



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

Service Appeal No. 57/2024

Muhammad Tariq Jan Process Server.....**Appellant/Petitioner**

VERSUS

1) Learned District & Sessions Judge and one other.....**Respondents**

INDEX

S.No.	Description of Documents	Annexure	Page(s)
1.	Petition for placement of certain documents		1
2.	First page of Appeal		2
3.	Last order sheet dated, 22/01/2024 of Appeal		3
4.	Statement of Respondent No. 2 dated, 22/06/2022	"A"	4
5.	Copies of duty lists of process servers	"B"	5-6
6.	Report of Respondent No. 2 regarding theft of Motor Bike addressed to Respondent No. 1	"C"	7
7.	Statement of Arshad Ahmad Process Server	"D"	8
8.	Report of Fact Finding Enquiry	"E"	9-14
9.	List of Witnesses of Appellant	"F"	15
10.	Proper Enquiry Report	"G"	16-21
11.	Report of Naib Nazir dated 25/06/2022	"H"	22
12.	Copy of Mad Report dated, 07/06/2022	"I"	23

Dated: 22/01/2024

Appellant
Muhammad Tariq Jan,
Process Server

Through:

Haji Wasal Khan
Advocate, Charsadda

①

BEFORE THE CHAIRMAN, KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 10785
Dated 25/1/24

Service Appeal No. 57/2024

Muhammad Tariq Jan Process Server.....**Appellant/Petitioner**

VERSUS

1) Learned District & Sessions Judge and one other.....**Respondents**

Petition for placement of further documents i.e. (i) Statement of Respondent No. 2 dated 22/06/2022 alongwith copies of duty lists of Process Servers regarding re-shuffling of illaqas (ii) Letter No. 709/SCJ (Admin) dated. 14.06.2022 issued by respondent No. 2 to Respondent No. 1 regarding theft of official Motor Cycle; and (iii) statement of Arshad Ahmad Process Server recorded on 21/06/2022, (iv) list of witnesses of Appellant, (v) Report of Jamil Khan, Naib Nazir, (vi) Fact finding enquiry report dated 28/06/2022 and (vii) proper enquiry report dated 22/02/2023.(viii) Copy of Mail Report dt 7-6-22.

Respectfully Sheweth

The Appellant/Petitioner requests for placement of the above mentioned documents on the above titled service Appeal file, as under:-

- 1) That the above titled appeal is fixed for preliminary hearing and next date fixed is 22/02/2024 before this Hon'ble Tribunal.
- 2) That the above mentioned documents are necessary documents for just decision of this Appeal.
- 3) That the appeal is at initial stage of preliminary hearing/arguments and there is no legal bar to prevent the Appellant from placement of above such documents on Appeal file.

It is, therefore, humbly prayed that the Appellant/Petitioner may very kindly be permitted to place the above mentioned documents on service Appeal file.

Dated: 22/01/2024

Muhammad Tariq Jan

Appellant/Petitioner
Muhammad Tariq Jan,
Process Server

Through:

Haji Wasal Khan
Haji Wasal Khan
Advocate, Charsadda

BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR.



Service Appeal No. 57 /2024

Muhammad Tariq Jan, Process Server, in the Establishment of learned Senior

Civil Judge (Admin) Charsadda _____ Appellant.

VS

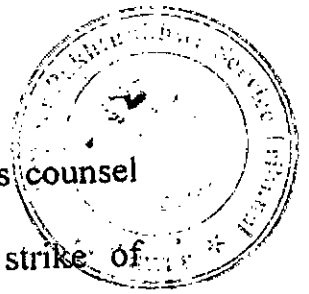
1. The Learned District & Sessions Judge, Charsadda.
2. The Learned Senior Civil Judge (Admin) _____ Respondents.
Charsadda

Service Appeal U/S 4 of the Service Tribunal Act, 1974, against the judgment/order dated 12/12/2023 passed by Respondent No. 1 whereby the Departmental Appeal of Appellant was dismissed and Judgment/Order dated 12/04/2023 passed by Respondent No.2 on the basis of enquiry report of Enquiry Officer whereby the Appellant was ordered/ directed to deposit the prevailing market price of stolen official Motorcycle CD-70 Honda bearing Registration No. A-6124 Charsadda Model 2018 Chassis No. JB201702 Engine No. B509198 with the amount of Government taxes and cost of registration (whatever applicable) in the office for onward deposit in State Exchequer within 30 days otherwise the same shall be recovered from his pay with further order of withholding of annual increments for 03 years under Rule 4 (I) (a)(ii)(iii) of Khyber-Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

[Signature]
Service Tribunal,
Peshawar.

(3)

18.01.2024



Appellant in person present and stated that his counsel is unable to attend the Tribunal today due to strike of lawyers, therefore, an adjournment may be granted. Adjourned. To come up for preliminary hearing on 22.01.2024 before the S.B. Parcha Peshi given to the appellant.

(Salah-ud-Din)
Member (J)

Naeem Amin

22nd Jan. 2024

01. Learned counsel for the appellant present and requested for some time to submit certain documents. Allowed to do so before the next date. To come up for preliminary hearing on 20.02.2024 before S.B. P.P given to the learned counsel for the appellant.

(Farceha Paul)
Member(E)

Certified to be true copy

Fazle subhan P.S.

Fazle Subhan P.S.
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Affidavit: 22-01-24
Number of V.L.: 27
Copy of V.L.: 10/-
Unpaid amount: 10/-
Total: 10/-
Name of Applicant: 25-01-24
Date of Filing: 25-01-24

(4)

PW-4
22.6.22

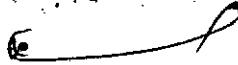
Statement of Mrs. Saira Bano, Senior Civil Judge (Admin), Charsadda.

Mr. Tariq, Process Server was initially assigned area of Chak Hisara, Sholgara, Geedar Kallay, Hussain Abad, Choti Pul, Khatt Korona. On 02.06.2022, after reshuffling of areas, he has been assigned area of Mufti Abad, Behlola, Wali Bagh, Musa Kallay and Khanmai. The process regarding government departments and other official correspondence are assigned to Mr. Adnan Yousaf, Process Server (*Copies of duty lists are attached*). The delinquent P.S reported about the theft of official Motorcycle verbally on 08.06.2022. He was directed to submit application in this regard, however, he submitted the application alongwith copies of Naqalmdad dated: 07.06.22 of P.S East Cantt; Peshawar and docket/process on 10.06.2022. The said application was accordingly forwarded to Hon'ble District & Sessions Judge, Charsadda.

Dated:22.06.222



(Mrs. Saira Bano)
Senior Civil Judge (Admin), Charsadda,
Charsadda



49 887 775

ڈیوٹی لسٹ علاقہ جملہ تعینل کنندہ گان عدالت سینٹر سول جج (ایڈمن) چارسدہ

نمبر شمار	نام پراس سرد	علاقہ ڈیوٹی
1	رحمت طاہر	عمر زئی، میرہ عمر زئی، شاخ نمبر 6، اخون ڈھیری، زرباب گڑھی، مکا ڈھنڈ
2	حضرت رحمن	بوہک، کلیاس، ڈھیری زرداد، ترلائی، شاہ پند کله
3	عرفان اللہ	تحصیل آرافس، واہڈا دفتر ہائے، پینک ہائے
4	سراج محمد	چترال کورونہ پورول خان کله، مکا ڈھیر، رحیمہ
5	کفایت اللہ	دوسرہ، خلی، عزیز آباد، شاہ ڈھنڈ، ابراہیم زئی، شکرہ
6	عدنان یوسف	دکلاء، محافظ خانہ سیشن کورٹ، DPO آفس سرکاری دفاتر
7	مجاہد شاہ	کوٹ، ترناب، لوواں کله، ڈاگنی غلام تادر، ڈاگنی مکرم خان
8	شاہ زیب	کوٹڑ آباد، نادرا دفتر، سوئی گیس، قاضی خیل، گڑھی حمید گل
9	موسیٰ رضاء	اگرہ، گل آباد، کوڑے، شیخ کله، سردریاب، مندورے
10	ارشاد	چک حصار، شوگر، گیدڑ کله، حسین آباد، چوٹی بل، نہت کورونہ
11	کاشف محمود	میرہ پڑانگ، نوشہرہ روڈ
12	طارق	منقی آباد، بہلولہ، ولی باغ، موسیٰ کله، خانمائی
13	اعظم جان نمبر 2	پلٹو، شکر ڈھنڈ، مہو ڈھیری، وردک، سینٹر سول جج (ایڈمن) آفس چارسدہ
14	اعظم جان نمبر 1	پڑانگ، شاہزادہ، ماجو کے
15	میاں عدیم	چارسدہ، پانسدہ خیل، ہابڑہ، پرانا بازار چارسدہ
16	محمد علی نمبر 1	انٹرنیٹ، ننتہ، میرہ ننتہ
17	محمد علی نمبر 2	اتما زئی، میرہ اتما زئی، انور کله، شہیدان، فنی خان روڈ
18	دادوجان	سر ڈھیری، غنڈہ کرکن، چیشو، کوڈا خیل، قحانہ سر ڈھیری، پلو، گجرانو کله
19	فلک نیاز	رجڑ، شیخ آباد، امیر آباد، انکار کله
20	فضل محمد	باچہ خان یونیورسٹی، بحر III-ASJ
21	جواد احمد	گل آباد، مٹی خیل، درگی
22	مدر حسین	ڈھب غریب آباد، نجم آباد، زرین آباد، میرہ پڑانگ
23	اکبر علی	از نائب قاصد VI-CJ صاحب چارسدہ + سول سٹم صفائی
24	صابر احمد	COC آفس (سینٹر سول جج ایڈمن) چارسدہ، نادرا آفس چارسدہ
25	تاج الرحمن	ترنگزئی، میرہ ترنگزئی، سرکی، تہیانہ، غزنگی

Attested

Haji Wasal Khan
Advocate, Charsadda

نائب ناظر چارسدہ

سینٹر سول جج (ایڈمن) چارسدہ

کسٹ ڈیوٹی علاقہ - جملہ تقسیم کنندہ گان عدالت JCS این این چارٹرڈ

1	تاج الرحمان PS	عمرزئی - صبرہ عمرزئی - شاخ 6 - افون ڈھوری - زریاب گڑھی - کھارڈھ
2	کنایت اللہ	یونک - ملکاس - ڈھوری زرداد - نر لاند - شاہ لند کے
3	عرفان اللہ	مقتدر آفس - وادی ڈھری -
4	سراج محمد	کوٹ - ترناہ - نوان کھ - ڈاگنی غلام قادر - ڈاگنی حکیم خان
5	حضرت رحمان	دوسرہ - کھلے - عزیز آباد - ستاہ ڈھند - ابراہیم زئی -
6	عبداللہ یوسف	کھلاء - محافظ خانہ سٹین کورٹ
7	مجاہد شاہ	چترال ٹورونڈ ٹورونڈ خان کھلے - ملک ڈھری - DPo آفس منگلا کھلے
8	ستیا زیب	ڈرائنگ - ستا پڑہ - ماہوے
9	طارق	اگرہ - گل آباد - کوٹ - شیخ کلا پیر دریاہ - منڈورے
10	کاسف محمود	جک حصار - شوگر - گیدڑ کھ - چین آباد - جوں جوں
11	مہدی احمد	گل آباد - مہدی جیل - درگی -
12	اعظم مال 2	مہدی آباد - محمد نازکی - عالمی ہوسلہ - ولی بانخ -
13	اعظم مال 1	بلٹو - شکر ڈھند - مہر ڈھری - وردگر - رخیمہ - کبیر الہاکی
14	صبر حسین	کوٹ آباد - نادر ڈھری - دفتر سوئی گیس - قاضی جنس - گڑھی محمد
15	محمد علی 1	چار سیدہ - پائندہ جنس - پاپڑہ - درانا بازار چار سیدہ -
16	محمد علی 2	آٹمان زئی - صبرہ آٹمان زئی - سیدان عینی خان روڈ -
17	سردھری	ڈنٹر جینج - کتہ - صبرہ کتہ -
18	فدک ناز	سردھری - غینڈہ کرکٹ - رنجو - کراصل - مہمان سردھری
19	فضل محمد	رحو - شیخ آباد - اصیر آباد - الگار کھ
20	حواد احمد	کھارڈھ - جملہ تقسیم کنندہ گان عدالت
21	صبا ندریم	نوشہ روڈ - صبرہ کرائنگ - ڈھب پیر آباد - جمن آباد
22	اکبر علی	سبز سول ج ملک این این چار سیدہ
23	صبر احمد	سبز سول ج ملک این این چار سیدہ
24	رہمت طاہر	ترنگڑی - صبرہ ترنگڑی - سرکی - سیمانہ

Alles Fed
wasal
Haji Wasal Khan
Advocate, Charsadda

(7)



District Judiciary Charsadda

Senior Civil Judge (Administration),
Charsadda

Phone: 091 - 9220435

No. 709 /SCJ (Admn) Charsadda

Dated: 14 .06.2022

To

The Hon'ble District & Sessions Judge,
Charsadda.


Subject: REPORT REGARDING THEFT OF OFFICIAL MOTORCYCLE
OF MUHAMMAD TARIQ KHAN, PROCESS SERVER.

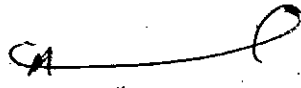
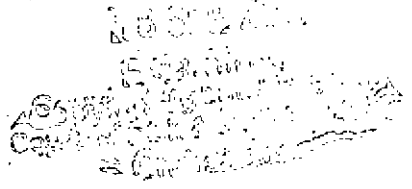
Respected Madam,

I have the honour to submit that Mr. Muhammad Tariq Khan Process Server submitted an application regarding theft of his official motorcycle Honda CD-70 bearing registration No. A-6124 Charsadda which was given to him for service of summons / notices in his halqa. The applicant reported the matter through Naqal Mad on 07.06.2022 in P.S Sharqi.

Previously the applicant was performing his duty in area of "Chick Hisar, Sholgara, Geedar Killi, Hussain Abad, Choti Pul and Khat Koroona". Recently vide order dated 02.06.2022 the areas "Mufti Abad, Behlola, Wali Bagh, Moosa Killi and Khan Mahi" is assigned to the applicant for performing his duty. Now he is reporting the theft of his official motorcycle. (Copy of Naqal Mad report and notice of High Court is also annexed)

Report is submitted before Hon'ble District & Sessions Judge, Charsadda for further appropriate orders, please.


Senior Civil Judge (Admn),
Charsadda

بیان استوار لکھنؤ میں لکھو۔

21.8.22

حکومت ہند نے اس بار میں بھی علامہ جانا کی
 پر تقریباً 8 سال تک مضامین لکھے اور باقاعدگی
 سے عدالت سول جج سے دیگر عدالت عالیہ پر عدالت
 عالیہ کے سب سے اہم گوشوں اور لکھنؤ کے لکھنؤ
 اور لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ
 طور پر نام نہاد عالم کے حوالے سے میں نے لکھنؤ
 کوئی سب سے اہم گوشوں اور لکھنؤ لکھنؤ لکھنؤ
 ہوں گوشوں اور لکھنؤ لکھنؤ لکھنؤ لکھنؤ
 علامہ جانا کی لکھنؤ لکھنؤ لکھنؤ لکھنؤ
 گوشوں اور لکھنؤ لکھنؤ لکھنؤ لکھنؤ
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21.8.22



21.8.22

(9)

Office of
Addl: District Sessions Judge-II/Judge MCTC/
Inquiry Officer, Charsadda

No. 170 /AD&SJ-II, Charsadda

Dated: 28/06/2022

DISCREET/FACTS FINDING INQUIRY REPORT

1. The Hon'ble District & Sessions Judge, Charsadda on 18/06/2022, marked the instant discreet/facts finding inquiry against Process Server Muhammad Tariq, for conducting discreet inquiry and submitting of report within 10-days.
2. Perusal of inquiry file reveals that the instant inquiry is a fact finding inquiry rather than discreet inquiry, therefore, after fulfilling all legal formalities, the Naib Nazir being head of Process Serving Agency and accused/official concerned were notice for 21/06/2022. On 21/06/2022, on verbal conversation, the undersigned deem it appropriate that Process Server Arshad Ahmad, who replaced the official under report was also needed to be inquired, therefore, through Naib Nazir, telephonically the said Arshad Ahmad, Process Server was also summoned and thus, on 21/06/2022, statements of Naib Nazir, official under report Muhammad Tariq and Process Server Arshad Ahmad, recorded as PW-1 to PW-3 respectively and placed on file.
3. For further clarification, the statement of Senior Civil Judge, (Admin) and Superintendent Sessions Court Office, Charsadda

9/8/22


ATTESTED



28/06/22

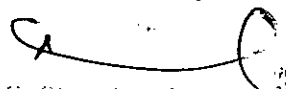
Inquiry Officer
District Sessions Judge-II
Charsadda

(10)

were also recorded on 22/06/2022 as PW-4 and PW-5 respectively and placed on file.

4. In the light of statements recorded by the above named officers/officials, it would be ascertained that what is the procedure and job description of the Process Server or Process Serving Agency?
5. As per rules, each part of the concerned district is specifically assigned to a particular Process Server for his duty as summon/notice or service of party/witness. Furthermore, for service of the parties/witnesses, one day is fixed for field work and the other day, the Process Server are to be present in Office.
6. Civil Nazir/Naib Nazir, being head of the Process Serving Agency, under the direct supervision of Senior Civil Judge (Admin), Charsadda, properly maintained various registers for keeping the record of assigned summons/notices, their return and delivery to the concerned quarter.
7. The report on the aforementioned summons/notices of each Process Server, served/un-served is duly endorsed by the Naib Nazir and then are submitted before the concerned forum.
8. Besides this general procedure of job description of a Process Server, let us see, the impugned summon/notice of the under report official Muhammad Tariq, issued by august Peshawar High Court, Peshawar on 30/03/2022, in case appeal/writ petition titled

1/8/22



1/8/22
Civil Nazir
Charsadda
Peshawar High Court
Peshawar

(15)

Page 3 of 6

"Gauhar Ali Versus Munir Khan" in which next date of hearing was fixed as 14th June, 2022.

9. The photocopy of the said summon/notice is placed on file, which clearly reflects that on 05/04/2022, vide serial No. 747 was assigned to one Arshad Ahmad Process Server for service of the parties.
10. It is worth mentioning that on 02/06/2022, the learned Senior Civil Judge (Admin), Charsadda through Office Order reshuffled the areas of each Process Server and thus, the area of Process Server Arshad Ahmad was assigned to Official under report while, the area of Official under report Muhammad Tariq was assigned to the said Arshad Ahmad. Thus, in the light of above mentioned Office Order of the learned Senior Civil Judge (Admin), Charsadda, the already assigned summon/notice were exchanged by the concerned Process Server to the replacing Process Server. Therefore, the said notice was received by the Official under report and proceeded to the spot on 07/06/2022, for service of the parties, and as per report of the Official under report, the said Process Server (Official under report) without obtaining endorsement from Nazir/Naib Nazir, entry in the relevant register or permission for submitting the said report before august Peshawar High Court, Peshawar, straight away went to Peshawar High Court, Peshawar through his official motorcycle and parked his official motorcycle in front of main gate of the Peshawar High Court, Peshawar and went to the Office of

9/6/22
[Handwritten signature]

[Faint stamp and handwritten marks]

(12)

Page 4 of 6

concerned Branch for submitting of the said report. However, as per report of the Official under report, the concerned Clerk was not present in his Office and after waiting for about 8/10-minutes, he went out for checking his motorcycle and when he reached the main gate, he found his motorcycle missing. The Official under report contented that he handed over the said summon/notice to one Naseeb Ullah, Clerk of Advocate Shakeel Ahmad Khan (brother of Official under report) and asked him to submit the said summon/notice in the concerned Branch. Thereafter, the Official under report, proceeded to nearby police station and lodged the Daily Diary Report regarding the missing of his motorcycle. On next day, on 08/06/2022, the Official under report orally reported the matter to learned Senior Civil Judge (Admin), Charsadda, and Worthy District & Sessions Judge, Charsadda, however, on queries of the aforementioned learned Officers, the Official under report submitted a written application regarding missing/stealing of official motorcycle, which was received vide Diary No. 363 dated 10/06/2022 by the Office of Senior Civil Judge (Admin), Charsadda.

11. On 08/06/2022, the Official under report again visited august Peshawar High Court, Peshawar and obtained the said summon/notice from the above named Clerk of Counsel and as per report of Official under report, the said summon/notice was submitted in the concerned Branch through Nasir Irshad. On

9/6/22

9/6/22

08/06/2022, the Official under report obtained the photocopy of the aforesaid Daily Diary Report of Police Station Sharqi District Peshawar and annexed with his written application which was submitted in the Office of learned Senior Civil Judge (Admin), Charsadda for information.

12. In the light of available record and statements recorded by concerned Officers/Officials, the following observations/recommendations are submitted for further appropriate Order:

- i. *The Official under report found guilty of gross misconduct and negligent in respect of official duty and his act is tantamount to disciplinary action for negligence and misconduct.*
- ii. *The Official under report severely violated the prescribed rules for his job description and thus, found guilty.*
- iii. *As per available record, a particular Process Server Adnan Yousaf is officially nominated for taking away the summon/notice/record to august Peshawar High Court, Peshawar, which was in the knowledge of the Official under report and despite of the fact, the visit of the Official under report is gross violation of Office Order of the learned Senior Civil Judge (Admin), Charsadda and thus, the visit of the Official under report to august Peshawar High Court, Peshawar was neither legal nor official visit rather than a private visit of the Official under report, if he did so.*
- iv. *It is worth mentioning that Superintendent District Courts, Charsadda namely Muhammad Ali submitted*

18/8/22

18 SEP 2022
 Registrar
 Copying Agency
 Courts of District Charsadda
 Charsadda

his statement as PW-5, which is worth perusal, wherein he stated that:

۳۱ ویں تقریباً 12:30 بجے پشاور ہائی کورٹ سے ماسٹر علی صاحب جو کہ جوڈیشل برانچ میں انچارج ہے نے اطلاع دی کہ ایجے (گیارہ بجے) سیشن کورٹ کا اہل کار طارق (جو کہ تہ کے لحاظ سے لبا ہے) نے ایک تھیل واپس کی ہے، لیکن اس میں حیرانگی کی بات یہ ہے کہ یہ تھیل پولیس والوں نے اصالتاً کی ہے جبکہ طارق نے تھیل اصالتاً نہیں کی ہے۔ پولیس والے موقع جاسکتے ہیں اور غالباً اچھے اہلکار (طارق) نے یہ تھیل گھری دفتر میں بیٹھ کر کیا ہے۔ مزید بتایا کہ اچھے اہلکار نے تھیل کو میز پر پھینک دیا اور بغیر تفصیل بتائے چلا گیا۔"

13. Hence, in the light of statement of Muhammad Ali, Superintendent, the impugned summon/notice was not properly submitted/delivered to the concerned Branch, but seems only filling of the blanks for concealing the actual fact of the occurrence.

Report is submitted, please.

28th June, 2022


(ABDUL HASSAN MOHMAND)

Inquiry Officer/
Additional District & Sessions Judge-II/
Judge MCTC, Charsadda

(Abdul Hassan Mohmand)
Judge Model Criminal Trial Court/
Addl. District & Sessions Judge-II,
Charsadda

ATTESTED

10 OFFICERS

(Seal of the Court)
Additional District & Sessions Judge-II,
Charsadda

②
لجعدالت محترم سول جج صاحبہ / انکوائری آفیسر چارسدہ
انکوائری بر خلاف محمد طارق جان تعیل کنندہ / الزام الیہ

محترم عالیہ
فیسٹ گواہان منجانب الزام الیہ حسب ذیل عرض ہے :-

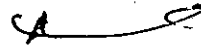
- 1) من الزام الیہ بطور گواہ خود
- 2) نصیب اللہ کلرک تشکیل احمد خان ایڈووکیٹ چارسدہ
- 3) نصیر خان دفتری سیشن کورٹ چارسدہ
- 4) گواہ / گواہان منجانب سول جج صاحبہ / انکوائری بطور
گواہ / گواہان الزام الیہ برائے جرح

خبر نمبر 1- 12 / 14
2022

آئیگنا البعدار محمد طارق جان تعیل کنندہ / الزام الیہ

آئیگنا


Aisat Hayat
Civil Judge/JM VII
Charsadda



(16)

18


**IN THE COURT OF AISHA HAYAT CIVIL JUDGE-
VII, CHARSADDA/ INQUIRY OFFICER.**

INQUIRY REPORT

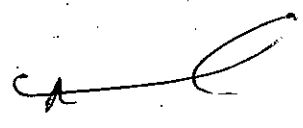
Date of receipt of inquiry..... 22.11.2022

Date of inquiry report..... 22.02.2023

In pursuance of order dated 26.11.2022 by the learned Senior Civil Judge, Charsadda the undersigned was appointed as inquiry officer under rule 10 (1)(a) of Khyber Pakhtunkhwa Government Service (Efficiency and Discipline) Rules, 2011 for conducting inquiry against the accused official Process Server "Muhammad Tariq" in accordance with the provision of the ibid rules. Accused official was summoned and notice was also issued to the office of learned Senior Civil Judge, Charsadda for appointing / authorizing any official for pursuing the inquiry and accordingly Mr. Hazrat Bilal, Assistant/Reader posted as Clerk of Court attached to the court of learned Senior Civil Judge (Admn:), Charsadda was appointed / authorized to pursue proceedings.


22/2/2023

Brief facts of the case are that Process Server Muhamad Tariq on 10.06.2022 reported in writing to learned Senior Civil Judge (Admn:), Charsadda regarding theft of his official Motor Cycle Honda CD-70 bearing registration No. A-6124/Charsadda, which was handed over to him for service of summons and notices in his assigned areas. He reported that on 07.06.2022, he left his motorcycle outside the premises of Peshawar High Court, Peshawar while delivering summon in case titled "Gohar Ali VS Munir Khan" which was stolen and on the same date he filed the report in shape of application at Police Station Sharqi Peshawar. Learned Senior Civil Judge (Admn:), Charsadda



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22/2/2023

(17)

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reported the matter to Hon'ble District and Sessions Judge, Charsadda where she has directed learned ASJ-II, Charsadda to conduct discreet inquiry and submit his report. On 28.06.2022 discreet/fact finding inquiry report submitted by learned ASJ-II, Charsadda. After receiving the above mentioned report, Hon'ble District and Sessions Judge, Charsadda entrusted the same to learned Senior Civil Judge (Admn:), Charsadda being appointing authority for conducting formal inquiry under Khyber Pakhtunkhwa Government Servants (E & D) Rules 2011. As a result, thereof the learned Senior Civil Judge (Admn:), Charsadda called explanation from the accused official while directing to submit his written reply. Accused/Official submitted his reply which was found un-satisfactory, therefore, he was charge sheeted and statement of allegation was also handed over to him. The statement of allegation is hereby reproduced in below:

- i. *That you were handed over official motorcycle Honda CD-70 bearing Registration No. A-6424/Charsadda for service of summonses/notices in your assigned Halqa.*
- ii. *That you reported through Naqalamd on 07.06.2022 at P.S East Cantt. (Peshawar) about the missing of the Motorcycle from the outside premises of Hon'ble Peshawar High Court, Peshawar.*
- iii. *That you were not authorized for service of summonses/notices of the Hon'ble Peshawar High Court, Peshawar and as per report of Naib Nazir, no summons or notices was handed over to you for its*

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12

*service in Hon'ble Peshawar High Court,
Peshawar.*

- iv. *That missing Motorcycle allegedly from outside premises of Hon'ble Peshawar High Court, Peshawar is negligence and misconduct on your part, and therefore, this act amounts to negligence and you committed misconduct and negligence in performance of duties as defined in section 2 (1) of the Khyber Pakhtunkhwa Government Servants (E & D) Rules, 2011.*

At the receipt of inquiry, the delinquent official and representative were put on notice where at appearance they submitted their replies. Delinquent official submitted his list of witnesses. All the witnesses recorded their statement and were cross examined by the departmental representative. Thereafter departmental representative recorded his statement and chance of cross examination was given to accused official but he did not avail the same.

I have carefully gone through the statement of allegations, replication of the accused official, and statements of other witnesses, which reflect that the accused official is a Process Server who was assigned areas of Multitabad, Behlola, Wali Bagh, Mosa Kale, and Khanmai on 02.06.2022 to deliver summons and notices. According to the accused official's stance, on 07.06.2022, he had taken notices to the concerned branch of Peshawar High Court, Peshawar on his official motorbike and parked it at the main gate. Later, when he went to see his motorbike, he found it missing and filed a report at PS Sharqi, Peshawar. In support of his stance, he produced Naseebullah Clerk of Counsel and Naseer Khan Daftari Session Courts, who recorded their

22/2/2023

18 SEP 2023

Examiner
Law Branch
Sessions Judge

(19)

13

statements in his favor. However, the perusal of the file reveals that Naib Nazir Jameel Khan issued the impugned summon/notice on 05.04.2022, received from Hon'ble Peshawar High Court, Peshawar, to Arshad Process Server and there was cutting of name of Process Server Arshad and instead name of Tariq was mentioned. The impugned summon, as per the stance of the accused official, was taken by him to Peshawar High Court, Peshawar because he used to take most of the notices to Peshawar usually, as those who reside at Peshawar take summons of Peshawar High Court, Peshawar. Surprisingly, there is no attestation of Naib Nazir over the notice, which is mandatory as per law and rules. The accused official admitted the same fact during his cross-examination. Relevant para of his statement reproduced as under:

برخلاف بیان کیا کہ مجھے نوٹس لے جانے کیلئے اگرچہ جناب سینئر سول جج صاحب نے مجاز نہیں کیا تھا لیکن اس سے پہلے ہائی کورٹ نوٹس، خطوط وغیرہ نائب ناظر تیار کر کے رہا کئی زیادہ کے ذریعے واپس کرتے تھے اور میں بھی لے جاتا تھا زیادہ تر۔ اور مجھے علم نہ تھا کہ یہ طریقہ کار ہے اگر ہوتا تو میں ضرور مجاز تھا ہٹی سے اجازت لیتا۔
از خود کہا کہ یہ بات صحیح ہے کہ نوٹس واپس کیلئے نائب ناظر سے تصدیق کرنا لازمی ہے لیکن میں چونکہ پشاور کارہائشی ہوں اور اس دن میں نے اس بابت غور نہیں کیا تھا۔
اور اگر مجھے علم ہوتا اس بابت تو ضرور تصدیق کرتا۔

22/2/2023

The accused official's failure to recognize the illegality that taking summons without authorization and not obtaining attested summon is indicative of his inadequacy in performing his duties as a senior process server, a position he has held since 2003.

It is also pertinent to mention that taking summons and letters to Peshawar High Court, Peshawar was the duty of

(20)

14

Adnan Yousaf Process Server, and accused official was well aware of this fact which he has admitted in his statement in fact finding Inquiry. Furthermore, the accused official repeatedly stated during his reply and statements that he used to take summons to Peshawar High Court, Peshawar but did not produce any single summon or documentary evidence in support of his stance. The witness he produced in his favor gave a vague statement and did not provide any clear statement about the residents of Peshawar who take summons without authorization. He has also not produced anyone in his favor who could say that summons are taken by them to Peshawar without authorization to them. The summon taken by him was not even served properly by him at Charsadda and this fact was brought on record by superintendent Session court in his statement in fact finding inquiry, relevant portion is reproduced as:

"اسی دن تقریباً 12:30 بجے پشاور ہائی کورٹ سے ناصر علی صاحب نے جو کہ جو

ڈیٹیل برانچ میں انچارج ہے نے اطلاع دی کہ ایک (گیارہ بجے) سیشن کورٹ کا اہل

کار طارق (جو کہ قد کے لحاظ سے لمبا ہے) نے ایک قبیل واپس کی ہے، لیکن اس میں

جراثمی کے بات یہ ہے کہ قبیل پولیس والوں نے اصالتاً کی ہے جبکہ طارق نے قبیل

اصالتاً نہیں کی ہے۔ پولیس والے موقع جا سکتے ہیں اور غالباً کہے اہلکار (طارق) نے یہ

قبیل گھر یا دفتر میں بیٹھ کر کیا ہے۔ مزید بتایا کہ اہلکار نے قبیل کو میز پر پھینک دیا

اور بغیر تفصیل بتائے بغیر چلا گیا۔"

The accused official's assertion that he waited in the office of the concerned branch of Peshawar High Court, Peshawar for 10/15 minutes and then remembered his motorcycle seems dubious. Moreover, he demonstrated further recklessness by giving the court summon to a counsel's clerk for service instead of serving it himself at that

22/2/2023

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18 SEP 2023

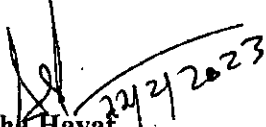
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time. When questioned during cross-examination, the accused official revealed yet another instance of negligence by stating that he did not keep a log book for travel records. However, this goes against the record produced by the department's representative in shape of office orders, letters and SOPs by learned Senior Civil Judge (Admn:), Charsadda, which shows that all Process Servers are required to maintain one.

Considering the aforementioned facts, the delinquent official's failure to comply with the required protocol of obtaining authorized and attested summonses/notices and the subsequent loss of the official motorcycle indicates gross negligence and misconduct, thus rendering him guilty under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011. Instant inquiry file along with this report is hereby submitted to learned Senior Civil Judge (Admn), Charsadda, for further appropriate order.

Submitted, please.


Aisha Hayat
Civil Judge-VII, Charsadda/
Inquiry Officer

Aisha Hayat
Civil Judge/JM VII
Charsadda

18 SEP 2023

(22)

قناب عالی!

رجسٹر سے پایا گیا کہ محمد طارق PS


مورفم 6/2022 پر فنڈ ڈیوٹی پر تھا

اور مورفم 6/022 پر دفتر میں حاضری تھی

لہذا رپورٹ کریں ہو

25/6/022

جنرل مائٹ ناظر مارسدہ



Attested

wasal @

Haji Wasal Khan
Advocate, Charsadda

(23)

07/06/2023 16:20:51



من آج تک کسی کو معذرت نہیں دی کہ سہولت کاروں کو سہولت نہ مل سکی ہے
اس لئے کہ یہ سہولت کاروں کو سہولت نہ مل سکی ہے۔ یہ سہولت کاروں کو
سہولت نہ مل سکی ہے۔ یہ سہولت کاروں کو سہولت نہ مل سکی ہے۔ یہ
سہولت کاروں کو سہولت نہ مل سکی ہے۔ یہ سہولت کاروں کو سہولت نہ
مل سکی ہے۔ یہ سہولت کاروں کو سہولت نہ مل سکی ہے۔ یہ سہولت کاروں
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Attested
wasal Khan
Haji wasal Khan
Advocate, Charsadda

وہابی گروہ سے وابستہ لیڈر ہونے کی وجہ سے ہونے والے خلاف کارروائیوں کا