


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

2478/2023

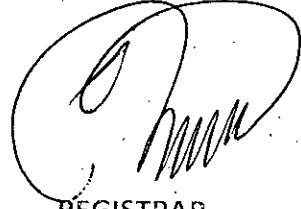
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1.	2	3
1-	28/11/2023	<p>The appeal of Mr. Muhammad Hanif resubmitted today by Mrs. Khalida Rafiq Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____ Parcha Peshai is given to the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

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

- 1- Page no. 26 of the appeal is illegible which may be replaced by legible/better one.
- 2- Annexures of the appeal are not in sequence.
- 3- Chamber addresses of the counsel engaged is not mentioned on the Index of appeal.

No. 3620 /S.T.

Dt. 17-11 /2023.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mrs. Khalida Rafiq Adv.
High Court .

Respectfully Shrooth

- 1) objection No 1 is removed
- 2- objection No 2 removed

Adv: Khalida Rafiq



23-11-23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 2178 /2023

Muhammad Hanif.....Appellant

V E R S U S


Registrar Peshawar High Court Peshawar etc....Respondents

I N D E X

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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. 2478/2023

Muhammad Hanif Son of Muhammad Zameen
R/o Alpurai Shangla, Computer Operator (BPS-16)
District Judiciary Shangla.....**Appellant**

V E R S U S

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

**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 14.07.2020 PASSED BY THE
RESPONDENT NO.2 WHILE TO THE EXTENT
OF RECOVERY OF RS.113,874/- WAS
DISMISSED.**

Prayer

On acceptance of this appeal the
impugned order dated 14.10.2023 to the
extent of recovery Rs.113,874/- 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 Computer Operator 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.113,874/- from the appellant which was received by the appellant's spouse. **(Copy of Show Cause notice alongwith order dated 14.07.2020 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.113,874/- 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:

G R O U N D 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.113,874/- 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 Hanif.....Appellant

V E R S U S

Registrar Peshawar High Court Peshawar etc....Respondents

AFFIDAVIT

I, Muhammad Hanif Son of Muhammad Zameen R/o Alpurai Shangla, Computer Operator (BPS-16) 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.




DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M No. _____/2023

In
 Service Appeal No. _____/2023

Muhammad Hanif.....**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 Hanif.....**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 Hanif Son of Muhammad Zameen R/o Alpurai Shangla, Computer Operator (BPS-16), 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.



DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M No. _____/2023

In

Service Appeal No. _____/2023

Muhammad Hanif.....**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

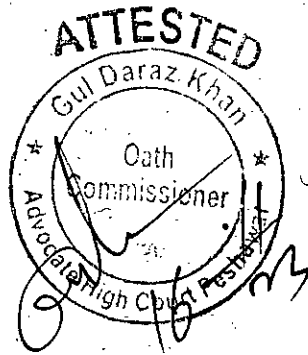
Muhammad Hanif.....**Appellant**

V E R S U S

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

A F F I D A V I T

I, Muhammad Hanif Son of Muhammad Zameen R/o Alpurai Shangla, Computer Operator (BPS-16) 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.




DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2023

Muhammad Hanif.....Appellant

V E R S U S

Registrar Peshawar High Court Peshawar etc....Respondents

ADDRESSES OF PARTIES

APPELLANT:

Muhammad Hanif Son of Muhammad Zameen
 R/o Alpurai Shangla, Computer Operator (BPS-16)
 District Judiciary Shangla

RESPONDENTS

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

Through

Appellant



Mrs. Khalida Rafiq -
 Advocate High Court

Dated 14.11.2023

(13)

(13)

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: 0210149-08 Off: 0210135 Fax: 0210170 www.peshawarhighcourt.gov.pk info@peshawarhighcourt.gov.pk pncpsh@gmail.com

No. 1/14/ADMN:

Dated Pesh the 22/11/2020

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,

[Handwritten signature]

(KHAWAJA WAJIB-UD-DIN) REGISTRAR



Stamp: Peshawar High Court

(12) (10)



DISTRICT JUDICIARY SHANGLA

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

Phone No: 0996-850001

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

Fax No: 0996-851001

Email: dsjshangla1@gmail.com

Dated: _____ / _____ / 2020

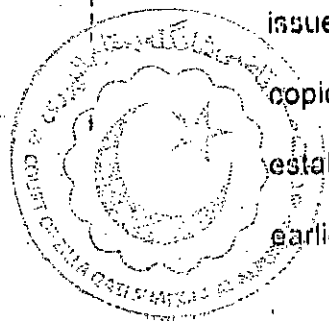
To: The Director,
BISP, Shangla At Alpurai.

(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.

[Handwritten Signature]

Lo. d. co
W. n. 1
Misra co
28/4/20

ATTACHED
[Signature]
District & Sessions Judge, Shangla

(17)

**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	15505-0209199-7	SCJ, Shangha
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	Wahis Khan (BPS-03)	Roshan Khan	13504-7864737-5	SCJ, Mansehra
7	Wali Rahman (BPS-03)	Fazal Rahman	15602-7076416-5	SCJ, Swat
8	Wahid Ghani (BPS-11)	Mir Sahib Khan	11201-3366685-5	SCJ, Peshawar
9	Umer Ayuz (BPS-04)	Sher Dad	11201-0796766-7	SCJ-----
10	Umar Janan (BPS-06)	Sakhi Janan	14202-1729398-7	SCJ-----
11	Tariq Ali (BPS-05)	Khewi Noor	15101-2132812-7	SCJ-----
12	Suleman Shah (BPS-11)	Mir Badshah	14301-1990764-1	SCJ, Kohat
13	Shamsul Qamar (BPS-06)	Shah Nazar	15501-1209371-3	Process Serv-----
14	Shah Dawran (BPS-06)	Johar	15602-8039587-1	SCJ, Swat
15	Samiullah (BPS-05)	Sakhi Jan	15601-1006682-1	SCJ, Swat
16	Salimullah (BPS-11)	Saidullah	15701-1229525-5	SCJ-----
17	Saleem Khan (BPS-11)	Sikandar Khan	12201-0985463-3	SCJ-----
18	Salahuddin (BPS-03)	Sairfaraz	15501-2235703-3	SCJ, Shangha
19	Sajid Masih (BPS-04)	Sadiq Masih	11101-3653114-7	SCJ, B-----
20	Sajidullah (BPS-03)	Mustafa Kumal	17301-7444731-7	SCJ, Peshawar
21	Saifullah Almas (BPS-18)	Ayub Gul	14301-8629128-3	SCJ, B-----
22	Saiful Islam (BPS-03)	Muhammad Iqbal	16202-0903980-5	SCJ, S-----
23	Said Nazar (BPS-04)	Gul Nazar	15602-1336326-3	SCJ, Swat
24	Sabar Jameel (BPS-16)	Nawaz Huda	13401-1503435-7	SCJ/K C-2-----
25	Sabar Zada (BPS-04)	Nussurati	15501-2996084-7	SCJ, Shangha



S No.	Name with Pay Scale	F/Name	NIC	Cost Center
26	Sabir Ali (BPS-11)	Muhammad Qayum	15501-2246161-1	SCJ, Shangha
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	Paيدا Khan (BPS-04)	Gul Zamin	15502-6155213-9	SCJ, Shangha
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.Agen;---
35	Namos Khan (BPS-11)	Amir Zada	15505-5165534-5	SCJ, Shangha
36	Najib Khan (BPS-04)	Muzeef Khan	11101-9709073-9	SCJ, B-----
37	Naeem Ali (BPS-11)	Muhammad Unas	15501-4442219-3	SCJ, Shangha
38	Muhammad Zada (BPS-04)	Nasray Mian	15501-4702424-5	SCJ, Shangha
39	Muhammad Yousaf (BPS-03)	Muhammad Jan	12102-7971028-5	SCJ, C-----
40	Muhammad Suleem (BPS-11)	Nasrullah Jan	12201-2903012-5	SCJ, P.S.-----
41	Muhammad Ramzan (BPS-06)	Ahmad Din	12101-2226103-1	SCJ, D.I.Khan
42	Muhammad Raheem (BPS-06)	Islam Mir	14101-963997-1	SCJ, H-----
43	Muhammad Naeem (BPS-11)	Ghulam Rafique	14301-1145693-3	SCJ, Kehat
44	Muhammad Khalid (BPS-11)	Wali Muhammad	13101-0952211-5	SCJ, Abbottabad
45	Muhammad Ishaq (BPS-05)	Bazgul Khan	14101-9273563-1	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, Shangha
49	Muhammad Didar (BPS-11)	Taj Bakht Sultan	15501-2241099-9	SCJ, Shangha
50	Muhammad Ayaz (BPS-05)	Hazrat Jee	15602-0431124-3	SCJ, Swat
51	Muhammad Astam (BPS-06)	Muhammad Zaman	13101-0992972-1	SCJ, Abbottabad



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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	15501-9752704-7	SCJ, Shangha
54	Muhammad Javed Akhter (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 Bakhsh	12101-0478751-9	SCJ, D.I. Khun
57	M. Saleem (BPS-16)	Gul Azam	17101-0284480-3	SCJ, Haripur
58	Liaqat 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	Irfan Gul (BPS-04)	Ali Haider	15501-2252541-7	SCJ, Shangla
62	Inayatullah (BPS-14)	Said Hussain	15702-2433811-9	SCJ,
63	Ihsan Muhammad (BPS-06)	Nazir Muhammad	15101-6611164-1	SCJ, B,
64	Hifazat Hussain (BPS-05)	Israf Gul	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	13202-07.9996-7	SCJ, Peshawar
67	Gul Anwar (BPS-06)	Sherbat Khan	12201-3784687-1	SCJ, Charsadda
68	Ghulam Qasim (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	Furidullah (BPS-11)	Khairullah	15701-1528698-9	SCJ-D,
64	Faizul Haq (BPS-06)	Fazal Haq	15602-8155520-5	SCJ, Swat
65	Ijaz Ahmad (BPS-05)	Raziq Khan	61101-2625033-9	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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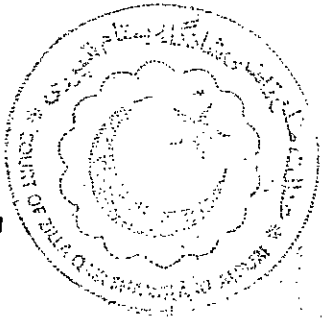
(20)

S No.	Name with Pay Scale	F/Name	NIC	Cost Center
68	Azat Gul (BPS-14)	Sahib Gul	15602-0336226-5	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	16202-0126366-5	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 Jamal	15602-0494942-3	SCJ, Swat
81	Akbar Nawaz Khan (BPS-11)	Gul Nawaz Khan	11101-4902417-3	SCJ, B-----
82	Abdur Rashid (BPS-04)	Shah Roz	15602-0512176-9	SCJ, Swat
83	Abdur Rashid (BPS-07)	Muhammad Farid	13503-9269954-5	SCJ, Mansehra
84	Abdul Samad (BPS-03)	Murad Khan	15202-0809978-1	SCJ, Charsadda
85	Abdul Manan (BPS-06)	Mir Ijaz Khan	11201-0377229-9	SCJ, Peshawar
86	Abdul Ghaffar (BPS-14)	Sher Murad Khan	15201-0534842-1	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	13403-8137414-3	Civil Court
91	Shahidullah (BPS-03)	Gul Saleem Khan	12201-6033286-5	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 Pakhtoon	13403-9817005-1	Civil Court

(10)

(21)

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



ATTEST
Signature
Civil Court Sharni

(19) 22

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

S. No.	Name with Pay Scale	I/Name	CNIC	Designation
1	Zakir Ullah (BPS-16)	Sabir Khan	15505-0209149-7	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	Nacem 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	Azizul Haq (BPS-4)	Bakhtwar Shah	15501-1084368-5	Sweeper
10	Abdul Wahid (BPS-6)	Taj Muhammad	15501-6946310-9	Driver

HAYAT GUL MOHMAND
District & Sessions Judge/Zilla Qazi
SHANGLA

7/26
7
A
bd

Signature

Dear Sir,

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

It is requested to provide CNIC nos of their wives for the provision of payment details from Bisp.

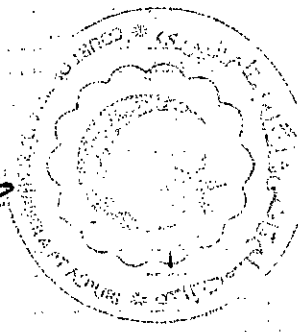
ATTESTED
Examiner

Witness Court

Regards,

Hussain Ali

Assistant Director
Bisp
Faisalabad





(23)

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

Phone # 0996-850001
Fax # 0996-851001
Email: daishancla1@gmail.com

No. 1870 D&SJ/ZQ (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. 1480 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 15505-0209739-4
02	Munammad Hanif (BPS-16)	M. Zamin	42501-2412727-5	C.O	Shah izat 15501-8451211-8
03	Muhammad Afsar (BPS-14)	Abdul Khalq	15501-9352704-7	Senior Clerk	Bakht Jehan 15501-0841230-0
04	Muhammad Ismail (BPS-14)	M. Anwar	15501-5818692-9	Senior Clerk	Bakht Roza 15501-8425318
05	Sabir Ali (BPS-11)	M. Qayyum	15501-2248161-1	Junior Clerk	Ullat 15504-3210860-0
06	Namos Khan (BPS-11)	Amir Zada	15505-5165534-5	Junior Clerk	Siraj Bi Bi 15505-0817941-4
07	Naeem Ali (BPS-11)	M. Younas	15501-4442219-3	Junior Clerk	Zamara Bi Bi 15501-8232097-6
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 Sulman 15501-5841955-4
10	Abdul Wahid (BPS-06)	Taj Muhammad	15501-6940010-9	Driver	1. Begum Wahid 15501-2456547-2 2. Saleha Wahid 15501-2456547-2

ATTACHED
Encl
District Court Shangla

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

District Shangla



24

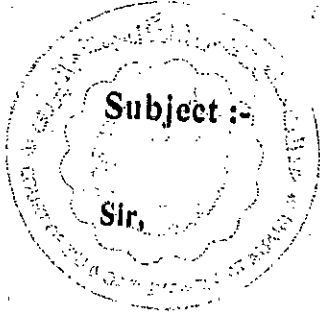
GOVERNMENT OF PAKISTAN
OFFICE OF THE ASSISTANT DIRECTOR
BENAZIR INCOME SUPPORT PROGRAMME
COLLEGE ROAD TEHSIL ALPURI DISTRICT SHANGLA

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.

Sl#	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 Asar (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	1550322435965	Chowkidar	Fehmida 1550134821460	Rs.159874
09	Aziz ul Haq (BPS-04)	Bakhtwar Shah	1550310843685	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.

Hussain Ali,
Assistant Director,
Tehsil Alpuri District Shangla



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. 710 DSJ/ZQ (SH)

Dated: 12 / 05 / 2020

To,

Mr. Muhammad Hanif,
Computer Operator (BPS-16)
Court of SCJ (Judicial) 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
SHANGLA

District Judiciary Shangla

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

OFFICE ORDER

Dated Alpurul the 11/07/2020

WHEREAS disciplinary proceedings were initiated under Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, against Mr. Muhammad Hanif, Computer Operator (BPS-16) 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. SO-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.

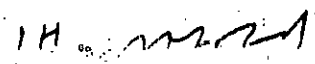
AND WHEREAS accused/official was served with show cause notice by dispersing inquiry on the ground of misconduct. On receipt of reply to the show cause notice which was not satisfactory. Accused/official was heard in person, who has not denied being his wife beneficiary of BISP.

AND WHEREAS after confirmation of the amount due against accused/official from Assistant Director BISP Tehsil Aiparai 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)(i) (ii) 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.1,13,874/- 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. 165/2020/SJZQ (1)

Dated Alpurul the 11/07/2020

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



District Judiciary Shangla

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

OFFICE ORDER

Dated Alpurai the 11/07/2020

WHEREAS disciplinary proceedings were initiated under Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, against Mr. Muhammad Hanif, Computer Operator (BPS-16) 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.

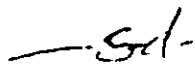
AND WHEREAS accused/official was served with show cause notice by dispensing inquiry on the ground of mis-conduct. On receipt of reply to the show cause notice which was not satisfactory. Accused/official was heard in person, who has not denied being his wife beneficiary of BISP.

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 increments for three years with non-accumulative effect under Rule (4)(1)(a)(ii) of the ibid rules.
- ii. Recovery of Rs.1,13,874/- 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 1065-71 D&S/JZQ (SH)

Dated Alpurai the 11/07/2020

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



(27)

Received & Placed on file

14
 H
 GUL MOHMAN
 SERIKS
 SHANGLA

To

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

Subject:

SHOW CAUSE NOTICE

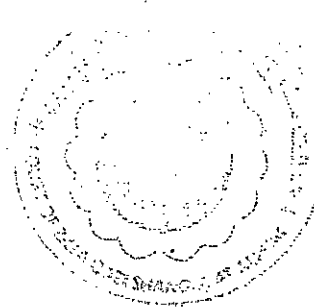
Respected Sir,

With reference to show cause notice No. 710 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



Handwritten signature and date: 28-5-2020

Handwritten signature and text: District Judge, Shangla

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shape of clear policy or rules in this 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



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personal information of people and removing them from
BISP.

That according to report of BISP, each
and every record was processed 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)

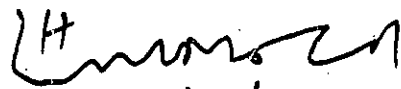
Sir my previous service record is quite clear and
I humbly request that E. & D proceedings against me may
kindly be dropped and lenient view may kindly be taken
against me.

Obediently yours'


28.5.2020
Muhammad Hanif Mian
Computer Operator

ATTESTED
EXHIBIT
JUDICIAL COURT

Reply to show cause notice is
not satisfactory. Accused/official
personally heard. Put up for
final order.


4/7/2020

Exp B بیان محمد حنیف میاں کمپیوٹر اپریٹر

حلفاً بیان کی جاتی ہے کہ میں نے نہ کبھی BISP والوں کو اپنی شریک حیات کے نام پر

معاوضہ کیلئے انہیں درخواست دی ہے، نہ مجھے مذکورہ معاوضہ کی حصولی کیلئے اہلیت کا علم تھا

اور نہ ہی مجھے کسی نے اس نسبت آگاہ کیا تھا۔ یہاں تک کہ مجھے ان کا دفتر بھی معلوم نہ ہے۔

یہی میرا بیان ہے۔

من محلف محمد حنیف میاں

STATE
EXHIBIT

and Court Clerk

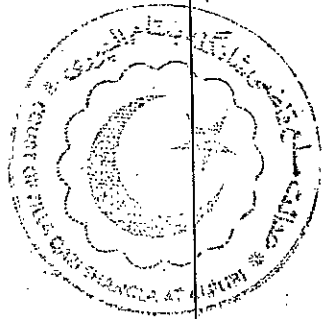
FORM "A"
FORM OF ORDER SHEET

Annex

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

Show Cause Notice/Inquiry No. 02/6 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
01	01.07.2020	<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 Hanif Computer Operator (BPS-16) s/o Muhammad Zamin CNIC No. 42501-2412727-5. Be registered. On 12.05.2020 Show cause notice bearing No. 710/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;"><i>[Signature]</i> Hayat Gul Mohmand D&SJ/ZQ, Shangla</p>
02	04.07.2020	<p>Mr. Muhammad Hanif Computer Operator (BPS-16) present. Accused/ official personally heard. To come up for final order on 11.07.2020.</p> <p style="text-align: right;"><i>[Signature]</i> Hayat Gul Mohmand D&SJ/ZQ, Shangla</p>
03	11.07.2020	<p>Mr. Muhammad Hanif Computer Operator present. Record available on file perused.</p> <p>According to information placed before the Hon'ble Peshawar High Court, Peshawar vide letter No. E&I/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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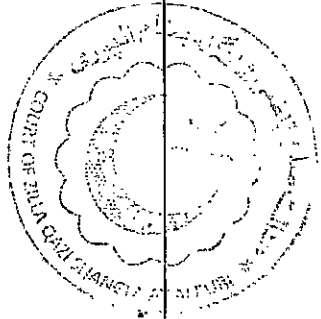
FORM "A"
FORM OF ORDER SHEET

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

Show Cause Notice/Inquiry No. 02/6 of 2020

03

11.07.2020



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 Muhammad Hanif (BPS-16) s/o Muhammad Zamin CNIC No. 42501-2412727-5 presently working as Computer Operator in the Court of Senior Civil Judge (Judicial) Shangla at serial No. 48 for being his wife having CNIC No. 15501-84512118 as beneficiary, for receiving an amount of Rs. 1,13,874/- 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. 710/D&SJ/ZQ(SH) was issued to Mr. Muhammad Hanif Computer Operator as to why penalty provided under Rule 4 of Khyber Pakhtunkhwa Civil Servant

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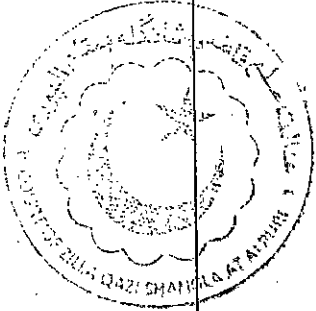
FORM "A"
FORM OF ORDER SHEET

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

Show Cause Notice/Inquiry No. 02/6 of 2020

03

11.07.2020



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

On 28.05.2020, Mr. Muhammad Hanif Computer Operator 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 Hanif Computer Operator having CNIC No. 15501-84512118 has received an amount of Rs. 1,13,874/- as BISP cash grant.

The reply of the show-cause notice submitted by Mr. Muhammad Hanif Computer Operator was found not satisfactory. Mr. Muhammad Hanif Computer Operator was heard in person but he could

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FORM "A"
FORM OF ORDER SHEET

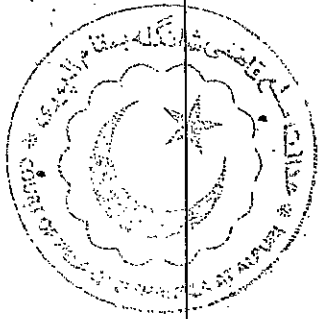
IN THE COURT OF HAYAT GUL MOHMAND SESSIONS JUDGE/ZQ SHANGLA

Show Cause Notice/Inquiry No. 02/6 of 2020

03

11.07.2020

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 1,13,874/- 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.

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[Handwritten signature]
Hayat Gul Mohmand
D&SJ/ZQ, Shangla

To,

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

Mr. Muhammad Hanif S/o Muhammad Zamin, KPO (BPS-16)
District Judiciary District
Shangla.....Appellant

Through: Proper Channel:

Subject: Departmental representation against the impugned order No. 1065-71 D&SJ/ZQ(SH) dated July 11, 2020, whereby the minor penalties of "Withholding of three annual increments for three years with non accumulative effect" and "Recovery of Rs.1,13,874" are imposed upon appellant:

Respected Sir,

1. That the appellant is regular employee in District Judiciary Shangla as KPO since, 2010.
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 Khyberpakhtunkhwa 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 11.07.2020 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 11-07-2020 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 ohediently

Dated: 30.07.2020

*Mr. Muhammad Hanif
S/o Muhammad Zamin
KPO (BPS-16)*

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



Departmental Appeal No.11 of 2020

Muhammad Hanif

Versus

District & Sessions Judge/ZQ, 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
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 8, 7 of
the Oath & Shahadat Act 1934

13 NOV 2023

(40)

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**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
Peshawar High Court**

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 far 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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EXAMINER
 Peshawar High Court

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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

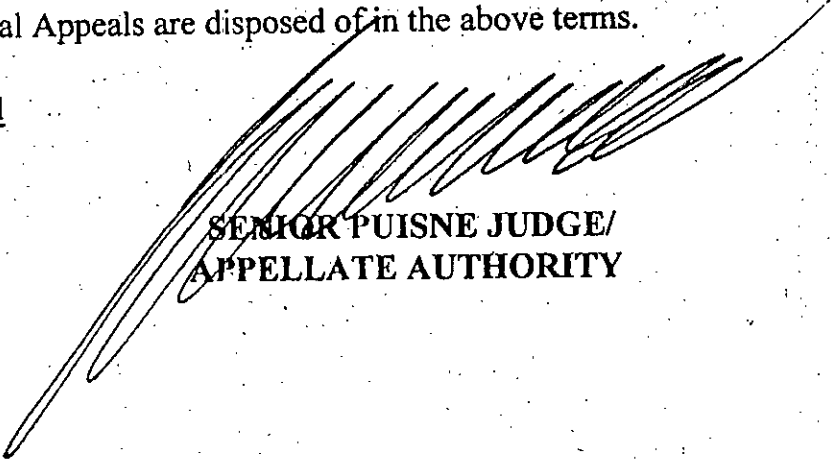
make the recovery good.

8. In view of above, the instant and the connected

Departmental Appeals are disposed of in the above terms.

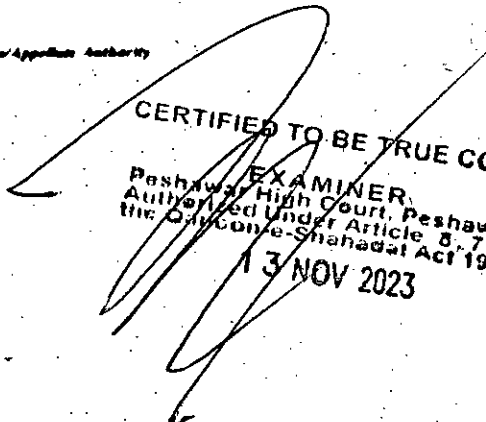
Announced

14.10.2023

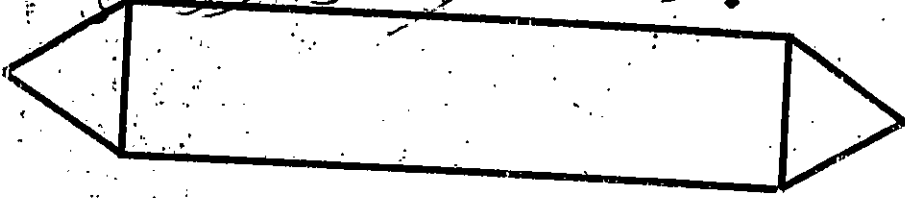

**SENIOR PUISNE JUDGE/
APPELLATE AUTHORITY**

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

(M. Iqbal, SSV)


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EXAMINER,
Peshawar High Court, Peshawar
Authorized Under Article 8-7 of
the Qayyome-Shahadat Act 1984
13 NOV 2023

بعدالت سے پیش کیے گئے کیس اور



2ء منجانب

محمد صنیف بنام حاکم مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

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

کیلئے صالحہ تصدیق کے لئے

آن مقام لکھنؤ

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 داخست 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 پابند ہوں گے۔

کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

ACCEPTED
ATTESTED
2023

ماہ نومبر

المرقوم 14

العبد و العبد

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