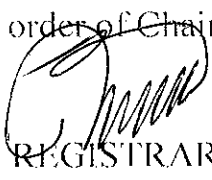


FORM OF ORDER SHEET

Court of _____

Appeal No. 2423/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/11/2023	<p>The appeal of Mr. Aziz-u-Haq presented today by Mrs. Khalida Rafiq Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

1.	Case Title	Aziz ul Haq Vs Registrar Peshawar High Court Peshawar etc	
2.	Case is duly signed.	Yes ✓	No
3.	The law under which the case is preferred has been mentioned.	Yes ✓	No
4.	Approved file cover is used.	Yes ✓	No
5.	Affidavit is duly attested and appended.	Yes ✓	No
6.	Case and annexures are properly paged and numbered according to index.	Yes ✓	No
7.	Copies of annexures are legible and attested. If not, then better copies duly attested have annexed.	Yes ✓	No
8.	Certified copies of all requisite documents have been filed.	Yes ✓	No
9.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filed.	Yes ✓	No
10.	Case is within time.	Yes ✓	No
11.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	Yes ✓	No
12.	Court fee in shape of stamp paper is affixed. [For writ Rs. 500, for other as required]	Yes ✓	No
13.	Power of attorney is in proper form.	Yes ✓	No
14.	Memo of addressed filed.	Yes ✓	No
15.	List of books mentioned in the petition.	Yes ✓	No
16.	The requisite number of spare copies attached [Writ petition-3, civil appeal (SB-2) Civil Revision (SB-1, DB-2)]	Yes ✓	No
17.	Case (Revision/ Appeal/petition etc) is filed on a prescribed form.	Yes ✓	No
18.	Power of attorney is attested by jail authority (for jail prisoner only)	Yes ✓	No

It is certified that formalities/documentations as required in column 2 to 18 above, have been fulfilled.

Signature:- 

FOR OFFICE USE ONLY

Case:- _____

Case received on _____

Complete in all respect: Yes/ No, (If No, the grounds) _____

Date in court:- _____

Signature _____

(Reader)

Date:- _____

Countersigned:- _____

(Deputy Registrar)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 2423 /2023

Aziz ul Haq..... Appellant

V E R S U S

Registrar Peshawar High Court Peshawar etc.... Respondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Service Appeal with affidavit		1-7
2.	Application for suspension with Affidavit		8-10
3.	Condonation of delay with affidavit		11-13
4.	Addresses of parties		14
5.	Copies of letters alongwith list	A	15-21
6.	Copy of Show Cause notice alongwith order dated 25.07.2020 and reply of show cause notice	B-C	22-28
7.	Copy of the said departmental appeal alongwith consolidated judgment in Appeal No.10 of 2020 (Zakir Ullah COC Vs DSJ Shangla	D	29-37
8.	Wakalatnama		38

Aziz ul Haq

Appellant

Through

Kd

Mrs. Khalida Rafiq

Advocate High Court

Cell No.0345-6151776

Dated 14.11.2023

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No 2423 /2023

Aziz ul Haq Son of Bakhtawar Shah,
Sweeper (BPS-04)
District Judiciary Shangla
R/o Lilowani District Shangla,

.....Appellant

V E R S U S

1. Registrar Peshawar High Court Peshawar
2. District & Session Judge, ShanglaRespondents

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT,
1974, AGAINST THE ORDER DATED
14.10.2023 PASSED BY THE RESPONDENT
NO.1, WHEREBY THE APPEAL WAS
PARTIALLY ALLOWED AGAINST THE ORDER
DATED 25.07.2020 PASSED BY THE
RESPONDENT NO.2 WHILE TO THE EXTENT
OF RECOVERY OF RS.129,874/- WAS
DISMISSED.**

Prayer

On acceptance of this appeal the impugned order dated 14.10.2023 to the extent of recovery Rs.129,874/- may kindly be set aside and any other remedy which this August Tribunal deems fit and appropriate that, may also be awarded in favour of the appellant.

Respectfully Sheweth:

1. That the Appellant is working in District Judiciary Since 2010 in District Shangla as a Sweeper and after appointment the appellant performed his duty with full devotion and no complaint whatsoever has been made against the appellant.
2. That on initiative of government a letter bearing No. SOR-I(E&AD) 4-17/2020 dated 07.02.2020 was circulated which included a list of government officers/official whose spouses were the beneficiaries of the Benazir Income Support Program, hence in compliance of the same the Peshawar High Court Peshawar vide letter bearing No. 6154-206/Admn: dated 23.04.2020 addressed to all District & Sessions

Judges of Khyber Pakhtunkhwa to take disciplinary action against those Govt. Servant himself of through spouse received income support from BISE. **(Copies of letters alongwith list are attached as Annexure-A).**

3. That in compliance of the same a show cause notice dated 12.05.2020 was issued to the appellant in response of show cause notice, by the respondent No.2 of show cause notice the appellant properly reply the show cause and denied all the allegations. After hearing without conducting proper inquiry passed the impugned order dated 05.07.2020, whereby the accused was imposed and awarded upon minor penalties i.e.

i. With holding of increments for three years non-accumulative effects.

ii. Recovery of Rs.129,874/- from the appellant which was received by the appellant's spouse. **(Copy of Show Cause notice alongwith order dated 05.07.2020 and reply of show cause notice are attached as annexure B, C).**

4. That the appellant aggrieved from the said orders of the respondent No.2 and filed Departmental Appeal under Sub Rule (I) of rule

3 of Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 before the Appellate forum Peshawar High Court Peshawar. After hearing on 14.10.2023, the appeal was partially allowed and set aside the order to the extent of 03 years holding of increments while to the extent of recovery of Rs.129,874/- was dismissed. **(Copy of the said departmental appeal alongwith consolidated judgment in Appeal No.10 of 2020 (Zakir Ullah COC Vs DSJ Shangla is attached as annexure-D).**

5. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following ground inter alia:

GROUND S:-

- A. That the appellant has not been treated in accordance with law and rules and hence his rights secured and granted under the constitution of Islamic republic of Pakistan, 1973 were badly violated.
- B. That no departmental or regular inquiry was conducted against the appellant by the respondent No.2 and no chance of personal hearing has been provided to the appellant

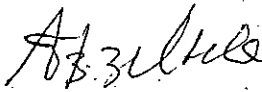
and in this respect the appellant relied upon the judgment dated 2008 SCMR page-1369.

- C. That it is a well settled maxim that no one can be condemned unheard because it is against the natural justice of law and in this respect the appellant relied upon a judgment reported on 2008 SCMR page-678.
- D. That no charge sheet or statement of allegation has been issued against the appellant.
- E. That the appellant never applied to the BISP for Financial Support nor received the said amount from the BISP. The BISP programme was launched in the year 2010 which was based on fixed ratio of poverty. At that time there was no any clear policy or rules that Govt. servant or their spouses were not entitled to take benefits from the said income support program. Now recently the Govt. has changed its policy on 23.12.2019 in this regard Article 12 of the constitution of Islamic Republic of Pakistan is very much clear. Hence, the appellant has not committed any misconduct and is not liable to any punishment because appellant nor his spouse personally appeared before the interview/officials of the BISP.

- F. That any other ground not raised here may graciously be allowed to be raised at the time of arguments on the tie of full arguments on the instant service appeal.

It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned order dated 14.10.2023 to the extent of recovery Rs.129,874/- may kindly be set aside and any other remedy which this August Tribunal deems fit and appropriate that, may also be awarded in favour of the appellant.

Any other relief deems fit and appropriate in the circumstances of the instant appeal may also be passed.


Appellant.

Through


Mrs. Khalida Rafiq
Advocate High Court

Dated 14.11.2023

NOTE

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.


ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2023

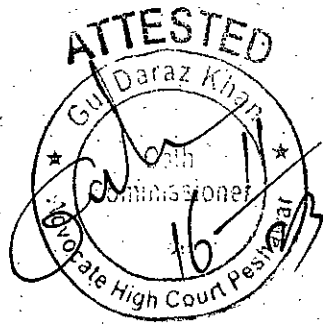
Aziz ul Haq..... Appellant

V E R S U S

Registrar Peshawar High Court Peshawar etc.... Respondents

A F F I D A V I T

I, Aziz ul Haq Son of Bakhtawar Shah, Sweeper Clerk (BPS-04) District Judiciary Shangla R/o Lilowani District Shangla, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



(Signature)

DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M No. _____/2023

In

Service Appeal No. _____/2023

Aziz ul Haq..... **Appellant**

V E R S U S

Registrar Peshawar High Court Peshawar etc....**Respondents**

**APPLICATION FOR SUSPENSION THE
OPERATION OF THE IMPUGNED ORDER DATED
14.10.2023 PASSED BY THE RESPONDENT NO.1
TO THE EXTENT OF RECOVERY, TILL THE FINAL
DISPOSAL OF THE MAIN SERVICE APPEAL.**

Respectfully Sheweth:

1. That the titled Service Appeal is being filed before this Hon'ble Tribunal in which no date of hearing is fixed.
2. That the grounds of main appeal may be considered as integral part of this application.
3. That the balance of convenience also lies in favour of the appellant.
4. That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.

5. That if the operation of the impugned order dated 14.10.2023 to the extent of recovery is not suspended then the appellant would suffer irreparable loss.

It is, therefore, most humbly prayed that by accepting this application, the operation of the impugned order dated 14.10.2023 to the extent of recovery may please be suspended to the extent of the appellant, till the final disposal of the main appeal.

Abzila

Appellant

Through

Ku

Mrs. Khalida Rafiq
Advocate High Court

Dated 14.11.2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M No. _____/2023

In

Service Appeal No. _____/2023

Aziz ul Haq..... **Appellant**

V E R S U S

Registrar Peshawar High Court Peshawar etc.... **Respondents**

AFFIDAVIT

I, Aziz ul Haq Son of Bakhtawar Shah, Sweeper Clerk (BPS-04) District Judiciary Shangla R/o Lilowani District Shangla, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Suspension Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.




DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M No. _____/2023

In

Service Appeal No. _____/2023

Aziz ul Haq,..... **Appellant**

V E R S U S

Registrar Peshawar High Court Peshawar etc....**Respondents**

APPLICATION FOR CONDONATION OF
DELAY IN FILING THE INSTANT SERVICE
APPEAL.

Respectfully Sheweth:

1. That the accompanying service appeal is being filed before this Hon'ble Tribunal, which is yet to be fixed for its hearing.
2. That the delay if any, in filing the captioned service appeal is neither intentional nor deliberate but due reason that the appellant approached for the attested copies of the impugned judgment from the appellate forum on 02.11.2023 while the said copies were issued to the appellant on 13.11.2023
3. That the appellant is belongs to the backward and for-flung area of District Shangla wherefrom the appellant proceeded for the composing of instant

appeal in time but the appellant was unable to complete all the needful formality for submission of the instant appeal

4. That valuable rights of the applicant/appellant are involved, therefore, it is just, fair as well as in the larger interest of justice that the delay in filing the instant appeal be condoned.

It is, therefore, prayed that by accepting this application, the delay in filing the instant appeal may please be condoned in the best interest of justice.

Through


Appellant


Mrs. Khalida Rafiq
Advocate High Court

Dated 14.11.2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M No. _____/2023

In

Service Appeal No. _____/2023

Aziz ul Haq..... **Appellant**

V E R S U S

Registrar Peshawar High Court Peshawar etc....**Respondents**

AFFIDAVIT

I, Aziz ul Haq Son of Bakhtawar Shah, Sweeper Clerk (BPS-04) District Judiciary Shangla R/o Lilowani District Shangla, do hereby solemnly affirm and declare on oath that the contents of the accompanying **condonation of delay Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



(Signature)

DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2023

Aziz ul Haq..... Appellant

V E R S U S

Registrar Peshawar High Court Peshawar etc.... Respondents

ADDRESSES OF PARTIES

A P P E L L A N T:

Aziz ul Haq Son of Bakhtawar Shah, Sweeper Clerk (BPS-04) District Judiciary Shangla R/o Lilowani District Shangla

R E S P O N D E N T S

1. Registrar Peshawar High Court Peshawar
2. District & Session Judge, Shangla


Appellant

Through



Mrs. Khalida Rafiq
Advocate High Court

Dated 14.11.2023

(6)

(10)

Annex H



The PESHAWAR HIGH COURT Peshawar



All communications should be addressed to the Registrar Peshawar High Court, Peshawar and not to any official by name.
Phone: 021014954
Off: 0210135
Fax: 02101702
www.peshawarhighcourt.gov.pk
info@peshawarhighcourt.gov.pk
phcpsh@gmail.com

No 315
Date 28/4/20

No. ADMN:

Dated Pesh the 28/4/2020

To:

- 1. All the District & Sessions Judges/ZQs in the Khyber Pakhtunkhwa.
2. All the Judges of Anti-Terrorism Courts in the Khyber Pakhtunkhwa.
3. All the Senior Civil Judges/AIQ in the Khyber Pakhtunkhwa.
4. The Presiding Officers, Labour Courts, Swat & Mardan.

Subject: GOVERNMENT OF KHYBER PAKHTUNKHWA EMPLOYEES OR THEIR SPOUSES WHO WERE BENEFICIARIES OF BENAZIR INCOME SUPPORT PROGRAMME (BISP).

Sir,

I am directed to refer to the subject noted above and to forward herewith list of employees of your respective establishments, who either themselves or their spouses were receiving BISP cash grant with the remarks that Hon'ble the Chief Justice has been pleased to direct that disciplinary proceedings be initiated against the delinquent officials by dispensing inquiry, by adopting shorter procedure as per rule-7 of the Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline) Rules, 2011, issuing show cause notices, as ample evidence is available on file, under intimation to this Court, please.

Sincerely yours,

(KHAWAJA WAJIB-UD-DIN) REGISTRAR

Supdt.

14

28/4/2020

ATTESTED

Registrar

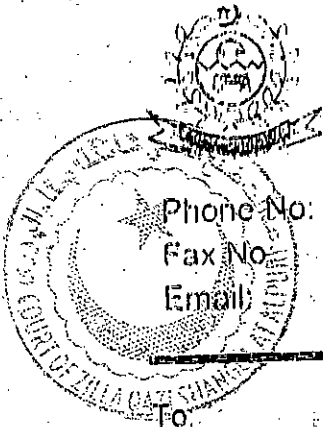
Peshawar High Court

(9)

10

DISTRICT JUDICIARY SHANGLA

Office of the District & Sessions Judge/Zilla Qazi, Shangla



Phone No: 0996-850001
Fax No: 0996-851001
Email: dsjshangla1@gmail.com

No. _____ B&A-DSJ/ZQ (SH)
Dated: _____ / _____ / 2020

To: The Director,
BISP, Shangla At Alpurai.

(The matter is most urgent)

Subject: PROVISION OF INFORMATION REGARDING
BENEFICIARIES OF BISP CASH GRANT.

Sir:

Reference to letter No. 6154-206/ADMN dated 23.04.2020, issued by Hon'ble Peshawar High Court, Peshawar, you are directed to provide copies of forms and detail of amount received by the spouses of officials of establishment of District Judiciary Shangla from BISP as per list attached at the earliest, please.

HAYAT GUL MOHMAND
District & Sessions Judge/Zilla Qazi
SHANGLA

Received.

[Handwritten Signature]

*Added
Wa. I. Misra Co
29/4/20*

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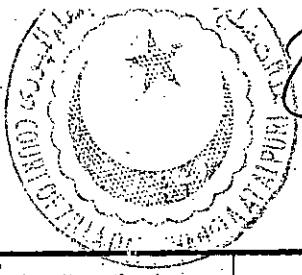


(17)

All copies addressed to the
Chief, Peshawar
15.88

No.	Name with Pay Scale	F/Name	NIC	Cost Center
34	Muhammad Easa (BPS-06)	Khan	13401-1503659-7	D&SJ.....
35	Moinullah (BPS-06)	Muhammad Jamil	17301-6386519-9	D&SJ.....
36	Mashhad Ali (BPS-03)	Suleman Khan	17301-1370838-1	D&SJ.....
37	Mansur Khan (BPS-04)	Afzal Ali Khan	15302-0994346-1	D&SJ.....
38	Khair Daraz (BPS-04)	Muhammad Nawaz	14202-1318753-1	D&SJ.....
39	Khair Muhammad (BPS-04)	Zair Muhammad	16101-1146960-1	D&SJ.....
40	Juma Khan (BPS-04)	Hashim Khan	12103-3878979-7	D&SJ, D.I.Khan
41	Javed Khan (BPS-03)	Muhammad Shah	21303-4387947-9	D&SJ.....
42	Javed Akbar (BPS-11)	Ghulam Sadiq	15402-1406983-7	D&SJ, Butkhela
43	Javed Gul (BPS-04)	Khan Sher	17301-1273306-3	D&SJ.....
44	Janat Mir (BPS-06)	Asal Mir	11101-5066736-9	D&SJ.....
45	Irfanullah (BPS-05)	Mohammad Iqbal	17101-8680789-9	D&SJ.....
46	Iqbal Hussain (BPS-04)	Ruzi Gul	15501-2243596-5	D&SJ, Shargha
47	Imam Ahmad Khan (BPS-03)	Muhammad Ameen	11201-6364447-9	D&SJ.....
48	Ihsanullah (BPS-05)	Amanullah	11201-0361133-7	D&SJ.....
49	Iftikhar Ahmad Safi	Dawa Jan	16101-7517724-7	D&SJ.....
50	Hayat Din (BPS-04)	Ghulam Ali	13701-1191101-1	D&SJ.....
51	Hassanullah (BPS-04)	Ghaffar Ali	15201-0574375-5	D&SJ.....
52	Habibullah (BPS-06)	Saadullah Jan	12201-0602714-1	D&SJ.....
53	Gul Zada (BPS-11)	Khanzada	17101-4902628-5	D&SJ, Charsadda
54	Gul Muhammad (BPS-09)	Sultan Muhammad	11201-0388502-9	D&SJ.....
55	Gul Badan (BPS-04)	Khan	13401-2832528-5	D&SJ.....
56	Ghulam Rabbani	Nil	12101-0958347-5	D&SJ, D.I.Kh.
57	Ghulam Fareed (BPS-03)	Ilahi Bakhsh	12101-7864653-3	D&SJ.....
58	Feroz Shah (BPS-16)	Raham Dil	15602-0380092-1	D&SJ, Swat
59	Fazl-e- Wahid (BPS-03)	Muhammad Khitab	16102-2318672-5	D&SJ.....
60	Fazl Wahid (BPS-06)	Abdul Wahid	16202-3978732-1	D&SJ
61	Fazal Akbar (BPS-16)	Ghulam Sadiq	15402-1400408-3	D&SJ, Butkhela
62	Faqir Hussain (BPS-04)	Tehmash Khan	17301-1679574-5	D&SJ.....
63	Faham Dil (BPS-16)	Shah Nawaz Khan	16202-0960372-3	D&SJ.....
64	Dil Roz Khan (BPS-05)	Jamroz Khan	17103-0348723-3	D&SJ.....
65	Dawood Gul (BPS-03)	Zahid Gul	42101-7936497-9	D&SJ.....
66	Bismillah Khan (BPS-11)	Shah Jehan	15602-7306832-9	D&SJ, Swat
67	Bulbul Nadir Shah (BPS-04)	Gul Muhammad	15201-0201870-7	D&SJ.....

ATTESTED
[Signature]



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(18)

No.	Name with Pay Scale	F/Name	NIC	Cost Center
68	Bagh Gul (BPS-04)	Sahib Gul	14202-1354271-1	D&SJ-----
69	Badshah Rahiman (BPS-16)	Gran Khan	15702-2499796-5	D&SJ-----
70	Azmat Ali Khan (BPS-04)	Bakht Janan	14202-1316859-7	D&SJ-----
71	Aziz ul Haq (BPS-04)	Bakhtawar Shah	15501-1084368-5	D&SJ, Shargha
72	Aurangzeb (BPS-11)	Sufeman Khan	17301-3533563-5	D&SJ-----
73	Aseel Badshah (BPS-11)	Yuqeen Shuh	14202-2520174-5	D&SJ-----
74	Anwar Sher (BPS-05)	Shamsher Khan	17301-4029416-7	D&SJ-----
75	Ali Ahmad (BPS-04)	Taj Muhammad	16101-7014158-5	D&SJ-----
76	Akhtar Gul (BPS-03)	Noor Said	21403-0254793-1	D&SJ-----
77	Adnan Khan (BPS-05)	Nil	12201-9844673-7	D&SJ, D.I.Khan
78	Abdur Rushid (BPS-04)	Nil	12103-1689520-1	D&SJ-----
79	Abdullah Jan (BPS-06)	Khana Jan	21302-6202040-9	D&SJ-----
80	Abdul Wahid (BPS-06)	Taj Muhammad	15501-6940010-0	D&SJ, Shargha
81	Abdur Rauf (BPS-04)	Khan	13403-7411485-5	D&SJ-----
82	Abdul Qadeer (BPS-04)	Haya Khan	17301-6632166-3	D&SJ-----
83	Abdul Ghaffar (BPS-14)	Mukhtasar Khan	13401-1504855-1	D&SJ-----
84	Anqibullah (BPS-05)	Nawab Khan	12201-5000907-9	D&SJ-----
85	Muhammad Javed (BPS-07)	Said Gul	16101-1172788-0	Supdt: Judt:
86	Muhammad Amin (BPS-09)	Hassan Muhammad	15402-8882868-9	Supdt: Judt:

ATTESTED

Signature

Magistrate Court Shargha

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19

List of government employees of establishment of District & Sessions Judge Shangla who are beneficiaries of BISP Cash Grant.

S. No.	Name with Pay Scale	F/Name	CNIC	Designation
1.	Zakir Ullah (BPS-16)	Sabir Khan	15505-0209109-7	Assistant
2.	Sabir Ali (BPS-11)	Muhammad Qayyum	15501-2246161-1	Junior Clerk
3.	Namos Khan (BPS-11)	Amir Zada	15505-5165554-5	Junior Clerk
4.	Naeem Ali (BPS-11)	Muhammad Younas	15501-4442299-3	Junior Clerk
5.	Muhammad Hanif (BPS-14)	Muhammad Zamin	42501-2412727-5	Computer Operator
6.	Muhammad Afsar (BPS-14)	Abdul Khaliq	15501-9352704-7	Senior Clerk
7.	Muhammad Ismail (BPS-14)	Muhammad Anwar	15501-5818692-9	Senior Clerk
8.	Iqbal Hussain (BPS-4)	Rozi Gul	15501-2243396-5	Chowkidar
9.	Aziz ul Haq (BPS-4)	Bakhtwar Shah	15501-1084368-5	Sweeper
10.	Abdul Wahid (BPS-6)	Taj Muhammad	15501-6940310-9	Driver

HAYAT GUL MOHMAND
District & Sessions Judge/Zilla Qazi
SHANGLA

TESTED

Examined

District Court, Shangla

Dear Sir,



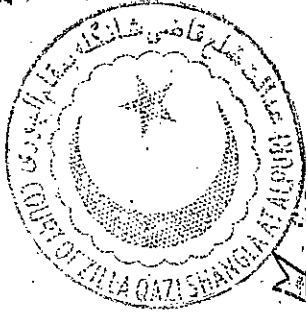
Please provide CNIC no. of the wives of the attached list. Because the payment has received by the wife of the attached list. In Bisp payment detail is related to their wives CNIC no.

It is requested to provide CNIC no. of their wives for the provision of payment details from Bisp.

Regards,
[Signature]

Husam Ali
Assistant Director
Senate Support Programme
Jinnah Road, Shanghae.

RECEIVED
EX-1111
Sessions Court Shanghae



DISTRICT JUDICIARY SHANGLA

OFFICE OF THE DISTRICT & SESSIONS JUDGE/ ZILLA QAZI, SHANGLA,
KHYBER PAKHTUNKHWA.

Phone # 0996-850001
Fax # 0996-851001
Email: dajshangla@gmail.com

No. 120 D&S/JZO (SH)

Dated: 30/04/2020

To:- The Assistant Director,
BISP, Shangla at Alpurai.

Subject: PROVISION OF INFORMATION REGARDING BENEFICIARIES
OF BISP CASES GRANT.

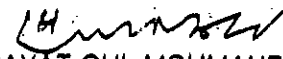
Sir,

In continuation of this office letter No. 148/20 dated 25.04.2020, on the subject cited above:-

You are directed to provide copies of registration forms in the BISP and detail of amount received by the spouses of officials of this establishment from BISP as per detail given below:-

S.#	Name with pay Scale	F/Name	CNIC	Designation	Wife Name & CNIC
01	Zakir Ullah (BPS-16)	Sabir Khan	15501-0209199-7	Assistant	Maryam 15505-0203739-4
02	Muhammad Hanif (BPS-16)	M.Zamin	42501-2412727-5	C.O	Shah Izzat 15501-8451211-8
03	Muhammad Afsar (BPS-14)	Abdul Khaliq	15501-9352704-7	Senior Clerk	Bakht Jehan 15501-0641230-0
04	Muhammad Ismail (BPS-14)	M. Anwar	15501-5818092-9	Senior Clerk	Bakht Roza 15501-8025218
05	Sabir Ali (BPS-11)	M.Qayoum	15501-2246161-1	Junior Clerk	Ullah 15501-3210860-0
06	Namos Khan (BPS-11)	Amir Zada	15505-5185534-5	Junior Clerk	Siraj Bi bi 15505-0017941-4
07	Naeem Ali (BPS-11)	M.Younas	15501-4442219-3	Junior Clerk	Zamrat Bi bi 15501-9312097-6
08	Iqbal Hussain (BPS-04)	Fozi Gul	15501-2243596-5	Chowkdar	Fehmida 15501-3482148-0
09	Aziz ul Haq (BPS-04)	Bakhtwar Shah	15501-1084368-5	Sweeper	Bakht Sulman 15501-5645955-4
10	Abdul Wahid (BPS-06)	Faj Muhammad	15501-6940010-9	Driver	1. Begum Wahid 15501-2456547-2 2. Saleh Wahid 15501-2456547-2

ATTACHED
Examiner
Sessions Court Shangla


(HAYAT GUL MOHMAND)
District & Sessions Judge/Zilla Qazi
SHANGLA



GOVERNMENT OF PAKISTAN

OFFICE OF THE ASSISTANT DIRECTOR
BENAZIR INCOME SUPPORT PROGRAMME
COLLEGE ROAD TEHSIL ALPURI DISTRICT SHANGLA

No: AD/BISP/ ALP/SH/21-06

Dated: 05-05-2020

To

The District & Sessions Judge / Zilla Qazi
Shangla.

Subject : **PROVISION OF INFORMATION REGARDING BENEFICIARIES
OF BISP CASES GRANT**

Reference to your letter No: 680 D&SJ/ZQ (SH) Dated:30.04.2020, on the
subject cited above.

Payment detail of the official spouses are given below.

Sr	Name with pay Scale	F/Name	CNIC	Designation	Wife name with CNIC	Amount Received
01	Zakir ullah(BPS-16)	Sabir Khan	1550102061997	Assistant	Maryam 1550502037394	Rs.131874
02	Muhammad Hanif (BPS-16)	M.Zamin	4240124127275	C.O	Shah Izat 1550184512118	Rs.113874
03	Muhammad Afsar (BPS-14)	Abdul Khaliq	1550193527047	Senior Clerk	Bakht Jehan 1550106442300	Rs.119874
04	Muhammad Ismail (BPS-14)	M.Anwar	1550158186929	Senior Clerk	Bakht Roza 1550180253118	Rs.129874
05	Sabir Ali (BPS-11)	M. Qayoum	1550122461611	Junior Clerk	Ulfat 1550132108600	Rs.121874
06	Namos Khan (BPS-11)	Amir Zada	1550551655345	Junior Clerk	Siraj bibi 1550506179414	Rs.132874
07	Naeem Ali(BPS-11)	M.Younas	1550144422193	Junior Clerk	Zamart bibi 1550102320976	Rs.129874
08	Iqbal Hussain (BPS-04)	Rozi Gul	1550122435965	Chowkidar	Fehmida 1550134821460	Rs.159874
09	Aziz ul Haq (BPS-04)	Bakhtwar Shah	1550110843685	Sweeper	Bakhti Sullman 1550156459554	Rs.129874
10	Abdul Wahid (BPS-06)	Taj Muhammad	1550169400109	Driver	1.Begum wahid 1550124565472 2.Saleha Wahid 1550124565472	(1)Rs. 118874 (2) CNIC no of begum wahid &Saleha wahid are same.

For provision of registration forms your good office can contact on the following
address.

Divisional Director BISP Opposite GPO, Markaz Abad Bakhila
District Malakand.

ATTESTED

Examined

Joint Court Shangla

Hussain Ali,
Assistant Director,
Tehsil Alpuri District Shangla



(13) (24) Annex cc B

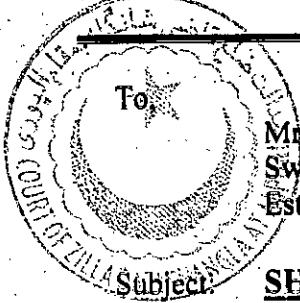
DISTRICT JUDICIARY SHANGLA

Office of the District & Sessions Judge/Zilla Qazi, Shangla

Phone No. 0996-850001
Fax No. 0996-851001
Email. dsjshangla1@gmail.com

No. 717 DSJ/ZQ (SH)

Dated: 12 / 05 / 2020



To, Mr. Aziz-ul-Haq,
Sweeper (BPS-04)
Establishment of District & Sessions Judge, Shangla.

Subject: **SHOW CAUSE NOTICE.**

Whereas, according to information placed before the Hon'ble Peshawar High Court, Peshawar vide letter No. E&D/LD/3-2(54)/2020, dated 11.03.2020, letter No. SOR-1(E&AD)4-17/2020, dated 14.02.2020, alongwith list annexed therewith and letter of the Hon'ble Peshawar High Court, Peshawar bearing No. 6154-206/ADMN: dated 23.04.2020. The list received includes your name for having your spouse as beneficiary of Benazir Income Support Program, despite being not entitled to receive the same, obviously reflecting unbecomingness of a good official on your part.

Your act or omission enumerated herein above make it evident that you are guilty of misconduct which is a valid ground for disciplinary action as prescribed under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline), Rules 2011. As a result thereof, I, Hayat Gul Mohmand District & Sessions Judge, Shangla as Competent Authority, have tentatively decided to impose upon you one or more penalties as provided under Rule 4 of the said rules by dispensing the inquiry as sufficient documentary evidence is available on file.

You are, therefore, required to Show Cause as to why the aforesaid penalties should not be imposed upon you and also intimate whether you desired to be heard in person.

If no reply to this notice is received within fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

Given under my hand and seal, today on 12th day of May, 2020.

Hayat Gul Mohmand
District & Sessions Judge/Zilla Qazi
SHANGLA

Endst: No & Date Even.

Copy forwarded to the Registrar, Hon'ble the Peshawar High Court, Peshawar for information, please.

Hayat Gul Mohmand
District & Sessions Judge/Zilla Qazi

(14)

(23)

To

The Worthy District & Session Judge,
Shangla,



Subject: SHOW CAUSE NOTICE

Sir,

Reference to the Show Cause Notice No 717/DSJ(SH), dated 12.05.2020, received from your good self, with the allegation that I or my wife remained the beneficiary of BISP cash grant.

Personally, I had never registered myself for the said program. But my wife, having CNIC No 15501-9045955-4, remained the de facto beneficiary of the BISP, hence accepted, with the following justifications:


1. That my wife had applied for the cash grant with local survey team in 2010-11, when our total monthly income was approximately Rs 5000.
2. That BISP cash grant remained a blessing for my family to meet our daily-life expenditures.
3. That in my low pay it was undoubtedly difficult to feed, educate and provide medical facility to my family of 10 members.
4. That she had issued the BISP cards after the fulfillment of all requirements.
5. That she received the alleged cash amount personally, having her own thumb impression.
6. That initially the wife of poor Government Servants was not excluded from the said program.
7. That in the absence of the hereinabove mentioned condition and lack of knowledge the cash grant remained continued.
8. That the cash grant is the sole ownership of woman as endorsed on the BISP Card.
9. That the BISP was particularly meant to uplift the, financially weak, womenfolk of our society.

Therefore, it is requested that the show cause notice may kindly be filled, ipso facto, without further proceedings.



(Aziz ul Haq)

CNIC NO: 15501-1084368-5

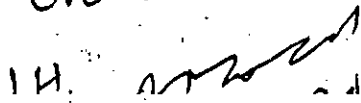
Sweepor (BPS-2)


District & Session Judge
Shangla

Received,
Placed on file

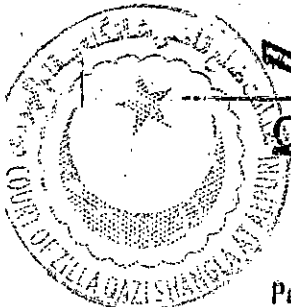

28/5/2020
MAYAT ULL MOHAMMAD
SESSIONS JUDGE / ZILLA Q-12
SHANGLA

Reply to the show cause notice is not satisfactory. Personal reasoning done. Put up for final order.

14. 

District Judiciary Shangla

Office of the District & Sessions Judge / Zilla Qazi, Shangla



OFFICE ORDER

Dated Alpurai the 25/07/2020

WHEREAS disciplinary proceedings were initiated under Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011; against Mr. Aziz-ul-Haq Sweeper (BPS-04) Establishment of District & Sessions Judge, Shangla for his name being included in the list of Government officers/officials whose spouses are beneficiaries of the Benazir Income Support Program, received from Government of Khyber Pakhtunkhwa, Establishment & Administration Department, Peshawar vide letter No. SOR-1(E&AD) 4-17/2020 dated 07.02.2020 and letter No. 6154-206/ADMN: dated 23.04.2020 of the Hon'ble Peshawar High Court, Peshawar.

AND WHEREAS accused/official was served with show cause notice by dispensing inquiry on the ground of mis-conduct. On receipt of reply to the show cause notice which was not satisfactory. Accused/official was heard in person, who has not denied being his wife beneficiary of BISP.

AND WHEREAS after confirmation of the amount due against accused/official from Assistant Director BISP Tehsil Alpurai District Shangla, charge levelled against accused/official stands proved.

NOW, THEREFORE, I as Competent Authority impose the following minor penalties upon the accused/official as enumerated in Rule 4(1)(a)(ii) (iii) of Government of Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011

- i. He is awarded penalty of withholding increment for three years with non-accumulative effect under Rule 4(1)(a)(ii) of the ibid rules.
- ii. Recovery of Rs.1,20,874/- be made from pay of accused/official and be deposited in government treasury under Rule 4, 1)(a)(iii) of the ibid rules.

Accountant/Nazir is directed to proceed further for recovery and deposit of the same in State Exchequer.

[Handwritten signature]
District & Sessions Judge
Shangla

[Handwritten signature]
HAYAT GUL MOHMAND
District & Sessions Judge/Zilla Qazi
SHANGLA

Endst. No 1185-9/D&SJ/ZQ (SH)

Dated Alpurai the 25/7/2020

Copy forwarded for information to:

- 1. The Registrar Peshawar High Court, Peshawar.
- 2. The Member Inspection Team, Peshawar High Court, Peshawar.
- 3. The Senior Civil Judge (Admin) Shangla.
- 4. The District Accounts Officers, Shangla.
- 5. The Accountant/Nazir, Sessions Court Shangla.
- 6. Official concerned.
- 7. Office copy for record.

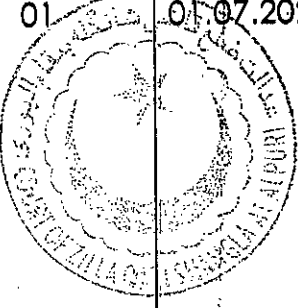
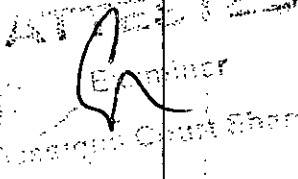
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HAYAT GUL MOHMAND
District & Sessions Judge/Zilla Qazi
SHANGLA

(2) **FORM "A"** (2)

FORM OF ORDER SHEET

IN THE COURT OF HAYAT GUL MOHMAND SESSIONS JUDGE/ZQ SHANGLA

Show Cause Notice/Inquiry No. 9/6 of 2020

Serial no of order or proceedings	Date of order of proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
<p style="text-align: center;">01</p> 	<p style="text-align: center;">05.07.2020</p>	<p>letter of the Hon'ble Peshawar High Court, Peshawar bearing No. 6154-206/ADMN: dated 23.04.2020 was received on 28.04.2020 for Disciplinary proceeding against Mr. Aziz-ul-Haq Sweeper (BPS-04) s/o Bakhtawar Shah CNIC No. 15501-1084368-5. Be registered.</p> <p>On 12.05.2020 Show cause notice bearing No. 717/D&SJ/ZQ(SH) dated 12.05.2020 was issued to accused/official. Reply was submitted on 28.05.2020.</p> <p>To come up for personal hearing on 04.07.2020.</p> <p style="text-align: right;"><i>H. Gul Mohmand</i> Hayat Gul Mohmand D&SJ/ZQ, Shangla</p>
<p style="text-align: center;">02</p> 	<p style="text-align: center;">04.07.2020</p>	<p>Mr. Aziz-ul-Haq Sweeper (BPS-04) present. Accused/official personally heard. To come up for final order on 25.07.2020.</p> <p style="text-align: right;"><i>H. Gul Mohmand</i> Hayat Gul Mohmand D&SJ/ZQ, Shangla</p>
<p style="text-align: center;">03</p>	<p style="text-align: center;">25.07.2020</p>	<p>Mr. Aziz-ul-Haq Sweeper (BPS-04) present. Record available on file perused.</p> <p>According to information placed before the Hon'ble Peshawar High Court, Peshawar vide letter No. E&D/LD/3-2(54)/2020, dated 11.03.2020 and letter No. SOR-1(E&AD)4-17/2020, dated 14.02.2020, list was shared with the Hon'ble Peshawar High Court, Peshawar, showing officials of this</p>

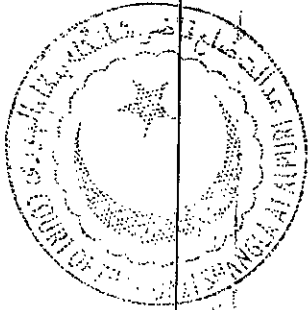
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(10)

FORM "A"
FORM OF ORDER SHEET

IN THE COURT OF HAYAT GUL MOHMAND SESSIONS JUDGE/ZQ SHANGLA

Show Cause Notice/Inquiry No. 9/6 of 2020



03

25.07.2020

establishment whose spouses were receiving cash grant from Benazir Income Support Program and requested for initiating disciplinary proceeding against them.

Vide letter of the Hon'ble Peshawar High Court, Peshawar bearing No. 6154-206/ADMN: dated 23.04.2020, list received included name of Aziz-ul-Haq Sweeper (BPS-04) s/o Bakhtawar Shah CNIC No. 15501-1084368-5 presently working as Sweeper in the Establishment of District & Sessions Judge, Shangla at serial No. 71 for being his wife having CNIC No. 1550156459554 as beneficiary, for receiving an amount of Rs. 1,29,874/- from Benazir Income Support Program despite of the fact that accused/official being government servant and his wife was not entitled for receiving the same.

Disciplinary proceedings were initiated against accused/official by dispensing inquiry and adopting shorter procedure as per Rule 7 of Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline), Rules 2011.

On 12.05.2020, show cause notice bearing No. 717/D&SJ/ZQ(SH) was issued to Mr. Aziz-ul-Haq Sweeper (BPS-04) as to why penalty provided under Rule 4 of Khyber Pakhtunkhwa Civil Servant

HAYAT GUL MOHMAND
DISTRICT JUDGE/ZQ SHANGLA

25/7/2020

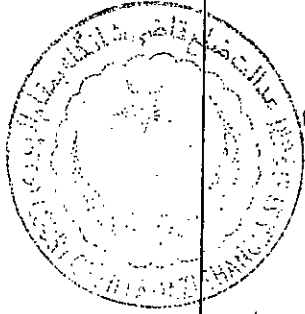
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(21)

FORM "A"
FORM OF ORDER SHEET

IN THE COURT OF HAYAT GUL MOHMAND SESSIONS JUDGE/ZQ SHANGLA

Show Cause Notice/Inquiry No. 9/6 of 2020



03

25.07.2020

(Efficiency & Discipline Rules), 2011 should not be imposed upon him, which was duly received by him.

On 28.05.2020, Mr. Aziz-ul-Haq Sweeper (BPS-04) submitted written reply to show cause notice in which he has mentioned that neither his wife nor he was in the knowledge that Government employees and their families are not eligible for Benazir Income Support Program nor concerned officer of Benazir income Support Program asked about this fact.

In the reply there is at least no denial of the fact that he was not government servant and his wife has not received the BISP cash grant.

Vide letter No. 680/D&SJ/ZQ(SH) dated 30.04.2020 relevant information were sought from Assistant Director BISP Shangla who vide letter No. AD/BISP/ALP/SH/21-6 dated 05.05.2020 submitted the same.

According to the information received, wife of Mr. Aziz-ul-Haq Sweeper (BPS-04) having CNIC No. 1550156459554 has received an amount of Rs. 1,29,874/- as BISP cash grant.

The reply of the show-cause notice submitted by Mr. Aziz-ul-Haq Sweeper (BPS-04) was found not satisfactory.

POST
Court Shangla

HAYAT GUL MOHMAND
DISTRICT JUDGE/ZQ SHANGLA

25/7/2020

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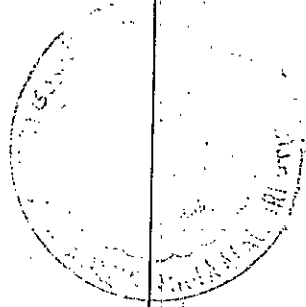
FORM OF ORDER SHEET

IN THE COURT OF HAYAT GUL MOHMAND SESSIONS JUDGE/ZQ SHANGLA

Show Cause Notice/Inquiry No. 9/6 of 2020

03

25.07.2020



Mr. Aziz-ul-Haq Sweeper (BPS-04) was heard in person but he could not justify receiving of BISP cash grant in the name of his wife, being a government servant and his wife not entitled to receive the same. The BISP was meant for poor and needy people, who had no bread earner or live below the poverty line.

Therefore, in view of the above, charges enumerated in the show-cause notice are proved against the accused/official and the following minor penalties as embodied in Rule 4(1)(a)(ii)(iii) of Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline)

Rules, 2011 are imposed:

- i. He is awarded penalty of withholding increment for three years with non-accumulative effect under Rule (4)(1)(a)(ii) of the ibid rules.
- ii. Recovery of Rs 1,29,874/- be made from accused/official and be deposited in government treasury under Rule 4(1)(a)(iii) of the ibid rules.

Accountant/Nazir is directed to proceed further for recovery and deposit of the same in State Exchequer. Office order issued accordingly. File be

consigned.

Announced:
25.07.2020

No. of Pages

Urgent Fee

Name of Copy

Signature

Copy Fee

Date of Delivery

24 1 11 23
1 11 23
14 Hayat Gul Mohmand
Shahid D&SJ/ZQ, Shangla
23
1 11 23



Certified to be True Copy

EXAMINER

To:

The Hon'ble Registrar,
Peshawar High Court, Peshawar.

Aziz Ul Haq S/O Bakhtawar Shah, Sweeper (BPS-04) District Judiciary
District Shangla.....Appellant

Through: **Proper Channel:**

Subject: Departmental representation against the impugned order dated 25th July 2020, whereby the minor penalties of "Withholding of three annual increments for three years with non accumulative effect" and "Recovery of Rs.1,29,874/-" are imposed upon appellant;

Respected Sir,

1. That the appellant is a regular employee in District Judiciary Shangla as Sweeper.
2. That on initiative of Government a letter bearing No. SOR-I(E&AD) 4 -17/2020 dated 07.02.2020 was circulated which included a list of Government officers/officials whose spouses were the beneficiaries of the Benazir Income Support Program, hence in compliance of the same the Peshawar High Court, Peshawar vide letter bearing No. 6154-206/Admin: dated 23.04.2020 addressed to all the District & Sessions Judges of Khyber Pakhtunkhwa to take Disciplinary action against those Govt servants himself or through spouse received income support from BISP. (Letters alongwith list are Annexed)

Aziz Ul Haq

3. That in compliance of the same a Show Cause Notice was issued to which was commented/replied by the appellant and the competent Authority after hearing the appellant and without conducting inquiry passed the impugned order dated 25.07.2020 against the appellant. (Copy of reply and Order are annexed)
4. That the Benazir Income Support was launched in the year 2010, which was based on fixed ratio of poverty. At that time there was no any clear policy or Rules that Govt servants or their spouses were not entitled to take benefits from the said income support program. Now recently the Govt has changed its policy, therefore, the appellant has not committed any misconduct and is not liable to any punishment because appellant nor his spouse personally appeared before the interviewer/officials of the BISP.
5. That the appellant was condemned on the fault committed by the officials of the BISP as they were required under the Rules to stop enrolment/stop payment of grant, despite the fact at that time the BISP in corroboration with NADRA pledge that the NADRA played a crucial role of identifying the rightful person under the BISP by applying various biometric verifications. As per report of (Targeting Process Evaluation) all entries were made by the NADRA after proper scrutiny and data entry mechanism and it was a mandate of the Ibid policy that biometric verification of every individual carried out then how for the fault committed by NADRA and the BISP the appellant could become sacrificial animal.

Asadullah Khan

6. That the appellant after getting initial survey form/record from BISP authorities it was found that in column of employments it has been specially been mentioned that the appellant is a Government servant, although the said information has not been furnished by the petitioner and it is also not clear that who furnished the said information to the BISP officials and it is also not been cleared that whose thumb impressed on the said form. It is also a matter of importance that the said form belongs to the spouse/wife of the appellant.
7. That Hon'ble the District and Sessions Judge Shangla, instead of initiating an impartial inquiry regarding receiving of benefits of the said program by the appellant himself, ordered Disciplinary proceedings against the appellant.
8. That the appellant neither received any amount nor he himself is named as a beneficiary by the Peshawar High Court, Peshawar vide it's letter bearing No. 6154-206/Admin : dated 23.04.2020 but his spouse was named therein, for which he couldn't be held liable.
9. That it is the rule/Command of Islamic law that no one should be punished for the offence committed by other, even by close relative.
10. That the appellant condemned for the charges which had no nexus to him, hence the order appeal herewith is harsh and untenable in the eyes of law.

It is, therefore, requested that my case may kindly be considered on humanitarian basis and the representation

Asad Khan

may be accepted and the impugned order dated 25-07-2020 passed by Hon'ble the District & Sessions Judge, may be set aside and the appellant may kindly be exonerated from the subject penalties imposed upon me.

Yours obediently

Dated: 29.10.2020



*Aziz ul Haq S/o Bakhtawar Shah,
Sweeper (BPS-04)
District Judiciary Shangla.*

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, PESHAWAR
(Judicial Department)

Departmental Appeal No.48 of 2020



Aziz-ul-Haq

Versus

District & Sessions Judge/ZO, Shangla

Appellant in person.

Date of hearing: 14.10.2023

SHORT ORDER

ISHTIAQ IBRAHIM, J. - Vide detailed judgment of today in connected Departmental Appeal No.10 of 2020 titled "**Zakirullah Assistant/COC (BPS-16) District Judiciary Shangla Vs. District & Sessions Judge/Zilla Qazi, Shangla**", this Departmental Appeal is disposed of in terms thereof. Office is directed to place copy of the judgment on this file.

Announced
14.10.2023

ISHTIAQ IBRAHIM, J.

**SENIOR PUISNE JUDGE/
 APPELLATE AUTHORITY**

Hon'ble Mr. Justice Ishtiaq Ibrahim, Senior Puisne Judge/Appellate Authority.

(M. Iqbal, SSS)

CERTIFIED TO BE TRUE COPY

EXAMINER
 Peshawar High Court, Peshawar
 Authorized Under Article 8, 7 of
 the Qanoon-e-Shahadat Act 1984

13 NOV 2023

(34)

. 1 .

**JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
PESHAWAR**

(Judicial Department)

Departmental Appeal No.10/2020

**Zakirullah Assistant/COC (BPS-16) District
Judiciary Shangla**

Versus

District & Sessions Judge/Zilla Qazi, Shangla

JUDGMENT

Date of hearing: 14.10.2023

ISHTIAQ IBRAHIM, J.- This single judgment is meant to decide the instant Departmental Appeal as well as the connected Departmental Appeals, list of which is attached with the judgment as Annexure-A (consisting 02 pages)

2. Brief facts leading to instant Departmental Appeals are that Benazir Income Support Programme (BISP) was launched with two main objectives; to cushion the adverse impact of the food, fuel and financial crisis on the poor; and a longer terms objective of providing a minimum income support package to the unprivileged and to those most vulnerable to future shocks. The Government unearthed a scam relating to Benazir Income Support Programme (BISP). It was found that the amount was received by such persons/employees of the subordinate judiciary who were

ATTESTED



not entitled to BISP. In this regard a list of illegal recipients was shared with Peshawar High Court Peshawar which was further transmitted to all the District & Sessions Judges/ZQs/Judges of Anti-Terrorism Courts/Senior Civil Judges/AIQ and the Presiding Officers of Labour Courts in the Khyber Pakhtunkhwa with directions that disciplinary proceedings be initiated against the delinquent officials by dispensing with inquiry and adopting shorter procedure under rule-7 of the Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline) Rules, 2011. Disciplinary action was initiated against the illegal recipients/employees and the following penalties were imposed upon them.

- i. *Penalty of withholding of increments.*
- ii. *Recovery of the amount/aid received in BISP.*

3. Feeling aggrieved the employees have filed these Departmental Appeals under Sub Rule (1) of Rule 3 of Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986.

4. Heard.

5. On record there is an office order dated 26.09.2020, passed by Hon'ble the then Chief Justice Mr. Waqar Ahmad Seth (late), wherein, identical matters/departmental appeals of the employees of Peshawar High Court Peshawar were accepted and decided in the following manners;

- i. *The penalty of stoppage of increment is set aside/recalled/reviewed.*

ATTESTED
EXAMINER
Peshawar High Court

- II. Office shall recover in 10 equal installments from these Officials the amount received from BISP either by the Official himself or through his spouse. The target date to reckon while calculating the installments is the date the official was employed in this Court. Thus, the amount received earlier thereto would not come within the ambit of this recovery.
- III. The Director Budget & Account and the respective Account Officers of the District Judiciary (as the case may be) shall make necessary calculation after verification of record and shall issue necessary vouchers for payment of the said amount.
- IV. If for any reason there is a default in payment of installment, then the amount shall be recoverable from the salary of the concerned officials.

6. The cases of the present appellants are no more different from the cases of the appellants/employees dealt with in the order supra, therefore, following the ratio of order ibid these appeals are partially accepted and disposed of in the terms that;

- a. The penalty of stoppage of increment is set aside.
- b. Recovery of amount received by the appellants or their spouses from BISP (if not already recovered) shall be made from the appellants in monthly installments in the following manner;

BPS-1 to 5	Rs.4000/- per month.
BPS-6 to 11	Rs.7000/- per month.
BPS-11 and above	Rs.8000/- per month.
- c. If the appellants want to deposit the entire amount, he may deposit the same with the concerned authority. The determination/calculation of the amount to be recovered from the employees should be reckoned from the date of entry into service/appointment. Thus, the amount received earlier thereto would not come within the ambit of this recovery.

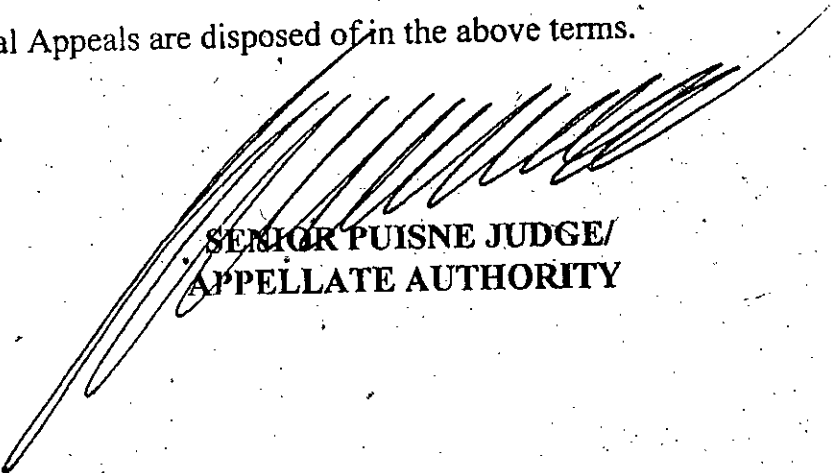
7. So for as Departmental Appeal No.10/2020, titled "Zakirullah Vs. District & Sessions Judge, Shangla", is concerned, Superintendent, District & Sessions Judge, Shangla, appeared and stated that the appellant has passed away in the year 2020, and his widow is receiving his

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Peshawar High Court

pension which is the only source of their bread and butter. Therefore, keeping in view the special circumstances Rs.3000/- per month shall be recovered from her pension to make the recovery good.

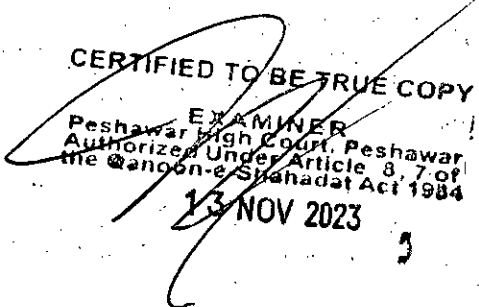
8. In view of above, the instant and the connected Departmental Appeals are disposed of in the above terms.

Announced
14.10.2023


SENIOR PUISNE JUDGE/
APPELLATE AUTHORITY

Hon'ble Mr. Justice Ishaq Ibrahim, Senior Puisne Judge/Appellate Authority.

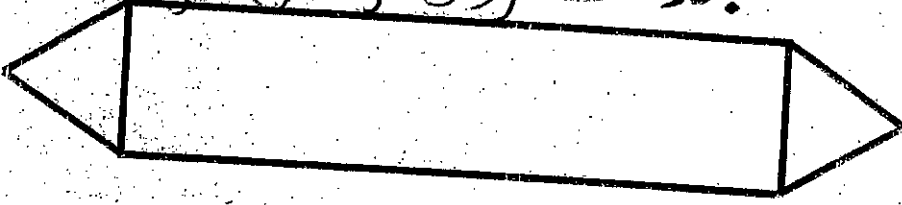
(M. J. S. S. S.)


CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 8, 7 of
the Qanoon-e-Shahadat Act 1984

13 NOV 2023

بعدالت سرور سے ٹریڈ مارک رجسٹریشن لیسٹ اور



2 منجانب
عزیز الرحمن بنام حکومت

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

کیلئے والدین رضوان الدوولیب

آن مقام لیسٹ اور

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوا مقدمہ ہوں گے سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب سائنڈ ہوں گے کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند ہے۔

ACCEPTED
ATTESTED

2023ء

ماہ اکتوبر

المرقوم 14

العبد د گ واه العبد

کوسر

لیسٹ اور