


FORM OF ORDER SHEET

Court of _____

Appeal No. 2480/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/11/2023	<p>The appeal of Mr. Muhammad Ismail resubmitted today by Mrs. Khalida Rafiq Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____ Parcha Peshai is given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Muhammad Ismail received today i.e on 16.11.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Page no. 31 of the appeal is illegible which may be replaced by legible/better one.
- 2- Chamber addresses of the counsel engaged is not mentioned on the Index of appeal.

No. 3617 /S.T.

Dt. 17-11 /2023.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mrs. Khalida Rafiq Adv.
High Court .

Respectfully Shweth!

— objection No 1 is removed.

Objection No 2 removed.

Adv: Khalida Rafiq



23-11-23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 2480 /2023

Muhammad Ismail..... 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
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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	15-24
6.	Copy of Show Cause notice alongwith order dated 13.07.2020 and reply of show cause notice	B-C	25-34
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Appellant

Through


Mrs. Khalida Rafiq
Advocate High Court
Cell No.0345-6151776

Dated 14:11:2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 2480 /2023

Muhammad Ismail Son of Muhammad Anwar
R/o Dheri, Alpurai Shangla,
Senior Clerk (BPS-14)
District Judiciary 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 13.07.2020 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 Senior Clerk 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 11.07.2020, 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 11.07.2020 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

Muhammad Ismail..... **Appellant**

VERSUS

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

AFFIDAVIT

I, Muhammad Ismail Son of Muhammad Anwar R/o Dheri, Alpurai Shangla, Senior Clerk (BPS-14) District Judiciary 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.



[Handwritten Signature]
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M No. _____/2023

In

Service Appeal No. _____/2023

Muhammad Ismail..... **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.

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

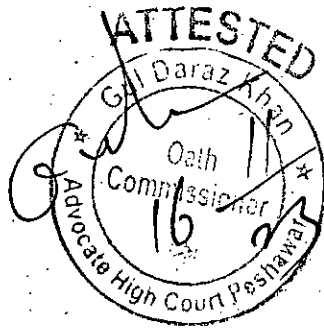
Muhammad Ismail..... **Appellant**

V E R S U S

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

A F F I D A V I T

I, Muhammad Ismail Son of Muhammad Anwar R/o Dheri, Alpurai Shangla, Senior Clerk (BPS-14) District Judiciary 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.



Re
 DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M No. _____/2023

In

Service Appeal No. _____/2023

Muhammad Ismail..... **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

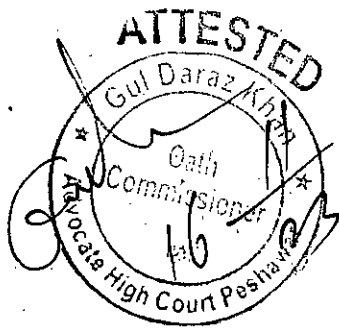
Muhammad Ismail..... **Appellant**

V E R S U S

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

A F F I D A V I T

I, Muhammad Ismail Son of Muhammad Anwar R/o Dheri, Alpurai Shangla, Senior Clerk (BPS-14) District Judiciary 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.



[Handwritten Signature]

DEPONENT

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

Service Appeal No. _____/2023

Muhammad Ismail..... **Appellant**

V E R S U S

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

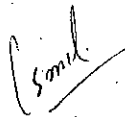
ADDRESSES OF PARTIES

APPELLANT:

Muhammad Ismail Son of Muhammad Anwar
R/o Dheri, Alpurai Shangla,
Senior Clerk (BPS-14)
District Judiciary Shangla

RESPONDENTS

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



Appellant

Through



Mrs. Khalida Rafiq
Advocate High Court

Dated 14.11.2023

(7)

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Annex

" A "



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:	9210148-88
Off:	9210135
Fax:	9210170

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

No. 6134-2020/ADMN:

Dated Peshawar the 13/11/2020

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 WAJIH-UD-DIN)
REGISTRAR

RECEIVED
REGISTRAR
PESHAWAR HIGH COURT

12

(16)



DISTRICT JUDICIARY SHANGLA

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



Phone No: 0996-850001

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

Fax No: 0996-851001

Email: dsjshangla1@gmail.com

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.

[Signature]

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Sessions Court Shangla

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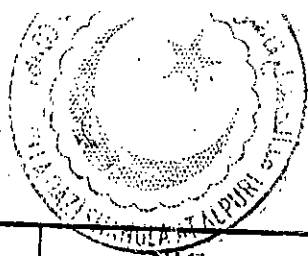
LIST OF EMPLOYEES OF CIVIL COURTS THROUGHOUT KPK WHO WERE BENEFICIARY OF BISP

S No.	Name with Pay Scale	F/Name	NIC	Cost Center
1	Zer Rehman (BPS-04)	Muhammad Luqman	11101-1457479-5	SCJ, B.....
2	Zakirullah (BPS-16)	Sabir Khan	13505-0209199-7	SCJ, Shingla
3	Zahoor Khan (BPS-03)	Abdul Jabbar	14301-1921825-9	SCJ, Kohat
4	Zahirullah (BPS-11)	Mir Janan	14203-2036522-7	SCJ.....
5	Zahidullah Khan (BPS-03)	Muhammad Akbar	11101-8245247-5	SCJ.....
6	Waris Khan (BPS-03)	Roshan Khan	13504-7864737-5	SCJ, Mankelra
7	Wali Rahman (BPS-03)	Faza' Rahman	15602-7076416-5	SCJ, Swat
8	Usman Ghani (BPS-11)	Mir Sahib Khan	11201-3166688-5	SCJ, Peshawar
9	Umer Ayaz (BPS-04)	Sher Dad	11201-0396766-7	SCJ.....
10	Umar Janan (BPS-06)	Sukhi Janan	14202-1329398-7	SCJ.....
11	Tariq Ali (BPS 05)	Khewa Noor	15101-2132812-7	SCJ.....
12	Suleman Shah (BPS-11)	Mir Badshah	14301-1990764-1	SCJ, Kohat
13	Shamsul Qumar (BPS-06)	Shah Nazar	15501-1209371-3	Process Serv.....
14	Shah Dawran (BPS-06)	Johar	15602-8039587-1	SCJ, Swat
15	Samiullah (BPS-05)	Sukhi Jan	15601-1006682-1	SCJ, Swat
16	Salimullah (BPS-11)	Saidullah	15701-1229525-5	SCJ.....
17	Suleem Khan (BPS-11)	Sikandar Khan	12201-0985463-3	SCJ.....
18	Salahuddin (BPS-03)	Sarfraz	13501-2235703-3	SCJ, Shingla
19	Sajid Masih (BPS-04)	Sadiq Masih	11101-3653114-7	SCJ, B.....
20	Sajidullah (BPS-03)	Mustafa Kamal	17301-7444731-7	SCJ, Peshawar
21	Saifullah Almas (BPS-18)	Ayub Gul	14301-8629128-3	SCJ, B.....
22	Saiful Islam (BPS-03)	Muhammad Iqbal	16202-0904980-5	SCJ, S.....
23	Said Nazar (BPS-04)	Gul Nazar	15602-1330326-3	SCJ, Swat
24	Subar Jameel (BPS-16)	Noor ul Huda	13401-1504335-7	SCJ R C-2.....
25	Subar Zada (BPS-04)	Nussurul	15501-2996084-7	SCJ, Shingla

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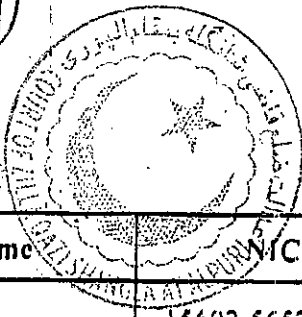
S No.	Name with Pay Scale	F/Name	NIC	Cost Center
26	Sabir Ali (BPS-11)	Muhammad Qayum	15501-2246161-1	SCJ, Shungla
27	Riaz Ahmad (BPS-11)	Rahimdad Khan	16101-8093741-9	SCJ, M-----
28	Raj Wali Khan (BPS-06)	Chaman Gul	17101-0307654-3	SCJ, C-----
29	Rahmatullah (BPS-04)	Samin Gul	17301-1636503-5	SCJ, Peshawar
30	Pashmin Khan (BPS-04)	Jafoor Khan	15602-6152658-9	SCJ, Swat
31	Obaidullah Jan (BPS-06)	Said Khan	12201-1899467-9	SCJ-----
32	Paida Khan (BPS-04)	Gul Zamin	15502-6155213-9	SCJ, Shungla
33	Noor Akbar Khan (BPS-11)	Noor Hamad Khan	15101-6154369-5	SCJ, B-----
34	Nizam Din (BPS-06)	Shams ud Din	13401-1504912-9	Pr.Ser.Agenz----
35	Namos Khan (BPS-11)	Amir Zada	15505-5165534-5	SCJ, Shungla
36	Naib Khan (BPS-04)	Mazeef Khan	11101-9769073-9	SCJ, B-----
37	Naeem Ali (BPS-11)	Muhammad Unas	15501-4442219-3	SCJ, Shungla
38	Muhammad Zada (BPS-04)	Nusray Mian	15501-4702424-5	SCJ, Shungla
39	Muhammad Yousaf (BPS-03)	Muhammad Jan	12102-7971028-5	SCJ, C-----
40	Muhammad Saleem (BPS-11)	Nassrullah Jan	12201-2901012-5	SCJ, P.S.,-----
41	Muhammad Ramizan (BPS-06)	Ahmad Din	12101-2226103-1	SCJ, D.I.Khan
42	Muhammad Raheem (BPS-06)	Islam Mir	14101-9631997-1	SCJ, H-----
43	Muhammad Naeem (BPS-11)	Ghulal Rafique	14301-1145693-3	SCJ, Kohat
44	Muhammad Khalid (BPS-11)	Wali Muhammad	13101-0952211-5	SCJ, Abbottabad
45	Muhammad Ishaq (BPS-05)	Bazgul Khan	14101-9273568-1	SCJ, H-----
46	Muhammad Ilyas (BPS-06)	Sher Amin Khan	15306-3924086-5	SCJ, T-----
47	Muhammad Ijaz (BPS-05)	Noor Hussain	13101-9567932-3	SCJ, Abbottabad
48	Muhammad Hanif (BPS-16)	Muhammad Zamin	42501-2412727-5	SCJ, Shungla
49	Muhammad Didar (BPS-11)	Taj Bakht Sultan	15501-2241090-9	SCJ, Shungla
50	Muhammad Ayaz (BPS-05)	Hazrat Jee	15602-0431124-3	SCJ, Swat
51	Muhammad Astam (BPS-06)	Muhammad Zaman	13101-0992972-1	SCJ, Abbottabad

Court Shungla

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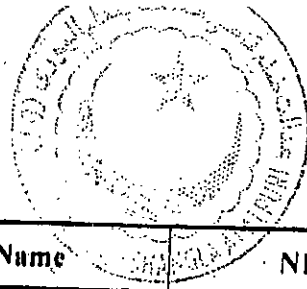
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S No.	Name with Pay Scale	F/Name	NIC	Cost Center
52	Muhammad Amin (BPS-11)	Suzah	15602-5652341-5	SCJ, Swat
53	Muhammad Afsar (BPS-14)	Abdul Khaliq	15501-9352704-7	SCJ, Shangla
54	Muhammad Javed Akhtar (BPS-04)	Mir Afzal	13302-5235370-3	SCJ-----
55	Muhammad Ismail (BPS-14)	Mohammad Anwar	15501-5818692-9	SCJ, Shangla
56	Mehdi Hussan (BPS-04)	Allah Bukhsh	12101-0478751-9	SCJ, D.I.Khan
57	M. Saleem (BPS-16)	Gul Azam	17101-0284480-3	SCJ, Haripur
58	Liaquat Ullah (BPS-16)	Hamidullah	12201-9006481-5	SCJ-----
59	Kiramat Khan (BPS-14)	Sher Muhammad Khan	17301-1398718-1	SCJ, Charsadda
60	Jan Alam Khan	Umat Khan	15301-1941982-9	SCJ-----
61	Itbar Gul (BPS-04)	Ali Haider	15501-2252541-7	SCJ, Shangla
62	Inayatullah (BPS-14)	Said Hussain	15702-2483811-9	SCJ-----
63	Ihsun Muhammad (BPS-06)	Nazir Muhammad	15101-6611164-1	SCJ, B-----
64	Hifazat Hussain (BPS-05)	Israfil	17301-4315309-9	SCJ, Peshawar
65	Hazrat Ali Chaman (BPS-05)	Chinar	13401-3823863-7	Pr.Ser.Agency--
66	Hasham Khan (BPS-05)	Mohammad Zahir	13202-079996-7	SCJ, Peshawar
67	Gul Anwar (BPS-06)	Sherbat Khan	12201-3784687-1	SCJ, Charsadda
68	Ghulam Qusim (BPS-04)	Faizullah	11201-5400536-7	SCJ, Charsadda
69	Ghulam Nabi (BPS-16)	Abdul Khaliq	13202-0757320-3	Proc. Ser.Agency
60	Fida Hussain (BPS-04)	Iqbal Hussain	17301-1264256-1	SCJ, Peshawar
61	Fidaullah (BPS-06)	Najeebullah Khan	11201-0362964-1	SCJ, Charsadda
62	Fazal Rabi (BPS-11)	Ghulam Nabi	17301-7001361-1	SCJ, Peshawar
63	Faridullah (BPS-11)	Khairullah	15701-1528698-9	SCJ-D,-----
64	Faizul Haq (DPS-06)	Fazal Haq	15602-8155520-5	SCJ, Swat
65	Fjaz Ahmad (BPS-05)	Ruziq Khan	61101-2629033-9	SCJ, Haripur
66	Dost Muhammad (BPS-04)	Muhammad Gul	14301-2061942-9	SCJ, Kohat
67	Bahramand (BPS-04)	Said Ahmad	15601-1021300-9	SCJ, Swat

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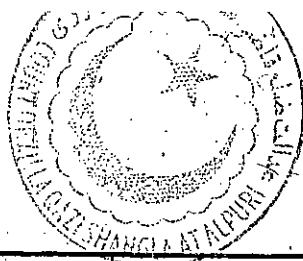
Examiner



S No.	Name with Pys Scale	F/Name	NIC	Cost Center
68	Azat Gul (BPS-14)	Saif Gul	15602-0336226-3	SCJ, Swat
69	Asmatullah Khan (BPS-16)	Amir Sahib Khan	11201-3048856-1	SCJ, Charsadda
70	Aslam Khan (BPS-04)	Saif ullah Khan	11201-7090454-7	SCJ, Charsadda
71	Arshad (BPS-03)	Abdul Kamal Khan	15402-7693442-1	SCJ, B.....
72	Aqeel Ahmad (BPS-05)	Muhammad Yousif	13101-5887245-1	SCJ, Abbottabad
73	Anwar ullah (BPS-03)	Yousaf Khan	16202-0125366-5	SCJ, S.....
74	Amir Zeb (BPS-11)	Jan Muhammad	17201-0873944-9	SCJ, Nowshera
75	Ali Zar (BPS-03)	Sher Goli	15202-0818158-1	SCJ, Charsadda
76	Alamgir Khan (BPS-05)	Jehangir Khan	12103-1498384-7	SCJ, D.I.Khan
77	Akhtar Nawaz Khan (BPS-04)	Rabnawaz Khan	11101-1461157-7	SCJ, B.....
78	Akbar Ali (BPS-19)	Hazrat Jan	17301-8978164-7	SCJ, Nowshera
79	Akbar Ali (BPS-05)	Jehangir Khan	17101-0392643-1	SCJ, Charsadda
80	Akbar Ali (BPS-03)	Gul Jamul	15602-0494942-3	SCJ, Swat
81	Akbar Nawaz Khan (BPS-11)	Gul Nawaz Khan	11101-4962417-3	SCJ, B.....
82	Abdur Rashid (BPS-04)	Shah Roz	15602-0521776-9	SCJ, Swat
83	Abdur Rashid (BPS-07)	Muhammad Farid	13503-9299954-5	SCJ, Manshera
84	Abdul Samad (BPS-03)	Murad Khan	15202-0809978-1	SCJ, Charsadda
85	Abdul Mannan (BPS-06)	Mir Baz Khan	11201-037729-9	SCJ, Peshawar
86	Abdul Ghaffar (BPS-14)	Sher Murad Khan	15201-054842-1	SCJ, Charsadda
87	Abdul Akbar (BPS-03)	Muhammad Umar	15602-5522109-5	SCJ, Swat
88	Ajab Khan (BPS-14)	MR Khawaja	11101-1432259-9	SCJ, B.....
89	Shaman Ali (BPS-05)	Elman Ali	21603-8899592-5	Civil Court
90	Shah Faisal (BPS-11)	Zareef Khan	13403-817414-3	Civil Court
91	Shafiqullah (BPS-03)	Gul Saleem Khan	12201-603286-5	Civil Court
92	Muhammad Younis (BPS-05)	Noor Muhammad	12201-223263-7	Civil Court
93	Muhammad Ismail (BPS-05)	Muhammad Taib	14101-704515-9	Civil Court
94	Khan Alam (BPS-06)	Haji Pukhtoon	13403-9817005-1	Civil Court

(12)

(21)



S No.	Name with Pay Scale	F/Name	NIC	Cost Center
95	Abdul Wahid Khan (BPS-03)	Shamshad Khan	17301-1617458-7	Civil Court

ATTESTED
[Signature]
Sessions Court Shangle

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dd



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	15505-0209199-7	Assistant
2	Sabir-Ali (BPS-11)	Muhammad Qayyum	15501-2246161-1	Junior Clerk
3	Namos Khan (BPS-11)	Amir Zada	15505-5165534-5	Junior Clerk
4	Nasem Ali (BPS-11)	Muhammad Younas	15501-4442219-3	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	15501-694010-9	Driver

HAYAT GUL MOHMAND
District & Sessions Judge/Zilla Qazi
SHANGLA

ATTESTED

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100



DISTRICT JUDICIARY SHANGLA

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

Phone # 0996-850001
Fax # 0996-851001
Email: ds/shangla1@gmail.com

No. 180 D&S/JZQ (SII)
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) 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	Zaklar Ullah (BPS-16)	Sabir Khan	15501-0209199-7	Assistant	Maryam 15505-020739-4
02	Muhammad Hanif (BPS-16)	M.Zamin	42501-2412727-5	C.O	Shah Izat 15501-0451211-8
03	Muhammad Aisar (BPS-14)	Abdul Khalq	15501-9352704-7	Senior Clerk	Bakht Jehan 15501-0641230-0
04	Muhammad Ismail (BPS-14)	M. Anwar	15501-5818602-9	Senior Clerk	Bakht Raza 15501-0252118
05	Sabir Ali (BPS-11)	M. Qayyum	15501-2248161-1	Junior Clerk	Ulfat 15501-3210880-0
06	Namos Khan (BPS-11)	Amir Zada	15505-5165534-5	Junior Clerk	Siraj Bi bi 15505-0017911-4
07	Naeem Ali (BPS-11)	M. Younas	15501-4442219-3	Junior Clerk	Zamat Bi bi 15501-0232097-6
08	Iqbal Hussain (BPS-04)	Razi Gul	15501-2243596-5	Chowkidar	Fehmida 15501-3482148-0
09	Aziz ul Haq (BPS-04)	Bakhtwar Shah	15501-1084368-5	Sweeper	Bakht Sullman 15501-5640955-4
10	Abdul Wahid (BPS-06)	Taj Muhammad	15501-8940010-9	Driver	1. Bogum Wahid 15501-2456547-2 2. Saleha Wahid 15501-2456547-2

ATTESTED

Examiner

Designs Court Shangla

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

Assistant Director,
Tehsil Alpurai District Shangla



15

0.7

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



Sir,

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

Payment detail of the official spouses are given below.

SN	Name with pay Scale	F/Name	CNIC	Designation	Wife name with CNIC	Amount Received
01	Zakir ullah(BFS-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)	Rozl Gul	1550122438865	Chowkidar	Fehmida 1550134821460	Rs.159874
09	Aziz ul Haq (BPS-04)	Bakhtwar Shah	1550110843685	Sweeper	Bakhti Suliman 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 Batkhila
District Malakand.

Hussain Ali,
Assistant Director,
Tehsil Alpuri District Shangla

ATTESTED

District Court Shangla



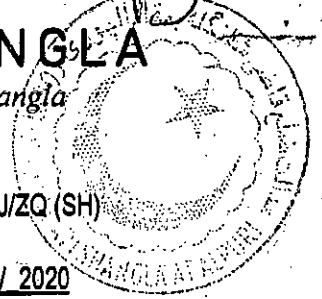
DISTRICT JUDICIARY SHANGLA

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

Phone No. 0998-850001
Fax No. 0998-351001
Email. ds/shangla1@gmail.com

No. 711 DSJ/ZQ (SH)

Dated: 12 / 05 / 2020



To,

Mr. Muhammad Ismail,
Senior Clerk (BPS-14)
Reader in the Court of SCJ (Admin) 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

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To

The Hon'ble,
District & Sessions Judge/Zilla Qazi
Shangla.



Received, dated
14 June
ALAM GUL MOHAMMAD
SESSIONS JUDGE/ ZILLA QAZI
SHANGLA

Subject: SHOW CAUSE NOTICE

Respected Sir,

With reference to show cause notice No. 711/ DSJ/ZQ(SH) dated 12.05.2020 served to me with the allegations that my spouse was beneficiary of Benazir Income Support Program. My reply to the show cause notice is as under:-

That in the year 2010, a survey team of BISP visited our village and asked the women folk of our village for their CNICs by saying that government through BISP program is paying income support to women of the rural areas throughout Pakistan. On this like other women of the village, my wife may have given them her own CNIC. At that time I was not present at home.

That we never applied BISP for income support in fact they themselves enrolled my wife in BISP.

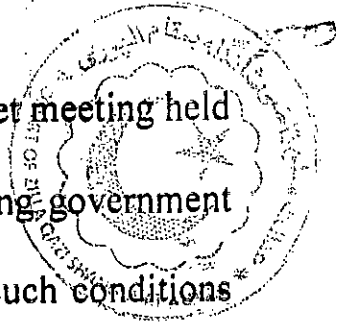
That neither I nor my wife was in knowledge that government employees and their families are not eligible for BISP grant, nor the BISP ever asked about this fact and nor there was anything in black in white in the shape of clear policy or rules in this

28/05/2020

ALAM GUL MOHAMMAD
SESSIONS JUDGE/ ZILLA QAZI
SHANGLA

(18)

(27)



regard. In fact this condition was implicated in the cabinet meeting held on 24th December 2019 and 0.8 million people including government employees were excluded from BISP. Before this no such conditions were implicated and there is no such policy or rule that government servants or their families were not entitled. While at the time of survey in 2010, BISP had fixed a ratio of poverty in which the people who came in score of 16-17 or less were included in their program and at that time, there were no prohibitions for government employees and the score was fixed on social poverty status. But now the government changed its policy and government employees who came under score of poverty during the survey could not be blamed for misconduct etc. Besides this, no government employee can hide his personal information or data from any other government department because his personal information or data can easily be accessed from NADRA and this fact is evident from the act taken by government by getting personal information of people and removing them from BISP.

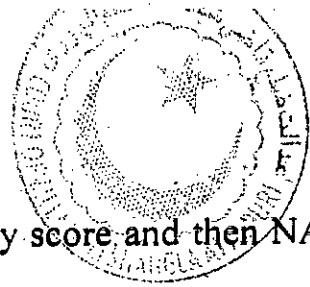
28/07/2020

That according to report of BISP, each and every record was processed through a highly transparent mechanism by

Signature
Secretary

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applying various biometric checks for poverty score and then NADRA awarded contract for complete verification which is evident from their report. The important portions of the said report consisting of five pages are (Annexure-A).

Sir my previous service record is quite clear and I humbly request that E & D proceedings against me may kindly be dropped and lenient view may kindly be taken against me.

Yours Obediently

(MUHAMMAD ISMAIL)
Senior Clerk/Reader of Court
In the Court of
SCJ (Admin), Shangla.

ATTESTED
[Signature]
[Stamp]

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

[Signature]
4/7/2020

(26)

(29)



District Judiciary Shangla

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

OFFICE ORDER

Dated Alpurul the 13/07/2020

WHEREAS disciplinary proceedings were initiated under Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, against Mr. Muhammad Ismail Senior Clerk/Reader in the Court of S&J (Admin) Shangla (BPS-14) 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 Alpurul 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 increments 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 net 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.

HAYAT GUL MOHMAND
District & Sessions Judge/Zilla Qazi
SHANGLA

Endst. No. Dis: 12 D&S/JZQ (SH)

Dated Alpurul the 13/7/2020

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. Officer/officials concerned.
7. Office copy for record.

HAYAT GUL MOHMAND
District & Sessions Judge/Zilla Qazi



District Judiciary Shangla

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

OFFICE ORDER

Dated Alpurai the 13/07/2020

WHEREAS disciplinary proceedings were initiated under Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, against Mr. Muhammad Ismail Senior Clerk/Reader in the Court of SCJ (Admin) Shangla (BPS-14) 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/ADMIN: dated 23.04.2020 of the Hon'ble Peshawar High Court, Peshawar.

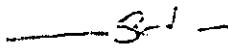
AND WHEREAS accused/official was served with show cause notice by dispensing inquiry on the ground of mis-conduct. On receipt of reply to the show cause notice which was not satisfactory. Accused/official was heard in person, who has not denied being his wife beneficiary of BISP.

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 increments 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 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.


HAYAT GUL MOHMAND
District & Sessions Judge/Zilla Qazi
SHANGLA

Endst. No 1086-12-D&S/JZQ (SH)

Dated Alpurai the 13/07/2020

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. Officer/official concerned.
7. Office copy for record.


HAYAT GUL MOHMAND
District & Sessions Judge/Zilla Qazi
SHANGLA

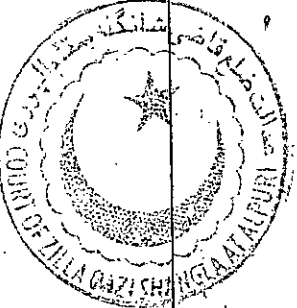
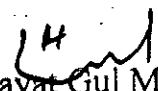
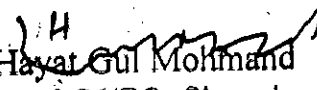
(2)

FORM "A"
FORM OF ORDER SHEET

Annex

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

Show Cause Notice/Inquiry No. 4/6 of 2020

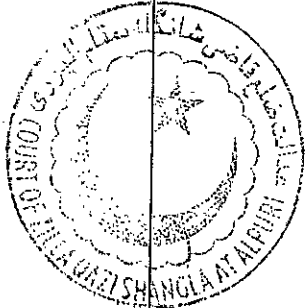
Serial no of order or proceedings	Date of order of proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
<p>01</p>  <p>ATTESTED</p> <p>Sessions Court Shangla</p>	<p>01.07.2020</p>	<p>letter of the Hon'ble Peshawar High Court, Peshawar bearing No. 6154-206/ADMN: dated 23.04.2020 was received on 28.04.2020 for Disciplinary proceeding against Mr. Muhammad Ismail Senior Clerk/Reader in the Court of SCJ (Admin) Shangla (BPS-14) s/o Mohammad Anwar CNIC No. 15501-5818692-9. Be registered. On 12.05.2020 Show cause notice bearing No. 711/D&SJ/ZQ(SH) dated 12.05.2020 was issued to accused/official. Reply was submitted on 28.05.2020. To come up for personal hearing on 04.07.2020.</p> <p style="text-align: right;">  Hayat Gul Mohmand D&SJ/ZQ, Shangla </p>
<p>02</p>	<p>04.07.2020</p>	<p>Mr. Muhammad Ismail Senior Clerk/Reader in the Court of SCJ (Admin) Shangla (BPS-14) present. Accused/ official personally heard. To come up for final order on 13.07.2020.</p> <p style="text-align: right;">  Hayat Gul Mohmand D&SJ/ZQ, Shangla </p>
<p>03</p>	<p>13.07.2020</p>	<p>Mr. Muhammad Ismail Senior Clerk/Reader in the Court of SCJ (Admin) Shangla (BPS-14) 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/J.D/3-2(54)/2020: dated 11.03.2020 and</p>

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FORM "A" ⁽²¹⁾
FORM OF ORDER SHEET

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

Show Cause Notice/Inquiry No. 4/6 of 2020

<p>03</p> <p>13.07.2020</p>  <p>ATTESTED Examiner Sessions Court Shangla</p>	<p>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 establishment whose spouses were receiving cash grant from Benazir Income Support Program and requested for initiating disciplinary proceeding against them.</p> <p>Vide letter of the Hon'ble Peshawar High Court, Peshawar bearing No. 6154-206/ADMN: dated 23.04.2020, list received included name of Muhammad Ismail (BPS-14) s/o Mohammad Anwar CNIC No. 15501-5818692-9 presently working as Senior Clerk/Reader in the Court of Senior Civil Judge (Admin) Shangla at serial No. 55 for being his wife having CNIC No. 15501-80253118 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.</p> <p>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.</p> <p style="text-align: right;"><i>[Signature]</i> 13/7/2020</p>
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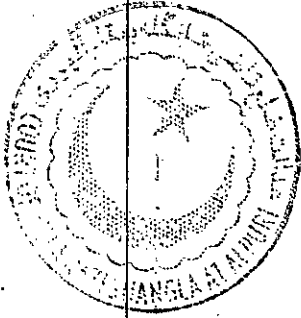
FORM "A"
FORM OF ORDER SHEET

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

Show Cause Notice/Inquiry No. 4/6 of 2020

03

13.07.2020



On 12.05.2020, show cause notice bearing No. 711/D&SJ/ZQ(SH) was issued to Mr. Muhammad Ismail Senior Clerk/Reader in the Court of SCJ (Admin) Shangla (BPS-14) as to why penalty provided under Rule 4 of Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline Rules), 2011 should not be imposed upon him, which was duly received by him.

On 28.05.2020, Mr. Muhammad Ismail Senior Clerk/Reader in the Court of SCJ (Admin) Shangla (BPS-14) 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. Muhammad Ismail Senior Clerk/Reader in the

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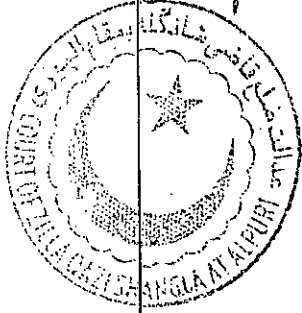
FORM "A"
FORM OF ORDER SHEET

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

Show Cause Notice/Inquiry No. 4/6 of 2020

03

13.07.2020



Court of SCJ (Admin) Shangla (BPS-14) having CNIC No. 15501-80253118 has received an amount of Rs. 1,29,874/- as BISP cash grant.

The reply of the show-cause notice submitted by Mr. Muhammad Ismail Senior Clerk/Reader in the Court of SCJ (Admin) Shangla (BPS-14) was found not satisfactory. Mr. Muhammad Ismail Senior Clerk/Reader in the Court of SCJ (Admin) Shangla (BPS-14) 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 increments 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.

(6)

FORM "A"
FORM OF ORDER SHEET

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

Show Cause Notice/Inquiry No. 4/6 of 2020

03

13.07.2020

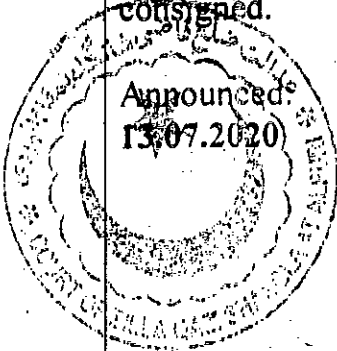
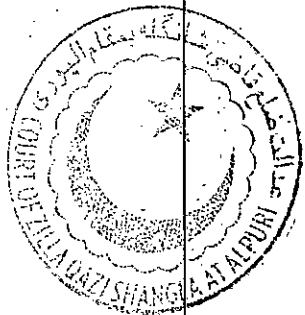
Accountant/Nazir is directed to proceed further

for recovery and deposit of the same in State
Exchequer. Office order issued accordingly. File be

consigned.

Announced
13.07.2020

H. Mohmand
Hayat Gul Mohmand
D&SJ/ZQ, Shangla



NO. 25 / 11 / 23
 Date of Presentation of Application 1.11.23
 Date on which Copy Presented 1.11.23
 No. of Pages 19
 Urgent For Shahid Ali
 Name of Copied Sh
 Signature T U 23

EXAMINER
 District & Sessions Judge
 SHANGLA
1/11/23



To,

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

Mr. Muhammad Ismail Senior Clerk (BPS-14) District Judiciary
District Shangla.....Appellant

Through: Proper Channel:

Subject: Departmental representation against the impugned order dated 13 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 regular employee in District Judiciary Shangla as Bailiff.
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/Admin: dated 23.04.2020 addressed to all District & Sessions Judges of Khyber Pakhtunkhwa to take disciplinary action against those Govt servant himself or through spouse

received income support from BISP. **(Letters alongwith list are Annexed)**

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 13.07.2020 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/official 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.

6. That the Hon'ble 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.
7. 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. It is also a matter of importance that the said form belongs to the spouse/wife of the appellant and the appellant came to know about the matter after receiving show cause notice from the Hon'ble District & Sessions Judge that his wife receiving benefits from BISP

8. 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.
9. 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.

Therefore, it is requested that my case may kindly be consider on humanitarian basis and the representation in hand may be accepted and the impugned order dated 13-07-2020 passed by the Hob'ble District & Sessions Judge, may be set aside and the appellant may kindly be exonerated from the subject penalties imposed upon him.

Yours obediently

Dated: 30.07.2020

*Mr. Muhammad Ismail s/o
Muhammad Anwar (BPS-14)*

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



Departmental Appeal No.13 of 2020

Muhammad Ismail

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

**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 6, 7 of
the Oath and Shahaadat Act 1984
13 NOV 2023

(40)

- 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

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EXAMINER
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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.*

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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

ATTESTED
EXAMINER
Peshawar High Court

(43)

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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

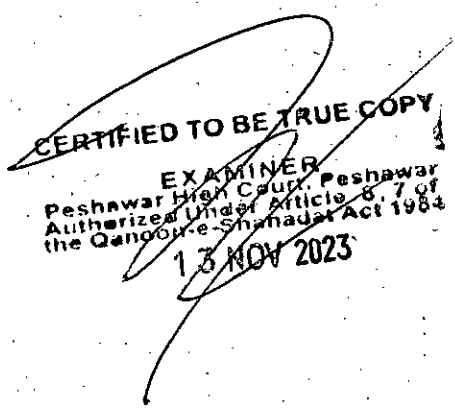
Departmental Appeals are disposed of in the above terms.

Announced
14.10.2023


SENIOR PUISNE JUDGE/
APPELLATE AUTHORITY

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

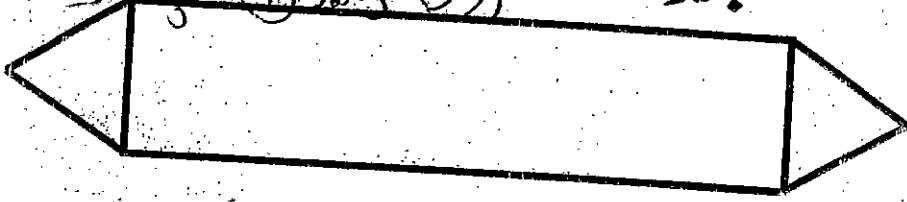
(M. Iqbal, SSS)


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EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 6, 7 of
the Qanoon-e-Shahadat Act 1984

13 NOV 2023

بعدالت پیروی کے لیے بیرون ملک اور



۲۰۲۳ء منجانب
محمد اسحاق علی 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

کلیے

کلیے کارروائی کے لیے

آن مقام کے لیے

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 ار عرضی 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 جانہ التوائے مقدمہ ہوں گے سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب ہر جانہ التوائے مقدمہ ہوں گے کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Handwritten signature and date: 2023

ACCEPTED ATTESTED

2023

ماہ نومبر

المرقوم ۱۶

العبد و العبد

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