the circumstances mention above, while rest of the allegation are baseless, unfounded.

(Copy of the reply is attached and mark as Annex-N)

- 13) That the respondent No.1 without appreciating the facts of the case passed an order whereby the major penalty of dismissal from the services is awarded to the appellant vide order No. 10 dated 14/3/23

(Copy of the order is attached and mark as Annex-O).

24 7 23

Being aggrieved from the order dated 14/03/2023 passed by Senior Civil judge (Admin), the respondent No.1, the appellant beg to prefer this appeal inter alia amongst other grounds :-

G R O U N D S.

- a) That the enquiry conducted by the respondent no.1 on the complaint of respondent No.2 dated 07/3/2023, show cause notice dated 07/03/2023 order dated 14/03/2023 are contrary to facts, law and equity hence liable to be set aside.

(44)

b) That the respondent No.1 conducted the enquiry and also show himself to be authorized officer and passed the impugned order dated 14/03/2023, which is an utter violation of the law and rules as such no can person can perform a duel function as such on this ground alone the impugned order and enquiry are not sustainable in the eyes of law and liable to be set aside.

c) That the respondent no.1 committed gross illegality on one hand he recommended major penalty of dismissal from services and on the other hand the respondent No.1 issued show cause notice on the same date which is not curable under the law as such on this ground too the entire proceedings is illegal, without lawful authority and liable to be set aside.

16.3.23

d) That the appellant was appointed as Naib Qasid in the District Judiciary Dir lower on 31/03/2005 and performing his duties in a various station in Dir Lower with clear crystal record of his services without any objection what so ever from any corner as such it was incumbent upon the respondent No.1 should have given due consideration while recording the statement of the appellant, failing which cause grave miscarriage to the appellant.

e) That the respondent No.1 at the most have passed an order to a minor punishment if proved against the appellant, but iota of the evidence is available on record to even justify the minor punishment as such on this ground too the impugned order passed by respondent No.1 is not sustainable in the eyes of law and liable to be set aside.

24 7 2023
CHIEF DISTRICT JUDGE
DIR LOWER

f) That the appellant was absent from his duty due to ailment and as per advice of the Doctor, that the appellant was confined to bed rest for two days as such if the respondent no.1 deem at necessary than the period of absence would have been treated a leave of kind due, as such the impugned order is not sustainable in the eyes of law.

g) That the respondent No.2 never mention in the complaint that what kind of sustained loss or suffer in any way from the absence of the appellant as such imposing of the major penalty of dismissal from

45

the services is extremely harsh and not commensurate with the petty misconduct borne out of the absence of the appellant as such on this ground too the impugned judgment/order dated 14/03/2023 passed by respondent No.1 is not sustainable in the eyes of law.

- h) That the length of services of the appellant in the District judiciary Dir Lower start from the year 2005 and till to date, the A.C.Rs of the appellant show his performance and secure good, very good which itself deny the baseless allegation and the impugned order is contrary to facts and available record of the appellant, hence liable to be set aside.
- i) That the appellant was also given certain correspondence certificate that he was given certain official letters etc to bring it head office without any TA/DA as such the devotion of the appellant is quite clear and the impugned order is not sustainable in the eyes of law. (Copy of the ACRs and certificates are attached).
- j) That there are various other illegalities, irregularities and improprieties on the basis of which the impugned order dated 14/03/2023 passed by respondent No.1, is not sustainable in the eyes of law and liable to be set aside.

16.3.23

- k) That the appellant reserve his right to argue any other point at the time of hearing of this appeal with the permission of this Hon'ble court.

21.7.23

It is accordingly respectfully prayed that record from the enquiry officer/competent authority may kindly be called for and after examining the same the impugned order dated 14/03/2023 passed by respondent no.1 i.e. Senior Civil Judge (Admin) Dir lower may kindly be ordered to be set aside and the appellant may kindly be ordered to be reinstated on his post in the interest of justice.

Appellant.

Dated 16/03/2023.

BOOKS RELIED UPON:

- 1) Judgment of the Federal service Tribunal Reported in PLJ 2007 TRC (service) page 64.
- 2) PLC 2006 (C.S) page 953.

(46)

Annex Q

IN THE OFFICE OF PHOOL BIBI, DISTRICT & SESSIONS
JUDGE, DIR LOWER/APPELLATE AUTHORITY

(شماره پرونده)

GUL RAHIM VS SENIOR CIVIL JDUGE

Departmental Appeal No..... 30/13 of 2023

Date of Institution.....16.03.2023

Date of Decision.....24.06.2023

*Gul Rahim ex-Naib Qasid S/o Gul Muhammad R/o Talash
Chino, Tehsil Timergara, District Dir Lower.....(Appellant)*

Versus

- 1. Senior Civil Judge (Admin) Dir Lower at Timergara.*
- 2. Civil Judge Lal Qilla, Dir Lower Timergara.*

.....(Respondents)

JUDGMENT

24.06.2023

Through this departmental appeal the appellant has impugned the order dated 14.03.2023, whereby major penalty of dismissal from service was awarded to the accused/official under rule 4(1)(b)(iv) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. His prayers in the appeal are as under:

1. Declare the impugned order of respondent No.1, dated 14.03.2023 as illegal, unlawful and without lawful authority, and liable to be set aside.

24/06/23
Distt & Sessions Judge
Lower at Timergara

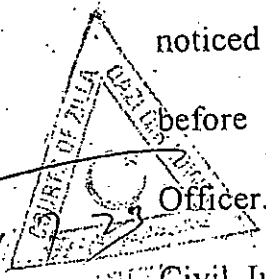
2-7-7
COURT OF ZILLA
LAL QILLA
TIMERGARA

47

2. To issue directions to the respondent No.1 to reinstate the appellant on his respective post and set aside the impugned order dated 14.03.2023.

3. Any other relief deemed appropriate in the circumstances of the case and not specifically asked for may also be graciously granted to the appellant.

2. Facts lying in the background of the instant appeal are that the appellant was appointed as Naib Qasid vide office order having endorsement No. 155-167 dated 31.03.2005. He was lastly attached to the Court of learned Civil Judge, *Lal Qilla*. On 20.01.2023, the learned Civil Judge, *Lal Qilla* submitted a complaint wherein it was complained that the appellant was found absent for two days without any application. It was noticed that he always arrives late and leave the Court early before closing hours without permission of his immediate Officer. This complaint was entrusted to the learned Senior Civil Judge (Admin) for necessary action in accordance with law. The appellant was suspended vide order No. 236-40/SCJ/Admin dated 31.01.2023 and an Inquiry was initiated against him. On conclusion, he was awarded major penalty of dismissal from service under rule 4(1)(b)(IV) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. Being aggrieved, the appellant preferred the instant appeal.



24/06/23
Distt. & Sessions Judge
Dir Lower of Timergarh

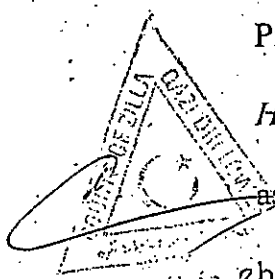
48

700

3. Respondents noticed and record/personal file of the accused/official was also requisitioned.

4. The accused/official was personally heard. Record gone through.

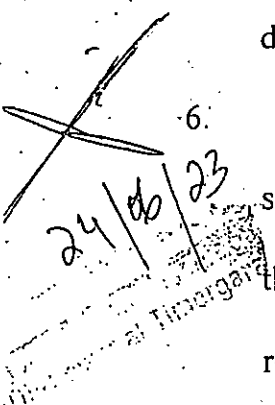
5. It appears from the record that apart from his absence, the conduct of the appellant is below the board. His further retention in service would amount to abuse the department. His behavior towards his immediate officers is deplorable one. To sum up, he is not interested to serve the department. Admittedly the appellant absented himself from duty for two days without any application/approval. He is habitual late comer and leaves the Court early without approval of the Presiding Officer. During inquiry process, statement of Ijaz ul



24.7.23

Haq, learned Civil Judge, Lal Qilla (complainant) was recorded as IW-1. Full fledged opportunity was afforded to the appellant,

but he opted not to cross examine IW-1. The appellant was also provided opportunity to produce his evidence in his defense if he desires so, but he opted not to do so. Qua this his statement was recorded. Thus, the appellant has not been able to demonstrate any infirmity with respect to the impugned order.



6. I have perused the record of inquiry proceedings, which shows that no material has been available on record to establish that any prejudice is caused to appellant. In the light of un-rebutted robust documentary evidence available on record, including the inquiry conducted by the learned Senior Civil

49

Annex

82

11

Judge (Admin), Timergara the charges against the appellant stood proved beyond and shadow of doubt. Furthermore, the appellant is a retired person and receiving regular pension from his previous employer.

7. In view of the above, this appeal, being bereft of any merit, is hereby dismissed. Record be returned alongwith copy of this order. Be consigned after compilation, completion and scanning.

Announced
24-06-2023

~~PHOOL BIBI~~

District & Sessions Judge
Dir Lower/Appellate Authority

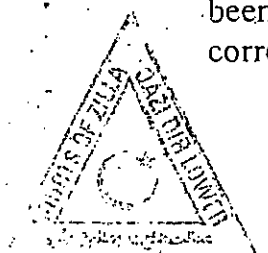
CERTIFICATE

Certified that this judgment consists of (04) pages. Each page has been read, checked and signed after making necessary corrections therein.

~~PHOOL BIBI~~

District & Sessions Judge
Dir Lower/Appellate Authority

Distt: & Sessions Judge
Dir Lower at Timergara



24/7/23

S.No: 2365
 Date of Application 24.6.23
 Urgent For NIL
 Registry Fee _____
 No of Pages 32/1
 No of Clks _____
 Copying Fee 1/-
 Total Fee 64.75
 Date of Preparation 24.7.23
 Date of Delivery 24.7.23
 Signature [Signature]

50

Annex R.

APPENDIX vide para 18(i)

CONFIDENTIAL

Form "E" Fresh
Form for Drafting/Qasids/
Naib Qasids/Chowkidars.

GOVERNMENT OF KHYBER PAKHTUNKHWA
JUDICIAL DEPARTMENT.
CONFIDENTIAL REPORT.

For the period from : 01/01/2021 To 31/12/2021

PART-1

1. Name : Gul Rahim
2. Designation (When appointed) Naib Qasid
3. Present Designation Naib Qasid
4. Date of Birth: 15-03-1971
5. Date of Entry into Govt. Service: 30-06-2006
6. Qualification at the time of Appointment. Illiterate
7. Branch/sections in which employed during Court of SCJ (Judicial)
8. Qualification acquired after employed. NA

Part-II

PERFORMANCE	A1	A	B	C	D
(1) Promptness and accuracy in disposing of work		<input checked="" type="checkbox"/>			
(2) Sense of Responsibility		<input checked="" type="checkbox"/>			
(3) Takes interest in his work		<input checked="" type="checkbox"/>			
(4) Whether he possesses adequate knowledge of the work assigned to him		<input checked="" type="checkbox"/>			

(5) Integrity:-

(a) Incorruptible-----

(b) Reported to be corrupt-----

(c) Believed to be corrupt because of -----

(d) Monetary consideration -----

(e) Other consideration -----

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

(6) Knowledge of Typing

(7) Trustworthy.

(8) Honest.

(9) Confident.

(10) Fit for any responsibility job.

PART-III)

- (a) Recommended for accelerated promotion
- (b) Fit for promotion.
- (c) Recently promoted/appointed, consideration for promotion Pre- mature.
- (d) Not yet fit for promotion.
- (e) Unfit for further promotion.

By Reporting Officer
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

By Countersigned officer
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

45

PART-IV

General Assessment.	By reporting officer	By countersigned officer.
---------------------	----------------------	---------------------------

- (i) Very Good. _____
- (ii) Good. _____
- (iii) Average. _____
- (iv) Below Average. _____
- (v) Poor. _____

Pin Picture:

The official is highly responsible, obedient, respect giving and loyal. He is God fearing and full of sympathy, co-operation and trust.

Reporting Officer Signature: _____

Name (in Block Letters) _____

Dated: _____

Designation: _____

General Remarks by higher Officer:

I endorse _____
 Countersigning Officer's Signature _____

Name (in Block Letters) _____

Dated: _____

Designation: _____

Plunder

51

Ann R₂

GOVERNMENT OF K.P.K
JUDICIARY DEPARTMENT.
CONFIDENTIAL REPORT.

For the period from: 01/01/2020 To 31/12/2020

PART-I

61. Name : Gul Rahim
62. Designation Naib Qasid
63. Date of Birth: 15-03-1971
64. Date of Entry into Government Service 31-03-2005
65. Branches in which employed during the year, with period.

PART-II

A.	PERFORMANCE	AI	A	B	C	D
(1)	Referencing, paging of notes and correspondence		<i>[Signature]</i>			
(2)	Movement of files and record of sequence cases.		<i>[Signature]</i>			
(3)	Keeping files and papers in tidy condition.		<i>[Signature]</i>			
(4)	Promptness and accuracy in disposing of work		<i>[Signature]</i>			
B.	PERSONAL TRAITS					
(5)	Intelligence.			<i>[Signature]</i>		
(6)	Knowledge of procedure and regulations.			<i>[Signature]</i>		
(7)	Punctuality.			<i>[Signature]</i>		
(8)	Co-operation and tact.			<i>[Signature]</i>		
(9)	Amenability to discipline.			<i>[Signature]</i>		
(10)	Skill in drafting..			<i>[Signature]</i>		

(11) Integrity :-

- (i) Incorruptible-----
(xxvi) Reported to be corrupt.-----
(xxvii) Believed to be corrupt because of -----
(z) Monetary consideration -----
(aa) Other consideration -----

Assessment

<i>[Signature]</i>
<i>[Signature]</i>
<i>[Signature]</i>
<i>[Signature]</i>
<i>[Signature]</i>

Yes.

No.

- (12) Knowledge of Typing. NO
(13) Trust worthiness in confidential. and secret matters. Yes
(14) Any disciplinary action taken during the period under report. NO

PART-III

	By Reporting Officer	By Countersigned officer
(a) Recommended for accelerated promotion	<i>[Signature]</i>	
(b) Fit for promotion.	<i>[Signature]</i>	
(C) Recently promoted/appointed, consideration for promotion Pre- mature.	<i>[Signature]</i>	
(d) Not yet fit for promotion.	<i>[Signature]</i>	
(e) Unfit for further promotion.	<i>[Signature]</i>	



PART-IV

General Assessment.		By Reporting Officer	By Countersigning Officer.
(i)	Very Good.		
(ii)	Good.		
(iii)	Average.		
(iv)	Below Average.		
(v)	Poor.		

The official is
 diligent & have
 performing his

are.
 at, bold & co-ordinate
 official skills of
 job

Reporting Officer Signature:

(in Block Letters) SHAMSUL HUWA

Designation: Senior Civil

Dated: 22/1/2021

General Remarks by higher O

Countersigning Offi

me (in Block Le

Designation: D

MUHAMMAD SHAIB

DIR LOWER

Dated: 17.5.2021

32

Ann R3

APPENDIX vide para 18(i)

CONFIDENTIAL

Form "E" Fresh
Form for Drafring/Qasids/
Naib Qasid/Chowkidars.

GOVERNMENT OF N.W.F.P
JUDICIAL DEPARTMENT.
CONFIDENTIAL REPORT.

For the period from : 01/01/2019 to 31/12/2019

PART-1

- 1. Name : Gul Rahim
- 2. Designation (When appointed). Naib Qasid
- 3. Present Designation Naib Qasid
- 4. Date of Birth: 15-03-1971
- 5. Date of Entry into Govt. Service. | 01-04-2005
- 6. Qualification at the time of Appointment. _____
- 7. Branch/sections in which employed during. _____
- 8. Qualification acquired after employed. _____

Part-II

PERFORMANCE	A1	A	B	C	D
(1) Promptness and accuracy in disposing of work		<input checked="" type="checkbox"/>			
(2) Sense of Responsibility		<input checked="" type="checkbox"/>			
(3) Takes interest in his work		<input checked="" type="checkbox"/>			
(4) Whether he possesses adequate knowledge of the work assigned to him		<input checked="" type="checkbox"/>			

(5) Integrity:-

- (a) Incorruptible-----
- (h) Reported to be corrupt-----
- (c) Believed to be corrupt because of -----
- (d) Monetary consideration -----
- (e) Other consideration -----

- (6) Knowledge of Typing NO
- (7) Trustworthy. Yes
- (8) Honest. Yes
- (9) Confident. Yes
- (10) Fit for any responsibility job. Yes

PART-III)

- (a) Recommended for accelerated promotion
- (b) Fit for promotion.
- (C) Recently promoted/appointed, consideration for promotion Pre- mature.
- (d) Not yet fit for promotion.
- (e) Unfit for further promotion.

By Reporting Officer	By Countersigned officer
<u>Fit for promotion</u>	



PART-IV

General Assessment. By reporting officer By countersigned officer.

- (i) Very Good. 300
- (ii) Good. _____
- (iii) Average. _____
- (iv) Below Average. _____
- (v) Poor. _____

Pin Picture.

The official is honest, hard working, obedient & cooperative. He has the sense of responsibility & is therefore fit for promotion.

Reporting Officer Signature: 300

Name (in Block Letters) SHAMSUL HUWA SAL 2A

Dated: 16/1/2020

Designation: Sd/- Dda Lower Tainayya

General Remarks by higher Officer: Good

Countersigning Officer's Signature [Signature]

Name (in Block Letters) _____

Dated: _____

Designation: _____

Annex R₄

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APPENDIX vide para 18(i)

CONFIDENTIAL

Form "E" Fresh
Form for Drafting/Qasids/
Naib Qasids/Chowkidars/Driver.

GOVERNMENT OF N.W.F.P.
JUDICIAL DEPARTMENT.
CONFIDENTIAL REPORT.

For the period from : 01/01/2018 To 31/12/2018

PART-I

1. Name : Mr. Gul Rahim
2. Designation (When appointed) Naib Qasid
3. Present Designation Naib Qasid
4. Date of Birth: 15-03-1971
5. Date of Entry into Govt. Service 01-04-2005
6. Qualification at the time of Appointment. S.S.C
7. Branch/sections in which employed during _____
8. Qualification acquired after employed. _____

Part-II

PERFORMANCE		A1	A	B	C	D
(1)	Promptness and accuracy in disposing of work		B			
(2)	Sense of Responsibility		B			
(3)	Takes interest in his work		B			
(4)	Whether he possesses adequate knowledge of the work assigned to him		B			

(5) Integrity:-

- | | | |
|--|--|--------------------------------|
| (a) Incorruptible----- | | <input type="text" value="B"/> |
| (b) Reported to be corrupt----- | | <input type="text"/> |
| (c) Believed to be corrupt because of----- | | <input type="text"/> |
| (d) Monetary consideration----- | | <input type="text"/> |
| (e) Other consideration----- | | <input type="text"/> |
-
- | | | | |
|--------------------------------------|----|---|--|
| (6) Knowledge of Typing | yo | B | |
| (7) Trustworthy. | yo | B | |
| (8) Honest. | yo | B | |
| (9) Confident. | yo | B | |
| (10) Fit for any responsibility job. | yo | B | |

PART-III)

- (a) Recommended for accelerated promotion
- (b) Fit for promotion.
- (c) Recently promoted/appointed. consideration for promotion Pre- mature.
- (d) Not yet fit for promotion.
- (e) Unfit for further promotion.

By Reporting Officer	By Countersigned officer
B	

Annex R
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Page (2)

PART-IV

General Assessment.	By reporting officer.	By countersigned officer.
---------------------	-----------------------	---------------------------

- (i) Very Good. _____
- (ii) Good. B _____
- (iii) Average. _____
- (iv) Below Average. _____
- (v) Poor. _____

Pin Picture.

The officer under report is honest, hardworking, confident, trustworthy and has the required knowledge and skill to his assigned job however further improvements is needed.

Reporting Officer Signature: [Signature]

Name (in Block Letters) SAMIULLAH KHAN

Dated: 07/01/2019

Designation: Sub Judge - cum - JUDICIAL MAGISTRATE

General Remarks by higher Officer:

Countersigning Officer's Signature _____

Name (in Block Letters) _____

Dated: _____

Designation: Muhammad Nayyib Jan
Senior Civil Judge/ AIQ
Dir (L) at Timergara

Plunder

Amir R

55

APPENDIX vide para 18(i)

CONFIDENTIAL

Form "E" Fresh
Form for Drafting/Qasids/
Naib Qasids/Chowkidars/Driver.

GOVERNMENT OF N.W.F.P
JUDICIAL DEPARTMENT.
CONFIDENTIAL REPORT.

For the period from : 13/08/2018 To 31/12/2018

PART-I

1. Name : Mr. Gul Rahim
2. Designation (When appointed) Naib Qasid
3. Present Designation Naib Qasid
4. Date of Birth: 15-03-1971
5. Date of Entry into Govt. Service 01-04-2005
6. Qualification at the time of Appointment. S.S.C
7. Branch/sections in which employed during: _____
8. Qualification acquired after employed: _____

Part-II

PERFORMANCE		AI	A	B	C	D
(1)	Promptness and accuracy in disposing of work		zi			
(2)	Sense of Responsibility		zi			
(3)	Takes interest in his work		zi			
(4)	Whether he possesses adequate knowledge of the work assigned to him		zi			

- (5) Integrity:-
- (a) Incorruptible-----
 - (b) Reported to be corrupt-----
 - (c) Believed to be corrupt because of-----
 - (d) Monetary consideration -----
 - (e) Other consideration -----
- (6) Knowledge of Typing NIL
- (7) Trustworthy.. zi
- (8) Honest. zi
- (9) Confident. zi
- (10) Fit for any responsibility job. zi

PART-III

	By Reporting Officer	By Countersigned officer
(a) Recommended for accelerated promotion		
(b) Fit for promotion.	<u>zi</u>	<u>zi</u>
(c) Recently promoted/appointed. consideration for promotion Pre- mature.		
(d) Not yet fit for promotion.		
(e) Unfit for further promotion.		

Annex R
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PART-IV

General Assessment.	By reporting officer	By countersigned officer.
---------------------	----------------------	---------------------------

- (i) Very Good. _____
- (ii) Good. _____ *2*
- (iii) Average. _____
- (iv) Below Average. _____
- (v) Poor. _____

Pin Picture.

The official under report is a good & hard working official.

Reporting Officer Signature: _____

Name (in Block Letters) *Muhammad Tayyib Jan*
Senior Civil Judge AIO
Dir (L) at Timergara

Dated: *21/1/2019*

Designation: _____

General Remarks by higher Officer:

Agreed

Countersigning Officer's Signature _____

Name (in Block Letters) *GOHAR-REHMAN*

Dated: *22-1-2019*

Designation: *Dist & Sessions Judge*

Plunder

Annex R

(57)

24.6.23

بعدالت جناب ڈسٹرکٹ اینڈ سیشن جج صاحب انچارج محافظ خانہ

ضلع دیرپائین بمقام تمبر گره

Annex S

گل رحیم نام ستر سدرل انچارج تمبر گره
ڈیپارٹمنٹ ایبل

Allowed as per rule
Superintendent

درخواست بمرا عطا یگی مصدقہ نقولات

مسل

بمقدمہ عنوان بالا

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

۱۔ یہ کہ مقدمہ عنوان بالا ڈسٹرکٹ اینڈ سیشن جج عدالت حضور میں زیر سماعت ہو کر

مورخہ 24-06-23 کو فیصلہ ہوا۔

۲۔ یہ کہ مسل مقدمہ عنوان بالا داخل محافظ خانہ ہے۔

۳۔ یہ کہ من سائل مقدمہ ہذا عدالت عالیہ میں حصول انصاف کی خاطر زیر سماعت رکھنا چاہتا ہے۔ جس کیلئے

مصدقہ نقولات کی اشد ضرورت ہے۔

۴۔ یہ کہ مصدقہ نقولات کی عطا یگی میں کوئی قانونی آمرمانع نہ ہے۔



S.No: 3529
Date of Application 8.8.23
Urgent Fee ok
Revenue Fee ok
No of Pages ok
No of Word
Copying Fee ok
Total Fee 3/-
Date of Preparation 8.8.23
Date of Delivery 8.8.23
Signature

لہذا آنجناب سے استدعا ہے کہ منظوری درخواست ہذا بمقدمہ عنوان بالا میں متذکرہ بالا مصدقہ نقولات کی عطا یگی کے لئے
حسب ضابطہ دئے جانے کے احکامات صادر فرمائیں۔ تاکہ انصاف کے تقاضے پورے ہوں۔

معارض: گل رحیم

سوال نمبر:

شناختی کارڈ نمبر: 15302-0888655-9 مورخہ 24.06.2023

50	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
6623	
ایڈویکٹ: محمد سعید کنڈی	PESHAWAR BAR ASSOCIATION
بار کونسل ایسوسی ایشن نمبر: BC-10-9353	
رابطہ نمبر: 03359824445	

عدالت جناب: جسٹس جلیل الرحمن خواجہ لکڑی کے پیش رو میں

منجانب: ایسٹیل انٹرنل ریسیم	دعویٰ: لکڑی کے ایپل
حاصل ریسیم	علت نمبر:
بنام	مورخہ:
اسرار ایبٹ و جوائنٹ ورنڈ	جرم:
	تھانہ:

بابت تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام کے صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری سیکٹرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 918/2023

المواہد الم

مقام کے لیے منظور ہے۔

Accepted by court

CNIC NO
15302-0888655-9