

PROFORMA FOR EARLY HEARING

Khyber Pakhtunkhwa
Service Tribunal

FORM 'A'

Case No. 11717

To be filled by the Counsel/Applicant

Dated 12/3/24

Case Number	COC no. 74/24 (1091/2014)		
Case Title	Mehboob Ali Khan - vs -		
Date of Institution	17/1/2024. Judiciary.		
Bench	SB <input checked="" type="checkbox"/>		DB
Case Status	Fresh		Pending <input checked="" type="checkbox"/> 20/3/24
Stage	Notice <input checked="" type="checkbox"/>		Reply Argument
Urgency to clearly stated.	Despite of lapse of stipulated period for demoro inquiry enquiry is initiated illegally against the petitioner.		
Nature of the relief sought.	Early Hearing		
Next date of hearing	20/3/24.		
Alleged Target			
Date			
Counsel for <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> In person

[Signature]

Signature of counsel/party

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing _____ -p/20 _____

In case No. COC-74 -p/20 24

Mahboob Ali Khan Vs Judiciary

Presented by _____ on behalf of _____ . Entered
in the relevant register.

Put up alongwith main case _____

REGISTRAR

Last date fixed	
Reason(S) for last adjournment, if any by the Branch Incharge.	
Date(s) fixed in the similar matter by the Branch Incharge.	
Available dates Readers/Assistant Registrar branch	

Assistant Registrar

REGISTRAR

**BEFORE THE HON'BLE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR**

In COC # 74/24 /2024

Mehboob Ali Khan

Versus

The Administrative Judge Peshawar High Court Peshawar
and Others

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Dated: 11-03-2024

Through,

Petitioner

Noor Muhammad Khan Khattak

ASC.

(11)

**BEFORE THE HON'BLE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR**

In COC # 74/24/2024

Mehboob Ali Khan

Versus

The Administrative Judge Peshawar High Court
Peshawar and Others

**APPLICATION FOR EARLY HEARING OF THE
CAPTIONED COC.**

Respectfully Sheweth,

1. That the captioned COC/petition for implementation is pending adjudication before this Hon'ble Tribunal on 20.03.2024.
2. That on the previous dated i.e on 05.03.2024, despite of services, the respondents failed to appear before this August Tribunal thus the COC was adjourned to 20.03.2024.
3. That on 08.03.2024 vide No's.1589, 1590 & 1591-97, the Hon'ble District and Session Judge Peshawar have issued office order, charge sheet and statement of allegations and Mr. Nasir Khan the learned Additional District & Session Judge, Peshawar was appointed as inquiry officer to conduct inquiry against the official with the directions to the official /petitioner to submit his reply with the learned inquiry officer within a period of 07 days. (Copies of the aforesaid documents are attached herewith as annexure "A, B & C").
4. That vide judgment and orders dated 14.09.2023 in service appeal No.1091/2014, passed by this

August Tribunal, the respondents were directed to conduct de-novo inquiry against the official petitioner within a period of 90-days, after the receipt of copy of the judgment.

- 5. That the petitioner on receipt of copy of the aforesaid judgment of this August Tribunal, submitted application alongwith judgment of this August Tribunal before the Hon'ble District & Session Judge, Peshawar on 03.10.2023 and by this way, 90 days were completed on 03.01.2024 but neither the services of the official/petitioner were reinstated for the purpose of de-novo inquiry nor any such de-novo inquiry was conducted within the stipulated period, therefore, under the law and dictum of the superior courts, the issuance of aforesaid orders, show cause notice and statement of allegations are null and void.

It is, therefore, most humbly prayed that on acceptance of the instant petition, the COC of the petitioner already fixed on 20.03.2024 before this August Tribunal may kindly be fixed for early hearing.

M. S. S.

Applicant

Through

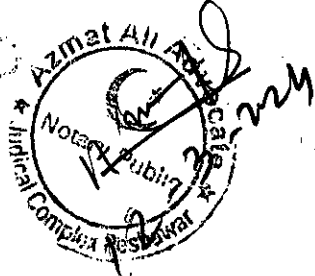
Noor Muhammad Khan Khattak
ASC Pakistan
&
Rookhi Amin Khan
Advocate High Court
Peshawar.

Dated: 11/03/2024

AFFIDAVIT

I, **Mehboob Ali Khan** the petitioner, do hereby solemnly affirm & declare that all contents of the instant application are true & correct to the best of my knowledge & belief and nothing has been concealed or mis-stated from this August Tribunal.

ATTESTED



M. S. S.
Deponent



DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Ph#091-9210099 Fax#091-9212419
eMail: scPeshawar@yahoo.com
web: SessionsCourtPeshawar.gov.pk

No. 1591-97
Dated Peshawar 08/3/24

OFFICE ORDER

The Khyber Pakhtunkhwa Service Tribunal Peshawar vide its Judgment/Order dated 14/09/2023, passed in Departmental Appeal No. 1091/2014, has accepted an appeal filed by Mr. Mehboob Ali, Ex-Senior Scale Stenographer of this Sessions Division, and ordered that the appellant/official be reinstated in service for the purpose of de-novo inquiry, with direction to the respondents to conduct de-novo inquiry within a period of ninety days after receipt of copy of this judgment.

After receipt of copy of the abovementioned judgment on 03/10/2023, the same was thoroughly perused and a few points were noted to be clarified. One and the most important point was that no post of Senior Scale Stenographer was available at the moment to accommodate the appellant/official, therefore, the august Peshawar High Court and the Finance Department, were approached for clarification. A response is still awaited.

Meanwhile, one Senior Scale Stenographer (BPS-16), Maqsood Ahmad, stand retired via this Office Order bearing No. 1504-08 dated 04/03/2024, making a vacancy available to re-instate the appellant/official. The requisite clarifications are yet to be received, but in order to comply with the judgment/order of KP Service Tribunal, the following is hereby ordered, in the interest of public service.

Mr. Mehboob Ali s/o Noroz Khan is reinstated in service for the purpose of de-novo inquiry, with immediate effect, and without any back benefits as the judgment of KP Service Tribunal is silent about the same. The recovery of pensionary benefits received by him after his compulsory retirement is kept pending till a response is received by the Finance Department.

Mr. Nasir Khan, learned AD & SJ-XVI Peshawar shall conduct de-novo inquiry against the official concerned in accordance with the relevant law/rules on the subject, and submit-report within a month. Mr. Muhammad Allah Yar, Senior Clerk shall represent this Office during the inquiry proceedings.

Abdul
Adno

Ashfaque Taj
[ASHFAQUE TAJ]
District & Sessions Judge,
Peshawar.

No.106 (00) 1591-97 Dated Peshawar, the 08 / 03 / 2024

Copy forwarded for information/necessary action to:

1. The worthy Registrar, Peshawar High Court, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Mr. Nasir Khan, learned AD & SJ-XVI, Peshawar/Inquiry Officer, along with relevant record.
4. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
5. The Assistant/Accountant, Sessions Court, Peshawar
6. The Assistant/ACC, Sessions Court, Peshawar
7. Official concerned.

[Handwritten Signature]
 District & Sessions Judge,
 Peshawar

[Handwritten Signature]
 Adv.



DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Ph#091-9210099 Fax#091-9212419
eMail: scPeshawar@yahoo.com
web: SessionsCourtPeshawar.gov.pk

No. 1590
Dated Peshawar 08/03/24

CHARGE SHEET

I, **Ashfaque Taj**, District & Sessions Judge Peshawar, as competent authority, hereby charge you, **Mr. Mehboob Ali**, Senior Scale Stenographer as follow:

1. That, while posted as Stenographer at Sessions Division Peshawar, you had persistent reputation of being corrupt, which had brought bad name to the institution, and your conduct was prejudicial to good order and service discipline, as well as contrary to the Khyber Pakhtunkhwa Government Servants (Conduct) Rules-1987.
The Anti-Corruption Committee of this Sessions Division on the basis of feedback from the Anti-Corruption Cell of august Peshawar High Court, and from the scrutiny of your credential, had confirmed the above-stated allegations vide its report dated 30/06/2011.
2. By reason of the above, you appear to be guilty of misconduct and corruption within the meaning of Rules 3(b) & (c) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule-4 of the rules ibid.
3. You are, therefore, required to submit your written defense within **seven** days of the receipt of this charge sheet to the Inquiry Officer.
4. Your written defense, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defense to set 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.

Ashfaque Taj
Adm

Ashfaque Taj
[ASHFAQUE TAJ]
District & Sessions Judge/
Competent Authority,
Peshawar.



DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Ph#091-9210099 Fax#091-9212419
eMail: scPeshawar@yahoo.com
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No. 1589
Dated Peshawar 08/03/24

DISCIPLINARY ACTION

I, **Ashfaque Taj**, District & Sessions Judge, as competent authority, am of the opinion that **Mehboob Ali, Senior Scale Stenographer** has rendered himself liable to be proceeded against, as he has committed the following acts/omissions, within the meaning of Rules 3(b) & (c) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATION(S)

That, while posted as Stenographer at Sessions Division Peshawar, you had persistent reputation of being corrupt, which had brought bad name to the institution, and your conduct was prejudicial to good order and service discipline, as well as contrary to the Khyber Pakhtunkhwa Government Servants (Conduct) Rules-1987.

The Anti-Corruption Committee of this Sessions Division on the basis of feedback from the Anti-Corruption Cell of august Peshawar High Court, and from the scrutiny of your credential, had confirmed the above-stated allegations vide its report dated 30/06/2023.

1. For the purpose of inquiry against the said accused official with reference to the above allegations, Mr. Nasir Khan, learned Additional District & Sessions Judge-XVI, Peshawar is appointed as Inquiry Officer under Rule 16(1)(a) of the rules ibid.
2. The inquiry officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record his findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
3. The accused, and the representative of this office, shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

Ashfaque Taj
Adm

Ashfaque Taj
[ASHFAQUE TAJ]
District & Sessions Judge/
Competent Authority,
Peshawar.

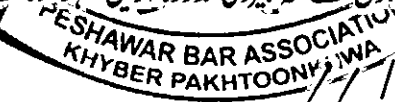
قیمت 50 روپے	32797	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈویکٹ: <i>دوسرا</i>		PESHAWAR BAR ASSOCIATION
بار کونسل ایسوسی ایشن نمبر: be-20-2081		
رابطہ نمبر: 03119416118		

بعدالت جناب: *سید ناصر حسین شاہ*

منجانب: <i>محبوبہ علی خان</i>	دعویٰ:
<i>محبوبہ علی خان</i>	علت نمبر:
بنام	مورخہ:
<i>جوڈسٹری</i>	جرم:
	تھانہ:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام *Peshawar* کے *سید ناصر حسین شاہ* صاحب کو *دوسرا* کو ذمہ دار قرار دینے پر *دوسرا* نے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا کٹرف یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ مال اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائے التوا ہے مقدمہ کے سبب سے ہوگا کوئی تازہ 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



المرقوم: 11/2/2024

العہد گاہ شد العہد
مقام *Accepted* کے لیے منظور ہے۔

Amirato