

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

**Appeal No. 57 / 2024**

*Muhammad Tariq Jan s/o Wasal Khan, Process Server, in the  
establishment of senior Civil Judge (Admin), Charsadda*

..... *Appellant*

VERSUS

*The District & Sessions Judge, Charsadda and one other*

..... *Respondents*

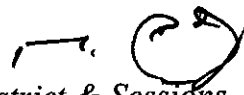
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*Senior Civil Judge (Admin),  
Charsadda.*

**Senior Civil Judge (Admin),  
Charsadda**

*Saira Bano*

  
*District & Sessions Judge,  
Charsadda.*

**District & Session Judge  
Charsadda**

*Muhammad Asif Khan*

*16-05-24*

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

Khyber Pakhtunkhwa Service Tribunal

Diary No. 12797

Appeal No. 57 / 2024

Dated 16-05-24

*Muhammad Tariq Jan s/o Wasal Khan, Process Server, in the establishment of senior Civil Judge (Admin), Charsadda*

..... *Appellant*

VERSUS

*The District & Sessions Judge, Charsadda and one other*

..... *Respondents*

**SERVICE APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE APPELLATE ORDER DATED 12.12.2023 PASSED BY RESPONDENT NO. 01 (DISTRICT & SESSIONS JUDGE, CHARSADDA)**

*Respectfully sheweth,*


Para-wise comments on behalf of respondents No. 1 & 2, i.e. District & Sessions Judge, Charsadda & Senior Civil Judge (Admin), Charsadda are as follows:

**Preliminary objections:**

1. That the appellant has got no cause of action to file instant appeal.
2. That the appeal of the appellant is barred by law and limitation.
3. That the appeal is bad from mis-joinders and non-joinder of necessary parties.
4. That the appellant has not come to this Hon'ble tribunal with clean hands.

**On Facts:**

1. Related to record, hence no comments.
2. Correct to the extent that the officials of Process Serving Agency were delivered official motorcycles in the year-2018 for service of summons etc., however, rest of the para is incorrect. The appellant has tried to

  
Senior Civil Judge (Admin)  
Charsadda

conceal the facts for justification of theft of official motorcycle due to his unauthorized use and negligence.

3. Need no comments being facts on record.
4. Correct to the extent that the officials were directed to use the official motorcycle for official use only i.e. service of summons etc. and not for any other use, through circulated SOPs for use of official motorbikes of the Senior Civil Judge, Charsadda bearing No. 475-76/SCJ, Chd, dated 15.09.2018, the District & Sessions Judge, Peshawar on the direction of august Peshawar High Court Peshawar dated 20.06.2019 and the Senior Civil Judge (Admin), Charsadda bearing No. 388-91/SCJ (Admin) Charsadda dated 29.06.2019 (copies annexed as annexure A), however, rest of the para is incorrect. The official has tried to conceal the facts making ground for loss of his official motorcycle due to his unauthorized use and negligence. Moreover, fuel charges are paid upon production of proper maintained log book as per the SOPs mentioned above, and are paid to all the entitled officials as per ibid SOPs and office order No. 259/SCJ (Admin), Charsadda dated 18.03.2022 (copy annexed as Annexure B).
5. Correct to the extent that the field areas were reshuffled in the public interest on 02.06.2023 and the process issued by the august Peshawar High Court Peshawar incase titled "Gohar Ali bs Munir Khan" fixed for 14.06.2024, earlier issued to another process server, was overwritten and received by the appellant, falling in his new field area, however, rest of the para is incorrect. The official neither served the process properly nor personally but it seemed only filling the blank, without attestation form the Naib Nazir as required under the rules and without his authorization for direct submission to the august Peshawar High Court, Peshawar as evident from Fact-Finding Inquiry by the learned Additional Sessions Judge-II, Charsadda as well as formal inquiry of the Civil Judge-VII, Charsadda.
6. Correct. The official admits that he went directly for submission of the notice to the Peshawar High Court, Peshawar.

  
 Senior Civil Judge (Admin)  
 Charsadda

7. No comments as it is related to his own statements.
8. No comments as it is related to his own statements and record.
9. Related to record.
10. As admitted by the appellant, all the lapse occurred due to his direct submission of the notice to the august Peshawar High Court, Peshawar by not following proper protocol.
11. No comments as it is related to his own statements and record.
12. Fact finding inquiry was conducted by learned Additional Sessions Judge-II, Charsadda in accordance with rules by recording statements of all the required witnesses including the appellant, and the appellant was found guilty.
13. Need no comments being facts on record.
14. Need no comments being facts on record.
15. The Inquiry was conducted in accordance with rules, and recording of statements, opportunity for cross examination was awarded as and when required.
16. Incorrect.
17. Need no comments being facts on record.
18. Need no comments being facts on record.
19. Correct to the extent that minor penalty of recovery of official motorcycle and withholding of annual increments were awarded to the appellant, however, no prevailing market value was recovered from him. Cost of the official motorcycle for the year 2018 (procured by District Judiciary, Peshawar) was recovered from him after receipt of actual rate of motorcycle from learned Senior Civil Judge, Peshawar (Annexure C).
20. Need no comments being facts on record.
21. Correct to the extent that Notice of recovery was given to him, moreover, DPC was held on 18.11.2023 in which the appellant was deferred however, rest of the para is incorrect hence denied.

  
Senior Civil Judge (Admin)  
Charsadda

22. Departmental appeal of the appellant was disposed of/dismised in accordance with rules.

23. No comments.

**Grounds:**

- A. Incorrect. No law and rules were violated.
- B. The appellant was penalized for his negligence, noncompliance with the required protocols and job description.
- C. No comments.
- D. The learned inquiry officer summoned and examined all the witnesses being necessary for the inquiry.
- E. The official himself admits his direct returning of notice to the august courts without the attestation from the Naib Nazir, without bringing to the notice of the authority (Senior Civil Judge, Charsadda) to be dispatched through proper channel, and without authorization. Moreover, the appellant admits that he is senior process server since 20023, and his lack of such basic job requirements/protocols also speaks of his inefficiency.
- F. Ground so raised is irrelevant to the case of appellant. The appellant was not awarded penalty regarding the non- delivery of notice.
- G. No prevailing market value was recovered from him. Cost of the official motorcycle for the year 2018 (procured by District Judiciary, Peshawar) was recovered from him after receipt of actual rate of motorcycle from learned Senior Civil Judge, Peshawar (annexure C).
- H. Incorrect. The appellant was never authorized to return notice/summon the august Court. Even though any person if deputed for the purpose is not authorized to return/hand over the notice/summons to the august Court without attestation form Naib Nazir and through proper channel.
- I. No Comments.
- J. Already replied in para-No. D and H above.
- K. Incorrect. Log books are maintained by the officials/ Process Servers and Bailiffs and have been directed to maintain it from the date of issuing of motorcycle.



Senior Civil Judge (Admin)  
Charsadda

- L. Incorrect. The appellant has been awarded penalty on ground of conduct prejudicial to good order or service discipline which is defined as misconduct under Khyber Pakhtunkhwa Efficiency and Discipline Rules 2011.
- M. Ground so raised is irrelevant to the appellant. It is the duty of subordinate Judiciary to streamline the dispatch of notices/dak to the superior judiciary and not the august court to inquire every official and ask for his deputation order.
- N. No comments.
- O. Recovery has been made in equal installments on the willingness of the appeal nullifying the ground.
- P. The notice was originally issued to Mr. Arshid Ahmad, Process server, for its service, and cutting on the notice/process without the knowledge of the Naib Nazir and returning it without attestation and authorization left ambiguities.
- Q. No comments as it is related to his own perception and probabilities.
- R. Incorrect.
- S. Incorrect.
- T. Not related as the same is discretion of the Tribunal.

In view of the above it is solicited that appeal of the appellant being devoid of merits and against the facts, may be dismissed with cost.

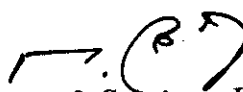
Respondent No. 2

  
Senior Civil Judge (Admin),  
Charsadda.

Senior Civil Judge (Admin),  
Charsadda

Saira Bano

Respondent No.1

  
District & Sessions Judge,  
Charsadda.

District & Session Judge  
Charsadda

Muhammad Asif Khan

8

66 A

Office of the  
**Senior Civil Judge (Administration)**  
Charsadda

Phone: 091-9220435  
Fax: 091-9220435  
Email ID:  
nazirsci@gmail.com

No. 388-91 /SCJ(Admin) Charsadda

Dated:29.06.2019

**STANDARD OPERATING PROCEDURE (SOP) FOR USE OF  
MOTORBIKES BY THE PROCESS SERVING AGENCY**

1. The Motor cycles so provided shall be used only for official purpose i.e. service of summons/notices/warrants issued by the Courts and not for any other use.
2. No official except **on-field-duty Bailiff and Process Server (On the basis of Seniority list)** shall be entitled to receive motorcycle.
3. Every Bailiff/Process Server, who is provided with official bike, shall be entitled to POL charges of **20/- liters per month**, as well as **Rs.500/- for maintenance charges**.
4. Every Bailiff/Process Server shall keep Log-Book of his motorcycle, wherein complete details of the journeys made on official bike shall be recorded chronologically alongwith details of mileage and maintenance as well as brief of Warrant/Process Serving etc.
5. **Civil Nazir/Accountant** shall be responsible to check/verify the Log-book before making payment of POL and Maintenance charges to the Bailiffs/Process Server, as well as keep record of the same for Audit purposes.
6. Every Bailiff/Process Server provided with official bike shall fulfill all the requirement of traffic laws including possession of valid Driving License, use of Helmet etc.
7. The Bailiff(s) who is promoted to Naib Nazir/Junior Clerk, shall handover his motorcycle to the Civil Nazir, with complete record, log book and inventory.
8. Process Server/bailiff who retires from service, shall hand over his motorcycle alongwith relevant records to Civil Nazir.

Senior Civil Judge (Admin)  
Charsadda

**Naseer Ahmad**  
Senior Civil Judge (Admin),  
Charsadda

Copy forwarded for information to:

1. The Hon'ble District & Sessions Judge, Charsadda.
2. The Civil Nazir for maintenance of Log book of official Motorbikes
3. The Clerk of Court to supervise log book on monthly basis.
4. Office copy.

Senior Civil Judge(Admin),  
Charsadda



**DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR**

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

No. \_\_\_\_\_  
Dated Peshawar \_\_\_\_\_

Received On 28.6.19  
Page No. 1112  
Date 28.6.19  
for Action DJ  
Signature [Signature]

To  
The worthy Registrar,  
Peshawar High Court,  
Peshawar.

Subject: **MINUTES OF THE MEETING OF REVAMRING OF  
PROCESS SERVING SYSTEM IN DISTRICT JUDICIARY**

Reference: Letter# SDJ/PHC/REG/64(a)-V.II-(1-34)/3206-40 dated 13/06/2019

Respected Sir,

I have the honor to submit that SOP for usage and maintenance of motorcycles by the Process Serving Agencies of District Judiciary Khyber Pakhtunkhwa has been prepared by this Office. The same is forwarded herewith for your kind perusal, as directed, please.

Encl: AS ABOVE

[Muhammad Younas]  
District & Sessions Judge,  
Peshawar.

Endorsement No. 3988 Dated Peshawar, the 24/06/2019

Copy forwarded alongwith enclosures to all the District & Sessions Judges of Khyber Pakhtunkhwa for information and further necessary action regarding release of payment to the Process Servers from the date of entitlement, as sanctioned by august Peshawar High Court, Peshawar vide its letter referred above, please.

District & Sessions Judge,  
Peshawar

24/06/2019

Senior Civil Judge (Admin)  
Charsadda

*Chairman, PSC  
if before KCS  
CS (Admin) / 28/6*

*scj (Admin)  
wel.  
21/7*

*Circulation  
21/8/19*





## DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

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

No. \_\_\_\_\_

Dated Peshawar \_\_\_\_\_

### STANDARD OPERATING PROCEDURE (SOP) FOR USE OF OFFICIAL MOTORCYCLES BY THE PROCESS SERVING AGENCIES

1. One Motorcycle per head will be provided to the Bailiffs and Process Servers of the Process Serving Agencies of Khyber Pakhtunkhwa on seniority basis.
2. The Motor cycles so provided shall be used only for official purpose i.e. service of summons/notices/warrants issued by the Courts, and not for any other use.
3. No official except on-field-duty Bailiff and Process Server shall be entitled to receive motorcycle.
4. Every Bailiff/Process Server, who is provided with official bike, shall be entitled to POL Charges for [20] liters per month, as well as Rs.500/- per month as Maintenance Charges.
5. Every Bailiff/Process Server shall keep Log-Book of his motorcycle, wherein complete details of the journeys made on official bike shall be recorded chronologically, alongwith details of mileage and maintenance as well as brief of Warrant/Process serving etc...
6. The Accountant/Civil Nazir of each district shall be responsible to check/verify the Log-book before making payment of POL and Maintenance charges to the Bailiff/Process Server, as well as keep record of the same for Audit purposes.
7. Every Bailiff/Process Server provided with official bike shall fulfill all the requirements of traffic laws including possession of valid Driving License, use of Helmet etc...

Senior Civil Judge (Admin)  
Charsadda

[MUHAMMAD YUNAS]  
District & Sessions Judge,  
Peshawar

24/06/2018

Office of the

**SENIOR CIVIL JUDGE, CHARASADDA**

No. 775/76/SCJ, Charsadda

Dated: 15.09.2018

**STANDARD OPERATING PROCEDURE (SOP) FOR USE OF MOTORBIKES BY THE PROCESS SERVING AGENCY**

1. The Motor cycles so provided shall be used only for official purpose i.e. service of summons/notices/warrants issued by the Courts.
2. No official except on-field-duty Bailiff and Process Server shall be entitled to receive motorcycle.
3. Every Bailiff/Process Server, who is provided with official bike, shall be entitled to POL charges of 20/- liters per month, as well as Rs.500/- for maintenance.
4. Every Bailiff/Process Server shall keep Log-Book of his motorcycle, wherein complete details of the journeys made on official bike shall be recorded chronologically alongwith details of mileage and maintenance.
5. Civil Nazir/Accountant shall be responsible to check/verify the Log-book before making payment of POL and Maintenance charges to the Bailiffs/Process Server, as well as keep record of the same.
6. Every Bailiff/Process Server shall possess/avail valid Driving License.
7. The Process Server/bailiff who transfer from his current place of posting, shall handover his motorcycle to the process server/bailiff who assumed that post against the transferred official with complete record, log book and inventory.
8. Process Server/bailiff who retires from service, shall hand over his motorcycle alongwith relevant records to Civil Nazir.

Senior Civil Judge (Admin)  
Charsadda

Hina Mehwish  
Senior Civil Judge,  
Charsadda

Copy forwarded for information to:

1. The District & Sessions Judge, Charsadda.
2. The Clerk of Court to supervise log book on monthly basis.
3. Office copy.



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66 B

2

District Judiciary Charsadda

Senior Civil Judge (Administration),  
Charsadda

Phone: 091 - 92 20 435

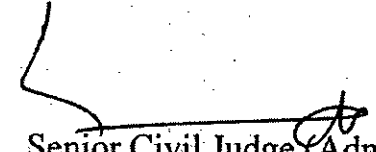
No. 259 /SCJ (Admin), Charsadda

Dated 18 /03/2022

**OFFICE ORDER.**

Reference earlier Instructions/SOPs of this office vide No. 475-76/SCJ Charsadda dated 15.09.2018 and No. 388-91/SCJ(Admin), Charsadda dated 29.06.2019 (Copies enclosed), all the Bailiffs & Process Servers of this establishment are directed to maintain proper Log Book as mentioned in Para (4) of the ibid instructions/SOPs while making claims of POL, if any.

The same shall be produced to the undersigned as when required as well as during the Annual Inspection for the Audit Purpose.

  
Senior Civil Judge (Admin),  
Charsadda Charsadda


**OFFICE OF THE SENIOR CIVIL JUDGE (ADMINISTRATION), CHARSADDA**

No. 260-63 /SCJ (Admin) Charsadda

Dated: 18.03.2022

Copy forwarded to:

1. The Hon'ble District & Sessions Judge, Charsadda for information, please.
2. The Civil Nazir/Naib Nazir of this court for compliance.
3. Notice Board.
4. Office Copy.

  
Senior Civil Judge (Admin),  
Charsadda

Senior Civil Judge (Admin),  
Charsadda

Senior Civil Judge (Admin),  
Charsadda



# DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Phone: 091-9213534

eMail: scjpeshawar@gmail.com

Web: www.SessionsCourtPeshawar.gov.pk

No. 541

Dated Peshawar 04-04-2018

## OFFICE OF THE SENIOR CIVIL JUDGE<sup>(ADMN)</sup>, PESHAWAR.

Annex "C"

To:

Ms. Saira Bano,  
Hon'ble Senior Civil Judge (Admn),  
Charsadda

Subject: RATE OF MOTORCYCLE

Dear Madam,

As per attached registration /Invoice the rate of purchased motorcycle in the year 2018 is Rs. 64,000/-.

The requisite Registration /Invoice are enclosed please.

MOHIB UR REHMAN,  
Senior Civil Judge(Admn),  
Peshawar

MOHIB UR REHMAN  
Senior Civil Judge (Admn)  
Peshawar.

Received 5<sup>4</sup>/<sub>24</sub>

Senior Civil Judge (Admn)  
Charsadda

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO. 57/2024.

Muhammad Tariq Jan, Process Server.

Appellant

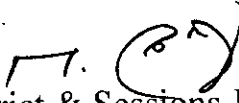
VERSUS

The District & Sessions Judge, Charsadda and others.

Respondents

AFFIDAVIT

I, the undersigned do hereby solemnly affirm and declare that the contents of the reply of appeal is true and correct to the best of our knowledge and this office record.

  
District & Sessions Judge,  
Charsadda.

~~That~~ that the above was verified on solemnly affirmation

before me in the office this 15 day of 05 2024

by District & Sessions Judge

at Charsadda

who is permanent known to me.

  
DISTRICT COMMISSIONER  
PESHAWAR HIGH COURT, PESHAWAR  
SUB-REGISTRY, CHARSADDA

*its further stated or etc  
that the ancillary Respondent  
can have neither place  
ex-poste nor their defense  
stayed off/cost.*



District Judiciary Charsadda

**Senior Civil Judge (Admn)  
Charsadda**

Phone: 091 - 92 20 435

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**AUTHORITY LETTER**

Mr. Mujahid Jan, Junior Clerk / Muharrir posted as English Clerk is hereby authorized to appear on our behalf before Khyber Pakhtunkhwa Service Tribunal Peshawar in appeal No. 57 of 2024 titled "Muhammad Tariq Jan vs District & Sessions Judge, Charsadda and one other".

Respondent No. 02

Senior Civil Judge (Admin),  
Charsadda

Senior Civil Judge (Admin),  
Charsadda

Respondent No. 01

District & Sessions Judge,  
Charsadda

District & Session Judge  
Charsadda