

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CAMP COURT SWAT.

Service Appeal No.699/2016

Date of Institution ... 29.06.2016

Date of Decision ... 07.01.2019

Murtaza Mohsin Zaman, Computer Operator, Session Court, Dir Upper.  
... (Appellant)

VERSUS

The Registrar, Peshawar High Court, Peshawar and three others.  
... (Respondents)

MR. ASHFAQ KHAN,  
Advocate

--- For appellant.

MIAN AMIR QADAR,  
District Attorney

--- For respondents

MR. AHMAD HASSAN,  
MR. MUHAMMAD AMIN KHAN KUNDI

--- MEMBER (Executive)  
--- MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS.

2. Learned counsel for the appellant argued that on the basis of departmental proceedings conducted against the appellant major penalty of removal from service was imposed on him vide order dated 01.08.2012. Feeling aggrieved, he preferred departmental appeal which was partially accepted vide order dated 30.05.2016 penalty of removal from service was converted into withholding of two annual increments for two years without back benefits. He further argued that respondent no.2 did not record reasons for withholding of back benefits so the said order was not tenable in the eyes of law. Even the modified penalty did not commensurate with his guilt. Moreover, delay on the part of the respondents could be substantiated

that though his departmental appeal were accepted vide order dated 30.05.2016 but formal reinstatement order was issued on 21.04.2017 after a lapse of 11 months without any justification. At this juncture the appellant interjected and informed that as no post of computer operator was not available so he had to suffer due to inaction on the part of respondents.

3. Learned District Attorney argued that order passed by the respondent no.2 was valid and legal. As he remained absent without permission of the competent authority so taking lenient view major penalty was converted into minor penalty. Action on the part of the appellant amount to misconduct and he deserved the treatment given by the respondents. All codal formalities were observed.


#### CONCLUSION.

4. So far as departmental proceedings conducted against the appellant were concerned we could not found any legal infirmity in the entire process. Perhaps the competent authority was cognizant of the fact that punishment initially awarded to the appellant was not in accordance with the quantum of guilt, hence, the same was modified accordingly.

5. We have observed that his departmental appeal was decided vide order dated 30.05.2016 but reinstatement order was issued on 21.0<sup>4</sup><sub>7</sub>.<sup>m</sup> Parawise comments of the respondents were completely silent on this account. Learned District Attorney when confronted on this point was clueless. The appellant informed that as not post of Computer Operator was not available so he had to wait for quite long for adjustment. One thing is established beyond doubt that the appellant cannot be punished for the fault of others. We tend to agree with the views expressed by the learned counsel for the appellant. He deserved pay/emoluments from the date of acceptance of his departmental appeal dated 30.05.2016.

6. In view of the foregoing, the appeal is partially accepted and the respondents are directed to make payment of salary to the appellant from 30.05.2016 to 21.07<sup>m</sup>.2017. The appeal is disposed of on the above terms. Parties are left to bear their own costs. File be consigned to the record room.

*Muhammad Amin*  
(MUHAMMAD AMIN KHAN KUNDI)  
Member

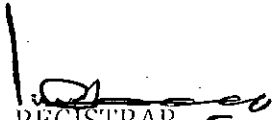



  
(AHMAD HASSAN)  
Member  
Camp court Swat

ANNOUNCED  
07.01.2019

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 699/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	29/06/2016	<p>The appeal of Mr. Murtaza Mohsin Zaman presented today by Mr. Muhammad Ashfaq Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	30-6-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>04-07-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	04.07.2016	<p>Counsel for the appellant present, Learned counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 26.07.2016 before S.B.</p> <p style="text-align: right;"> Member</p>
	26.7.2016	<p>None present for appellant. The appeal pertains to territorial limits of Malakand Division as such to be heard at camp court Swat. Notice to appellant and his counsel be issued for preliminary hearing on 08.09.2016 before S.B at camp court, Swat.</p> <p style="text-align: right;"> Chairman</p>

08.09.2016

Counsel for the appellant present. Learned counsel for appellant argued that the appellant was serving as Computer Operator in Sessions Court, Dir Upper when subjected to enquiry and removed from service by the competent authority vide original order dated 01.08.2012 where-against appellant preferred departmental appeal wherein the impugned order was modified vide order dated 30.5.2016 vide which another penalty in the shape of withholding of two increments for two years was imposed against him and appellant reinstated in service without back benefits, hence the instant service appeal on 29.06.2016.

That the impugned final order is against facts and law as the appellant was not absent from duty and moreover back benefits cannot be withhold without any justifiable reason.


Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 08.12.2016 before S.B at camp court, Swat.

  
Chairman  
Camp Court, Swat.

Appellant Deposited  
Security & Process Fee

08.12.2016

Counsel for the appellant present. Notices have not been issued to the respondents. Fresh notices be issued to the respondents. To come up for written reply/comments on 09.02.2017 at camp court, Swat.

  
Chairman  
Camp court, Swat

699/16


09.02.2017

Clerk of counsel for the appellant and Mr. Toti Rahman, Supdt. Alongwith Mian Amir Qadar, GP for the respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 06.04.2017 at camp court, Swat.

  
Chairman  
Camp Court, Swat.


06.04.2017

Counsel for the appellant present. Mian Amir Qader, Government Pleader for respondents also present. Representative of respondent-department is not in attendance today, therefore, fresh notice be issued to the respondents for submission of written reply/comments for 08.06.2017 before S.B at Camp Court Swat.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER  
Camp Court Swat


08.06.2017

Since the tour programme for the month of June, 2017 to camp court Swat has been cancelled by the Worthy Chairman, therefore, to come up for the same on 10.08.2017 at camp court, Swat. Notices be issued to the parties for the date fixed accordingly.

  
Registrar

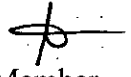
10.08.2017

Appellant with counsel and Mian Amir Qadar, DDA for the respondents present. The appellant is an employee of District Courts and for assuming jurisdiction, Larger Bench has been constituted in such like cases at Principal Seat on the basis of the judgment of the august Supreme Court of Pakistan in Khan Toti's case and fixed for 16.08.2017. This appeal is adjourned to 08.09.2017 for reply/further proceedings before S.B. at camp court, Swat.

  
Chairman  
Camp court, Swat

08.09.2017

Clerk to counsel for the appellant and Mr. Muhammad Zubair, District Attorney for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 04.10.2017 before S.B. at camp court Swat.

  
Member  
Camp court Swat

04.10.2017

Counsel for the appellant and Mr. Muhammad Zubair, District Attorney for the respondents present. The learned DD is directed to contact the respondents. To come up for reply on 7.11.2017 before the S.B. at camp court, Swat.

  
Chairman  
Camp court, Swat

699/16

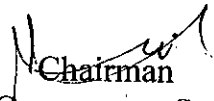
07.11.2017

Appellant alongwith counsel and Addl. AG alongwith Saeedur Rahman, Computer Operator for the respondents present. Written reply not submitted. Seeks further adjournment. Last opportunity granted. To come up for written reply/comments on 05.12.2017 before S.B at camp court, Swat.

  
Chairman  
Camp Court, Swat

05.12.2017

Counsel for thje appellant and Addl. AG alongwith Saeedur Rahman, Computer Operator for the respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity is further extended. To come up for written reply/comments on 03.01.2018 before S.B at camp court, Swat.

  
Chairman  
Camp court, Swat

03.01.2018

None present on behalf of the appellant. Mr. Kabir Ullah Khattak, Learned Additional AG along with Mr. Saeed Ur Rehman Computer Operator for the respondents present. Witten reply submitted by respondents. Representative of the respondents seeks adjournment. Adjourned. To come up for arguments/rejoinder on 07.03.2018 before D.B at Camp Court, Swat.

  
CHAIRMAN  
Camp Court, Swat



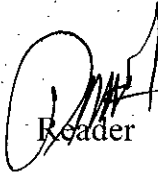
07.03.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Saeedur Rahman, Key Punch Operator for the respondents present. Counsel for the appellant seeks adjournment to file rejoinder. Granted. To come up for rejoinder and arguments on 10.05.2018 before the D.B at camp court, Swat.

09.05.2018

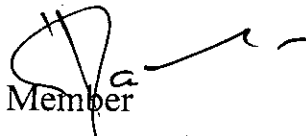
~~Member~~ The Tribunal is non-functional due to retirement of the Worthy Chairman. To come up for the same on 05.07.2018 before the D.B at camp court, Swat.


~~Chairman  
Camp court, Swat~~

  
Reader

05.07.2018


Appellant Murtaza Muhsin Zaman in person present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Appellant submitted application for adjournment. Application allowed. To come up for arguments on 03.09.2018 before D.B at camp court Swat.

  
Member

  
Chairman  
Camp Court, Swat

03.09.2018

None for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Arguments could not be heard due to incomplete bench. Case to come up for arguments on 04.10.2018 before D.B at camp court Swat.

  
(AHMAD HASSAN)  
MEMBER  
Camp Court Swat

04.10.2018

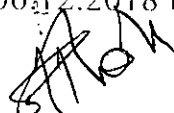
Appellant Murtaza Mohsin Zaman in person present. Mr. Usman Ghani, District Attorney for the respondents present. In this case no representative on behalf of the respondents i.e Registrar Peshawar High Court, Peshawar, Administrative Judge, Peshawar High Court, Peshawar, District & Session, Judge, Dir Upper and civil Judge/Judicial Magistrate-II, Dir Upper is attending this Tribunal. However, instead of placing them ex-parte, copy of this order sheet be sent to the Registrar, Peshawar High Court Peshawar for necessary action as his end. Need not to mention here that if the respondents do not pursue the present appeal then the matter will be decided on the strength of available record. Case to come up for argument on 05.12.2018 before D.B at camp court Swat.

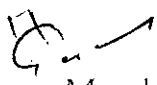
  
Member

  
Chairman  
Camp Court Swat

05.12.2018

Junior to counsel for the appellant and Mr. Usman Ghani learned District Attorney alongwith Mr. Saecd ur Rehman Assistant for the respondents present. Adjournment requested. Adjourn. To come up for arguments on tomorrow i.e. on 06.12.2018 before D.B at camp court Swat.


  
Member

  
Member  
Camp Court, Swat

06.12.2018

Appellant in person. Mr. Saeed ur Rehman Assistant representative of the respondent No.3 alongwith Mr. Usman Ghani learned District Attorney present. Learned counsel for the appellant is not in attendance. Last opportunity is granted. Representative of the respondents furnished Authority letter which is placed on file. Adjourn. To come up for arguments on 07.01.2019 before D.B at Camp Court Swat.

  
Member


  
Member  
Camp Court, Swat

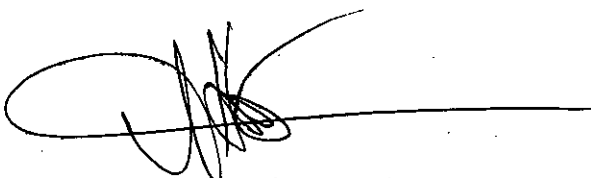
**ORDER**

07.01.2019

Counsel for the appellant present. Mr. Saeed Ur Rehman, Assistant alongwith Mian Amir Qadir, District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today placed on file, the appeal is partially accepted and the respondents are directed to make payment of salary to the appellant from 30.05.2016 to 21.0<sup>4</sup>~~7~~.2017. The appeal is disposed of on the above terms. In the circumstances, parties are left to bear their own costs. File be consigned to the record room.

  
(M. Amin Khan Kundi)  
Member

  
(Ahmad Hassan)  
Member  
Camp Court Swat

**ANNOUNCED**  
07.01.2019

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

Appeal No. 699 /2016

Murtaza Mohsin Zaman ..... **Appellant**

**VERSUS**

The Registrar, Peshawar High Court Peshawar & others..... **Respondents**

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16 Wakalat Nama

33

*M. Ashfaq Khan*  
**Appellant**

*M. Ashfaq Khan*  
**M. Ashfaq Khan**

Through

&

**Hamza Amir Gulab**

Advocates, Peshawar

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. 699 / 2016

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 681

Dated 29-6-2016

Murtaza Mohsin Zaman,  
Computer Operator, Session Court, Dir Upper.

Appellant

VERSUS

1. The Registrar, Peshawar High Court, Peshawar
2. Administrative Judge, Peshawar High Court, Peshawar
3. District & Session Judge, Dir Upper
4. Civil Judge/ Judicial Magistrate-II, Dir Upper

Respondents

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT 1976  
AGAINST THE ORDER OF ADMINISTRATIVE JUDGE,  
PESHAWAR HIGH COURT (RESPONDENT NO. 2) DATED  
30/5/2016 WHEREBY THE APPELLANT WAS REINSTATED  
WITHOUT BACK BENEFITS AND WITHHOLDING OF TWO  
ANNUAL INCREMENTS AS A PUNISHMENT.

PRAYER.

Filed to-day

Registrar

29/6/16

On acceptance of this Appeal the Appellant may  
graciously be granted all back benefits and punishment  
of withholding of two Annual increments may kindly be  
set aside.

Respectfully Sheweth,

The brief facts of the matter which lead to the instant appeal are as under.

1. That the Appellant is serving as Computer Operator in the Session Courts Dir Upper.
2. That the Appellant while serving as computer operator attached to the Court of Mr. Tayab Ali Judicial Magistrate/ Civil Judge-II, Dir Upper, availed leave with pay w.e.f 05/04/2012 to 21.05.2012, which was going to be expired on 22/05/2012, however since the Appellant was with his ailing father in Lahore, hence submitted a formal application for extension of leave upto 6/6/2012.

*Copy of application and Medical Certificate are annexed as annexure A & B*

3. That the Appellant was served with an explanation letter dated 30/5/2012 when the Appellant on 1/6/2012 reported for duty to the office of Civil Judge/ Judicial Magistrate-II Dir Upper.

*Copy of explanation letter dated 30/5/2012 is annexed as annexure C*

4. That in response to the explanation, Appellant submitted a detail reply wherein it has been stated that Appellant during the alleged absence from duty was at Lahore with his ailing father and in this regard a formal application for extension of leave along with medical certificate quiet within time was submitted to Respondent No.3 & 4.

*Copy of the detail reply is annexed as annexure D*

5. That without considering and give findings on the above stated detail reply to the explanation letter, the Respondent No.2 issued a charge sheet(which is handed over to the appellant on 16/6/2012) against the present Appellant, wherein it was alleged that Appellant was absent from duty since 22<sup>nd</sup> May, 2012 to 31<sup>st</sup> May 2012.

*Copy of Charge Sheet is annexed as annexure E*

That in response to the charge sheet Appellant once again submitted a detail reply on 23/6/2012.

*Copy of detail reply to the charge sheet is annexed as annexure F.*

7. That in meantime an enquiry was conducted however the enquiry was not in accordance with law and the enquiry officer submitted his findings to the authority, the Appellant was then served with a show cause notice dated 17/7/2012, which was duly replied by the Appellant.

*Copies of inquiry, Show cause notice and reply are annexed as annexure G, H & I.*

8. That the Appellant was ultimately removed from service vide office order No. 908-13/44/DSJ/ZQ Dir Upper dated 01/08/2012.

*Copy of removal order dated 01/08/2012 is annexed as annexure J.*

9. That feeling aggrieved from the said order dated 01/08/2012, Appellant preferred departmental appeal before Respondent No.2, which was disposed of on 30/5/2016 on the following terms,

*"The fact remains that the absence of the appellant from duty without sanction was only for 8 days and the punishment awarded removed from service, which is surely disproportionate to the misconduct alleged against the appellant. Hence, the same is set aside, the appellant is reinstated without back benefits and his penalty is converted into withholding of two annual increments for period of two years"*

*Copy of departmental appeal and impugned judgment are annexed as annexure K & L.*

10. That it is pertinent to mentioned here that Appellant remained jobless during the relevant period hence, Appellant being aggrieved from the unjust and harsh Judgment dated 30/5/2016 of Respondent No.1 preferred appeal before this Hon'ble Court inter alia on the following grounds

## GROUNDS

- A. That the Learned Administrative Judge (Respondent No.2) has failed to give findings/ reasons for withholding back benefits and two year annual increment, hence being nullity in the eye of law, the impugned Judgment to this extent is liable to be set aside.
- B. That the learned Administrative Judge (Respondent No.2) on one part declared the order of Respondent No.3 disproportionate and on the other side Respondent No.2 failed to appreciate that there was nothing on record that the appellant had gained any benefit, job or was employed during the whole period of his dismissal
- C. That the impugned Judgment dated 30/05/2016 of Respondent No.2 is a great miscarriage of justice on the ground that the Appellant was illegally kept away from employment and grant of back benefits to such a reinstated employee is rule.
- D. That the Appellant is entitled for the back benefits and two annual increments on the following grounds
  - I. The appellant remained jobless during the relevant period
  - II. That during this period the Appellant was illegally kept away from performing his duty
  - III. That grant of back benefits to such a reinstatement employee is a rule and denial is exception subject to proof, if such a person remained gainfully employed during this period
  - IV. That the entire record including the enquiry and impugned Judgment is silent regarding appellants employment during this period.




E. That any other ground will be agitated at the time of arguments with the prior permission of this Hon'ble Court.

It is, therefore, most humbly prayed that in the light of above stated grounds the impugned order may kindly be set aside and the back benefits including two annual increments may graciously be granted in favour of Appellant OR

Any other relief which this Honorable Court deems fit and proper in the circumstances may graciously be granted to the appellant.

  
Appellant

Through

  
M. Ashfaq Khan

&

Hamza Amir Gulab  
Advocates, Peshawar,

#### CERTIFICATE

(As per directions of my Client) No such like appeal earlier has been filed by the Appellant on the subject matter before this Honorable Court.

  
Advocate

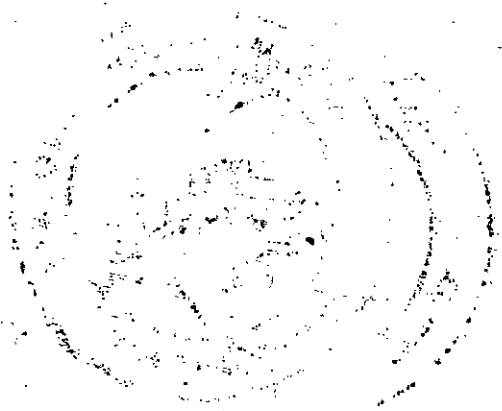
#### List of Books.

1. Service Tribunal Act, 1973
2. Constitution of Islamic Republic of Pakistan, 1973.
3. Any other law book according to need.

  
Advocate



0



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. \_\_\_\_\_ / 2016

Murtaza Mohsin Zaman ..... Appellant

VERSUS

The Registrar, Peshawar High Court Peshawar & others..... Respondents

AFFIDAVIT

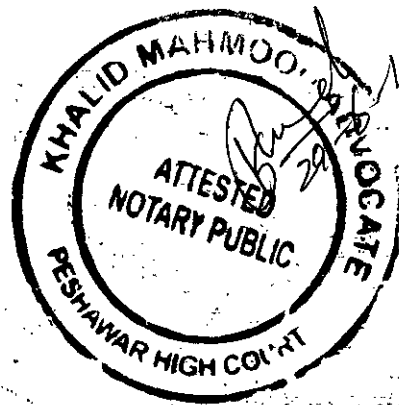
I, Murtaza Mohsin Zaman, Computer Operator, Sessions Court, Dir Upper, do hereby, solemnly affirm and declare on oath that the contents of the above appeal are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Court.

*Murtaza Mohsin Zaman*  
Deponent

Identified by

*M. Ashfaq Khan*  
M. Ashfaq Khan

Advocate, Peshawar





BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. \_\_\_\_\_ / 2016

Murtaza Mohsin Zaman ..... Appellant

VERSUS

The Registrar, Peshawar High Court Peshawar & others ..... Respondents

ADDRESS OF THE PARTIES

APPELLANT

Murtaza Mohsin Zaman,  
Computer Operator, Session Court, Dir Upper

RESPONDENTS

1. The Registrar, Peshawar High Court, Peshawar
2. Administrative Judge, Peshawar High Court, Peshawar
3. District & Session Judge, Dir Upper
4. Civil Judge/ Judicial Magistrate-II, Dir Upper

  
Appellant

Through

  
M. Ashfaq Khan

&

Hamza Amir Gulab

Advocates, Peshawar,

Annex A

In Respect of: Hon'ble District & Sessions Judge  
Zilla Qazi Dir Upper

From: Murtaza Mohtasim Zaman,  
Computer Operator,  
Court of Civil Judge - II Dir Upper.

Subject: Leave for my Father's Eye Operation.

Through: Proper Channel

With due respect it is stated that my father is Ophthalmic Patient since long and lost his Right eye completely with the disease. While the Oiler (Lift) was recovered up to 10% through operation by Dr. Muhammad Latif Chaudhry (Lahore Medicare Eye Center).  
Now when my father again faced the same problem in his left eye and I brought him to Dr. Muhammad Latif Chaudhry (Lahore Medicare Eye Center) on 18/05/2012 for check up. The doctor advised him for re-operation on 27/05/2012 (with attached) keeping in view the above circumstances it is very humbly requested to kindly grant me leave for 15 days W.E.F 22/05/2012 up to 06/06/2012 as per rules in vogue so that I could remain with my father till his recovery (Inshallah).

for

Murtaza Mohtasim Zaman  
Computer Operator  
Court of Civil Judge - II  
Dir District Dir Upper

22/05/2012

ATTESTED

ATTESTED

10



Annex 'B'

# Lahore Medicare Eye Center

## Institute of Clinical Ophthalmology

41 A, Abu Bakar Block, New Garden Town, Lahore.

**Dr. M. Lateef Chaudhry**  
Professor (Rt)

MBBS (Pb), DO (London), FRCS(Edin)  
FRCOphth (UK) FCPS (Pak)  
Consultant Ophthalmic Surgeon

For Appointment  
Phone: (042) 35865600 - 35865700  
Fax: (042) 35834200  
Email: doclateef@hotmail.com

**Dr. Qasim Lateef Chaudhry**  
Assistant Professor

MBBS (Pb), FRCS (Glasg),  
FCPS (Pak)  
Consultant Ophthalmic Surgeon

For Appointment  
Phone: (042) 35865600 - 35865700  
Fax: (042) 35834200  
Email: docqasim@hotmail.com



Mr. M. Zaman

Dated: 18.5.12

### Associate Consultants

Dr. Mushtaq Ahmad Qureshi  
MBBS, MCPS, DEA

Dr. Altaf Nadeem  
MBBS, DOMS, FCPS

### Senior Eye Specialists

Dr. Sabrina Sharif  
MBBS, DOMS

Dr. Ijaz Siddiqui  
MBBS, DOMS

Y < No PL  
CF  
M < soft  
date

L. vitrectomized = S.O.I. for R.O. in past.  
4% hazy vitreous (only eye)

SE

L. pseudophakic vitrectomized  
S.O.I. bubbles in A.C.  
fuchs, Retinal flat.

Advised S.O.I. exchange

operation done.  
22-5-2012  
12.30 PM

rigorous eye drops

ATTESTED

*[Signature]*

(10)

Annex 'C'

Office of the  
DISTRICT & SESSIONS JUDGE/ ZILLA QAZI DIR UPPER

No. 590-92/44/DSJ/ZQ Dir Upper dated 30/05/2012

From:

SARDAR MUHAMMAD IRSHAD  
District & Sessions Judge/ZQ  
Dir Upper

To:

MR. MURTAZA MOHSIN ZAMAN  
Computer Operator to the court of Civil Judge/Judicial Magistrate-II  
Dir Upper

Subject: EXPLANATION

Memo

It has been reported by M/S. Tayyab Ali and Ajmal Tahir Civil Judges/Judicial Magistrates that after expiry of 47 days earned leave, you had not attended your duty and remained absent till date without prior permission. Your above act constitutes a misconduct as defined in N-W.F.P. (Govt Servants) Efficiency and Discipline, Rules 2011.


You are, therefore, directed to explain your position as to why disciplinary action should not be taken against you under the above rules. Your reply should reach the undersigned within three days from receipt hereof, failing which it shall be presumed that you have nothing to offer in your defence and law shall take its own recourse.

SARDAR MUHAMMAD IRSHAD  
District & Sessions Judge/ZQ  
Dir Upper

No. 590-92/44/DSJ/ZQ Dir Upper dated 30/05/2012

Copy of the above is forwarded for information to:

1. Mr. Tayyab Ali Civil Judge/Judicial Magistrate-II Dir Upper.
2. Mr. Ajmal Tahir Civil Judge /Judicial Magistrate Sheringal.

ATTESTED  
Attested  


SARDAR MUHAMMAD IRSHAD  
District & Sessions Judge/ZQ  
Dir Upper

9/c



(11)

Annex 'D'

In Respect of Hon'ble District & Sessions Judge /  
Zilla Qazi Dir Upper

From Murtaza Mohsin Zaman,  
Computer Operator,  
Court of Civil Judge/ IQ Dir Upper

Subject: EXPLANATION.

same charge sheet as  
his explanation is  
not satisfactory.  
Mr. Nasir Ahmad Civil  
Judge Wari is directed  
to hold an enquiry  
and submit his report  
as early as possible.  
5/6/12

Respected Sir,

It is submitted that the undersigned is I receipt of your good self office letter No. 590-92/44 DSJ/ ZQ Dir Upper Dated: 30/05/2012; my explanation to the subject letter is as under;

- a. I was on earned leave from 5<sup>th</sup> April, 2012 to 22<sup>nd</sup> May, 2012.
- b. Your good self office is already in knowledge of deteriorated health of my father and mother, my father is Ophthalmic Patient since long and lost his Right eye completely with the disease, while the other (Left) was recovered up to 10% through operation by Dr. Muhammad Lateef Chaudhry (Lahore Medicare Eye Center) at Lahore. Now when my father again faced the same problem in his left eye and I took him again to Dr. Muhammad Lateef Chaudhry (Lahore Medicare Eye Center) at Lahore on 18/05/2012 for check up, the doctor advised him for re-operation on 22/05/2012 (Prescription of the Doctor is attached herewith) and hence the operation was carried out on 22<sup>nd</sup> May, 2012. My father remain admitted in the hospital till 25<sup>th</sup> May, 2012 on which he was discharged from the hospital. The Doctor advised him another check up on 28<sup>th</sup> May, 2012. Therefore I stayed with my father at Lahore because he could not make it till Dir as the duration till check up was not enough to do so. On 29<sup>th</sup> I accompanied my father till Abortabad, where he stays with my sister till the next check up as the Doctor advised him. On 31<sup>st</sup> I reached back to Dir.
- c. As my leave expired on 22<sup>nd</sup> May, 2012; therefore I forwarded a formal application to my concern respected Presiding Officer, Mr. Tayab Ali Awan on 22<sup>nd</sup> May 2012 (Photocopy Attached). My request for leave was from 23<sup>rd</sup> May, 2012 to 5<sup>th</sup> June, 2012. I supplemented my leave application with telephonic call as well on the same day i.e. 22<sup>nd</sup> May, 2012.
- d. As purpose of the leave was served on 31<sup>st</sup> May, 2012, therefore I am intending to attend my office on 1<sup>st</sup> June, 2012.

Forwarded as desired please.

Dated: 1<sup>st</sup> June, 2012.

*(Signature)*  
Murtaza Mohsin Zaman,  
Computer Operator,  
Court of Civil Judge/ IQ  
Dir District Dir Upper

**ATTESTED**  
*(Signature)*  
*(Signature)*

8 12

CHARGE SHEET

Annex 'E'

1. SARDAR MUHAMMAD IRSHAD District & Sessions Judge/ZQ Dir Upper as competent authority, hereby charge you, Mr. Murtaza Mohsin Zaman Computer Operator in the court of Civil Judge/Judicial Magistrate-II Dir Upper as follows:-

That you, while posted as Computer Operator in the court of Civil Judge/Judicial Magistrate-II Dir Upper were granted earned leave w.e.f 05/04/2012 to 21/05/2012 and were duty bound to report for your duty on 22/05/2012 but you did not turn up nor obtained further leave and remained absent without leave and without any application for the period from 22/05/2012 till date.

2. By reason of the above, you appear to be guilty of willful absence from duty under rule 3 of the Khyber Pakhtunkhwa Government Servants, (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable, to all or any of the penalties specified in rule 4 of the rules ibid.

3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer.

4. Your written defence, if any, should reach the inquiry officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

SARDAR MUHAMMAD IRSHAD  
District & Sessions Judge/ZQ  
Dir Upper

ATTESTED  
Attested  
RHS

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## DISCIPLINARY ACTION

1, Sardar Muhammad Irshad District & Sessions Judge, as competent authority, am of the opinion that Murtaza Mohsin Zaman Computer Operat has rendered himself liable to be proceeded against, for commission/ omission of the acts which constitute misconduct within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

## STATEMENT OF ALLEGATIONS

Willful absence from duty without any leave and without any application for the period from 22/05/2012 to date.

2. For the purpose of inquiry against the said accused with reference to the above allegations, Mr. Naseer Ahmad Civil Judge/Judicial Magistrate Wari is appointed as an Inquiry Officer under Rule-10(1) of the above Rules.

3. The inquiry officer shall, in accordance with provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record his findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by inquiry officer.

SARDAR MUHAMMAD IRSHAD  
District & Sessions Judge/ZQ  
Dir Upper

ATTESTED

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14

CHARGE SHEET

Annex 'F'

1. It is submitted with due respect that I received formally a copy of charge sheet issued by the Hon'ble Office of District & Sessions Judge District Dir Upper dated nil, from the Inquiry Officer Mr. Naseer Ahmad Civil Judge/ Judicial Magistrate Wari today i.e. 16<sup>th</sup> June, 2012 at about 1200 hrs at Wari. It is worth mentioning that no formal communication or information regarding the issue of Charge Sheet by the Hon'ble Office of District & Sessions Judge District Dir Upper was given to me prior to 16<sup>th</sup> June, 2012. As per the text of charge sheet, I was supposed to respond within seven days from the date of issue of Charge Sheet, but unfortunately neither the charge sheet bears its date of signing nor it was served to me in time. Since it was served to me today on 16<sup>th</sup> June, 2012, therefore I am bound to submit my formal reply within seven days i.e. 16<sup>th</sup> to 23<sup>rd</sup> June, 2012.
2. My absentee from my duty with effect from 22<sup>nd</sup> May till 31<sup>st</sup> May, 2012 as based on tangible/ unavoidable grounds/ reasons, which has been amply covered/ explained in my reply to the explanation served to me by the office of Hon'ble District & sessions judge Dir Upper dated 30<sup>th</sup> May, 2012 (a copy of my reply to the explanation ibid attached herewith).
3. On expiry of my requested leave till 31<sup>st</sup> May 2012, I formally reported back on my duty on 1<sup>st</sup> June, 2012 to the Office of Civil Judge/ Judicial Magistrate II Dir Upper. After having submitted reply to the said explanation to the Office of Hon'ble District & Sessions Judge District Dir Upper on 1<sup>st</sup> June 2012, I came back to my own Office at about 1100 hrs on the same day where my own Presiding Officer, Mr. Tayab Ali Awan Civil Judge/ Judicial Magistrate II Dir Upper was on short leave and thus I could not meet him that day (1<sup>st</sup> June, 2012). On 2<sup>nd</sup> June again I attended my Office but again my Presiding Officer was on leave and I could not meet him. On 3<sup>rd</sup> June it was Sunday and I reported my Office on 4<sup>th</sup> June 2012, where my Presiding Officer asked me that I was not supposed to come to his Office and further instructed me to clarify my position from the concern authorities.
4. It is further humbly pointed out that the Hon'ble District & Sessions Judge is clearly mentioning in his Charge Sheet that I am Computer Operator, attached to the Court of Civil Judge/ Judicial Magistrate II Dir Upper and it is also worth mentioning that the Charge Sheet has been framed on some date after 5<sup>th</sup> June, 2012 because written comments in person by the Hon'ble District & Sessions

ATTESTED  
Abul  
[Signature]

Judge Dir Upper on my written reply to the said explanation were made on 5<sup>th</sup> June, 2012 (photocopy of the said comments is attached herewith). It is also worth mentioning here that the Charge Sheet clearly indicates my place of posting that my services are attached to the Court of Mr. Tayab Ali Awan Civil Judge/ Judicial Magistrate II Dir Upper and on the contrary my concern Presiding Officer, Mr. Tayab Ali Awan refuses to accept me as Computer Operator attached to his Court, (on 4<sup>th</sup> June, 2012) which is totally not understood and beyond my comprehension. As per the instructions given to me on 4<sup>th</sup> June, 2012 by my Presiding Officer, Mr. Tayab Ali Awan, I started attending the Office of District & Sessions Judge Dir Upper for further disposal of myself. On 7<sup>th</sup> June, 2012, I came to know through an unofficial source that an inquiry had been ordered against me. Civil Judge Wari, Mr. Naseer Ahmad was detailed as inquiry officer in the instant case. From that day onward, I started waiting for call of the said Inquiry Officer. Being an Inquiry Officer your goodself summoned me on 14<sup>th</sup> June, 2012 to report your goodself Office at Wari on 16<sup>th</sup> June, 2012 and I reported the office accordingly on due date and time i.e. 16<sup>th</sup> June, 2012.

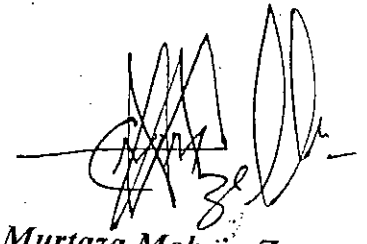
5. On 16<sup>th</sup> June, 2012 at about 1000hrs you formally handed me over a copy of the Charge Sheet. You further instructed me to clarify my position with regards to the Charge Sheet in writing and submitted to your goodself on 23<sup>rd</sup> June, 2012. This is worth mentioning that neither I was informed officially earlier regarding the Charge Sheet nor I was given a copy of it before 16<sup>th</sup> June, 2012. As per your directions I am hereby submitting my written reply to the Charge Sheet to your goodself on the given date i.e. 23<sup>rd</sup> June, 2012.

6. Keeping the all above in view, it is very humbly requested to your goodself and to the Hon'ble District & Sessions Judge Dir Upper that my case be considered sympathetically and the ailing state of health of my parents be given due consideration.

7. Forwarded as desired please.

ATTACHED  
 11/23/12  
 11/23/12

Personal copy



**Murtaza Mohsin Zaman,**  
 Computer Operator,  
 Court of Civil Judge / JM - II  
 Dir District Dir Upper.

Dated: 23<sup>rd</sup> June, 2012

بی مرتضیٰ محسن زمان کمپیوٹر ایپرٹس سول جی / علم قہ قافی

جوڈیشل مجسٹریٹ ویراپیر

یہ حلف بیان کیا کہ میرا جواب بہ خلاف

چارٹریٹ میرا بیان تصور کیا گیا میرا بیان مورخ  $\frac{6}{23}$  2012

پر مشتمل بہ دو صفا درست اور صحیح جو کہ EXPA ہے

یہ درست ہے کہ پیرا نمبر 2 میں 22 مئی 2012 سے 31 مئی

2012 تک جہی کی ~~حاضر~~۔ از خود کہا کہ اسے لے میں نے درخواست

بھیجی ہے۔ اور اسی طرح میں نے سول جج صاحبہ کو اطلاع دی

ہے۔ یہ درست ہے کہ مجاز اتھارٹی نے جے سینڈ نہیں کیا ہے

میں طیب علی صاحبہ کے پاس گیا تھا اُس نے جے سیشن جج کی

عدالت میں حاضر ہو کر کہا تھا۔ یہ درست ہے کہ میں سیشن

جج رہا۔ سے نہیں مل سکے ہوں از خود کہا کہ میں نے اُس کی

آفیس میں حاضر ہو دی۔ جے میرے ٹرانسفر اور مورخ  $\frac{5}{12}$  2012

کی بابت کوئی علم نہ ہے۔ 2012.6.7 سے میں نے آج تک کسی

عدالت میں حاضر نہیں کی ہے۔ از خود کہا کہ میں سول جج رہا۔

دوسرے کی عدالت سے منسلک ہوں۔ لیکن وہ کہتا ہے کہ ابھی

ATTESTED  
7/7/2012

ڈیوٹی اس عدالت میں نہیں ہے . معلوم کرنے پر سپر ڈنڈ  
 ضاب ڈسٹرکٹ اینڈ سیشن جج صاحب ٹرانسفرے بابت  
 نہیں بتایا۔ یہ درست ہے کہ جج ایچ ٹرانسفرے بابت نہیں  
 بتایا۔ یہ درست ہے کہ جج ایچ ٹرانسفرے بابت کوئی علم نہ ہے  
 از خود کہا کہ آج جج عدالت میں ٹرانسفرے بابت میں مباحثہ ہوا  
 کیونکہ سیشن جج صاحب نے چارج شیٹ اور explanation میں

TESTED  
 [Signature]

سہول جج صاحب دویم ویرا لہرے بابت لکھا ہے . یہ درست ہے  
 7.6.012 سے آج تک میں نے کوئی ڈیوٹی نہیں کی ہے از خود کہا

کہ نہ ٹرانسفرے بابت جج علم ہے . اور نہ سہول جج صاحب دویم  
 جج ایچ عدالت میں ڈیوٹی دینے پر راضی ہے . یہ درست ہے کہ

جج ٹرانسفرے اڈر 12.5.012 بابت کوئی علم نہ ہے . اور یہ بھی  
 درست ہے کہ سیشن جج صاحب عدالت کی کسی اہلکار نے جج

س ٹرانسفرے بابت کچھ نہیں بتایا ہے . از خود کہا کہ مذکورہ  
 ایام میں ارنڈ لیو پر تھا۔ اور اہلکار کو ٹرانسفرے اڈر کی کاپی دی

جاتی ہے . جج آج تک سہول نہیں ہوا یہ درست ہے کہ  
 جج یہ بھی علم نہیں کہ میرے ساتھ مذکورہ ٹرانسفرے میں کس

7/7

ایکھار کی ڈائنسر ہوئی اور کسی کو اڈر ملہ ہے۔ از خود کیا کہ  
 جی آئی ڈائنسر اڈر کے بابت پتہ چلا رہا ہے جی علم نہیں  
 مذکورہ ایکھاران کو ڈائنسر اڈر کی کاپی ملی ہے کہ نہیں  
 یہ درست ہے کہ 012-6-6-1 کو میں نے سول جج صاحب دو علم کی

عدالت میں حاضر کی وہ شہرہ تھا 012-6-6-2 کو مذکورہ جج صاحب  
 جی پر تھا 012-6-6-4 کو میں نے دوبارہ عدالت موصوفی میں  
 حاضر دی جج صاحب سے ملہ جج صاحب نے جی کیا کہ تم سیشن جج صاحب

کی عدالت میں حاضر کرو۔ میں نے سیشن جج صاحب سے  
 ملہ قات نہیں کی البتہ میں نے اڈر حاضر کیا ہے۔ میں دیر با  
 کے تمام ایکھاران کو کم و بیش ذاتی جانتا ہوں۔

Attested  
 [Signature]  
 ATTESTED

یہ درست ہے کہ جی کسی ایکھار عدالت نے ڈائنسر نے بارے  
 میں نہیں بتایا ہے۔ از خود کیا اس قسم کا کوئی گفتگو نہیں

ہوئی۔ جی علم نہ ہے کہ میرا تنخواہ میرے اکاؤنٹ  
 میں آئی ہے کہ نہیں جی اپنے اکاؤنٹ کا نمبر زبانی طور  
 پر یاد نہ ہے۔ از خود کیا میں نے ناظر صاحب سے تنخواہ  
 کے بارے میں پوچھا تھا۔ اس نے بتایا کہ آپ راتھ از نڈھو  
 جی جی اس کے وقت تک سیشن جج صاحب جی نہیں



کہتا یا ریلیز اور نہیں کرتا تب تک میں اٹکلو ریلیز  
 نہیں کرتا۔ میں نے ناظر صلا 12.05.11 کو تنخواہ کی بابت  
 مہ کیا اس کے بعد میں نے تنخواہ کی بابت مہ نہیں کیا  
 اور خود کہا کہ اس کے بعد انکو ریلیز شروع ہو گئی۔ مہ  
 میں نے درخواست بھیجی ہے کہ مہ نہیں کیا کہ  
 میرا بھی تنخواہ ریلیز ہو گیا کہ نہیں اور خود کہا کہ

ATTESTED

میں رہ ہور میں تھا۔

منتر درست تسلیم کیا

Attorn  
RFA

7. 7. 012

نمبر 10  
 27/7/12  
 سول جج / عدالت  
 وارکلا

بیان عدنان ولد نور محمد بھمبر تقریباً 17 سال ساکن

ریحان پور ڈیرہ ہارہ

بہ عطف بیان کیا کہ مرتضیٰ محسن زماہی

والد صاحب کے ساتھ جو کہ انہوں کا مرتضیٰ ہے وہ پور

معاشرہ تلخے لیا ہوا تھا۔ مورخہ 22.5.012 کو مرتضیٰ نے

ATTESTED

بچہ فون کیا کہ میرے والد صاحب کا اپریشن ہے اور

Attest  
[Signature]

خالہ 4000 والہ کے فیکس پر فیکس کیا وہاں سے میں نے

فیکس وصول کر کے اور ساتھ ہی مرتضیٰ محسن زماہی نے

تقریباً درخواست بابت رخصت و ہول کر کے سونے چلا

دوبلے کے عدالت کو لے گیا۔ وہاں پر چلے گیا تاکہ مذکورہ

[Signature]  
7/7/2011

درخواست سنیہ سونے چلا گیا کی عدالت میں حوالہ کرو۔

جب عدالت سونے چلا گیا میں نے مذکورہ درخواست عدالت

سنیہ سونے چلا گیا۔ دیر ہارہ کے عدالت میں سونے ناظر کے

حوالہ کیا۔

X X میرا نام عدنان ہے۔ میں نے اسی سال جماعت دہم کا

امتحان پاس کیا اور میں نے 730 نمبر پر سال

2012 میں جماعتِ وصیم کا امتحان پاس کیا ہے  
 میرا رشتہ حسن زمان سے کوئی رشتہ دار نہیں  
 از خود کہا کہ میں اُسکی بھائی کا دوست ہوں میرا  
 گھر مذکورہ ایٹکار سے توڑیا " ایک گلو میٹر کے فاصلے پر ہے  
 ایٹکار رشتہ حسن زمان کے دو اور بھائی ہیں۔ اُن کے  
 عمر کا صحیح علم نہ ہے۔ سیف اللہ جو کہ رشتہ حسن زمان  
 کا بھائی ہے وہ میرا دوست ہے اسلئے عمر کا صحیح علم نہ ہے  
 وہ میرا کلاس میں نہیں تھے۔ وہ شادریں  
 پڑھتا ہے۔ اور اُس کا دوسرا بھائی گھر میں موجود  
 ہوتا ہے لیکن زمینیں بیمار ہے۔ میں مذکورہ ایٹکار  
 کے ساتھ کام نہیں کرتا۔ مذکورہ ایٹکار نے حج  
 7/7/2012

ATTESTED

Attested  
[Signature]

2012.5.22 کو فون کیا گیا تھا۔ مذکورہ ایٹکار نے حج فیکس  
 کے بابت بتایا میں نے مذکورہ P.C.O سے فیکس طلب  
 کیا۔ مذکورہ فیکس کی کاپی فائل پر موجود ہے در فون  
 فیکس کے سول بیج دوپہ کی عمرات چل رہا ہے۔

22  
18

۱۳

میں گھر چلے گیا۔ از خود کہا کہ مذکورہ اہلکار  
نے مجھ سے بیٹھوں پر معلوم کیا کہ تو میں تھا یا  
کہ درخواست میں نے صحیح ہے اس نے غلط وہ  
مجھے کوئی سہ نہیں  
منکر درست تسلیم کیا

~~نعمت اللہ سولنگی  
علاقہ قماضی وارڈ ۵  
7/7/2012~~

ATTESTED  
[Signature]

میں مذکورہ شہادت پیش نہیں

کہتا  
[Signature]  
درتقی محمد زمان

23

Amir Qazi

IN THE COURT OF NASEER AHMAD CIVIL JUDGE /  
ILLAQA QAZI WARI DIR UPPER

ATTESTED

*[Signature]*

ENQUIRY REPORT

Enquiry received from the court of Honourable District & Session Judge/ZQ Dir Upper alongwith charge sheet on 10/06/2012. The same is registered and notice issued to the delinquent official for 16/06/2012. On 16/6/2012 the delinquent official appeared before the court and he was provide the charge sheet with direction to submit written reply on 23/6/2012. He submitted written reply against the charges leveled against him. In his written reply he admitted that he remained absent from duty from 22/5/2012 to 31/5/2012 due to unavoidable circumstances. Therefore the court directed him to produce evidence regarding unavoidable circumstances. He produce two witnesses in support of his claim and closed his evidence. Available record scanned.

From the perusal of the evidence it is crystal clear that the allege leave application has neither been forwarded nor submitted to any court. The explanation dated 1st June 2012, submitted by the delinquent official and the allege leave application having the same signature, wherein "for" signature of the delinquent official is inserted. It is further noted that the allege prescription of Lahore Medicare Eye Center has a date of 18/5/2012, but the delinquent official has neither informed the concerned court nor got prior permission/sanction for earned leave from 22/5/2012 to 31/5/2012.

~~18/7~~

The application is always forwarded by college official of the department, as the delinquent official has admitted in his cross that he knows almost all the official of the department in person. He must have forwarded the application through the officials/college instead of an outsider of teenage. It is established that delinquent official remain absent from duties without prior permission.

The delinquent official has admitted in his cross examination that he was asked to report in the court of Honourable District & Session Judge Dir Upper & clarify his position, but he neither bother to appear before the court of Honourable District & Session Judge Dir Upper nor clarify his

The delinquent official also admitted in his cross that he had not suspended by the competent authority. The delinquent official has admitted that he had not attended any court from 7/6/2012 to 7/7/2012. It is also noted that he had been transferred to Sheringal vide order No. 517-520/04/DSJ dated 12/5/2012 but he did not know about the said order. This shows his recklessness and negligence.

Therefore, it is admitted that his absence from duty was intentional, willful and without prior approval/permission or sanction from the competent authority. In the present scenario the role of judiciary has a paramount importance in which the role of Computer Operator is exceptional in the speedy dispensation of justice. Delinquent official not only absented from duty for the said period but could not even bother to attend the court and make repentance of his previous absence. The delinquent official is so negligent and careless that he did not even think of his duty.

The explanation and evidence produced by the delinquent official is lame excuses and such delinquent official should not be tolerated in the judiciary, he should be made example for others. The delinquent official is guilty of habitually absenting himself from duty without prior approval of leave and thus found guilty under section 3(g) of Khyber Pukhtun Khawa, Government servant (Efficiency & Discipline) Rules 2011 and therefore I being the inquiry officer suggest Major penalty, "Removal from service" u/s 4 (b) (iii) of Khyber Pukhtun Khawa (Efficiency & Discipline) Rules 2011.

Inquiry report is hereby submitted for perusal & appropriate order.

(NASEER AHMAD)  
Civil Judge/Ilaga Qazi Wari  
Dir Upper.

13/7/2012  
Naseer Ahmad  
Civil Judge/Ilaga Qazi Wari  
Dir Upper

ABHUL  
TESTED

(21)

Office of the  
DISTRICT & SESSIONS JUDGE/ ZILLA QAZI DIR UPPER

No. 828 /DSJ/ZQ Dir Upper dated 17/07 /2012

From: **SARDAR MUHAMMAD IRSHAD**  
District & Sessions Judge/ZQ  
Dir Upper

✓ To: **MR. MURTAZA MOHSIN ZAMAN**  
Computer Operator, Sessions Court,  
Dir Upper.

(25)

Subject: SHOW CAUSE NOTICE

Annex 'H'

You are informed that you were granted earned leave for the period from 05/04/2012 to 21/05/2012 but you did not turn up and remained absent from your duty since 22/05/2012. You were charge sheeted and an inquiry was also conducted against you wherein you participated and defended yourself. The Inquiry Officer found you guilty of above charge and recommended your removal from service.

You are directed to show cause within seven days from today as to why above penalty (removal from service) should not be imposed upon you. You are at liberty to submit additional defence in writing if any within above period of seven days. You are further directed to indicate as to whether you desire to be heard in person or not. Your reply should reach the undersigned within the above period, failing which it shall be presumed that you have nothing more to offer in your defence and final order shall accordingly be passed.

TESTED

Handwritten signature

**SARDAR MUHAMMAD IRSHAD**  
District & Sessions Judge/ZQ  
Dir Upper

Hon'ble District & Sessions Judge/  
Zilla Qazi Dir Upper.

99

26

From Murtaza Mohsin Zaman,  
Computer Operator, Court of Civil Judge – II  
Dir, District Dir Upper.

Subject: **SHOW CAUSE NOTICE**

Annex 'I'

1. It is submitted with due respect that the undersigned is in receipt of Show Cause Notice issued by your good office. The content of the show cause notice shows that your office has not been informed by all concerned. My absentee from duty is with effect from 22<sup>nd</sup> May, 2012 to 31<sup>st</sup> May, 2012, for which I have already submitted a detailed explanation which is based on tangible grounds (your attention is invited to my written reply to your explanation dated 22<sup>nd</sup> May, 2012 (photocopy of my reply to the explanation is attached herewith)). The allegation of my absentee for such a long period, mentioned in the notice (i.e. w.e.f 22<sup>nd</sup> May, 2012 to 31<sup>st</sup> May, 2012) is totally baseless and exaggerated, not based on facts. Your kind attention is also invited to my written reply dated 23<sup>rd</sup> June, 2012 to the charge sheet, served to me on dated 22<sup>nd</sup> June, 2012 (photocopy of my reply to the Charge Sheet is attached herewith).
2. It is very humbly requested to your goodself to go through my written replies as mentioned above in person and evaluate the real cause of mental agony caused to me by non-desired official correspondence. I belong to a humble family background and I am really interested in my service to continue.
3. I once again humbly request your goodself to give me a personal hearing on a date and time convenient to you so that I could explain myself that the charges leveled against me are baseless and have no fact in them. I expect complete justice from your good office.

P/c

*Murtaza Mohsin Zaman*

*Attent*

**Murtaza Mohsin Zaman,**  
Computer Operator, Court of Civil Judge – II  
Dir, District Dir Upper.

Dated: 23<sup>rd</sup> July, 2012.

**TESTED**



27

Office of the  
DISTRICT & SESSIONS JUDGE/ ZILLA QAZI DIR UPPER

No. 863/44/DSJ/ZQ Dir Upper dated 25/07/2012

From:

SARDAR MUHAMMAD IRSHAD  
District & Sessions Judge/ZQ  
Dir Upper

26/1

To:

MR. MURTAZA MOHSIN ZAMAN,  
Computer Operator Sessions Court,  
Dir Upper.

Subject:

PERSONAL HEARING.

Memo:

Reference your reply to Show Cause Notice, you desired to be heard in person. You are, therefore, directed to appear before the undersigned in his Chamber on 27/07/2012 at 8:00 am for the purpose of personal hearing.

SARDAR MUHAMMAD IRSHAD  
District & Sessions Judge/ZQ  
Dir Upper

ATTESTED  
A. H. Khan  
R. H. Khan

11

24

27

Annex J

Office of the  
DISTRICT & SESSIONS JUDGE/ ZILLA QAZI DIR UPPER

No. \_\_\_\_\_/DSJ/ZQ Dir Upper dated \_\_\_\_\_/2012

**ORDER:**

Mr. Murtaza Mohsin Zaman Computer Operator was proceeded against under Khyber Pakhtunkhwa Govt: Servant (Efficiency and Discipline) Rules, 2011 on a charge of willful absence from duty w.e.f 22/05/2012 to date. The Inquiry Officer in his report found him guilty of above charge and recommended imposition of major penalty of removal from service upon the accused official.

Keeping in view gravity of the charge and overall circumstances of the case, while concurring with the recommendation of the Inquiry Officer, I being Authority in the case ordered imposition of major penalty of removal from service upon Mr. Murtaza Mohsin Zaman Computer Operator under Rule-4(b)(iii) of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011.

SARDAR MUHAMMAD IRSHAD  
District & Sessions Judge/ZQ  
Dir Upper

ATTACHED  
R/H

No. 908-13/44 /DSJ/ZQ Dir Upper dated 01/08 /2012

Copy of the above is forwarded to:

1. Hon'ble Registrar, Peshawar High Court, Peshawar
2. Senior Civil Judge/AIQ Dir Upper.
3. Civil Judge Wari/Inquiry Officer.
4. District Accounts Officer Dir Upper.
5. Mr. Murtaza Mohsin Zaman Computer Operator/Accused Official.
6. Budget & Accounts Assistant Sessions Court Dir Upper.

SARDAR MUHAMMAD IRSHAD  
District & Sessions Judge/ZQ  
Dir Upper

BEFORE THE ADMINISTRATIVE JUDGE PESHWAR  
HIGH COURT PESHAWAR



Departmental Appeal No. 11 /2012

Mr. Murtaza Mohsin Zaman, Computer Operator, Sessions Court  
 Dir Upper.

(Appellant)

28

Versus

Annex 'K'

1. District and Sessions Judge Dir Upper. (Authority)
  2. Civil Judge/ Judicial Magistrate –II Dir Upper.
- (Respondents)

Subject: **Departmental appeal under section 22 of the KHYBER PAKHTUNKHWA Civil Servants Act, 1973 read with Rule 3 of the KHYBER PAKHTUNKHWA Civil Servants (Appeal) Rules, 1986 against the office order No. 908-13/44 /DSJ/ ZQ Dir Upper dated 01.08.2012 whereby the appellant was awarded the major penalty of Removal from service.**

Prayer in Appeal:

On acceptance of this appeal the impugned office order No. 908-13/44 /DSJ/ ZQ Dir Upper dated 01.08.2012 may please be set-aside and the appellant may be exonerated of the charges and be reinstated in service with all back benefits and wages.

**ATTESTED**

EXAMINER  
 Peshawar High Court

28 JUN 2016

Respected Sir,

I respectfully submit my departmental appeal as follows:

1. That the appellant was serving in the capacity of Computer Operator in the Sessions Court Dir upper.
2. That the appellant while serving as computer operator attached to the court of Mr. Tayab Ali judicial Magistrate/ Civil judge- II Dir Upper, I availed leave with pay w.e.f. 05.04.2012 to 21.05.2012, which was going to expire on 22.05.2012, however since I was with my ailing Father in Lahore, hence I submitted a formal application for extension of leave up to 6.6.2012, but than I reported for duty on 1.6.2012 to the office of Civil Judge/ judicial Magistrate –II Dir Upper, on the same date I was served with an explanation letter dated 30.5.2012 and explained that I overstayed

due to the ailment of my father at Lahore, similarly I also explained that I have submitted an application to this effect duly annexing therewith the medical certificate. (Copies of the application with MC, explanation letter and its reply are attached as Annexure A, B, C &D)

3. That without considering my reply to the explanation letter a charge sheet was served upon me, alleging that I am absent from duty since 22.5.2012 till date, when I enquired why I am treated as absent till date I was informed that I have been transferred vide office order dated 12.05.2012 when on leave, to the court of Judicial Magistrate Sheringal, however the order was never communicated to me, I thus explained in my reply to the charge sheet that tried my level best that the respondent No. 2 may accept my arrival but he refused. Even if the Charge sheet is perused my posting was shown with Civil Judge/ judicial Magistrate –II Dir Upper. (Copies of the Charge sheet & reply are attached as Annexure E &F)
4. That in the meantime an enquiry was conducted however the enquiry was not in accordance with law and the enquiry officer submitted his findings to the Authority, the appellant was than served with a show cause notice dated 17.7.2012, which was duly replied by the appellant. (Copies of the Show cause notice and its reply are attached as Annexure G &H)
5. That the appellant was called for personal hearing vide letter dated 25.07.2012 and ultimately vide **office order No. 908-13/44 /DSJ/ ZQ Dir Upper dated 01.08.2012** I was removed from service with immediate effect. (Copies of the letter dated 25.07.2012 & removal order are attached as Annexure I &J)
6. That the appellant prays for the setting aside of the impugned **office order No. 908-13/44 /DSJ/ ZQ Dir Upper dated 01.08.2012** inter alia on the following grounds.

**Grounds of Appeal:**

- A. That all the proceedings conducted against the appellant were illegal and run counter to the express provisions of KHYBER PAKHTUNKHWA Govt Servant E&D Rules, 2011 hence the resultant order of penalty is nullity in the eyes of law.
- B. That the appellant never remained absent from duty and there was some misunderstanding, because the appellant has reported for duty in time, the transfer order was never conveyed in time, similarly the explanation letter and charge sheet has further confused the matter when the

**ATTESTED**  
**EXAMINER**  
 Peshawar High Court  
 28 JUN 2016

appellant was considered to be posted with Civil Judge/ judicial magistrate- II Dir upper.

- C. That the Enquiry Officer shifted the burden of proof of the allegations on the appellant when he throughout insisted for producing defence witnesses, thus the enquiry so conducted was illegal and violative of law.
- D. That the proceedings conducted against the appellant was purely on account of in action of the respondents who never conveyed the appellant his transfer order dated 12.5.2012 as it was issued while the appellant was availing leave, thus though he throughout remained in attendance facing departmental proceedings albeit was punished for the said period considering it as absence from duty. Thus the departmental proceedings so conducted is illegal and against the rules.
- E. That the appellant was never provided with the enquiry report, the non provision of enquiry report has seriously affected the right of defence of the appellant, and is virtually condemned unheard. Reference can be made to PLD 1981 SC page 176.
- F. That the charges leveled against the appellant were baseless and incorrect.
- G. That the appellant seeks the permission of this Honourable Court to rely on additional grounds at the hearing of this appeal.

It is therefore prayed that on acceptance of this departmental appeal the office order dated 01.08.2012 may please be set aside and the appellant may please be exonerated of the charges and be reinstated in service with full back wages and benefits of service.



Appellant  
(Murtaza Mohsin Zaman)

Affidavit

I do hereby solemnly affirm and declare on oath that the contents of the above departmental appeal are true and correct and that nothing has been kept back or concealed from this Honourable Court and that he is jobless since his illegal removal from service.

**ATTESTED**

  
EXAMINER  
Peshawar High Court

28 JUN 2016

  
Deponent

JUDGMENT SHEETIN THE PESHAWAR HIGH COURT, PESHAWAR  
JUDICIAL DEPARTMENT

31

Departmental Appeal No. 11/2012JUDGMENT

Annex 'L'

Date of hearing.....30.5.2016.....

Appellant(s).....Appellant in Person.....

Respondent (s).....Muhammad Riag, B.A. on behalf  
of DCSJ Dir Upper.

\*\*\*\*\*

YAHYA AFRIDI :-J:

Through the instant

Departmental Appeal, Murtaza Mohsin Zaman, the  
appellant, seeks the following prayer;

*"It is, therefore, prayed that on acceptance of this departmental appeal the office order dated 1.8.2012 may please be set aside and the appellant may please be exonerated of the charges and be reinstated in service with full back wages and benefits of service."*

2. That the appellant was serving as *Computer Operator* in the office of District Courts Dir Upper; that the appellant was attached to the Court of Mr. Tayyab Ali, Judicial Magistrate/Civil Judge-II; that the appellant was granted one year leave with effect from 1.4.2011 to 31.3.2012, and after the expiry thereof, the appellant moved another application for leave, which was granted with effect from 5.4.2012 to 21.5.2012; that the appellant remained absent since

**ATTESTED**EXAMINER  
Peshawar High Court

28 JUN 2016

22.5.2012; that on expiry of the said leave, he did not join the duty; that the appellant was on leave till 22.5.2012 and on not reporting on duty, he was served with an *Explanation* dated 30.5.2012, which he responded on the next date vide his reply dated 1.6.2012, wherein he explained that he had to attend to his ailing father at Lahore; the same was not accepted as justifiable and thus, was proceeded against.

3. The fact remains that the absence of the appellant from duty without sanction was only for 08 days and the punishment awarded removed from service, which is surely *disproportionate* to the *misconduct* alleged against the appellant. Hence, the same is set aside, the appellant is reinstated without back benefits and his penalty is converted into withholding of two annual increments for a period of two years.

This appeal is disposed of, in the above terms.

Announced:  
30.5.2016

(K.Ali)

CERTIFIED TO BE TRUE COPY

Examiner  
Peshawar High Court, Peshawar  
Authorized Under Article 21  
The Qanun-e-Shahadat Order 1988

28 JUN 2016

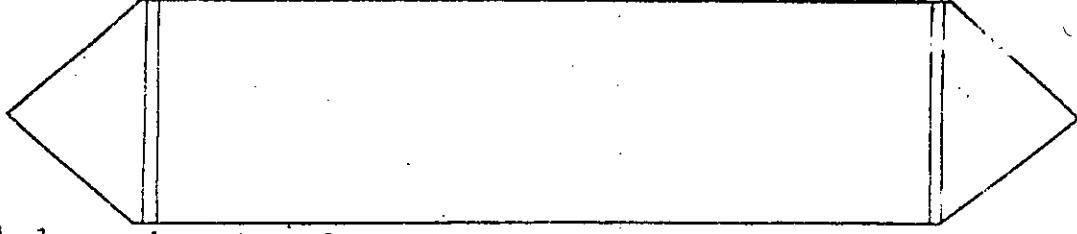
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Base of Delivery of Copy 29292/16  
Amount 29292/16

RECEIVED  
29292/16



بجرائٹ جناب سروس ٹریبونل جھیرختوختو، بساور



موزخہ 29 جون 2016ء منجانب سر ترضی محسن زمان

29.06.2016

کمیوٹر آپریٹر، مسین  
کورٹ، ولیر الہیر

سروس اپیل

(محسن ترضی زمان بنام رجسٹرار وغرہ)

(اپیلرٹ)

### باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام بساور کیلئے محمد الشافق حمان و جمزہ اہیر کلاب  
مقدمہ مندرجہ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو رائسی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور 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 براندگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار 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۔ صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ  
پر داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی ذمہ داری 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 مندر ہے۔

التاریخ 29 جون 2016ء

بساور کے لئے منظور ہے۔  
مقام

Attested accepted  
P.H.

Murloga Mohsein Zaman  
Computer Operator, Sesi Court  
P.O. - W.P.P.

Attested accepted  
P.H.  
95701-8919407-5

BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR (CAMP COURT SWAT)

---

APPEAL NO. 699 OF 2016

Murtaza Mohsin Zaman,  
Computer, Sessions court Dir Upper.....(Appellant)

VS

1. The Registrar, Peshawar High court, Peshawar .
2. Administrative Judge, Peshawar High Court, Peshawar
3. District & Sessions Judge, dir Upper
4. Civil Judge/Judicial Magistrate-II  
Dir Upper.....(Respondents)

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS.

1. That the service appeal is not maintainable in its present form.
2. That appellant has not approached the service tribunal with clean hands.
3. The Appellant has got no cause of action and has suppressed martial facts.
4. That Departmental Appeal of the appellant has been decided by the Hon'ble Administrative Judge Peshawar High Court, Peshawar, vide detailed judgment dated 30/05/2016 whereby order of the District & Sessions Judge of removal from service of the appellant was set aside, penalty converted to with-holding of two annual increments without back benefits,

*Handwritten signature and date: 3/1/16*

*Handwritten mark: a large arrow pointing to the first point of the list.*

and as such the said order cannot be challenged before the service tribunal owing to the want of jurisdiction in the matter.

FACTS

1. It is correct.
2. It is correct. However, appellant remained absent from duty without prior permission, after expiry of his earned leave resulting in inquiry and disciplinary action of removal from service against him. Although he was reinstated vide judgment dated 30/05/2016 and assumed his duty vide this office order bearing No. 422-25/DSJ/ZQ dated 21/04/2017, (Copies attached).
3. It is correct. However, the factual position has already been explained in Para-2. Furthermore, the said matters have already been discussed in inquiry proceedings conducted at the office of District Sessions Judge Dir Upper and later on considered and decided by Hon'ble Administrative Judge Peshawar High Court, Peshawar in Department appeal.
4. ~~Denied~~. The appellant remained absent from duty without prior permission, NO application for extension of leave alongwith medical certificate was ever received at the office of District & Sessions Judge Dir Upper.
5. Pertains to record, however, the appellant remained absent from duty without any prior permission/ intimation. Proper explanation was called from the appellant, later on charge sheet was legally framed and proper inquiry was conducted against the appellant.

6. Pertains to record, however, the appellant remained absent from duty without any prior permission/ intimation. Proper explanation was called from the appellant, later on charge sheet was legally framed and proper enquiry was conducted against the appellant.
7. Incorrect. However, the appellant remained absent from duty without any prior permission/ intimation. Proper explanation was called from the appellant, later on charge sheet was legally framed and proper enquiry was conducted against the appellant
8. Pertains to record, however, the appellant remained absent from duty without any prior permission/ intimation. Proper explanation was called from the appellant, later on charge sheet was legally framed and proper enquiry was conducted against the appellant
9. Pertains to record.
10. Denied. The judgment of Hon'ble Administrative Judge Peshawar High Court, Peshawar ( Respondent No. 2) is well within the four concerns of law. That appellant is not entitled to any back benefits or award of two annual increments as he has remained relentlessly inefficient and careless in discharge of his official duty. He remained habitually absent without having regard to the office discipline. Appellant remained absent from duty without prior permission after expiry of his earned leave resulting in a well deserved inquiry and disciplinary action of removal from service against him. He is not entitled to any relief what-so-ever keeping in view his misconduct and inefficiency.

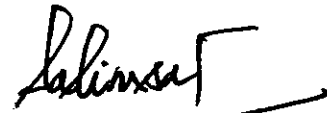
**GROUND:**

- A. Incorrect. The order passed by the Administrative Judge is based on reasons and in accordance with the law available on the subject, hence, the same is liable to be upheld.
- B. Incorrect. As stated above, the order passed by the Administrative Judge is legal and the removal order is declared disproportionate to the misconduct alleged against the appellant, hence, the proportionate penalty order was passed.
- C. Incorrect. The judgment dated 30/05/2016 is according to law.
- D. Incorrect. The appellant remained willful absent from his duty. Proper inquiry was conducted in which all kinds of opportunities were provided to the appellant to disprove the allegations but he utterly failed to prove his innocence, hence, a valid and speaking order of punishment has been passed against the appellant.

**PRAYED**

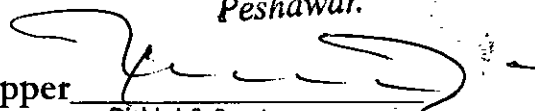
The appeal is without jurisdiction, baseless, fictitious, without legal footings and against the law, therefore, may kindly be dismissed.

Registrar, Peshawar High Court, Peshawar




**REGISTRAR**  
Peshawar High Court,  
Peshawar.

District & Sessions Judge, Dir Upper



District & Session Judge/  
Zilla Qazi Upper Dir

Civil Judge/Judicial Magistrate-II Dir Upper



**Sheraz Firdos**  
Civil Judge/JM/JQ-II  
Dir Upper

JUDGMENT SHEET

31

IN THE PESHAWAR HIGH COURT, PESHAWAR  
JUDICIAL DEPARTMENT

Departmental Appeal No. 11/2012

JUDGMENT

Annex 'C'

Date of hearing.....30.5.2016.....

Appellant(s).....*Appellant in Person*.....

Respondent (s).....*Muhammad Riag, B.A. on behalf of DCS Dir Upper.*.....

\*\*\*\*\*

YAHYA AFRIDI :-J:

Through the instant

Departmental Appeal, Murtaza Mohsin Zaman, the appellant, seeks the following prayer;

*"It is, therefore, prayed that on acceptance of this departmental appeal the office order dated 1.8.2012 may please be set aside and the appellant may please be exonerated of the charges and be reinstated in service with full back wages and benefits of service."*

2. That the appellant was serving as *Computer Operator* in the office of District Courts Dir Upper; that the appellant was attached to the Court of Mr. Tayyab Ali, Judicial Magistrate/Civil Judge-II; that the appellant was granted one year leave with effect from 1.4.2011 to 31.3.2012, and after the expiry thereof, the appellant moved another application for leave, which was granted with effect from 5.4.2012 to 21.5.2012; that the appellant remained absent since

*Q*

ATTESTED

EXAMINER  
Peshawar High Court

28 JUN 2016

22.5.2012; that on expiry of the said leave, he did not join the duty; that the appellant was on leave till 22.5.2012 and on not reporting on duty, he was served with an *Explanation* dated 30.5.2012, which he responded on the next date vide his reply dated 1.6.2012, wherein he explained that he had to attend to his ailing father at Lahore; the same was not accepted as justifiable and thus, was proceeded against.

3. The fact remains that the absence of the appellant from duty without sanction was only for 08 days and the punishment awarded removed from service, which is surely *disproportionate* to the *misconduct* alleged against the appellant. Hence, the same is set aside, the appellant is reinstated without back benefits and his penalty is converted into withholding of two annual increments for a period of two years.

*This appeal is disposed of, in the above terms.*

**Announced:**  
**30.5.2016**

(K.Ali)

CERTIFIED TO BE TRUE COPY

Examiner  
Peshawar High Court, Peshawar  
Authorized Under Article 175  
The Oath-taking and Shahadat Order, 1974

20 JUN 2016

Office of the  
DISTRICT & SESSIONS JUDGE/ ZILLA QAZI DIR UPPER

**OFFICE ORDER**

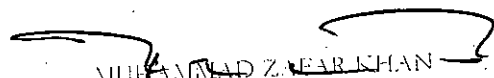
Consequent upon the decision /order passed in, Departmental Appeal No. 11/2012 titled Murtaza Mohsin Zaman vs D&SJ, Dir Upper by the Hon'ble Senior Puisne Judge Peshawar High Court, Peshawar, communicated through letter bearing No. 6644/Admn dated 09/06/2016, the appellant Murtaza Mohsin Zaman, Computer Operator is reinstated without back benefits and his penalty is converted into withholding of two annual increments for a period of two years.

  
MUHAMMAD ZAFAR KHAN  
District & Sessions Judge/ZQ  
Dir Upper

No. 422-25 /DSJ/ZQ Dir Upper dated 21-4-17

Copy forwarded for information to:

1. Registrar Peshawar High Court Peshawar.
2. Senior Civil Judge/AIQ Dir Upper.
3. District Accounts Officer Dir Upper
4. Murtaza Mohsin Zaman, Computer Operator

  
MUHAMMAD ZAFAR KHAN  
District & Sessions Judge/ZQ  
Dir Upper

o/c




Office of the  
DISTRICT & SESSIONS JUDGE/ ZILLA QAZI DIR UPPER

No. 887/B8A /DSJ/ZQ Dir Upper dated 01/08/2017

OFFICE ORDER

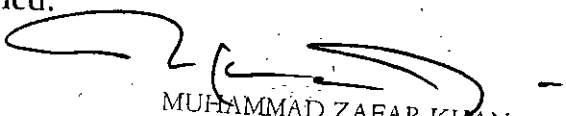
On account of reinstatement of Mr. Murtaza Mohsin Zaman, Computer Operator Sessions court Dir Upper in service, vide order No. bearing No. 6644/Admn, dated 09/06/2016 of the august Peshawar High Court, Peshawar (without back benefits and his penalty converted into withholding of Two annual increments for period of two years) and this office order bearing No. 422-25/DSJ/ZQ Dir Upper dated 21/04/2017, the interim period from 01/08/2012 to 20/04/2017 (between the removal & reinstatement) is converted into Extra Ordinary Leave (without pay) under Rule-12 of the Revised Leave Rules, 1981.


  
MUHAMMAD ZAFAR KHAN  
DISTRICT & SESSIONS JUDGE/ZQ  
Dir Upper.

No. 888-89/B8A /DSJ/ZQ Dir Upper dated 01/08/2017

Copy forwarded for information and necessary action to:

1. The Senior Civil Judge/AIQ Dir Upper
2. The District Accounts Officer Dir Upper with reference to his letter bearing No. Admn/DAO/Dir Upper /2016-17/48/45 dated 09/06/2017:
3. The official concerned.

  
MUHAMMAD ZAFAR KHAN  
DISTRICT & SESSIONS JUDGE/ZQ  
Dir Upper



مرتضی  
کپو

Office of the  
DISTRICT & SESSIONS JUDGE/ ZILLA QAZI DIR UPPER

No. 305-08 /DSJ/ZQ Dir Upper dated 04/04/2012

OFFICE ORDER

Mr. Murtaza Mohsin Zaman, Computer Operator attached with the court of Civil Judge/Judicial Magistrate-II Dir Upper applied for 47 days Earned Leave with effect from 05/04/2012 to 21/05/2012 (both days inclusive). 270 days of Earned Leave are available in his leave account and the Presiding Officer concerned has no objection on his availing above leaves. Accordingly 47 days Earned Leave with full pay w.e.f 05/04/2012 to 21/05/2012 (both days inclusive) are hereby granted in favour of Mr. Murtaza Mohsin Zaman, Computer Operator who shall hand over complete charge to the Steno of the same court and the charge report duly attested by the Presiding Officer concerned shall be submitted in the office of the undersigned before departure.

SARDAR MUHAMMAD IRSHAD  
DISTRICT & SESSIONS JUDGE/ZQ  
Dir Upper.

No.      /DSJ/ZQ Dir Upper dated     

Copy forwarded for information and necessary action to:

1. Senior Civil Judge/AIQ Dir Upper.
2. Civil Judge/Judicial Magistrate-II Dir Upper.
3. District Accounts Officer Dir Upper.
4. Official concerned.

SARDAR MUHAMMAD IRSHAD  
DISTRICT & SESSIONS JUDGE/ZQ  
Dir Upper

## OFFICE ORDER

The following transfers and postings of ministerial establishment are hereby ordered in the interest of public service with immediate effect, till further order: -

S#	Name & Designation	From	To
1	Mr. Toui Rahman, Assistant BPS-14	Transferred from the court of Civil Judge-III Dir.	Posted as Muharir in the court of Addl: District & Sessions Judge/ Izafi Zilla Qazi Dir Upper.
2	<del>Murtaza Mohsin, Zaman, Comp. Oper. BPS-12</del>	<del>Transferred from the Record Room court of undersigned.</del>	<del>Posted as Computer Operator in the Court Civil Judge-II Dir.</del>
3	Mr. Jamil Ur Rahman Senior Clerk BPS-9	Transferred from the Record Room court of undersigned.	Posted as Copyist/ Information Clerk in the Information Centre in the court of undersigned, vice #4.
4	Muhammad Ilyas, Junior Clerk BPS-7	Transferred from the Information Center court of undersigned.	Posted as Record Clerk in the Record Room, court of undersigned, vice # 3.

*h*  
District & Sessions Judge/  
Zilla Qazi Dir Upper

*9c*  
Endst: No. 309/4 /DSJ/ZQ Dir Upper 25/08 /2010

Copy forwarded for information and necessary action to:

1. The All the Judicial Officers of District Dir Upper.
2. The Officials Concerned.

*h*  
District & Sessions Judge/  
Zilla Qazi Dir Upper

Office of the  
DISTRICT & SESSIONS JUDGE/ ZILLA QAZI DIR UPPER

OFFICE ORDER

The following transfers and postings of ministerial establishment are hereby ordered in the interest of public service with immediate effect, till further order:-

S#	Name & Designation	From	To
1	Murtaza Muhsin Computer Operator BPS-12	Transferred from the Court of Civil Judge II/ Judicial Magistrate Dir Upper	Posted as Computer Operator in the Court of Civil Judge/ Judicial Magistrate Sheringal
2	Jan Bakht Said Stenographer BPS-15	Transferred from the Court of Add: District & Sessions Judge Dir Upper.	Posted as Stenographer in the Court of Civil Judge-I/ Judicial Magistrate Dir Upper
3	Badshah Rehman Reader/ Assistant BPS-14	Transferred from the Court of Add: District & Sessions Judge Dir Upper.	Posted as Stenographer in the Court of Civil Judge-II/ Judicial Magistrate, Dir Upper

SARDAR MUHAMMAD IRSHAD  
District & Sessions Judge/ZQ  
Dir Upper

No. 517-520/24/DSJ/ZQ Dir Upper dated 12-05-2012

Copy forwarded for information and necessary action to:

1. All Judicial Officers in District Dir Upper.
2. The Officials Concerned.

SARDAR MUHAMMAD IRSHAD  
District & Sessions Judge/ZQ  
Dir Upper

old

(02)

No. 28 /CJ/IQ-II Dir Upper Dated The 29<sup>th</sup> May 2012.

To

The Worthy District & Sessions Judge/ZQ,  
Dir Upper.

Subject;

Information regarding Mr. Murtaza Muhsin  
Zaman Key.Punch.Operator.

Sir,

It is submitted that Mr. Murtaza Muhsan Zaman, Key Punch Operator attached to this court was granted earned leave for 47 days w.e.f 05-04.2012 to 21.05.2012, both days inclusive, vide your good self Office Order No.305-08/DSJ/ZQ Dir Upper Dated 04-04-2012. He had to assume/attend his charge/duty on expiration of the above mentioned period i.e on 22.-05.2012. But, it is humbly to inform your good self that he did not assume his duty even till now and is absent without prior approval or intimation to this court. Report submitted please.

suppld

Explanation he obtained leave in  
within three days from  
today and put up.

29/5/12

Yours Sincerely



Tayyab Ali Awan,  
Civil Judge/IQ-II,  
Dir Upper.

11/06/12

Shiraz

(03)

No 395

es/ Jmie shingal dated 29.05.12

From

Ajmal Talib  
civil Judge, shingal

obtain explanation  
from the official  
concerned

To

The Honorable,  
District & Sessions Judge,  
Dist. upper.

Subject:

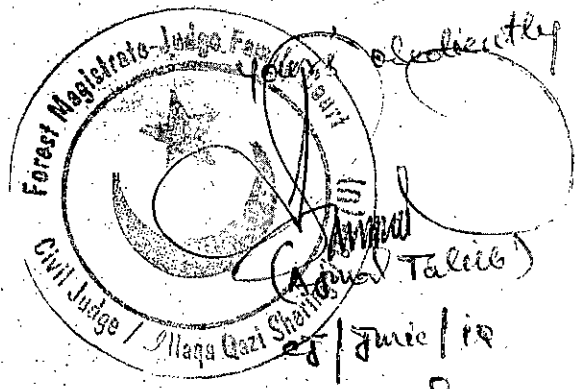
30/5/12

Subject - Non-arrival of Navstaza Malik Computer Operator.

Respected Sir,

I have the honor to submit that Navstaza Malik  
Computer operator transferred to the custody of  
undersigned vide order no. 517-520/04 DSD/20  
Dist. upper dated 12.05.12 has not made his  
arrival till today i.e. 29.05.12. Report is  
submitted for your kind information.

Submitted please.



(Ajmal Talib)  
es/ Jmie / 12  
shingal.

(05)

Office of the  
DISTRICT & SESSIONS JUDGE/ ZILLA QAZI DIR UPPER

No. 590-92/44/DSJ/ZQ Dir Upper dated 30/05/2012

From: **SARDAR MUHAMMAD IRSHAD**  
District & Sessions Judge/ZQ  
Dir Upper

To: **MR. MURTAZA MOHSIN ZAMAN**  
Computer Operator to the court of Civil Judge/Judicial Magistrate-II  
Dir Upper

Subject: EXPLANATION

**Memo**

It has been reported by M/S.Tayyab Ali and Ajmal Tahir Civil Judges/Judicial Magistrates that after expiry of 47 days earned leave, you had not attended your duty and remained absent till date without prior permission. Your above act constitutes a misconduct as defined in N-W.F.P (Govt: Servants) Efficiency and Discipline, Rules 2011.

You are, therefore, directed to explain your position as to why disciplinary action should not be taken against you under the above rules. Your reply should reach the undersigned within three days from receipt hereof, failing which it shall be presumed that you have nothing to offer in your defence and law shall take its own recourse.

**SARDAR MUHAMMAD IRSHAD**  
District & Sessions Judge/ZQ  
Dir Upper

No. 590-92/44/DSJ/ZQ Dir Upper dated 30/05/2012

Copy of the above is forwarded for information to:

1. Mr. Tayyab Ali Civil Judge/Judicial Magistrate-II Dir Upper.
2. Mr. Ajmal Tahir Civil Judge /Judicial Magistrate Sheringal.

**SARDAR MUHAMMAD IRSHAD**  
District & Sessions Judge/ZQ  
Dir Upper

9/c

06

In Respect of Hon'ble District & Sessions Judge /  
Zilla Qazi Dir Upper.  
From Murtaza Mohsin Zaman,  
Computer Operator,  
Court of Civil Judge/ IQ Dir Upper.  
Subject: EXPLANATION.

Issue charge sheet as  
his explanation is  
not satisfactory.  
Mr. Nasir Ahmed civil  
Judge Wari is directed  
to hold an enquiry  
and submit his report  
as early as possible.  
5/6/12


Respected Sir,

It is submitted that the undersigned is I receipt of your good self office letter No. 590-92 / 44 DSJ/ ZQ Dir Upper Dated: 30/05/2012; my explanation to the subject letter is as under;

- a. I was on earned leave from 5<sup>th</sup> April, 2012 to 22<sup>nd</sup> May, 2012.
- b. Your good self office is already in knowledge of deteriorated health of my father and mother, my father is Ophthalmic Patient since long and lost his Right eye completely with the disease, while the other (Lift) was recovered up to 10% through operation by Dr. Muhammad Lateef Chaudhry (Lahore Medicare Eye Center) at Lahore. Now when my father again faced the same problem in his lift eye and I took him again to Dr. Muhammad Lateef Chaudhry (Lahore Medicare Eye Center) at Lahore on 18/05/2012 for check up, the doctor advised him for re-operation on 22/05/2012 (Prescription of the Doctor is attached herewith) and hence the operation was carried out on 22<sup>nd</sup> May, 2012. My father remain admitted in the hospital till 25<sup>th</sup> May, 2012 on which he was discharged from the hospital. The Doctor advised him another check up on 28<sup>th</sup> May, 2012. Therefore I stayed with my father at Lahore, because he could not make it till Dir as the duration till check up was not enough to do so. On 29<sup>th</sup> I accompanied my father till Abortabad, where he stays with my sister till the next check up as the Doctor advised him. On 31<sup>st</sup> I reached back to Dir.
- c. As my leave expired on 22<sup>nd</sup> May, 2012; therefore I forwarded a formal application to my concern respected Presiding Officer, Mr. Tayab Ali Awan on 22<sup>nd</sup> May 2012 (Photocopy Attached). My request for leave was from 23<sup>rd</sup> May, 2012 to 5<sup>th</sup> June, 2012. I supplemented my leave application with telephonic call as well on the same day i.e. 22<sup>nd</sup> May, 2012.
- d. As purpose of the leave was served on 31<sup>st</sup> May, 2012, therefore I am intending to attend my office on 1<sup>st</sup> June, 2012.

Forwarded as desired please.

Dated: 1<sup>st</sup> June, 2012.

  
Murtaza Mohsin Zaman,  
Computer Operator,  
Court of Civil Judge/ IQ  
Dir District Dir Upper



(10)

## CHARGE SHEET

1. SARDAR MUHAMMAD IRSHAD District & Sessions Judge/ZQ Dir Upper as competent authority, hereby charge you, Mr. Murtaza Mohsin Zaman Computer Operator in the court of Civil Judge/Judicial Magistrate-II Dir Upper as follows:-

That you, while posted as Computer Operator in the court of Civil Judge/Judicial Magistrate-II Dir Upper were granted earned leave w.e.f 05/04/2012 to 21/05/2012 and were duty bound to report for your duty on 22/05/2012 but you did not turn up nor obtained further leave and remained absent without leave and without any application for the period from 22/05/2012 till date.

2. By reason of the above, you appear to be guilty of willful absence from duty under rule 3 of the Khyber Pakhtunkhwa Government Servants, (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.
3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer.
4. Your written defence, if any, should reach the inquiry officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.

SARDAR MUHAMMAD IRSHAD  
District & Sessions Judge/ZQ  
Dir Upper

**DISCIPLINARY ACTION**

1, Sardar Muhammad Irshad District & Sessions Judge , as competent authority, am of the opinion that Murtaza Mohsin Zaman Computer Operat has rendered himself liable to be proceeded against, for commission/ omission of the acts which constitute misconduct within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

**STATEMENT OF ALLEGATIONS**

Willful absence from duty without any leave and without any application for the period from 22/05/2012 to date.

2. For the purpose of inquiry against the said accused with reference to the above allegations, Mr. Naseer Ahmad Civil Judge/Judicial Magistrate Wari is appointed as an Inquiry Officer under Rule-10(1) of the above Rules.

3. The inquiry officer shall, in accordance with provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record his findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by inquiry officer.

SARDAR MUHAMMAD IRSHAD  
District & Sessions Judge/ZQ  
Dir Upper

بیا مرتضیٰ محسن زمان کمپیوٹر اپریٹر سول جی اے ایم ایم قافی

جوڈیشل مجسٹریٹ ویراپر

یہ طے بیان کیا کہ میرا جو ب پر خلاف

چارٹریٹ میرا بیان تصور کیا گیا میرا بیان مورخ  $\frac{6}{23}$  2012

پر مشتمل یہ دو صفحہ درست اور صحیح جو کہ EXPA ہے

xx یہ درست ہے کہ پیرا نمبر 2 میں 22 مئی 2012 سے 31 مئی

2012 تک چھی ~~کے~~ <sup>تک</sup> از خود کہا کہ اسے لے میں نے درست

بھیجا ہے۔ اور اسی طرح میں نے سول جی اے ایم ایم کو اطلاع دی

ہے۔ یہ درست ہے کہ مجازاً اتھارٹی نے چھ سہ ماہی نہیں کیا ہے

میں طیب علی صاحب کے پاس گیا تھا اس نے چھ سہ ماہی کی

عدالت میں حاضری کو کہا تھا۔ یہ درست ہے کہ میں سہ ماہی

سے نہیں ملے ہوں از خود کہا کہ میں نے اسے 7171200

انفیس میں حاضری دی۔ چھ میرے ٹرانسفر اڈر مورخ  $\frac{5}{12}$  2012

کی بابت کوئی علم نہ ہے۔ 2012.6.6 سے میں نے آج تک کسی

عدالت میں حاضری نہیں کی ہے۔ از خود کہا کہ میں سول جی اے ایم ایم

دوسم کی عدالت سے منسلک ہوں۔ لیکن وہ کہتا ہے کہ اچھی

ڈیوٹی اس عدالت میں نہیں ہے . معلوم کرنے پر سپر ڈنڈ

صاحب ڈسٹرکٹ انڈر سیشن جج صاحب ٹرانسفرے بابت

نہیں بتایا۔ یہ درست ہے کہ جج ایچ ٹرانسفرے بابت نہیں

بتایا۔ یہ درست ہے کہ جج ایچ ٹرانسفرے بابت کوئی علم نہ ہے

از خود کہا کہ آج جج عدالت میں ٹرانسفرے بابت میا مہ جج

کیونکہ سیشن جج صاحب نے چارج شیٹ اور Explanations میں

سول جج صاحب دوم دیر الہی بابت لکھا ہے . یہ درست ہے

7.6.012 سے آج تک میں نے کوئی ڈیوٹی نہیں کی ہے از خود کہا

کہ نہ ٹرانسفرے بابت جج علم ہے . اور نہ سول جج صاحب دوم

جج ایچ عدالت میں ڈیوٹی دینے پر راضی ہے . یہ درست ہے کہ

جج ٹرانسفرے اور 12.5.012 بابت کوئی علم نہ ہے . اور یہ بھی

درست ہے کہ سیشن جج صاحب عدالت کی کسی ایکٹوٹا نے جج

س ٹرانسفرے بابت کچھ نہیں بتایا ہے . از خود کہا کہ مذکورہ

ایام میں آرڈر لیا پر تھا۔ اور ایکٹوٹا ٹرانسفرے ڈری کاپی دی

جاتی ہے . جج آج تک موصول نہیں ہوا ہے درست ہے کہ

جج یہ بھی علم نہیں کہ میرے ساتھ مذکورہ ٹرانسفرے میں کس

7/7/2012

ایٹکار کی ٹرانسفر ہوئی اور کسی کو اڈر ملہ ہے۔ از خود کیا کہ  
جی آئی ٹرانسفر اڈر کے بابت پتہ چلا اسلئے جی علم نہیں  
مذکورہ ایٹکاران کو ٹرانسفر اڈر کی کاپی ملی ہے کہ نہیں  
یہ درست ہے کہ 012-6-1 کو میں نے سول: جی صاحب: دو علم کی

عدالت میں حاضر کیا وہ شاپریہ تھا 012-6-2 کو مذکورہ جی صاحب  
چھی پر تھا 012-6-4 کو میں نے دوبارہ عدالت موصوف میں

حاضر کیا دی: جی صاحب سے ملہ: جی صاحب نے جی کیا کہ تم سیشن جی صاحب

کی عدالت میں حاضر کیا کرو۔ میں نے سیشن: جی صاحب سے

ملہ قات نہیں کی البتہ میں نے اڈر حاضر کیا ہے۔ میں دیر با

آئے تمام ایٹکاران کو کم و بیش ذاتی جاننا ہوں۔

یہ درست ہے کہ جی کسی ایٹکار عدالت نے ٹرانسفر کیا ہے

میں نہیں بنایا ہے۔ از خود کیا اس قسم کا کوئی گفتگو نہیں 7/7/2022

ہوئی: جی علم نہ ہے کہ میرا تنخواہ میرے اکاؤنٹ

میں آئی ہے کہ نہیں جی ایچ اکاؤنٹ کا نمبر زبانی طور

پر یاد نہ ہے۔ از خود کیا میں نے ناظر صاحب سے تنخواہ

آج بارے میں پوچھا تھا۔ اسے بنایا کہ اب ریم ازنا ہو

و جی اسلئے جب تک سیشن جی صاحب جی نہیں

کہتا یا ریلز اور نہیں کرتا تب تک میں ایلو ریلز  
 نہیں کرتا۔ میں نے ناظر صلا. 12. 01. 05 کو تنخواہ کی بابت  
 مہ کیا اس کے بعد میں نے تنخواہ کی بابت مہ نہیں کیا  
 از خود کیا کہ اس کے بعد ایلو کا شہ و سرگئی ہو  
 م میں نے درخواست بھیجے کے بعد مہ نہیں کیا کہ  
 میرا چھی منظور ہو گیا کہ نہیں از خود کیا کہ  
 میں رہ پور میں تھا۔

سندھ دست تسلیم کیا

7. 7. 012

سندھ ایف  
 سول جج / عدلیہ حیدرآباد  
 وارک

بیان عدنان ولد نور محمد بھمبر تقریباً ۱۷ سال ساکن

pw-2

ریحانکوٹ دیر بالا

بہ علف بیان کیا کہ مرتضیٰ حسن زمانہ

والد صاحب کے ساتھ جو کہ انہوں کا مرتضیٰ ہے وہ پور

معاشہ لکھنے لیا ہوا تھا۔ مورخ 22.5.012 کو مرتضیٰ نے

مجھ کو بتایا کہ میرے والد صاحب کا اپریشن ہے اور

خالہ PCO والہ کے فیکس پر فیکس کیا وہاں سے میں نے

فیکس وصول کر کے اور ساتھ ہی مرتضیٰ حسن زمانہ نے

تقریب سے درخواست بابت رخصت وصول کر کے سونے چلا

دو سیم کے عداوت کو لے لیا۔ وہاں پر مجھے بتایا گیا کہ مذکورہ

درخواست سیر سونے چلا گیا کی عداوت میں حوالہ کرو۔

جب عداوت سونے چلا گیا میں نے مذکورہ درخواست لعدالت

سیر سونے چلا۔ دیر بالا کے عداوت میں سونے ناظر کے

حوالہ کیا۔

X X میرا نام عدنان ہے۔ میں نے اسی سال جماعت دہم کا

امتحان پاس کیا اور میں نے 730 نمبر پر سال

2012 میں جماعتِ وصیم کا امتحان پاس کیا

میرا رشتہ حسن زمان سے کوئی رشتہ داری نہیں

از خود کہا کہ میں اُسکی بھائی کا دوست ہوں میرا

گھر مذکورہ ایڈکار سے توڑ دیا۔ اہل گلو میرے فاضل ہے

ایڈکار رشتہ حسن زمان سے دو اور بھائی ہے۔ اُن سے

عمر کا فرق علم ہے۔ سیف اللہ جوئے سرشتی حسن زمان

کا بھائی ہے وہ میرا دوست ہے اُسکے عمر کا فرق علم ہے

وہ میرا گلہ سے نہیں بھی نہیں ہے۔ وہ شاد میں

رہتا ہے۔ اور اُس کا دوسرا بھائی گھر میں موجود

ہوتا ہے لیکن زینبی بیمار ہے۔ میں مذکورہ ایڈکار

کے ساتھ کام نہیں کرتا۔ مذکورہ ایڈکار نے حج

2012.5.22 کو فون کیا تھا۔ مذکورہ ایڈکار نے حج فیکس

کے بابت بتایا میں نے مذکورہ P.C.O سے فیکس حاصل

کیا۔ مذکورہ فیکس کی کاپی فائل پر موجود ہے درخواست

فیکس کے لئے مسول حج دویم کی عہدہ چل رہا ہے۔ یہ درست

ہے کہ میں نے درخواست مسول حج جمع کرنے کے لئے



میں نگر علیہ گیا۔ از خود کہا کہ مذکورہ اہلکار  
نے مجھ سے بیٹھوں پر معلوم کیا کہ تو میں کیا  
کہ درخواست میں نے صحیح ہے اس کے علاوہ  
مجھے کوئی مسئلہ نہیں  
سنکر درست تسلیم کیا

نمبر ۱۱۱۱۱  
علیہ قاضی واری  
7/7/2012

میں مذکورہ شہادت پیش نہیں  
کہتا  
الہی  
درتقی حق زمان

**IN THE COURT OF NASEER AHMAD CIVIL JUDGE /**  
**ILLAQA QAZI WARI DIR UPPER**

**ENQUIRY REPORT**

Enquiry received from the court of Honourable District & Session Judge/ZQ Dir Upper alongwith charge sheet on 10/06/2012. The same is registered and notice issued to the delinquent official for 16/06/2012. On 16/6/2012 the delinquent official appeared before the court and he was provide the charge sheet with direction to submit written reply on 23/6/2012. He submitted written reply against the charges leveled against him. In his written reply he admitted that he remained absent from duty from 22/5/2012 to 31/5/2012 due to unavoidable circumstances. Therefore the court directed him to produce evidence regarding unavoidable circumstances. He produce two witnesses in support of his claim and closed his evidence. Available record scanned.

From the perusal of the evidence it is crystal clear that the allege leave application has neither been forwarded nor submitted to any court. The explanation dated 1st June 2012, submitted by the delinquent official and the allege leave application having the same signature, wherein "for" signature of the delinquent official is inserted. It is further noted that the allege prescription of Lahore Medicare Eye Center has a date of 18/5/2012, but the delinquent official has neither informed the concerned court nor got prior permission/sanction for earned leave from 22/5/2012 to 31/5/2012.

The application is always forwarded by college official of the department, as the delinquent official has admitted in his cross that he knows almost all the official of the department in person. He must have forwarded the application through the officials/college instead of an outsider of teenage. It is established that delinquent official remain absent from duties without prior permission.

The delinquent official has admitted in his cross examination that he was asked to report in the court of Honourable District & Session Judge Dir Upper & clarify his position, but he neither bother to appear before the court of Honourable District & Session Judge Dir Upper nor clarify his position as directed by the Learned Civil Judge/Illaqa Qazi-II Dir Upper.

سولج اعلیٰ قاضی واری  
دریالہ  
18/7/2012

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The delinquent official also admitted in his cross that he had not suspended by the competent authority. The delinquent official has admitted that he had not attended any court from 7/6/2012 to 7/7/2012. It is also noted that he had been transferred to Sheringal vide order No. 517-520/04/DSJ dated 12/5/2012 but he did not know about the said order. This shows his recklessness and negligence.

Therefore, it is admitted that his absence from duty was intentional, willful and without prior approval/permission or sanction from the competent authority. In the present scenario the role of judiciary has a paramount importance in which the role of Computer Operator is exceptional in the speedy dispensation of justice. Delinquent official not only absented from duty for the said period but could not even bother to attend the court and make repentance of his previous absence. The delinquent official is so negligent and careless that he did not even think of his duty.

The explanation and evidence produced by the delinquent official is lame excuses and such delinquent official should not be tolerated in the judiciary, he should be made example for others. The delinquent official is guilty of habitually absenting himself from duty without prior approval of leave and thus found guilty under section 3(g) of Khyber Pukhtun Khawa, Government servant (Efficiency & Discipline) Rules 2011 and therefore I being the inquiry officer suggest Major penalty, "Removal from service" u/s 4 (b) (iii) of Khyber Pukhtun Khawa (Efficiency & Discipline) Rules 2011.

Inquiry report is hereby submitted for perusal & appropriate order.

(NASEER AHMAD)  
Civil Judge/Ilaka Qazi Wari  
Dir Upper.

13/7/2012  
نصیر احمد  
سولج اعلاق قاضی واری  
ڈیر بالا

(27)

Office of the  
DISTRICT & SESSIONS JUDGE/ ZILLA QAZI DIR UPPER

No. 828 /DSJ/ZQ Dir Upper dated 17/07 /2012

From: **SARDAR MUHAMMAD IRSHAD**  
District & Sessions Judge/ZQ  
Dir Upper

To: **MR. MURTAZA MOHSIN ZAMAN**  
Computer Operator, Sessions Court,  
Dir Upper.

Subject: **SHOW CAUSE NOTICE**

You are informed that you were granted earned leave for the period from 05/04/2012 to 21/05/2012 but you did not turn up and remained absent from your duty since 22/05/2012. You were charge sheeted and an inquiry was also conducted against you wherein you participated and defended yourself. The Inquiry Officer found you guilty of above charge and recommended your removal from service.

You are directed to show cause within seven days from today as to why above penalty (removal from service) should not be imposed upon you. You are at liberty to submit additional defence in writing if any within above period of seven days. You are further directed to indicate as to whether you desire to be heard in person or not. Your reply should reach the undersigned within the above period, failing which it shall be presumed that you have nothing more to offer in your defence and final order shall accordingly be passed.

**SARDAR MUHAMMAD IRSHAD**  
District & Sessions Judge/ZQ  
Dir Upper

g/c

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Office of the  
DISTRICT & SESSIONS JUDGE/ ZILLA QAZI DIR UPPER

No. 908-13/44 /DSJ/ZQ Dir Upper dated 01/08 /2012

**ORDER:**

Mr. Murtaza Mohsin Zaman Computer Operator was proceeded against under Khyber Pakhtunkhwa Govt: Servant (Efficiency and Discipline) Rules, 2011 on a charge of willful absence from duty w.e.f 22/05/2012 to date. The Inquiry Officer in his report found him guilty of above charge and recommended imposition of major penalty of removal from service upon the accused official.

Keeping in view gravity of the charge and overall circumstances of the case, while concurring with the recommendation of the Inquiry Officer, I being Authority in the case ordered imposition of major penalty of removal from service upon Mr. Murtaza Mohsin Zaman Computer Operator under Rule-4(b)(iii) of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011.

SARDAR MUHAMMAD IRSHAD  
District & Sessions Judge/ZQ  
Dir Upper

No. 908-13/44 /DSJ/ZQ Dir Upper dated 01/08 /2012

Copy of the above is forwarded to:

1. Hon'ble Registrar, Peshawar High Court, Peshawar
2. Senior Civil Judge/AIQ Dir Upper.
3. Civil Judge Wari/Inquiry Officer.
4. District Accounts Officer Dir Upper.
5. Mr. Murtaza Mohsin Zaman Computer Operator/Accused Official.
6. Budget & Accounts Assistant Sessions Court Dir Upper.

SARDAR MUHAMMAD IRSHAD  
District & Sessions Judge/ZQ  
Dir Upper

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/c

محضور صاحب - عدالت سردس ٹریبونل لمب کورٹ لنڈم ضلع سرگودھا

عنوان اپیل مرتفقہ محسن زماں نام / DSJ / 20 اپریل 2018

درخواست لمراد تبدیل نامی پیش در عنوان اپیل بالا

صاحب

گزارش بیمار کے عدالت محصور سردس ٹریبونل لمب کورٹ  
لنڈم ضلع سرگودھا میں من سار کا اپیل بعنوان مرتفقہ محسن زماں  
نام DSJ/20 اپریل 2018 اور دیگر اجلاس سماعت کر رہے۔ کراس  
سلسلے میں سسٹن / ایڈوائس لوجہ بیماری (Infection) سے  
کے دلہ سے عدالت محصور میں حاضر اور منقرہ اپیل خود کے سیردی  
سے حاضر ہے۔ لہذا اب صاحبین سے نواد بیان التماس  
جہاں کے کرائے نامی کے تبدیل کے احکامات صادر  
فرمائے تو عین گزارش ہوگی

الغرض

کیذا استر عاج کر منظور

درخواست خدائے حکم دہم سے

اسد علی

مسٹر نواز علی صاحب صاحب صاحب صاحب

المترقوم

5/7/18

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2032 /ST

Dated 09/10/2018

To


The Registrar Peshawar High Court,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: -

ORDER IN APPEAL NO.699/2016, MURTAZA MUHSIN ZAMAN

I am directed to forward herewith a certified copy of Order dated 04.10.2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1861-64 /ST

Dated 18 / 9 / 2018

To


1. The Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Peshawar.
2. Additional Chief Secretary FATA,  
Government of Khyber Pakhtunkhwa,  
FATA Secretariat Warsak Road Peshawar.
3. Secretary, Health Services,  
Government of Khyber Pakhtunkhwa,  
Peshawar.
4. Agency Surgeon, Miran Shah,  
Government of Khyber Pakhtunkhwa,  
North Waziristan Agency.

Subject: -

JUDGMENT IN APPEAL NO. 1373/2013, SYED KARIM ULLAH

I am directed to forward herewith a certified copy of Judgement dated 05.09.2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.



Office of the  
DISTRICT & SESSIONS JUDGE/ ZILLA QAZI DIR UPPER

No. 1341 /DSJ/ZQ Dir Upper dated 30-11 /2018

Office # 0944-880721  
[www.dirupperdc.peshawarhighcourt.gov.pk](http://www.dirupperdc.peshawarhighcourt.gov.pk)

Fax# 0944-880721  
Email: dc\_ditu@yahoo.com

AUTHORITY LETTER

Mr. Saeed-Ur-Rahiman, Assistant BPS-16 Sessions Court,  
Dir Upper is hereby deputed to assist the Government Pleader/  
Law Officer representing government in the Service Tribunal in  
service appeal No. 699/2017 tilted Murtaza Mohsin Zaman  
...vs...Registrar PHC & others on 05/12/2018.

  
LIAQAT AL KHAN MARWAT  
District & Sessions Judge/ZQ  
Dir Upper

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

No. 104 /ST Dated 15 / 01 / 2019


To

The Administrative Judge, Peshawar High Court,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: - JUDGMENT IN APPEAL NO. 699/2016, MR. MURTAZA MUHSIN ZAMAN.

I am directed to forward herewith a certified copy of Judgement dated 07.01.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 249 /ST

Dated 12 / 02 / 2019

To


The District & Session Judge,  
Government of Khyber Pakhtunkhwa,  
Dir Upper.

Subject: -

JUDGMENT IN APPEAL NO. 699/2016, MR. MURTAZA MUHSIN ZAMAN.

I am directed to forward herewith a certified copy of Judgement dated 07.01.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.