


# FORM OF ORDER SHEET

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

**Appeal No. 706/2024**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/05/2024	<p>The appeal of Mr. Baikat Ali presented today by Mr. Muhammad Asif Yousafzai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 30.05.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.**

**SERVICE APPEAL No. Feb 12024**

Barkat Ali

VS

Govt: of KP etc.

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**APPELLANT**

**Barkat Ali**

**THROUGH:-**

**(M. ASIF YOUSAFZAI)**

**ADVOCATE SUPREME COURT  
OF PAKISTAN.**

**(S. NOMAN ALI BUKHARI)**

**ADVOCATE HIGH COURT  
OF PESHAWAR.**

**(HILAL ZUBAIR)**

**ADVOCATE PESHAWAR**

Room No.FR-08, 4<sup>th</sup> Floor,  
Bilour Plaza Peshawar Cantt:  
Cell # 0312-9103240

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.**

**SERVICE APPEAL No 706/2024**

Mr. Barkat Ali, Junior Clerk BPS-11,  
Subordinate Judiciary Peshawar.

**APPELLANT**

**VERSUS**

1. The District & Session Judge, Peshawar.
2. The Registrar, Peshawar High Court, Peshawar.

**RESPONDENTS**

.....  
**APPEAL UNDER SECTION-4 OF THE KP  
SERVICE TRIBUNALS ACT, 1974 AGAINST THE  
ORDER DATED 07-02-2024 WHEREBY MAJOR  
PENALTY OF "REMOVAL FROM SERVICE" WAS  
IMPOSED UPON THE APPELLANT AND  
WHEREBY DEPARTMENTAL APPEAL OF THE  
APPELLANT WAS NOT RESPOND WITH IN  
STATUTORY PERIOD OF 90 DAY**

**PRAYER:-**

**THAT ON ACCEPTANCE OF THIS APPEAL THE  
ORDER DATED 07.02.2024 MAY VERY  
GRACIOUSLY BE SET-ASIDE BEING ILLEGAL,  
PASSED IN VIOLATION OF PRINCIPLE OF  
JUSTICE, HARSH AND UNWARRANTED IN THE  
EYES OF LAW AND THE APPELLANT MAY  
PLEASE BE REINSTATED INTO SERVICE WITH  
ALL BACK AND CONSEQUENTIAL SERVICE  
BENEFITS. ANY OTHER REMEDY DEEMS  
APPROPRIATE AND NOT SPECIALLY PRAYED  
FOR MAY ALSO BE AWARDED IN FAVOUR OF  
APPELLANT.**

## RESPECTFULLY SHEWETH:

### FACTS:-

1. That the appellant was performing his duty as junior clerk BPS-11 in Subordinate Judiciary Peshawar, with zeal and zest and never gave a chance of complaint to his high ups, and having unblemished service record throughout, his career.
2. That the appellant was served with the charge sheet and statement of allegation vide order dated 26.10.2023. Copy of charge sheet is annexed as annexure-A.
3. That the appellant responded to the charge sheet and denied the entire allegations mentioned in charge sheet vide his reply dated 03.11.2023 with true facts of the case. Copy of reply to charge sheet is attached as Annex-B.
4. That thereafter, an inquiry was conducted in violation of the spirit of E&D Rules, 2011 but even then nothing was proved against the appellant. Copy of departmental inquiry Annex-C.
5. That appellant was served with show cause notice dated 08.10.2024 which was properly replied by the appellant on dated 15.01.2024 and denied the entire allegation level against him. Copy of show cause notice and reply to show cause notice is attached as Annex-D & E.
6. That the Worthy District and Session Judge, Peshawar imposed the major penalty of "REMOVAL from Service" vide impugned order dated 07.02.2023 but without providing proper chance of defense to the appellant. Whereby the appellant being aggrieved filed the departmental appeal dated 19.02.2024 which was not responded within the statutory period of 90 days, hence the present appeal on the following grounds amongst the others. Copy of the order dated & departmental appeal are attached as Annex-F & G.

### GROUND

- A. That the appellant have not been treated in accordance with law. Hence the appellant rights secured and guaranteed under the law are badly violated.

- B.** That neither proper procedure was followed before awarding the major penalty nor proper inquiry was conducted. The appellant had not been properly associated with the inquiry proceedings, i.e statements of witnesses if any neither recorded in the appellant's presence nor the appellant have been allowed opportunity of cross examination, thus the proceedings so conducted are defective in the eye of law and also against the judgment of the Superior Court's i.e 96-SCMR Page-802.
- C.** That according to the judgment of Superior Courts cited as 1980-SCMR#850, the report on which an inquiry officer reliance and appellant was never confronted with such report, the same has no value in eye of law. So the impugned order passed on the basis of such inquiry/report has nullity in the eye of law.
- D.** That the appellant had not received any response from either Superintendent Session Courts Peshawar or other concerned quarter, therefore, no entry in the DAK book was made, and the representative of the accused's directly submitted the fake and fraudulently prepared revenue record and verification letter before the Honorable JMC-I Peshawar.
- E.** That the appellant have only job description to make entries of the various letter/memos etc in the relevant register/book. That the appellant handed over the official memos for onward submission to Naib Qasid Hameed Ur Rehman and that too in sealed envelope. Thereafter, the appellant never received any back response officially nor the appellant placed the documents before the Honorable JMIC. SO the appellant cannot be held responsible for the acts and omissions of others.
- F.** That it was also evident from the record of CCTV footage, that peon Naib Qasid received the sealed enveloped from Muharrar room for verification, but the peon did not go to Nazir office he joined the company of Advocate Noman Shah, while did not bring the receiving from Nazir Office on the said envelope . Meanwhile the statement of advocate noman shah clearly shows that peon gave him the letter along with the DAK Book and clearly told that the same was returned to him (Hameed Ur Rehman) because the Muharrar will not receive it from you. Thereafter, the said documents were directly given back to Hameed UR Rehman by Advocate who placed the same before the JMIC. All such statement clearly shows that appellant was

innocent and has no role in the whole episode. Copy of the statement is attached as Annex-H.

- G. That it is evident from footage of CCTV, and statement of an Advocate in inquiry who was examined as CW, has categorically admitted and explained the whole story which proves that the appellant has not guilty of any kind of misconduct. More so, the worthy inquiry officer has also not proved any misconduct against the appellant beyond shadow of doubts.
- H. That the worthy authority imposed the major penalty of Removal from Service which is very harsh but also against the findings of the Learned Inquiry Officer. Moreover, no reasons were given in the impugned order regarding disagreeing with the recommendations of the inquiry officer which is against the Judgment of Superior Court's.
- I. That the impugned order is totally against the laws and norms of justices, because the appellant was punished for the faults of the others.
- J. That the attitude and conduct of the department shows that they were bent upon to remove of the appellant from service at any cost.
- K. That according to the judgments of Supreme Court it was held that every action against the natural justice should be treated as void and unlawful order. The natural justice should be considered as part and parcel of every statute. Hence impugned order is liable to be set 2017 PLD 173 AND 1990 PLC (C.S)727, 1997 PLD (JSC) Page 617
- L. That the charges leveled against the appellant were never proved in the inquiry, and the worthy enquiry officer gave his findings on surmises and conjectures. It is also held by the Peshawar High Court in their reported judgment (2023-PLC (C.S)#650) "Mere guesswork, surmise and conjuncture of employee regarding alleged misconduct of an employee was not to be upheld in absence of cogent evidence".
- M. That the appellant belongs to poor family and the whole family is dependent upon the appellant. Further it is added that the appellant is the only bread earner for his family, so the punishment awarded to the appellant was very harsh and not commensurate to the guilt of appellant, hence the same is liable to be set-aside.

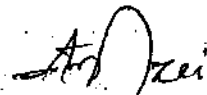
- N. That the appellant has never committed any act or omission with bad or malafide intentions which could be termed as misconduct, albeit the appellant was awarded the major penalty.
- O. That the appellant having family and had already passed half of his life while serving the department. Hence without giving fair opportunity of fair trial under Article 10A of the Constitution, the impugned order is liable to be set aside.
- P. That the appellant has not been treated fairly, properly, and the whole proceedings were undertaken in violation of the spirit of E&D Rules, 2011. Therefore, the impugned order is liable to be set aside.


It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

  
APPELLANT

Barkat Ali

THROUGH:-

  
(M. ASIF YOUSAFZAD)  
ADVOCATE SUPREME COURT  
OF PAKISTAN.

  
(S. NOMAN ALI BUKHARD)  
ADVOCATE HIGH COURT  
OF PESHAWAR.

&   
(HILAL ZUBAIR)  
ADVOCATE PESHAWAR

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.**

**SERVICE APPEAL No. /2024**

Barkat Ali

VS

Govt: of KP etc,

.....

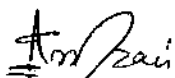
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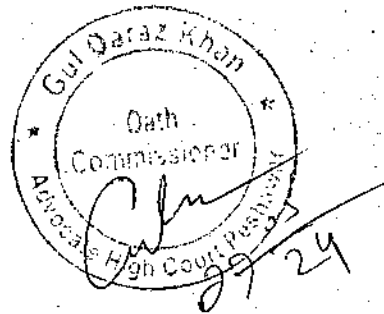
I, Mr. Barkat Ali, Junior Clerk BPS-11, Subordinate Judiciary Peshawar (Appellant) do hereby solemnly affirm and declare that the contents of this Appeal are true and correct to the best of my knowledge and belief.

  
DEPONENT

Barkat Ali

**IDENTIFIED BY:**

  
**(M. ASIF YOUSAFZAI)**  
**ADVOCATE SUPREME COURT**  
**OF PAKISTAN.**







**DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR**

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

No. 6990-92  
Dated Peshawar 26/10/23

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**DISCIPLINARY ACTION**

I, Ashfaque Taj, District & Sessions Judge, as competent authority, am of the opinion that (1) Barkat Ali Junior Clerk/Muharrar, (2) Zikria Kibria, Junior Clerk/Muharrar, and (3) Hameed-ur-Rehman, Naib Qasid have rendered themselves liable to be proceeded against, as they have 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)**

1. Prepared and presented fake Revenue Papers (Fardat) in connection with Bail Petitions No. Cr.M.BA 4074-P/2023 and Cr.M.BA No. 4017-P/2023. Also, prepared bogus verification reports upon the same by affixing fake stamps & signature of the Tehsildar Peshawar.
1. For the purpose of inquiry against the said accused official with reference to the above allegations, Mr. Muhammad Ayaz Khan, learned Additional District & Sessions Judge-XII, Peshawar is appointed under Rule 10(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 Mr. Sajjad Ahmad Jan, Assistant/representative of this office, shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

**ATTESTED**

08 MAY 2024

(Examiner)  
Session Court Peshawar

*Ashfaque Taj*

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

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**DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR**

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

No 6987-89  
Dated Peshawar 26/10/23

**CHARGE SHEET**

I, Ashfaque Taj, District & Sessions Judge Peshawar, as competent authority, hereby charge you, (1) Barkat Ali Junior Clerk/Muharrar, (2) Zikria Kibria, Junior Clerk/Muharrar, and (3) Hameed-ur-Rehman, Naib Qasid as follow:

1. That, while posted in the Court of learned Judicial Magistrate-I Peshawar, you committed the following irregularities:

a. Prepared and presented fake Revenue Papers (Fardat) in connection with Bail Petitions No. Cr.M.BA 4074-P/2023 and Cr.M.BA No. 4017-P/2023. Also, prepared bogus verification reports upon the same by affixing fake stamps & signature of the Tehsildar Peshawar.

2. By reason of the above, you all appear to be guilty of **Misconduct & Corruption** under 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 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.

**ATTESTED**

08 MAY 2024

(Examiner)  
Session Court Peshawar

*Ashfaque Taj*

[ASHFAQUE TAJ]

District & Sessions Judge/  
Competent Authority,  
Peshawar.

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B  
AB

(10)

**BEFORE THE WORTHY INQUIRY OFFICER MR. MUHAMMAD AYAZ**  
**KHAN HON'BLE ADDITIONAL DISTRICT & SESSIONS JUDGE-XII,**  
**PESHAWAR.**

**REPLY TO THE CHARGE SHEET & STATEMENT OF ALLEGATIONS**  
**DATED 26-10-2023**

Respectfully Sheweth:

Barkat Ali, Junior Clerk / Muharrar, attached to the court of Judicial Magistrate-I Peshawar, the petitioner, submits most respectfully, the following reply to the charge sheet & statement of allegations dated 26-10-2023 for your kind consideration and favour of acceptance.

1. The petitioner is serving as Muharrar attached to the court of Mr. Faheem Ahmad Judicial Magistrate-I Peshawar, wherein he was served with the charge sheet and statement of allegations dated 26-10-2023 along with 02 other Officials.

2. That prior to the instant charge sheet & statement of allegations neither any complaint nor any sort of disciplinary proceedings were ever initiated against the petitioner.

3. That the charge sheet contains the allegation detailed as under;

1. That, while posted in the court of learned Judicial Magistrate-I Peshawar, you committed the following irregularities;

a. Prepared and presented fake Revenue Papers (Fardat) in connection with Bail Petitions No. Cr.M.BA. 4074-P / 2023 and Cr.M.BA No. 4017-P/2023. Also, prepared bogus verification reports upon the same by affixing fake stamps & signature of the Tehsildar Peshawar.

4. That while serving as Muharrar attached to the Court Learned Judicial Magistrate-I, Peshawar, he was tentatively associated with the preparation and production of fake / bogus revenue papers (Fadat) in connection with Bail Petitions No. Cr.M.BA 4074-P/2023 and Cr.M.BA No. 4017-P/2023 and was suspended by the Hon'ble District & Session Judge Peshawar vide Office Order No. 6978-82 dated 26-10-2023.

5. The allegation against him was based upon an intimation report No. 09 JMIC-I Peshawar dated 26-10-2023 filed by Mr. Faheem Ahmad JMIC-I Peshawar before the worthy District & Session Judge Peshawar.

**ATTESTED**

08 MAY 2024

(Examiner)  
Session Court Peshawar

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6. That the Hon'ble Peshawar High Court Peshawar while passing the order in Cr.M.BA 4074-P/2023 and Cr.M.BA No. 4017-P/2023 allowed bail to the accused / petitioners with the direction to be released on submission of bail bonds to the tune of Rs. 300,000/- with two sureties each in like amount to the satisfaction of concerned Judicial Magistrate / MOD.
7. That the Learned JMIC-I Peshawar on receiving the bail bonds sent the accompanying revenue record / Fard Jamabandi to the Tehsildar Peshawar vide letter No. 19 JMIC-I Peshawar dated 25-10-2023 for their due verification.
8. That the petitioner being Muharrar attached to the court of JMIC-I Peshawar entered the letters of verification of both the accused Gul Raheem and Muddassar Khan at serial No. 18 & 19 of DAK BOOK dated 25-10-2023.
9. The letters in matter of routine were handed over to Peon / Naib Qasid Hameed-Ur-Rehman for its further submission in accordance with the laid down procedure before the Superintendent Sessions Court Peshawar and then its onward submission before Tehsildar Peshawar.
10. That after handing over the documents to Hameed-ur-Rehman on 25-10-2023 the petitioner never received back any response from either the Superintendent Sessions Court Peshawar or the Tehsildar Peshawar.
11. That the petitioner did not receive any instruction from the Court of Hon'ble JMIC-I Peshawar regarding the verification of the revenue record and he also did not receive any response from the Office of Tehsildar Peshawar, as it was not within his job description or competence.
12. That no receipt of any response from either Superintendent Sessions Court Peshawar or Tehsildar Peshawar exists on record. The representatives of the accused directly submitted the fake and fraudulently prepared revenue record and verification letter before the Hon'ble JMIC-I, Peshawar.

It is also worth mentioning that none of the 02 Muharrars attached to the Court of JMIC Peshawar were associated with either return or verification of revenue record (Fardat).

13. That the petitioner was utterly surprised and shocked to receive the suspension letter along with the Charge sheet and statement of allegations. The petitioner has never associated himself with any act, which would have tarnished his image and adversely affect his service career during entire period of his service record.

**ATTESTED**

08 MAY 2024

(Examiner)

Session Court Peshawar

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14. That the petitioner has been framed in the controversy without any association with alleged act of fraud and deceit before the Hon'ble Court and thus places himself at the mercy of the worthy Inquiry Officer and respectfully submits, to exonerate him of the charges leveled against him.

In view of the above, it is humbly requested that the charge sheet along with statement of allegations dated 26-10-2023; may kindly be recalled and the petitioner may be exonerated from charges leveled against him with all the benefits of continuous service.

The petitioner seeks leave of the worthy authority to provide him the opportunity to be heard in person.

ATTESTED

08 MAY 2024

(Examiner)  
Session Court Peshawar

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3/11/2023

Barkat Ali  
Junior Clerk / Muharrar,  
attached to the court of  
Judicial Magistrate-I  
Peshawar.

Peshawar, Dated  
3<sup>rd</sup> November, 2023

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**BEFORE MR. NASIR KHAN ADDITIONAL DISTRICT & SESSIONS JUDGE-  
XVI, PESHAWAR/INQUIRY OFFICER**

**DEPARTMENTAL INQUIRY UNDER KHYBER PAKHTUNKHWA  
GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 2011**

**Name of delinquent officials:-** 1. Barkat Ali [Muharrir BPS-11]  
2. Zikria Kibria [Muharrir BPS-11]  
3. Hameed Ur Rehman [Naib Qasid BPS-04]

**Establishment:-** District & Sessions Judge, Peshawar

**ATTESTED**

08 MAY 2024

(Examiner)  
Session Court Peshawar

1. **BACKGROUND FACTS:**

With reference complaint No.09 dated 26-10-2023, the Judicial Magistrate-I, Peshawar reported the preparation and presentation of bogus revenue papers alongwith bail bonds before his court in connection with bail application No.Cr.M.BA 4074-P/2023 and Cr.M.BA 4017-P/2023.

The delinquent officials viz above, posted and attached as Muharrir and Naib Qasid, respectively, with the court of Judicial Magistrate-I, Peshawar, were apparently found responsible for the preparation of fake and bogus revenue papers and thus they being found guilty of misconduct & corruption within the meaning of Rule 3(b) & 3(c) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 [hereafter referred "Rules, 2011"], rendered themselves liable to be proceeded against under the Rules, 2011. For that reasons, the competent authority was pleased to order for departmental inquiry against the delinquent officials as per contemplation of Rule 5(1)(b) read with Rule

Departmental Inquiry into Charge against Barkat Ali & Zakria Kibria [both muharrir BPS-11 and Hameed Ur Rehman [Naib Qasid BPS-04]

04.1.2024

(14)

10 of the Rules, 2011. Vide order No.6983-85 dated 26-10-2023, Mr. Muhammad Ayaz Khan, AD&SJ-XII, Peshawar was appointed as Inquiry Officer under Rule 10(1)(a) of Rules, 2011 as to conduct the Inquiry against the delinquent officials under Rule 11 of Rules, 2011, into the charges. The statement of allegations was issued and the delinquent officials were charge sheeted under Rule 5(2) of the Rules, 2011 for the charge of misconduct and corruption as envisaged under Rule-3(b) & 3(c) of Rules, 2011. The delinquent officials were also directed to file their written defense to the charge before the Inquiry Officer as provided under Rule-10(1)(d) of the Rules, 2011.

[It may be noted that; Mr. Muhammad Ayaz Khan AD&SJ-XII, Peshawar proceeded with the subject inquiry, but owing to his transfer, the competent authority via his office order dated 25-11-2023, appointed the undersigned as inquiry officer to continue with inquiry from the point/proceeding, it was left by the erstwhile Inquiry Officer]

2. **INQUIRY PROCEEDINGS as per Rule-11 of The Rules, 2011**

The delinquent officials filed their written defense to the charge, which were found to be unsatisfactory. The statements of Kashif Elahi [Reader]/PW-1, Ismail [steno]/PW-2 and Asfandyar [junior clerk]/PW-3, attached to the Court of Judicial Magistrate-I, Peshawar, were recorded. Mr. Tehsin Ullah Naib Tehsildar was examined as PW-4. Faisal Khan Junior clerk English branch was examined as Pw-5.

**ATTESTED**

08 MAY 2024

(Examiner)  
Session Court Peshawar

Departmental Inquiry into Charge against Barkat Ali & Zakria Kibria [both muharrir BPS-11 and Hameed Ur Rehman [Naib Qasid BPS-04]

04.1.2024

As per directions of former inquiry officer, the Judicial Magistrate-I, Peshawar Mr. Faheem Ahmad has also submitted a detailed report, which is placed on file.

Thereafter, opportunity as per contemplation of Rule-11(1) of Rules, 2011 was also extended to the delinquent officials as to record their statements and produce evidence in their defense, if they so wishes. The delinquent officials recorded their statements. On request of delinquent official Barkat Ali [Muharrir], the incharge CCTV control room was summoned, who produced CCTV recording, saved in USB, which is placed on file. After viewing the video recording, one of the delinquent official named Hameed Ur Rehman [Naib Qasid], having the sealed envelope in his hands, on the relevant day and time, was found roaming in court's veranda/corridors along one Muhammad Numan Shah Advocate, therefore, on application of the representative of competent authority, the said Muhammad Numan Shah Advocate was also summoned and examined as CW.

After recording the statement of CW, again opportunity was extended to the delinquent officials for recording their additional statements or to produce evidence in their defense, but they did not opt for.

3. **FINDINGS:**

The record made available before me, unravels that the accused named Raheem Gul son Ajab Gul [charged in case FIR No.422 dated 10-

Departmental Inquiry into Charge against Barkat Ali & Zakria Kibria [both muharrir BPS-11 and Hameed Ur Rehman [Naib Qasid BPS-04]

**ATTESTED**

08 MAY 2024

(Examiner)  
Session Court Peshawar

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11/11/2024



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08-2023 under section 489-B/419/420 PPC PS Shah Qabool] and accused named Muhammad Asif Khan son of Umar Zaman [charged in case FIR No.32 dated 14-03-2023 under section 9D KP CNSA PS Excise] were admitted to bail by the honorable Peshawar High Court after their bail petitions No.4074-P/2023 [decided on 23-10-2023] and petition No.4017-P/2023 [decided on 17-10-2023] were allowed subject to furnish bail bonds in the tune of rupees three lac and rupees two lac respectively. As result thereof, the sureties Shah Nazar Khan & Irfan Ullah with attestifier Noor Din [for accused Raheem Gul son of Ajab Gul] and sureties Mudassir Khan & Faqeer Gul with attestifier Siraj Afridi [for accused Muhammad Asif Khan son of Umar Zaman] appeared and produced bail bonds, appended by revenue papers/periodical record, before the Judicial Magistrate-I, Peshawar. The Judicial Magistrate after getting the orders of the Peshawar High Court verified from the concerned branch at High Court, vide its office letter No.18 & 19 dated 25-10-2023 [confidential] sent the revenue papers/periodical record to Tehsildar, Peshawar for verification. The delinquent official named Barkat Ali [Muharrir], assigned with the duties of docket dispatch, was handed over the sealed confidential letters, which he with reference entry in the Dak-book at serial Nos.18 and 19, sent the letters to office of Tehsildar, Peshawar. Allegedly, the letters he had handed over to other delinquent official named Hameed Ur Rehman [Naib Qasid] for its delivery at the office of Nazir, who was supposed to dispatch/transmit it to the office of Tehsildar,

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04.1.2524

ATTESTED

Departmental Inquiry into Charge against Barkat Ali & Zakria Kibria [both muharrir BPS-11 and Hameed Ur Rehman [Naib Qasid BPS-04]

08 MAY 2024

(Examiner)  
Session Court Peshawar

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Peshawar for verification. Receiving the alleged responding verification letter, the bail bonds with revenue papers were placed before the learned Judicial Magistrate for further necessary action. The learned Judicial Magistrate finding the verification letter/revenue papers suspicious, summoned the revenue authority for further verification of the documents presented before Court. The Naib Tehsildar putting appearance before the learned Judicial Magistrate, disclosed the verification documents and revenue papers to be fake and fictitious. It may be noted that, during inquiry the Naib Tehsildar Peshawar named Tehsin Ullah was also examined as PW-4, who had confirmed that the letters issued by the court for verification of revenue papers were neither received at revenue office nor had these letters been responded by the office of Tehsildar. The witness has further confirmed that the alleged verification letters bearing fake signature and seal as well as the revenue papers, appended thereto, are bogus and fictitious as being falsely fabricated. PW-4 has not been cross examined by the delinquent officials whereas no evidence, to the contrary, is either available on file to suggest that either the verification letter was genuine or the revenue papers, presented along bail bonds, were valid abstract/copies of the original. In light of statement of PW-4, it has thus been clearly established that the verification letters as well as the revenue papers were falsely fabricated and then presented before the court posing it to be genuine documents.

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Handwritten signature and date: 04.11.2024

**ATTESTED**

08 MAY 2024

(Examiner)

Session Court Peshawar

Departmental Inquiry into Charge against Barkat Ali & Zakria Kibria [both muharrir BPS-11 and Hameed Ur Rehman [Naib Qasid BPS-04]

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Now adverting to the next important question as that who amongst the delinquent officials was in collusion/association with sureties/felons and, that how they had been facilitated by the court officials to make and present false and bogus documents before the court. As evident from the all-inclusive complaint filed by the learned Judicial Magistrate and further seconded by his detailed report filed before the former inquiry officer, the delinquent official named Barkat Ali [Muharrir] was assigned the job to maintain Dak-book, dispatch and receive letters/correspondence. In this context, PW-1 [reader of the court] [later on re-examined] has also deposed that the letters, addressed to revenue authority for verification of periodical record, was handed over to Muharrir for its onward dispatch. The witness has further disclosed that receiving the verification letter back from the concerned office, the muharrir handed it over to the Naib Qasid, who placed the verification documents before the court. In his cross examination, PW-1 has further confirmed that in routine all correspondence, pertaining to the court, are being sent and received by the muharrir. Availing opportunity to cross-examine the witness, the Muharrir Barkat Ali could not shatter his testimony as to suggest that either the verification letter was not handed over to him for its onward dispatch to the concerned quarter or that, he had not received the posed responding [fake] letters. Keeping the statement of PW-4 in view, when the verification letters were not received at the office of Tehsildar and that responding letters were also not issued by said revenue authority, then the

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Departmental Inquiry into Charge against Barkat Ali & Zakria Kibria [both muharrir BPS-11 and Hameed Ur Rehman [Naib Qasid BPS-04]

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question would arise that how the responding letters then reached and received at the office of Muharrir. The statement of PW-1, in this context has unraveled that the Muharrir had received the responding letter, who then managed to present it before the court, therefore, it was for the Muharrir Barkat Ali, being assigned with the job of dispatch and receipt of correspondence/letters, to have had established that how the verification letters were received at his office and, if these were not produced before him by an authorized person in routine modus then; firstly; why he had received it from an unauthorized person and secondly; why he had failed to bring this fact into the notice of Presiding Officer. Recording his statement, the Muharrir Barkat Ali has though denied that he had received back the responding letters from the office of revenue authority but, firstly while cross examining the relevant PWs, he could not shatter their testimony on the point that he had received the responding letters and then managed to place it before the court, secondly, on the application of same official, the CCTV recording pertaining to the court area/court room of Judicial Magistrate-I, Peshawar has been made part of the record, which also gives visual pictures that after receiving the responding letters [wrapped in sealed envelope], the co-official/Hameed Ur Rehman, accompanied by one advocate named Numan Shah, had taken the sealed envelope from the office of Muharrir and presented it before the presiding Officer. In such view of the facts, the delinquent official Barkat Ali [Muharrir] is found involved in the entire collusion,

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who has facilitated the actual felons to fabricate false documents and to present it before the court.

Coming to the role played by delinquent official Hameed Ur Rehman in the collusion of scheming and managing the fabrication of false documents and its presentation before the court. In routine, the Naib Qasid attached with each Court has been primarily assigned the duty to take the outgoing letters/docket to concerned office/addressee under Dak-book, being maintained in every court for the said purpose. In the present case too; the verification letters duly sealed were handed over to Hameed Ur Rehman for its delivery in the office of Nazir, for its onward dispatch to the office of revenue authorities/Tehsildar, Peshawar. The said delinquent official, however, deliberately failed to hand it over in the said office rather being hands in gloves with the sureties/felons, he handed it over to one Advocate Numan Shah, who then passed it to the sureties for fabrication and manipulation of false verification letters. In this context, the CCTV footages, placed on record, shows that receiving the sealed envelope from the office of Muharrir, the Naib Qasid Hameed Ur Rehman after roving in the corridors, joins the company of Numan Shah Advocate, handing over the sealed envelope to him. Examining the said advocate as CW, he has categorically admitted that, as per instructions of his client/sureties [the felons], he contacted the Naib Qasid Hameed Ur Rehman, who handed the sealed envelope over to him, which then he passed to the sureties and one other unknown person. The statement of

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Departmental Inquiry into Charge against Barkat Ali & Zakria Kibria [both muharri  
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Advocate Numan Shah finding support from the CCTV footages has sufficiently established that the Naib Qasid Hameed Ur Rehman was also hired for the felony and he had made it possible for the actual felons to manage the fabrication of false documents whereas, with the assistance and support of Hameed Ur Rehman [Naib Qasid], the fake and bogus documents were then presented before the court. The delinquent official Hameed Ur Rehman [Naib Qasid] while recording his statement has though denied that he was handed over the sealed envelope by Muharrir for its transmission to the office of Nazir but, during cross examination of CW, the delinquent official Hameed Ur Rehman could not establish that either the CCTV footages are fictitious or he had not joined hands with the actual felons and facilitated them.

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So far as the role of delinquent official Zakria Kibria [Muharrir] is concerned, since he has neither been assigned the duty related dispatch of docket or to receive any correspondence whereas, the evidence recorded also do not suggest that through any other mean or mode he had extended any facilitation to his colleagues officials or had provided any assistance and support to the actual felons. Therefore, the official Zakria Kibria [Muharrir] is found innocent.

Evaluating the facts ibid and viewing it in all perspectives, it can be safely gathered that the delinquent officials named Barkat Ali [Muharrir] and Hameed Ur Rehman [Naib Qasid] are guilty of misconduct and corruption, therefore, the charge against the officials viz above under Rule

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Departmental Inquiry into Charge against Barkat Ali & Zakria Kibria [both muharrir BPS-11 and Hameed Ur Rehman [Naib Qasid BPS-04] 08 MAY 2024

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3(b) and 3(c) of Rules, 2011 has successfully been established and proved therefore, they are accordingly found guilty.

4. Recommendation/conclusion:

The delinquent officials named Barkat Ali [Muharrir BPS-11] and Hameed Ur Rehman [Naib Qasid BPS-04], working in the establishment of District & Sessions Judge, Peshawar since found guilty of misconduct as per Rule 3(b) and corruption under Rule 3(c) of The Rules, 2011, therefore, the major penalty/penalties as per contemplation of Rule 4(b) of Rules, 2011 is/are proposed to be imposed against them.

The other delinquent official Zakria Kibria [Muharrir BPS-11] since found to be innocent therefore, he may be discharged of the allegations of misconduct and corruption.

With above observation and conclusion, the Inquiry report is submitted before the Hon'ble District & Sessions Judge/Competent Authority for his perusal and further necessary Orders as per rules, please.

*[Handwritten Signature]*  
31.1.2024

(NASIR KHAN)  
Additional District & Sessions Judge-XVII/  
Inquiry Officer District, Peshawar

Agreed.  
Issue notices  
as per EPD Rules.

*[Handwritten Signature]*  
6/1/24

District & Sessions Judge  
Peshawar

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**OFFICE OF THE DISTRICT AND SESSIONS JUDGE PESHAWAR**

No.83 (DAS) 152 Dated Peshawar, the 08 10/ 2024

**SHOW CAUSE NOTICE**

I, Ashfaqe Taj, District & Sessions Judge, Peshawar, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 do hereby serve you, Barkat Ali, Junior Clerk (BPS-11) as follow:

1. That, while posted as Muharrar to the Court of Mr. Fahim Ahmad, learned Judicial Magistrate-I, Peshawar, your Presiding Officer submitted a complaint/report to the effect that fake Revenue Papers (Fardat) were made and presented before the Court in connection with Bail Petitions No. Cr.M.BA 4074-P/2023 and Cr.M.BA No. 4017-P/2023; along with Fake Verification Reports containing bogus stamp & signatures of the Tehsildar Peshawar. Formal inquiry was conducted wherein the charges of misconduct and corruption have been proved against you and another.
2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Removal from Service under rule 4(1)(b)(iii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 rules ibid.
3. You are required to furnish a reply to this notice within **seven** days.
4. If no reply to this notice is received within **seven** days of its delivery, it shall be presumed that you have no defense to put in, and in that case, an ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. A copy of the findings of Inquiry Officer is enclosed.

*Ashfaqe Taj*  
[ASHFAQE TAJ]  
District & Sessions Judge,  
Peshawar.

**ATTESTED**

08 MAY 2024

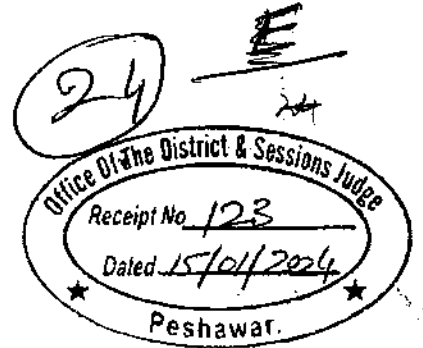
(Examiner)  
Session Court Peshawar

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To,

The Worthy,  
District & Session Judge, Peshawar.  
(Competent Authority).



Subject: REPLY TO THE SHOW CAUSE NOTICE NO.  
152, DATED, 08.01.2024.

Respected Sir,

Reference your Show Cause Notice dated 08.01.2024, I very humbly submit my reply as under:-

1. That the undersigned is serving against the post of Muharrar to the court of Judicial Magistrate -I, Peshawar. He has more than 13 years service, and performing his duties with the entire satisfaction of his superior and never give a chance of complaint to his high ups whereas performing his duties with utter dedication and honesty, and having the cleanest tract record through out his career, serving of show cause on the undersigned is a spot on the best tract service record of the undersigned. (b)
2. That the undersigned was served with the charge sheet and statement of allegation vide dated 26-10-2023 with the allegation as to the following:-
  - a. The preparation and presented fake Revenue Paper (Fardat) in the connection with Bail Petitioner No. Cr.M.BA 4074-p/2023. Also, prepared bogus verification reports upon the same by affixing fake stamps and signature of the Tehsildar Peshawar.
3. That the undersigned has already denied the above cited accusations vide his reply dated 03.11.2023 and thereby explained the true facts of the case.
4. That the undersigned attached to the court of JMC-I Peshawar entered the latter of verification of both the accused on serial NO.18 & 19 of the DAK Book on dated 25.10.2023 .
5. The letters in the matter were entered in the book and were handed over to Peon/Naib Qasid Hameed ur Rehman for its further submission in accordance with laid down procedure

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before the superintendent Session Court, Peshawar or the Tehsildar Peshawar .

6. That the undersigned had not received back any response from either Superintendent Session Courts Peshawar or other concerned quarter, therefore, no entry in the book was made, and the representative of the accuseds directly submitted the fake and fraudulently prepared revenue record and verification letter before the Hon'able JMC-I Peshawar.

7. That the undersigned have only job to make entries of the various letter/ memos etc in the relevant register/book. I handed over the official memos for onward submission to Naib Qasid Hameedur Rehman and that too in sealed envelope. Thereafter I never received any back response officially nor I placed the said documents before the Hon'able JMC I. So I cannot be held responsible for the acts and omissions of others.

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8. That it was also evident from the record of CCTV footage, that peon Naib Qsaid received the sealed enveloped from Muhhrrar room for verification ,but the peon did not go to Nazir office he joined the company of Advocate Noman Shah, while did not bring the receiving from Nazir office. Mean while the statement of advocate Noman Shah clearly shows that peon gave him the letter along with the DAK Book and clearly told that to return to him ( Hameedur Rehman) because the Muharrar will not receive it from you people. Thereafter the said documents were directly given back to Hameedur Rehman who placed the same before the JMC I. All such statement clearly shows that I am innocent and has no role in the whole episode.

9. That it is evident from footage of CCTV, and statement of an Advocate in inquiry who was examined as CW, has categorically admitted and explained the whole story proves that I am not guilty of any kind of misconduct. More so, the

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worthy inquiry officer has also not proved any misconduct against me beyond shadow of doubts.

Keeping in view the above mentioned facts and para wise reply to the show cause notice, it is very humbly requested that the show cause notice served upon me may please be withdrawn and I may please be exonerated from the charges leveled against me.

I shall also request for personal hearing.

Yours Obediently,

  
15/01/2024

Barkat Ali Jr. Clerk/Muharrar  
Attached to the Court of JMC-I Peshawar.

Dated: 15/01/2024

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DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

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

No. 832-40  
Dated Peshawar 07/2/24

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**ORDER**

WHEREAS, a complaint was submitted by Mr. Fahim Ahmad, learned Judicial Magistrate-I Peshawar to the effect that fake Revenue Papers (Fardaats) were prepared and presented before his Court in connection with Bail Petitions No. Cr.M.BA 4074-P/2023 and Cr.M.BA No. 4017-P/2023; along with Fake Verification Reports containing bogus stamp & signature of the Tehsildar Peshawar. Thus, formal inquiry was ordered to be conducted against the court's officials namely (1) Barkat Ali Junior Clerk/Muharrar, (2) Zikria Kibria Junior Clerk/Muharrar, and (3) Hameed-ur-Rehman Naib Qasid.

AND WHEREAS, the learned Inquiry Officer submitted his report on 04/01/2024 wherein the charges of misconduct and corruption were reported to have been established against Barkat Ali Junior Clerk/Muharrar and Hameed-ur-Rehman Naib Qasid, while Zikria Kibria Junior Clerk was reported to be innocent in the instant charges. Thus, Final Show Cause Notices were issued to both the delinquent officials via No. 152 & 153 dated 08/01/2024. They submitted their separate replies on 13/01/2024 and 15/01/2024, as well as, were heard in person but they failed to provide any satisfactory proof in their defense.

NOW, THEREFORE, in exercise of powers conferred upon the undersigned under rule 4(1)(b)(iii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, the delinquent officials i.e. (1) Barkat Ali Junior Clerk (BPS-11) and (2) Hameed-ur-Rehman Naib Qasid (BPS-03) of this Sessions Division are hereby Removed from Service, in the interest of public service, with immediate effect; while Mr. Zikria Kibria, Junior Clerk is exonerated of the charges levelled against him in the instant proceedings.

ATTESTED

08 MAR 2024

(Examined)  
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*Ashfaque Taj*

[ASHFAQUE TAJ]

District & Sessions Judge,  
Peshawar.

No. 83(DAS) 832-40 Dated Peshawar, the 07 / 02 / 2024

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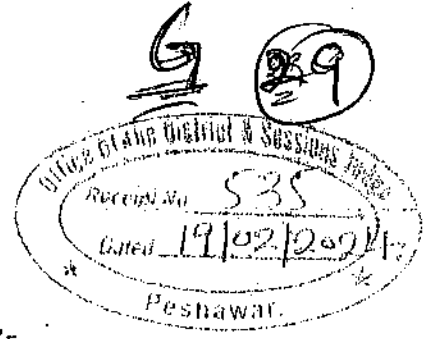
1. The worthy Registrar, Peshawar High Court, Peshawar.
2. The learned M.I.T, Peshawar High Court, Peshawar.
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. Mr. Nasir Khan, AD & SJ-XVI Peshawar/Inquiry Officer.
5. The Senior Civil Judge (Admn), Peshawar.
6. The Assistant/ACC, Sessions Court, Peshawar.
7. The Assistant/CoC, District Courts, Peshawar.
8. The Assistant/Accountant, Sessions Court, Peshawar.
9. Officials concerned.

*A. Amoyue*  
District & Sessions Judge,  
Peshawar.

**ATTESTED**  
08 MAY 2024  
(Examiner)  
Session Court Peshawar

No:	26591
Dated of Application	8-5-24
Name of Applicant	M. Nasir Khan
Word	80 pages
Fee	✓
Signature of Copyist	
Dated of Preparation	8-5-24
Date of Delivery	8-5-24

THE HONORABLE, PUISNE JUDGE  
Peshawar, High Court Peshawar.



THROUGH PROPER CHANNEL:-

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 07-02-2024, WHEREBY PENALTY OF REMOVAL FROM SERVICE HAS BEEN IMPOSED UPON THE APPELLANT.

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS DEPARTMENTAL APPEAL. THE ORDER DATED 07/02/2024, MAY PLEASE BE SET-ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS

RESPECTED SIR,

Most profoundly the appellant submits as under:

1. That the appellant was performing his duty as junior clerk (BPS-11) in Subordinate Distt: Judiciary Peshawar, with zeal and zest and never gave a chance of complaint to his high up's, and having unblemished service track record throughout, his career.
2. That the appellant was served with the charge sheet and statement of allegation vide order dated 26-10-2023 whereby the allegation was as following:-
  - a. The preparation and presented fake Revenue Paper (Fardat) in the connection with Bail Petitioner No. Cr.M.BA 4074-p/2023. Also, prepared bogus verification reports upon the same by affixing fake stamps and signature of the Tehsildar Peshawar.

~~ATTESTED~~

3. That the appellant responded to the charge sheet and denied the above cited accusations vide his reply dated 03.11.2023 with true facts of the case. (30)
4. That thereafter an inquiry was conducted in violation of the spirit of E&D Rules, 2011 but even then nothing was proved against the appellant.
5. That appellant was served with show cause notice no date 08-01-2024 which was properly replied by the appellant on date 15-01-2024 and denied all the allegation level against him.
6. That the Worthy District and Session Judge, Peshawar imposed the a major penalty REMOVAL from service on 07.02.2024 but without providing proper chance of defense to the appellant.
7. That the appellant being aggrieved from the order dated 07.02.2024 files the instant departmental appeal on the following grounds amongst the others.

Grounds:

- A. That the appellant have not been treated in accordance with law hence the appellant right secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding appellant the major penalty, no proper inquiry has been conducted, the appellant have not been properly associated with the inquiry proceedings, statements of witnesses if any were never taken in the appellant presence nor the appellant have been allowed opportunity of cross examination, thus the proceedings so conducted are defective in the eye of law.
- C. That according to the judgment of superior courts, it is also mentioned that the report on which inquiry officer reliance and in that inquiry appellant never participated and appellant also never confronted with such report. So the impugned order passed on the basis of such inquiry/report has nullity in the eye of law and null void on the basis of above mentioned judgments
- D. That the undersigned had not received back any response from either Superintendent Session Courts Peshawar or other

~~ATTESTED~~

concerned quarter, therefore, no entry in the book was made, and the representative of the accused's directly submitted the fake and fraudulently prepared revenue record and verification letter before the Hon'able JMC-I Peshawar.

- E. That the undersigned have only job to make entries of the various letter/ memos etc in the relevant register/book. I handed over the official memos for onward submission to Naib Qasid Hameed ur Rehman and that too in sealed envelope. Thereafter I never received any back response officially nor I placed the said documents before the Hon'able JMIC. So I cannot be held responsible for the acts and omissions of others.
- F. That it was also evident from the record of CCTV footage, that peon Naib Qasid received the sealed enveloped from Muharrar room for verification ,but the peon did not go to Nazir office he joined the company of Advocate Noman Shah, while did not bring the receiving from Nazir office. Mean while the statement of advocate Noman Shah clearly shows that peon gave him the letter along with the DAK Book and clearly told that to return to him ( Hameed ur Rehman) because the Muharrar will not receive it from you people. Thereafter the said documents were directly given back to Hameed ur Rehman who placed the same before the JMIC. All such statement clearly shows that I am innocent and has no role in the whole episode.
- G. That it is evident from footage of CCTV, and statement of an Advocate in inquiry who was examined as CW, has categorically admitted and explained the whole story proves that I am not guilty of any kind of misconduct. More so, the worthy inquiry officer has also not proved any misconduct against me beyond shadow of doubts.
- H. That the worthy authority imposed the major penalty removal from service which is very harsh but also against the findings of the Learned Inquiry officer. Moreover, no reasons were given in the impugned order regarding disagreeing with the recommendations of the Inquiry Officer.
- I. That the impugned order is totally against the laws and norms of the justices , because the appellant was punished for the faults of the others.
- J. That the attitude and conduct of the department shows that they were bent upon to remove of the appellant from service at any cost.

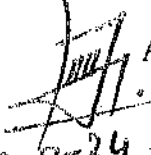
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- K. That according to the judgments of Superior Court it was held that every action against the natural justice should be treated as void and unlawful order. The natural justice should be considered as part and parcel of every statute. Hence impugned order is liable to be set aside **2017 PLD 173 AND 1990 PLC(CS)727, 1997 PLD (SC) page 617.**
- L. That the charges leveled against the appellant were never proved in the enquiry, and the worthy enquiry officer gave his findings on surmises and conjectures.
- M. That the appellant belongs to poor family and the whole family is dependent upon the appellant. Further it is added that the appellant is the only bread earner for his family, so the punishment awarded to the appellant was very harsh and not commensurate to the guilt of appellant, hence the same is liable to be set-aside.
- N. That the reply of Charge sheet and of show cause may also be considered as integral part of the instant appeal.
- O. That the appellant has never committed any act or omission with bad or malafide intentions which could be termed as misconduct, albeit the appellant was awarded the major penalty.
- P. That the appellant having family and had already passed half of his life while serving the department. Hence without giving fair opportunity of fair trial under Article 10A of the Constitution, the impugned order is liable to be set-aside.
- Q. That the appellant has not been treated fairly, properly, and the whole proceedings were undertaken in violation of the spirit of E&D Rules, 2011. Therefore, the impugned order is liable to be set aside.

It is, therefore, humbly prayed that on acceptance of this departmental appeal the order dated 07.02.2024, may please be set aside and the appellant may be reinstated to his post, with all back and consequential benefits.

~~XXXXXXXXXX~~

  
 Appellant  
 19-2-24 Barkat Ali  
 Junior clerk (BPS-11)

CW

18.12.2023

9-10-2023

بیان محمد نعمان شاہ ایڈووکیٹ انزولٹ نمبر 1211-BC19-پشاور۔

برحلف بیان کیا کہ موکل ام محمد آصف کو مقدمہ علت نمبر 32 مورخہ 14.03.2023 زیر دفعہ 9-D KP CNSA تھانہ ایکسٹرا کو معزز عدالت عالیہ نے بحوالہ حکم مورخہ 17.10.2023 ضمانت پر رہا کرنے کا حکم دے کر ہر دو ضامنان مدثرخان اور فقیر گل، جن کے ہمراہ ایک تیسرا شخص موجود تھانے آکر مجھے کہا کہ وہ ضمانت نامے ہمراہ فردات عدالت میں پیش کرنا چاہتے ہیں اور جب عدالت کی طرف سے فردت بغرض تصدیق افسران مال کو مارک ہو تو آپ فردات بمع حکم عدالت نائب قاصد عدالت سے وصول کر کے ہمیں حوالہ کریں تو ہم اس کی تصدیق دفتر تحصیلدار سے کرا لینگے۔ ضمانت نامے عدالت میں پیش ہونے کے بعد جب عدالت نے اس کو تصدیق کے لیے مارک کیا تو وہ عدالت سے بمعہ لیٹرنائب قاصد حمید الرحمان نے باہر برآمدہ میں لا کر بمعہ ڈاک بک مجھے حوالہ کیے جو میں نے آگے ہر دو ضامنان جن کے ساتھ تیسرا نامعلوم شخص بھی تھا، کو حوالہ کیے۔ مذکورہ نائب قاصد حمید الرحمان نے کاغذات بمعہ ڈاک بک حوالہ کرتے ہوئے تاکید کی تھی کہ واپس لانے پر یہ ہم ان ہی کو حوالہ کریں کیونکہ محرر براہ راست یہ آپ سے وصول نہیں کریگا۔ لہذا تقریباً دو گھنٹہ بعد جب مذکورہ ضامنان تصدیقی کاغذات جو لفافہ میں بند تھے، واپس لا کر وہ عدالت اور محرر کے کمرے کے درمیان راہداری / کمرہ نائب کورٹ میں نائب قاصد حمید الرحمان کو حوالے کیے جس نے بعد ازاں اس کو جج کے سامنے پیش کیا۔ مجھے اس بات کا اندازہ نہیں تھا کہ ضامنان مذکورہ کاغذات کی جعلی تصدیق کرا کر عدالت میں پیش کرنے کا ارادہ رکھتے تھے۔ بعد ازاں مجھے پتہ چلا کہ مذکورہ ضامنان نے جعلی تصدیقی سرٹیفکیٹ عدالت میں پیش کیے۔ یہی میرا بیان ہے۔

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18.12.2023

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جرح منجانب ذکر یا محرر۔ مدارو۔ موقع دیا گیا۔

جرح منجانب برکت علی محرر۔ مدارو۔ موقع دیا گیا۔

جرح منجانب حمید الرحمان نائب قاصد۔ مجھے دستاویزات بغرض ویریفیکیشن آپ نائب قاصد نے حوالہ کیے تھے۔ مجھے تاریخ یاد نہ ہے۔ اس طرح صحیح وقت بھی یاد نہ ہے۔ میرے پاس کوئی ایسی شہادت یا گواہ موجود نہ ہے جن کے سامنے آپ نے مجھے یہ دستاویزات حوالہ کیے تھے۔ ویریفیکیشن دستاویزات میں خود واپس لایا تھا۔ البتہ مجھے یاد نہ ہے کہ میں نے براہ راست عدالت میں

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جمع کرائے یا آپ نائب قاصد کو دیے۔ ویریفیکیشن دستاویزات، ضمانت / فردات جو جاوید / آصف ملزم کی طرف سے پیش کردہ ہیں۔

ضمانت ناموں کی نسبت تھا۔ فردات جن ضمانت ناموں کے نام پر تھے وہ مجھے معلوم نہیں ہے۔ مذکورہ تصدیق یا تحصیل چکنی یا تحصیل بڈھ

میر سے متعلقہ تھا۔

سن کر درست تسلیم کیا



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انکوائری آفیسر / ایڈیشنل سیشن جج - XVI، پشاور

18/12/2024

ATTESTED

08/12/2024

(Signature)  
Session Court Peshawar

VAKALAT NAMA

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NO. \_\_\_\_\_/2023

IN THE COURT OF KP Service Tribunal Peshawar

Banakai Ali

(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Govt of KP

(Respondent)  
(Defendant)

I/We,

Banakai Ali

Do hereby appoint and constitute M. Asif Yousafzai, Advocate Supreme Court of Pakistan & Syed Noman Ali Bukhari, Advocate High Court & Hilal Zubair Advocate to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

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.

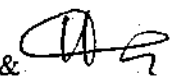
Dated \_\_\_\_\_/2023

  
(CLIENT)

ACCEPTED

  
(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT,  
OF PAKISTAN.  
(BC No. 10-7327)

  
(S. NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT,

  
&  
HILAL ZUBAIR  
Advocate

OFFICE:

Room # FR-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar,  
Capt: Peshawar  
Cell No. 0302-5548451  
0333-9103240  
0306-5109438  
0310-9503909