

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8343

Dated 17/10/23

Service Appeal No.185/2023

Rashi Iqbal(Appellant)

Versus

1. The Registrar PHC etc.....(Respondents)

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Respondent No.1

Registrar,
Peshawar High Court,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Title: Service Appeal No. 185/2023
Rashi Iqbal... Vs ... Registrar PHC & Others

Subject: PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS.

PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action to file instant appeal.
2. That the appellant has not come to this Hon'ble Tribunal with clean hands.
3. That the appeal is barred by law and limitation.

FACTS:

1. Para no pertains to record.
2. Para no 2 is correct.
3. In reply to Para 3. It is submitted that three explanations were called from the appellant regarding his absence from duty without any leave application or intimation. (Copies are annexed as Annexure "A")
4. In reply to para no. 4. It is submitted that not only the appellant was coming from Miranshah but many other staff members are also attending their duty place at District Judicial Complex, Bannu.
5. In reply to para no. 5, it is submitted that the appellant has submitted his resignation on 10.12.2022 by mentioning therein that due to late coming, his duty was also affected. Therefore, voluntarily submitted his resignation. His statement was also recorded on the overleaf of the resignation. (Copy is annexed as Annexure "B").
6. In reply to para no.6, it is submitted that after tendering resignation, the statement of the appellant was recorded and a proper order regarding acceptance of resignation w.e.f 10.12.2022 was issued on 10.12.2022. The order dated 10.12.2022 regarding acceptance of resignation has already been annexed by the appellant as Annexure "C".
7. In reply to para no 07, it is submitted that on 17-12-2022 application of the appellant for withdrawal of resignation was heard, but no plausible reason was mentioned/explained during his personal hearing. Similarly, no unforeseen circumstance for tendering resignation was mentioned. Therefore, the application for the withdrawal of resignation was dismissed. Copy of the application and order of withdrawal has already been annexed as annexure

“D” with the appeal. Moreover, the resignation was submitted with free will & without any coercion.

8. Para No.8 is incorrect.

GROUND:

A. Para-A need no Comment

B. In reply to para-B, it is submitted that not only the appellant but other employees belonging to the Non-Muslim/ Minority community are also employed in District Judiciary North Waziristan at Bannu and they along with other staff members attend their duty at District Courts North Waziristan at Bannu.

C. In reply to para-C, it is stated that tendering resignation has been admitted by the appellant by mentioning there that he was unable to perform duty and come late whereby his duty was affected. He has submitted his resignation without any coercion and his resignation was accepted vide order No. 4009/DSJ NW at Bannu dated 10-12-2022, Copy of which is already been annexed with the ground of appeal as Annexure “C”.

D. In reply to para-D, a proper order has been issued regarding the acceptance of resignation. The appellant has clearly stated in his statement that due to some domestic problems, he was not able to continue his duty. Copy of the statement is already annexed as Annexure “B”.

E. Para-E is completely incorrect. The Appellant himself has tendered his resignation and was never discriminated or denied of his due rights.

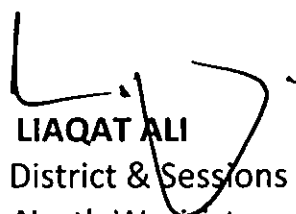
F. In reply to para-F, it is submitted that the appellant himself stated in his resignation that he came late and his duty was affected.

G. In reply to para-G, it is submitted that the appellant was found absent from duty, and during his tenure explanations for absence were called from him. Copies already annexed as Annexure “A”.

It is, therefore, requested that the appeal being without merit is liable to be dismissed with cost.



REGISTRAR
Peshawar High Court
Peshawar
Respondent No.1



LIAQAT ALI
District & Sessions Judge
North Waziristan at Bannu.
Respondent No.2

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

Service Appeal No. 185/2023

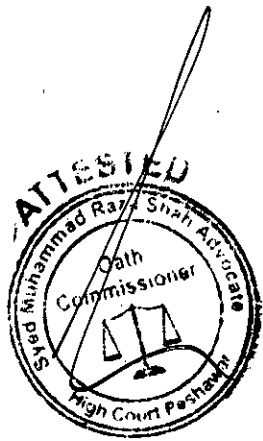
Rashi Iqbal Appellant

Versus

The Registrar PHC etc. Respondents

Counter Affidavit.

I, **Ahmad Ud Din**, Superintendent Sessions Court, District North Waziristan do hereby affirm and declare on oath that the contents of this reply are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Tribunal.



Deponent,



DISTRICT & SESSIONS JUDGE,
NORTH WAZIRISTAN AT BANNU

OFF: 0928-662172
FAX: 0928-662036

No: 624 /DSJ NW at Bannu

dated. 07 /04/2021

From

The District & Sessions Judge,
North Waziristan at Bannu

To

Rashi Iqbal
Sweeper (BPS-03),
North Waziristan at Bannu


SUBJECT: EXPLANATION

Memo:

You are found absent today i.e 07-04-2021 from your duty without leave permission and intimation and you also do not take interest in your assigned duty.

Your this act comes within the purview of misconduct on your part.

You are hereby directed to explain your position that why disciplinary proceedings shall not be initiated against you being on probation. Your reply should reach to the undersigned within three (03) days otherwise, it will be presumed that you have no defense to offer.


District & Sessions Judge
North Waziristan at Bannu

p-5

ANNEXURE "A"



DISTRICT JUDICIARY KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT & SESSIONS JUDGE, NORTH WAZIRISTAN AT
BANNU

Ph: 0928-662172
Fax: 0928-662036
Email: dsjnorthwaziristan@gmail.com

No: 550 / DSJ NW, at Bannu

Handwritten signature

Dated: 25 /03/2022

To

Rashi Iqbal,
Sweeper (BPS-03),
District Judiciary, North Waziristan at Bannu.

Subject: **EXPLANATION**

It has been observed that you are remained absent from your duty today on dated. 25.03.2022 without any application or prior intimation.

Your this act comes within the purview of misconduct on your part.

You are hereby directed to explain your position that why disciplinary proceedings shall not be initiated against you being on probation and dismissed from service. Your reply should reach to the undersigned within three (03) days otherwise, it will be presumed that you have no defense to offer.

Handwritten signature
(Usman Wali Khan)
District & Sessions Judge
North Waziristan, at Bannu



DISTRICT JUDICIARY KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT & SESSIONS JUDGE, NORTH WAZIRISTAN AT
BANNU

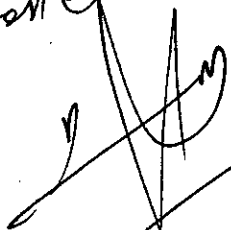

Ph: 0928-920007
 Fax: 0928-662036
 Email: dsjnorthwaziristan@gmail.com

No: 1641 / DSJ NW, at Bannu

Dated: 17 /09/2022

To

Rashi Iqbal,
 Sweeper (BPS-03),
 District Judiciary,
 North Waziristan at Bannu

Rashid Iqbal



SUBJECT: EXPLANATION

Memo:

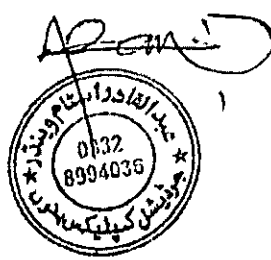
Whereas, it has been reported that you are absent today i.e 17-Sep-2022 from your duty without leave permission and intimation.

Your this act comes within the purview of professional misconduct on your part.

You are hereby directed to explain your position that why disciplinary proceedings shall not be initiated against you. Your reply should reach to the undersigned within **three (03) days** otherwise, it will be presumed that you have no defense to offer.

[Signature] 17/9/22
 District & Sessions Judge
 North Waziristan at Bannu
 (Competent Authority)

پ-7
ریشی ایوبال سانیٹیشن
7/2
10/12/22



Approved
[Signature]

10.12.2022.

STATEMENT OF RISHI IOBAL SANITATION ATTENDANT/SWEEPER:

Stated that I have submitted my resignation as due to some domestic problems, I am not able to continue my duties. Hence, it may kindly be accepted as per rules and regulations. My resignation is Ex.PA and copy of my CNIC is Ex.PB.

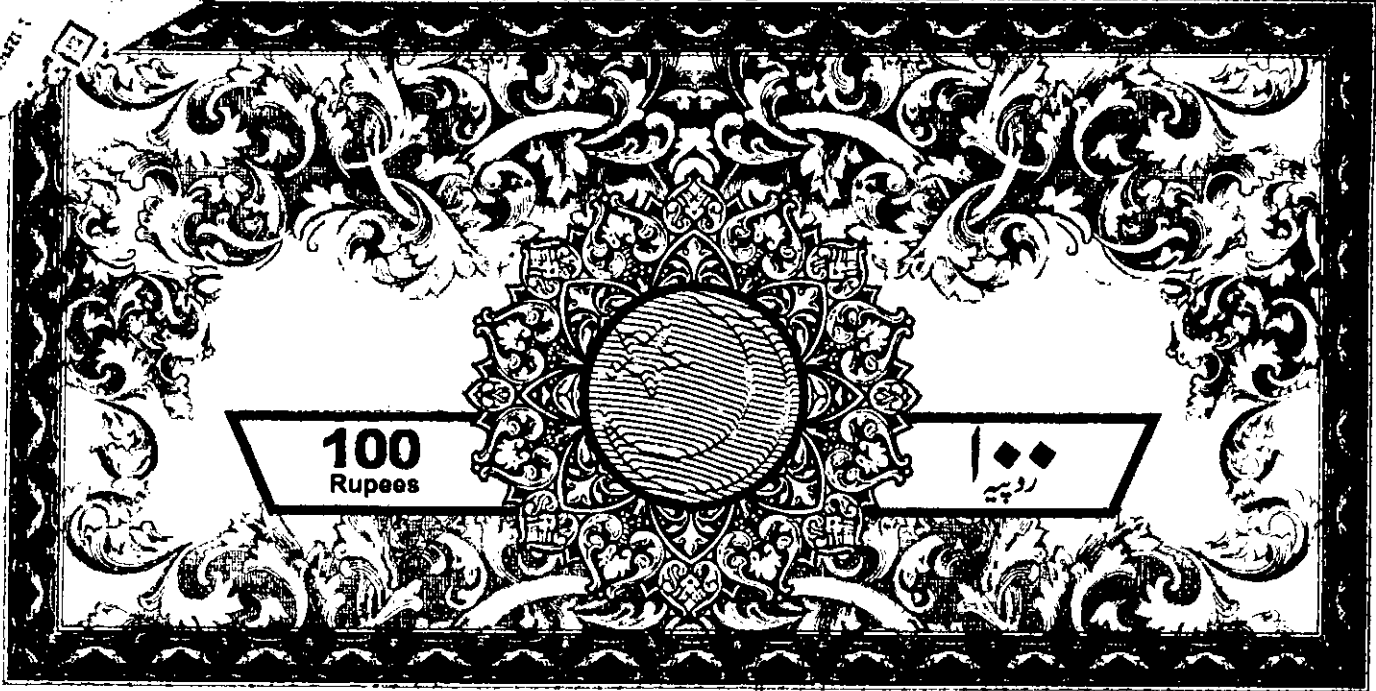
RO & AC
10.12.2022

[Signature]
(Usman Wali Khan)
D&S, North Waziristan at Bannu. 10/12/22

RISHI IOBAL SANITATION ATTENDANT/SWEEPER:
CNIC: 21506-5884832-5

[Signature]
(Usman Wali Khan)
D&S, North Waziristan at Bannu. 10/12/22

2-10-2022-03215



100 Rupees

۱ روپیہ

خدمت جناب ڈسٹرکٹ اینڈ سیشن جج کلکتہ وزیرستان ڈسٹرکٹ
 جناب عالی!

Ex. P. P. 100
 80
 10.12.2022

عنوان استغنیٰ
 مودبانہ گزارشاتی باقی ہے کہ فودی آپ زلیخوز بیگم کے تین سالہ
 سے بطور خائرو بہ / سو پیڑی بیوی اہتمام دے رہے ہیں
 گھر کے ساتھ سے روزانہ دو چار ہونا پڑتا ہے
 بلکہ وجہ سے فودی کو ڈیوٹی اوقات میں تاخیر مانا ہوتا ہے
 اور ڈیوٹی بھی متاثر ہوتی ہے
 لہذا آپ صاحبان سے درخواست ہے کہ یہ اپنی ڈیوٹی سے
 استغنیٰ کرنا چاہتا ہوں

میں خواہش ہوتی

العارضی

آپ کا فرما سبدرار رشی اقبال ولد پرکاش لعل (خائرو بہ)

Annex C p-9



DISTRICT JUDICIARY KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT & SESSIONS JUDGE, NORTH WAZIRISTAN AT
BANNU

Ph: 0928-920007
Fax: 0928-662036
Email: dsjnorthwaziristan@gmail.com

No 400 /DSJ NW at Bannu

Dated: 10/12/2022

ORDER

Mr. Rashi Iqbal Sanitation Attendant/Sweeper of this Sessions Division has rendered his resignation on 10/12/2022 on the ground mentioned in his application, which is accepted w.e.f. 10/12/2022 subject to service rules.

The official concerned is relieved from his responsibilities on 10/12/2022(A.N). Office is directed to keep his personal file and ACR in safe custody for record and service card be recovered from him.

(Usman Wali Khan)
District Sessions Judge
North Waziristan
District & Sessions Judge
North Waziristan at Bannu

OFFICE OF THE DISTRICT & SESSIONS JUDGE NW at BANNU

Endst: No. 4010-13 /DSJ NW at BANNU

Dated: 10/12/2022.

Copy forwarded to:

1. The Senior Civil Judge North Waziristan at Bannu.
2. The District Accounts Officer, North Waziristan
3. The Budget & Account Assistant of this office.
4. Personal file of the official concerned.

District & Sessions Judge
North Waziristan at Bannu.

District Sessions Judge
North Waziristan
At Bannu

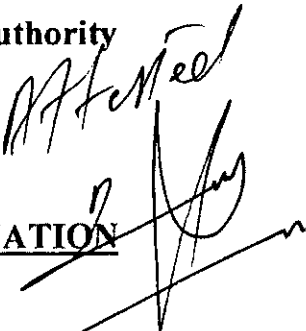
12-10

To

*Official be called
for hearing 17/12/22 - Yours*

The Hon'ble District & Sessions Judge/Cadre
North Waziristan at Bannu.

*13/12
District Sessions Judge
North Waziristan
At Bannu*

Affected


Subject: APPLICATION FOR WITHDRAWAL OF RESIGNATION

Respected Sir,

With due respect I have the honor to state that I have submitted my resignation on 10/12/2022, from the post of Sanitation Attendant/Sweeper, which was gratefully accepted by your goodself on 10/12/2022. In some unforeseen circumstances I have taken a decision to resign, but now I realized my mistake.

So, I request to your goodself to kindly ignore my resignation and allow me to continue in my current position Sanitation Attendant/Sweeper with an open heart and mind.

I shall be very grateful to you for this act of kindness.

Rashi Iqbal 13/12/2022

Rashi Iqbal

CNIC # 21506-588-4832-5

IN THE COURT OF USMAN WALI KHAN, DISTRICT AND SESSIONS
JUDGE/APPOINTING AUTHORITY, DISTRICT NORTH WAZIRISTAN AT
BANNU.
Rashi Iqbal Vs State

ORDER 01
17.12.2022

Application submitted personally. Be registered.

Applicant personally present and heard at length. No such reason was explained during personal hearing, which could show any coercion or other defect in submission of resignation. Record reveals that resignation was submitted on stamp paper. Statement of applicant was properly recorded and accepted accordingly.

In view of above, I see no substance in present application, which is rejected without further proceedings.

Applicant be informed accordingly and file be consigned to record room of learned D&SJ, Bannu after completion and compilation.

Announced

USMAN WALI KHAN
DISTRICT & SESSIONS JUDGE
NORTH WAZIRISTAN AT BANNU

(Usman Wali Khan)
District & Sessions Judge,
North Waziristan at Bannu

17/12/22

p-12



DISTRICT JUDICIARY KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT & SESSIONS JUDGE, NORTH WAZIRISTAN AT BANNU

Ph: 0928-920007
Fax: 0928-662036
Email: dsjnorthwaziristan@gmail.com

No: 1211 / DSJ NW at Bannu

Dated: 14 /10/2023


To: **The Worthy Registrar,
Peshawar High Court,
Peshawar.**

Subject: **SERVICE APPEAL NO.185/2023**

Respected Sir,

Reference to your office letter bearing Endst No. 9314/Admn, dated Peshawar the 10/10/2023, vetted comments duly signed by your honor as well as by undersigned, alongwith the relevant annexures has been submitted to the Hon'ble Tribunal. Copy of fair comments alongwith annexures has also been shared via email litigationwingphc@gmail.com.

Compliance report is submitted.


Liaqat Ali
District & Sessions Judge
North Waziristan at Bannu

M. H. Khan

OFFICE OF THE DISTRICT & SESSIONS JUDGE, NORTH WAZIRISTAN AT BANNU.

ORDER

On the recommendations of Departmental Selection Committee made in its meeting, held on 03.05.2019, the competent authority is pleased to order the appointment of the following candidates on temporary basis, for the posts mentioned against their names, from the date of assumption of charge of their respective posts subject to medical fitness and antecedent, verification/clearance as well as their documents' verification.

1. Naib Qasid (BPS-03)

S.#	NAME OF CANDIDATE	FATHER'S NAME / ADDRESS
1	Murad Khan	Qimat Khan r/o Shogi Ali Khel, P.O Razmak North Waziristan
2	Sabitullah	Hazrat Gul r/o Aghzan Kala Miranshah, P.O Miranshah North Waziristan
3	Niamatullah	Gul Karam Khan r/o Spin Wam Hassan Khel Tehsil Spin Wam North Waziristan
4	Abdul Qayum	Gul Shah Ali Jan r/o Mir Ali Issori, North Waziristan
5	Havedullah	Haki Rehman r/o Haider Khel P.O Mir Ali North Waziristan
6	Khaliq Noor	Bahadar Khan r/o Spalga Tori Khel P.O Miranshah North Waziristan
	Muhammad Farooq	Rehman Qadir r/o Danday Darpa Khel Miranshah North Waziristan

2. Chowkidar (BPS-03)

S.#	NAME OF CANDIDATE	FATHER'S NAME / ADDRESS
1	Shahzar Ali	Gul Mamir Khan r/o Mir Ali P.O Spin Wam Tehsil Spin Wam North Waziristan
2	Sher Awal Din	Jabbar Khan r/o Dawar Khaddi Eidak Mir Ali North Waziristan
3	Kifayatullah	Gul Sarwar Khan r/o Mussaki P.O Mir Ali North Waziristan

3. Maali (BPS-03)

S.#	NAME OF CANDIDATE	FATHER'S NAME / ADDRESS
1	Akhter Munir	Abdul Qadeer r/o Darpa Khel P.O Miranshah North Waziristan
2	Rehmanullah	Raghzali Khan r/o Spin Wam Shamiri Tori Khel, Spin Wam North Waziristan

03/05/19

4. Sweepers (BPS-03)

S.#	NAME OF CANDIDATE	FATHER'S NAME / ADDRESS
1	Anderyas	Boota r/o Civil Colony Miranshah North Waziristan
2	Rajesh Daas	Arjun Daas r/o Civil Colony Miranshah North Waziristan
3	Rashi Iqbal	Parkash Laal r/o Civil Colony House No.3 P.O Miranshah North Waziristan

5. Water Carrier (BPS-03)

S.#	NAME OF CANDIDATE	FATHER'S NAME / ADDRESS
1	Arif Shah	Syed Noor Jamal Shah r/o Eidak Mir Ali North Waziristan

6. Daftari (BPS-03)

S.#	NAME OF CANDIDATE	FATHER'S NAME / ADDRESS
1	Gul Nawar Din	Muhammad Khalil r/o Khaddi P.O Mir Ali North Waziristan
2	Javed Islam	Muhammad Aslam r/o Dawar P.O Darpa Khel Miranshah North Waziristan

2. Their appointment to the service shall be subject to the following terms and conditions:-
- i. They will be governed by the KP Civil Servants Act, 1973 and KP Government Servant (Appointment, Promotion & Transfer) Rules, 1989.
 - ii. They will be allowed to the minimum pay of BPS plus other allowances as admissible under the rules. Those who are already in Govt Service and whose pay is more than the minimum of BPS will be allowed to draw pay, which they were drawing before their appointment, subject to permission by the Competent Authority. Their pay shall be fixed at proper stage in BPS.
 - iii. They shall be governed by such rules and instructions relating to leave, T.A., and Medical Attendance as may be prescribed from time to time.
 - iv. They shall be on probation initially for a period of one year extendable upto two years.
 - v. They will be eligible for continuance and eventual confirmation in the post on satisfactory completion of their probationary period, subject to availability of permanent posts and the completion of prescribed training, if any.
 - vi. Their services shall be liable to be dispensed with at any time without notice and assigning any reason before the expiry of the period of their probation/extended period of probation, if, their work or conduct during this period is not found satisfactory. In the event of termination from service, fourteen days notice or in lieu thereof fourteen days pay will be

03/05/19

Accepted

paid by the Government. In case of resignation, they will give one month notice to the Competent Authority or in lieu thereof one month pay shall be forfeited to the Government. The resignation shall, however, be subject to the acceptance by the Competent Authority.

vii. They will be governed by the KP Government Servants (Efficiency and Discipline) Rules, 1973 and the KP, Government Servants Conduct Rules, 1987 and any other instructions which may be issued by the Competent Authority from time to time.

3. If the above terms and conditions of appointment are acceptable to them, they should report for duty to the undersigned immediately. The offer of appointment shall be deemed to have been cancelled if any one fails to report for duty to the undersigned within one month from the date of issue of this order.

4. They shall join duty at their own expenses.

DISTRICT & SESSIONS JUDGE,
NW AT BANNU

Endst: # 234-260 Dated 03/05/2019.

Copies forwarded to:

1. The worthy Registrar, Peshawar High Court Peshawar.
2. The worthy Additional Registrar (Admin), Peshawar High Court, Peshawar.
3. The worthy Member Inspection Team, Peshawar High Court, Peshawar.
4. The learned PSO to the Honorable the Chief Justice, Peshawar High Court, Peshawar.
5. The learned In-Charge, Secretariat for District Judiciary, Peshawar.
6. The worthy Additional Registrar, Peshawar High Court, Bannu Bench.
7. The Deputy Commissioner, Miranshah, North Waziristan,
8. The MS, DHQ Hospital, Miranshah, North Waziristan.
9. The District Comptroller of Accounts, District Miranshah, North Waziristan.
10. Officials concerned,
11. Personal file of the officials concerned.

Sumit
103/05/19
 DISTRICT & SESSIONS JUDGE,
 NW AT BANNU

12-10-2023
1:10 PM



**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
phcphs@gmail.com

Most Immediate
(Court matter)

No 9314 / Admn

Dated 10/10/2023.

To

**The District & Sessions Judge,
North Waziristan at Bannu.**

Subject: **Service Appeals No. 185/2023.**
Rashi Iqbal.... Vs... PHC & others.

Dear Sir,

Enclosed please find herewith vetted comments, in original, signed by respondent (Registrar Peshawar High Court) for your kind signature and onward submission in the Hon'ble Tribunal, please.

You are further requested to share a copy of fair comments alongwith annexures with this office for record, via email at litigationwingphc@gmail.com.

Yours Sincerely,

ADDITIONAL REGISTRAR
(Administration)

Endst: No. _____ / Admn:

Dated Peshawar _____ / _____ / 2023.

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

ADDITIONAL REGISTRAR
(Administration)



12-15

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT & SESSIONS JUDGE, NORTH WAZIRISTAN AT BANNU

Ph: 0928-920007
Fax: 0928-662036
Email: dsjnorthwaziristan@gmail.com

No: 1065 / DSJ NW at Bannu

Dated: 09 /09/2023

To,

The worthy Registrar,
Peshawar High Court,
Peshawar.

Subject: **Service Appeals No. 185/2023.**

Rashi Iqbal.....Vs..... PHC & others.

Dear Sir,

Reference to the Hon'ble Peshawar High Court, Peshawar letter No. 8119/Admn dated 05/09/2023 on the subject cited above, draft para-wise comments are annexed herewith for vetting and further submission.

Furthermore, Mr. **Ahmad Ud Din**, Superintendent on an acting charge basis of District Judiciary North Waziristan at Bannu, cellphone No. **0311-9040212** is hereby nominated as the nominee of respondents no 01 & 02 to pursue and to appear on each date fixed for hearing before the Hon'ble Tribunal in the aforesaid case.

Encl: *Draft Para-wise comments in respect of service appeal no 185/2023*

Rashi Iqbal.....Vs.....Registrar PHC & Others.

Yours faithfully,

Liaqat Ali
District & Sessions Judge
North Waziristan at Bannu

[Handwritten signature]
[Handwritten signature]