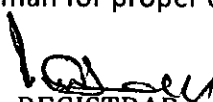
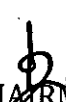



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 590/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02.06.2015	<p>The appeal of Mr. Sadbar Khan resubmitted today by Mr. Ijaz Anwar Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>05.06.15</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	05.06.2015	<p>Appellant in person present. Submitted application for withdrawal of appeal as his grievances have been redressed by the department.</p> <p>In view of the application, the appeal is dismissed as withdrawn. File be consigned to the record.</p> <p><u>ANNOUNCED</u> 05.06.2015</p> <p style="text-align: right;"> Chairman <u>05.06.15</u></p>

The present appeal was returned to the counsel for the appellant for completion and resubmission within 15 days. Today he has resubmitted the same without removing the objections which is returned again to the counsel for the appellant with the following remarks:-


i) copy of rejection order of first departmental appeal preferred by appellant against the impugned order dated 10.4.2014 before respondent no.1, is not attached with the appeal which may be placed on it.

ii) copy of 2nd departmental appeal preferred by the appellant against the impugned order dated 20.6.2014 which has been rejected on 23.7.2014 by the worthy Distt. Session Judge Kohistan, is not attached with the appeal which may be placed on it.

The same may be resubmitted within 15 days.

No. 1340 /S.T,

Dt. 8/9 /2014.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

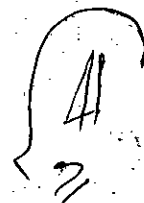
Mr. Ijaz Anwar Adv. Pesh.

Sir,

Re, Submitted after Complaint

- 1- That the copy of first departmental appeal is not provided by the appellant and the second
- 2- appeal as well.


Ijaz Anwar Advocate

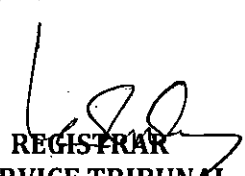

Ijaz Anwar
Advocate

The appeal of Mr. Sadbar Ex-driver/ Daftari Officer of the DSJ, Kohistan received today i.e. on 22.08.2014 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ① Copy of rejection order of first departmental appeal preferred by the appellant against the impugned order dated 10.4.2014 before respondent No.1, is not attached with the appeal which may be placed on it.
- ② Copy of 2nd departmental appeal preferred by the appellant against the Impugned order dated 20.6.2014 which has rejected on 23.7.2014 by the Worthy District Session Kohistan, is not attached with the appeal which may be placed on it.
- ✓3- Annexures of the appeal may be attested.
- ✓4 Copy of order of this Tribunal mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 5- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1238 /S.T,

Dt. 25/8 /2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ijaz Anwar Adv. Pesh.

Sir,

Re. Submitted after Complaint



Objection 1 to 5 to be removed & sent out to the Court.

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 590/2015

Sadbar Khan, Ex- Driver/ Daftari Office of the District &
Sessions Judge, Kohistan.

(Appellant)

VERSUS

The Registrar, Peshawar High Court, Peshawar and others.

(Respondents)

INDEX

S. No	Description of Documents	Annexure	Page No
1	Memo of Appeal & Affidavit		1-5
2	Copy of the FIR	A	6
3	Suspension Order dated 13.03.2014, Charge Sheet and statement of allegations.	B & C	7-9
4	Copy of the Reply of the Charge Sheet.	D	10-11
5	Order dated 10.04.2014	E	12
6	Copy of order dated 20/06/2014	F	13-15
7	Departmental Appeal, memo of service appeal and Order dated 23.07.2014	G, H & I	16-26
8	Vakalatnama.		27

Through

Sadbar Khan
Appellant

IJAZ ANWAR

Advocate Peshawar

SAJID AMIN

Advocate, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 590/2015

C.W.P. No. 1106
Dated 22/8/2014

Sadbar Khan, Ex- Driver/ Daftari Office of the District & Sessions Judge, Kohistan.

(Appellant)

VERSUS

1. The Registrar, Peshawar High Court, Peshawar.
2. District & Sessions Judge, Kohistan.
3. Senior Civil Judge, Kohistan.

(Respondent)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the appellate order dated 23/07/2014, whereby the departmental appeal of the appellant against the order dated 10/04/2014 has been rejected by modifying the original order dated 10/04/2014 and the penalty awarded to the appellant has been converted into compulsory retirement from service. The order dated 23/07/2014 was however communicated to the appellant on 26/07/2014.

Prayer in Appeal: -

On acceptance of this appeal both the orders dated 23/07/2014 and 10/04/2014 may please, be set-aside and the appellant may please be reinstated into service and be also restored to his original Post of Driver with all back benefits. Any other remedy deems just and proper under the circumstances of the case may also be allowed in favour of the appellant.

[Signature]
22/8/14

re-submitted to-day
and filed.

[Signature]
Registrar,
2/6/15.

Respectfully Submitted:

1. That the appellant was initially appointed as of Naib Qasid in the Court of Senior Civil Judge Kohistan on 02.01.1995. during the course of his service, the appellant also applied for the post of Driver in the year 2008, accordingly he was appointed as Driver in the Court of District and Session Judge Kohistan on 22.07.2008. Ever since his appointment the appellant has performed his duties as assigned with zeal and devotion and there was no complaint whatsoever regarding his performance.
2. That it is also pertinent to mentioned that the appellant was also entrusted the duties of daftari vide order dated 05.11.2013.
3. That while serving in the said capacity, the appellant was falsely implicated in a Criminal Case vide FIR No. 19 dated 04.03.2014 U/S 411 PPC Police Station Dassu Kohistan. (Copy of the FIR is attached as Annexure A)
4. That accordingly the appellant was suspended form service vide order dated 13.03.2014 and he was served with Charge Sheet and Statement of allegations containing certain unfounded and baseless allegations. The allegations so leveled are as under:

“That you involved yourself in stealing of the vehicles and white colour Bolan Suzuki bearing Chassis No. SV308 PK949091, Engine No. PKT 832570 and registration No. LEA-2472 stolen from the criminal jurisdiction of Police Station of Baghbanpura Lahore was recovered from your direct exclusive possession. Accordingly, case FIR No. 19 dated 04.03.2014 U/S 411 PPC stood registered in Police Station Dassu Kohistan and that you also remained involved in such like activities in the past too.”

(Copies of the suspension order dated 13.03.2014, Charge Sheet and statement of allegations are attached as Annexure B & C).

5. That the appellant submitted the detail reply to the Charge Sheet denying the allegations leveled against him as unfounded and baseless. (Copy of the reply of the charge sheet is annexed as annexure "D")
6. That a partial inquiry was conducted and the inquiry officer submitted his report wherein the inquiry officer held the appellant guilty of the charges.
7. That without issuing any show cause notice or allowing opportunity of hearing to the appellant, the appellant was awarded the penalty of Removed from the post of driver and he was placed at the disposal of Senior Civil Judge, Kohistan for his re-appointment against his former post of Naib Qasid vide order dated 10.04.2014. (Copy of the order is attached as annexure "E").
8. That it is also pertinent to mention that the Senior Civil Judge, Kohistan, also refused to re-appoint the appellant against his formal post of Naib Qasid as per order dated 10.04.2014, vide order dated 20.06.2014. (Copy of the order dated 20.06.2014, is attached as Annexure F).
9. That the appellant also submitted his departmental appeal, however the appeal was initially not replied till the expiry of statutory period. Thereafter the appellant filed Appeal No ~~1047/14~~ before this Honourable Tribunal, in which 09/10/2014 has been the date fixed for hearing. However, now the respondents have issued the order dated 23/07/2014, whereby the departmental appeal of the appellant is though rejected, however the appellant has been awarded the penalty of compulsory retirement from service. (Copies of departmental appeal, memo of service appeal and order dated 23/07/2014 are attached as annexure "G", "H" & "I").

10. That since the service appeal previously filed by the appellant against the order dated 10/04/2014 has now become infructuous, Moreover the due to the new development/issuance of the new order, the appellant is filing the instant appeal with the request of withdrawal of the previous appeal No 10107/2014.
11. That the order awarding penalty is illegal, un-lawful and liable to be struck down inter-alia on the following grounds.

GROUND OF SERVICE APPEAL

- A. That the appellant has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before the imposition of penalty upon the appellant, the appellant has not been associated properly with the inquiry proceedings, nor he was served with the final show cause notice thus all the proceedings conducted against the appellant were illegal and run counter to the express provisions of KPK Govt Servants E&D Rules, 2011 hence the resultant order Removal from service is nullity in the eyes of law.
- C. That the appellant has not been allowed opportunity of personal hearing before the imposition of penalty upon him hence he has been condemned unheard.
- D. That there was no evidence available whereby it could have been proved that the appellant has willfully misconduct himself or for that matter his service record was such that could warrant imposition of the penalty upon him.
- E. That the inquiry officer never conducted the inquiry in accordance with the law and rules, moreover no independent witness has been examined in the inquiry, thus the charges against the appellant

remained unproved during inquiry. The inquiry officer gave his findings on surmises and conjunctures:-

- F. That the appellant has not been provided fair opportunity to defend himself thus he has virtually condemned unheard.
- G. That witnesses if any were never examined against the appellant nor the appellant has been allowed opportunity to cross examine those who may have deposed against him during the inquiry.
- H. That the appellant never committed any act or omission which could be termed as misconduct, he has been falsely implicated in the criminal case, however the appellant has now been allowed bail and the case is under trial the appellant is hopeful of his acquittal.
(Copies of the bail granting order is attached a Annexure H)
- I. That other allegations leveled against the appellant vide order dated 20.06.2014, are also false and baseless moreover no separate charge sheet or show cause notice was ever served upon the appellant for those allegations nor any inquiry was conducted.
- J. That the allegations of producing fake DMC before Senior Civil Judge are false and baseless, moreover, the appellant has never been charge sheeted for the same allegations nor he has been given any opportunity to defend himself against these charges.
- K. That the appellant has not been served with final show cause notice nor he has been provided the copy of the findings of the inquiry report which is mandatory in case of awarding major penalty.
- L. That the appellant is serving in the department since 1995 and always tried to uphold its dignity by distancing himself from any wrong doings, his service record would testify this fact. The allegations so leveled against the appellant are false and baseless.

- M. That the penalty imposed is not based on any evidence and is very harsh, will spoil the bright service career of the appellant, as such is liable to be struck down.
- N. That even the appellant has not been re-appointed against the post of Naib Qasid as per the order dated 10.04.2014, hence the appellant is jobless since the imposition of illegal penalty imposed upon him.
- O. That the appellant seeks the permission of this Honorable Court to rely on addition grounds at the hearing of this appeal.

It is therefore, humbly prayed that on acceptance of this appeal both the orders dated 23/07/2014 and 10/04/2014 may please, be set-aside and the appellant may please be reinstated into service and be also restored to his original Post of Driver with all back benefits. Any other remedy deems just and proper under the circumstances of the case may also be allowed in favour of the appellant.

Through

Sadbar Khan.
Appellant

Ijaz Anwar
Advocate Peshawar

&

Sajid Amin
SAJID AMIN

Advocate, Peshawar

AFFIDAVIT

I, *Sadbar Khan, Ex- Driver/ Daftari Office of the District & Sessions Judge, Kohistan*, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.

Sadbar Khan.
Deponent



ATTESTED

فلاور کورسٹان

پورٹ ۱۶

آرڈر نمبر: 2286/13 رقم سروس: 1513 شمارہ نمبر: 20.06.2011 (رقم سروس) (رقم سروس)

تاریخ: ۱۵-۱۲-۱۱

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم: حمل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 1513 مجموعہ سزاوارہ فوجداری

منابع: ایچ کو صیبا

تاریخ وقوع: 30/11/11

۱۶

پورٹ ۱۶ ۱۶/۱۱ وقت 16.00

حادثہ: ایک شخص نے ایک گاڑی کو ٹکرایا اور گاڑی کو نقصان پہنچا۔

مقام: (معدومہ) قال اگر کچھ لکھا ہے

سلسلہ واقعات اور سمت: AC گاڑی پورٹ کورسٹان

سائنس: سائنس کی کمی اگر اطلاع درج کرنے میں توقف اور ہوا تو بیان کر

تاریخ درج: ۱۶

مقام: ۱۶

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OFFICE OF THE DISTRICT & SESSIONS JUDGE, KOHISTAN

No. 266 D&SJ (KH) Dated Dassu the 13/3/2014.

(7)
ANNEX- B

ORDER

It has come to the notice of the undersigned that Mr. Sadbar Khan, Driver presently working as Daftari in the Record Room of the Sessions Judge Kohistan has been involved in stealing of the vehicles and white colour Bolan Suzuki bearing Chassis No. SV308 PK949091, Engine No. PKT 832570 and Registration No. LEA-2472 stolen from the criminal jurisdiction of Police Station Baghbanpura Lahore was recovered from his direct exclusive possession. Accordingly, case FIR No. 19 dated 04.03.2014 U/S 411 PPC stood registered in Police Station Dassu Kohistan. It has also come to the notice that Mr. Sadbar Khan remained involved in such like activities in the past too. On the basis of above information placed before me I am satisfied that there are sufficient grounds for initiating proceedings against aforesaid official. Mr. Basharat Rauf Swati, Civil Judge/Judicial Magistrate Pattan is appointed as an Inquiry Officer in the above case and in my opinion his suspension is expedient. Accordingly, exercising power under Rule-6 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 Mr. Sadbar, Driver presently working as Daftari is placed under suspension for a period of 90 days from today. Inquiry Officer is directed to conclude the inquiry in above case within shortest possible period. This order shall come into force at once.

(SARDAR MUHAMMAD IRSHAD)

District & Sessions Judge,

KOHISTAN

Dated Dassu the 13/03/2014.

267-269
No. _____ D&SJ (KH)
Copy forwarded for information to:-

1. The Senior Civil Judge, Kohistan.
2. Mr. Basharat Rauf, Civil Judge, Pattan/Inquiry Officer.
3. Mr. Sadbar Khan Driver presently working as Daftari.

(SARDAR MUHAMMAD IRSHAD)

District & Sessions Judge,

KOHISTAN

CHARGE SHEET

(8) ANNEX C

I SARDAR MUHAMMAD IRSHAD, District & Sessions Judge, Kohistan as competent authority, hereby charge you, Mr. Sadbar Khan, Driver presently working as Daftari in the Record Room of the Sessions Judge Kohistan as follows:-

1. That you involved in stealing of the vehicles and white colour Bolan Suzuki bearing Chassis No. SV308 PK949091, Engine No. PKT 832570 and Registration No. LEA-2472 stolen from the criminal jurisdiction of Police Station Baghbanpura Lahore was recovered from your direct exclusive possession. Accordingly, case FIR No. 19 dated 04.03.2014 U/S 411 PPC stood registered in Police Station Dassu Kohistan and that you also remained involved in such like activities in the past too.
2. By reason of the above, your conduct is pre-judicial to good order or service discipline and unbecoming of a government servant and a gentleman, which constitutes misconduct as defined in Rule-2(L) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule 4 of the rules ibid.
3. You are, therefore, required to submit your written defence within 7 days of the receipt of this charge sheet to the Inquiry Officer.
4. Your written defence, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.



(SARDAR MUHAMMAD IRSHAD)
District & Sessions Judge
KOHISTAN

DISCIPLINARY ACTION

9

I *SARDAR MUHAMMAD IRSHAD*, District & Sessions Judge Kohistan as competent authority, am of the opinion that Mr. Sadbar Khan, Driver presently working as Daftari has rendered himself liable to be proceeded against, for commission/omission of the acts which constitute misconduct within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS:

1. He involved in stealing of the vehicles and white colour Bolan Suzuki bearing Chassis No. SV308 PK949091, Engine No. PKT 832570 and Registration No. LEA-2472 stolen from the criminal jurisdiction of Police Station Baghbanpura Lahore was recovered from his direct exclusive possession. Accordingly, case FIR No. 19 dated 04.03.2014 U/S 411 PPC stood registered in Police Station Dassu Kohistan. He also remained involved in such like activities in the past too.
2. For the above reason he appears to be guilty of misconduct under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and liable to all or any of the penalties specified in Rule-4 of the above rules.
3. For the purpose of inquiry against the said accused with reference to the above allegations, Mr. Basharat Rauf Swati, Civil Judge/Judicial Magistrate Pattan is appointed as an Inquiry Officer under Rule-10 of the above rules.
4. The Inquiry Officer shall in accordance with provisions of the above rules provide reasonable opportunity of hearing to the accused, record his findings and make within 30 days of the receipt of this order recommendations as to punishment or other appropriate action against the accused.
5. The accused and a well conversant representative of the department Mr. Jehangir Khan Alam, Superintendent of the Court of Sessions Judge Kohistan shall join the proceedings on the date, time and place fixed by Inquiry Officer.
6. The accused official is placed under suspension for a period of 90 days from today.

(*SARDAR MUHAMMAD IRSHAD*)
District & Sessions Judge

IRSHAD

خسری جواب

جناب انٹرنیٹ آفیسر اور جڈیشنل مجسٹریٹ صاحب میں ہینڈ کوکستان

والہ علی جواب دہیل سے ہے

۱) شرت ماب جناب سب سے زیادہ کوکستان کی طرف سے جاری شدہ
جارج شیڈ کے تحت میں عرض ہے کہ میں حکیم جڈیشن میں شروع
میں سے افسران کے ذریعہ سائبر ایبلیٹی عورت انجام دیا ہوں اور کوکستان
کسی طرح Mis Conduct میں ملوث نہیں ہوا ہے۔ نہ ہی کوکستان
میں صدق کوئی خسری یا زبانی شکایت آئی ہے نہ ہی کوکستان
قسمتے چوری سے کام میں ملوث رہا ہے۔ اور نہ ہی کوکستان
میں کوئی FIR 211 ہوئی ہے۔

۲) جناب سب سے زیادہ کوکستان کے ساتھ متعلق کوکستان حکومت کو
کی ہے تو یقیناً وہ سائبر کا مخالف ہو گا۔ جس کا حقیقت کوکستان
تعلق اور واسطہ ہے سائبر حکومت کوکستان کا رہائشی ہے جہاں کوکستان
سائبر کے خلاف پروکے ہیں۔ مزید یہ موجودہ حکومت کا تعلق
کو کوکستان سائبر کا تعلق یا واسطہ نہیں ہے جس کو
اہم ملک خود چوائیس کے ذریعہ ویشی ہو کر انما بیان تکلیف کرایا ہے۔

۳) اور اصل ملک سے عدالت میں سوال دعوی بھی دیکر کر رکھا ہے۔
سائل جو علم بنیادی طور پر بہتر ڈرائیور ہے سائبر کے اپنے طور سے
کے عارضی طور پر "پارٹی" متذکرہ اور ملک سے قبضہ میں سے دائر
ڈرائیور کو اپنے "پارٹی" کے ساتھ ساتھ ساتھ جو کوکستان
میں ہے جس کی طرف سے کوکستان کوکستان نے کوکستان
میں قبضہ کوکستان کی۔
مقبولہ "پارٹی" کے ساتھ ساتھ کوکستان اور نہ ہی سائل کو کوکستان
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سیرت و بیسی کسی کی امانت ہے۔

یہ تم سیرت نے 164 کے بیان میں احمد مابک کہتے ہیں اور دیا تھا۔ چونکہ
سائل ایک سیرت ہے اور بیسی کا سائل سیرت میں باہر توڑ
ہے جسکی ڈر اور کچھ کئی جہ سے میں نے اپنا بیان ارفار دیا تھا۔

فقہہ نمبر ۲ کا جواب فقرہ نمبر 1 میں تفصیل آچھا ہے۔
سیرت بیسی سائل کے لئے لکھا ہے سیرت کا ساتھ ارفار اور جو وہ سائل کے لئے لکھا ہے
نہیں رہا ہے۔

حسد الحکم جواب فقہہ نمبر ۲ ہے۔

حسد الحکم جواب فقہہ نمبر ۳ ہے۔

حسد الحکم جواب فقہہ نمبر ۴ ہے۔

۵. حسد الحکم جواب فقہہ نمبر ۵ ہے۔
بوساطت انکوٹری آئینہ صبا سندھ میں ہے اور ہندوستان سائل کے لئے لکھا ہے
اور سائل کی جھوٹ جوری کے ہونے کا کوئی علم نہیں تھا اور سائل اس لئے لکھا ہے کہ
سبھی ملوث نہیں رہا اور اسے باوجود سائل کے کہ اسے حکم کی جو بہ نامہ پوری
سائل اسکی حافی کا کتاب گارہ ہے۔ احمد رکھنے والے۔ سائل کو حافی فرمایا
سائل المرام سے سہی الزم کیا ہے۔

دالہ صریح

سائل

حسد الحکم جواب فقہہ نمبر ۶ ہے۔

Adis

OFFICE OF THE DISTRICT & SESSIONS JUDGE, KOHISTAN

No. — D&SJ (KH) Dated Dassu the 10/11/2014.

(12)-
ANNEX. 13

ORDER

Mr. Sadbar Khan, Driver working as Daftari (under suspension) was proceeded against on the charge of Misconduct. Inquiry officer in his report found him guilty of the Misconduct suggesting that he not only brought bad name to the district Judiciary but to the whole institution as well and in no way deserves to be the part of Judicial Department.

Bolan Suzuki bearing Chaisis No. 949091 Engine No. 20K2922 Registration No. 2472/LEA stolen from the jurisdiction of PS Baghban Pura was recovered from direct and exclusive possession of accused official Sadbar Khan and the trial(s) in case FIR No. 19 dated 04/03/2014 U/S 411 PPC and FIR No. 93/14 dated 22/01/2014 U/S 381-A PPC is/are still pending, therefore, I would refrain to comment thereon. Simultaneously, the accused official can not be allowed to exploit the reputed office of the Sessions Judge being his driver and to cause disrespect and disrepute therefor in the estimation of general public in the district through his undesired activities/Misdeeds. The accused official was Naib Qasid in the establishment of Senior Civil Judge before assuming the charge of the post of driver. In this view of the matter I direct his removal from the post of driver and placed him at the disposal of Senior Civil Judge, Kohistan asking him to order his re-appointment against his former post of Naib Qasid.

The post of driver stood vacant and be advertised in the national press forthwith.

(SARDAR MUHAMMAD IRSHAD)
District & Sessions Judge,
KOHISTAN

No. 393-398 D&SJ (KH) Dated Dassu the 10/11/2013.

Copy of the above is forwarded to:-

1. The Honorable Registrar Peshawar High Court, Peshawar.
2. District Account Officer, Kohistan.
3. Senior Civil Judge, Kohistan.
4. Accused official.
5. Inquiry officer/Civil Judge/Judicial Magistrate Pattan.
6. Personal File.

(SARDAR MUHAMMAD IRSHAD)
District & Sessions Judge,
KOHISTAN

(13) (16) ~~ANNEXA G~~
ANNEX "F"

OFFICE OF THE SENIOR CIVIL JUDGE, KOHISTAN AT DASSU

No. 307 SCJ (KH) Dated Dassu the 20/06/2014

Order:

Subject: **RE-APPOINTMENT OF SADBAR KHAN DRIVER AGAINST THE POST OF NAIB QASID.**

Hon'ble District & Sessions Judge, Kohistan at Dassu vide letter bearing No. 393-398 D&SJ (KH) dated Dassu the 10-04-2014, letter bearing No.624 D&SJ (KH) dated 21-05-2014 and letter bearing No.709 D&SJ (KH) dated Dassu the 09-06-2014 ordered consideration of the case of Sadbar Khan, EX-Driver for his re-appointment against the post of Naib Qasid. Sadbar Khan himself submitted an application/report for duty. In this connection Civil Nazar of this court was also consulted specially in the light of his report dated 21-04-2014, wherein he has reported in clear and categorical terms that at the moment there is no vacant post of Naib Qasid in existence under our establishment.

For rendering compliance to the orders issued by the Worthy District & Sessions Judge, Kohistan for re-consideration of the case of Sadbar Khan, the following reports/documents have been minutely perused.

01. Order bearing No. 393-398 D&SJ (KH) dated Dassu the 10-04-2014.
02. Letter bearing No. 146 SCJ/JM (KH) dated Dassu the 21-04-2014.
03. Letter bearing No. 620-22 D&SJ (KH) dated Dassu the 21-05-2014.
04. Letter bearing No. 624 D&SJ (KH) dated Dassu the 21-05-214.
05. Letter bearing No. 659 D&SJ (KH) dated Dassu the 28-05-2014.
06. Report of Civil Nazar in connection with non-existence of vacancy of Naib Qasid.

The above referred reports/letters clearly reveals the following facts.

- A. Sadbar Khan, driver is charged for theft of a vehicle. Additionally, this fact has also come to the lime-light from the above reports/letters that he (Sadbar Khan) is exploiting good name and reputation of the prestigious Judicial Institution.
- B. Reports further confirms that Sadbar Khan has exploited and has abused his position as an employee of the District Judiciary misusing the vehicle released in his favour on Super-Dari.
- C. Letter bearing No. 659 D&SJ (KH) dated Dassu the 28-05-2014 reveals in clear and categorical terms that he (Sadbar Khan) registered his entry in service on fake and bogus documents.

D. As per verification report from BISE, Abbottabad Sadbar Khan is guilty of production of a fake DMC.

In the light of above explained factual position the undersigned deems it proper to pass the following orders keeping in view the ground reality and service discipline in line with the cherished principles of law, equity and norms of decency and fair-play.

- i. At the moment there exists no vacancy of Naib Qasid under our establishment.
- ii. Penalty of reduction in rank has been inflicted upon Sadbar Khan and he has been reverted to a lower grade (Naib Qasid). The fact remains that at the moment no vacancy of the kind and category do exist under our establishment.
- iii. At the moment it is not lawfully appropriate for us to fire an innocent employee of our establishment for accommodating Sadbar Khan against whom proceedings have been conducted for his delinquency, misconduct and theft etc.
- iv. The reports/letters (01-05) clearly reveals that Sadbar Khan is linked with dangerous criminal activities. His re-appointment/induction in our establishment may definitely bring bad man and disrepute for the Institution.
- v. Re-appointment/fresh induction of Sadbar Khan who is linked with criminal activities viz-a-viz, the factum of submission of bogus documents by him may definitely erode reputation of prestigious Judicial Institution especially District Judiciary of Kohistan resulting in erosion of Public confidence in the Institution.

The official concerned may be informed accordingly.

- sd -

(SYED KAMAL HUSSAIN SHAH)
Senior Civil Judge,
Kohistan

No. 307-11 SCJ (KH) Dated Dussu the 20/06/2014

Copy for favour of information to:-

01. The Worthy Registrar, Peshawar High Court, Peshawar.
02. The Hon'ble District & Sessions Judge, Kohistan.
03. District Accounts Officer, Kohistan.
- ✓ 04. Official concerned.
05. Office copy.

As

sd

(SYED KAMAL HUSSAIN SHAH)
Senior Civil Judge,
Kohistan

13

ANNEXED G

Before The Honorable Chief Justice, Peshawar High Court Peshawar

Through: Registrar, Peshawar High Court Peshawar.

APPEAL AGAINST THE ORDER OF DISTRICT AND SESSION JUDGE KOHISTAN NO 393-398 D & SJ (KH) DATED 10-04-2014, WHEREBY THE APPELLANT WAS REMOVED FROM THE POST OF DRIVER IN THE COURT OF DISTRICT AND SESSION JUDGE AND MADE NAIB-QASID IN THE COURT OF SENIOR CIVIL JUDGE, KOHISTAN WITHOUT OBSERVING LEGAL FORMALITIES AND TO RECRUIT MUHAMMAD SIDDIQUE SWEEPER AS DRIVER. THE ORDER IS ARBITRARY, ILLEGAL AND THE RESULT OF MALAFIDE ON THE PART OF LEARNED DISTRICT AND SESSION JUDGE TO ACCOMMODATE A BLUE-EYED OFFICIAL.

PRAYER:

On acceptance of this appeal, the impugned order may be set aside and the appellant be restored to his original post of driver.

INTERIM RELIEF:

The post of driver has already been advertised and the learned District and Session Judge is going to recruit the said Muhammad Siddique through the interview fixed for 22nd April, 2014 hence the same process needs to be stopped in the name of fair play and justice.

Respectfully Sheweth!

1. The appellant was recruited as a driver after due test and interview on 22/07/2008 and since then has served his superiors to their entire satisfaction with honesty and devotion. This claim can be verified from all those District and Session Judges who had remained posted at Kohistan during this period and from the annual reports written about the appellant by these learned judges. (Copy of appointment order is annexed)

18-4-2014

[Handwritten signature]

[Handwritten signature]

(14)

That unfortunately the appellant borrowed a Suzuki Carry, owned by co-villager Hikmatullah to shift his family from Daasu to his native village Pattan and on his way Daasu Police, during checking, took the vehicle into possession and registered a case against the appellant vide FIR No.19 dated 04/03/2014 under Section 411 P.P.C.(copy of FIR is annexed)

3. That during the investigation it transpired that the vehicle actually belonged to the said Hikmatullah who admitted this in a confession recorded by Senior Civil Judge, Judicial Magistrate Daasu during the proceedings on 04/03/2014. The said Hikmatullah has also filed a civil suit claiming the ownership of the said vehicle. Both the criminal and civil cases are pending decision in the relevant competent courts. Hikmatullah is lodged in Daasu Jail and the trial is in process.(copy of confession and plaint is annexed)
4. That the learned District and Session Judge, without waiting for the result of the legal process, charged the appellant for the above event and appointed Civil Judge Pattan and Jehangir Khan Superintendent Session Court to inquire the matter.
5. That the charge-sheet served also mentioned my involvement in such like cases in the past but as evident from the sentence itself, the charge is vague, abstract and illegal because no specific instance of my involvement in the past in such like cases has been mentioned what to speak of being proved.(copy of charge sheet and stamen of allegation is annexed)
6. The above inquiry committee, during the inquiry, obtained my written statement. No evidence was recorded in my presence. Only a few questions were put to me orally and the inquiry was completed resulting in the impugned order. (Copy of impugned order is annexed)
7. That no witness was examined in my presence nor was I associated with inquiry proceedings in anyway.
8. That I asked for a copy of the inquiry report but the same was denied to me.
9. That in the spirit of Supreme Court decision in case of S. Mir Muhammad vs Chief Secretary N-W.F.P, I was entitled to be served with a final show-cause notice along



(15)

with all the documents to be used against me but the learned Judge ignored this basic requirement of the proceedings as he was in a hurry to vacate the post for his blue-eyed Muhammad Siddique.

10. That the appellant was recruited as a driver directly and the punishment given to the appellant is illegal and arbitrary as the appellant could not be made Naib-Qasid because he was not promoted from the post of Naib-Qasid. Probably the learned Judge wanted to get moral grounds for achievement of his target but forgot the norms and legal requirements governing the departmental proceedings.
11. That the appellant has been deprived of his bread and butter at the altar of the wishes of the learned District and Session Judge to get his man appointed as driver.
12. That the manner in which the proceedings have been conducted speaks volume of the arbitrariness, illegality and malafide intentions of the learned District and Session Judge.

It is therefore humbly prayed that in the name of fair play and justice, this appeal may be accepted and the impugned order may kindly be set aside and the appellant be restored to his original position of driver.

Since the learned District and Session Judge is bent upon filling the post and recruiting the said Muhammad Siddique, therefore, I request your Honour to stop the process of recruitment fixed for 22/04/2014 to enable the appellant a fair opportunity of being heard.

SPECIAL REQUEST:

In the name of Allah Almighty, I request my superiors to give me an audience as there are facts which I want to explain orally and cannot write for fear as I am too small a man, from a very remote and poor area.

Appella
Sadbar Kh:
Office of District and session Judge Kohist:
031358921



18-4-2011

ANNEX H (18)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 10/7/2014

Sadbar Khan, Ex- Driver/ Daftari Office of the District & Sessions Judge, Kohistan.

(Appellant)

VERSUS

The Registrar, Peshawar High Court, Peshawar and others.

(Respondents)

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S. No	Description of Documents	Annexure	Page No
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2	Copy of the FIR	A	6
3	Suspension Order dated 13.03.2014, Charge Sheet and statement of allegations.	B & C	7-9
4	Copy of the Reply of the Charge Sheet.	D	10-11
5	Order dated 10.04.2014	E	12
6	Departmental Appeal and Order dated 20.06.2014	F & G	13-17
	Vakalatnama.		--

Through

Appellant

Ijaz Anwar
IJAZ ANWAR

Advocate Peshawar

&

Sajid Amin
SAJID AMIN

Advocate, Peshawar

Accepted
[Signature]

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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

~~17-7-2014~~
17-7-2014

Appeal No. _____/2014

Sadbar Khan, Ex- Driver/ Daftari Office of the District & Sessions Judge, Kohistan.

(Appellant)

VERSUS

1. The Registrar, Peshawar High Court, Peshawar.
2. District & Sessions Judge, Kohistan.
3. Senior Civil Judge, Kohistan.

(Respondent)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, read with Rule 19 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011, against the Office Order No. 393-398 D&SJ (KH) dated 10/04/2014, whereby the appellant has been Removed from the post of driver and he has been placed at the disposal of Senior Civil Judge, Kohistan for his re-appointment against his former post of Naib Qasid, against which his departmental appeal dated 18.04.2014, has not been responded despite the lapse of statutory period.

17/7/14

Prayer in Appeal: -

On acceptance of this appeal the impugned dated 10/04/2014 may please, be set-aside and the appellant may please be reinstated into service and be restored to his original Post of Driver. Any other remedy deem just and proper under the circumstances of the case may also be allowed in favour of the appellant.

Admitted

20

Respectfully Submitted:

1. That the appellant was initially appointed as of Naib Qasid in the Court of Senior Civil Judge Kohistan on 02.01.1995. during the course of his service, the appellant also applied for the post of Driver in the year 2008, accordingly he was appointed as Driver in the Court of District and Session Judge Kohistan on 22.07.2008. Ever since his appointment the appellant has performed his duties as assigned with zeal and devotion and there was no complaint whatsoever regarding his performance.
2. That it is also pertinent to mentioned that the appellant was also entrusted the duties of daftari vide order dated 05.11.2013.
3. That while serving in the said capacity, the appellant was falsely implicated in a Criminal Case vide FIR No. 19 dated 04.03.2014 U/S 411 PPC Police Station Dassu Kohistan. (Copy of the FIR is attached as Annexure A)
4. That accordingly the appellant was suspended form service vide order dated 13.03.2014 and he was served with Charge Sheet and Statement of allegations containing certain unfounded and baseless allegations. The allegations so leveled are as under:
"That you involved yourself in stealing of the vehicles and white colour Bolan Suzuki bearing Chassis No. SV308 PK949091, Engine No. PKT 832570 and registration No. LEA-2472 stolen from the criminal jurisdiction of Police Station of Baghbanpura Lahore was recovered from your direct exclusive possession. Accordingly, case FIR No. 19 dated 04.03.2014 U/S 411 PPC stood registered in Police Station Dassu Kohistan and that you also remained involved in such like activities in the past too."
(Copies of the suspension order dated 13.03.2014, Charge Sheet and statement of allegations are attached as Annexure B & C).
5. That the appellant submitted the detail reply to the Charge Sheet denying the allegations leveled against him as unfounded and baseless. (Copy of the reply of the charge sheet is annexed as annexure "D")
6. That a partial inquiry was conducted and the inquiry officer submitted his report wherein the inquiry officer held the appellant guilty of the charges.



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7. That without issuing any show cause notice or allowing opportunity of hearing to the appellant, the appellant was awarded the penalty of Removed from the post of driver and he was placed at the disposal of Senior Civil Judge, Kohistan for his re-appointment against his former post of Naib Qasid vide order dated 10.04.2014. (Copy of the order is attached as annexure "E").
8. That the appellant also submitted his departmental appeal, however the appeal was not replied till the expiry of statutory period. It is also pertinent to mention that the Senior Civil Judge, Kohistan, also refused to re-appoint the appellant against his formal post of Naib Qasid as per order dated 10.14.2014, vide order dated 20.06.2014.(Copies of the departmental appeal and order dated 20.06.2014, is attached as Annexure F & G)
9. That the order awarding penalty is illegal, un-lawful and liable to be strucked down inter-alia on the following grounds.

GROUND OF SERVICE APPEAL

- A. That the appellant has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before the imposition of penalty upon the appellant, the appellant has not been associated properly with the inquiry proceedings, nor he was served with the final show cause notice thus all the proceedings conducted against the appellant were illegal and run counter to the express provisions of KPK Govt Servants E&D Rules, 2011 hence the resultant order Removal from service is nullity in the eyes of law.
- C. That the appellant has not been allowed opportunity of personal hearing before the imposition of penalty upon him hence he has been condemned unheard.
- D. That there was no evidence available whereby it could have been proved that the appellant has willfully misconduct himself or for that matter his service record was such that could warrant imposition of the penalty upon him.

Attest
AD

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- E. That the inquiry officer never conducted the inquiry in accordance with the law and rules, moreover no independent witness has been examined in the inquiry, thus the charges against the appellant remained unproved during inquiry. The inquiry officer gave his findings on surmises and conjunctures.
- F. That the appellant has not been provided fair opportunity to defend himself thus he has virtually condemned unheard.
- G. That witnesses if any were never examined against the appellant nor the appellant has been allowed opportunity to cross examine those who may have deposed against him during the inquiry.
- H. That the appellant never committed any act or omission which could be termed as misconduct, he has been falsely implicated in the criminal case, however the appellant has now been allowed bail and the case is under trial the appellant is hopeful of his acquittal.
- I. That other allegations leveled against the appellant vide order dated 20.06.2014, are also false and baseless moreover no separate charge sheet or show cause notice was ever served upon the appellant for those allegations nor any inquiry was conducted.
- J. That the appellant has not been served with final show cause notice nor he has been provided the copy of the findings of the inquiry report which is mandatory in case of awarding major penalty.
- K. That the appellant is serving in the department since 1995 and always tried to uphold its dignity by distancing himself from any wrong doings, his service record would testify this fact. The allegations so leveled against the appellant are false and baseless.
- L. That the penalty imposed is not based on any evidence and is very harsh, will spoil the bright service career of the appellant, as such is liable to be strucked down.
- M. That even the appellant has not been re-appointed against the post of Naib Qasid as per the order dated 10.04.2014, hence the appellant is jobless since the imposition of illegal penalty imposed upon him.

Attest
Dr

(28)

N. That the appellant seeks the permission of this Honorable Court to rely on addition grounds at the hearing of this appeal.

It is therefore, humbly prayed that On acceptance of this appeal the impugned dated 10/04/2014 may please, be set-aside and the appellant may please be reinstated into service and be restored to his original Post of Driver. Any other remedy deem just and proper under the circumstances of the case may also be allowed in favour of the appellant.

Through

Appellant



IJAZ ANWAR

Advocate Peshawar

&

SAJID AMIN

Advocate, Peshawar

AFFIDAVIT

I, *Sadbar Khan, Ex- Driver/ Daftari Office of the District & Sessions Judge, Kohistan*, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.

Deponent



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



1000
17-7-2014

Appeal No. 1017/2014

Sadbar Khan, Ex- Driver/ Daftari Office of the District & Sessions Judge, Kohistan.

(Appellant)

VERSUS

1. The Registrar, Peshawar High Court, Peshawar.
2. District & Sessions Judge, Kohistan.
3. Senior Civil Judge, Kohistan.

(Respondent)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, read with Rule 19 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011, against the Office Order No. 393-398 D&SJ (KH) dated 10/04/2014, whereby the appellant has been Removed from the post of driver and he has been placed at the disposal of Senior Civil Judge, Kohistan for his re-appointment against his former post of Naib Qasid, against which his departmental appeal dated 18.04.2014, has not been responded despite the lapse of statutory period.

29.04.2015

Counsel for the appellant present. Learned counsel for the appellant requested for withdrawal of the instant appeal as after institution of appeal the departmental appeal of the appellant was rejected and, consequently, the appellant was to submit fresh appeal which he has already submitted.

In view of the above, the appeal in hand is dismissed as withdrawn. File be consigned to the record. *///*

ANNOUNCED
29.4.2015

Chairman

29.04.2015
1
Khyber Pakhtunkhwa Service Tribunal, Peshawar

Date

20.5.2015

No

400

C

4

F

2

E

6

D

~~20.5.2015~~

Date

20.5.2015

Date

~~20.5.2015~~

Annex I

Case No: _____

Sadbat Khan

VS

(26)

FTR: Dated U/S PS

Order/Date

Order No...1

21-06-2014

Service Appeal received from Mr. Sadbat Khan. To come up for preliminary hearing on 26-06-2014.

(Sardar Muhammad Irshad)
Sessions Judge,
KOHISTAN.

[Handwritten notes in Urdu]

26-6-2014

Present: Appellant in person.

O. No...2

01-07-2014

Heard in motion. Contends inter alia that he was appointed as Naib Qasid in the court of Senior Civil Judge, Kohistan on 02-02-1995 while promoted to the post of driver on 21-07-2008. This court reverted him back to his original post as a result of some disciplinary action against him. He reported for his duty in the court of Senior Civil Judge, Kohistan but he regretted on the ground that at present no vacant post of Naib Qasid exists with him. Point raised needs consideration. Admit. It is directed that service record of appellant be produced before this court on 03-07-2014. It is further directed that seniority list of Naib Qasid from the Office of Senior Civil Judge, Kohistan as well from the Superintendent of this office be summoned for the date fixed. In the meanwhile notice be given to Junior most Naib Qasid in the establishment of Senior Civil Judge as well in this establishment for the date fixed. Those Naib Qasids who are likely to be effected adversely from any order if passed in favour of appellant are directed to furnish their reply on the date fixed.

Certified to be True Copy

Examiner
District & Sessions Judge
Kohistan at Dassu
Authorized Under Section 75 Area Order

[Handwritten signature]

SARDAR MUHAMMAD IRSHAD
Sessions Judge,
KOHISTAN

O. No.....3
03-07-2014

Present: Appellant in person.
M/S Jehangir Khan Superintendent and Alam Zeb
Budget & Accounts Assistant.

The latter produced seniority list alongwith service record of appellant. Notice be given to Alam Zeb, Naib Qasid of the court of Senior Civil Judge, Kohistan and Umer Farooq, Naib Qasid of the court of Sessions Judge, Kohistan for 21-07-2014. In the meanwhile Show-cause Notice be given to the appellant asking him to explain why he produced fake/forged SSC before this Court through the court of Senior Civil Judge, Kohistan on 19-06-2008 alongwith application for appointment as driver. Reply be made available before this court on or before the date fixed.

(SARDAR MUHAMMAD IRSHAD)
Sessions Judge,
KOHISTAN

O. No.....4
23-07-2014

Present: Appellant in person.
M/S Alamzeb & Umer Farooq Naib Qasids in person.
Mr. Tanveer Ahmad CO alongwith record.

This is a departmental appeal against order dated 20.06.2014 of learned Senior Civil Judge Kohistan whereby he regretted re-appointment of the appellant against a post of Naib Qasid.

Appellant in his appeal alleged that he was appointed as Naib Qasid in the establishment of Senior Civil Judge Kohistan on 02.02.1995 and promoted to the post of Driver on 21.07.2008 and as a result of retaining in his

1 Certified to be True Copy
Exhibitor
District & Session Judge
Kohistan at Derasu
Archived Under Section 75 Act Order

possession a stolen vehicle arrested and suspended. An Inquiry was conducted to determine as to whether Appellant's conduct was prejudicial to good order or service discipline or unbecoming of Govt. Servant and gentleman. The Inquiry Officer suggested that the appellant not only brought bad name to the District Judiciary but to the whole Institution as well and in no way deserves to be the part of Judicial Department. Thereafter Show-cause Notice was given to the appellant affording him an opportunity of personal hearing but the appellant did not avail the aforesaid opportunity and never responded to the Show-cause Notice. At last he was removed from the post of Driver and placed at the disposal of Senior Civil Judge Kohistan asking him to order his re-appointment against his former post of Naib Qasid. Learned Senior Civil Judge regretted his re-appointment on the following grounds:-

- (i) Appellant is guilty of production of fake DMC before Senior Civil Judge Kohistan with his application for appointment to the post of Driver who forwarded the same to this Court. His entry in the service based on fake and bogus documents showing his date of birth as 04.01.1976 instead of 04.01.1978 when his actual age was 16 years.
- (ii) Non-existence of the post of Naib Qasid in his establishment.
- (iii) Exploiting good name and reputation of the prestigious Judicial Institution.
- (iv) Misuse of the vehicle released in his favour on superdant and Appellant is linked with dangerous criminal activities.
- (v) As regard non-existence of a post of Naib Qasid Notices were given to Junior most Naib Qasids of the establishment of Senior Civil Judge and Sessions Judge, however appellant was directed to clear his position with regard to stummas mentioned above to which he failed to offer

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Certified to be True Copy
 District & Session Judge
 Kohistan at Derasu
 Authorized Under Section 75 Act's Order

any plausible explanation. The fake DMC alongwith original application produced by him and original verification report received from BISE Abbottabad were placed before him but he failed to show any reasonable cause for production thereof. In view of this unrebutable documentary proof against him Appellant's further retention in the Judiciary would neither be in the interest of justice nor in the interest of Judiciary, therefore, learned Senior Civil Judge rightly declined re-appointment to the Appellant. Had the Appellant in service fresh charge-sheet would have given to him for production of fake DMC and obtaining his entry in the service on the strength of fake and forged documents as his above acts constitute distinct misconduct but due to his being no more in service and due to void appointment obtained through cheating and fraud the same exercise is not warranted. Accordingly exercising power under R-17(2)(C) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 while rejecting Appellant's departmental appeal I direct his compulsory retirement on compassionate grounds keeping in view the length of his service. Simultaneously learned Senior Civil Judge in the capacity of Area Magistrate shall consider the matter to determine as to whether any offence was committed by the Appellant and shall proceed ahead according to law. Copy of this order be sent to learned Senior Civil Judge, Kohistan for information and compliance. File be consigned to Record Room.

Announced:
23.07.2014

(SARDAR MUHAMMAD IRSHAD)
Sessions Judge,
KOHISTAN

Certified to be True Copy

Examinee
District & Session Judge
Kohistan

No. 635
Date of presentation of application 24-7-14
No. of page 02
Copying fee _____
Urgent fee _____
TOTAL _____
Name of Copyist Muhammad Saif
Date of examination of copy 26-7-14
Date of delivery of copy 26-7-14

POWER OF ATTORNEY

In the Court of SPK Service Tribunal Peshawar
Saabaz Khan

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

The Registrar Peshawar High Court } Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

and Sajid Amin Advocate my true and lawful attorney, for me in my same and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants Saabaz Khan
Accepted subject to the terms regarding fee _____

Sajid Amin
Advocate
Peshawar


Ijaz Anwar
Advocate High Courts & Supreme Court of Pakistan

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

In the matter of

Service Appeal No. 520/2015

Sadbar Khan.....**Petitioner**

Versus

District & Sessions Judge Kohistan & others

.....**Respondents**

**APPLICATION FOR WITHDRAWAL OF THE
TILTED SERVICE APPEAL**

Respectfully Sheweth:-

1. That the titled Service Appeal is pending adjudication before this Hon'ble Tribunal in which no date of hearing has been fixed so far.

2. That the respondents have assured the appellant for the redressal of his grievance, therefore the appellant is no more interest in further proceedings of the titled Service Appeal and want to withdraw the same.

3. That there is no legal impediment in withdrawal of the titled appeal.

It is, therefore requested that on acceptance of this application the titled Service Appeal may kindly be dismissed as withdrawn.


Appellant

Through


Sajid Amin

Advocate, Peshawar

Dated 03.06.2015

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

In the matter of

Service Appeal No. 590/2015

Sadbar Khan.....**Petitioner**

Versus

District & Sessions Judge Kohistan & others

.....**Respondents**

**APPLICATION FOR WITHDRAWAL OF THE
TILTED SERVICE APPEAL**

Respectfully Sheweth:-

1. That the titled Service Appeal is pending adjudication before this Hon'ble Tribunal in which no date of hearing has been fixed so far.
2. That the respondents have assured the appellant for the redressal of his grievance, therefore the appellant is no more interest in further proceedings of the titled Service Appeal and want to withdraw the same.
3. That there is no legal impediment in withdrawal of the titled appeal.

It is, therefore requested that on acceptance of this application the titled Service Appeal may kindly be dismissed as withdrawn.

Appellant

Through

Sajid Amin

Advocate, Peshawar

Dated 03.06.2015