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# BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

## INDEX

APPEAL NO 1236 OF 2022

SHAKEEL AHMAD VS REGISTRAR, PESHAWR HIGH COURT, PESHAWAR AND OTHERS

SUBJECT: WRITTEN STATEMENT/REPLY ON BEHALF OF RESPONDENTS NO 1, 2 & 3

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SENIOR CIVIL JUDGE (ADMN),

PESHAWAR

(2)

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

Appeal No. 1236 of 2022

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 5485

Dated 20-10-23

Shakeel Ahmad

--VS--


Registrar, Peshawar High Court, Peshawar & others

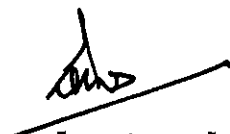
**Written Statement/Reply on Behalf of Respondents No. 1, 2 & 3**


- A. Incorrect. Impugned order is legal, lawful and has been passed in accordance with relevant laws & rules on the subject.
- B. Incorrect. The competent authority has acted as per law in accordance with the facts & circumstances of the case.
- C. Incorrect. The inquiry was conducted and the impugned order has been passed purely on merits and in line with prescribed rules.
- D. Incorrect. The appellant/official had a persistent reputation of being involved in corrupt practices, which was proved in two different inquiries. Since sufficient material was available on record against the appellant/official, therefore, formal inquiry proceedings were dispensed with by the competent authority under Rule 5(1)(a) read with Rule-7 of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules 2011, and Final Show Cause Notice vide (Flag-A) was issued to the accused official, who could not provide any solid ground to prove his innocence regarding the allegations levelled against him. Hence, he was proceeded against in accordance with law after fulfillment of all codal formalities.
- E. Incorrect. As explained in Para-D above.
- F. Incorrect. As explained in para-D above, the appellant/official has been treated in accordance with law, and no illegality or irregularity has been committed.

- G. Incorrect. The appellant/official was given every opportunity to defend himself, including personal hearing, as evident from Final Show Notice issued to him dated 09/02/2022.
- H. Incorrect. As explained in para-D above, the appellant/official has been treated in accordance with law, and no illegality or irregularity has been committed.
- I. Incorrect. The case of appellant/official has been treated strictly on merit and in accordance with law, and no discrimination has been committed.
- J. This Court always follows the law, rules and procedures as laid down by the competent forums, and all the orders have been passed in compliance thereof.
- K. Incorrect. The impugned order has been passed in accordance with relevant law and rules on the subject.
- L. Any other ground will be replied as & when raised by the appellant.

In view of the above, it is submitted that the impugned order has been passed strictly on merit and in accordance with law. The appeal in hand being devoid of merits has no weightage in the eyes of law, therefore, the same may kindly be dismissed, please.

  
[ASHFAQ TAJ]  
District & Sessions Judge,  
Peshawar/Respondent# 2.

  
[Registrar]  
Peshawar High Court  
Peshawar/ Respondent# 1.

  
[Mohib-ur-Rehman]  
Senior Civil Judge (Admn),  
Peshawar/Respondent# 3.

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

**Appeal No. 1236 of 2022**

Shakeel Ahmad

---VS---

Registrar, Peshawar High Court, Peshawar & others

**Written Statement/Reply on Behalf of Respondent No.2**  
**Against the Application for Condonation of Delay**

1. Needs no comments.
2. Incorrect. The appellant/official has neither a prima facie case nor is the balance of convenience in his favor.
3. Incorrect. The appellant/official was well aware of all the proceedings being held against him, and after passing of impugned order, he had all the time to file an appeal against him. Another plea of being ill is also baseless and an appeal could have been filed through a lawyer, wherein physical presence of the appellant/official was not required.
4. Incorrect. As explained in Para-3 above.
5. Incorrect. No plausible reason has been given for filing appeal by the appellant/official.
6. Incorrect. As explained in Para-5 above.
7. Incorrect. Law favors no one, but only the rightful and virtuous.

In view of the above, the appellant/official has failed to provide any plausible ground for not filing the appeal in due time, thus, the instant application along with appeal may be dismissed.

**[ASHFAQUE TAJ]**  
District & Sessions Judge,  
Peshawar/Respondent# 2.

**[Registrar]**  
Peshawar High Court  
Peshawar/ Respondent# 1.

**[Mohib-ur-Rehman]**  
Senior Civil Judge (Admn),  
Peshawar/Respondent# 3.



# DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Phone: 091-9213534

eMail: scjpeshawar@gmail.com

Web: www.SessionsCourtPeshawar.gov.pk

No. 13/SCJ (Admn) (5)


Dated Peshawar 09-02-2022.

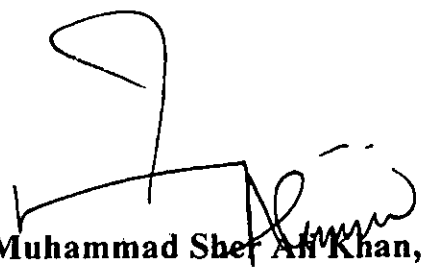
## OFFICE OF THE SENIOR CIVIL JUDGE (ADMN), PESHAWAR

### FINAL SHOWCAUSE NOTICE

You, **Shakeel Kundi, Bailiff**, do not enjoy good reputation as host of inquires have been conducted against you in some of which minor of penalties of Censures and withholding of increments for one year with non-accumulative effect have been imposed upon you. Similarly, you have also been issued warnings in it. Your overall performance indicate that you are not serious in the performance of your official duties, repeated complaints against you cast a shadow on your honesty and integrity, failed to mend your ways in the aftermath of censures and warnings and bringing a bad name and reputation to the Judiciary, therefore, the inquiry proceedings are dispensed with under Rule 7 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, and you are served with a Final Notice to Show Cause why one or more of the penalties as mentioned in Rule 4 of the E&D Rules 2011 not be imposed upon you. (Details of the inquiries/E&D proceedings are annexed).

You are, therefore, required to furnish reply to this notice within **seven** days failing which it shall be presumed that you have nothing with you in your defense and in that case, ex-parte proceedings/action shall be taken against you. You are also asked to state in your reply whether you desire to be heard in person.

Attested  
  
Senior Civil Judge (Admn)  
Peshawar.

  
Muhammad Sher Ali Khan,  
Senior Civil Judge (Admn),  
Peshawar.  
09/02/2022  
Senior Civil Judge (Admn)  
Peshawar.

IN THE COURT OF SENIOR CIVIL JUDGE ( ADMIN ), PESHAWAR.

(6)

S.No	CASE NO	INSITITUTION	Inquiry Title	Charges /Illegations	Date Of Decision.	Remarks/Proceedings
1	42/6	05.12.2018	Inquiry Vs Shakil Ahmad Kundi (Bailiff)	Warrant of Arrest of Patwari Halqa was not returned in the Court of learned Civil Judge-XXI, Peshawar	12.02.2019	Accused Official is <b>acquitted</b> from the charges levelled against him.
2	47/6	12.12.2018	Inquiry Vs Shakil Ahmad Kundi (Bailiff)	Warrant of Arrest of Patwari Halqa was not returned in the Court of learned Civil Judge-VII, Peshawar	17.06.2019	The accused/Official Shakeel Ahmad Kundi, bailiff is warned with the direction to be <b>Careful in future</b> in performance of his official duties.
3	48/6	13.12.2018	Inquiry Vs Shakil Ahmad Kundi (Bailiff)	Warrant of Arrest of Patwari Halqa was not returned in the Court of learned Civil Judge-VII, Peshawar	17.06.2019	The accused/Official Shakeel Ahmad Kundi, bailiff is warned with the direction to be <b>Careful in future</b> in performance of his official duties.
4	06/6.	12.01.2019	Inquiry Vs Shakil Ahmad Kundi (Bailiff)	Warrant of Arrest of Patwari Halqa was not returned in the Court of learned Civil Judge-VII, Peshawar	11.06.2019	Keeping in view the inquiry report, I being the competent authority, hereby impose minor penalty of <b>"CENSURE"</b> upon the accused Official Shakeel Ahmaed Kundi, Bailiff.
5	08/6.	04.02.2019	Inquiry Vs Shakil Ahmad Kundi (Bailiff)	Wherein order of ingterim custody is made in favour of plaintiff and accordingly warrant production of minors, but remained un executed, in the Court of learned Civil Judge-VIII, Peshawar.	11.06.2019	In the light of the fact finding report/inquiry of the Inquiry Officer Civil Judge-VII, Peshawar the allegation against the delinquent official nemely Shakeel Ahmad Kundi, Mbailliff are proved, hence, <b>ONE INCREMENT is hereby stopped</b> under seciton 4(1) (a-ii) of KPK Govt: Servents Rules,2011.
6	44/6	24.06.2019	Inquiry Vs Shakil Ahmad Kundi (Bailiff)	Warrant of Arrest of Patwari Halqa was not returned in the Court of learned Civil Judge-XV, Peshawar.	17.09.2019	I being, competent authority, agree with the facts finding of Learned Civil Judge-XVII, Peshawar, therefore, the accused Official/Bailiff Shakeel Ahmad Kundi is hereby <b>EXONERATED</b> acquitted from the charges levelled against him.
7	29/6.	19.09.2020	Inquiry agianst Shakeel Kundi (Bailliff)	Warrant of Arrest of Pw/Official Record Keeper Munciple Corporation BCA, Branch, Pesahwar was not returned in the Court of learned Civil Judge-IX, Peshawar.	12.12.2020	Hence, the recommendation/opinion of the Inquiry Officer is concerned with, therefore, I being competent authority, impose minor penalty of withholding an increment for <b>One year with non-accumulative</b> effect as laid down under rule-4(a) (ii) of the Govt: of KPK Civil servants Rules 2011.
8	30/6.	19.09.2020	Inquiry agianst Shakeel Kundi (Bailliff)	Absent from duties	12.12.2020	I, being competent authority impose minor penalty of <b>CENSURE</b> as laid down under rule-4(a) (i) of the Govt: of KPK Civil servants Rules 2011.
9	25/6.	12.09.2020	Inquiry against Shakeel Kundi (Bailliff)	Warrant of Arrest was not returned in the Court of learned Civil Judge-XIX, Peshawar.	09.01.2021	The Inquiry Officer has conducted the inquiry proceedings according to the prescribed rule and the charges have been proved against the accused/official, thus it is held that he has acted negligently and carelessly, hence, he is guilty of misconduct, therefore, I being competent authority, <b>impose minor penalty of withholding an increment for one yar with non-accumulative</b> effect as laid down under rule-4(a)(ii) of the Govt: of KPK Civil servants rules 2011.
10	26/6.	12.09.2020	Inquiry against Shakeel Kundi (Bailliff) ( DSJ.No.895 dt.11-7-2020).	Mr. Sardar Muhamamd Imran (Complainant) R/O Chugar Matti, Peshawar filed an application on 11-07-2020 before the Hon'ble District & Sessions Judge, Peshawar raising therein allegations regarding the gratification received by Shakeel Kundi, Bailiff on the ground that the accused official has received an amount of Re.45000/- from the complainant & others.	09.01.2021	As the Complainant and other, per inquiry report, have failed in reinforcing the allegations levelled against Shakeel Kundi and the Inquiry Officer has followed the required procedure and prescribed rules, hence, he is concurred with and the accused/official is <b>exonerated</b> from the charges/allegations against him.

*Arrested.*

*[Signature]*

**Senior Civil Judge (Admin)  
Peshawar.**

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**BEFORE THE  
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Appeal No. 1236 of 2022

Shakeel Ahmad

--VS--

Registrar, Peshawar High Court, Peshawar & others

**COUNTER AFFIDAVIT**

I, **Mohib-ur-Rehman, Senior Civil Judge (Admn), District Judiciary Peshawar** 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 Court.



Deponent