

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 152 /2022.

Javed Iqbal Appellant.

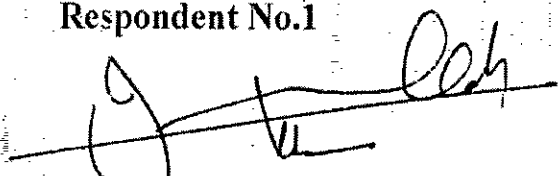
Versus

Registrar, Peshawar High Court & another..... Respondents.

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Respondent No.1


Registrar,
Peshawar High Court,
Peshawar.

Respondent No.2


District & Sessions Judge
Swabi.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No.152/2022.

Javed Iqbal Appellant

V/S

Registrar Peshawar High Court, Peshawar & an another... Respondents

Subject: **COMMENTS ON BEHALF OF RESPONDENTS NO 1 & 2.**

Respectfully Sheweth,

Preliminary Objections:-

1. The appellant has got no cause of action.
2. The appellant is estopped to sue by his own conduct.
3. The appellant did not file any departmental representation before Respondent No.2 who is the competent authority and as such appeal in hand is not maintainable.
4. The appellant was habitual late comer and he used to leave the court without prior permission of the Presiding Officer. In this regard learned Civil Judge-II, Swabi called the explanation vide order No 31/CJ-II dated 11.01.2021 (annexure-A) but he did not file reply whereby vide Office Order No. 855-58/(F-41)/D&SJ, dated 13.02.2021 (annexure-B), learned Senior Civil Judge (Judl) Swabi was appointed as Inquiry Officer. During inquiry proceedings, the appellant was found guilty by the learned Inquiry Officer (the inquiry report is annexure-C). Whereafter, show-cause notice (annexure-D) was issued to the appellant vide Office Order dated 22.04.2021 however, during the proceedings the appellant submitted unconditional apology to learned Civil Judge-II Swabi and vide Office Order dated 01.07.2021 (annexure-E), minor penalty of "Censure" was imposed on the appellant.
5. The appellant remained absent from duty on 04.05.2021 and 18.05.2021 to 20.05.2021 without any permission of the competent authority as reported by the learned AD&SJ-II Lahor vide letter No.740/AD&SJ-II Lahor dated

20.05.2021(annexure-F). Similarly, learned AD&SJ-II Lahor reported on 24.05.2021 (annexure-G) regarding continuance absence of appellant from 18.05.2021. Keeping in view the nature of allegations and conduct of the appellant, the formal inquiry under Rule-5 of E&D Rules was dispensed with vide order dated 02.06.2021, (annexure-H) and show-cause notice (annexure-I) was issued to the appellant vide office order No.6247/(F-41)/D&SJ dated 02.06.2021. After receipt of the show-cause notice, the appellant remained absent on 29.06.2021 and attended the court in the closing hours. Lastly, the appellant remained absent at morning on 02.07.2021 and appeared after Jumma Prayer and submitted reply (annexure-J) to the show-cause notice whereby the case was fixed for personal hearing of the appellant for 05.07.2021. However, on 05.07.2021, appellant remained absent and the reports from learned AD&SJ-II Lahor was received through Email (annexure-K). Meanwhile, learned AD&SJ-II Lahor reported on 15.06.2021 (annexure-L) that appellant is still absent from duty without leave and during this period he appeared for a short time on 08.06.2021. On 08.07.2021, the appellant again remained absent and after perusal of the record and keeping in view the overall conduct of appellant as well as nature of the allegations, major penalty of reduction to the post of Junior Clerk (BPS-11) under Rule-4 (b)(i) of the E&D Rules was imposed upon the appellant vide order dated 08.07.2021(annexure-M).

6. Due to continuance absence of appellant from 18.05.2021 as per the report received from learned AD&SJ-II Lahor vide letter No. 814 dated 03.07.2021 (annexure-N) and in follow up of the order dated 08.07.2021 (already annexure-M) in court file No. 50-Admn of 2021, disciplinary action against the appellant under Rule-9 of the Khyber Pakhtunkhwa Govt: Servants (E&D) Rules 2011 was initiated (annexure-O). Notice in terms of Rule-9 (annexure-P) has been issued against the appellant through registered post AD (annexure-Q) but despite receipt of the notice the appellant neither appeared before the court nor submit his reply. (AD Card is annexure-R). Thereafter, notice in terms of Rule-9 has been published in "Daily Aaj (annexure-S) & Daily Mashriq" Peshawar (annexure-T) but despite publications, the appellant remained absent. Lastly, major penalty under Rule-4(b)(iii) of E&D Rules (annexure-U) for removal of the appellant from service and to reimburse the Provincial Government under Rule-4(a)(iii) of pecuniary loss caused by him on account of receiving salary/financial benefits during the absence since 18.05.2021.

Para-wise Comments:-

1. Para-1 is correct to the extent of appointment and promotion but the plea of appellant that he had an unblemished service record is incorrect as evident from Para-4 to 6 of the preliminary objections.
2. Para-2 to the extent of removal from service is correct however, the appellant has not filed departmental representation before the competent authority (Respondent No.2). The order dated 18.10.2021 was passed in accordance with law while keeping in view the entire service record as well as conduct of the appellant.
3. Para-3 is correct to the extent of filing of representation before Respondent No.1. Since, the departmental representation was not filed before the competent authority (Respondent No.2) therefore, the same was not considered.
- 4&5 Para-4 and 5 are incorrect and not supported by any documentary evidence.
6. Para-6 to the extent of issuance of show-cause notice in court file No.50/Admn of 2021 and submission of reply is correct however, the appellant did not appear on the date fixed for personal hearing and keeping in view the overall conduct of appellant as well as nature of the allegations, major penalty of reduction to the post of Junior Clerk (BPS-11) under Rule-4 (b)(i) of the E&D Rules was imposed upon the appellant vide order dated 08.07.2021. The appellant has neither filed any departmental representation against the aforementioned order nor reported to the court to join the duty. As such, the appeal in hand is liable to dismissal on this score alone.
7. Para-7 is incorrect.

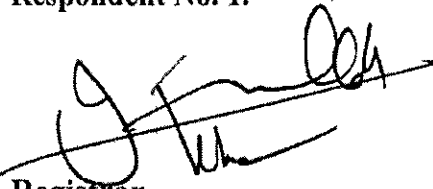
Grounds:-

- A. Grounds "A" is incorrect. The notice in terms of Rule-9 has been served on the appellant as evident from the AD Card already annexure-Q. Thereafter, notice was published into Daily "Aaj" and Daily "Mashriq" in accordance with Rule-9 but then too, the appellant did not opt to appear before the competent authority to explain his position or to join the duty.
- B. Ground "B" is incorrect. the impugned order dated 08.10.2021 was passed in accordance with law.
- C. Ground "C" is incorrect. All legal and codal formalities were complied with before passing of the impugned order dated 08.10.2021.

- D. Ground "D" is incorrect. Respondent No.2 being the appointing authority, was competent to pass the impugned order.
- E. Ground "E" is incorrect. the appellant put appearance in the proceeding and he submitted reply in court file No.50/Admn of 2021 and as such he was aware of the disciplinary proceedings initiated against him.
- F. Ground "F" is incorrect. there is nothing in black & white to show the bias or mala-fide of competent authority against the appellant. Moreover, the competent authority has acted in accordance with law.
- G. Ground "G" is legal hence, needs no reply.

It is therefore, requested that the appeal in hand may please be dismissed with heavy cost.

Respondent No. 1.


**Registrar,
Peshawar High Court,
Peshawar.**

Respondent No. 2.


**District & Sessions Judge,
Swabi.**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 152/2022.

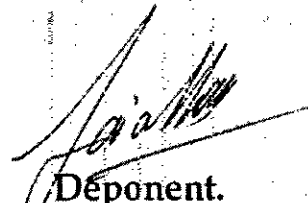
Javed Iqbal *Appellant.*

Versus

Registrar, Peshawar High Court & an others Respondents

Counter Affidavit.

I, _____
superintendent, Office of the District & Sessions Judge, Swabi, do hereby affirm
and declare on oath that the contents of this Reply/comments are true and correct
to the best of my knowledge and nothing has been concealed from this Hon'ble
Tribunal.


Deponent.
SUPERINTENDENT
District & Sessions Judge
Swabi

Dated // / 01 / 2021

No. 31 CJ-II

From:

Ayesha Siddique,
Civil Judge-II, Swabi

To:

Javald Iqbal
Reader

Subject:

Explanation

Your casual approach towards discharge of official obligation have been observed with seat concerned. You have been coming late to court from day first. When asked, you said you come from very far, that is the reason for your one long hour of absence. The reasoning is absolutely unprofessional and against work ethic. Despite repeated verbal warnings, you have made it your habit of coming late. In addition to these a recent act of yours has surprised me when you left the court premises at 1:30 PM on Saturday without any prior intimation and permission.

You are therefore, required to explain your position under what lawful authority, you leave without prior intimation to the undersigned.

Your reply in writing must reach this office within 03 days of the receipt of this notice, failing which it will be presumed that you have got nothing in defence, strict action shall be taken against you under Efficiency and Discipline Rules 3(a & d) 2011.

Ayesha
Ayesha Siddique
Civil Judge-II, Swabi

Copy Forwarded to:

- 1) Hon'ble District & Sessions Judge, Swabi
- 2) Senior Civil Judge/Admn, Swabi

Ayesha
Ayesha Siddique
Civil Judge-II, Swabi

(15) B

The District Judiciary Swabi

Phone 9876543210
Fax 9876543210
District & Sessions Judge Swabi

(7)

Order Of Inquiry 12.02.2021

(2)

This order, in terms of Rule 10 of Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules 2011 (the Rules), is passed as under:

I. Appointment Of Inquiry Officer:

Ms Tania Hashmi, Senior Civil Judge Swabi, is appointed as Inquiry Officer to probe into the allegations against the accused official Javed Iqbal (Senior Clerk/Reader BPS-I-I) and submit report within 30 days of its initiation.

II. Statement of Allegations:

Javed Iqbal, Senior Clerk/Reader attached with the court of AD&SJ-II Lahor (then so attached with Civil Judge-II Swabi), is accused of misconduct and inefficiency on the following counts;

- i. That, as per facts contained in the report of Civil Judge-II Swabi Ms Aisha Siddique bearing No. 31 dated 11.01.2021, he was called upon to explain late coming to and early departure from the court without her permission.
- ii. That, as reported by the said officer, he failed to defend the alleged conduct.
- iii. That he was found absent from duty, without any intimation and permission, during visit of the said court by the undersigned on 12.01.2021 and that he could not produce any permission/leave granting order in response to explanation call vide No. 200/F-40/D&SJ dated 13.01.2021.

III. Departmental Representative:

Anjid Iqbal, Junior Clerk /Dispatcher attached to Superintendent Office, shall act as Departmental Representative for the purpose of inquiry proceedings under the Rules.

Accused official is directed to submit defense in writing, if any, before the Inquiry Officer within 10 days after receipt of this order. Proceedings shall be concluded in accordance with the Rules if the accused official fails to respond.

SA.
(Haliz Naseem Akbar)
Competent Authority
/District & Sessions
Judge, Swabi

Endst No. 855-58 (F-41)/D&SJ

Dated 13.02.2021

Copy for information and needful to:

1. The learned Inquiry Officer with the original report mentioned in the order received from the Civil Judge-II Swabi, office notes thereto and explanation call with response of accused official thereto.
2. The Civil Judge-II Swabi, Ms Aisha Siddique.
3. The Departmental Representative.
4. The accused official.

With copies of record forwarded to the Inquiry Officer.

[Signature]
District & Sessions Judge,
Swabi



The District Judiciary Swabi

Office of the Senior Civil Judge, Swabi /Inquiry
Officer

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INQUIRY REPORT

An order of inquiry dated 12.02.2021, received by Hon'ble D&SJ, Swabi on 13.02.2021. It was initiated under Rule 10 of Khyber Pakhtunkhwa Govt servants efficiency & Disciplinary rules 2011 with the statement of allegations against Javed Iqbal, Senior Clerk attached with the court of AD&SJ-II, Lahor (then so attached with Civil Judge-II, Swabi).

• BACKGROUND

The inquiry has been initiated on the letter to Hon'ble D&SJ, by Civil Judge-II, with the subject explanation report. The Civil Judge-II, had called an explanation of the Reader attached to the court/delinquent official for his late coming on regular basis and leaving the court without prior permission of the Presiding Officer. Civil Judge-II, while receiving oral reply of the official, found it un-satisfactory and reported the matter to the Hon'ble D&SJ, Swabi vide letter NO.59/CJ-II, dated 18th January 2021. Upon which the inquiry is marked to the undersigned which was received on 13.02.2021.

• ALLEGATIONS AS PER CHARGE SHEET:

- That, as per facts contained in report of Civil Judge-II, Swabi Ms. Aisha Siddique bearing # 31 dated 11.01.2021, he was called upon to explain late coming to and early departure from the court without her permission.
- ii. That as reported by the said Officer, he failed to defend the alleged conduct.
 - iii. That he was found absent from duty, without any intimation and permission, during visit of the said court by the undersigned on 12.01.2021 and that he could not produce any permission/leave granting order in response to explanation call vide No.200/F-40/D&SJ, Dated 13.01.2021.

(23)

(9)

(10)

- **PROCEEDINGS:**

As directed, the accused/official submitted reply, professing innocence and soliciting for exoneration owing to his alleged unblemished service carrier. In view of their relevancy to the matter, and to scrutinize the conduct of accused/official in line with the allegation, statements of the following persons were recorded:

- I. Mr. Faran Nawaz Computer Operator (the then computer operator to CJ-II).
- II. Ms. Ayesha Siddique, Civil Judge-II, Swabi
- III. Mr. Javed Iqbal (the then Reader to CJ-II) accused/official
- IV. Mr. Sarfaraz Naib Qasid attached to learned Civil Judge-II
- V. Amjid Iqbal Junior Clerk/Dispatcher/departmental representative

- **ESTABLISHED FACTS:**

The Civil Judge-II, had called an explanation of Mr. Javed Iqbal Reader, attached to the court for his late coming on regular basis and leaving the court without prior permission of the Presiding Officer.

- **FACT TO BE ESTABLISH.**

Whether the accused official was often late from his duty and whether, he had left the court without prior permission of the presiding officer?

- **FINDINGS**

As per record explanation bearing # 31 dated 11.01.2021 by Civil Judge-II, was called from accused official/Reader of that court for his casual late coming and leaving the court without prior permission. No written reply was given by him to Civil Judge-II, while only an application for short leave was submitted, which bears no date and no sanction by competent authority. Another explanation of the same official was called by Superintendent (Sessions Division Swabi) vide No. 200/(F-40) DSJ dated 13.01.2021 for his absence from duty on 12.01.2021 on the eve of visit of Hon'ble D&S, Swabi to the court of Civil Judge-II, Swabi. To which he had submitted his reply on

11

29

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15.01.2021 in which he took plea of his illness and attached copy of prescription on OPD Slip of 12.01.2021. Evidence was recorded by departmental representative and accused official, both were given full opportunity to cross examine opposite witnesses and bring their stance on record. Through the evidence it has been cleared that the official was often late from his duty and his conduct of not submitting written reply to explanation by Civil Judge-II and leaving the court without prior permission is also disrespectful to his immediate Boss. Further no record as to admission of his daughter in hospital in consequence of a road accident has been given before Civil Judge-II, Swabi, nor during inquiry proceedings, which stance he has taken in his statement during inquiry.

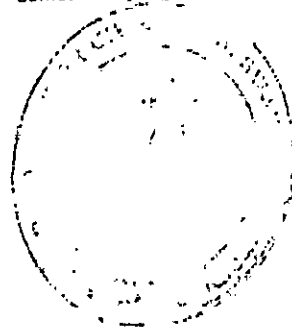
• **CONCLUSION:**

In view of the statements of the witnesses, so examined, during the inquiry, the documents, thus, brought on record and in view of forgoing discourse, the charge against the accused/official, has been proved.

Report submitted, please.


Tanha Hashmi

Senior Civil Judge, Swabi/ Inquiry Officer



COURT OF DISTRICT & SESSIONS JUDGE, SWABI

Court File No. 39/Admn of 2021
Title: Inquiry Against Javed Iqbal


11

Order Under Rule 14(4)
22.04.2021

1. Accused official Javed Iqbal (Senior Clerk), having been found guilty vide order dated 10.04.2021 of learned Senior Civil Judge /Inquiry Officer in Court File No. 23/6 of 2021, is hereby served with notice to show cause as to why one or more penalties mentioned under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011 (the Rules) may not be imposed upon him for the charge as follows;
 - i. That, as per facts contained in the report of Civil Judge-II Swabi Ms Aisha Siddique bearing No. 31 dated 11.01.2021, he was called upon to explain late coming to and early departure from the court without her permission.
 - ii. That, as reported by the said officer, he failed to defend the alleged conduct.
 - iii. That he was found absent from duty, without any intimation and permission, during visit of the said court by the undersigned on 12.01.2021 and that he could not produce any permission /leave granting order in response to explanation call vide No. 200/F-40/CSJ dated 13.01.2021.
2. The accused official shall submit reply in writing with additional excuse, if any, within 10 days after receipt of this notice. He shall also indicate in his reply whether he wanted to be heard in person. Proceedings shall be concluded in accordance with the Rules if the accused official fails to respond.
3. Departmental Representative, Anjid Iqbal (Junior Clerk), shall appear with record on the date fixed.

Next date fixed in the matter is 08.05.2021 (09:40 hrs).

Dated: 22.04.2021



(Hafiz Nasrullah Akbar)
Competent Authority
/District & Sessions
Judge, Swabi

Endst: No. 2602-03 (F-4) /D&SJ

Dated 22.04.2021

Copy for information and needful to:

1. The accused official with copy of order dated 10.04.2021 rendered by learned SCJ /Inquiry Officer in Court File No. 23/6 of 2021.
2. The Departmental Representative.



Competent Authority
/District & Sessions
Judge, Swabi



COURT OF DISTRICT & SESSIONS JUDGE, SWABI

Court File No. 39/Admn of 2021
Title: Inquiry Against Javaid Iqbal

12

S.No. & Date of order	Order/Proceeding Sheet
<u>O:09</u> 01.07.2021	<p>1. Accused official Javaid Iqbal is absent again.</p> <p>2. Accused official is facing the disciplinary action for the following charges;</p> <ol style="list-style-type: none">That, as per facts contained in the report of CJ-II Swabi Ms Aisha Siddique bearing No. 31 dated 11.01.2021, he was called upon to explain late coming to and early departure from the court without permission.That, as reported by the said officer, he failed to defend the alleged conduct.That he was found absent from duty, without any intimation and permission, during visit of the said court by the undersigned on 12.01.2021 and that he could not produce any permission/leave granting order in response to explanation call vide No.200/F-40/D&SJ dated 13.01.2021 <p>3. The underlying complaint, received from the learned CJ-II Swabi Ms Ayesha Siddique, was marked for inquiry to SCJ Ms Tania Hashmi vide order bearing Endst: No. 855-58/(F-41)/D&SJ dated 13.02.2021. Report from the Inquiry Officer, in Court File No. 23/6 of 2021, was received at this end on 19.04.2021.</p> <p>4. Finding of the learned Inquiry Officer was agreed and order containing show cause notice under Rule 14(4) of Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011, vide No. 2602-03/(F-41)/D&SJ dated 22.04.2021, was issued. Reply to the show cause notice was not filed by the accused official and he absented himself instead. He was summoned in the interest of justice. On 04.06.2021 he turned up and sought time to settle the matter with the officer lodging complaint against him. A chance was granted to the official. The learned Presiding Officer /complainant Ms Aisha Siddique forwarded the application of accused official with note "Apology Accepted".</p> <p>5. Accused official Javaid Iqbal (Senior Clerk), keeping in view the material available on file, is found guilty of the charges. However the Presiding Officer /complainant has been gracious in forgiving the official and therefore a lenient view is adopted in the circumstances of the case. Minor penalty of Censure is imposed against the accused official in terms of Rule-4(1)(a)(i) of the Rules. Formal order in this respect be put up on 06.07.2021 (11:00 hrs).</p> <p><u>Announced</u> 01.07.2020</p> <p style="text-align: right;"> (Hafiz Naseem Akbar) District & Sessions Judge, Swabi</p>

CA. No. 760 /AD & SJ-II/Lahor Dated 20.05.2021

21.05.2021
13


From,
Additional District & Sessions Judge-II,
Lahor (Swabi)

To
District & Sessions Judge,
Swabi.


SUBJECT: Information in respect of absence of Javed Iqbal Moharrir.

Respected Sir,


Javed Iqbal Senior Clerk (presently posted as Moharrir of this court) is absent without leave since 18.05.2021. The staff of this court tried to contact him repeatedly, but he is out of contact. The said Moharrir is repeatedly absenting himself and two letters have previously been sent to your good office in this respect for intimation.


Jamil Ghani Malik,
Addl: District & Sessions Judge-II,
Lahor (Swabi)

When on the previous 2 letters.


21.05.2021

Seen the previous letters.
Put up in separate file after entry in the
admin register for R+D proceedings against
the official.


District Judge
22.05.2021.

la 15
No. AD & SJ-II/Lahor Dated 24.05.2021

From.

(21)

Additional District & Sessions Judge-II,
Lahor (Swabi)

14

To

District & Sessions Judge,
Swabi.

SUBJECT: Information in respect of absence of Javed
Iqbal Moharrir.

Respected Sir.

In reply to your letter no.654 dated 18.05.2021, it is stated that Javed Iqbal Senior Clerk (presently posted as Moharrir of this court) is absent without leave since 18.05.2021. The staff of this court tried to contact him repeatedly, but his mobile phone is off. Inquiry in respect of his absence could not be conducted because of his absence. It was verbally stated by a staff member that the mother of Javed Iqbal Moharrir is seriously ill.


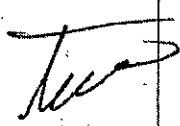
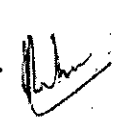
Jamil Shah Malik,
Addl: District & Sessions Judge-II,
Lahor (Swabi).

(3)

COURT OF DISTRICT & SESSIONS JUDGE, SWABI

Court File No. 50/Admn of 2021

Title: Inquiry Against Javed Iqbal

S.No. & Date of order	Order/Proceeding Sheet
<p><u>O:03</u> 02.06.2021</p> <p><u>No: 6247</u> 02.06.2021</p>	<ol style="list-style-type: none"> 1. Record perused. 2. The formal inquiry in terms of Rule-5 is hereby dispensed with keeping in view the nature of allegations (absence from duty) reported against the accused official. 3. Order under Rule-7 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, containing show cause notice to the accused official Javed Iqbal, is necessitated. Formal order in this respect signed and issued. Its copy is placed on file. 4. Put up for written reply of accused official on 15.06.2021 (09:20 hrs). <p style="text-align: right;"> (Hafiz Naseem Akbar) District & Sessions Judge, Swabi</p>
<p><u>O:04</u> 15.06.2021</p> <p></p> <p>(ج) جید (ب) جید</p>	<ol style="list-style-type: none"> 1. Accused official Javed Iqbal is present in person and states to have not received any show cause notice thus far. Copy of the same is provided to the accused official in the interest of justice without falling into any controversy. He seeks time for submission of reply. Granted. 2. Come up for reply of the show cause notice on 29.06.2021 (09:30 hrs). <p style="text-align: right;"> (Hafiz Naseem Akbar) District & Sessions Judge, Swabi</p>

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COURT OF DISTRICT & SESSIONS JUDGE, SWABI

Court File No. 50/Admn of 2021
Title: Inquiry Against Javed Iqbal

16

Order Under Rule-7
31.05.2021

1. Accused official Javed Iqbal (Senior Clerk), formal inquiry in terms of Rule-5 being dispensed with keeping in view the nature of allegation, is hereby served with notice to show cause as to why one or more penalties mentioned under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011 (the Rules) may not be imposed upon him for the charge as follows;
 - i. That as per reports (vide Nos. 724 dated 06.05.2021, 735 dated 18.05.2021, 740 dated 20.05.2021 and 742 dated 24.05.2021) of learned AD&SJ-II Lahor (Swabi) Jamal Shah Mahsood, he was found absent from duty without any information or prior permission.
 - ii. That the accused official failed to reply the explanation called vide No. 3982-83/(F-40) D&SJ dated 07.05.2021.
 - iii. That the accused official, being a government servant, conducted himself in a manner prejudicial to good order /discipline.
2. The accused official shall submit reply in writing with defense, if any, within 10 days after receipt of this notice. Proceedings shall be concluded in accordance with the Rules if the accused official fails to respond.

Next date fixed in the matter is 15.06.2021 (09:20 hrs).

Dated: 31.05.2021

Sd.

(Hafiz Naseem Akbar)
Competent Authority
/District & Sessions
Judge, Swabi

Endst: No. 6247 / (F-41) / D&SJ

Dated 02.06 .2021

Copy for information and needful to:

The accused official, with copies of letters mentioned above, r/o Fazal Abad Post Office
Parmoli, Tehsil Razzar, District Swabi.

Sd.

Competent Authority
/District & Sessions
Judge, Swabi

Before the Honorable District and
Sessions Judge, Distt. Swabi

17

Subject: Petitioner hereby submits reply
in response of letter 50/Admin
of 2021 as under.

Respected Sir,

C-8
02-07-2021

1. That the petitioner/accused official,
Javed Iqbal s/o Fazal-e-Qadir took
charge as clerk in the year 2001 in
subdivisional court Swabi, Distt. Swabi.
2. That since the first appointment till
current suspension the petitioner never
committed any irregularity in the
discharge of his duties rather
remained efficient and dutiful.
3. That in the near past, in the month
of Ramadan of 2021 the petitioner
was served with a notice of absence
from the duty, but the said notice
hasn't ever been received by the
petitioner on time along with subsequent
correspondence as well.

4. That recently the current notice has been duly received by the petitioner and through the present reply wants to submit before the court as under;

0-8
02.12.21

a) That in the said month of Ramadan real brother of the petitioner along with his wife and children faced a dangerous accident in which not only brother of the petitioner but his children as well got seriously injured, and due to the said accident the petitioner rushed to the Hospital for their look after.

b) That during the said time the petitioner got busy in their look after but also donated blood to the injured brother.

c) That due to the said road accident the petitioner along with his family were in a state of emergency and

(13)

19

Shock but also faced severe physical
feebleness and weakness.

0.8
02.07.21

5. That due to the said scenario the
petitioner remained unable to
perform his duties regularly
rather was lying in his home.
Moreover, faced Typhoid as well
in the same period.

6. That the petitioner is at the mercy
of the leadership and seeks his
reinstatement.

Deponent
Javed Iqbal
Javed Iqbal

Dated 02-7-21

5/18/2021

Mail - Information of Javed Iqbal Reder

District Courts Swabi <dsjswabi1@gmail.com>

Information of Javed Iqbal Reder

Abdul Wajid <nsjutor@yahoo.com>
To: District Courts Swabi <dsjswabi1@gmail.com>

Tue, May 18, 2021 at 12:47 AM

Javed Iqbal Muharrir.pdf
167K

654
18.5.2021
40

75

NO. 5049 /F-4A dt. 19.5.2021

Seen with attachment.

Learned SD & SI-II to
conduct a field finding inquiry/probe
and submit report within 03
days.

[Signature]
19.05.2021

10 E

91

No. 814 /AD & SJ-II Lahor Dated 03-07-2021

From,
Additional District & Sessions Judge-II,
Lahor (Swabi)

0-09
05-17-2021

SWABI

To
District & Sessions Judge,
Swabi.

SUBJECT: Report in respect of Inquiry against Javed Iqbal (ref: court file no.50/Admn of 2021)

Respected Sir,

It is report that Javed Iqbal Senior Clerk (previously posted as Moharrir of this court) absented himself from duty without leave since 18.05.2021. He appeared for a short while on 08.06.2021 and since then he is again absent from duty.

ATTESTED TO BE TRUE COPY

[Signature]
Javed Iqbal, Senior Clerk,
Addl; District & Sessions Judge-II,
Lahor (Swabi).

NOTE SHEET
05.07.2021

52

22

Respected Sir,

Letter No. 814/AD&SJ-II Lahor dated 03.07.2021 regarding absence of Javed Iqbal Senior Clerk/Moharrir, received through email from the learned AD&SJ-II Lahor, is placed before your goodself for information and further orders, please.


Superintendent

σ-9
15.17.2021

No. 277 ZAD & SJ-II/Lahor Dated 15-06-2021

23

From:
Additional District & Sessions Judge-II,
Lahor (Swabi)

To:
District & Sessions Judge,
Swabi.

SUBJECT: Information in respect of continuous absence of
Javed Iqbal Moharrir (Criminal).

Respected Sir,

It is to inform you that Javed Iqbal Senior Clerk
(presently posted as Moharrir of this court) is still absent from duty,
without leave. He appeared for a short while on 08.06.2021. A copy of
explanation issued by your office (no.3982-83/(F-40)D&SJ dated
07.05.2021 was served upon him, with directions to submit reply within
three days. However, he disappeared after that and is still absent.

05
16-06-2021

It is requested that a substitute Moharrir may be
provided to this court, as the Civil Moharrir is overburdened with work
of absent Criminal Moharrir.

Jamal Shah Mahsood,
Addl: District & Sessions Judge-II,
Lahor (Swabi).

27

AD & SJ-II Lahor

Dated 15-06-2021

From,

Additional District & Sessions Judge-II,
Lahor (Swabi)

24

To

District & Sessions Judge,
Swabi.

SUBJECT: Information in respect of continuous absence of
Javed Iqbal Moharrir (Criminal).

Respected Sir,

It is to inform you that Javed Iqbal Senior Clerk
(presently posted as Moharrir of this court) is still absent from duty,
without leave. He appeared for a short while on 08.06.2021. A copy of
explanation issued by your office (no.3982-83/(F-40)D&SJ dated
07.05.2021 was served upon him, with directions to submit reply within
three days. However, he disappeared after that and is still absent.

05
16.06.2021

It is requested that a substitute Moharrir may be
provided to this court, as the Civil Moharrir is overburdened with work
of absent Criminal Moharrir.

Jamal Shahi Malik
Addl: District & Sessions Judge-II,
Lahor (Swabi).

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COURT OF DISTRICT & SESSIONS JUDGE, SWABI

Court File No: 50/Admn of 2021

Title: Inquiry Against Javed Iqbal (Senior Clerk/Reader)

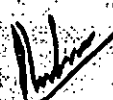
S.No. & Date of order	Order/Proceeding Sheet
<p>O:10 08.07.2021</p>	<p>1. Accused official Javed Iqbal (Senior Clerk) is absent again. Record perused.</p> <p>2. Instant disciplinary proceedings are based on information received from learned AD&SJ-II Lahor vide No. 740 dated 20.05.2021, No. 735 dated 18.05.2021 and No. 724 dated 06.05.2021. The said letters intimate about absence of the accused official from duty.</p> <p>3. Formal inquiry in the matter was dispensed with, in terms of Rule-5 of Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011 (the Rules), vide order dated 02.06.2021 followed by even dated order under Rule-7 containing show cause notice to the accused official dispatched at his residential address.</p> <p>4. Accused official Javed Iqbal attended on 15.06.2021 to state that he had not received any show cause notice. Copy of the same was provided to him in the interest of justice and he sought time for submission of reply. On 29.06.2021, the date fixed for reply, the accused official was found absent. He attended late the same day in closing hours and was informed of the next date. He filed reply to the show cause notice on 02.07.2021. He was directed to submit certificate from the concerned court about his joining of duty on a certain date (to be specified) and that he was on duty since then regularly. Report in this respect was also called from learned AD&SJ-II Lahor. The matter was adjourned to 05.07.2021 for requisite report /certificate and personal hearing.</p> <p>Accused official remained absent on 05.07.2021 and the requisite certificate was also not received on his behalf. The report received from AD&SJ-II Lahor, vide No. 814 dated 03.07.2021, informed that accused official was absent from duty since 18.05.2021 and had appeared for a short while on 08.06.2021 only. It may be worth noting that reports about continued absence of the accused official were received from concerned court on 16.06.2021, vide No. 783 dated 15.06.2021, and 26.05.2021 vide No. 742 dated 24.05.2021.</p> <p>5. Accused official Javed Iqbal has been charge sheeted for the following allegations vide formal order under Rule-7 bearing Endst: No. 6247/F-41/D&SJ dated 02.06.2021;</p> <p>i. That as per reports (vide Nos. 724 dated 06.05.2021, 735 dated 18.05.2021, 740 dated 20.05.2021 and 742 dated 24.05.2021) of learned AD&SJ-II Lahor (Swabi) Jamal Shah Mahsood, he was found absent from duty without any information or prior permission.</p>

District & Sessions Judge Swabi

O:10
(Continued)

- ii. That the accused official failed to reply the explanation called vide No. 3982-83/40) D&SJ dated 07.05.2021.
- iii. That the accused official, being a government servant, conducted himself in a manner prejudicial to good order /discipline.
6. The accused official, as per written reply filed on 02.07.2021, adopted the stance that his brother with family met a dangerous accident causing serious injuries to them in Ramadan thus compelling the official for their look after in the hospital. His reply also states that the accused official suffered from typhoid during the said period. Along with the written reply are annexed hospital documents disclosing positive typhoid test with medical prescription dated 01.06.2021 for the accused official and his medical prescription dated 04.05.2021.
7. The basic question, without raising any controversy as regards the defence plea adopted by accused official, would be whether he was justified for remaining absent without applying for and grant of leave in the circumstances. The answer is certainly in negative. He remained unable to submit certificate of attendance as required vide order dated 02.07.2021 while report received from the concerned court, as highlighted above, is to the effect that accused official was absent from duty since 18.05.2021. The accused official also waived off his right to personal hearing despite fairer opportunity.
8. Accused official Javed Iqbal, in the light of foregoing, is held guilty of the charges levelled against him. He is liable to major penalty of reduction to the post of Junior Clerk (BS-11) under Rule-4(b)(i) of the Rules. Formal order be put up for perusal on the date fixed. The office on the same date shall also submit note sheet about continued absence of the accused official from duty, in view of reports received from learned AD&SJ-II Lahor vide No. 783 dated 15.06.2021 and No. 814 dated 03.07.2021, for disciplinary action under Rule-9 of the Rules.
9. Put up for further proceedings on 10.07.2021 (12:15 hrs).

Announced
08.07.2021


(Hafiz Naseem Akbar)
District & Sessions Judge,
Swabi

29

27

No. 814 /AD & SJ-II Lahor Dated 01-07-2021

From,

Additional District & Sessions Judge-II,
Lahor (Swabi)

2-09
05.17.2021
District & Sessions Judge
SWABI

To

District & Sessions Judge,
Swabi.

SUBJECT: Report in respect of Inquiry against Javed Iqbal (ref: court file no.50/Admn of 2021)

Respected Sir,

It is report that Javed Iqbal Senior Clerk (previously posted as Moharrir of this court) absented himself from duty without leave since 18.05.2021. He appeared for a short while on 08.06.2021 and since then he is again absent from duty.




~~Javed Iqbal Senior Clerk,
Add: District & Sessions Judge-II,
Lahor (Swabi).~~

2 3
COURT OF DISTRICT & SESSIONS JUDGE, SWABI

Admin File No.65/Admn of 2021

Title: Office Note dt.18.07.2021 regarding absence of Javed Iqbal SC

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S.No & Date of Order	Order/Proceeding Sheet
<p>Office Note <u>12.7.2021</u></p>	<p>File has been prepared as directed. It has been entered in the Admin Register as well at the given serial number.</p> <p>Matter is submitted for further orders.</p> <p align="right">  Superintendent Sessions Division, Swabi </p>
<p><u>O:01</u> 3.07.2021</p>	<p>1. File put up after its entry in the admin register.</p> <p>2. Come up for perusal and consideration on 17.07.2021 (12:00 hrs).</p> <p align="right">  (Hafiz Naseem Akbar) District & Sessions Judge, Swabi </p>
<p><u>O:02</u> 17.07.2021</p> <p><u>1250</u> 17.7.21</p>	<p>1. Instant proceedings, initiated in follow up of order dated 08.07.2021 in Court File No. 50/Admn of 2021, propose disciplinary action against the accused official Javed Iqbal under Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 (the Rules).</p> <p>2. The accused official, as per report received from learned AD&SJ-II Lahor vide No. 814 dated 03.07.2021, is absent from duty since 18.05.2021 without leave. Notice in terms of Rule-9 has been signed and issued against the accused official, for joining duty within 15 days, at his home address through registered post AD. Copy of the notice is placed on file.</p> <p>3. Come up for further proceedings on <u>06.08.2021</u> (9:00 hrs).</p> <p align="right">  (Hafiz Naseem Akbar) District & Sessions Judge Swabi </p>

No 7950/F41

dated: 17.07 2021

29

(Through Registered Post AD)

Subject: Notice under Rule-9 Of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011

Please find enclosed herewith copy of order dated 17.07.2021, passed in Court File No. 65/Admn of 2021, as notice under the subject rule for resumption of duty within 15 days.

Encl: As Above

(Hafiz Naseem Akbar)
Competent Authority
/District & Sessions
Judge, Swabi

To
Mr. Javed Iqbal (Junior Clerk)
s/o Fazal Qadir r/o Fazal Abad Parmoli
Tehsil Razzar, District Swabi.

No. 302

7752
F-41

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters if not affixed the initials of the insured in the Post Office Guide or on which no acknowledgment is due.

received a registered addressed to _____ Date-Stamp _____

Initials of Receiving Officer _____ Write here "kaps", "parcel", "packet" or "parcel" with the words "insured" before it when necessary.

Insured for Rs. (in figures) _____ (in words) _____

If insured. Insurance fee Rs. _____ Ps. (in words) _____ Kilo Grams _____

Name and address of sender _____

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31

RP-54

20

وسنید

302

0-4
12.08.2021

رجسٹری یا پیر بھیجئے والے کو پشت پر دیئے گئے پتہ پر واپس بھیجا جائے۔

~~RP-54~~

* ایک رجسٹری۔

برائے (نام) جاوید اقبال مد منقل قادر سکھ منقل آباد وصول پائی۔

20 • بیکر کی مالیت • وزن (تھکن میں) • گرام • ربی بیوٹو

مکتوب الیہ کے دستخط تاریخ تقسیم بسیار 28/21

* یہاں بھیجی گئی کارڈ "یکٹ" یا "پارٹ" جو چھوڑ کر کریں۔ بیکر کی صورت میں لفظ "بیکر" پیلے طور پر کریں۔
• صرف بیکر کی صورت میں یہاں الدرمان کیا جائے۔ بھرت دیگر کاٹ دیا جائے۔

قیمت نوک روپے - Rs.10/-

7/12/9

مشرق

DAILY MASHRIQ PESHAWAR / SLAMAR

33

لگا یا عث اپنے

تکن کے ہوتے ہیں مشرق پورے ملک کے ہر حصے میں لگا یا عث اپنے...
یہ ایک ایسا ایجنسی ہے جو ملک کے ہر حصے میں لگا یا عث اپنے...
یہ ایک ایسا ایجنسی ہے جو ملک کے ہر حصے میں لگا یا عث اپنے...

تعمیراتی کاموں کے لیے

تعمیراتی کاموں کے لیے...
تعمیراتی کاموں کے لیے...
تعمیراتی کاموں کے لیے...



- Small.com Head Peshawar
- Dated 08/09/2021
- Engineering Consultants
- Associated Consultants (Pvt) Ltd.
- APX
- 21. M Vision Engineers Consultancy
- 22. M (Islamabad)
- 23. M Information (Pvt) Ltd. Dh
- 24. M Engineering Solutions Pvt. Ltd.
- 25. M Insult International Karachi
- 26. M In Associates
- 27. M's Tech Sociates
- 28. M's GSK Art.
- 29. M's AAC Engineering Services
- 30. M's A A M Karachi
- 31. M's G3 Engineering Consultants (Pvt) Ltd.
- 32. M's Planners & Engineers

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Sl. No.	Particulars	Rate	Unit	Total
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Whya Highways only Peshawar Intends to Feasibility Study and engineering along with sites of following Supt. wo Construction Nawazakhela Besham

Link from Charasra Interchange (44-1) to (12y) through PPP Mta (40 Km) C (in relevant category) and with Khyber

es under quality cost based selection nbed in the request for proposal (RFP)

Original proposal in English (Original) one nst each of the scheme under the terms hich will be opened on the same day et epted in separate envelopes and marked one sealed envelope and addressed to

designed and can be obtained on any (not refundable) against each work PWA. axes including stamp duty, service pleted in all respect in 120 days for

Take Special Care of Special Persons INF(P)462/2021

CORRIGENDUM

PROCUREMENT OF SERVICES FOR CONDUCTING BI ANNUAL HEALTH SURVEY IN KHYBER PAKHTUNKHWA

Reference this directorate invitation for bids (IFB) INF (P) 4222/2021 dated 11-06-2021 published in various newspaper and corrigendum published INF (P) 4559/2021 dated 05/09/2021, the following may be read as under:-

RE-ADVERTISEMENT OF INVITATION FOR BIDS (IFB)

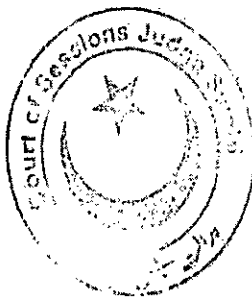

PROCUREMENT AND INSTALLATION OF MEDICAL GASSES SUPPLY (GASSES SYSTEM) UNDER NATIONAL COMPETITIVE BIDDING

(Re-advertisement of line above Ad. published in KPA, dated 05/12/2021 and the Daily Mashriq Peshawar dated 05/09/2021 INF(P) 4559/2021)

1. Multi Mahmood Memorial Teaching Hospital MTI D.I. Khan, invites sealed National Competitive Bidding from highly reputed National and International Man and authorized /Sole agents for procuring and installation of Central Gasses S Liquid Oxygen Tank during the financial year 2021-22 through Single Stage Two bidding procedure as per Rule 05 (25) of the Khyber Pakhtunkhwa Public Procurement Authority (KPPA).

COURT OF DISTRICT & SESSIONS JUDGE, SWABI

Court File No. 65/Admn of 2021
Date Of Institution: 13.07.2021
Date Of Order: 08.10.2021
Title: Inquiry Against Javed Iqbal

S.No. & Date of order	Order/Proceeding Sheet
O:06 08.10.2021	<p>1. Report of B&AA received along with absence notices published in the daily "The Mashriq" Peshawar dated 12.09.2021 and daily "The Aaj" Peshawar /Abbottabad dated 13.09.2021.</p> <p>2. The accused official is absent from duty since 18.05.2021 without any leave. Prior to publication of notice in the newspapers he was also put on notice through registered post AD vide No. 7950/F-41 dated 17.07.2021. There is no attendance or other response on the part of accused official being proceeded against in terms of KP Government Servants (Efficiency & Discipline) Rules, 2011.</p> <p>3. The official Javed Iqbal, during an earlier disciplinary action as well, was held guilty and penalized for reduction to the post of Junior Clerk (BPS-11) under Rule-4(b)(i) of the Rules vide order dated 08.07.2021 in Court File No. 50/Admn of 2021.</p> <p>4. The accused official, in the wake of foregoing, is liable to penalty under Rule-4(b)(iii) of the Rules and shall also be obliged to reimburse the Provincial Government under Rule-4(a)(iii) of pecuniary loss caused by him on account of receiving salary /financial benefits during the absence period. He is therefore removed from service with direction to surrender the salary /financial benefits received since 18.05.2021 or the same may be recovered in accordance with law. Formal order in this respect signed and issued. Its copy be placed on record. File be consigned to Record Room after necessary completion.</p> <p><u>Announced</u> 08.10.2021</p> <p></p> <p> (Hafiz Nascem Akbar) District & Sessions Judge, Swabi</p>

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