

FORM OF ORDER SHEET

Appeal No. 319/2024

Date of order proceedings \_\_\_\_\_  
Date of other proceedings with signature of judge \_\_\_\_\_

3

26/02/2024

The appeal of Mr. Saleem Ullah resubmitted today by Mr. Kabir Imam Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat

By the order of Chairman

  
REGISTRAR

The appeal of Mr. Salimullah received today i.e. on 19.01.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Index of the appeal be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal are unattested.
- 4- Memorandum of appeal is not signed by the Counsel.
- 5- Affidavit is not attested by the Oath Commissioner.
- 6- Address of appellant is incomplete be completed according to rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 7- Annexures of the appeal are not in sequence be annexed serial wise as mentioned in the memo appeal.
- 8- In each and every document the name of the appellant be highlighted.
- 9- Copy of departmental appeal and its rejection order in respect of appellant are not attached with the appeal be placed on it.
- 10- Copy of show cause notice and impugned order dated 28.07.2020 mentioned in the memo appeal in respect of appellant are not attached with the appeal be placed on it.
- 11- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 169 /S.T,

DT 24/1 /2024.




REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Kabeer Inam Adv.  
High Court at Peshawar.

Notes

after removal of objection, re-submitted again.



**BEFORE THE HONBLE KHYBER PAKHTUNKHWA**  
**SERVICES TRIBUNAL PESHAWAR**

In Re S.A. 319 /2024

Salimullah

**VERSUS**

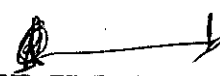
Registrar high court Peshawar and others

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*Appellant*

Through

  
**KABEER IMAM**  
Advocate High Court  
Peshawar.

&

  
Sayyed Zia Ur Rehman  
Advocate High Court  
Peshawar

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**

**PESHAWAR**

Service Appeal No. 319 /2023

Salimullah s/o Said Mula R/o Battal Usheri Tehsil Dir District Dir Upper, Junior clerk  
(BPS-11) District Judiciary Dir Upper..... Appellant

**VERSUS**

1. Registrar Peshawar High Court Peshawar.
2. District & Session Judge, Dir Upper..... Respondents

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 10666

Dated 19-1-2024

**SERVICE APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 14.10.2023 PASSED BY THE HON'BLE PESHAWAR HIGH COURT PESHAWAR, WHEREBY THE APPEAL WAS PARTIALLY ALLOWED AGAINST THE ORDER DATED 28.07.2020 PASSED BY THE RESPONDENT NO.2 WHILE TO THE EXTENT OF RECOVERY OF RS. 1,16,400/- WAS DISMISSED.**

Prayer

On acceptance of this appeal the impugned order dated 14.10.2023 to the extent of recovery Rs 125000/- may kindly be set aside and any other remedy which this August Tribunal deems fit and appropriate that, may also be awarded in favour of the appellant.

**Respectfully Sheweth:**

1. That the Appellant is working in District Judiciary Since 2006 in District Dir Upper and after appointment the appellant performed his duty with full devotion and dedication and no complaint whatsoever has been made against the appellant.

**Re-submitted to -day  
and filed.**

**Registrar**

2. That on initiative of government a letter bearing No. SOR-I(E&AD) 4-17/2020 dated 07.02.2020 was circulated which included a list of government officers/official whose spouses were the beneficiaries of the Benazir Income Support Program, hence in compliance of the same the Peshawar High Court Peshawar vide letter bearing No. 6154-206/Admn: dated 23.04.2020 addressed to all District & Sessions Judges of Khyber Pakhtunkhwa to take disciplinary action against those Govt. Servants who either himself or through spouse, received income support from BISE. **(Copies of letters alongwith list are attached as Annexure-A).**
3. That in compliance of the same a show cause notice dated 04.05.2020 was issued by the respondent No.2 to the appellant in response of which, the appellant properly replied and denied all the allegations. After hearing without conducting proper inquiry passed the impugned order dated 14.09.2020, whereby the accused was imposed and awarded the following penalties i.e.
  - i. With holding of increment for one year non-accumulative effects.
  - ii. Recovery of Rs. 125000/- from the appellant which was received by the appellant's spouse. (Copy of Show Cause notice alongwith order dated 28.07.2020 and reply of show cause notice are attached as annexure B, C).
3. That the appellant aggrieved from the said orders of the respondent No.2 and filed Departmental Appeal under Sub Rule (1) of rule 3 of Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 before the Appellate forum Peshawar High Court Peshawar. After hearing on 14.10.2023, the appeal was partially allowed and set aside the order to the extent of 1 year holding of increments while to the extent of recovery of Rs 125000/- was dismissed. (Copy of the said departmental appeal alongwith consolidated judgment in Appeal No.09 of 2021 (Saifullah Vs DSJ Dir Upper is attached as Annexure-D).
4. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following ground inter alia:

**GROUND S:-**

- A. That the appellant has not been treated in accordance with law and rules and hence his rights secured and granted under the constitution of Islamic republic of Pakistan, 1973 were badly violated.
- B. That no departmental or regular inquiry was conducted against the appellant by the respondent No.2 and no chance of personal hearing has been provided to the appellant and in this respect the appellant relied upon the judgment dated 2008 SCMR page-1369.
- C. That it is a well settled maxim that no one can be condemned unheard because it is against the natural justice of law and in this respect the appellant relied upon a judgment reported on 2008 SCMR page-678.
- D. That no charge sheet or statement of allegation has been issued against the appellant.
- E. That the appellant never applied to the BISP for Financial Support nor received the said amount from the BISP. The BISP programme was launched in the year 2010 which was based on fixed ratio of poverty. At that time there was no any clear policy or rules that Govt. servant or their spouses were not entitled to take benefits from the said income support program. Now the Govt. has changed its policy on 23.12.2019. In this regard Article 12 of the constitution of Islamic Republic of Pakistan is very much clear. Hence, the appellant has not committed any misconduct and is not liable to be punished because neither appellant nor his spouse personally appeared before the interview/officials of the BISP.
- F. That the benchmark/score based/point based was correctorized by the BISP and a general survey was conducted throughout the country in which my spouse was also declared eligible for the support program.
- G. That the appellant has not personally received the amount rather his wife had held eligible for the BISP grant. During BISP survey, my wife had disclosed to the official of the BISP with regard to my govt; service, yet his wife had held entitle for the scheme.
- H. That according to article 12 of the constitution of Islamic Republic of Pakistan, a person cannot be punished retrospectively. when from 20-10-

2012 a person is eligible for a grant till 22-12-2019 how he can be penalized for it.

- I. That any other ground not raised here may graciously be allowed to be raised at the time of arguments on the time of full arguments on the instant service appeal.

It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned order dated 14.10.2023 to the extent of recovery Rs. 125000/- may kindly be set aside and any other remedy which this August Tribunal deems fit and appropriate that, may also be awarded in favour of the appellant.

Any other relief deems fit and appropriate in the circumstances of the instant appeal may also be passed.

*[Signature]*  
Appellant *Through*

Dated:

*Counsel [Signature]*

**NOTE**

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.

*[Signature]*  
Advocate

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**

**PESHAWAR**

Service Appeal No. \_\_\_\_\_/2023

Salimullah..... Appellant

VERSUS

Registrar Peshawar High Court Peshawar etc.... Respondents

**AFFIDAVIT**

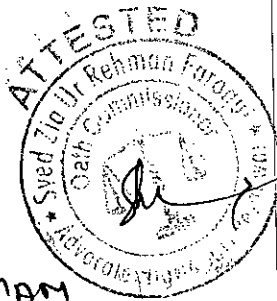
I, Salimullah s/o Said Mula r/o Battal usheri Tehsil Dir Dist; Dir Upper (BPS-11) District Judiciary Dir Upper, do hereby solemnly affirm and declare on oath that the contents of the accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

identified



KABEER IMAM

High Court, Peshawar



  
DEPONENT



(B)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**

**PESHAWAR**

C.M No. \_\_\_\_\_ /2023

In

Service Appeal No. \_\_\_\_\_ /2023

Salimullah.....Appellant

VERSUS

Registrar Peshawar High Court Peshawar etc....Respondents

**APPLICATION FOR SUSPENSION OPERATION OF THE  
IMPUGNED ORDER DATED 14.10.2023 PASSED BY THE  
HONORABLE PESHAWAR HIGH COURT PESHAWAR, TO THE  
EXTENT OF RECOVERY, TILL THE FINAL DISPOSAL OF THE  
MAIN SERVICE APPEAL.**

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**Respectfully Sheweth:**

1. That the titled Service Appeal is being filed before this Hon'ble Tribunal in which no date of hearing is fixed.
2. That the grounds of main appeal may be considered as integral part of this application.
3. That the balance of convenience also lies in favour of the appellant.
4. That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.
5. That if the operation of the impugned order dated 14.10.2023 to the extent of recovery is not suspended then the appellant would suffer irreparable loss.

It is, therefore, most humbly prayed that by accepting this application, the operation of the impugned order dated 14.10.2023 to the extent of recovery may please be suspended to the extent of the appellant, till the final disposal of the main appeal.

Dated:

  
Appellant

  
Counsel

Through

(F)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**

**PESHAWAR**

C.M No. /2023

In  
Service Appeal No: /2023

Salimullah.....Appellant  
VERSUS

Registrar Peshawar High Court Peshawar etc....Respondents

**AFFIDAVIT**

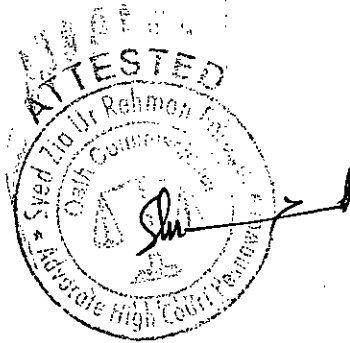
I, Salimullah s/o Said Mula r/o Battal usheri Tehsil Dir District Dir Upper (BPS-11) District Judiciary Dir Upper, do hereby solemnly affirm and declare on oath that the contents of the accompanying Suspension Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

  
DEPONENT

Identified



by  
Kabeer IMAM  
Advocate, High  
Court Peshawar



(8)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**

**PESHAWAR**

C.M No. /2023

In

Service Appeal No. /2023

Salimullah..... Appellant

**VERSUS**

Registrar Peshawar High Court Peshawar etc.....Respondent.

**APPLICATION FOR CONDONATION OF DELAY IN FILING THE INSTANT SERVICE APPEAL.**

Respectfully Sheweth:


1. That the accompanying service appeal is being filed before this Hon'ble Tribunal, which is yet to be fixed for its hearing.
2. That the delay if any in filing the captioned service appeal is neither intentional nor deliberate but due reason that the appellant approached for the copies of the impugned judgment from the appellate forum but the said copies were issued to the appellant after lapse of long time.
3. That the appellant is belongs to the backward and for-flung area of District Dir Upper wherefrom the appellant proceeded for the composing of instant appeal in time but the appellant was unable to complete all the needful formality for submission of the instant appeal
4. That valuable rights of the applicant/appellant are involved, therefore, it is just, fair as well as in the larger interest of justice that the delay in filing the instant appeal be condoned.

It is, therefore, prayed that by accepting this application, the delay in filing the instant appeal may please be condoned in the best interest of justice.

Dated:

  
Appellant

Through

Counsel 

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A \_\_\_\_\_/2024

Salim ullah


**VERSUS**

Registrar high court Peshawar and others

**AFFIDAVIT**

I , Salim ullah S/o Said Mula R/O Battal usheri Disstt and Tehsil Dir Upper, Junior Clerk(Bps-11) District Judiciary Dir Upper do hereby solemnly affirm and declare that all the contents of the accompanied appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

DEPONENT

Identified By   
KABEER IMAM  
Advocate High Court  
Peshawar.



**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A \_\_\_\_\_/2024

Salim Ullah

**VS**

Registrar Peshawar High Court Peshawar & others

**ADDRESSES OF PARTIES**

**APPELLANT.**

Salim ullah S/o Said Mula R/O Battal usheri Disstt and Tehsil  
Dir Upper, Junior Clerk(Bps-11) District Judiciary Dir Upper .

**RESPONDENTS:**

1. Registrar Peshawar High Court Peshawar.
2. Distt and Session Judge Dir Upper.

dated:7-01-2024

*Appellant*

Through



**KABEER IMAM**  
Advocate High Court  
Peshawar.

&

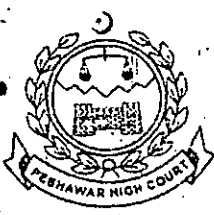


**Sayyed Zia ur Rehman**  
Advocate High court  
Peshawar

AM

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Annex A



The PESHAWAR HIGH COURT Peshawar

All communications should be addressed to the Registrar Peshawar High Court, Peshawar and not to any official by name. Exch: 9210149-58 Off: 9210135 Fax: 9210170 www.peshawarhighcourt.gov.pk info@peshawarhighcourt.gov.pk phcpsh@gmail.com

No. 6/54-201/ADMN

Dated Pesh the 23/04/2020

To: Mr. Justice

- 1. All the District & Sessions Judges/ZQs in the Khyber Pakhtunkhwa.
2. All the Judges of Anti-Terrorism Courts in the Khyber Pakhtunkhwa.
3. All the Senior, Civil Judges/AIQ in the Khyber Pakhtunkhwa.
4. The Presiding Officers, Labour Courts, Swat & Mardan.

Subject: GOVERNMENT OF KHYBER PAKHTUNKHWA EMPLOYEES OR THEIR SPOUSES WHO WERE BENEFICIARIES OF BENAZIR INCOME SUPPORT PROGRAMME (BISP).

Sir,

I am directed to refer to the subject noted above and to forward herewith list of employees of your respective establishments, who either themselves or their spouses were receiving BISP cash grant with the remarks that Hon'ble the Chief Justice has been pleased to direct that disciplinary proceedings be initiated against the delinquent officials by dispensing inquiry, by adopting shorter procedure as per rule-7 of the Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline) Rules, 2011, issuing show cause notices, as ample evidence is available on file, under intimation to this Court, please.

Sincerely yours,

(KHAWAJA WAJAH-UD-DIN) REGISTRAR

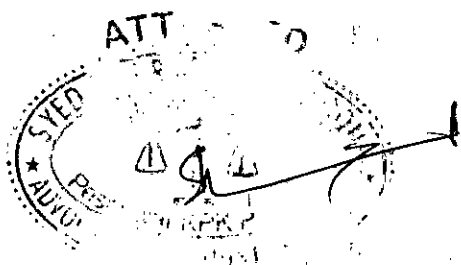
COPIES ATTESTED... PESHAWAR HIGH COURT PESHAWAR



(W)

**LIST OF EMPLOYEES OF CIVIL COURTS THROUGHOUT KPK WHO WERE BENEFICIARY OF BISP**

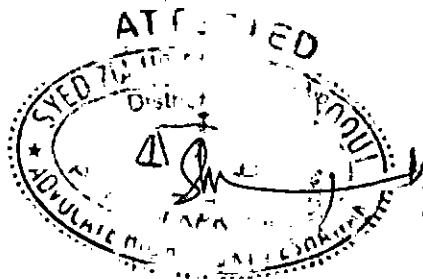
| S No. | Name with Pay Scale      | F/Name          | NIC             | Cost Center      |
|-------|--------------------------|-----------------|-----------------|------------------|
| 1     | Zer Rehman (BPS-04)      | Muhammad Luqman | 11101-1457479-5 | SCJ B----        |
| 2     | Zakirullah (BPS-16)      | Sabir Khan      | 15505-0209199-7 | SCJ, Shangla     |
| 3     | Zahoor Khan (BPS-03)     | Abdul Jabbar    | 14301-1921825-9 | SCJ, Kohat       |
| 4     | Zahirullah (BPS-11)      | Mir Janan       | 14203-2036522-7 | SCJ-----         |
| 5     | Zahidullah Khan (BPS-03) | Muhammad Akbar  | 11101-8245247-5 | SCJ-----         |
| 6     | Waris Khan (BPS-03)      | Roshan Khan     | 13504-7864737-5 | SCJ, Manshara    |
| 7     | Wali Rahman (BPS-03)     | Fazal Rahman    | 15602-7076416-5 | SCJ, Swat        |
| 8     | Usman Ghani (BPS-11)     | Mir Sahib Khan  | 11201-3366685-5 | SCJ, Peshawar    |
| 9     | Umer Ayaz (BPS-04)       | Sher Dad        | 11201-0396766-7 | SCJ-----         |
| 10    | Umar Janan (BPS-06)      | Sakhi Janan     | 14202-1329398-7 | SCJ-----         |
| 11    | Tariq Ali (BPS-05)       | Khewa Noor      | 15101-2132812-7 | SCJ-----         |
| 12    | Suleman Shah (BPS-11)    | Mir Badshah     | 14301-1990764-1 | SCJ, Kohat       |
| 13    | Shamsul Qamar (BPS-06)   | Shah Nazar      | 15501-1209371-3 | Process Serv---- |
| 14    | Shah Dawran (BPS-06)     | Johar           | 15602-8039587-1 | SCJ, Swat.       |
| 15    | Samiullah (BPS-05)       | Sakhi Jan       | 15601-1006682-1 | SCJ, Swat        |
| 16    | Salimullah (BPS-11)      | Saidullah       | 15701-1229525-5 | SCJ-----         |
| 17    | Saleem Khan (BPS-11)     | Sikandar Khan   | 12201-0985463-3 | SCJ-----         |
| 18    | Salahuddin (BPS-03)      | Sarfaraz        | 15501-2235703-3 | SCJ, Shangla     |
| 19    | Sajid Masih (BPS-04)     | Sadiq Musih     | 11101-3653114-7 | SCJ, B-----      |
| 20    | Sajidullah (BPS-03)      | Mustafa Kamal   | 17301-7444731-7 | SCJ, Peshawa     |
| 21    | Saifullah Almas (BPS-18) | Ayub Gul        | 14301-8629128-3 | SCJ, B-----      |
| 22    | Saiful Islam (BPS-03)    | Muhammad Iqbal  | 16202-0904980-5 | SCJ, S-----      |
| 23    | Said Nazar (BPS-04)      | Gul Nazar       | 15602-1330326-3 | SCJ, Swat        |
| 24    | Sabar Jameel (BPS-16)    | Noor ul Huda    | 13401-1503435-7 | SCJ K C-2-       |
| 25    | Sabar Zada (BPS-04)      | Nassarai        | 15501-2996084-7 | SCJ, Shan        |



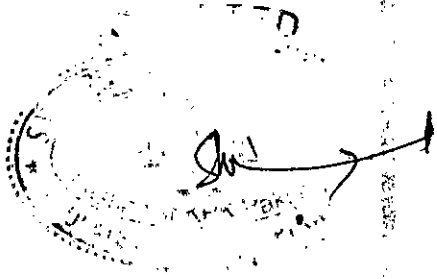
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| S No. | Name with Pay Scale      | F/Name           | NIC             | Cost Center     |
|-------|--------------------------|------------------|-----------------|-----------------|
| 26    | Sabir Ali (BPS-11)       | Muhammad Qayum   | 15501-2246161-1 | SCJ, Shangla    |
| 27    | Riaz Ahmad (BPS-11)      | Rahimdad Khan    | 16101-8093741-9 | SCJ, M-----     |
| 28    | Raj Wali Khan (BPS-06)   | Chaman Gul       | 17101-0307654-3 | SCJ, C-----     |
| 29    | Rahmatullah (BPS-04)     | Samin Gul        | 17301-1636503-5 | SCJ, Peshawar   |
| 30    | Pashmin Khan (BPS-04)    | Jafoor Khan      | 15602-6152658-9 | SCJ, Swat       |
| 31    | Obaidullah Jan (BPS-06)  | Said Khan        | 12201-1899467-9 | SCJ-----        |
| 32    | Paiqa Khan (BPS-04)      | Gul Zamin        | 15502-6155213-9 | SCJ, Shangla    |
| 33    | Noor Akbar Khan (BPS-11) | Noor Hamad Khan  | 15101-6154369-5 | SCJ, B-----     |
| 34    | Nizam Din (BPS-06)       | Shams ud Din     | 13401-1504912-9 | Pr.Ser.Agen;--- |
| 35    | Namos Khan (BPS-11)      | Amir Zada        | 15505-5165534-5 | SCJ, Shangla    |
| 36    | Naib Khan (BPS-04)       | Mazeef Khan      | 11101-9709073-9 | SCJ, B-----     |
| 37    | Naeem Ali (BPS-11)       | Muhammad Unas    | 15501-4442219-3 | SCJ, Shangla    |
| 38    | Muhammad Zada (BPS-04)   | Nasray Mian      | 15501-4702424-5 | SCJ, Shangla    |
| 39    | Muhammad Yousaf (BPS-03) | Muhammad Jan     | 12102-7971028-5 | SCJ, C-----     |
| 40    | Muhammad Saleem (BPS-11) | Nassrullah Jan   | 12201-2903012-5 | SCJ, P.S.-----  |
| 41    | Muhammad Ramzan (BPS-06) | Ahmad Din        | 12101-2226103-1 | SCJ, D.I.Khan   |
| 42    | Muhammad Raheem (BPS-06) | Islam Mir        | 14101-9637997-1 | SCJ, H-----     |
| 43    | Muhammad Naeem (BPS-11)  | Ghulal Rafique   | 14301-1145693-3 | SCJ, Kohat      |
| 44    | Muhammad Khalid (BPS-11) | Wali Muhammad    | 13101-0952211-5 | SCJ, Abbottabad |
| 45    | Muhammad Ishaq (BPS-05)  | Bazgul Khan      | 14101-9273563-1 | SCJ, H-----     |
| 46    | Muhammad Ilyas (BPS-06)  | Sher Amin Khan   | 15306-3924086-5 | SCJ, T-----     |
| 47    | Muhammad Ijaz (BPS-05)   | Noor Hussain     | 13101-9567932-3 | SCJ, Abbottabad |
| 48    | Muhammad Hanif (BPS-16)  | Muhammad Zamin   | 42501-2412727-5 | SCJ, Shangla    |
| 49    | Muhammad Didar (BPS-11)  | Taj Bakht Sultan | 15501-2241099-9 | SCJ, Shangla    |
| 50    | Muhammad Ayaz (BPS-05)   | Hazrat Jee       | 15602-0431124-3 | SCJ, Swat       |
| 51    | Muhammad Astam (BPS-06)  | Muhammad Zaman   | 13101-0992972-1 | SCJ, Abbottabad |





| S No. | Name with Pay Scale            | F/Name             | NIC             | Cost Center      |
|-------|--------------------------------|--------------------|-----------------|------------------|
| 52    | Muhammad Amin (BPS-11)         | Sazah              | 15602-5652341-5 | SCJ, Swat        |
| 53    | Muhammad Afsar (BPS-14)        | Abdul Khaliq       | 15501-9352704-7 | SCJ, Shangla     |
| 54    | Muhammad Javed Akhtar (BPS-04) | Mir Afzal          | 13302-5235370-3 | SCJ-----         |
| 55    | Muhammad Ismail (BPS-14)       | Mohammad Anwar     | 15501-5818692-9 | SCJ, Shangla     |
| 56    | Mehdi Hassan (BPS-04)          | Allah Bakhsh       | 12101-0478751-9 | SCJ, D.I.Khan    |
| 57    | M. Saleem (BPS-16)             | Gul Azam           | 17101-0284480-3 | SCJ, Haripur     |
| 58    | Liaqat Ullah (BPS-16)          | Hamidullah         | 12201-9006481-5 | SCJ-----         |
| 59    | Kiramat Khan (BPS-14)          | Sher Muhammad Khan | 17301-1398718-1 | SCJ, Charsadda   |
| 60    | Jan Alam Khan                  | Umat Khan          | 15301-1941982-9 | SCJ-----         |
| 61    | Itbar Gul (BPS-04)             | Ali Haider         | 15501-2252541-7 | SCJ, Shangla     |
| 62    | Inayatullah (BPS-14)           | Said Hussain       | 15702-2483811-9 | SCJ-----         |
| 63    | Ihsan Muhammad (BPS-06)        | Nazir Muhammad     | 15101-6611164-1 | SCJ, B-----      |
| 64    | Hifazat Hussain (BPS-05)       | Israf Gul          | 17301-4315309-9 | SCJ, Peshawar    |
| 65    | Hazrat Ali Chaman (BPS-05)     | Chinar             | 13401-3823863-7 | Pr.Ser.Agency--  |
| 66    | Hasham Khan (BPS-05)           | Mohammad Zahir     | 13202-0719996-7 | SCJ, Peshawar    |
| 67    | Gul Anwar (BPS-06)             | Sherbat Khan       | 12201-3784687-1 | SCJ, Charsadda   |
| 68    | Ghulam Qasim (BPS-04)          | Faizullah          | 11201-5400536-7 | SCJ, Charsadda   |
| 69    | Ghulam Nabi (BPS-16)           | Abdul Khaliq       | 13202-0757320-3 | Proc. Ser.Agency |
| 60    | Fida Hussain (BPS-04)          | Iqbal Hussain      | 17301-1264256-1 | SCJ, Peshawar    |
| 61    | Fidaullah (BPS-06)             | Najeebullah Khan   | 11201-0362964-1 | SCJ, Charsadda   |
| 62    | Fazal Rabi (BPS-11)            | Ghulam Nabi        | 17301-7001361-1 | SCJ, Peshawar    |
| 63    | Faridullah (BPS-11)            | Khairullah         | 15701-1528698-9 | SCJ-D,-----      |
| 64    | Faizul Haq (BPS-06)            | Fazal Haq          | 15602-8155520-5 | SCJ, Swat        |
| 65    | Ejaz Ahmad (BPS-05)            | Raziq Khan         | 61101-2625933-9 | SCJ, Haripur     |
| 66    | Dost Muhammad (BPS-04)         | Muhammad Gul       | 14301-2061942-9 | SCJ, Kohat       |
| 67    | Bahramand (BPS-04)             | Said Ahmad         | 15601-1021300-9 | SCJ, Swat        |



| S No. | Name with Pay Scale        | F/Name           | NIC             | Cost Center     |
|-------|----------------------------|------------------|-----------------|-----------------|
| 68    | Azat Gul (BPS-14)          | Sahib Gul        | 15602-0336226-5 | SCJ, Swat       |
| 69    | Asmatullah Khan (BPS-16)   | Amir Sabib Khan  | 11201-3048856-1 | SCJ, Charsadda  |
| 70    | Aslam Khan (BPS-04)        | Saif ullah Khan  | 11201-7090454-7 | SCJ, Charsadda  |
| 71    | Arshad (BPS-03)            | Abdul Kamal Khan | 15402-7693442-1 | SCJ, B-----     |
| 72    | Aqeel Ahmad (BPS-05)       | Muhammad Yousif  | 13101-5887245-1 | SCJ, Abbottabad |
| 73    | Anwar ullah (BPS-03)       | Yousaf Khan      | 16202-0126366-5 | SCJ, S-----     |
| 74    | Amir Zeb (BPS-11)          | Jan Muhammad     | 17201-0873944-9 | SCJ, Nowshera   |
| 75    | Ali Zar (BPS-03)           | Sher Goli        | 15202-0818158-1 | SCJ, Charsadda  |
| 76    | Alamgir Khan (BPS-05)      | Jehangir Khan    | 12103-1498384-7 | SCJ, D.I.Khan   |
| 77    | Akhtar Nawaz Khan (BPS-04) | Rabnawaz Khan    | 11101-1461157-7 | SCJ, B-----     |
| 78    | Akbar Ali (BPS-19)         | Hazrat Jan       | 17301-8978164-7 | SCJ, Nowshera   |
| 79    | Akbar Ali (BPS-05)         | Jehangir Khan    | 17101-0392643-1 | SCJ, Charsadda  |
| 80    | Akbar Ali (BPS-03)         | Gul Jamal        | 15602-0494942-3 | SCJ, Swat       |
| 81    | Akbar Nawaz Khan (BPS-11)  | Gul Nawaz Khan   | 11101-4902417-3 | SCJ, B-----     |
| 82    | Abdur Rashid (BPS-04)      | Shah Roz         | 15602-0532176-9 | SCJ, Swat       |
| 83    | Abdur Rashid (BPS-07)      | Muhammad Farid   | 13503-9299954-5 | SCJ, Mansehra   |
| 84    | Abdul Samad (BPS-03)       | Murad Khan       | 15202-0809978-1 | SCJ, Charsadda  |
| 85    | Abdul Manan (BPS-06)       | Mir Baz Khan     | 11201-0377729-9 | SCJ, Peshawar   |
| 86    | Abdul Ghaffar (BPS-14)     | Sher Murad Khan  | 15201-0554842-1 | SCJ, Charsadda  |
| 87    | Abdul Akbar (BPS-03)       | Muhammad Umar    | 15602-5522109-5 | SCJ, Swat       |
| 88    | Ajab Khan (BPS-14)         | MR Khawaja       | 11101-1432259-9 | SCJ, B-----     |
| 89    | Shaman Ali (BPS-05)        | Elman Ali        | 21603-8899592-5 | Civil Court     |
| 90    | Shah Faisal (BPS-11)       | Zareef Khan      | 13403-8137414-3 | Civil Court     |
| 91    | Shafiullah (BPS-03)        | Gul Saleem Khan  | 12201-6033286-5 | Civil Court     |
| 92    | Muhammad Younis (BPS-05)   | Noor Muhammad    | 12201-2233263-7 | Civil Court     |
| 93    | Muhammad Ismail (BPS-05)   | Muhammad Taib    | 14101-7044515-9 | Civil Court     |
| 94    | Khan Alam (BPS-06)         | Haji Pukhtoon    | 13403-9817005-1 | Civil Court     |

18

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



Annex

Annex (B)

(17)

Office of the

DISTRICT & SESSIONS JUDGE/ ZILLA QAZI DIR UPPER

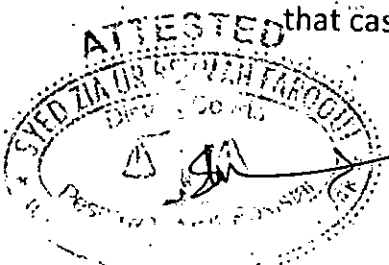
No. 301/44 of DSJ/ZQ Dir Upper dated 04/05/2020  
Office # 0944-880721, Fax# 0944-880721, Email: dc\_diru@yahoo.com

(2)

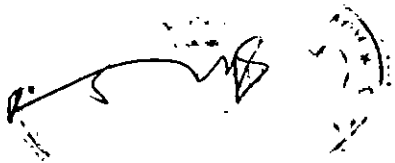
SHOW CAUSE NOTICE

I, Kashif Nadeem, District & Sessions Judge/ Zilla Qazi, Dir Upper, as Competent Authority, under The Khyber Pakhtunkhwa Govt: Servants (E&D) Rules, 2011, do hereby serve you, Mr. Salimullah, Junior Clerk BPS-11, District Judiciary Dir Upper as follows;

1. Whereas, information received vide letter No. 6154-206/Admn: Dated: 23/04/2020 of the august Peshawar High Court Peshawar, with an enclosed list showing names of the Govt: officials who are beneficiaries of the Benazir Income Support Program; it appears that your name is listed in the said list of beneficiaries; which is an act unbecoming of a good official on your part.
2. Your above act and omission makes it evident that you are guilty of misconduct, which is a valid ground for initiation of disciplinary action as prescribed under Rule-03 of The Khyber Pakhtunkhwa Govt: Servants (E&D) Rules, 2011. Furthermore, the documentary evidence of listing of your name in the beneficiaries of BISP, makes your misconduct, sufficiently palpable, that being competent Authority, I hereby dispense with an inquiry against you under Rule-07 of The Khyber Pakhtunkhwa Govt: Servants (E&D) Rules, 2011 and tentatively decide to impose upon you one or more penalties as provided under Rule-04 of The Khyber Pakhtunkhwa Govt: Servants (E&D) Rules, 2011.
3. You are therefore, served with this show cause notice, as to why the aforementioned penalties be not imposed upon you, and also to intimate whether you desire to be heard in person.
4. If no reply to this show cause notice is received within fifteen days of its delivery, it shall be presumed that you have no defense to put up, and in that case, an ex-parte action shall be taken against you.



*(Signature)*  
KASHIF NADEEM  
District & Sessions Judge/ Zilla Qazi  
Dir Upper



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- 1- ...
- 2- ...
- 3- ...
- 4- ...

44/302/DSJ/ZQ Dtr ... (Upper) ...

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Annex - C

Annex (c)

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Office of the

**DISTRICT & SESSIONS JUDGE/ ZILLA QAZI  
DIR UPPER**

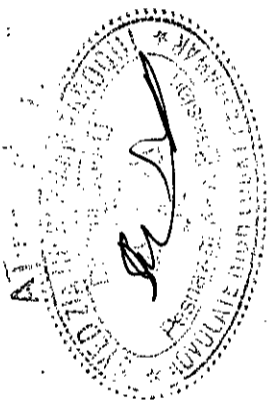
Office # 0944-880721, Fax # 0944-880721, Email: dc\_diru@yahoo.com

**ORDER**

WHEREAS, vide letter No.6154-206/Admn dated 23/04/2020, august Peshawar High Court, Peshawar Shared list of officials including you **Mr. Salim Ullah** son of **Said Ullah** posted as **Junior Clerk BPS-11** at District Judiciary Dir Upper who either himself or through spouse were receiving the BISP cash grant.

AND WHEREAS disciplinary proceedings against the accused/official under Government of Khyber Pakhtunkhwa, Civil Servant (E&D) Rules, 2011, were initiated by dispensing with the inquiry under Rule 07 of the Khyber Pakhtunkhwa, Civil Servant (E&D) Rules, 2011 and accordingly show cause notice dated 04/05/2020 was issued to the accused/official on the charges of being guilty of misconduct under Rule 03 of the rules *ibid*. The accused/official submitted reply and was heard in person. During personal hearing, he admitted the receipt of the amount through his spouse.

AND WHEREAS after confirmation of the amount due against the accused/ official from the Assistant Director B.I.S.P District Dir Upper, vide letter No. AD/BISP/Dir-Sub/Admin/2-1/2012/Volume-III/92, dated 16 July, 2020, the charges leveled against the accused/ official stands sufficiently proved.

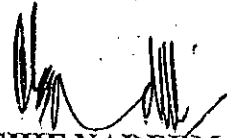


NOW, THEREFORE, I being competent authority impose the following penalties upon the accused/ official as enumerated in Rule-4(1)(a)(ii)(iii) of the Government of Khyber Pakhtunkhwa Civil Servant (E&D) Rules, 2011.

1. It is ordered that, Rs. 1,25,500/- be recovered from the pay of the accused/ official and be deposited in the State Exchequer under Ruel-4(1)(a)(iii) of the *ibid* Rules, 2011.

He is also awarded a penalty of withholding increment for one year with non-accumulative effect under Rule-4(1)(a)(ii) of the *ibid* Rules, 2011.


The office is directed to recover Rs. 1,25,500/- from the pay of the accused/ official in and be deposited in the state Exchequer and submit a detailed report in that respect.

  
KASHIF NADEEM  
District & Sessions Judge/ZQ  
Dir Upper

No. 642-47 /DSJ/ZQ Dir Upper dated 28/07/2020

Copy of the above is forwarded to;

1. The worthy Registrar, Peshawar High Court, Peshawar.
2. The Senior Civil Judge/AIQ (Admn) Dir Upper
3. The District Accounts Officer Dir Upper.
4. The Assistant Director, B.I.S.P District Dir Upper.
5. Budget & Accounts Assistant Sessions Court Dir Upper.
6. The Official concerned by name.

  
District & Sessions Judge/ZQ  
Dir Upper

*In respect of The Registrar Peshawar High Court Peshawar.*

Appeal / Mercy petition against order of the learned District Judge Competent Authority Dir upper dated 28-7-2020 in connection with the penalty imposed under Benzair income support program(BISEP)

Respectfully submitted;

**FACTS;**

1. That the undersigned is currently working against the post of Junior Clerk (BPS) 11 in District Judiciary Dir Upper.
2. That an inquiry was initiated against the undersigned on dated 23-4-2020 on account of the fact that the wife of undersigned has received financial assistance from BISP w-e-f(17-3-2014) to 08-11-2019.
3. That the said inquiry culminated in an order dated: 28/07/2020, whereby the undersigned along with other (number) officials were exposed to Disciplinary Action under Rule 04 (I)(a)(iii) of Government of Khyber Pakhtunkhwa Civil Servant (E&D) Rules 2011, on imposition of penalty for the recovery of an amount of R's. (107,800/-) and withholding of increment fair one year with non-accumulative effect.
4. Aggrieved from the said order, the instant appeal/mercy petition for the setting aside of the order dated: 28/07//2020 and exoneration of undersigned from the imposition of penalty on sympathetic and humanitarian ground's is submitted for your kind consideration please.



**GROUND'S**

- i. That the BISP, has devised an eligibility criterion on the basis of point based marking, of the deserving candidates, under rule 11 of BISP through a Board and in this connection to pin point eligible candidates a detailed field survey is carried out by the officials of BISP of their own accord
- ii. The wife of the undersigned has never filed any application to the BISP, nor has approached their officials for receiving any financial assistance, however the field officials of the BISP had come the house of the undersigned of their own accord, during Office hours and in my absence for the registration of my wife as a candidate for financial assistance. the officials of the BISP in accordance with their rules, held my wife entitled after I having been interviewed, wherein no fact was suppressed by my wife



- V/S
- iii. Revered sir, we are poor people, living hand to mouth in tough economic conditions and cannot spend on any needs of the members except food and the basic necessities. Therefore, the BISP officials while taking into consideration all the relevant facts and circumstances, allowed financial assistance to the wife of undersigned without the knowledge of the undersigned. \_\_\_\_\_
- iv. There were no conditions publicized that the members of a Government servant of menial scale, cannot receive the financial assistance, therefore the financial assistance received by the wife of undersigned was not in violation of any law or rules, and furthermore should not adversely affect the service and career of the undersigned.

The undersigned has neither applied for, nor ever received any financial assistance from BISP whatsoever, nor has committed any other act Reflecting misconduct on my part, but for the negligence committed by the officials of BISP, the undersigned has received illegal penalty from the competent authority.

- vi. That the new rules of BISP were devised in the year 2019, wherein the criterion of financial assistance stood revised, and they do not carry any retrospective effect, therefore cannot be legally and morally applied to the financial assistance received prior to year 2019.
- vii. That the delay in filing the instant Appeal/Merry petition may very Graciously be condoned, as technicalities must be awarded in the interest of Justice.
- viii. For the reasons mentioned above, since the financial Assistance if any, has not been received by the undersigned therefore, the undersigned should not be punished for an act not committed by him. My wife did not apply or demand any financial assistance, rather the officials of the BISP program during their survey held by wife entitled to the financial. I assistance, if at all due to their own negligence. The undersigned has most certainly not violated any law or rules and therefore cannot be held accountable for misconduct on account of mistake committed by the Officials of BISP or my wife.

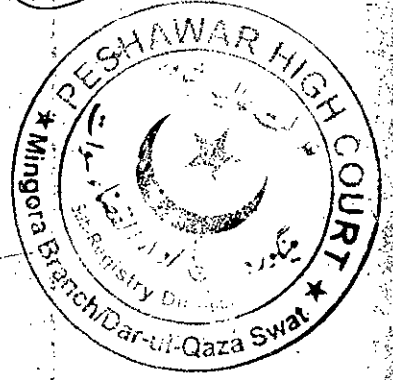
Therefore, it is very humbly prayed that, keeping in view the poor financial status of the undersigned and the economic crises that we all are going through post Covid-19 pandemic, the illegal penalty imposed against the undersigned may very mercifully and kindly be set-aside, adhering to the norms of justice and purely on humanitarian and sympathetic grounds, while condoning the delay in filing of the instant Appeal / Mercy Petition.

I shall remain eternally obliged and compliant as always.

Yours most obediently,

Salim Ullah





*Judgment Sheet*

**PESHAWAR HIGH COURT, PESHAWAR.  
JUDICIAL DEPARTMENT**

**Departmental Appeal No.14 of 2021**

**Saleem Ullah**

**Versus**

**District and Sessions Judge/ Zilla Qazi Dir Upper.**

Appellant in person.

Date of hearing : 14.10.2023

**ORDER**

**ISHTIAQ IBRAHIM, J.-** For reasons recorded in connected

Departmental Appeal No.10 of 2020 titled "Zakirullah

Assistant/COC (BPS-16) District Judiciary Shangla Vs.

District & Sessions Judge/Zilla Qazi, Shangla", this

Departmental Appeal is disposed of in terms thereof. Office is

directed to place copy of the judgment on this file.

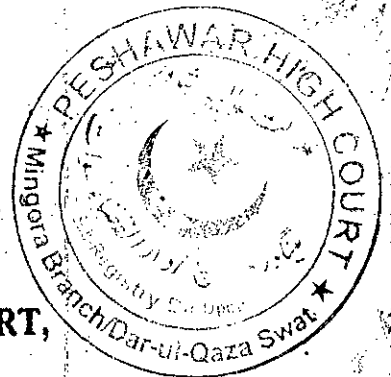
**Announced.**

**14.10.2023.**

**Senior Puisne Judge/  
Appellate Authority**

Hon'ble Mr. Justice Ishfaq Ibrahim,  
(Asst. Jm. Sr. S.S)

**ATTESTED**  
Allowed as per procedure  
Under the rules  
Dated 21-12-2023  
**EXAMINER**  
PHC Mingora Branch  
Sub-Registry Dir Upper



**JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT,  
PESHAWAR**

*(Judicial Department)*

Departmental Appeal No.10/2020

Zakirullah Assistant/COC (BPS-16) District  
Judiciary Shangla

Versus

District & Sessions Judge/Zilla Qazi, Shangla

**JUDGMENT**

Date of hearing: 14.10.2023

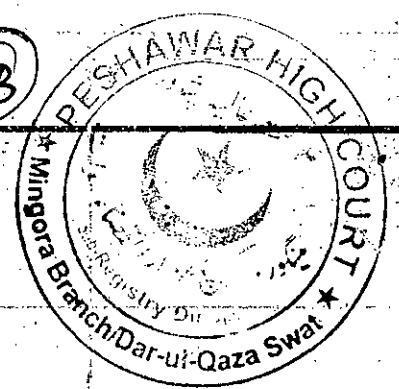
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**ATTESTED**  
Allowed as per procedure  
Under the rules  
Dated 21.12.2023  
**EXAMINER**  
PHC Mingora Branch  
Sub-Registry Dir Upper

**ISHTIAQ IBRAHIM, J.-** This single judgment is meant to decide the instant Departmental Appeal as well as the connected Departmental Appeals, list of which is attached with the judgment as Annexure-A (consisting 02 pages)

2. Brief facts leading to instant Departmental Appeals are that Benazir Income Support Programme (BISP) was launched with two main objectives; to cushion the adverse impact of the food, fuel and financial crisis on the poor; and a longer terms objective of providing a minimum income support package to the unprivileged and to those most vulnerable to future shocks. The Government unearthed a scam relating to Benazir Income Support Programme (BISP). It was found that the amount was received by such persons/employees of the subordinate judiciary who were

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not entitled to BISP. In this regard a list of illegal recipients was shared with Peshawar High Court Peshawar which was further transmitted to all the District & Sessions Judges/ZQs/Judges of Anti-Terrorism Courts/Senior Civil Judges/AIQ and the Presiding Officers of Labour Courts in the Khyber Pakhtunkhwa with directions that disciplinary proceedings be initiated against the delinquent officials by dispensing with inquiry and adopting shorter procedure under rule-7 of the Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline) Rules, 2011. Disciplinary action was initiated against the illegal recipients/employees and the following penalties were imposed upon them.

- i. *Penalty of withholding of increments.*
- ii. *Recovery of the amount/aid received in BISP.*

3. Feeling aggrieved the employees have filed these Departmental Appeals under Sub Rule (1) of Rule 3 of Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986.

4. Heard.

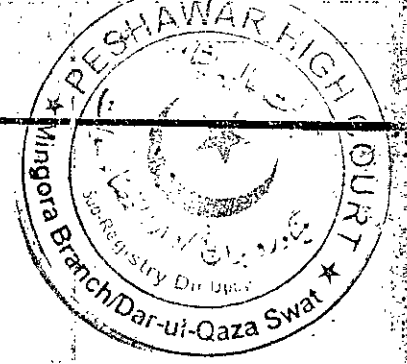
5. On record there is an office order dated 26.09.2020, passed by Hon'ble the then Chief Justice Mr. Waqar Ahmad Seth (late), wherein, identical matters/departmental appeals of the employees of Peshawar High Court Peshawar were accepted and decided in the following manners;

- i. *The penalty of stoppage of increment is set aside/recalled/reviewed.*

**ATTESTED**

Allowed as per procedure  
Under the rules  
Dated 21.12.2023  
**EXAMINER**  
PHC Mingora Branch  
Sub-Registry Dir Upper

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- II. Office shall recover in 10 equal installments from these Officials the amount received from BISP either by the Official himself or through his spouse. The target date to reckon while calculating the installments is the date the official was employed in this Court. Thus, the amount received earlier thereto would not come within the ambit of this recovery.
- III. The Director Budget & Accounts and the respective Account Officers of the District Judiciary (as the case may be) shall make necessary calculation after verification of record and shall issue necessary vouchers for payment of the said amount.
- IV. If for any reason there is a default in payment of installment, then the amount shall be recoverable from the salary of the concerned officials.

**ATTESTED**

6. The cases of the present appellants are no more different from the cases of the appellants/employees dealt with in the order supra, therefore, following the ratio of order *ibid* these appeals are partially accepted and disposed of in the terms that;

Allowed as per procedure  
Under the rules  
Dated 21.12.2023  
**EXAMINER**  
PHC Mingora Branch  
Sub-Registry Dir Upper

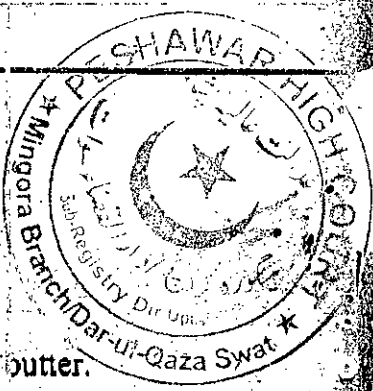


- a. The penalty of stoppage of increment is set aside.
- b. Recovery of amount received by the appellants or their spouses from BISP (if not already recovered) shall be made from the appellants in monthly installments in the following manner;
 

|                  |                      |
|------------------|----------------------|
| BPS-1 to 5       | Rs.4000/- per month. |
| BPS-6 to 11      | Rs.7000/- per month. |
| BPS-11 and above | Rs.8000/- per month. |
- c. If the appellants want to deposit the entire amount, he may deposit the same with the concerned authority. The determination/calculation of the amount to be recovered from the employees should be reckoned from the date of entry into service/appointment. Thus, the amount received earlier thereto would not come within the ambit of this recovery.

7. So for as Departmental Appeal No.10/2020, titled "Zakirullah Vs. District & Sessions Judge, Shangla", is concerned, Superintendent, District & Sessions Judge, Shangla, appeared and stated that the appellant has passed away in the year 2020, and his widow is receiving his

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pension which is the only source of their bread and butter. Therefore, keeping in view the special circumstances Rs.3000/- per month shall be recovered from her pension to make the recovery good.

8. In view of above, the instant and the connected Departmental Appeals are disposed of in the above terms.

**ATTESTED**

Announced  
14.10.2023

*[Handwritten signature]*  
**SENIOR PUISNE JUDGE/  
APPELLATE AUTHORITY**

Allowed as per procedure  
Under the rules  
Dated 21.12.2023  
**EXAMINER**  
PHC Mingora Branch  
Sub-Registry Dir Upper

*Hon'ble Mr. Justice Ishfaq Ibrahim, Senior Puisne Judge/Appellate Authority.*

CERTIFIED TO BE TRUE COPY  
Dated 21.12.2023

*[Handwritten signature]*  
**Examiner**  
Peshawar High Court, Mingora/Dar-ul-Qaza Swat  
Authorized under Article 37 of Qanun Shahadat Ordinance 1984  
Sub-Registry Dir Upper

SNO. 98 *[Handwritten Urdu]*  
Name of Applicant: DST *[Handwritten]*  
Date of Presentation of applicant: 21.12.2023  
Date of completion of copies: 21.12.2023  
Number of Copies: 5-P Urgent Fee: \_\_\_\_\_  
Fee Charged: Free of cost  
Date of Delivery of Copies: 21.12.2023

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Office of the  
**DISTRICT & SESSIONS JUDGE/ZQ DIR UPPER**

No 657 /DSJ/ZQ Dir Upper

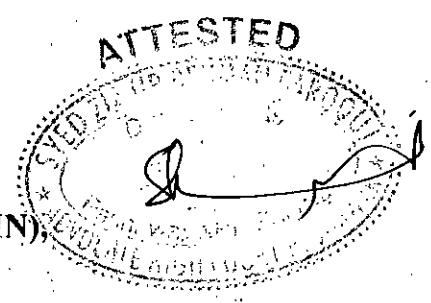
Dated: 19/07/2021

**FROM:**

**DISTRICT & SESSIONS JUDGE/ZQ  
DIR UPPER**

**TO:**

**THE HONOURABLE,  
ADDITIONAL REGISTRAR (ADMN),  
PESHAWAR HIGH COURT,  
PESHAWAR**



**Subject:**

**COMMENTS IN DEPARTMENTAL APPEAL  
DA No. 15/2021 filed by Mr. Saleem Ullah.**

Respected Sir,

Reference Letter No. 10297/Admn, dated: 05/07/2021,  
the comments on the subject matter in the departmental appeal subject  
above are submitted as under;

1. Vide letter No. 6154-206/ADMN: dated 23/04/2020, of the august Peshawar High Court, Peshawar, list of the beneficiaries of BISP program received with the directions to proceed against the accused official by dispensing with inquiry and by adopting shorter procedure as per Rule-07 of Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011. In wake thereof, disciplinary action was initiated against the

official; and accordingly show-cause notice was issued to the accused official. The accused official was directed to submit his reply within 15 days. Reply of the accused official to the show cause notice was received. Personal hearing was conducted. The proceedings of the disciplinary action against the accused/official were completed; and the accused/official was awarded minor penalty of withholding of increment for one year and also proceeded against for the recovery of the amount received by him through his spouse.



2. The accused official in the *ibid* appeal approached this office by filing review petition. In the said review petition, petitioner/accused made reference to the favorable orders passed by the learned District & Sessions Judges of other districts in respect of the matter in hand. Furthermore, accused official vehemently agitated that, he has not personally received the BISP amount rather his wife was held eligible for the BISP grant; and that, in the relevant form used for the purpose of BISP survey, the accused official was accordingly mentioned as government servant, yet his wife was held entitled for the scheme. The review petition of the accused official was turned down on account of maintainability, however, he

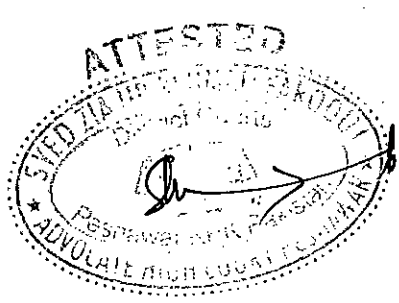


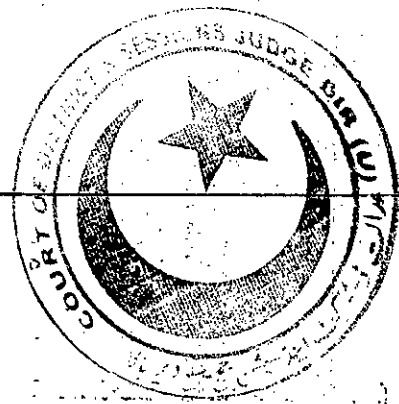
was directed to approach proper forum, under the rules, in order to address his grievances.

The above comments are thus submitted for your kind consideration, please. Furthermore, copies of inquiry conducted along with subsequent review petition are hereby attached.

*Rashida Bano*  
19/7/21

**(RASHIDA BANO)**  
**DISTRICT & SESSIONS JUDGE/ZQ**  
**DIR UPPER**





بعدالت ڈسٹرکٹ اینڈ سیشن جج / ضلع و تاضی ویر بالا۔

Review مقدمہ نمبر / 08 سال 2021  
کیس نمبر / 224121 فیصلہ: *DISP*  
کیفیت: *کیفیت*

| کل اوراق | تفصیل اوراق | تفصیل کاغذات           | نمبر |
|----------|-------------|------------------------|------|
| 23       | 2311        | ATTESTED<br>21.12.2023 | 1    |
| 23       | 2311        |                        |      |

Countersigned

*R*

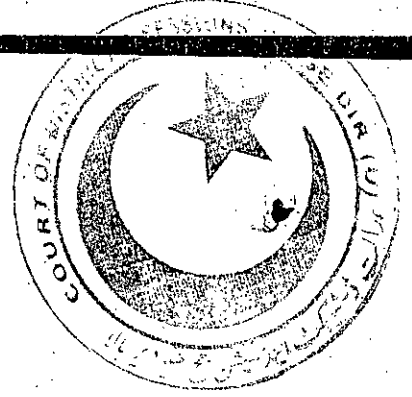
سرٹیفیکٹ تصدیق کی جاتی ہے کہ اصل بڑا

قواعد و ضوابط کے مطابق مرتب ہو کر آئے ہیں

شکل درجہ 23 اور ان کا کھٹا خانہ ارسال شد۔

ڈسٹرکٹ سیشن جج / ضلع و تاضی ویر بالا R. RAO 467 / 16 021

In the court of  
**RASHIDA BANO**  
**DISTRICT JUDGE/ZILLA QAZI**  
**DIR UPPER**



---versus---

| Serial No. and Date of order of proceedings | Order or other Proceedings with Signature of Judge or Magistrate & that of parties or counsel when necessary.   |
|---|---|
| 1.  | 2.  |
| <p>17/<br/>3/<br/>2021</p>                  | <p>درخواست نفرتانی / رحم کرے ہذا اسلم اللہ نے اصالتاً پیش کی جسکی ساتھ بقولہت فسلہ طبت کف یحہ و ذید احکاماً کلیہ</p> <p>سش کفنو ط<br/>17.3.21</p> <p>Or-----01<br/>17.03.2021</p> <p>ساکن اصالتاً حاضر۔ جملہ مندرجات درخواست درست تسلیم کرتا ہے۔ درج رجسٹر متعلقہ ہو کر درخواست ہذا برائے بحث نسبت قابل رفتار و پزیرائی آئندہ مورخہ 09.04.2021 کو پیش ہو۔</p> <p>رشیدہ بانو<br/>ڈسٹرکٹ جج اضلع قاضی،<br/>ڈیر بالا</p> <p><b>ATTESTED</b><br/>21.12.2023</p> <p>ریڈر نوٹ<br/>09.04.2021</p> <p>حاضری حسب سابق۔ آفیسر جلیس صاحبہ رخصت اتفاقیہ پر ہے لہذا اسل آئیندہ مورخہ 19.04.2021 کو برائے سابقہ کارروائی پیش ہو۔</p> <p>ریڈر نوٹ<br/>19.04.2021</p> <p>حاضری حسب سابق۔ آفیسر جلیس صاحبہ رخصت اتفاقیہ پر ہے لہذا اسل آئیندہ مورخہ 22.04.2021 کو برائے سابقہ کارروائی پیش ہو۔</p> |

In the court of  
**RASHIDA BANO**  
**DISTRICT JUDGE/ZILLA QAZI**  
**DIR UPPER**



Review Petition filed by Salim Ullah, Junior Clerk.

| Serial No. and Date of order of proceedings | Order or other Proceedings with Signature of Judge or Magistrate & that of parties or counsel when necessary.   |
|---|---|
| 1.  | 2.  |
| OR 02<br>22/04/2021                         | 1. Petitioner in person present and heard on maintainability of instant petition.   |
|   | <p>2. Petitioner through instant petition seeks review of order dated 28/07/2021 passed by my learned predecessor in office, vide which, being competent authority, after completion of disciplinary proceedings against the accused/official hereinafter called the petitioner under Government of Khyber Pakhtunkhwa, Civil Servant (E&amp;D) Rules, 2011, imposed penalty upon the petitioner in the shape of recovery of BISP amount from the pay of the petitioner; and was also awarded penalty of withholding increment for one year with non-accumulative effect.</p> <p>3. Perusal of relevant rules of Government of Khyber Pakhtunkhwa, Civil Servant (E&amp;D) Rules, 2011 would reveal that, under Rule 17 of the rules <i>ibid</i>, remedy of appeal is provided to a accused/official on whom a penalty is imposed. The relevant rule <i>ibid</i> is reproduced verbatim herein below for ready reference;</p> <p><i>17. Departmental appeal and review.---(1) An accused who has been awarded any penalty under these rules may, within thirty days from the date of communication of the order, prefer departmental appeal to the appellate authority:</i></p> |

**ATTESTED**  
21.12.21

21/12/21

32

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In the court of  
**RASHIDA BANO**  
**DISTRICT JUDGE/ZILLA QAZI**  
**DIR UPPER**



Review Petition filed by Salim Ullah, Junior Clerk.

| Serial No. and Date of order of proceedings  | Order or other Proceedings with Signature of Judge or Magistrate & that of parties or counsel when necessary.  |
|--|--|
| 1.   | 2.   |
| <p>OR <u>02</u><br/>Continued..</p> <p><b>ATTESTED</b><br/>21.12.2023</p> <p>No <u>8070</u><br/> Dated of Application <u>21.12.2023</u><br/> Name of Appellant <u>Salim Ullah, Junior Clerk</u><br/> Word <u>600</u><br/> Fee <u>Free of Court Cost</u><br/> Signature of Counsel &amp; Date <u>[Signature]</u><br/> Date of Preparation <u>21.12.2023</u><br/> Date of Delivery <u>21.12.2023</u></p> | <p><i>Provided that where the order has been passed by the Chief Minister, the accused may, within the aforesaid period, submit a review petition directly to the Chief Minister.</i></p> <p>4. Seeking guidance from the rules <i>ibid</i>, the provision of review is only limited to the extent of an order passed / penalty imposed by the Chief Minister. Furthermore, in the case of petitioner, the order has been passed by my learned predecessor in office, therefore it is said that, there is no mention of or remedy of review provided to be filed on an order passed against an accused/official on whom a penalty is imposed; and the petitioner in order to address his grievances, should have preferred an appeal before the appellate authority as defined in the 2(b) of the Government of Khyber Pakhtunkhwa, Civil Servant (E&amp;D) Rules, 2011. In view of the above, the instant petition is not maintainable. However, the petitioner may approach proper forum, under the rules, in order to address his grievances, if so desired. File be consigned to record room after its necessary completion and compilation.</p> <p><b>ANNOUNCED</b><br/>22/04/2021</p> <p><i>[Signature]</i><br/>22/4/21</p> <p><b>RASHIDA BANO</b><br/>District Judge/Zilla Qazi<br/>Dir Upper</p> |

## بخدمت جناب ڈسٹرکٹ اینڈ سیشن جج صاحبہ / ضلع قاضی ویر بالا

درخواست بمراد رحم کرنے / نظر ثانی کرنے برحکم

فاضل عدالت حضور محررہ 28/07/2020



جناب عالی!

سائیل مندرجہ ذیل عرض گزار ہے۔

کہ سائیل ضلعی عدلیہ میں بحیثیت چوکیدار تعینات تھا اور مورخہ 08/07/2019 کو سائیل جو تیسرے کلرک کے پوسٹ پر پروموٹ ہوا ہے۔

یہ کہ سائیل کی زوجہ کے نام BISP کے اہلکاروں نے حقدار ٹھہرا کر کچھ رقم ادا کی ہے جسکی پاداش میں سائیل کو موثر الزام ٹھہرا کر ایک سال کیلئے انکریمنٹ اور ادا شدہ رقم کی ریکوری کا حکم معزز ڈسٹرکٹ اینڈ سیشن جج صاحب نے صادر کیا ہے۔

یہ کہ بعدہ معزز عدالت عالیہ پشاور کے معزز مرحوم چیف جسٹس صاحب نے متاثرہ ملازمین پر رحم فرما کر انکریمنٹ روکنے کا حکم واپس لیا ہے۔ (اس نسبت مذکورہ آرڈر لف درخواست ہذا ہے۔)

یہ کہ صوبہ کے اکثر معزز جج صاحبان نے اپنی اپنی ملازمین پر رحم فرما کر معاف کیے ہیں۔ (اس نسبت فیصلہ فاضل عدالت ڈسٹرکٹ اینڈ سیشن جج صاحب چار سہ اور ڈسٹرکٹ اینڈ سیشن جج صاحب تیسرے آرڈر لف درخواست ہذا ہے۔)

یہ کہ بدوران سروس BISP کے نمائندہ گان کو ہماری گھروالوں نے باقاعدہ طور پر ہماری نوکری کے بارے بتایا تھا لیکن اس کے انہیں حقداران کی لسٹ میں ڈال دیے تھے۔

یہ کہ بدوران سروس اور بعدہ ادائیگی کے دوران سرکاری نوکری یا دیگر کاروبار کے حامل افراد کے بارے میں کسی قسم کے شرائط موجود نہ تھے، اور اگر موجود بھی ہوتا تو یہ BISE کے متعلقہ اہلکاروں کی ذمہ داری تھی کہ وہ ہمارے گھروالوں کو حقداران کے فہرست میں درج نہ کرتے۔

یہ میں ایک غریب تنخواہ دار اہلکار ہوں اور اپنی ذیوٹی منصبی احسن طریقے سے ادا کر رہا ہوں۔ اس لیے موجودہ کمزور معاشی صورت حال کے پیش نظر کسی بھی مالی بوجھ برائست کرنے سے نہایت عاجز ہوں۔ مزید یہ کہ صوبہ کی دیگر محکموں کے سربراہان نے اپنی اپنی اہلکاروں ملازمین کے خلاف کسی قسم کی کاروائی نہیں کی ہے۔

لہذا استدعا ہے کہ میرے حال پر رحم فرما کر مجھے

مذکورہ مالی بوجھ سے بری الذمہ قرار دیا جا کر

ناکردہ جرم سے معاف فرمائیں۔

مورخہ: 17/03/2021

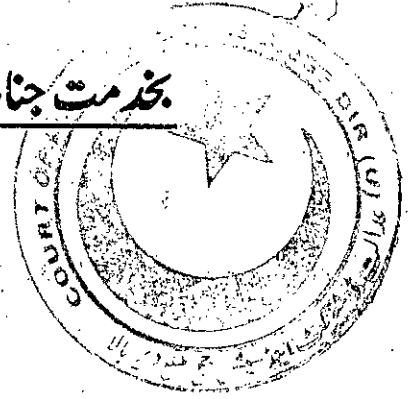
العارض

سائیل سلیم اللہ عدالت حضور

## بخدمت جناب ڈسٹرکٹ اینڈ سیشن جج صاحبہ / ضلع قاضی دیر بالا

درخواست بہر اد رحم کرنے بر حکم فاضل عدالت

حضور محترمہ 28/07/2020-



جناب عالی!

سائیل مندرجہ ذیل عرض گزار ہے۔

یہ کہ سائیل ضلع عدلیہ میں کافی عرصہ سے مختلف عہدوں پر خدمات سرانجام دے رہا ہے۔  
یہ کہ سائیل کی زوجہ کے نام BISP کے اہلکاروں نے حقدار ٹھہرا کر کچھ رقم ادا کی ہے جسکی پاداش  
میں سائیل کو موثر الزام ٹھہرا کر ایک سال کیلئے انکریمینٹ اور ادا شدہ رقم کی ریکوری کا حکم معزز  
ڈسٹرکٹ اینڈ سیشن جج صاحب نے صادر کیا ہے۔

*Rahman*  
22.4.021

یہ کہ بعدہ معزز عدالت عالیہ پشاور ہائی کورٹ کے معزز مرحوم چیف جسٹس صاحب نے متاثرہ ملازمین پر  
رحم فرما کر انکریمینٹ روکنے کا حکم واپس لیا ہے۔ (اس نسبت مذکورہ آرڈر لف درخواست ہے۔)  
یہ کہ صوبہ کے اکثر معزز جج صاحبان نے اپنی اپنی ملازمین پر رحم فرما کر معاف کیے ہیں۔ (اس نسبت فیصلہ  
فاضل عدالت ڈسٹرکٹ اینڈ سیشن جج چار سدہ اور ڈسٹرکٹ اینڈ سیشن جج تیمر گڑھ لف درخواست ہذا ہے۔)  
یہ کہ بدوران سروس BISP کے نمائندہ گان کو ہماری گھروالوں نے باقاعدہ طور پر ہماری نوکری کے  
بارے میں بتایا تھا لیکن اس کے باوجود انہیں حقداران کی لسٹ میں ڈال دیے تھے۔

ATTESTED  
21/12/023

یہ کہ بدوران سروے اور بعدہ ادائیگی کے دوران سرکاری نوکری یا دیگر کاروبار کے حامل افراد کے  
بارے میں کسی قسم کے شرائط موجود نہ تھے، اور اگر موجود بھی ہوتا تو یہ BISP کے متعلقہ اہلکاروں  
کی ذمہ داری تھی کہ وہ ہمارے گھروالوں کو حقداران کے فہرست میں درج نہ کرتے۔  
یہ کہ میں ایک غریب تنخواہ دار اہلکار ہوں اور اپنی ڈیوٹی منصبی احسن طریقے سے ادا کر رہا  
ہوں۔ اس لیے موجودہ کمزور معاشی صورت حال کے پیش نظر کسی بھی مالی بوجھ برداشت کرنے  
سے نہایت عاجز ہوں۔ مزید یہ کہ صوبہ کی دیگر ٹھکنوں کے سربراہان نے اپنی اپنی اہلکاروں / ملازمین  
کے خلاف کسی قسم کی کاروائی نہیں کی ہے۔

لہذا استدعا ہے کہ میرے حال پر رحم فرما کر مجھے  
مذکورہ مالی بوجھ سے بری الذمہ قرار دیا جا کر  
ناکردہ جرم سے معاف فرمائیں۔ تاحیات جناب  
والا کی ترقی و دراز عمری کے لیے دعا گو رہے گا۔

العارض

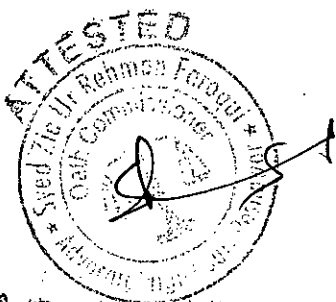
*Soleman*  
سائیل سلیم اللہ عدالت حضور


4

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

OFFICE ORDER

In pursuance of inquiry conducted against BISP beneficiaries and penalty imposed on them vide orders dated 28/07/2020 and 14/09/2020, all of the accused/officials of District Judiciary Dir Upper are directed to deposit installment of Rs. 5000/- per month regularly in the state Treasury till full recovery of the amount due against them under the Rule-4(i)(ii) (iii) of the *ibid* Rules, 2011, and deposit the challan receipt regularly with the Budget & Accounts Assistant Session Court Dir Upper on or before 5<sup>th</sup> of each Month.




  
KASHIF NADEEM  
District & Sessions Judge/ZQ  
Dir Upper

No. 988-92 /B&A/DSJ/ZQ Dir Upper dated 03/10/2020

Copy forwarded for information to:

1. Senior Civil Judge (Admn) Dir Upper.
2. District Accounts Office Dir Upper.
3. The Assistant Director BISP District Dir Upper.
4. Budget & Accounts Assistant Sessions Court Dir Upper.
5. The Accused officials by name.

  
KASHIF NADEEM  
District & Sessions Judge/ZQ  
Dir Upper



|                               |  |                                       |
|-------------------------------|--|---------------------------------------|
| 50 روپے                       | 29056                                  | پشاور بار ایسوسی ایشن، خیبر پختونخواہ |
| ایڈوکیٹ: کبیر احمد صاحب ادریس | بار کونسل ایسوسی ایشن نمبر: BC-14-4786 | PESHAWAR BAR ASSOCIATION              |
| رابطہ نمبر: 03469685949       |  |                                       |

بعدالت جناب: سرسٹریٹن خیبر پختونخواہ پشاور

|                              |                       |
|------------------------------|-----------------------|
| مخاطب: اپیلانٹ               | دعویٰ: Service Appeal |
| نسلیم اللہ                   | علت نمبر:             |
| بنام                         | مورخہ:                |
| رجسٹرڈ پشاور بار ایسوسی ایشن | جرم:                  |
|                              | تھانہ:                |

### بابت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام کے لیے کبیر احمد صاحب ادریس (ایڈووکیٹ) کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ بر حلف 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 یا یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگہبانی 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 پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائے التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب یا بندہ ہوں گے کہ پیروی مذکورہ کریں لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

PESHAWAR BAR ASSOCIATION  
KHYBER PAKHTOONKHWA

المرقوم: 1/2022

بند واہ شد الع بند

مقام: پشاور

کے لیے منظور ہے۔

Accepted

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔