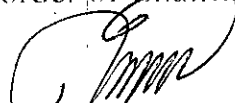


# FORM OF ORDER SHEET

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

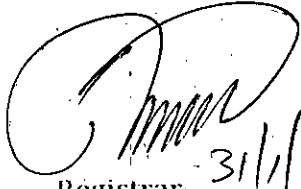
Appeal No. 249/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1-	06/02/2024	<p data-bbox="540 649 1481 904">The appeal of Mr. Hanif Ullah resubmitted today by Mr. Zaffar Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshi is given to counsel for the appellent.</p> <p data-bbox="964 980 1356 1031">By the order of Chairman</p> <p data-bbox="1074 1006 1309 1159"> REGISTRAR</p>

The appeal of Mr. Hanifullah Ex-Junior Clerk/Naib Nazir received to-day i.e. on 30.01.2024 which is returned to the counsel for the appellant with the direction to submit one spare copy/set of the memo of appeal along with annexures i.e. complete in all respect within 7 days.

No. 206 /S.T,

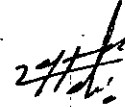
Dt. 31-1 /2024.

  
31/1/24  
Registrar  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Mr. Zaffar Ali Khan Adv.  
High Court Pesh.

Respected sir,

AS per direction one spare copy/set of the memo of appeal along with annexures i.e. complete is annexed and re submitted.

  
29/1/24

BEFORE THE K.P.K SERVICE TRIBUNAL, PESHAWAR

Appeal No. 249 /2024

Harif Ullah. . . . . Appellant

Versus

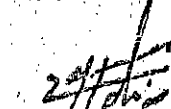
Senior Civil Judge (Admn) Bannu. . . . . Respondents

I N D E X

S.#	Description of Documents	Annex	Page
1.	Memo of appeal		1 - 7
2.	Affidavit		8 -
3.	Addresses of the Parties.		9 -
4.	Copy of complaint No. 336 dated 09.09.2023 & Letter No. 4158/DSJ, Bannu dated: 11.09.2023	A, B	10 - 11
5.	Copy of show cause notice No.930 dated: 12.09.2023 & letter of suspension no. 933/SCJ (Admn) dated: 12.09. 2023, and reply of the notice No. 930.	C, D & E	12 - 15
6.	Copy of final show cause notice and the reply and final order dated: 31.10.2023 and the office order dt: 01.11.2023.	"F, G, H & H-1"	16 - 24
7.	Copy of departmental appeal # 02 of 2023, Judgment and order dated: 13.01.2024.	I, J	25 - 33
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Appellant

Through



ZAFFAR ALI KHAN  
Advocate,  
High Court, Peshawar

Dated: 28.01.2024

BEFORE THE K.P.K SERVICE TRIBUNAL, PESHAWAR

Appeal No. 249 /2024

Hanif Ullah S/O Najeeb Khan, (Ex-Junior Clerk/Naib Qasid Nazir,  
Establishment of Senior Civil Judge (Admn) Bannu) R/O Kotka  
Shah Jahan Jadeed Abadi, Kaki Road Serai Naurang, District  
Lakki Marwat. . . . . Appellant

Versus

1. Senior Civil Judge (Admn) Bannu.
2. Civil Judge-X, Bannu.
3. District & session Judge, Bannu. (Appellate authority)

. . . . . Respondents

⊕<=>⊕<=>⊕<=>⊕<=>⊕

APPEAL UNDER SACTION 4 OF THE K.P.K SERVICE  
TRIBUNAL ACT 1974 AGAINST THE ORDER # 112-19/SCJ  
(Admn) BANNU, dated 01.11.2023, whereby the appellant  
has been awarded for the major penalty of compulsory  
retirement from service imposed by Muhammad Asghar,  
Senior Civil Judge (Admn), Bannu, against which the  
departmental appeal was also dismissed vide Departmental  
appeal No. 02 of 2023 instituted on: 24.11.2023, decided  
on 13.01.2024 by Muzzamil Shah Khattak District &  
Session Judge, Bannu.

## PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS APPEAL THE ORDER NO. 112-19/SCJ (ADMN) BANNU DATED: 01.11.2023 VIDE WHICH MAJOR PENALTY OF COMPULSORY RETIREMENT FROM SERVICE WAS IMPOSED UPON THE APPELLANT AND DEPARTMENTAL APPEAL NO. 02 OF 2023 WHICH WAS DISMISSED BY MUZZAMIL SHAH KHATTAK DISTRICT & SESSION JUDGE, BANNU ON 13.01.2024 MAY PLEASE BE DECLARED AS ILLEGAL, VOID AB INITIO, UNLAWFUL, AGAINST LAW BE SET-ASIDE AND THE RESPONDENT MAY GRACIOUSLY BE DIRECTED TO REINSTATE THE APPELLANT ON HIS POST WITH ALL HIS BACK BENEFITS.

Respectfully Sheweth:

- A. That the applicant was initially appointed as process server, whereafter he was promoted to the post of junior clerk/Niab Nazir (BPS-11) in the establishment of Senior Civil Judge (Admn) Bannu, and was posted as a reader to court of learned Civil Judge – X, Bannu.
- B. A written complaint No. 336/civil judge-X, Bannu dated: 09.09.2023 was received to the office by presiding officer of civil judge – X, Bannu, which was subsequently entered to Senior Civil Judge (Admn) Bannu through letter No. 4158/DSJ, Bannu dated: 11.09.2023 with direction to proceed the complaint in accordance with law and rules. (Copy of complaint No. 336 dated 09.09.2023 & Letter No. 4158/DSJ, Bannu dated: 11.09.2023 is annexed as annexure "A & B")

- C. The appellant is saddled with the accusation of his having received a bribe of Rs. 1000/- from plaintiff Abdul Raheem in civil suit titled "Nawab Zada Abdul Raheem vs Muzffar Khan & others" scheduled for hearing on 09.09.2023 before the court of civil judge - X, Bannu.
- D. The matter was referred to senior civil judge (Admn) Bannu for further action in accordance with law, which led to initiation of disciplinary proceedings against appellant. On 12.09.2023 a show cause notice No. 930/SCJ(Admn) dated 12.09.2023 was served upon the appellant and on the same day, he was suspended until the completion of departmental inquiry, as per office order No. 933/SCJ(Admn) Bannu. The reply of the notice No.930 was also submitted by the appellant. (Copy of show cause notice No.930 dated: 12.09.2023 & letter of suspension no. 933/SCJ (Admn) dated: 12.09. 2023, and reply of the notice No. 930 is annexed as annexure "C ,D & E")
- E. After submitting the reply, of the final show cause notice No. 955 dated: 21.09.2023 and the reply it was deemed unsatisfactory. And major penalty of compulsory retirement under rule 4 (b)(ii) of Khyber Pakhtunkhwa Governments servants (efficiency & disciplinary) rules 2011 was imposed on 31.10.2023 & the office order dated:01.11.2023 by Hon,ble Muhammad Asghar Senior Civil Judge (Adman) Bannu. (Copy of final show cause notice and the reply and final order dated: 31.10.2023 and the office order dt: 01.11.2023 are annexed as annexure "F, G, H & H-1")

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F. That appellant submitted departmental appeal / representation against the order of dismissal to the Hon,ble District & Session Judge, Muzzamil Shah Khattak, Appellate authority Bannu. The departmental appeal of the appellant has been declined vide judgment and order dated: 13.01.2024. (Copy of departmental appeal # 02 of 2023, Judgment and order dated: 13.01.2024 is annexed as annexure "I, J")

G. That the appellant now approaches this Honourable tribunal against the above said order on the following grounds amongst others.

GROUNDS: -

- A. That the above said orders of compulsory retirement of the appellant is illegal, unlawful and against the law and facts on record: hence liable to be set aside.
- B. That the respondents as well as the enquiry officer failed to comply with the procedure of enquiry as provided in the efficiency & discipline rules 2011, thereby causing grave miscarriage of justice.
- C. That the appellant has been wrongly penalized for an act for which he is not responsible. The amount was not recovered from the direct possession of the appellant.
- D. The amount was picked by the hon,ble civil Judge - X, Bannu from the table. And the video also made by the same Judge. The Appellate authority/officer failed to give due consideration to this vital aspect of the case.

- E. That this fact was also ignored by the enquiry officer and the appellate authority that on the date fixed layers are on strike and in routine the hon,ble Civil Judge - X, Bannu fixed the next dates of the cases. And further it was unbelievable and also not acceptable to the prudent mind that in presence of Hon,ble Judge and other officials the appellant take the money from the plaintiff Abdul Raheem whose case was fixed before the court.
- F. In video if some one as per allegation drop some money on the table without the information of appellant and the appellant also not take the same amount and the same was also not recovered from the appellant then how and why the appellant is responsible in presence of other officials who also used the same table.
- G. The learned authority also ignores this fact and decide the matter on the basses of other enquires which were already decided in appellant favour. The decisions are against the orders of apex courts because it's held in various decisions that each and every case must be decided on their own facts and on their own merits.
- H. That there is no evidence of any relations with the person Abdul Raheem from whom the amount was stated to be taken even his statement against the appellant was also not available on the record.
- I. That this fact was also ignored by the appellate authority that when the Hon,ble Civil Judge-X, Bannu noticed and saw the that a person secretly drop the money on the table and the appellant not notice the same then why he



was not arrested on the spot and why his statement was not recorded and why he was not enquired regarding the matter to dig out the facts on the spot.

J. That appellant has performed his duty with due care, loyalty and with great zeal.

K. That appellant never been involved in any illegal act regarding his official duty and even on duty hours he never made any conversation with the person from whom the amount was stated to be taken.

L. That appellant belongs to a very poor and humble family and he is the only source of income of his family and never think about such like offence.

M. That its also unjust that in criminal case if someone was plead guilty then the other one cannot be punished on this score.


N. That the appellant seeks leave of this Hon,ble Tribunal to raise additional grounds at the time of arguments.

It is therefore respectively requested that on acceptance of instant appeal the order no: 112-19/scj (admn) Bannu dated: 01.11.2023 vide which major penalty of compulsory retirement from service was imposed upon the appellant and departmental appeal no. 02 of 2023 which was dismissed by muzzamil shah khattak district & session judge, bannu on 13.01.2024 may please be declared as illegal, void ab initio, unlawful, against law be set-aside

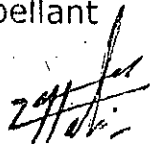
7

and the respondent may graciously be directed to reinstate the appellant on his post with all his back benefits.

Any other relief deemed appropriate but not specifically asked for may also be granted.

  
Appellant

Through

  
ZAFFAR ALI KHAN  
Advocate,  
High Court Peshawar

Dated: 28.01.2024

CERTIFICATE: -

I, Hanif Ullah S/O Najeeb Khan do hereby solemnly verify on oath that earlier no such appeal has been filed before this Hon,ble Court and nothing has been concealed from this honorable court.

  
DEPONENT

BEFORE THE K.P.K SERVICE TRIBUNAL, PESHAWAR

Appeal No. \_\_\_\_\_/2024

Hanif Ullah. . . . . Appellant

Versus

Senior Civil Judge (Admn) Bannu. . . . . Respondents

AFFIDAVIT

I, Hanif Ullah S/O Najeeb Khan, (Ex-Junior Clerk/Naib Qasid Nazir, Establishment of Senior Civil Judge (Admn) Bannu) R/O Kotka Shah Jahan Jadeed Abadi, Kaki Road Serai Naurang, District Lakki Marwat, do hereby solemnly affirm and declare on oath that the contents of appeal are true and correct to the best of my knowledge and belief and that nothing has been kept concealed from this Honourable Court and no such appeal is pending or filed before any form.

  
DEPONENT

29  
BEFORE THE K.P.K SERVICE TRIBUNAL, PESHAWAR

Appeal No. \_\_\_\_\_/2024

Hanif Ullah. . . . . Appellant

Versus

Senior Civil Judge (Admn) Bannu. . . . . Respondents

ADDRESSES OF THE PARTIES

APPELLANT: -

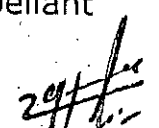
Hanif Ullah, (Ex-Junior Clerk/Naib Qasid Nazir, Establishment of Senior Civil Judge (Admn) Bannu) R/O Kotka Shah Jahan Jadeed Abadi, Kaki Road Serai Naurang, District Lakki Marwat.

RESPONDENTS: -

1. Senior Civil Judge (Admn) Bannu.
2. Civil Judge-X, Bannu.
3. District & session Judge, Bannu. (Appellate authority)

  
Appellant

Through

  
ZAFFAR ALI KHAN  
Advocate,  
High Court Peshawar

Dated: 28.01.2024

No. 336 /Civil Judge-X, Bannu

Dated: 09.09.2023

To: The Honorable,  
District & Sessions Judge, Bannu

Through: Proper Channel


Subject: PROCEEDINGS AGAINST MR. HANIFULLAH, READER OF  
THE COURT ON ACCOUNT OF TAKING BRIBE

Respected Sir,

With due reverence, it is to bring into your kind notice that today at about 09.27 am, the undersigned was presiding over the court that in the meanwhile a person/plaintiff in civil case titled "Nawabzada Abdul Reaheem versus Muzaffar Khan etc." entered into court room and stood in the witness box, adjacent to the reader of the court for receiving next date. He bent on reader of the court, signaled him and placed some piece of paper beneath the register/files lying on left side of the reader. The undersigned observed that reader of the court has clearly seen the placing of said piece of paper beneath the register/files, which the reader of the court did not return showing his consent. I have doubted the advancement of bribe by said person to reader of the court; therefore, in order to check that piece of paper, I have directed the reader of the court to call upon Moharrir, however, the reader of the court while standing up, moved his left hand to pick the said piece of paper, whereat, I have directed him not to collect that. I, thereupon, stood up from my seat and found that said person has placed note of Rs. 1,000/- denomination beneath the register/files; therefore, I have made video of this fact in my mobile set, which is saved in USB. To remove any doubt, I have visited the CCTV control room, where watched the CCTV recording of my court room pertaining to the relevant time and found the above stated facts as it is.

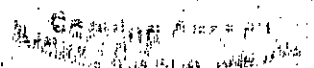
The report is; therefore, submitted for your kind perusal and with request to initiate disciplinary proceedings against Mr. Hanifullah, reader attached with the court of undersigned. The USB and note of Rs. 1,000/- denomination is signed, stamped and sealed by me in envelopes, which are attached herewith.

Abdul Qayum Khan  
Civil Judge-X  
Bannu

  
Abdul Qayyum  
Civil Judge-X, Bannu

ATTESTED

20 JAN 2024





DISTRICT JUDICIARY KHYBER PAKHTUNKHWA  
OFFICE OF THE DISTRICT & SESSIONS JUDGE BANNU

No. 4158 /DSJ, BANNU

DATED: 11-09-2023

To

The Senior Civil Judge (Admn),  
Bannu.

Subject: PROCEEDINGS AGAINST MR. HANIFULLAH, READER OF THE  
COURT ON ACCOUNT OF TAKING BRIBE

Memo:

Enclosed find herewith complaint of Abdul Qayym, CJ-X,  
Bannu alongwith two(02) sealed envelopes, one contains Rs.1000/- note  
and 2<sup>nd</sup> contains USB, received through your office vide No. 906/Senior  
Civil Judge (Admn), Bannu dated: 09-09-2023, with the direction to  
proceed with the complaint in accordance with law and rules.

Encl: As above

(Muzzamil Shah Khattak)  
District & Sessions Judge  
Bannu.

ATTESTED  
20 SEP 2023



12

C

**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA**  
**OFFICE OF THE SENIOR CIVIL JUDGE(ADMN), BANNU**

	OFF: 0928-662127 FAX: 0928-9270195
	scjbannu@gmail.com

11

No. 930 / SCJ(ADMN) DATED AT BANNU THE 12 /09/2023

To

Mr. Hanif Ullah,  
Naib Nazir/Junior Clerk of this establishment.

Subject: SHOW CAUSE NOTICE

Memo,

Whereas, the learned Civil Judge-X, Bannu has filed written complaint against you, Mr. Hanif Ullah, Naib Nazir/Junior Clerk (BPS-11) serving as Reader in the said Court that you have taken an amount of Rs.1000/- as bribe from the litigant/ plaintiff in civil case titled "Nawabzada Abdul Raheem Vs Muzzafar Khan and others" fixed for hearing on 09.09.2023.

Whereas, the amount of Rs.1000/- taken by you from the litigant/ plaintiff was sealed by the learned Presiding Officer on spot and is put on the record as material piece of evidence against you.

Whereas, the occurrence is also recorded in CCTV camera installed in the Court of learned Civil Judge-X, Bannu and its recording is reserved in USB and is part of the record as material piece of evidence against you.

Whereas, this act on your part amounts to Monetary Corruption / gross misconduct under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

Therefore, you are directed to explain your position as to why disciplinary action under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 should not be taken against you. Your reply in this regard should reach this office within seven (07) days failing which it will be presumed that you have nothing in your defense.

12/09/23  
(Muhammad Asghar)  
Senior Civil Judge(Admn)  
Bannu

ENDST: NO. 931-32 / SCJ(ADMN) DATED AT BANNU THE 12 /09/2023

**ATTESTED**

Copy forwarded for information to:

1. The Hon'ble District & Sessions Judge, Bannu with reference to his letter referred above.
2. The learned Civil Judge-X, Bannu.

12/09/23  
(Muhammad Asghar)  
Senior Civil Judge(Admn)



13

D

**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA**  
**OFFICE OF THE SENIOR CIVIL JUDGE (ADMN), BANNU**

12

	OFF: 0928-662048 FAX: 0928-9270195
	scjbannu@gmail.com

No. 933 / SCJ(ADMN) DATED AT BANNU THE 12 /09/2023

OFFICE ORDER:-

Consequent upon the complaint of learned Civil Judge-X, Bannu against Mr. Hanif Ullah, Naib Nazir/ Junior Clerk (BPS-11) serving as Reader in the said Court on the ground of Monetary Corruption, he is hereby suspended with immediate effect till completion of departmental inquiry initiated against him or till further order. Necessary entry of this effect should be made in his service book.

(Muhammad Asghar)  
Senior Civil Judge (Admn)  
Bannu

Endst: No: 934-36 /Dated at Bannu the 12 /09/2023

Copy for information to:-

1. The Hon'ble District & Sessions Judge, Bannu.
2. The learned Civil Judge-X, Bannu.
3. The official concerned for information and necessary action.

(Muhammad Asghar)  
Senior Civil Judge (Admn)  
Bannu

**ATTESTED**



خدمت جناب سینیئر سول جج صاحب (ایڈمن) ضلع ٹون

14

عنوان :- شکر پری جواب - بابت شکوہ ڈیڑھ لاکھ فر (Admin) 930/SCJ

تاریخ 12.9.23

Muhammad Asghar  
Senior Civil Judge (Admin)  
Bannu  
19/09/23

جناب عالی!

من مسائل / نوٹس گرنڈہ حسب ذیل عرض کرتا ہے :-

1. یہ کہ من ریڈر / نوٹس گرنڈہ سے جو الہ شکوہ ڈیڑھ لاکھ فر بالا جواب طلبی کی گئی ہے جو کہ سراسر غلط اور بے بنیاد ہے اور یہی بہ غلط نہیں ہے۔

2. یہ کہ من ریڈر / نوٹس گرنڈہ اپنی ڈیوٹی بنیاد دیا ننداری اور رعایت ننداری سے سر انجام دے رہا ہے۔ من ریڈر / نوٹس گرنڈہ عرصہ تقریباً دو سال سے عدالت جناب جج جی میں بطور ریڈر ڈیوٹی سر انجام دے رہا ہے اور اس دوران من نوٹس گرنڈہ کے خلاف کسی بھی قسم کی کوئی شکایت (Complaint) نہ ہوئی ہے۔

3. یہ کہ مذکورہ دن لیس 9.9.23 کو وکلاء حضرات ٹریٹل ہیر فیس اور بلاتل روٹین جج صاحب نے تمام اختلافات میں کردار نشانی ہا اور آئندہ تیار نہیں خود لگائے ہیں۔ جبکہ من ریڈر / نوٹس گرنڈہ نے صرف ہیر چیم ہیش فر لیس مقدمہ کو دیکھے ہیں۔ اسی طرح بلاتل عنوان "نواب زادہ عبدالرحیم بناکر" مظفر خان سے کہیں میں لکھ من ریڈر نے صرف ہیر چیم ہیش دی ہے۔ من نوٹس گرنڈہ نے کہیں لکھ فر لیس مقدمہ سے کہیں بھی قسم کی کوئی ڈیمانڈ یا پیسوں کی کوئی ڈیمانڈ نہیں کی ہے۔ ڈاکٹر لیس نے میری مندر سے کوئی چیلنڈر لکھ ہو تو اس من ریڈر مکمل لاعلم تھا۔ اور نہ ہی من ریڈر کے ڈیمانڈ / مطالبے پر کسی نے کوئی لکھ ہے۔ اس بابت من ریڈر / نوٹس گرنڈہ (Special oath) کو لکھ تیار ہے۔ اور اس بابت میری مقدمہ سے لکھ لکھ کی جاسکتی ہے۔

4. یہ کہ من ریڈر / نوٹس گرنڈہ انتہائی غریب گھرانے سے تعلق رکھتا ہے۔ اور اپنے گھرانے کا واحد کھیل ہے۔ اور من ریڈر / نوٹس گرنڈہ کے چھوٹے چھوٹے بچے ہیں جو کہ لکھ زبیر تعلیم ہیں۔

ATTESTED  
20 JAN 2024

19/09/23

(P50)


Copy Agency

5. یہ کہ من ریڈر/فونڈ گرنڈرز زکوٰۃ نثری دفتر صاحب کو یہ رقم کی تسلی  
دینے کو تیار ہوں کہ جو الزامات مشکوٰۃ زکوٰۃ مالا میں لگائے گئے ہیں  
وہ غلط اور بے بنیاد اور جہنی ہیں غلط نہیں ہے

15

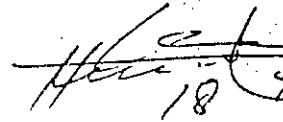
بعد ازاں من ریڈر/فونڈ بنامیت خود مانہ رسید عا کرنا ہے کہ مندرجہ بالا نثری اشخاص  
کی رہائش میں من ریڈر کو مشکوٰۃ زکوٰۃ مالا سے مستثنیٰ قرار دیا جائے  
اور مشکوٰۃ زکوٰۃ مالا کو من ریڈر مالا کا ردائی داخل دفتر فرمایا جائے

18/19/23

  
18/09/23  
Muhammad Asghar  
Senior Civil Judge (Admin)  
Bairu

من ریڈر/فونڈ گرنڈرز

حنیف اللہ ریڈر آف ایس ایس

  
18/09/23

ATTESTED  
20 JAN 2024  
Attesting Agency  
Bairu





16

K

**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA**  
**OFFICE OF THE SENIOR CIVIL JUDGE(ADMN), BANNU**

16

	OFF: 0928-662127 FAX: 0928-9270195
	scjbannu@gmail.com

No. 955 /SCJ(Admn)

Dated At Bannu the 21 /09/2023

**FINAL SHOW CAUSE NOTICE**

I, MUHAMMAD ASGHAR, Senior Civil Judge(Admn), Bannu, Competent authority, within the contemplation of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr.Hanif Ullah, Naib Nazir with Final Show Cause Notice as follows:-

WHEREAS, Show Cause Notice was served upon you and after submission of reply to Show Cause Notice, your reply was found unsatisfactory.

AND WHEREAS, CCTV footage / video recording of incident clearly shows that the allegation leveled against you and allegations of Monetary Corruption on your part have been proved.

AND WHEREAS, I am satisfied that you have committed the following acts which are amenable under rule 3(c) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

AND WHEREAS, sufficient evidence in shape of video recording and recovery of an amount of Rs.1000/- as bribe is available on record against you, therefore, further inquiry within the contemplation of Rule 5 & 7 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, ibid, is hereby dispensed with.

THEREFORE, having sufficient evidence of corruption is committed by you and Final Show Cause Notice is served upon you as why major penalty under rule 4 sub clause (b) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 shall not be imposed upon you.

YOU, shall submit your reply to the final show cause notice within seven (07) days falling which it shall be presumed that you have no defense to offer and you will be proceeded as per law.

*Muhammad Asghar*

**ATTESTED**  
*Muhammad Asghar* 19/09/2023  
(Muhammad Asghar) Senior Civil Judge(Admn), Bannu/  
Copying Agency  
Bannu

کدھت ہوتا ہے۔ سٹیٹس ہول (3 جلدیں) (مجلس) (مجلس)

عنوان: تحریریں جو۔۔۔ نائیت کانٹیل شوکار لکھنؤ 9 ص 21/08/21

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صاحب عالی

27/09/23  
Wuhammad Aschar  
Senior Civil Engineer  
Bakht (Ajmer)

من سائل انوشی گریڈہ سے بل عرض کرتا ہے

1۔ یہ کہ من ریڈر انوشی گریڈہ سے جو دلہ نائیل شوکار لکھنؤ 9 ص 21/08/21 جو درجہ طلبی کی ہے۔ جو کہ سراسر غلط اور بے بنیاد ہے۔ اور منی برنگلر نہیں ہے۔

2۔ یہ کہ من ریڈر انوشی گریڈہ اپنی ڈیوٹی نہایت دباؤ دار اور ایسا ہے۔ سراسر انجام دے رہی ہے۔ من ریڈر انوشی گریڈہ (مجلس تقریباً دو سال سے عداوت ہے۔)۔

3۔ یہ کہ مذکورہ دن بھی 9.9.20 کو دلہ عورت نے تال پیر ہے۔ اور بلایا روٹس ہج۔ من انوشی گریڈہ کے خلاف بھی قسم بھی (complaint) نہ ہوتی ہے۔

مذکورہ تمام واقعات سے اس وقت تک کہ ہج۔ اور بلایا روٹس ہج۔ من ریڈر انوشی گریڈہ نے صرف پیر سے پیشی فریقین مقدمہ فرمائی ہے۔ اس میں طرح طرح کے ٹوٹن۔

من انوشی گریڈہ نے کبھی بھی فریقین مقدمہ سے کبھی بھی قسم بھی (complaint) نہ ہوتی ہے۔ اور اس بائیت بھی

4۔ یہ کہ من ریڈر انوشی گریڈہ و دیگر بلایا روٹس ہج۔ اور بلایا روٹس ہج۔ اور اس بائیت بھی

کے لئے قانونی کارروائی کی ہے۔ اور من ریڈر انوشی گریڈہ کے خلاف مقدمہ چلے گا۔ جو کہ ایسا ہی ہے۔

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کی۔ یہ مذمتی رپورٹ لوشی گروینڈ، انٹوگرہا اسٹریٹ، کراچی کو یہ قسم کی تسلی  
دینے کو تیار ہوں کہ جو الزامات فائیل شوکار لوشی باہر سے لگانے کے ہیں  
وہ غلط اور بنیاد اور منہی در غلط نہیں ہے۔

لہذا فی رپورٹ لوشی بنیاد خود بخود مسترد کرتا ہے۔ کہ مذکورہ رہ  
تذکرہ نکالت کی روشنی میں فی رپورٹ کو فائیل شوکار لوشی بہر سے مستثنی  
قرارداد جاری کرے اور فائیل شوکار لوشی بہر کو منہ بہ منہ کا روٹائی داخل  
دفتر فرمائے گا۔

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Muhammad Asghar  
Senior Clerk (Admn)  
Baitu

27/09/23

رپورٹ لوشی گروینڈ  
صنفی رپورٹ آج کی  
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LAWAL, DISTRICT BAHAWAL

**IN THE COURT OF MUHAMMAD ASGHAR,**  
**SENIOR CIVIL JUDGE (ADMN),**  
**BANNU.**

Inquiry No. : 04 of 2023  
 Date of Institution : 12.09.2023  
 Date of Decision : 31.10.2023

Titled: State ... VS ... Hanif Ullah (Junior Clerk/Naib Nazir)

**INQUIRY REPORT**

Mr. Hanif Ullah, Junior Clerk/Naib Nazir (BPS-11) in the establishment of Senior Civil Judge (Admn), Bannu who was posted as Reader to the court of Learned Civil Judge-X, Bannu hereinafter called as delinquent official faced departmental proceedings under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011. A written complaint bearing No. 336/Civil Judge-X, Bannu dated 09.09.2023 was filed by Learned Civil Judge-X, Bannu against him. The complaint was received by the undersigned through letter No. 4158/DSJ, Bannu dated 11.09.2023 by the Hon'ble District & Sessions Judge, Bannu with the direction to proceed with the complaint in accordance with law/rules.

2. Allegations leveled against the delinquent official are that Civil Suit titled "Nawab Zada Abdur Raheem ... VS ... Muzaffar Khan & others" was fixed for hearing before the Learned Civil Judge-X, Bannu on 09.09.2023 and on the same day an amount of Rs.1000/- was received by the delinquent official from plaintiff as bribe; that the incident was preserved in CCTV footage installed inside the Court and recovery was effected on spot from delinquent official by the Learned Presiding Officer of the Court. Video recording of recovery from the spot was also preserved in the personal

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Muhammad Asghar  
 Senior Civil Judge (Admn)  
 Bannu  
 3/10/23

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cell phone of the Learned Presiding Officer and hence the matter was referred to the undersigned being competent authority to proceed against him in accordance with law/rules.

3. Show Cause Notice Bearing No. 930/SCJ (Admn), Bannu dated 12.09.2023 was served upon the delinquent official with the direction to submit his reply within 07 days positively. Since allegations of corruption were leveled against the delinquent official; therefore, he was also suspended till completion of departmental inquiry vide Office Order No.933/SCJ (Admn), Bannu dated 12.09.2023. Before submission of written reply to the Show Cause, delinquent official requested for provision of Video Recordings which were provided to him and thereafter he submitted reply to the Show Cause on 19.09.2023. Reply to the Show Cause Notice was found unsatisfactory. Keeping in view the sufficient evidence on record in shape of Video Recording and recovery of amount of Rs. 1000/- as bribe, inquiry in the instant case was dispensed with under Rule 5 (1)(a) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 and Final Show Cause Notice Under Rule 7 (a) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 was served upon him as to why major penalty Under Rule 3 (c) read with 4 (b) of the ibid rules shall not be imposed upon him. He was directed to submit reply to the final show cause within 07 days. Reply to the final show cause Notice bearing No. 955/SCJ (Admn), Bannu dated 21.09.2023 was submitted by the delinquent official on 27.09.2023 which was also found unsatisfactory. Notice of personal hearing was given to the delinquent

Muhammad Asghar  
Senior Civil Judge (Admn)  
Bannu  
3/10/23

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24 official as to why major penalty Under Rule 4 (b) (ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 shall not be imposed upon him.

4. On 05.10.2023, delinquent official was heard in person. Incharge Data Management Cell Mr. Tariq Khan provided CCTV footage Video Recording of the Court of Learned Civil Judge-X, Bannu and video recording preserved by the presiding officer/Learned Civil Judge-X, Bannu and both the videos were displayed before the delinquent official in open court. Delinquent official was confronted with the video recordings and particularly the recovery of an amount of Rs. 1000/- available on file. In response he was unable to justify his guilt before the court as is evident from Order Sheet No.4 dated 05.10.2023.

5. Thereafter, instant inquiry proceedings were postponed for Final Order on 31.10.2023. Alongside the instant departmental proceedings, Criminal Complaint No.40 of 2023 was also filed against the delinquent official and co-accused/plaintiff Mr. Abdur Raheem Khan who offered bribe of Rs. 1000/- to the delinquent official and the same is still pending before the learned Judicial Magistrate-II, Bannu. Accused Abdur Raheem Khan has pleaded his guilt in the said complaint before the JM-II, Bannu on 10.10.2023 and he is convicted and sentenced to suffer imprisonment for a period of 06 months Under Section 162 PPC. This sentence is converted into probation. The criminal complaint against delinquent official Hanif Ullah Under Section 161 PPC is still pending before the learned JM-II, Bannu in which next date of hearing is fixed as 11.11.2023.

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20 JAN 2024

Handwritten signature and date: 31/10/23  
 Muhammad Asghar  
 Senior Civil Judge (Admn)  
 Bannu



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6. The material piece of evidence against the delinquent official is video recording and recovery of Rs. 1000/- as bribe offered by the litigant Abdur Raheem Khan/plaintiff. Accused Abdur Raheem Khan has pleaded his guilt before the learned JM-II, Bannu and this fact is clearly reflected in Order dated 10.10.2023 of the learned JM-II, Bannu. The attested copy of which is officially received from the learned Court concerned and is placed on file. Video recording in shape of USB has 02 videos. One is CCTV footage installed inside the court room which clearly shows that the delinquent official after having handshake with accused Abdur Raheem Khan/plaintiff in the civil suit referred above has placed an amount of Rs. 1000/- in register lying in the possession of the delinquent official. The 2<sup>nd</sup> video recording is made by the Learned Civil Judge-X, Bannu through his personal cell phone and recovery from the possession of the delinquent official is very much clear. Delinquent official remained calm till the time the accused Abdur Raheem/plaintiff left the court and delinquent official having conscious of the bribe being placed in his register lying in front of him, intentionally avoided to bring this fact in notice of the Learned Presiding Officer. When the accused Abdur Raheem/plaintiff left the court, the Learned Presiding Officer took the action and recovered an amount of Rs. 1000/- from the register lying in possession of the delinquent official. This whole story of the incident is crystal clear from both the video recordings and recovery of Rs. 1000/- cash the evidence of which is available on file.

*[Signature]*  
31/10/23  
Muhammad Asghar,  
Senior Civil Judge (Admin)  
Bannu

7. No doubt the guilt of the delinquent official is proved against him without any doubt. He was appointed as Process Server

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in the Establishment of Senior Civil Judge, Bannu in 1994 and has almost 29-year service at his credit. His service record also perused which shows that he was also dismissed from service and was later on reinstated. The very act of the delinquent official is liable to major penalty but he has 29-year service at his credit and has a family with minor members dependent on him; therefore, major penalty of Compulsory Retirement Under Rule 4 (b) (ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 is imposed upon him with immediate effect. Office Order in this regard be issued forthwith with intimation to the District Comptroller Office, Bannu for further legal process. Copy of this Order/Report be placed on the personal file of the delinquent official for further entries in the record. Copy of this order/report be forwarded to the Hon'ble District & Sessions Judge, Bannu for information

8. File of the instant inquiry be consigned to the record room after its necessary completion/compilation.

Announced Today.  
31.10.2023

*(Signature)*  
31/10/23  
(Muhammad Asghar) Sr  
Senior Civil Judge (Admn)  
Bannu

CERTIFICATE:

Certified that this inquiry/report consists of five (05) pages duly signed after necessary correction.

1- Registration No: 527  
2- Date of Presentation of Application 20-10-24  
3- Date of Receipt of the file 20-10-24  
4- Date of Preparation of copy 20-10-24  
5- Date of Delivery of copy 20-10-24  
6- No. of copies / volume 5  
7- Ordinary Fee 05  
8- Urgent Fee 5  
9- 5  
10- 5

(Muhammad Asghar)  
Senior Civil Judge (Admn),  
Bannu.

20 JAN 2024  
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SCJ (Admn), Bannu; Inquiry No.04 of 2023...Titled: State ... VS ... Hanif Ullah Junior  
Clerk/Nailb Nazir.






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**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA  
OFFICE OF THE SENIOR CIVIL JUDGE(ADMN), BANNU**

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	OFF: 0928-662048
	FAX: 0928-9270195
	scjbannu@gmail.com

No. \_\_\_\_\_ /SCJ(Admn)

Dated At Bannu the \_\_\_\_\_ / \_\_\_\_\_ /2023

**OFFICE ORDER:-**

Consequent upon the inquiry proceedings initiated against Mr. Hanif Ullah Khan, Naib Nazir/ Junior Clerk under the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Rules 2011 for inefficiency/corruption with respect to non-observance of discipline and misconduct by taking Rs. 1000/- from plaintiff as bribe in Civil Suit titled "Nawab Zada Abdur Raheem ... VS ... Muzaffar Khan & others" fixed for hearing before the Learned Civil Judge-X, Bannu on 09.09.2023.

And whereas, Final Show Cause Notice was issued to Mr. Hanif Ullah Khan, Naib Nazir/ Junior Clerk (P.No.00179649) bearing No. 955/SCJ(Admn) dated 21.09.2023 with proposed Major penalty, but his reply was also found unsatisfactory. The opportunity of personal hearing was also given to him but he could not defend the suggested penalty. The charges/ allegations with respect to Monetary Corruption are proved on record and so he is held guilty of misconduct/ corrupt practices liable to punishment under the rules *ibid*.

It is, therefore, established that the delinquent official/Naib Nazir, Mr Hanifullah is guilty of misconduct within the contemplation of Rule 3(c) & Rule 4(1)(b)(ii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.

Now, therefore, I, Muhammad Asghar, Senior Civil Judge(Admin), Bannu, as competent authority impose on the accused / delinquent official the major penalty of compulsory retirement with immediate effect as provided under the rule 4(1)(b)(ii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

-sd-

(Muhammad Asghar)  
Senior Civil Judge(Admn)  
Bannu

Endst: No. 1112-19 /SCJ(Admn)

Dated At Bannu the 01 / 11 /2023

**Copy forwarded for information to:**

1. The Worthy Registrar, Peshawar High Court, Peshawar.
2. The Hon'ble Member Inspection Team, Peshawar High Court, Peshawar.
3. The Hon'ble District & Sessions Judge, Bannu.
4. The Civil Judge-X, Bannu.
5. The District Comptroller of Accounts, Bannu.
6. The Incharge Information Koisk with direction to delete the name of the official concerned from biometric attendance.
7. The official concerned.
8. Office Copy.

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20 JAN 2024

(Muhammad Asghar)  
Senior Civil Judge(Admn)  
Bannu

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انڈیا کے لئے  
مہارتوں کا تبادلہ پروگرام

13-1-2024 سے 24-11-2024 تک  
کوئیٹہ ایئر بیس

جیتانہ میاں سٹیبل 3

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(35) اردو

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IN THE COURT OF MUZZAMIL SHAH KHATTAK  
DISTRICT & SESSIONS JUDGE, BANNU

ORDER # 01  
24-11-2023

Departmental appeal submitted by Mr. Hanifullah Khan, Junior Clerk / Appellant. Be entered. Record be requisitioned for 05-12-2023.

Muzzamil Shah Khattak  
District & Sessions Judge  
Bannu

ORDER # 02  
05-12-2023

Official namely Mr. Hanifullah Khan, Junior Clerk / Appellant in person present. Record received. To come up for further proceeding on 10-12-2023.

Muzzamil Shah Khattak  
District & Sessions Judge  
Bannu

ORDER # 03  
16-12-2023

Mr. Hanifullah Khan, Junior Clerk / Appellant in person present. Heard personally. To come up for order on

**ATTESTED**

20 JAN 2024 05-01-2024.

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Muzzamil Shah Khattak  
District & Sessions Judge  
Bannu

BEFORE THE HONBLE DISTRICT & SESSIONS JUDGE, BANNU

SUBJECT: - Departmental Appeal/Representation against the Order No. 112-19/SCJ(Admn) Dated at Bannu 01/11/2023 vide which Major Penalty of Compulsory Retirement was imposed upon the Appellant by Muhammad Asghar, Senior Civil Judge (Admn), Bannu.

Respected Sir:

1. That the appellant was initially appointed as processor server, where after he was promoted to the post of Junior Clerk.
2. That a departmental inquiry No. 04 of 2023 was initiated against the appellant and the appellant was served with a show cause notice bearing No. 930/SCJ(Admn), Bannu dated 12/09/2023.
3. That the appellant has submitted written reply in respect of the ibid show cause notice and recorded his statement in which the appellant denied all the allegations as baseless that leveled against me.
4. That after completion of the departmental inquiry, the Respected Senior Civil Judge (Admn), Bannu/competent authority imposed major penalty of compulsory retirement from service upon the appellant vide his Office Order No. 04/2023 dated 31/10/2023.
5. That as the competent authority was not satisfied from the reply of the appellant therefore, notice for personal appearance was also issued to the appellant. That being aggrieved, the appellant has preferred the instant departmental appeal inter alia on the following grounds:

GROUND:

- A. That the appellant was appointed as processor server on dated 19/01/1994 and was later on promoted to the post of Junior Clerk in the year 2011.

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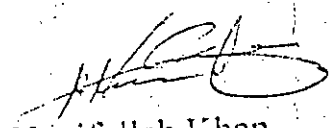
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- B. That the appellant has performed his duty with due care, loyalty and with great zeal and zest.
- C. That the appellant has never been involved in any illegal act regarding his official duty neither even think about such like activity.
- D. That the appellant is not in such like position and in authority that he could do any illegal act for anybody.
- E. That no any conversation has been heard by the Learned Civil Judge-X, District Bannu, between the appellant and other person.
- F. That the appellant is belongs to very poor and humble family and is the only source of income of his family.
- G. That the appellant will be very careful next time while performing his official duty.
- H. That the impugned proceeding of inquiry conducted are against the rules and regulations, therefore, my graciously be set aside and the appellant may kindly reinstate to his post.

Therefore, it is kindly be requested before this Honorable Court to set aside the order of Compulsory Retirement of the appellant and graciously be reinstated on his post.

Yours Obediently,

  
Hanifullah Khan

Dated 24.11.2023

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COURT OF MUZZAMIL SHAH KHATTAK  
DISTRICT & SESSIONS JUDGE/  
APPELLATE AUTHORITY, BANNU

Departmental Appeal No. 02 of 2023  
Date of Institution: 24.11.2023  
Date of Decision: 13.01.2024

Hanif Ullah, Junior Clerk/Naib Nazir, Establishment of  
Senior Civil Judge (Admn), Bannu. ....Appellant

Versus

Senior Civil Judge (Admn), Bannu/ Competent  
Authority.....Respondent

JUDGMENT

1. In this appeal, appellant, Hanif Ullah, challenges Office Order No.1112-19/SCJ (Admn), Bannu dated 01.11.2023, passed by learned Senior Civil Judge (Admn), Bannu/Competent Authority. This Order imposed a major penalty of compulsory retirement, as contemplated under Rule 4(1)(b)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

2. Succinct facts, giving rise to filing this appeal, are that appellant Hanif Ullah served as a Junior Clerk/Naib Nazir (BPS-11) in the establishment of Senior Civil Judge (Admn), Bannu, and was posted as a Reader to Court of learned Civil Judge-X, Bannu. A written Complaint No.336/Civil Judge-X, Bannu dated 09.09.2023 was received to this office by Presiding Officer of Civil Judge-X, Bannu, which was subsequently entrusted to Senior Civil Judge (Admn), Bannu through letter No.4158/DSJ, Bannu dated 11.09.2023 with directions to proceed with the complaint in accordance with law and rules.

3. The appellant is saddled with the accusation of his having received a bribe of Rs.1,000/- from plaintiff Abdur Raheem in Civil Suit titled "Nawab Zada Abdur Raheem VS Muzaffar Khan & others," scheduled for a hearing on

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09.09.2023 before Court of Civil Judge-X, Bannu. The incident was captured in CCTV footage installed inside the Court, and the recovery of amount of Rs.1,000/- was made on the spot by Presiding Officer of the Court. Video recording of recovered amount was also saved in personal cellphone of Presiding Officer.

4. The matter was referred to Senior Civil Judge (Admn), Bannu/Competent Authority for further action in accordance with law, which led to initiation of disciplinary proceedings against appellant. On 12.09.2023, a show cause notice was served upon the appellant, and on the same day, he was suspended until the completion of departmental inquiry, as per Office Order No.933/SCJ (Admn), Bannu.

5. Prior to submission of a written reply to show cause notice, appellant requested the provision of video recording, which was provided to him. Subsequently, he submitted a reply that was deemed unsatisfactory. Given the substantial evidence, including the video recording of alleged bribe money, a final show cause notice was served upon him. In response, he submitted a reply, which was also found unsatisfactory. Consequently, a notice for a personal hearing was issued to him, asking him why a major penalty under Rule 4(b)(ii) of the Rules should not be imposed upon him. Appellant was personally heard as well on 05.10.2023.

6. To establish substantial and material evidence against appellant, Mr. Tariq Khan, Incharge Data Management Cell/Computer Operator, provided CCTV footage, video recording of Civil Judge-X, Bannu, alongwith video recording preserved by Presiding Officer. Senior Civil Judge (Admn)/Competent Authority, presented both videos in open Court, where the appellant was confronted with the evidence, specifically recovery of an amount of Rs.1,000/- as documented in Order Sheet No.4 dated 05.10.2023.

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7. Upon confrontation, appellant was unable to justify his innocence before the competent authority, as evident from the proceedings on mentioned date. Inquiry proceedings were scheduled for a final Order on 31.10.2023.

8. Meanwhile, another criminal Complaint No.40 of 2023 under section 200 Cr.PC was filed against appellant and accused/plaintiff Abdur Raheem Khan, by Civil Judge-X, Bannu before this office which was subsequently entrusted to Court of learned Judicial Magistrate-II, Bannu for initiating proceedings under sections 161 read with 109 of the Pakistan Penal Code. In this case, accused/plaintiff Abdur Raheem Khan pleaded guilty, and by Order dated 10.10.2023, he was convicted and sentenced to six months of imprisonment under section 162 PPC. However, the sentence was later converted into probation.

9. After carefully considering the facts and circumstances, Senior Civil Judge (Admn), Bannu/Competent Authority, found the appellant guilty of misconduct. Consequently, a major penalty of compulsory retirement under Rule 4(1)(b)(ii) of the Rules was imposed upon him through impugned Office Order dated 01.11.2023. This forms the basis of this appeal.

10. Appellant asserts that he has consistently performed his duties with great zeal and zest. He contends that he has never been involved in any illegal acts related to his official duties. Furthermore, he claims that no conversations between him and any other person were overheard by the Presiding Officer of the Court. He highlights his belonging to a very poor family with no other source of income. Appellant argues that the inquiry proceedings leading to impugned Office Order dated 01.11.2023 were conducted against the rules and law established on the subject. Therefore, he prays for setting aside the said Office Order and his reinstatement to the service.

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11. During personal hearing of appellant, record was meticulously examined. The chequered history of appellant reveals that he entered into Government service on 20.01.1994. However, instances of misconduct and disciplinary proceedings can be traced back to 1999, as evident from different case files pertaining to inquiry proceedings against appellant. Its glimpses are as under:

S.No.	Case file No.	Decided on	Penalty/Directions
1	Inquiry No.58/1999	20.12.1999	Terminated
2	Inquiry No.89/2002	09.01.2003	Exonerated
3	Inquiry No.08/2004	06.03.2006	To follow the law in case of any mis-hape takes place
4	Inquiry No.22/2006		Proceedings were filed being impunity
5	Inquiry No.28/2006	13.01.2007	Removed from service and terminated
6	Departmental Appeal No.2/2006	19.11.2007	Appeal filed by HanifUllah, for promotion was dismissed.
7	Inquiry No.03/2014	07.07.2015	Inquiry filed being complainant remained absent.

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12. A thorough examination of record reveals that appellant has faced penalties in his service for misconduct, indicating that he is a habitual of committing misconduct. While it is true that appellant could not justify himself about his innocence upon confrontation before Senior Civil Judge (Admn), Bannu/Competent Authority, it is equally true that co-accused/plaintiff Abdur Rahim Khan has pleaded guilty before the Court of Judicial Magistrate-II, Bannu. Additionally, criminal proceedings under section 161 PPC have been resorted against appellant before learned Senior Civil Judge/Judicial Magistrate, Bannu. Moreover, the receiving of bribe money amounting to Re.1,000/- from

13.1.24

plaintiff has been proven on record through video recordings. Consequently, the charge against appellant has been established from record. In this regard, reliance is placed on 2020 SCMR 1708 Supreme Court of Pakistan The relevant portion is reproduced as under:

*(c) Civil service---  
 ---Public servant, duty of---Financial impropriety---Public trust, breach of---  
 Consequences---Public authority was a most sacred trust and a very high onus was cast upon a State functionary to uphold the highest degree of rectitude in financial matters---Financial corruption or misappropriation of public money were wrongs of most repugnant depravity---Once a public servant was found to have the capacity to betray the public trust, it would be most unwise as well as inexpedient to retain him on the job. [p. 1712] C.*

13. Considering the facts and circumstances mentioned above, I, Muzzamil Shah Khattak, District & Sessions Judge, Bannu/Appellate Authority, am convinced that Senior Civil Judge (Admn)/Competent Authority has rightly and legally held the appellant guilty of gross misconduct. The major penalty of compulsory retirement under Rule 4(1)(b)(ii) of the Rules, imposed upon him, vide impugned Office Order dated 01.11.2023, is found appropriate in the circumstances, to which no exception can be taken. As the competent authority has already shown leniency in favour of appellant, no further leniency is warranted. This appeal lacks due substance to overturn the impugned findings. It is, therefore, dismissed. Record be transmitted back, and instant file be kept in English record.

Announced  
 13.01.2024

Muzzamil Shah Khattak  
 District & Sessions Judge, Bannu/  
 Appellate Authority

13.1.2024

34

1

محکمہ سیکرٹریٹ، سٹیٹ بینک، لاہور

کل اوراق	اصل تاریخ رجسٹر (موجودہ)	نوٹس مقدمہ	نمبر	تاریخ	نمبر	تاریخ
(28)				31/10/23	12/09/23	4/انکوائری
حنیف اللہ			انکوائری			

نمبر	تاریخ	ادیت لائنز	نمبر	تاریخ	ادیت لائنز
			1	1	انڈیا کی
18			6	5	آرڈر شیٹ
19	1	Notice for personal appearance			Proceedings against
		Copy of order	8	2	Mr. Harif Ullah
21	2	sheet (present)	9	1	USB
26	5	Inquiry report	10	1	1000/- rupees
27	1	Office order	11	1	Show cause notice
		Application for	12	1	Office order
28	1	CCTV record			Complaint under
			13	1	Section 200 (1A)
(28)		کل اوراق	15	2	Written statement
			16	1	Final show cause
					Written statement
			18	2	final show cause

3767  
2023

(28)

مسلم ایسی تفصیل

Muhammad Asghar  
Senior Civil Judge (Admn)  
Bannu

31 OCT 2023

ATTESTED

20 JAN 2024

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Bannu

ارڈر کی

33

35

**IN THE COURT OF MUHAMMAD ASGHAR**  
**SENIOR CIVIL JUDGE (ADMN)**

**BANNU**

**ORDER # 1**  
**12.09.2023**

3767  
223

31-10-23 / 12-9-23 / 4  
انٹرایکٹ / سنٹرل

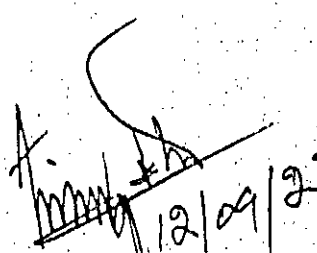
Complaint of learned Civil Judge-X, Bannu against

Mr. Hanif Ullah, Naib Nazir/ Junior Clerk (BPS-11) presently serving as Reader in the said court is received from the office of Hon'ble District & Sessions Judge, Bannu with the direction to proceed with the complaint in accordance with law. It be registered.

1.2 Record perused. Allegations of Monetary Corruption are leveled against the delinquent official. Show Cause Notice be served upon him with the direction to submit reply to the Show Cause Notice within seven (07) days positively. Since, it is complaint of Monetary Corruption; therefore, till completion of departmental inquiry or till further order, the delinquent official Mr. Hanif Ullah, Naib Nazir/ Junior Clerk (BPS-11) shall remain suspended.

1.3 File to come up for reply to show cause on 19.09.2023.

**Order Announced Today.**  
**12.09.2023**

  
**(Muhammad Asghar)**  
**Senior Civil Judge (Admn)**  
**Bannu**

**ATTESTED**

**20 JAN 2024**

**Senior Civil Judge**  
**Bannu**

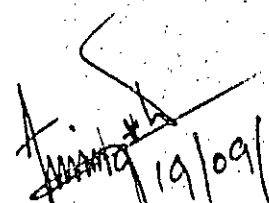
3  
36  
ORDER....02  
19.09.2023

Mr. Hanif Ullah, Naib Nazir/Junior Clerk /delinquent official in person present. CCTV footage/ video recording of incident and that too on the written request of the delinquent official, was handed over to him, whereafter he submitted his reply to the Show Cause Notice today on 19.09.2023. Reply to Show Cause Notice is found satisfactory.

2.2 Keeping in view the sufficient evidence on record in shape of video recording and recovery of amount of Rs.1000/- as bribe, inquiry in the instant case is dispensed with under Rule 5 (1) (a) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and Final Show Cause Notice under Rule 7(a) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 is served upon him as to why major penalty under rule 3(c) read with Rule 4(b) shall not be impose upon him. He is directed to submit reply within seven (07) days positively.

2.3 File to come up for submission of reply to the final show cause by Mr. Hanif Ullah, Naib Nazir/ Junior Clerk of this court on 27.09.2023.

Order Announced Today.  
19.09.2023

  
(Muhammad Asghar)  
Senior Civil Judge(Admn)  
Bannu

ATTESTED

20 JAN 2023

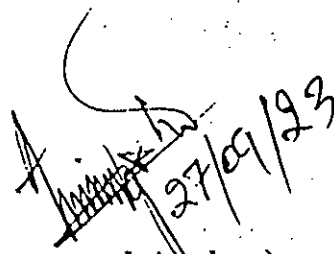
Court  
Bannu

37  
Order...03  
27.09.2023

Mr. Hanif Ullah, Naib Nazir/ Junior Clerk /delinquent official in person present. Reply to the Final Show Cause notice submitted. Perused and found unsatisfactory.

3.2 Let the opportunity of personal hearing be given to him as to why major penalty under rule 4 sub clause (b) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 shall not be imposed upon him. Notice of personal hearing be issued to him with direction to appear before the undersigned on 05.10.2023.

Order Announced Today.  
27.09.2023

  
(Muhammad Asghar)  
Senior Civil Judge(Admn)  
Bannu

ATTESTED

20/09/23

CLERK

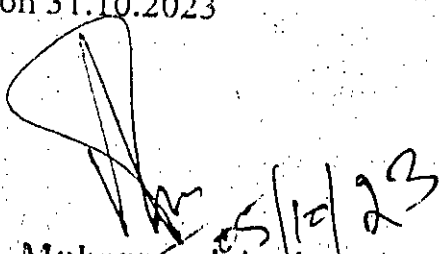


5  
38  
Order---04  
05-10-2023

Delinquent official Hanif Ullah Khan in person present. Mr. Tariq Khan in-charge data management cell District courts Bannu in person present. He provided CCTV footage recorded of the court of learned Civil Judge-X, Bannu preserved as a piece of evidence on the day of occurrence. CCTV footage in shape of video recording displayed in front of delinquent official. Case property in shape of USB in sealed form opened before the court. USB containing one video recorded in the personal cell phone of the Learned Civil Judge-X Bannu already available on file also opened in front of delinquent official in open court. Another case property in shape of Rs, 1,000/- single currency in sealed form opened before the court which has signature the learned Civil Judge-X, Bannu. Delinquent official confronted with video recordings, one thousand single currency note as material piece of evidence and he was unable to justify himself and to satisfy the undersigned about the incident that he is innocent. Both the video recordings preserved in USB sealed with signature of the undersigned. Thousand currency note recovered on the spot also sealed with signature and placed on file as material piece of evidence.

11.2

File to come up for final order on 31.10.2023

  
Muhammad Asghar  
Senior Civil Judge (Admn),  
Bannu

ATTESTED  
20 JAN 2024

DEPARTMENT OF JUDICIAL ADMINISTRATION  
BANNU

39

IN THE COURT OF MUHAMMAD ASGHAR,  
SENIOR CIVIL JUDGE (ADMN),  
BANNU.

Inquiry No. : 04 of 2023

Titled: State ... VS ... Hanif Ullah (Junior Clerk/Naib Nazir)

Order---05

31.10.2023

Delinquent official Mr. Hanif Ullah (Junior Clerk/Naib Nazir) in person present.

5.2 Vide detail order/report of this court consisting of five (05) pages separately placed on file, the guilt of delinquent official Mr. Hanif Ullah, Junior Clerk/Naib Nazir (BPS-11) posted in the Establishment of Senior Civil Judge (Admn), Bannu is proved against him. Resultantly, major penalty of compulsory retirement under Rule 4 (b) (ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 is imposed upon him with immediate effect. Office Order in this regard be issued forthwith with intimation to the District Comptroller Office, Bannu for further legal process. Copy of this Order/Report be placed on the personal file of the delinquent official for further entries in the record. Copy of this order be forwarded to the Hon'ble District & Sessions Judge, Bannu for information.

5.3 File of the instant inquiry be consigned to the record room after its necessary completion/compilation.

Order Announced Today.

31.10.2023

*Muhammad Asghar*  
31/10/23  
(Muhammad Asghar)  
Senior Civil Judge (Admn),  
Bannu.

**ATTESTED**

20 JAN 2024

13



40  
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DISTRICT JUDICIARY KHYBER PAKHTUNKHWA  
OFFICE OF THE DISTRICT & SESSIONS JUDGE BANNU

No. 4164 /DSJ, BANNU

DATED: 12-09-2023

To

The Judicial Magistrate-II,  
Bannu.

Subject:

COMPLAINT UNDER SECTION 200 (AA) CR.PC AGAINST  
HANIF ULLAH (READER OF CIVIL JUDGE-X, BANNU) AND MR.  
ABDUR RAHIM S/O SHER AFZAL JANG FOR CRIMINAL  
PROCEEDINGS U/S 161 PPC READ WITH SECTION 109 PPC.

Memo:

Enclosed find herewith the subject complaint submitted by Abdul Qayym, CJ-X, Bannu vide No. 337/Civil Judge-X, Bannu dated: 09-09-2023, alongwith its enclosures consist of one sealed envelope containing USB, received through Senior Civil Judge (Admn), Bannu vide No. 922/SCJ (Admn), Bannu dated: 11-09-2023.

You are directed to proceed with the complaint in accordance with law and rules.

Encl: As above

(Muzzamil Shah Khattak)  
District & Sessions Judge  
Bannu

Endst: No. 4165-66 /DSJ, Bannu

Dated: 12-09-2023

Copy forwarded to:

1. The Senior Civil Judge (Admn), Bannu.
2. The Civil Judge-X, Bannu.

District & Sessions Judge  
Bannu

Seen.  
18/09/23

ATTESTED  
20 JAN 2024

Copying Agency  
Bannu



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**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA**  
**OFFICE OF THE SENIOR CIVIL JUDGE(ADMN), BANNU**

19

	OFF: 0928-662048 FAX: 0928-9270195
	scjbannu@gmail.com

No. 983 / SCJ(ADMN) DATED AT BANNU THE 27/09/2023

To

Mr. Hanif Ullah,  
Naib Nazir/ Junior Clerk of this establishment.

Subject: NOTICE FOR PERSONAL APPEARANCE

Memo,

Consequent upon the reply submitted by you in connection with Final Show Cause notice issued vide this office letter No.955, dated 21.09.2023, your reply was found unsatisfactory. The opportunity of personal hearing is given to you as to why major penalty under rule 4 sub clause (b) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 shall not be imposed upon you.

You are, therefore, directed to appear in person before the undersigned on 05.10.2023.

(Muhammad Asghar)  
Senior Civil Judge(Admn)  
Bannu

27/09/23

ATTESTED

20 JAN 2024

Sealing Agency  
Bannu

In the Court of  
SANAULLAH KHAN, JUDICIAL MAGISTRATE-II,  
BANNU

20

The State Vs Hanifullah etc

Complaint No.40 of 2023.

*Seen. Be placed on the relevant and be put up on the date fixed i.e 31/10/23.*

ORDER  
10/10/2023

PRESENT

SPP for State,

Accused Abdul Rahim Khan & Hanifullah Khan on

bail present.

The accused named above have been involved in complaint abovementioned.

The accused Abdul Rahim Khan verbally requested for disposal of his case on the basis of plead guilty. Formal charge framed against him U/S 162 PPC. Notice under section 243 Cr.PC was given to him, in reply, whereof, he remained adamant and stuck to his plea of guilt.

Considering the nature of offence and clean abreast plea of guilt of the accused, I, while convicting him under section 162 PPC, sentence and convict him to suffer imprisonment for a period of 06 (Six Months).

*10-10-2023*

As the accused is first offender and is not previously involved in like offence. Therefore, the conviction of 06 months imprisonment awarded to him, is placed on probation for the said period. He shall execute personal bonds in the sum of Rs.50,000/-

TESTE  
JAN 2024  
Signature Agency  
Bannu

**ATTESTED**

16 OCT 2023

in the like amount to the satisfaction of Probation Officer, Bannu.

21 He shall also remain peaceful and of good behavior during the period of probation and shall report to the quarter concerned as and when required. In case of violation of the bond, the accused shall suffer simple imprisonment for the period mentioned above. Copy of this order be sent to Probation Officer, Bannu for information and necessary action.

To the extent of co-accused Hanifullah, formal charge U/S 161 PPC was framed against him, to which he pleaded not guilty and claimed trial. Thus, the complainant and all the PWs be put on notice for 11-11-23.

Copy of this order-sheet be sent to the learned SCJ (Admin), Bannu for information.

SANAULLAH KHAN  
Judicial Magistrate-II, Bannu

ATTESTED

20 JAN 2024

Charanda Agarwal  
Clerk Courts Bannu

ATTESTED

16 OCT 2023

Copying Agency  
Lower Courts Bannu

- 1. Registration No: 11457
- 2. Date of Presentation of Application: 16-10-23
- 3. Date of Receipt of the file: 16-10-23
- 4. Date of Preparation of copy: 16-10-23
- 5. Date of Delivery of copy: 16-10-23
- 6. No. of copies / words: 2
- 7. Ordinary Fee: 2
- 8. Urgent Fee: 2
- 9. Total Fee: 2

پشاور بار ایسوسی ایشن، خیبر پختونخواہ	۵۱۸۹۰	۵۰
PESHAWAR BAR ASSOCIATION	ایڈوکیٹ:	
	بار کونسل ایسوسی ایشن نمبر: BC-10-6638	
	رابطہ نمبر: 83005929030	

بعدالت جناب: سروس ٹریبونل لہہ

دعوی:	منجانب: اسپینڈٹ
علت نمبر:	صنف اللہ (اسپینڈٹ)
مورخہ: ۲۰۲۴-۰۱-۲۵	بنام
جرم:	سیریل: ۱۰ صاحب الہدٰی بنوں
تھانہ:	(سازہ نمبر) و نمبر

بامشور آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام پشاور کیلئے ظفر علی خان خاں کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 25 / 01 / 2024

العبد العبد العبد  
صنف اللہ جو سیریل ۱۰ صاحب الہدٰی بنوں  
مقام

(صائل اسپینڈٹ)

Accept  
25/1/24