


FORM OF ORDER SHEET

Court of _____

Appeal No. 598/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/04/2024	<p>The appeal of Mr. Bilal Raza presented today by him. It is fixed for preliminary hearing before Single Bench at Peshawar on 29.04.2024. Parcha Peshi given to appellant .</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

Application No: _____/2024

In Re. Service Appeal No: _____/2024

BILAL RAZA

******* VERSUS *******

DISTRICT & SESSION JUDGE, MANSEHRA.

**APPLICATION FOR REQUEST TO FIX A CONVIENT DATE
IN THE AFOREMENTIONED SERVICE APPEAL AT
PESHAWAR FOR THE ARGUMENTS ON THE APPEAL FOR
ITS MAINTAINABILITY AND ALL OTHER PROCESS SHALL
BE PROCESSED AT ABBOTTAAD CAMP COURT.**

Respected Sheweth:

That applicant submit as the following;

1. That the instant appeal is being filed by the applicant before this Hon'ble Service Tribunal, in which no date has been fixed as yet.
2. That the applicant is fully assure that the appeal shall be succeeded in his favor.
3. That all the basic ingredients in this behalf of the grounds of the appeal is in his favor
4. That the valuable service legal rights of the applicant is involved in the said appeal.

5. That the grounds of the main appeal shall be considered as integral part and parcel of the instant application.
6. That therefore, the applicant intend to fix a convenient date for the maintainability of the said appeal at Peshawar and the remaining process of the appeal shall be proceeded in Abbottabad Camp Office Tribunal.
7. That if the applicant is not given partially by the Hon'ble Tribunal on this score / scope of valuable legal rights then he would receive irreparable loss to this effect.

Dated: 25/04/2024

APPLICANT


Through


BILAL RAZA

In Person

NOTE:

No application earlier has been filed before this Hon'ble Tribunal by me as before.


Applicant in person.

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: _____ vs _____

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Appellant in Person</u>	✓	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?		
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?		
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?		
15.	Whether numbers of referred cases given are correct?		
16.	Whether appeal contains cuttings/overwriting?		
17.	Whether list of books has been provided at the end of the appeal?		
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?		
24.	Whether Security and Process Fee deposited? on _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____		
26.	Whether copies of comments/reply/rejoinder submitted? on _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Bilal Raza

Signature: 

Dated: 25/4/24

BEFORE THE KHYBER PAAKHTUN KHAWA
SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO--**598**--OF 2024

Bilal Raza -----APPELLANT.

VERSUS

The District and Sessions Judge, District courts Mansehra etc.

-----RESPONDENTS.

I N D E X


S. NO.	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES
1.	Memo of Appeal	---	---
2.	Affidavit	---	---
3.	Correct Address of parties	---	---
4.	Stay Application	---	---
5.	Copy of Receipt of Departmental appeal	---	---
6.	Copy of Dismissal order dated 10.02.2021	A	1-----2
7.	Copy of Judgment Service Tribunal dated 31.1.22	B	3-----7
8.	Copy of Execution order Worthy Tribunal 19.9.22	C	8-----9
9.	Copy of Reinstatement order(D&SJ) dated 15.09.2022	D	10
10.	Copy of inquiry Report dated 26 .7 .2023	E	11----23
11.	Copy of impugned order &office dated 29.11.23	F	24----29
12.	Copies of minutes of meeting dated 26.3.2022 and promotions order of junior clerks	G---H	30----34
13.	Copies of minutes of meeting dated 10.12.2022	I	35----39
14.	Copy of promotion orders of junior clerks dated 12.12.22	J	40
15.	Copies of Seniority lists 2022	K	41----43
16.	Copy of seniority list 2020-2021	L	44----48
17.	Copy of seniority list 2023	M	49---51
18.	Copy of application by appellant that all witnesses were cross examined on same date.	N	52----55
19.	Departmental appeal(Affix post office Receipt)	O	56----59

Dated: 15.04.2024

ID CARD No- 13503-0505147-7

CONTACT No- 0315 5028002

Bilal Raza


Appellant (in person)

BEFORE THE KHYBER PAKHTUN KHAWA
SERVICE TRIBUNAL PESHAWAR

Dated 25-04-2024

SERVICE APPEAL NO- **598** --OF 2024

Bilal Raza son of Abdul Razzaq, Junior Clerk/Moharrir District
Courts, Mansehra.

..... APPELLANT

VERSUS

1. The District and Sessions Judge, District courts Mansehra.
2. Administrative judge, Peshawar High court Peshawar.

.....RESPONDENTS

A) APPEAL UNDER-SECTION-4 OF KPK, SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED ORDER BEARING NO 8853-55 DATED 29TH NOV, 2023 WHEREBY, MINOR PENALTY OF WITHHOLDING OF PROMOTION FOR A PERIOD OF TWO YEARS UNER RULE-4 (1)(A)(II) OF KP GOVT SERVANT (E&D) RULES, 2011 HAS BEEN AWARDED WITHOUT ANY LAWFUL JUSTIFICATION, REASON, WITHOUT FAIR TRIAL AND DUE PROCESS OF LAW.

Filed by
[Signature]
Registrar
25-4-24

B) RESPONDENT NO.1 PROMOTED JUNIOR CLERKS/ MOHARRIR (BPS-11) TO THE POST OF SENIOR CLERK/READER JUNIOR TO APPELLANT (BPS-14) VIDE DPC MEETINGS DATED: 26.3.2022 AND DATED: 22.10.22 WHICH IS ALSO ILLEGALLY, AGAINST FACTS AND LAW AND AS SUCH INEFFECTIVE UPON THE RIGHTS OF APPELLANT. THAT WITH THE IBID IMPUGNED ORDER APPELLANT BEING AT TOP AT THE SENIORITY LIST OF THE INCUMBENT JUNIOR CLERKS HAS BEEN DEPRIVED FROM PROMOTION FOR A PERIOD OF TWO YEARS IS ALSO AGAINST LAW AND FACTS.

PRAYER:--

ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE IMPUGNED ORDER BEARING NO.8853-55 DATED 29TH NOV, 2023 PASSED BY RESPONDENT NO. 1 MAY GRACIOUSLY BE SET-ASIDE INTER-ALIA RESPONDENT BE DIRECTED TO PROMOTE THE APPELLANT BY KEEPING SENIORITY, PRIVILEGES WITH EFFECT FROM THE ELIGIBILITY I.E. 26.03.2022 AND BACK BENEFIT INTACT FROM THE DATE WHEN HIS JUNIOR WERE PROMOTED. ANY OTHER RELIEF WHICH THIS HONORABLE TRIBUNAL DEEMS APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE ALLOWED TO THE PETITIONER.

Respectfully Sheweth:

That, facts forming the background of the instant service appeal are as under.

1. That, the appellant was appointed as a junior clerk (BPS-11) in the District Court Mansehra on 26.09.2003. Since then, appellant is performing his duties with full devotion, unwavering commitment and has blemish-less service record.
2. That, on 10.02.2021 appellant was **dismissed** from service **without conducting inquiry**, on the basis of false allegations. *(Copy of dismissal order dated 10.02.2021 annexed as Annexure "A")*.
3. That, being aggrieved from the dismissal order, the appellant filed a service appeal No.6698-21 before this

Worthy Service Tribunal , the same was allowed vide its judgment dated 31.01.22, whereby dismissal order was set-aside and case was remanded back to the authority concerned to conduct de-novo inquiry in accordance with law. *(Copy of judgment dated 31.01.22 is annexed as Annexure "B")*.

4. That, respondents were reluctant to comply with the ibid judgment as such appellant preferred an execution before this Hon'ble Service Tribunal for implementation of the ibid judgment. In compliance whereof the respondent reinstated in service and de-novo inquiry was initiated against the appellant by serving statement of allegation and charge sheet, which reply was submitted before the inquiry officer appointed by the authority within stipulated time. *(Copy of execution order annexed as Annexure "C" and copy of Reinstatement Order as Annexure "D")*.
5. That, as required under Rule -07 of KPK Govt Servant (E&D) Rules, 2011, the concerned inquiry officer as well as competent authority failed to conclude inquiry proceeding within **90 days**, as such violated law.
6. That, after concluding proceedings of the inquiry, report was submitted to competent authority by the inquiry officer on 26.07.23 with recommendation of awarding minor penalty of withholding promotion for a period of 3-years in an arbitrary manner and overlooking facts and evidence recorded. *(Copy of inquiry report dated 26.07.23 annexed as annexure E)*.
7. That, The Respondent No.1 being competent authority without examining facts, evidence and deeper study of

- inquiry record, straight way concurred with recommendation of inquiry officer and issued final showcase to the appellant and after cursory personal hearing and awarded penalty of withholding promotion for a period of two years. *(Copy of impugned order with office order annexed as annexure "F")*.
8. That, two DPCs dated 26.3.2022 and dated 10.12.2022 were held for promotion of junior clerk (BPS-11) to the post of Senior Clerk (BPS-14) and at the eve of first DPC, 08 Junior Clerks were to be promoted appellant was at **S. No.06** and deserved for promotion, though appellant was reinstated by this Worthy tribunal yet not considered for promotion to the post of Senior Clerk due to the non-availability of the judgment of the hon'ble Tribunal and during latter one being top in seniority list for the purpose, was again ignored for want of name in seniority list and PER for the year 2021, As a result thereof, **13 junior clerks were promoted except the applicant** deferred for one or the other pretext/ reason. *(Copy of minutes of the meeting 26.03.22 & promotion order of junior employee i.e. Annexure "G & "H". Copy of minutes of meeting 10.12.22 Annexure "I",, copy of promotion order of junior clerks as Annexure "J", copy of seniority list 2022, as Annexure "K" Copy of seniority list 2020 -2021 Annexure "L.)*
9. That, two posts of Senior clerk (BPS-14) became vacant, which would be filled by promotion amongst the holders of the post of Junior Clerks and appellant being on top is again deprived, by the effect of impugned order. *(Copy of Seniority list 2023 as Annexure "M")*.

10. That, the appellant has not been treated in accordance with law on the subject, rather discriminated with by letting off actual culprits by making him a scapegoat being a petty employee.
11. That, feeling aggrieved from the impugned orders dated **29.11.2023**, promotion orders **26.03.2022** & **10.12.2022** appellant having no other remedy but to prefers the instant service appeal before this Hon'able Tribunal for interference inter alia on the following amongst other grounds.

GROUND

- a. That, it is well settled law on the subject that if an accused civil servant/employee is charged with misconduct of the nature which cannot be proved without strong evidence. The penalty cannot be imposed civil servant on the basis surmises and conjecture, the competent authority was to consider concreteness of testimony and evidence while awarding or decide the punishment, but it was not done, violating the mandatory provisions of law rendering the impugned order, nullity in the eye of law.
- b. That, appellant was not proved to be guilty of allegations leveled against him. Authority acted with malice and has unjustly panelized the appellant without conclusively proving his guilt.
- c. That, the impugned order dated 29.11.2023 has been passed without application of judicial mind, badly time barred and without any lawful

justification and overlooking the major contradictions in the statements of the witnesses.

- d. That, if the allegations remained unproved against the appellant, there was no lawful justification with the authority to pass the impugned order, as such, the impugned order is illegal, unlawful without lawful, authority, without jurisdiction and of having no legal effect.
- e. That, withholding of the promotion of the appellant without any lawful justification violated the vested right of the appellant being civil a servant.
- f. That, the principles of law and natural justice have not been complied with by the authority before imposing the impugned penalty.
- g. That, no stretch of the imagination disentitled the petitioner from promotion. That, when juniors to the petitioner have been promoted on **26.03.2022** and promoted on **10.12.2022** and again the **juniors to the appellant are being promoted** than the appellant can agitate the matter to establish his rights before this honorable tribunal.
- h. That, respondent is going to use sledge/hammer to creak the nut which shall destroy the savory of the nut when nut creator is available to create the nut. The petitioner is eligible to be promoted from junior clerk (BPS-11) to the post of senior clerk (BPS-14).

- i. That, it was very important in the inquiry that all the witnesses should have will be cross-examined on the same day and same date, but this was not done. Despite the written application of applicant. *(Copy Of Application and orders sheets Is Annexed As Annexure "N")*.
- j. That, the department remained failed in substantiating the allegations due to surfacing of major and irreparable contradictions in the statements of the witnesses and the inquiry officer submitted report after lapse of time. Which is severe violation of prevailing law.
- k. That, the matter relates to the terms and conditions of service, hence this tribunal has jurisdiction to entertain the appeal under article 212 of the constitution. Besides the appeal is within the period of limitation.
- l. That, appellant preferred departmental appeal on 20.12.2023 against the impugned order dated 29.11.2023 which has not been responded within the statutory period. *(Copy of departmental appeal is annexed as Annexure "O")*.

It is therefore, most humbly requested that the instant Service Appeal may kindly be accepted with all back benefits, perks and privileges as prayed for. Any other Relief which This Honorable Tribunal Deems Appropriate in the circumstances of the case may also be allowed to the appellant.

Dated: 15.04.2024

Bilal Raza  ----- (Appellant)

VERIFICATION:

I, Bilal Raza son of Abdul Razzaq, Junior Clerk/
Moharrir, District Courts, Mansehra, do hereby
solemnly affirm and declare that the contents of
foregoing appeal are true and correct to the best of
my knowledge and belief and nothing has been
concealed or suppressed from this honorable
tribunal.

DEPONENT
Bilal Raza

**BEFORE THE KHYBER PAAKHTUN KHAWA
SERVICE TRIBUNAL PESHAWAR**

SERVICE APPEAL NO-----OF 2024

Bilal Raza -----APPELLANT.

VERSUS

The District and Sessions Judge, District courts Mansehra etc.
-----RESPONDENTS.

AFFIDAVIT

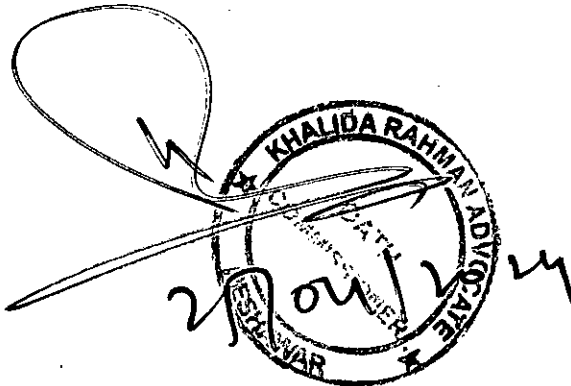
I, Bilal Raza, son of Abdul Razzaq, junior Clerk/Moharrir, District Courts, Mansehra, do hereby solemnly affirm and declare on oath. That the no such subject matter appeal has ever been filed before this honorable court, except my back benefits application which is pending before this Hon'ble Tribunal. That the contents of fore-going affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed form this honorable tribunal.

Dated: 15.04.2024

ATTESTED

Bilal Raza

DEPONENT



BEFORE THE KHYBER PAAKHTUN KHAWA
SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO-----OF 2024

Bilal Raza -----APPELLANT.

VERSUS

The District and Sessions Judge, District courts Mansehra etc.
-----RESPONDENTS.

CORRECT ADDRESSES OF THE PARTIES

APPELLANT:

Bilal Raza, son of Abdul Razzaq, Junior Clerk /Moharrir,
Presently Posted as Liabrarian, District Courts, Mansehra.

RESPONDENT'S:

1. The District and Sessions Judge, District Mansehra.
2. Administrative Judge Peshawar High Court Peshawar.

Dated: 15.04.2024

Bilal Raza

Appellant (in person)



IN THE COURT OF HON'BLE SERVICE TRIBUNAL
KPK PESHAWAR

**Bilal Raza son of Abdul Razzaq, Junior Clerk/Moharrir, District
Courts Mansehra.**

----- (APPLICANT)

VS

The District and Sessions Judge District Courts Mansehra.

----- (RESPONDENT)

**Subject: APPLICATION FOR RESTRAING THE RESPONDENT/
DEPARTMENT NOT TO CONVENE DPC TILL FINAL
DISPOSEL OF THE SERVICE APPEAL OR TILL
PROMOTION OF APPLICANT.**

Respectfully Sheweth

1. That instant application may be considered as part and parcel of the main service appeal.
2. The applicant has brought a good prima facie case and there is likelihood of success in the lisp.
3. In view of the above, it is prayed that no departmental promotion committee may be convened till final disposal of the main service appeal or till promotion of applicant.
4. It is also requested that status-quo be ordered to be maintained till final disposal of service appeal or till promotion of applicant.

 Applicant
Bilal Raza

Receipt Departmental Appeal

No. 1377

For RGL117131716

180 Ps

uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due:

Received a registered addressed to

[Handwritten signature]

Date-Stamp

Initials of Receiving Officer

Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures)

100 (in words)

If insured

Insured for Rs. (in figures)

Weight (in words)

Kilo

Grams

of sender

2/1/2024

Attached
[Handwritten signature]

P-①

Annex — (A)

①



OFFICE OF THE
DISTRICT & SESSIONS JUDGE
MANSEHRA

Ph: 0997-301848, 0997-304924
Fax: 0997301848
Email: sessionscourt_mansehra@yahoo.com
No 959-4107/DR/SJ/MTA
Dated 07/12/2021

ORDER

WHEREAS vide letter No. 360, dated 04.01.2021, Qazi Muhammad Adnan, Civil Judge-V/ Judicial Magistrate-V, Mansehra informed that the order dated 07.12.2020 ought to be reviewed through Review Petition No. 99/6, titled "M/S Saghi Traders & Contracting Vs. Govt. of Pakistan, Ministry of Communication through Secretary Communication, Pakistan and others", was not available on original record of Civil Suit No. 176/1 of 2020, titled "M/S Saghi Traders & Contracting Vs. Govt. of Pakistan, Ministry of Communication through Secretary Ministry of Communication, Pakistan and others", however, original order dated 07.12.2020 passed by that court is available on the record of Civil Suit No. 176/1 of 2020. And vide letter No. 361, dated 07.01.2021, the said learned Civil Judge-V/Judicial Magistrate-V, Mansehra forwarded the affidavit submitted by the accused official, Bilal Raza, Junior Clerk/Muharrir, according to which he prepared fake and fictitious order in the referred to civil suit No. 176/1 of 2020, and had put fake signature of Qazi Muhammad Adnan, Civil Judge-V/ Judicial Magistrate-V, Mansehra and affixed seal of the court on said fake and fictitious order and managed to get it attested from the Copying Branch, District Courts Mansehra.

AND WHEREAS the undersigned, being competent authority, is satisfied that the accused official is guilty of committing the acts of misconduct as is specified in Rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

AND WHEREAS since accused official has admitted his guilt, therefore under Rule 7 of the said Rules, the inquiry was dispensed with and show cause notice was issued to him. The accused official submitted reply to show cause notice and was heard in person but he could not defend himself.

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11
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Aug 2021
A. H. S. S. S.

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(2)

NOW, THEREFORE, I, being Competent Authority impose the following major penalty upon the accused/official as enumerated in Rule 4 (1) (b) (iv) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

The accused official Bilal Raza, Junior Clerk/Muharrir is awarded penalty of dismissal from service under Rule 4(1)(b)(iv) of the ibid Rules, 2011, with immediate effect.

~~Suhail Sheraz Noor Saani,~~
Competent Authority/
District & Sessions Judge,
Mansehra
10/02/2021

No. 959- 64 /D&SJ(MA) Dated Mansehra the 10 February, 2021.

Copy forwarded to:

1. The Registrar, Hon'able Peshawar High Court, Peshawar.
2. The Member Inspection Team, Hon'able Peshawar High Court, Peshawar.
3. The Local Audit Office/District Accounts Office, Mansehra for necessary action.
4. The Budget and Accounts Assistant, of this establishment for necessary action.
5. The official concerned by name.
6. Personal file of official concerned.

P21
Y
Mehar
R

~~Suhail Sheraz Noor Saani,~~
Competent Authority/
District & Sessions Judge,
Mansehra
10/2/2021

CD No 4111

Date 25-03-2021

Court Fee: _____

Urgent: _____

Total Fee: _____

Name Of Copyist R

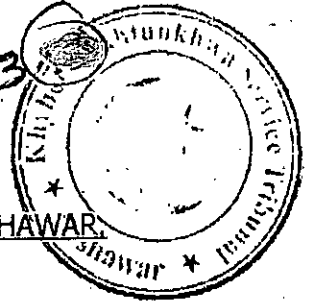
Date Of Issuance 29-03-2021

Date Of Intimation _____

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ANNEX B
P

3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 6698/2021

Date of Institution ... 01.07.2021

Date of Decision ... 31.01.2022

Bilal Raza son of Abdul Razaq, Ex-Junior Clerk/Moharrir, District Courts, Mansehra.

... (Appellant)

VERSUS

The District and Sessions Judge, District Courts Mansehra and others.

... (Respondents)

Present.

Mr. Abdul Saboor Khan,
Advocate

... For appellant.

Mr. Muhammad Adeel Butt,
Addl. Advocate General,

... For respondents.

MR AHMAD SULTAN TAREEN
MR. ATIQ-UR-REHMAN WAZIR,

... CHAIRMAN
... MEMBER(E)

JUDGMENT

AHMAD SULTAN TAREEN, CHAIRMAN:- The appellant named above has

invoked the jurisdiction of this Tribunal through above titled appeal with the

prayer as copied below:-

"On acceptance of the service appeal, the impugned order bearing No. 959-64, dated 10th February, 2021 passed by respondent may graciously be set aside being illegal, unlawful, without lawful authority, without jurisdiction, discriminatory, perverse, arbitrary, non-speaking and completely being nullity in the eyes of law on the subject and appellant be reinstated

Attested

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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into service with all back benefits and other legally permissible perks and privileges."

2. Brief facts of the case as enumerated in the Memorandum of appeal are that the appellant was inducted as Junior Clerk (BPS-11) at District Courts Mansehra in the year, 2003; that the appellant served the department with dedication having clean service career throughout; that learned Civil Judge/JM-V Mansehra vide letter No. 360 dated 04.01.2021 requested the respondent to probe into alleged fake and fictitious order dated 07.12.2021, passed in Civil Suit No. 176/1 of 2020 attributed to him by putting his fake signature; that it is worth mentioning that Worthy Civil Judge/JM-V, Mansehra has not blamed the appellant or anyone else as accused in his initial letter dated 04.01.2021; that all of a sudden, without any basis and with malafide intention just to make a scapegoat to save the heavy weights involved, appellant was served with a show cause notice bearing No. 311/D&SJ (MA) dated 12.01.2021 by respondent on the strength of letter dated 04.01.2021; that the appellant submitted detailed and comprehensive reply to the show cause notice negating the denying all allegations levelled against him; that the respondent instead of conducting regular and proper enquiry into the matter, consisting upon controversial questions of facts, respondent straight away with single stroke of pen without application of judicial mind imposed major penalty of dismissal from service upon the appellant vide impugned order No. 959-64 dated 10.02.2021. Feeling aggrieved, the appellant preferred departmental appeal on 09.03.2021 which was not responded within the statutory period, hence the present appeal.

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ATTESTED
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 EXAMINER
 Director, District Courts
 Mansehra

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3. The appeal was admitted for regular hearing. Respondents have submitted written reply/comments, refuting the claim of the appellant with several factual and legal objections and asserted for dismissal of appeal with cost.

4. We have heard the arguments and perused the record.

5. Learned counsel for the appellant contended that the appellant has not been treated in accordance with law; that it is well-settled principle of law that if an accused civil servant is charged to misconduct of the nature which cannot be proved without conducting regular enquiry, the dismissal from service of a civil servant on the basis of summary inquiry is not sustainable in the eyes of law; that on denial of allegations by the appellant, it had become obligatory for the authority to hold regular and proper inquiry into the matter but it was not done; that the authority was not in possession of sufficient documentary evidence against the appellant; that the authority acted with malice and has unjustly penalized the appellant without conclusively proving his guilt and that no meaningful opportunity of personal hearing was provided to the appellant. He requested that the appeal may be accepted as prayed for.

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6. Learned Addl. Advocate General while rebutting the arguments of learned counsel for the appellant contended that entire proceedings were conducted as per law; that appellant himself submitted an affidavit supported by witnesses/Court officials, wherein he admitted his guilt, and on the basis of said affidavit respondent No. 1, being competent authority, keeping in view the provisions of Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 dismissed the appellant from service vide order dated 10.02.2021; that the

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ATTESTED

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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Apex Court time and again held that where the facts of the matter are not disputed then, there is no need to hold inquiry; that opportunity of personal hearing was afforded to the appellant but he could not prove his innocence. He requested that the appeal may be dismissed with costs.

7. Without touching the merits of the case, it is observed that the appellant was proceeded against under Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 by dispensing with enquiry. The show cause notice issued to the appellant in course of disciplinary proceedings contains a reference of an affidavit submitted, duly signed and thumb impression by the appellant and on the basis of said affidavit, certain acts and omission has been attributed to the appellant in connection with the order dated 07.12.2020 in Civil Suit No. 176/1 of 2020. A detail counter version has been given by the appellant in his reply to the show cause notice in the matter of affidavit. The impugned order, whereby, the major penalty of dismissal from service has been imposed upon the appellant is silent about the veracity of the written reply of the appellant to show cause notice in any way i.e. for or against. When the appellant has furnished a counter version in respect of affidavit which was taken as ground for disciplinary action against him, the competent authority before issuing the impugned order was supposed to apply its judicious mind to the said reply and if it would have not been able to discredit the said version by any reason as to absence of further enquiry such reason should have been mentioned in the impugned order. However, the competent authority has given no reason in the impugned order as to why the counter version advance by the appellant was not considered. We deem it appropriate to observe that after advancement of the counter version by the appellant in his reply to the show

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

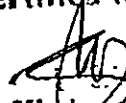
cause notice, there was need of full-fledged formal enquiry to meet with ends of justice. However, no such enquiry was conducted. Therefore, the impugned order in absence of the formal enquiry is not maintainable. the same is set aside and the case is remanded to the competent authority for *de-nevo* enquiry in accordance with the law. The appellant is reinstated into service for the purpose of enquiry. The appeal stands disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.


 (ATIQ-UR-REHMAN WAZIR)
 Member(E)


 (AHMAD SULTAN TAREEN)
 Chairman

ANNOUNCED
 31.01.2022

Certified to be true copy


 INFR
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

Date of ~~_____~~ 10/6/22
 No. of ~~_____~~ 2000
 Copies ~~_____~~ 221
 Uprant ~~_____~~ 512
 Total ~~_____~~ 261
 Name of ~~_____~~
 Date of ~~_____~~ 10/6/22
 Date of Delivery of Copy ~~_____~~ 10/6/22



Annex "C"
P-08

ANNEX (C)

P-08

(1)

Annex D

Before KPK Service Tribunal Peshawar,
Camp Court, Abbottabad



Execution petition No. _____ 2022

Page No. 236
Dated 10-6-2022

In

Service Appeal No. 698/2021

BILAL RAZA SON OF ABDUL RAZZAQ, EX-JUNIOR CLERK/MOHARRIR, DISTRICT
COURTS, MANSEHRA

..... APPELLANT

VERSUS

THE WORTHY DISTRICT & SESSIONS JUDGE, DISTRICT COURTS, MANSEHRA AND
OTHERS.

..... RESPONDENTS

EXECUTION PETITION/IMPLEMENTATION OF
JUDGMENT OF THIS HONOURABLE COURT DATED
31.01.2022 PASSED BY HONOURABLE TRIBUNAL IN THE
ABOVE MENTIONED SERVICE APPEAL.

Respectfully Sheweth!

1. That the above titled service appeal was filed by the appellant
which was allowed by this honourable tribunal vide order dated
31.01.2022.

Certified copy of judgment is annexed as annexure "A"

2. That the aforesaid judgment was communicated to the
respondent/authority by the office as well as by the appellant on his own.

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19 Sept 2022

1. Petitioner in person present. Mr. Kabirullah Khattak, Addl. AG along with Mr. Asif Hussain Shah, Supdt. Session Court, Mansehra for respondents present.

2. The petitioner has produced copy of order dated 15.09.2202 passed by the respondents (District & Session Judge, Mansehra) whereby the petitioner was reinstated for the purpose of de-novo enquiry subject to the final decision of the CPLA No. 534-P/2022. It is further mentioned in the order that the back benefits and arrears of the official shall be worked out thereafter. It was also mentioned in the order that the official should furnish an affidavit/undertaking ensuring surrender & return of pay and allowances in case of decision against him by the august Supreme Court of Pakistan in the said CPLA. The implementation of the judgment has apparently been made and as regards the apprehension of the petitioner that the date of his reinstatement was not correctly written in the order, which, according to him, ought to be the date of passage of the judgment in his favour. Since, the implementation order, in compliance of the judgment of the Tribunal, is subject to the decision of the august Supreme Court of Pakistan in the CPLA coupled with the fact that the implementation order itself shows that the arrears and other things were to be worked out, the apprehension of the petitioner does not sustain. Even otherwise he was reinstated for the purpose of de-novo enquiry and in case the de-novo enquiry ends his favour he will definitely get all his dues thereafter. Disposed of accordingly. Consign.

3. *Pronounced in open court in Camp Court Abbottabad and given under my hand and seal of the Tribunal on this 19th day of September, 2022.*

Attested

copy
Khyber Pakhtunkhwa
Tribunal
Peshawar

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

ANNEX

D

Annex "D" P-10

OFFICE OF
DISTRICT & SESSIONS JUDGE
MANSEHRA

ANNEX "D"

ANNEX — 10

Ph: 0997-301848, 0997-304924

Fax: 0997301848

E-Mail: sessionscourt_mansehra@yahoo.com

No. 15245-52/D&SJ/(MA)

Dated 15 / 09 / 2022 P



ORDER.

Consequent upon the judgment dated 31.01.2022 in Appeal No. 6698/2021 passed by hon'ble The Khyber Pakhtunkhwa Service Tribunal Peshawar read with directions contained in order dated 18.07.2022 in execution petition No. 344/22 regarding conditional implementation of aforesaid judgment, Mr. Bilal Raza, Junior Clerk (BPS-11) is reinstated in service w.e.f. 15.09.2022 for the purpose of de-nevo inquiry, subject to final decision of CPLA # 534-P, 2022 filed before august Supreme Court of Pakistan (Appellate jurisdiction). The back benefits and arrears of the official shall be worked out thereafter. The official named above shall furnish an affidavit/undertaking ensuring surrender & return of pay and allowances in case of decision against him by the august Supreme Court of Pakistan in said CPLA.

(Zia-ur-Rehman)
District & Sessions Judge
Mansehra/Authority.

No. 15245 - 52 / Dated Mansehra the 15 September, 2022.

Copy forwarded for information to:-

1. The Registrar, August Supreme Court of Pakistan
2. The Registrar, Peshawar High Court, Peshawar.
3. The Chairman, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
4. The Director, HR&W, Secretariat of District Judiciary, Peshawar High Court, Peshawar.
5. The Senior Civil Judge (Administration), Mansehra.
6. The District Accounts Officer, Mansehra for necessary action.
7. Budget & Accounts Assistant for necessary action.
8. Official concerned for compliance.

Attested

District & Sessions Judge,
Mansehra.

ANNEX
E

Annex ee E
⑪

ANNEX - E
P (11)

29-11-2023 / 21-9-2022 / 17/D-1
Page 1 of 13

**DISTRICT JUDGE IN THE COURT OF SAJID AMIN,
CIVIL JUDGE-II, MANSEHRA**
**FINAL INQUIRY REPORT DATED: 26-07-2023,
AGAINST BILAL RAZA JUNIOR CLERK**

INTRODUCTION

1. Instant departmental inquiry has been initiated against Bilal Raza Junior Clerk presently posted at Tehsil Courts, Balakot (hereinafter referred to as accused official), under the Government Servants (Efficiency and Discipline) Rules, 2011 for the charges mentioned in the charge sheet dated 15.09.2022.

BACKGROUND

2. A review petition No. 99/6 titled "*M/S Saghi Traders and Contracting Vs Government of Pakistan, Ministry of communication through Secretary Ministry of communication and others*" was filed on 21.12.2020, in the court of Qazi Adnan, the then learned Civil judge-V Mansehra for review of order dated 07.12.2020, passed in suit No. 176/1 of 2020. Upon requisitioning original record of the suit No.176/1, and after hearing the review petition, the learned Civil Judge-V in Para No.3 of the order No. dated 02.01.2021 passed in review petition No. 99/6 observed that;

"Perusal of record would reveals that the alleged order dated 07-12-2020 ought to be reviewed through instant review petition is not available on original record (civil suit bearing # 176/1 of 2020), however, original order dated 07-12-2020 passed by this court is available on record file. Even otherwise, the alleged order dated 07-12-2020 is neither dictated nor announced by the undersigned and most importantly not signed by undersigned. The alleged order dated 07-12-2020 & signature of undersigned over alleged order ought to be reviewed, apparently seems to be bogus and fictitious one."

3. Vide letter No. 360 dated 04.01.2021, Qazi Adnan the then Learned Civil Judge V, Mansehra...

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information and further necessary action. Later-on, vide letter No. 361 dated 07.01.2021, an affidavit submitted by Bilal Raza (accused official), then attached as Muharir to the court of Civil Judge-V, Mansehra, was also forwarded to the Honorable District & Sessions Judge Mansehra. As per the affidavit, the accused official confessed that he engineered the forged and fictitious order dated 07.12.2012. On the basis of his admission, accused official was proceeded against departmentally by issuing him show cause notice dated 01.01.2021, which resulted into his dismissal from service vide order dated 10.02.2021. Accused official challenged the said order before the Khyber Pakhtunkhwa Service Tribunal in Service, Appeal No. 6698/2021 titled; Bilal Raza son of Abdul Razzaq, Ex-Junior Clerk/ Muharir, District Courts Mansehra Versus The District and Sessions Judge, District Courts Mansehra. The Tribunal vide its judgment dated 31.01.2022, while setting aside the order of dismissal from service, remanded back the case to the competent authority for de-novo inquiry in accordance with law.

4. Accordingly, fresh departmental proceedings were initiated by the worthy District and Sessions Judge, Mansehra/ competent authority against the accused official by issuing him charge sheet and statement of allegations dated 15-09-2022 and the undersigned was appointed as Inquiry Officer to probe the charges against the accused official and submit report within sixty days.

REASONS OF DELAY:

The reasons for delay in proceedings were that the accused official filed different miscellaneous applications which needed to be decided. Similarly, on conclusion of evidence, application for additional evidence was also filed by the departmental representative. As such, decisions on these applications and recording of additional evidence

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sought from time to time and the same was accordingly granted. The last extension was granted on 22-07-2023 for fifteen days.

CHARGES

6. The charges levelled against the accused official vide charge sheet dated 15.09.2022, are as under:

(a) Preparation of forged and fictitious order dated 07-12-2020 in Civil Suit No.176/1 of 2020, titled "M/S Saghi Traders & Contracting Vs. Govt. of Pakistan & others."

(b) Putting of fake signature of Qazi Muhammad Adnan, the then Civil Judge/Judicial Magistrate-V, Mansehra and affixing seal of the Court, on above referred forged and fictitious order dated 07-12-2020.

(c) Managing to get prepared the attested copy of aforesaid fake, forged and fictitious order dated: 07-12-2020 from Copying Branch, District Courts, Mansehra.

PROCEEDINGS

On receipt of the inquiry file, the accused official as well as departmental representative were noticed. On 28-09-2022, accused official appeared and submitted his detailed defence reply to the charge sheet, denying the allegations levelled against him on multiple grounds.

EVIDENCE

8. During the course of evidence the following evidence was recorded:-
PW-1 Muhammad Zuqaib Iqbal Khan, Incharge Record Room Sessions Court Mansehra produced copies of letter No.360 dated 04-01-2021 as Ex.PW-1/1, letter No.361 dated 07-01-2021 as Ex.PW-1/2, affidavit as Ex.PW-1/3, Show Cause Notice No.311 dated 12-01-2021, Order No.6 dated 10-02-2021 of file No.7/D-1 "Inquiry VS Bilal Raza" and Office Order No.959-64 dated 10-02-2021 as Ex.PW-1/4 to Ex.PW-1/6, respectively.

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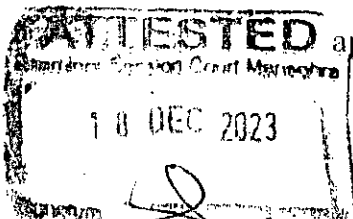
PW-2, Kamran Khan Jehangiri Incharge Record Room Lower Courts produced file No.176/1 titled "M/S Saghi Traders VS Government etc", out of which photocopy of order dated 07-12-2020, is exhibited as Ex.PW-2/1. Similarly he also produced file No.99/6, out of which photocopy of review application is posted as Ex.PW-2/2, attested copy of order dated 07-12-2020 (fake order) is Ex.PW-2/3.

PW-3, Ihsan-ul-Haq Computer Operator marginal witness of affidavit of the accused official, on oath stated that Bilal Raza after admitting his guilt in presence of other marginal witnesses duly signed and thumb impressed the affidavit in the court and submitted the same to Mr. Qazi Muhammad Adnan (learned Civil Judge), which is already available on file as Ex.PW-1/3. The witness admitted that affidavit correctly bears his signature and thumb impression.

PW-4, Khuram Shehzad Khan (Reader), **PW-5** Sajjad Shah (Stenographer), **PW-6** Rabnawaz (Muharrir) and **PW-7** Muhammad Shoaib (Naib Qasid) all are the marginal witnesses of the affidavit submitted by the accused official, they reiterated the same facts as narrated by the marginal witness PW-3.

PW-8, Abdul Rasheed Incharge English Office/Departmental Representative produced copy of order dated 31-01-2022, of the Service Tribunal through which accused official was reinstated for the purpose of inquiry as Ex.PW-8/1, copy of CPLA No.534-P/2022 filed by the department against Judgment dated 31-01-2022, before the Supreme Court of Pakistan as Ex.PW-8/2, appeal filed by accused official before Service Tribunal as Ex.PW-8/3, order, No.15245-52 dated 15-09-2022 as Ex.PW-8/4 through which accused official was reinstated and inquiry proceedings were initiated against him. Similarly, letter No.15253 dated 15-09-2022 regarding appointment of departmental representative is also exhibited as Ex.PW-8/5.

PW-9, Muhammad Ashraf ex-examiner of Copying Branch produced application for obtaining attested copies bearing No.11335 as Ex.PW-



AP 15

9/1 and copy of entry of said application in Register CD-1 as Ex.PW-9/2.

PW-10, Kamran Khan Jehangiri In-charge Record Room produced Challan No.30 dated 14-12-2020 and challan No.31 dated 26-12-2020 as Ex.PW-10/1 and Ex.PW-10/2 respectively.

PW-11, Qazi Muhammad Adnan, the then learned Civil Judge-V, Mansehra on oath stated that at the relevant time he was posted as Civil Judge-V Mansehra; that upon institution of review petition No.99/6 and requisition of file No.176/1 titled "Saghi Traders VS NHA", he came to know regarding forged order, upon which the matter was reported to the worthy District & Sessions Judge through letter No.360 (Ex.PW-1/1). That upon interrogation, the accused official confessed his guilt regarding preparation of forged order and submitted confessional affidavit, which was signed and thumb impressed by the other court officials as marginal witnesses. The said affidavit was sent to the worthy District & Sessions Judge Mansehra vide letter No.361 (Ex.PW-1/2).

Accused official was given ample opportunity to cross examine all the witnesses of the prosecution/Department produced against him, which he availed by cross examining the witnesses.

Thereafter accused official was given opportunity to produces the witnesses in his defence, if he so desires. Accordingly, total three witnesses (accused official included) were examined as defence witnesses. Needless to mention that accused official cited total 12 witnesses through list of witnesses submitted by him with the prayer for summoning of several witnesses through process of court which prayer was however, declined through order No.27 dated 17.01.2023.

DW-1, Syed Asif Shah Superintendent District and Sessions Court Mansehra, in his statement deposed that he has been listed as witness by the accused, however he has no concern with the inquiry.

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Asif Shah

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 District Sessions Court Mansehra
 18 DEC 2023

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DW-2, Muhammad Rizwan Ex-copyist copying branch in his statement also stated that he has been listed as defence witness by the accused but he does not want to give statement as he has only prepared copy as per the application.

Accused official Bilal Raza recorded his statement as DW-3. Gist of his statement is that ever since his appointment, he has always performed his duties with zeal and devotion without giving any chance of complaint regarding his performance. That the alleged fake order dated 07.12.2020 was the order initially passed in the suit and the same was dictated by the presiding officer himself. That after receiving the file from the court, the said order was part of the record, he prepared the file for consignment alongwith with other files and also prepared challan and put the files before the presiding officer Qazi Adnan for signature on its index, however, upon instructions of the presiding officer, he did not consigned the disputed file as the presiding officer intended to make some changes in the order. That on 16.12.2020, he received duly allowed application for attested copies of the order dated 07.12.2020 from one Arif Shehzad advocate, counsel for the NHA, upon which he took the file No. 176/1 to the copying branch for providing copy of the order which was accordingly prepared and provided to the applicant by the copying branch. That later-on the order was changed by the presiding officer and file was consigned on 21.12.2020. Regarding his admission on affidavit, accused official stated that the same was the result of undue pressure and intimidation exerted by the Presiding officer and in order to safe his skin, he was made escape goat. That the order was changed by the presiding officer at the behest of a colleague Judge, then posted at Mansehra, as her husband is Assistant Director NHA and he was the representative of NHA in the said case. He also exhibited his

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Reply to the Charge sheet, Review petition No. 100/6, Dak Bahi, Call

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Data Record and certain applications for obtaining copies as Ex.DW-3/1, to Ex-DW-3/5.

FINDINGS

10. After going through the charges levelled against the accused official, his defence reply and the evidence brought on record, I intend to record my detailed findings through the following paragraphs.

11. For the purpose of convenience it would be appropriate to briefly re-state the case of department against the accused. Accused official has been charge sheeted for; a) preparing fake order in respect of proceedings conducted on 07.12.2020 in civil suit No. 176/1 of 2020, b) Putting fake signature of the learned presiding officer Qazi Adnan the then civil Judge on the said order, c) managing the copying process and thereby getting attested the copy of forged and fictitious order mentioned above. Evidence cited by the department towards the proof of aforementioned allegations was that the then presiding officer (Learned CJ-V) was the first receiver of the information regarding the foul play on the part of the accused official. As a sequence of events it has been further alleged that smelling some nexus of accused official with the said fake order, the presiding officer confronted the former with the situation and verbally sought his explanation which was followed by complete admission of the acts of forgery/fabrication by the accused official. It is further alleged that accused official recorded his statement in the shape of affidavit before the learned presiding officer wherein he confessed to have fraudulently prepared the order in question, unlawfully authenticated and processed the same through official machinery in order to pose and present it as genuine. It is worth to mention here that accused official has not straightforwardly denied the said affidavit, but has rather taken the plea that the same was the result of undue pressure and intimidation exerted by the Presiding Officer and the department.

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12. During course of evidence, the department formally got exhibited, the affidavit (Ex PW-1/3) of the accused official, letters dated 04.01.2021 (Ex-PW-1/1) and 07.01.2021 (Ex-PW-1/2) whereby the Honorable District and Sessions Judge/competent authority was informed about the foul play, besides exhibiting the genuine order dated 07.12.2020, passed in civil suit No. 176/1 as Ex.PW-2/1 and the fake order dated 07/12/2020 as Ex.PW-2/3. Since the affidavit Ex.PW-1/3 was relied upon by the department as their prime evidence against the accused and the same was not utterly denied by the latter, the same has therefore, attained pivotal role in the determination of instant controversy. Witnesses of the affidavit were examined as PW-3 to PW-7. Presiding officer of the court concerned was also examined as PW-11. Despite being subjected to cross examination there is consistency among the witnesses of the affidavit. Nothing of the sort was extracted from any witness of affidavit which may create contradiction among the PWs and thereby persuade this forum to disbelieve the story of department. All the PWs of the affidavit have been consistent inter-se as regards material facts of the incident i.e. time, place, manner and attending circumstances of scribing and executing of affidavit. Needless to mention that non denial on the part of the accused official regarding the signing and submitting of the affidavit further establishes the fact that the affidavit is genuine and is not a document falsely doctored or is the result of any force or coercion. The accused official has actually shifted burden to himself by advancing different version in respect of the affidavit by taking the plea of undue pressure used against him.

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13. By producing the file of main civil suit 176/1 & exhibiting original order date 07-12-2020 (Ex.PW-2/1), the department has succeeded in establishing that the fake order (Ex.PW-2/3) whose copies were obtained on 16-07-2020 & which was impugned through review petition No.96/6 was not genuine & did not exist on authentic judicial

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record. All other PWs examined by the department went in concurrence with material witnesses (those of affidavit) and nothing incompatible was extracted from them which could cast aspersions on the testimony and veracity of witnesses of prime importance. Similarly, despite availing ample opportunity of cross examination, the accused official couldn't suggest anything credible which could convince this forum to disbelieve any witness of the department or infer anything adverse regarding the credibility of any PW. Combined effect of exhaustive appreciation of evidence produced against the accused official by the department is that this forum is inclined to observe that the department has overwhelmingly shifted the burden to accused official to substantiate that the acts of forgery & fabrication were not conceived and done by him and/or he was coerced against his consent to confess it.

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14. The burden substantially shifted to accused official when he, instead of categorical denial, admitted all attending circumstances of executing of affidavit and took the hard-to-prove plea of intimidation and undue pressure allegedly exerted against him. By doing so he maximised his evidential burden and was therefore, required to come up with clear & convincing evidence to dislodge the probability of version of the department. The evidence led by accused official turned out to be too little too small to be believed as against the evidence of the department. There is nothing compelling in the defence evidence of the accused which could establish with sufficient degree of probability that in fact the affidavit was the outcome of intimidation and pressure and that accused official had no nexus with the acts of forgery, fabrication, indiscipline & foul play.

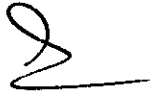
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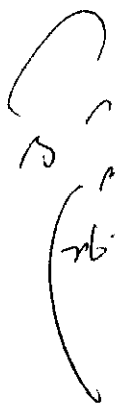
15. Besides, the accused official had also taken the plea that the fake order was in-fact the original and genuine order and that the same was later on replaced by the presiding officer himself. However, this

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defence plea could also not be established on record. The suit No. 176/1 was decided on 07.12.2020, while accused official admitted that he received the file from the court after 2/3 days of the order. Thereafter file remained in his custody till 21.12.2020, when it was finally consigned to record room vide challan No.30 dated 21.6.2020 (Ex.PW-10/1). Accused official also admitted that on 16.12.2020, after receiving application for attested copies from one Arif Shehzad Advocate, he took the file to the copying branch for preparation of the copy and later on attested copy of the order dated 07.12.2020 (fake) was delivered to applicant on the same day after its preparation by the copying branch. Muhammad Ashraf, the examiner Copying Branch in his statement as PW-9, stated that the file alongwith application for provision of copies was brought by the accused official accompanied by Khuram Shehzad Advocate. After preparation of copies by the copyist, he compared it with the order on the file and it was found matching with the one available on file, the signature of presiding officer and seal of court was available on it. Application/Sawalnama (Ex.PW-9/1) of one Arif Shehzad Advocate was duly allowed by the Superintendent District and Sessions Court on 16 12.2020, and the advocate concerned presented the same to the accused official being Muharir of the court. At the relevant time file was not consigned to record room rather remained in custody of the accused official being Muharir of the court. Being decided case, the accused official was required to have consigned the file instead of processing the same for provision of copies, so that file could be processed from the record room for copies. It can thus safely be inferred that the file was purposely not consigned by the accused official so that he could himself process it for preparation of copies. It is also astonishing to note that on the one hand, the accused official has taken the plea that file was not consigned upon instructions of presiding officer as he

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hand on 16.12.2020, accused official upon application processed the file for preparation of attested copies. Had any such instructions been given to the accused official, he would have not processed the application or at least would have brought it into the knowledge of the presiding officer before taking the file to the copying branch for preparation of the copy of order (fake). This aspect of the matter makes paradoxical the defence plea under discussion and reveals the inherent inconsistency in the stance of the accused official.

16. The file was consigned to record room on 21.12.2020, and it is admitted position that at the time of consignment, the original order (Ex-PW-2/1) was part of the file while the fake order (Ex.PW-2/3) was not available on record. It is pertinent to mention here that initially while awarding penalty of dismissal from service to the accused official, the matter was also reported to the DPO Mansehra for criminal action who further forwarded it to Anti-Corruption Establishment, however the criminal proceedings could not reached to logical conclusion for the reasons that the original of the fake order was missing/not available, due to which the same could not be verified through forensics. This fact is also reflected in the fact finding inquiry report dated 07/12/2022 (Ex.APW-1/1) conducted to trace out the original of the fake order. In the said fact finding inquiry, the learned inquiry officer also fixed responsibility upon accused official and observed that the original of the fake order was replaced on file with original Order after obtaining its copies before consignment. All events leading to the foul play i.e. presentation of fake order, obtaining its copies by using official machinery and later-on misplacement of the fake order happened during the time when the file remained in custody of the accused which fact also associates him with the charges levelled against him.

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17. The accused official further attempted to substantiate his plea in respect of nexus/contact of the presiding officer with representative of NHA and a colleague Civil Judge being interested in the case. Towards the proof of this plea the accused official produced Call Data Record as Ex.DW-3/3, notwithstanding many other legal flaws around the exhibited CDR, one major infirmity in respect of it, in view of this forum, is that the same has not come from the direct custody of an authorized person, nor was any relevant witness produced to certify the genuineness of the CDR. As such, the CDR papers are discarded being inadmissible for the reason recorded above.

Degree of probability of the stance of the department:

18. As is ascertainable from the discussion carried out in the above paragraphs, the department has outweighed the stance of the accused official through the evidence produced by the former. Simply put, version of the department has turned out far more probable than that of the accused official. For the determination of present controversy, it is however relevant to analyse the extent and degree of probability attained by the version of the department. Such an analysis is also necessary because it is a settled position of law that awarding some kind of relief to a successful party has to be commensurate with the degree of probability of the stance of the successful party. When analysed clinically for the aforementioned purpose, other pieces of evidence of the department notwithstanding, it is the affidavit Ex.PW-1/13 which emerges impactful and instrumental in the proof of version of the department. Had it not been for the affidavit Ex.PW-1/13 the stance/case of the department might have ended up like a pack of bare allegations and speculations. If said affidavit as a piece of evidence is excluded from the evidence of the department, a prudent mind may not be inclined to give any credence to its version. Such status of probative value of the evidence makes the case of the department one of just fair and moderate probability. In simplest terms, it is observed

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that case of the department is proved to a degree of probability which is moderate and is lesser than any higher degree. As I am advancing towards recommendations part of instant inquiry it is just and fair to record here that weighing on extent of recommendations I have also taken into consideration the fact that by tendering aforementioned affidavit the accused official actually helped the department to prove its case. As such, accused official deserves some leniency.

RECOMENAIJOINS

19. Keeping in view the above findings, the charges levelled against the accused official stands proved and he has been found guilty of misconduct as defined under Rule 2(I) of the Government Servants (Efficiency and Discipline) Rules, 2011. However, for the reasons discussed in Para No.17 above, it is recommended that he may be awarded penalty of **withholding of promotion for a period of 3 years** as provided under Rule 4 sub-rule (I)(a)(ii) of the Government Servants (Efficiency and Discipline) Rules, 2011. It further recommended that the accused official may also be kept under strict observation during the period of penalty.

Report is submitted for further appropriate order, please.

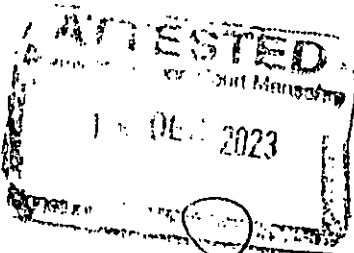
(SAJID AMIN)
Civil Judge-II/Inquiry Officer,
Manshra

CERTIFICATE

Certified, that this inquiry report consists of (13) pages. Each and every page has been read over, corrected and signed wherever it was necessary.

Dated: 26-07-2023

(SAJID AMIN)
Civil Judge-II/Inquiry Officer,
Manshra



ANNEX "F"

ANNEX "F"

MANSEHRA

P-24

OFFICE OF THE DISTRICT & SESSIONS JUDGE
MANSEHRA
COMPETENT AUTHORITY

29-11-2023

Departmental Inquiry No. 17 of 2022
Inquiry against Bilal Raza, Junior Clerk/Muharrir

ORDER
29.11.2023

COURT OF DISTRICT
MANSEHRA

Presently

Accused official Bilal Raza Junior Clerk/Muharrir.
Mr. Abdul Rasheed, Assistant/Departmental Representative.
Accused Official heard in person.

2. Brief background of the instant inquiry is that the accused official was dismissed from service by my learned predecessor in office vide order dated 10.02.2021 (Ex.Pw-1/5) by adopting the shorter procedure by dispensing with inquiry. He was awarded major penalty of dismissal from service under Rule 4 (1)(b)(iv) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 on account of tempering and preparing fake and fictitious order dated 07.12.2022 in suit # 176/1 of 2020 and affixing court seal & signature of the presiding officer and to manage its attested copy from copying branch. The matter was also referred to the District Police Officer Mansehra for initiation of criminal proceedings against him.

3. Qazi Muhammad Adnan, the then learned Civil Judge-V, Mansehra vide letter No. 360 dated 04.01.2021 (Ex.PW-1/1) reported the matter for information and necessary action, which is reproduced as under:

"Alleged order dated 07-12-2020 ought to be reviewed through review petition # 99/6 is not available on the original record (civil suit bearing # 176/1 of 2020), however, original order dated 07-12-2020 passed by his court is available on record file and it is very astonished & surprising for the court, as to how, someone managed to get prepared fake and factitious order as well as put fake signature of the undersigned and also obtained the attested copies of same, which factum requires further probe, therefore, the matter alongwith certified copy of order passed in review petition # 99/6 as well as copies of fake & factitious order dated 07-12-2020 alongwith original order dated 07-12-2020 be refer'ed to your good self for information and further necessary action."

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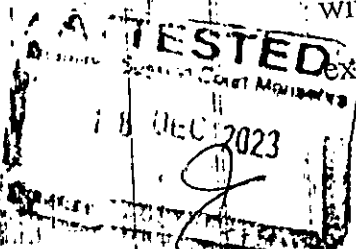
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18 DEC 2023

4. Subsequently the said Presiding Officer vide letter No. 361, dated 07.01.2021 (Ex PW 1/2) forwarded the affidavit (Ex PW 1/3) submitted by accused official Bilal Raza, according to which accused official accepted that he has prepared the fake and factitious order in the referred suit as well as affixed bogus signature of the then learned Civil Judge-V/Judicial Magistrate-V, Mansehra and affixed seal of the court. He also admitted that he got its attested copy from copying branch District Court Mansehra, with the collusion of one Iftikhar Clerk of counsel of plaintiff in above mentioned suit. The affidavit was signed and thumb impressed by witnesses namely Ehsan-ul-Haq Computer Operator, Khurram Shahzad Senior Clerk/Reader, Sajjad Shah Steno Typist, Rab Nawab Attached Muharrir and Muhammad Shoaib Naib Qasid to the court of Civil Judge-V, Mansehra. He was, thus, proceeded against.

5. The accused/official preferred appeal against said dismissal order before the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar which was partially accepted vide judgment dated 31.01.2022 (Ex.PW-8/1), whereby, his case was remanded to the competent authority for de-novo inquiry in accordance with law and accused/official was reinstated in the service for the purpose of inquiry. Later on, the accused/official also preferred execution petition # 344 of 2022 for implementation of above order of Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar. The department preferred CPLA # 534/P of 2022 before august Supreme Court of Pakistan (appellate Jurisdiction) against the ibid judgment/order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar, which is pending.

6. The accused was reinstated in service in compliance with the ibid judgment and fresh inquiry was initiated by appointing Mr. Sajid Ameen, Civil Judge-II, Mansehra as Inquiry Officer, the statement of allegations and charge sheet were served accordingly. The Inquiry Officer received reply to the charge sheet and list of witnesses submitted by the accused/official and department. After examining 11 witnesses of the department, duly cross examined by



(Contd)

the accused at length and recording defense version, the inquiry officer submitted his report on 15.08.2023.

7. Before proceeding further with the matter it was referred to Hon'ble Peshawar High Court, Peshawar for guidance as to whether the matter should be proceeded or kept pending until the final decision of ibid CPLA. The Hon'ble Peshawar High Court, Peshawar vide letter # 4347/ADMN Dated 12.02.2023 responded that since order of KP Service Tribunal directing de-novo inquiry has not been suspended by the apex court as such, there appears no justification to halt the inquiry proceedings for indefinite period of time. Therefore, further proceedings were initiated.

8. The findings and recommendations of inquiry officer are reproduced as under:-

"The charge levelled against the accused/official stands proved and he has been found guilty of mis-conduct as defined under Rule 2 (1) of the Government Servant (Efficiency and Discipline Rules, 2011). However, for the reason discussed in para # 17 above it is recommended that he may be awarded penalty of withholding promotion for a period of Three Years as provided under Rule 4 sub-rule (1) (a) (II) of the ibid Rules. It is further recommended that the accused/official may also be kept under strict observation during the period of penalty"

9. Vide order dated 15.09.2023, it was observed that the inquiry was conducted in accordance with the procedure prescribed by the Rules and the accused official was afforded full opportunity of hearing. Thus by concurring with the above findings & recommendations of the learned inquiry officer, the charge against accused/official was found proved. Accordingly, he was served with the final show cause notice under Rule 14. (4) of Khyber Pakhtunkhwa (Efficiency and Discipline Rules, 2011), stating therein as to why anyone or more of the penalties specified under Rule 4 of the said Rules should not be imposed upon him. The accused/official submitted his reply to the show cause notice. He pleaded to be a dutiful official who had never been guilty of misconduct or inefficiency during his service.

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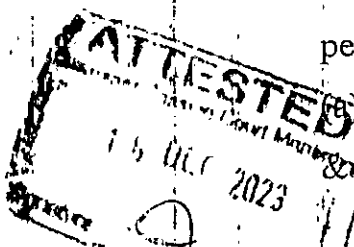
10. He was given ample opportunity during personal hearing wherein, he claimed that the affidavit (Ex.PW-1/3) was obtained from him by the then learned Civil Judge-V, Mansehra through undue influence. He further stated that he tendered the affidavit without his free consent and for the sake of honor of his court. He further added that statements of PWs of the affidavit are contradictory and the order dated 07.12.2020 (Ex PW 2/3, fake order) is the real order while the order (Ex PW 2/1, original order) is fake one prepared by the then learned Civil Judge-V, Mansehra and that he underwent financial crises & bore mental agony due to his appearances before different forums since his dismissal and lastly put himself at the mercy of the court being innocent.

11. After going through the entire record and taking into account all the attending circumstances, it is amply proved that the accused official has been guilty of the alleged misconduct. The very affidavit tendered by him has reasonably been proved during the course of inquiry, particularly when no malafide or ill-will on the part of the witnesses concerned or the presiding officer concerned could be established by the accused official. The mere plea of submission of the said affidavit as a result of undue influence or pressure of the presiding officer is not enough for exoneration from the charge. The findings of learned inquiry officer are well reasoned, detailed and based upon proper appreciation of the facts and the evidence on record. It is pertinent to mention that the accused official has not denied execution of the very affidavit even during the course of personal hearing and in his reply to the show cause, rather kept on reiterating the plea of its execution under intimidation and undue pressure, which burden he could never discharge during the proceedings.

12. Though the charge of misconduct is established, yet a lenient view is taken in imposition of the penalty so as to afford an opportunity to the accused official for reformation and to mend his ways. Accordingly, minor penalty of withholding promotion for a period of two years, w.e.f this order, in accordance with Rule 4 (1)

(a) (ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 is awarded and imposed upon the accused

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29/11/23
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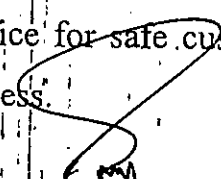
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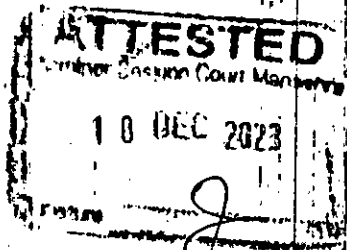
Page 370


official Bilal Raza, Junior Clerk/Muharrir. The matter of back benefits of the official shall be taken up after decision of CPLA No. 534-P of 2022, pending before the august Supreme Court of Pakistan. The office is directed to initiate necessary correspondence in this respect and forward a copy of this order as well as the office order to follow to the office of the Advocate General Khyber Pakhtunkhwa through proper channel for information and appropriate action.

13. Copy of this order be forwarded to the Budget and Accounts Assistant of this establishment for necessary action. Copy be placed on personal file/service record of the official. File be handed over to the Incharge English office for safe custody and its consignment after completion of due process.

Announced
29.11.2023


Zia-ur-Rehman
District & Sessions Judge/
Competent Authority, Mansehra



Attestd




OFFICE OF THE
DISTRICT & SESSIONS JUDGE
MANSEHRA

Ph: 0997-301848, 0997-304924
Fax: 0997301848
Email: sessionscourt_mansehra@yahoo.com
No. — /D&SJ/(MA)
Dated: 29 November, 2023

OFFICE ORDER

Whereas, Mr. Bilal Raza, Junior Clerk, was proceeded against and charge sheeted vide order bearing No. 15260-68 dated 15.09.2022, on account of preparation of fake & fictitious court order dated: 07.12.2020, in suit No. 176/01, titled "M/s Saghi Traders & Contracting Vs Govt of Pakistan & Others", putting fake signature of Qazi Muhammad Adnan, the then Civil Judge-V, Mansehra, affixing seal of the Court on the above referred forged and fictitious order and managing to get prepared its attested copy, and the inquiry into the matter was directed by appointing Mr. Sajid Amin, Civil Judge-II, Mansehra as inquiry officer.

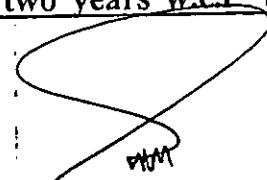
Whereas, the inquiry officer conducted the inquiry in accordance with procedure prescribed & thereby found the accused official guilty of the allegations enumerated in the charge sheet and recommended minor penalty of withholding promotion for a period of three years under Rule-4(1)(a)(ii) of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Disciplinary) Rules, 2011.

Whereas, I being satisfied, that the inquiry was conducted in accordance with the procedure prescribed and by affording fair opportunity of defense to the accused official, concurred with the findings that the accused is guilty of the charge of misconduct.

Whereas, he was served with the show cause notice under Rule 14(4) of the ibid Rules and also heard in person.

Whereas, reply to the above show cause notice does not reveal any new ground nor he could satisfy during personal hearing about his un-established persistent plea and innocence.

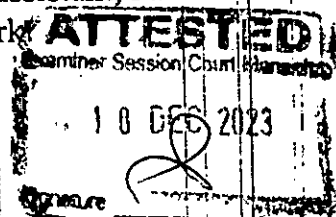
Now, therefore, I, as Competent Authority, award & impose upon him minor penalty of withholding of promotion for a period of two years w.e.f this order, in accordance with Rule-4(1)(a)(ii) of the ibid Rules.

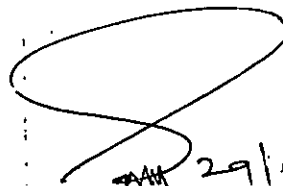

Zia-ur-Rehman
District & Sessions Judge,
Mansehra

No. 8853-55/ Dated: 29 November, 2023.

Copy forwarded for information to:

1. The Inquiry Officer/Civil Judge-II, Mansehra.
2. The Budget & Accounts, Assistant, Mansehra.
3. Mr. Bilal Raza, Junior Clerk
4. Office Record.




29/11/23

**MINUTES OF MEETING OF THE DEPARTMENTAL PROMOTION
COMMITTEE OF THE ESTABLISHMENT OF THE
DISTRICT AND SESSIONS JUDGE, MANSEHRA.**

Subject meeting was held in the chamber of District & Sessions Judge, Mansehra on 26.03.2022 at 10:00 AM. The following attended the meeting.

1. Zia-ur-Rehman, District & Sessions Judge, Mansehra. Chairman.
2. Syed Arif Shah, Additional District & Sessions Judge, Abbottabad. Member/Nominee of Peshawar High Court, Peshawar
3. Mr. Abdul Qayum Siddiqui, Additional District & Sessions Judge-VI, Mansehra. Member/Nominee of District & Sessions Judge, Mansehra.

The meeting started in the name of Allah Almighty. The chair welcomed the participants.

The following posts were lying Vacant and to be filled by way of promotion.

S. No.	Post.	BPS	Vacancies.
1.	Assistant	16	01
2.	Senior Clerk.	14.	08

ASSISTANT (BPS-16).

This post fell vacant due to retirement of Mr. Mufeez-ur-Rehman, Ex-Assistant (BPS-16). The committee was apprised that as per seniority list for the year 2021, one Shákeel Akhtar, Senior Clerk was at the top of seniority list to be considered for promotion to the post of Assistant (BPS-16).

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03 NOV 2022
Examiner Session Court Mansehra

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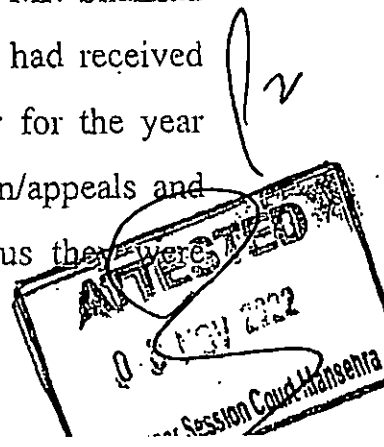


However, as per record he was suspended vide order dated: 01.03.2022 by the competent authority and departmental proceedings are pending against him. In this regard, perusal of record comprising PERs and service record of Senior Clerk namely Shakeel Akhtar transpires that there is no adverse remarks against him and he was found fit for promotion. No doubt inquiry is pending against him however, in view of the dictums of the Superior Courts, it is observed that pendency of departmental inquiry could not be considered to withhold promotion of an official. In this regard, wisdom is derived from the worthy judgments of the Hon'able Superior Court reported in 2003 PLC (CS) 1496 [Lahore], 2012 PLC (CS) 1043 [Lahore], 2016 PLC (CS) 1099 [Lahore], 2009 PLC (CS) 40 [Lahore], 2007 PLC (CS) 716 [Karachi] and PLC (CS) 2018 Peshawar Note 66. Therefore the committee unanimously recommends Mr. Shakeel Akhtar, Senior Clerk (BPS-14) to the post of Assistant (BPS-16) on promotion.

SENIOR CLERK (BPS-14).

At the very outset of the proceedings Superintendent put up an application submitted by Mr. Bilal Raza Ex-Junior Clerk for including his name in seniority list and to consider him for promotion as his name falls within the senior most junior clerks and further prayed that after his reinstatement by the learned Khyber Pakhtunkhwa Service tribunal on 31.01.2022, he is eligible for promotion to the post of Senior Clerk. The committee unanimously was of the firm view that till date attested copy of the judgment referred by the applicant has not been obtained nor produced before the competent authority for consideration, hence at the moment the applicant is not in service nor in the seniority list due to which could not be considered for promotion amongst the candidates in the list.

It is also observed that Mr. Tahir Mehmod Qurashi and Mr. Shahzad Asghar (at serial No. 03 and 06 of seniority list respectively) had received adverse remarks by their reporting and countersigning officer for the year 2021. In this regard they preferred departmental representation/appeals and the same had been allowed by the competent authority. Thus they were



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unanimously recommended by the committee to be considered for promotion amongst the candidates in the seniority list.

The committee was informed that one post of Senior Clerk (BPS-14) is likely to be vacant due to retirement of Syed Abdul Ali Shah, Senior Clerk (BPS-14) on 31.03.2022 in the same financial year, therefore the same post was also unanimously recommended to be considered for promotion amongst the candidates in anticipation. Hence total number of available posts for consideration became 08.

The relevant record including seniority list, PERs and service record of the following senior most Junior Clerks (BPS-11) were considered and recommended for promotion to the post of senior clerks (BPS-14) on the basis of seniority cum fitness. The officials at serial No. 01 to 07 were recommended for promotion with immediate effect from the date of notification by competent authority, whereas the official at serial No. 08 was unanimously recommended for promotion with effect from 01.04.2022 on account of retirement of Syed Abdul Ali Shah, Senior Clerk (BPS-14) on 31.03.2022. The following officials/junior clerks (BPS-11) were unanimously recommended by the committee for promotion to the post of senior clerk (BPS-14).

26.3.22

S. #	Name and designation	Recommended for promotion to the post
01	Yasir Mehmood, Junior Clerk (BPS-11)	Senior Clerk (BPS-14)
02	Muhammad Junaid, Junior Clerk (BPS-11)	Senior Clerk (BPS-14)
03	Tahir Mehmood Qurashi, Junior Clerk (BPS-11)	Senior Clerk (BPS-14)
04	Rashid Ali, Junior Clerk (BPS-11)	Senior Clerk (BPS-14)
05	Syed Tasaddaq Hussain Shah, Junior Clerk (BPS-11)	Senior Clerk (BPS-14)
06	Shahzad Asghar, Junior Clerk (BPS-11)	Senior Clerk (BPS-14)
07	Zaheer Abbas, Junior Clerk (BPS-11)	Senior Clerk (BPS-14)
08	Qaiser Shahzad, Junior Clerk (BPS-11)	Senior Clerk (BPS-14)

26/03/22

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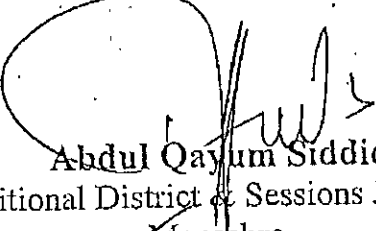
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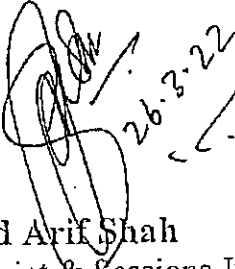
03/04/2022

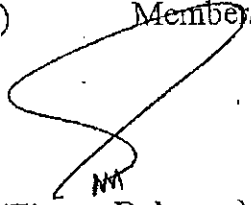
Examiner Sessions

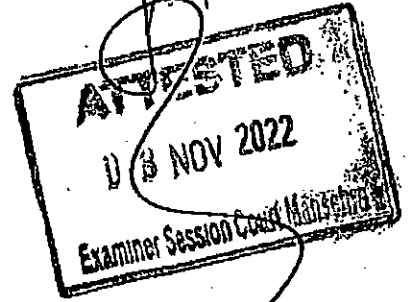
The meeting ended with a vote of thanks to and from the Chair.

26th March, 2022.


Abdul Qayum Siddiqui
Additional District & Sessions Judge-VI
Mansehra
(Member/Nominee of D&SJ)


Syed Arif Shah
Additional District & Sessions Judge
Abbottabad
(Member/Nominee of PHC, Peshawar)


(Zia-ur-Rehman)
District & Sessions Judge
Mansehra
(Chairman)

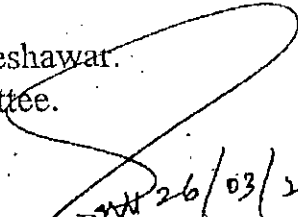


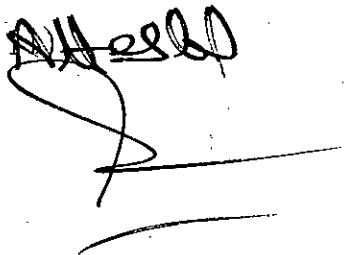
No. 3246-491

Dated the Mansehra 25 March, 2022.

Copy forwarded for information to:

1. The Registrar, Hon'able Peshawar High Court, Peshawar.
2. Members of the Departmental Promotion Committee.
3. Office copy.


(Zia-ur-Rehman)
District & Sessions Judge.
Mansehra(BPS-



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Annex ^{IP} **H** ^M



OFFICE OF THE
DISTRICT & SESSIONS JUDGE
MANSEHRA

P-34

0997-301848, 0997-304924
0997301848
E-mail: sessionscourt_mansehra@yahoo.com
No. 259-72/D&SJ/(MA)
Dated 28/03/2022

OFFICE ORDER.

Consequent upon recommendations of the Departmental Promotion Committee, made in its meeting held on 26.03.2022, the following officials from serial No.01 to 07 are promoted with immediate effect, whereas the official at serial No.08 is promoted with effect from 01.04.2022, as Senior Clerks (BPS-14), on the term and condition as given below:-

1. Mr. Yasir Mehmood s/o Abdul Shakoob, Junior Clerk/Reader to the Court of Senior Civil Judge (Admn.), Mansehra.
2. Mr. Muhammad Junaid s/o Ghulam Mustafa, Junior Clerk/Reader to the Court of Civil Judge-XI, Mansehra.
3. Mr. Tahir Mehmood Qureshi s/o Shafique-ur-Rehman, Junior Clerk/Typist to the Court of Civil Judge-XIII, Mansehra.
4. Mr. Rashid Ali s/o Abdul Khaliq, Junior Clerk/Typist to the Civil Judge-XI, Mansehra.
5. Syed Tasaddaq Hussain Shah s/o Syed Abbas Ali Shah, Junior Clerk/Moharrir to the Court of Civil Judge-I/Judicial Magistrate-I, Mansehra.
6. Mr. Shahzad Asghar s/o Ali Asghar, Junior Clerk/Moharrir to the Court of Senior Civil Judge (Judicial), Mansehra.
7. Mr. Zaheer Abbas s/o Muhammad Nazir, Junior Clerk/Moharrir to the Court of Additional District & Sessions Judge-II, Mansehra.
8. Mr. Qaiser Shalzad s/o Mehmood Alam, Junior Clerk/Typist to the Court of Civil Judge-XII, Mansehra.

TERMS AND CONDITIONS.

- i) The promotion shall be governed by the prevailing Service Rules prescribed by the Government of Khyber Pakhtunkhwa, Government Servants (Appointment, Promotion and Transfer) Rules, 1989, and instructions of the august Peshawar High Court, Peshawar issued from time to time.
- ii) The officials shall be on probation for a period of one year, extendable to another year.
- iii) Their inter-se seniority shall remain intact.

(Zia-ur-Rehman)
District & Sessions Judge
Mansehra

No. 3259-72/

Dated Mansehra the 28 March, 2021.

Copy forwarded for information to:

1. The Registrar, august Peshawar High Court, Peshawar.
2. The Members of Departmental Promotion Committee.
3. The Senior Civil Judge (Administration), Mansehra.
4. The District Accounts Officer, Mansehra for necessary action.
5. The Budget & Account Assistant/Civil Nazir to the court of Senior Civil Judge, Mansehra for compliance.
6. The newly promoted officials (by name) for compliance.
7. Office copy.

28/03/22
District & Sessions Judge
Mansehra

ATTESTED
03 NOV 2022
Examiner Session Court Mansehra

Annex (il)
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ANNEX

1

MINUTES OF MEETING OF THE DEPARTMENTAL PROMOTION COMMITTEE OF THE ESTABLISHMENT OF THE DISTRICT AND SESSIONS JUDGE, MANSEHRA.

Subject meeting was held in the chamber of District & Sessions Judge, Mansehra on 10.12.2022 at 9:00 AM. The following attended the meeting.

1. Zia-ur-Rehman, District & Sessions Judge, Mansehra. *Chairman.*
2. Syed Arif Shah, Additional District & Sessions Judge, Abbottabad. *Member/Nominee of Hon'ble Peshawar High Court, Peshawar*
3. Mr. Wajid Ali, Additional District & Sessions Judge-IV, Mansehra. *Member/Nominee of District & Sessions Judge, Mansehra.*

The meeting started in the name of Allah Almighty. The chair welcomed the participants.

The following posts were lying Vacant and to be filled by way of promotion.

S. No.	Post.	BPS	Vacancies.
1.	Senior Scale Stenographer	16	01
2.	Senior Clerk	14	05
3.	Junior Clerk	11	02
4.	Record Lifter	04	01

10/12/22

Senior Scale Stenographer (BPS-16).

One promotion post of Senior scale stenographer (BPS-16), will be falling vacant on 31.03.2022 as Mr. Tufail, Senior scale stenographer (BPS-16) will be superannuating on 30.03.2022, and presently one post of Senior scale stenographer of initial recruitment is lying vacant as Mr. Jameel Ahmed (Senior scale stenographer) joined Service at Hon'ble Peshawar High Court. The promotion case being falling in same financial year is taken in first instance due to the instant DPC and recruitment post shall be filled in near future. The committee was apprised that as per seniority list for the year 2021, one Waheed Ahmed, Junior scale stenographer was at the top of seniority list to be considered for promotion to the post of senior scale stenographer (BPS-16). In this regard, perusal of record comprising PERs and service record of above named junior scale stenographer transpires that there is no adverse remarks against him and he was found fit for promotion. For assessment of short hand and typing skills he was undergone to Short Hand and Typing ability test and his performance was found satisfactory. Thereafter, the committee unanimously recommends Mr. Waheed Ahmed, Junior Scale Stenographer (BPS-14) for promotion to the post of Senior scale stenographer (BPS-16) with immediate effect.

Note: Though it is not relevant but Mr. Abdul Hakeem (serial No. 4 on the seniority list) is ahead in the order of merit from Mr. Ishtiaq Ahmad (serial No.3) but mentioned at serial No.4, however it might be due to the date of assumption of the charge. The committee recommended that this issue needs to be taken care of while circulating fresh seniority list.

SENIOR CLERK (BPS-14).

The committee discussed application of Mr. Bilal Raza who would be the senior most Junior Clerk, had he been included in the seniority list. According to the record he was dismissed from service on 10.02.2021, however vide order dated 15.09.2022, in the light of verdict of KP Service Tribunal dated

10-12-22
10-12-22

10-12-22

10/12/22

31.01.2022 read with execution petition No. 34/22 regarding his conditional implementation (reinstatement), he was reinstated subject to decision of CPLA No. 534-P of 2022 pending before the august Supreme Court of Pakistan. In his application dated 01.11.2022 he prayed for his consideration for promotion being the senior most junior clerk on the roll.

The committee thoroughly discussed the issue and reached to the conclusion that although pendency of disciplinary proceedings, despite a ground for deferment according to para V (A) (ii) of the promotion policy 2009, is no more an impediment in the way of promotion in the light of numerous judgments of worthy Superior Courts as already discussed and relied upon by the then departmental promotion committee in its last meeting dated 26.03.2022.

However, considering the pre-requisites for consideration for promotion of a candidate, the committee unanimously decided that the applicant Bilal Raza Junior Clerk does not qualify the criteria for promotion on two grounds.

Firstly, the seniority list relevant for the purpose is that of the year 2021 which was notified initially in the January this year and by then he was not in service, so his name has not been included in the seniority list.

Secondly, the requisite PER/ACR for the year 2021 is not available because of his dismissal and he is yet to earn PER, therefore the committee unanimously recommended to defer his case for consideration in the next departmental promotion committee meeting.

Five post of Senior Clerk (BPS-14) have newly been created and are to be filled by promotion from amongst the holders of the post of Junior Clerk (BPS-11). The seniority list was circulated but no objection was filed. It was observed that the candidate at serial # 4, Muhammad Shabir and serial # 5. Abi

P-37

14/12/22

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Attest

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Hussain were initially appointed on 17.10.1998 and 22.09.1993 respectively, however, they were appointed in the District Judiciary Mansehra in the year 2008 by the way of transfer and they were placed at the bottom of the then seniority list.

It is pertinent to mention that minor penalty was awarded to Mr. Abid Hussain (candidate at serial # 1), however, according to paragraph # VIII (B) of promotion policy 2009, award of minor penalty is no ground for withholding promotion.

The relevant record including seniority list, PERs and service record of the five senior most Junior Clerks (BPS-11) were considered. Keeping in view the nature of the job particularly role of IT and CFMIS etc typing ability being basic criteria was also assessed. The committee on the basis of seniority cum fitness, by taking into account service record & PERs, unanimously recommended the top five candidates for appointment with the further condition that the promotees be bound down to improve their typing skills and to acquire minimum IT proficiency during their probation period, so as to ensure effective implementation of CFMIS.

The officials at serial No. 01 to 05 were recommended for promotion with immediate effect from the date of notification by competent authority.

Mr. [Signature] 10-12-2012

[Signature] 10-12-22

[Signature] 10/12/22

[Signature]

S. #	Name and designation	Recommended for promotion to the post
01	Abid Hussain-I, Junior Clerk (BPS-11)	Senior Clerk (BPS-14)
02	Shafqat Ali, Junior Clerk (BPS-11)	Senior Clerk (BPS-14)
03	Muhammad Masood, Junior	Senior Clerk (BPS-14)

04	Muhammad Shabbir, Junior Clerk (BPS-11)	Senior Clerk (BPS-14)
05	Abid Hussain-II, Junior Clerk (BPS-11)	Senior Clerk (BPS-14)

JUNIOR CLERK (BPS-11).

As per working papers, there are 19 promotion Posts of Junior Clerks(BPS-11) @ 30% promotion quota as against 17 positions were filled and 02 are to be filled through instance DPC. As per common seniority list of Daftris & Record Lifer, Record lifer namely Amjid Hussain possesses Secondary School Certificate and none of the two daftris have matriculation degree, therefore, only Record lifer could be considered for promotion. The only eligible official Amjid Hussain possessed his SSC Examination in the annual session 2020 and entry in service record has duly been made. He joined service in the year 2004, therefore taking into account the prescribed length of service, and seniority cum fitness in the light of PER, for the last two years 2020 and 2021, the committee unanimously recommended him for promotion. By taking into account job description/IT proficiency the committee recommended that the official be bound down to acquire minimum IT proficiency and typing skills during period of probation. So far as the second slot, the common seniority list of the post of Chowkidar, Mali, Sweeper and Naib Qasid was taken up, which has been maintained having due regard to the latest directions of the Hon'ble Peshawar High Court Peshawar dated 30.03.2022 so far as the anomaly pertaining to the effect of acquisition of SSC is concerned!

Mr. Sadaqat Ali who joined service on 25.03.2005 and is matriculate having obtained SSC in the year 2019. By taking into account the prescribed

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10-12-22

10-12-22

10/12/22

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Annex

(J)
P-40

OFFICE OF THE
DISTRICT & SESSIONS JUDGE
MANSEHRA

301848
Email: sessionscourt,mansehra@yahoo.com
No. 18805-14 /D&SJ/(MA)
Dated: 12 / 12 /2022.

OFFICE ORDER.

Consequent upon the recommendation of Departmental Promotion Committee, made in its meeting held on 10.12.2022, the following Junior Clerks (BPS-11) are promoted against the vacant posts of Senior Clerks (BPS-14) with immediate effect, on the terms and conditions noted as below:-

1. Mr. Abid Hussain-I s/o Muhammad Anwar , Junior Clerk/Muharrir to the Court of Additional District & Sessions Judge, Balakot.
2. Mr. Shafqat Ali s/o Muhammad Younis, Junior Clerk/Muharrir to the Court of Additional District & Sessions Judge-I, Mansehra.
3. Mr. Muhammad Masood s/o Gulam Mustafa, Junior Clerk/Muharrir to the Court of Additional District & Sessions Judge-VI, Mansehra.
4. Mr. Muhammad Shabbir s/o Yar Muhammad Khan, Junior Clerk/Muharrir to the Court of Additional District & Sessions Judge-III, Mansehra.
5. Mr. Abid Hussain-II s/o Najab Khan, Junior Clerk/Moharrir to the Court of Judicial Magistrate-II, Mansehra.

TERMS AND CONDITIONS.

- i) The promotion shall be governed by the prevailing Service Rules prescribed by the Government of Khyber Pakhtunkhwa and august Peshawar High Court, Peshawar and amended from time to time.
- ii) The officials shall be on probation for a period of one year initially and if their performance found not satisfactory, the probation period may be extended for further one year.
- iii) The confirmation of the officials shall be subject to acquisition of minimum IT proficiency and improvement in their typing skills.
- iv) They shall continue their duties on their existing posts, till further orders.
- v) They shall be entitled to revised pay fixation and such allowances as accordingly admissible.

(Zia-ur-Rehman)
District & Sessions Judge,
Mansehra.

No. 18805-14 /D&SJ(MA) Dated: 12 /December/ 2022.

Copy forwarded for information to:

1. The Registrar, Peshawar High Court, Peshawar.
2. The Members of Departmental Promotion Committee.
3. The District Accounts Officer, Mansehra for necessary action.
4. The Budget & Account Assistant/Civil Nazir to the court of Senior Civil Judge, Mansehra for compliance.
5. The newly promoted officials (by name) for compliance.
6. Office copy.

District & Sessions Judge,
Mansehra.

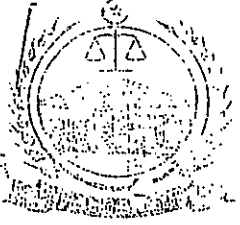
P-41
Annex "K"

"K"

"K"

ANNEX (K)

P-41



OFFICE OF THE
DISTRICT & SESSIONS JUDGE
MANSEHRA

Ph: 0997-301848, 0997-304924
Fax: 0997301848
Email: sessionscourt_mansehra@yahoo.com
No. 1019 - 55 /D&SJ/(MA)
Dated: 06 / 01 /2023.

To

All the Judicial Officers,
District Mansehra

Subject:

FINAL SENIORITY LIST FOR THE YEAR 2022.

Enclosed find herewith final seniority list prepared after disposal of objections, of the officials of this establishment, for the year 2022 and final common Seniority list of Class-IV employees, of both the establishments, i.e. District & Sessions Judge and Senior Civil Judge(Admn) maintained for the purpose of Promotion to the post(s) of Daftri and Record Lifter for information and communication to all the staff members posted in your respective courts.

Encl: As above.

(Zia-ur-Rehman)
District & Sessions Judge,
Mansehra.

No. 1056 - 57 / Dated Mansehra the 06, February, 2023.

Copy forwarded for information to:

1. The Senior Civil Judge (Admn), Mansehra.
2. The Director, Human Resource & Welfare, Secretariat of District Judiciary, Peshawar High Court, Peshawar.

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[Handwritten signature]
District & Sessions Judge,
Mansehra.

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FINAL SENIORITY LIST OF THE ESTABLISHMENT OF DISTRICT & SESSIONS JUDGE,
MANSEHRA FOR THE YEAR 2022.

SR. No.	Name of Official	Academic Qualification	Date of Birth	Date of 1 st entry in District Judiciary on regular basis	Date of appointment in present position (BPS-)	Remarks.
SUPERINTENDENT (BPS-17)						
1.	Asif Hussain Shah.	M.A, LLB	20.03.1970	01.09.1989	03.12.2004	
ASSISTANT/READER/CLERK OF COURT (BPS-16)						
1.	Jumana Shahzad.	Bed.LLB. M. Sc	01.09.1982	20.05.2011	20.05.2011	
2.	Abdul Rasheed.	M.A	03.05.1986	20.05.2011	20.05.2011	
3.	Fayyaz Afzal.	M.A	08.06.1971	23.10.1993	20.03.2010	
4.	Shoukat Ramzan.	Matric	02.04.1965	08.12.1984	16.06.2015	
5.	Muhammad Hanif.	Matric	01.01.1964	02.02.1983	18.10.2016	
6.	Muhammad Ayaz.	B.A	20.03.1964	23.06.1988	19.08.2017	
7.	Syed Yousaf Shah.	M.A	02.03.1969	23.06.1988	03.11.2018	
8.	Milkhari Ali Shah.	D.Com	16.12.1966	23.06.1988	10.10.2020	
9.	Shakeel Akhtar.	Matric	15.02.1974	20.02.1992	28.03.2022	
BUDGET & ACCOUNT ASSISTANT (BPS-16)						
1	Sheraz Ahmad.	B.Com. LLB	03.03.1981	01.10.2003	26.05.2018	
SENIOR CLERS/READERS (BPS-14)						
1.	Bakhtiar Ahmed.	F.A	04.02.1969	02.02.1995	01.09.2003	
2.	Muhammad Jamil.	F.A	03.03.1975	19.11.1995	02/09/2003	
3.	Khurram Shahzad.	B.A	10.04.1976	19.11.1995	02.09.2003	
4.	Muhammad Amir.	Matric	07.04.1970	20.11.1995	19.08.2017	
5.	Muhammad Ayub.	Matric	20.04.1967	18.12.1990	30.03.2011	
6.	Baidar Khan.	B.A	07.01.1972	18.03.1998	30.03.2011	
7.	Muhammad Ashraf-II.	B.A	14.03.1971	20.09.1995	30.03.2011	Correction made in the light of Judgments of Service Tribunal and CPLA
8.	Ayaz Khan.	Matric	20.04.1977	04.10.2001	30.03.2011	
9.	Muhammad Sakif.	Matric	02.01.1980	04.10.2001	30.03.2011	
10.	Nasir Mehmood.	DAE	02.02.1978	04.10.2001	30.03.2011	
11.	Muhammad Qaiser.	Matric	18.01.1979	08.02.2002	30.03.2011	
12.	Muhammad Shafique.	F.A	11.02.1979	01.10.2003	30.03.2011	
13.	Abdul Baseer	BA	06.01.1980	01.10.2003	30.03.2011	
14.	Tasq Javed.	B.A	11.04.1966	09.10.1998	16.06.2015	
15.	Kamran Jhangari.	Matric	06.04.1974	24.04.2000	18.10.2016	
16.	Mubashir Hussain.	F.A	25.05.1978	23.01.1999	17/03/2018	
17.	Zoqib Iqbal.	M.A	06.03.1980	17.02.2001	03.11.2018	
18.	Shafiqat-ur-Rehman.	F.A	08.03.1978	26.05.1999	03.11.2018	
19.	Mubarak Hussain.	D.Com	13.05.1977	01.10.2003	19.02.2019	
20.	M. Qaiser.	M.A	30.03.1978	01.10.2003	19.02.2019	
21.	Milkhari.	B.Com, LLB	02.05.1981	01.10.2003	10.10.2020	
22.	Fakhar-e-Alam.	F.Sc	15.01.1975	01.10.2003	06.03.2021	
23.	Yasir Mehmood.	M.A, LLB	20.04.1979	01.10.2003	28.03.2022	
24.	Muhammad Junaid.	B.A	01.08.1979	01.10.2003	28.03.2022	
25.	Tahir Mehmood Qureshi.	M.A, LLB	08.02.1979	01.10.2003	28.03.2022	
26.	Rashid Ali.	MA, DIT	19.04.1979	01.10.2003	28.03.2022	
27.	S.Tasaddaq Hussain Shah.	F.A	02.02.1976	01.10.2003	28.03.2022	
28.	Shahzad Asghar.	D.Com	12.03.1976	01.10.2003	28.03.2022	
29.	Zaheer Abbas.	F.A	10.03.1983	01.10.2003	28.03.2022	
30.	Qaiser Shahzad.	D.Com	29.12.1980	01.10.2003	12.12.2022	

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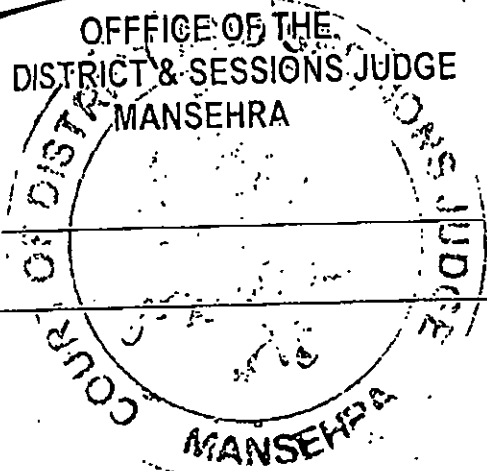
YEAR 2022

JUNIOR CLERKS (BPS-11)

1.	Bilal Raza ✓	D.Com	28.09.1982	01.10.2003	01.10.2003	✓
2.	Muhammad Rizwan.	Matric	10.04.1983	14.12.2001	30.03.2011	✓
3.	Muhammad Akram.	Matric	21.01.1967	08.12.1988	30.03.2011	
4.	Khurshheed Anwar.	Matric	01.12.1971	13.12.1995	30.03.2011	
5.	Naveed Iqbal.	Matric	20.12.1974	14.04.1996	30.03.2011	
6.	Muhammad Naeem.	Matric	19.02.1979	11.07.1998	30.03.2011	
7.	Jamil Ahmad.	Matric	08.10.1976	08.10.2001	30.03.2011	
8.	Shahab-ud-Din.	Matric	01.01.1976	09.10.2001	30.03.2011	
9.	Qari Noor Rehman.	Matric	01.01.1971	09.02.2004	30.03.2011	
10.	Muhammad Niaz.	Matric	13.04.1973	01.10.2003	30.03.2011	
11.	Zaheer-ud-Din.	Matric	31.10.1978	01.10.2003	30.03.2011	
12.	Aurangzeb.	Matric	05.04.1970	01.10.2003	30.03.2011	
13.	Muhammad Darwaish	B.A	11.05.1987	18.05.2011	18.05.2011	
14.	Sohail Khurshheed.	B.Com	25.03.1991	18.05.2011	18.05.2011	
15.	Waqas Ahmad.	D.Com	02.02.1991	18.05.2011	18.05.2011	
16.	Ali Saleem.	F.A	27.10.1989	18.05.2011	18.05.2011	
17.	Muhammad Ansar.	B.Com	08.02.1984	18.05.2011	18.05.2011	
18.	Muhammad Shakir.	Matric	28.04.1979	08.10.2001	14.01.2013	
19.	Muhammad Rashid.	F.A	01.04.1972	16.01.2002	14.01.2013	
20.	Nayyar Khalil.	Matric	15.10.1975	01.10.2003	14.01.2013	
21.	Muhammad Asif.	Matric	04.04.1983	01.10.2003	14.01.2013	
22.	Amjid Ali.	Matric	26.10.1978	09.02.2004	14.01.2013	
23.	Rab Nawaz.	Matric	10.01.1980	04.12.2004	17.03.2018	
24.	Ghulam Nabi.	F.A	05.12.1973	20.11.1995	30.04.2018	
25.	Muhammad Fayyaz.	Matric	13.01.1979	09.02.2004	30.04.2018	
26.	Marriam Qureshi.	B. Sc	28.04.1994	09.01.2019	09.01.2019	
27.	Raeesa Bibi	M.A	01.03.1990	07.01.2019	07.01.2019	
28.	Muhammad Imran	M.Com	14.04.1989	07.06.2013	09.04.2019	
29.	Assad Iqbal	BCS (Hons)	16.07.1993	09.04.2019	09.04.2019	
30.	Attig-ur-Rehman	B.A	07.04.1993	13.04.2019	13.04.2019	
31.	Riasat.	M.Com (DIT)	16.03.1996	09.04.2019	09.04.2019	
32.	Imtinan Malik Mujahid	MA	23.04.1995	26.02.2022	26.02.2022	
33.	Umar Khalid.	BBA	05.03.1995	30.06.2022	30.06.2022	
34.	Liaqat-ur-Rehman.	M.Com	28.04.1995	18.09.2017	30.06.2022	
35.	Muhammad Shakeel.	MS	31.12.1992	30.06.2022	30.06.2022	
36.	Tasneem Ahmad.	BS	05.12.1997	30.06.2022	30.06.2022	
37.	Muhammad Zakir.	BS	18.09.1998	30.06.2022	30.06.2022	
38.	Bilal Ahmad.	B.com	13.09.1991	30.06.2022	30.06.2022	
39.	Rizwan Wali.	MSC	28.03.1990	30.06.2022	30.06.2022	
40.	Syed Umair Ali Shah.	M.Com	22.02.1992	04.10.2017	30.06.2022	
41.	Usama Tariq.	HSSC	24.07.1997	30.06.2022	30.06.2022	
42.	Noman Asghar.	BSCS	15.10.1994	30.06.2022	30.06.2022	
43.	Muhammad Ejaz.	BS	16.01.1999	30.06.2022	30.06.2022	
44.	Shujah Ali Shah.	B.Com	22.02.2000	30.06.2022	30.06.2022	
45.	Muhammad Nazakat Khan	MS	20.11.1990	24.09.2022	24.09.2022	
46.	Amjid Hussain	Matric	15.10.1982	09.02.2004	12.12.2022	Correction made
47.	Sadaqat Ali	Matric	23.08.1986	25.03.2005	12.12.2022	

(Handwritten signature)

District & Sessions Judge
Mansehra



Ph: 0997-301848, 0997-304924
 Fax: 0997301848
 E-Mail: sessionscourt_mansehra@yahoo.com
 No. 701-23 /D&SJ/(MA)
 Dated 30/01/2021

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(44)

Annex pp L P-44

ملی سنیہ کی طرف سے
 سال 2020
 2021

To All the Judicial Officers,
 District Mansehra

Subject: SENIORITY LIST FOR THE YEAR 2020.

Memo:

Enclosed find herewith seniority list prepared after disposal of objections, of the officials of this establishment as well as common seniority list of class-IV of the establishment of Senior Civil Judge, Mansehra, for the year 2020, for information and communication to all the staff members posted in your respective courts.

Encl: As above.

(Suhail Sheraz Noor Saani)
 District & Sessions Judge
 Mansehra

No. 724 / Dated Mansehra the 30 January, 2021.

Copy forwarded for information and necessary action to:

Superintendent of this office for communication to all the officials of this establishment.

(Suhail-Sheraz Noor Saani)
 District & Sessions Judge
 Mansehra

30/01/2021

Attest

ATTESTED
 22 NOV 2022
 Examiner Session Court Mansehra

45 "E" P-24

**SENIORITY LIST OF THE ESTABLISHMENT OF DISTRICT & SESSIONS JUDGE, MANSEHRA
FOR THE YEAR 2020.**

SR. No.	Name of Official	Academic Qualification	Date of Birth	Date of 1 st entry in District Judiciary on regular basis	Date of appointment in present position (BPS-)	Remarks.
SUPERINTENDENT (BPS-17)						
1.	Asif Hussain Shah.	M.A, LLB	20.03.1970	01.09.1989	03.12.2004	
ASSISTANT/READER/B&A ASSISTANT/CLERK OF COURT (BPS-16)						
1.	Mufceez-ur-Rehman.	F.A	08.04.1963	19.04.1982	01.09.2003	
2.	Jumma Shahzad.	Bed.LLB. M. Sc	01.09.1982	20.05.2011	20.05.2011	
3.	Abdul Rasheed.	M.A	03.05.1986	20.05.2011	20.05.2011	
4.	Fayyaz Afzal.	M.A	08.06.1971	23.10.1993	20.03.2010	
5.	Shoukat Ramzan.	Matric	02.04.1965	08.12.1984	16.06.2015	
6.	Muhammad Hanif.	Matric	01.01.1964	02.02.1983	18.10.2016	
7.	Muhammad Ayaz.	B.A	20.03.1964	23.06.1988	19.08.2017	
8.	Shiraz Ahmad.	B.Com. LLB	03.03.1981	01.10.2003	26.05.2018	
9.	Syed Yousaf Shah.	M.A	02.03.1969	23.06.1988	03.11.2018	
10.	Iftikhar Ali Shah.	D.Com	16.12.1966	23.06.1988	10.10.2020	
SENIOR CLERS/READERS (BPS-14)						
1.	Shakeel Akhtar.	Matric	15.02.1974	20.02.1992	01.09.2003	
2.	Bakhtiar Ahmed.	F.A	04.02.1969	02.02.1994	01.09.2003	
3.	Muhammad Jamil.	Matric	03.03.1975	19.11.1995	02/09/2003	
4.	Khurram Shahzad.	Matric	10.04.1976	19.11.1995	02.09.2003	
5.	Muhammad Amir.	Matric	07.04.1970	20.11.1995	19.08.2017	
6.	Muhammad Ayub.	Matric	20.04.1967	18.12.1990	30.03.2011	
7.	Baidar Khan.	B.A	07.01.1972	18.03.1998	30.03.2011	
8.	Muhammad Ashraf-II.	B.A	14.03.1971	20.09.1995	16.06.2015	Seniority adjusted in light of judgment dated 17/04/2019 in Service appeal No.623/2017 "Muhammad Ashraf vs Govt KPK and other subject to the final decision of honorable Supreme Court of Pakistan in CPLA titled Govt of KPK through Secretary Law and other vs Muhammad Ashraf & other"
9.	Ayaz Khan.	Matric	20.04.1977	04.10.2001	30.03.2011	
10.	Muhammad Sakif.	Matric	02.01.1980	04.10.2001	30.03.2011	
11.	Nasir Mehmood.	DAE	02.02.1978	04.10.2001	30.03.2011	
12.	Muhammad Qaiser.	Matric	18.01.1979	08.02.2002	30.03.2011	
13.	Muhammad Shafique.	F.A	11.02.1979	01.10.2003	30.03.2011	
14.	Syed Abdul Ali Shah.	Matric	10.10.1963	04.02.1984	06.09.2001	
15.	Tariq Javed.	B.A	11.04.1966	09.10.1998	16.06.2015	
16.	Kamran Jehangari.	Matric	06.04.1974	24.04.2000	18.10.2016	
17.	Mubashir Hussain.	F.A	25.05.1978	23.01.1999	17/03/2018	
18.	Zuqail Iqbal.	D.Com	06.03.1980	17.02.2001	03.11.2018	
19.	Shafqat-ur-Rehman.	F.A	08.03.1978	26.05.1999	03.11.2018	
20.	Mubarak Hussain.	D.Com	13.05.1977	01.10.2003	19.02.2019	
21.	Mr. Qaiser.	M.A	30.03.1978	01.10.2003	19.02.2019	
22.	Iftikhar.	B.Com, LLB	02.05.1981	01.10.2003	10.10.2020	
23.	Post lying vacant.					
JUNIOR CLERKS (BPS-11)						
1.	Fakhar-e-Alam.	F.Sc	15.01.1975	01.10.2003	01.10.2003	
2.	Yasir Mehmood.	M.A, LLB	20.04.1979	01.10.2003	01.10.2003	
3.	Muhammad Junaid.	F.A	01.08.1979	01.10.2003	01.10.2003	

REGISTERED
2 NOV 2022
District & Sessions Judge, Mansehra

10/1/2020

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YEAR 2020, 46

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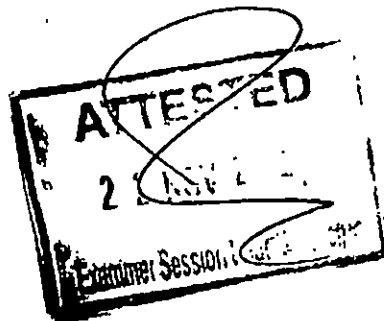
4.	Tahir Mehmood Qureshi.	M.A, LLB	08.02.1979	01.10.2003	01.10.2003
5.	Rashid Ali.	MA, DIT	19.04.1979	01.10.2003	01.10.2003
6.	S.Tasaddaq Hussain Shah.	F.A	02.02.1976	01.10.2003	01.10.2003
7.	Shahzad Asghar.	D.Com	12.03.1976	01.10.2003	01.10.2003
8.	Bilal Raza.	D.Com	28.09.1982	01.10.2003	01.10.2003
9.	Zaheer Abbas.	Matric	10.03.1983	01.10.2003	01.10.2003
10.	Qaiser Shahzad.	D.Com	29.12.1980	01.10.2003	01.10.2003
11.	Abid Hussain-I	Matric	01.01.1980	22.10.1998	22.10.1998
12.	Shafqat Ali.	DAE	13.10.1973	30.03.2004	30.03.2004
13.	Mubammad Masood.	B.A	21.03.1975	30.03.2004	30.03.2004
14.	Muhammad Shabbir.	B.A	13.01.1978	17.10.1998	17.10.1998
15.	Abid Hussain-II.	F.A	06.03.1975	22.09.1993	2.09.1993
16.	Muhammad Rizwan.	Matric	10.04.1983	14.12.2001	30.03.2011
17.	Muhammad Akram.	Matric	21.01.1967	08.12.1988	30.03.2011
18.	Khursheed Anwar.	Matric	01.12.1971	13.12.1995	30.03.2011
19.	Naveed Iqbal.	Matric	20.12.1974	14.04.1996	30.11.2011
20.	Muhammad Naem.	Matric	19.02.1979	11.07.1998	30.03.2011
21.	Jamil Ahmad.	Matric	08.10.1976	08.10.2001	30.03.2011
22.	Shahab-ud-Din.	Matric	01.01.1976	09.10.2001	30.03.2011
23.	Shabir Ahmad.	Matric	01.04.1972	24.10.1995	30.03.2011
24.	Qari Noor Rehman.	Matric	01.01.1971	09.02.2004	30.03.2011
25.	Muhammad Niaz.	Matric	13.04.1973	01.10.2003	30.03.2011
26.	Zaheer-ud-Din.	Matric	31.10.1978	01.10.2003	30.03.2011
27.	Aurangzeb.	Matric	05.04.1970	01.10.2003	30.03.2011
28.	Muhammad Darwaish	B.A	11.05.1987	18.05.2011	18.05.2011
29.	Sohail Khursheed.	B.Com	25.03.1991	18.05.2011	18.05.2011
30.	Waqas Ahmad.	D.Com	02.02.1991	18.05.2011	18.05.2011
31.	Ali Salcem.	F.A	27.10.1989	18.05.2011	18.05.2011
32.	Muhammad Ansar.	B.Com	08.02.1984	18.05.2011	18.05.2011
33.	Muhammad Shakir.	Matric	28.04.1979	08.10.2001	14.01.2013
34.	Muhammad Rashid.	F.A	01.04.1972	16.01.2002	14.01.2013
35.	Nayyar Khalil.	Matric	15.10.1975	01.10.2003	14.01.2013
36.	Muhammad Asif.	Matric	04.04.1983	01.10.2003	14.01.2013
37.	Amjid Ali.	Matric	26.10.1978	09.02.2004	14.01.2013
38.	Rab Nawaz.	Matric	15.04.1974	04.12.2004	17.03.2018
39.	Ghulam Nabi.	F.A	05.12.1973	20.11.1995	30.04.2018
40.	Muhammad Fayyaz.	Matric	13.01.1979	09.02.2004	30.04.2018
41.	Sana Bibi	M. Phil	01.01.1992	11.01.2019	11.01.2019
42.	Marriam Qureshi.	B. Sc	28.04.1994	09.01.2019	09.01.2019
43.	Raeesa Bibi	M.A	01.03.1990	07.01.2019	07.01.2019
44.	Muhammad Imran	M.Com	14.04.1989	07.06.2013	09.04.2019
45.	Assad Iqbal	B. Sc	16.07.1993	09.04.2019	09.04.2019
46.	Artiq-ur-Rehman	B.A	07.04.1993	13.04.2019	13.04.2019
47.	Riasat.	B.Com	16.03.1996.	09.04.2019	09.04.2019
48.	Vacant				
49.	Vacant				
50.	Vacant				

(Sulhail Sheraz Noor Saani)

District & Sessions Judge

Mansehra

30/1/2021



**SENIORITY LIST OF THE ESTABLISHMENT OF DISTRICT & SESSIONS JUDGE, MANSEHRA FOR
THE YEAR 2021.**

SR. No.	Name of Official	Academic Qualification	Date of Birth	Date of 1 st entry in District Judiciary on regular basis	Date of appointment in present position (BPS-)	Remarks.
SUPERINTENDENT (BPS-17)						
1.	Asif Hussain Shah.	M.A, LLB	20.03.1970	01.09.1989	03.12.2004	
ASSISTANT/READER/B&A ASSISTANT/CLERK OF COURT (BPS-16)						
1.	Mufeez-ur-Rehman.	F.A	08.04.1963	19.04.1982	01.09.2003	
2.	Jumna Shahzad.	Bed.LLB. M. Sc	01.09.1982	20.05.2011	20.05.2011	
3.	Abdul Rasheed.	M.A	03.05.1986	20.05.2011	20.05.2011	
4.	Fayyuz Afzal.	M.A	08.06.1971	23.10.1993	20.03.2010	
5.	Shoukat Ramzan.	Matric	02.04.1965	08.12.1984	16.06.2015	
6.	Muhammad Hanif.	Matric	01.01.1964	02.02.1983	18.10.2016	
7.	Muhammad Ayoob.	B.A	20.03.1964	23.06.1988	19.08.2017	
8.	Syed Yousaf Shah.	M.A	02.03.1969	23.06.1988	03.11.2018	
9.	Ifthikhar Ali Shah.	D.Com	16.12.1966	23.06.1988	10.10.2020	
BUDGET & ACCOUNT ASSISTANT (BPS-16)						
1	Sheraz Ahmad.	B.Com. LLB	03.03.1981	01.10.2003	26.05.2018	
SENIOR CLERKS/READERS (BPS-14)						
1.	Shahzeel Akhtar.	Matric	15.02.1974	20.02.1992	01.09.2003	
2.	Bakhtiar Ahmed.	F.A	04.02.1969	02.02.1995	01.09.2003	
3.	Muhammad Jamil.	F.A	03.03.1975	19.11.1995	02/09/2003	
4.	Khurram Shahzad.	B.A	10.04.1976	19.11.1995	02.09.2003	
5.	Muhammad Amir.	Matric	07.04.1970	20.11.1995	19.08.2017	
6.	Muhammad Ayub.	Matric	20.04.1967	18.12.1990	30.03.2011	
7.	Daidar Khan.	B.A	07.01.1972	18.03.1998	30.03.2011	
8.	Muhammad Asraf-Il.	B.A	14.03.1971	20.09.1995	16.06.2015	Seniority certified by Dept of Judiciary dated (19/09/2015) in Service appeal No.432/2015. (Subsequent Appeal in Court LPE and other orders in the Dept. Judiciary of Mansehra District Court of Pakistan to CPJA dated Court of LPE through Secretary Law and order to Government Order of A.P.S.
9.	Ayoob Khan.	Matric	20.04.1977	04.10.2001	30.03.2011	
10.	Muhammad Sakif.	Matric	02.01.1980	04.10.2001	30.03.2011	
11.	Nasir Mehmood.	DAE	02.02.1978	04.10.2001	30.03.2011	
12.	Muhammad Qaiser.	Matric	18.01.1979	08.02.2002	30.03.2011	
13.	Muhammad Shafique.	F.A	11.02.1979	01.10.2003	30.03.2011	
14.	Syed Abdul Ali Shah.	Matric	10.10.1963	04.02.1984	06.09.2001	
15.	Tariq Javed.	B.A	11.04.1966	09.10.1998	16.06.2015	
16.	Kamran Jehangari.	Matric	06.04.1974	24.04.2000	18.10.2016	
17.	Mubashir Hussain.	F.A	25.05.1978	23.01.1999	17/03/2018	
18.	Zugair Iqbal.	M.A	06.03.1980	17.02.2001	03.11.2018	
19.	Shafiqat-ur-Rehman.	F.A	08.03.1978	26.05.1999	03.11.2018	
20.	Mubarak Hussain.	D.Com	13.05.1977	01.10.2003	19.02.2019	
21.	Mr. Qaiser.	M.A	30.03.1978	01.10.2003	19.02.2019	
22.	Ifthikhar.	B.Com, LLB	02.05.1981	01.10.2003	10.10.2020	
23.	Fakhr-e-Alam.	F.Sc	15.01.1975	01.10.2003	06.03.2021	
JUNIOR CLERKS (BPS-11)						
1.	Yasir Mehmood.	M.A, LLB	20.04.1979	01.10.2003	01.10.2003	
2.	Muhammad Junaid.	B.A	01.08.1979	01.10.2003	01.10.2003	
3.	Tabir Mehmood Qureshi.	M.A, LLB	08.02.1979	01.10.2003	01.10.2003	
4.	Rashid Ali.	MA, DIT	19.04.1979	01.10.2003	01.10.2003	
5.	S.Tasaddaq Hussain Shah.	F.A	02.02.1976	01.10.2003	01.10.2003	
6.	Shahzad Asghar.	D.Com	12.03.1976	01.10.2003	01.10.2003	
7.	Zaher Abbas.	F.A	10.03.1983	01.10.2003	01.10.2003	
8.	Qaiser Shahzad.	D.Com	29.12.1980	01.10.2003	01.10.2003	

Attest

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22/11/2022
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9.	Abid Hussain-I	Matric	01.01.1980	22.10.1998	23.10.2003	
10.	Shafiqat Ali.	DAE	13.10.1973	30.03.2004	30.03.2004	
11.	Muhammad Masood.	B.A	21.03.1975	30.03.2004	30.03.2004	
12.	Muhammad Shabbir.	B.A	13.01.1978	17.10.1998	17.10.1998	Transfer from Battagram.
13.	Abid Hussain-II.	P.A	06.03.1975	22.09.1993	22.09.1993	Transfer from Battagram.
14.	Muhammad Rizwan.	Matric	10.04.1983	14.12.2001	30.03.2011	
15.	Muhammad Akram.	Matric	21.01.1967	08.12.1988	30.03.2011	
16.	Khurshed Anwar.	Matric	01.12.1971	13.12.1995	30.03.2011	
17.	Naveed Iqbal.	Matric	20.12.1974	14.04.1996	30.03.2011	
18.	Muhammad Nacem.	Matric	19.02.1979	11.07.1998	30.03.2011	
19.	Jamil Ahmad.	Matric	08.10.1976	08.10.2001	30.03.2011	
20.	Shahab-ud-Din.	Matric	01.01.1976	09.10.2001	30.03.2011	
21.	Shabir Ahmad.	Matric	01.04.1972	24.10.1995	30.03.2011	
22.	Qari Noor Rehman.	Matric	01.01.1971	09.02.2004	30.03.2011	
23.	Muhammad Niaz.	Matric	13.04.1973	01.10.2003	30.03.2011	
24.	Zaheer-ud-Din.	Matric	31.10.1978	01.10.2003	30.03.2011	
25.	Aurangzeb.	Matric	05.04.1970	01.10.2003	30.03.2011	
26.	Muhammad Darwaish	B.A	11.05.1987	18.05.2011	18.05.2011	
27.	Sohail Khurshed.	B.Com	25.03.1991	18.05.2011	18.05.2011	
28.	Waqas Ahmad.	D.Com	02.02.1991	18.05.2011	18.05.2011	
29.	Ali Saleem.	P.A	27.10.1989	18.05.2011	18.05.2011	
30.	Muhammad Ansar.	B.Com	08.02.1984	18.05.2011	18.05.2011	
31.	Muhammad Shakir.	Matric	28.04.1979	08.10.2001	14.01.2013	
32.	Muhammad Rashid.	F.A	01.04.1972	16.01.2002	14.01.2013	
33.	Nayyar Khalil.	Matric	15.10.1975	01.10.2003	14.01.2013	
34.	Muhammad Asif.	Matric	04.04.1983	01.10.2003	14.01.2013	
35.	Amjid Ali.	Matric	26.10.1978	09.02.2004	14.01.2013	
36.	Rab Nawaz.	Matric	10.01.1980	04.12.2004	17.03.2018	
37.	Ghulam Nabi.	P.A	05.12.1973	20.11.1995	30.04.2018	
38.	Muhammad Fayyaz.	Matric	13.01.1979	09.02.2004	30.04.2018	
39.	Sana Bibi	M. Phil	01.01.1992	11.01.2019	11.01.2019	
40.	Marrim Qureshi.	B. Sc	28.04.1994	09.01.2019	09.01.2019	
41.	Raeesa Bibi	M.A	01.03.1990	07.01.2019	07.01.2019	
42.	Muhammad Imran	M.Com	14.04.1989	07.06.2013	09.04.2019	
43.	Assad Iqbal	BCS (Hons)	16.07.1993	09.04.2019	09.04.2019	
44.	Attiq-ur-Rehman	B.A	07.04.1993	13.04.2019	13.04.2019	
45.	Riusat.	M.Com (DIT)	16.03.1996	09.04.2019	09.04.2019	

District & Sessions Judge
Mansehra

Attest
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OFFICE OF THE
DISTRICT & SESSIONS JUDGE
MANSEHRA

Fax: 0997301848
Email: sessionscourt_mans
No. 7363-89 /D&SJ//
Dated: 01st April, 2024

ANNEX
"M"

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ANNEX-M

To

All the Judicial Officers,
District, Mansehra.

Subject: FINAL SENIORITY LIST FOR THE YEAR 2023.

Enclosed find herewith final seniority list prepared after disposal of objections of the officials of this establishment for the year 2023 and final common seniority list of Class-IV employees of both the establishment i.e. District & Sessions Judge & Senior Civil Judge (Admn) maintained for the purpose of promotion to the post(s) of Record Lifter, Daftri & Junior Clerk for information and communication tot all the staff members posted in your respective courts.

(Zia ur Rehman)
District & Sessions Judge
Mansehra

No. 2390 /

Dated at Mansehra the 01st April, 2024

Copy forwarded for information to;

1. The Director Human Resource & Welfare, Secretariat of District Judiciary, Peshawar High Court, Peshawar.

District & Sessions Judge
Mansehra

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TENTATIVE SENIORITY LIST OF THE ESTABLISHMENT OF DISTRICT & SESSIONS JUDGE,
MANSEHRA FOR THE YEAR 2023.

SR. No.	Name of Official	Academic Qualification	Date of Birth	Date of 1 st entry in District Judiciary on regular basis	Date of appointment in present position (BPS-)	Remarks.
SUPERINTENDENT (BPS-17)						
1.	Asif Hussain Shah.	M.A, LLB	20.03.1970	01.09.1989	03.12.2004	
ASSISTANT/READER/CLERK OF COURT (BPS-16)						
1.	Jumma Shahzad.	Bed. LLB. M. Sc	01.09.1982	20.05.2011	20.05.2011	
2.	Abdul Rasheed.	M.A	03.05.1986	20.05.2011	20.05.2011	
3.	Fayyaz Afzal.	M.A	08.06.1971	23.10.1993	20.03.2010	
4.	Shoukat Ramzani	Matric	02.04.1965	08.12.1984	16.06.2015	
5.	Muhammad Hanif.	Matric	01.01.1964	02.02.1983	18.10.2016	
6.	Muhammad Ayaz.	B.A	20.03.1964	23.06.1988	19.08.2017	
7.	Syed Yousaf Shah.	M.A	02.03.1969	23.06.1988	03.11.2018	
8.	Iftikhar Ali Shah.	D.Com	16.12.1966	23.06.1988	10.10.2020	
9.	Shakeel Akhtar.	Matric	15.02.1974	20.02.1992	28.03.2022	
BUDGET & ACCOUNT ASSISTANT (BPS-16)						
1	Sheraz Ahmad.	B.Com. LLB	03.03.1981	01.10.2003	26.05.2018	
SENIOR CLERS/READERS (BPS-14)						
1.	Bakhtiar Ahmed.	F.A	04.02.1969	02.02.1995	01.09.2003	
2.	Muhammad Jamil.	F.A	03.03.1975	19.11.1995	02/09/2003	
3.	Khurram Shahzad.	B.A	10.04.1976	19.11.1995	02.09.2003	
4.	Muhammad Amir.	Matric	07.04.1970	20.11.1995	19.08.2017	
5.	Muhammad Ayub.	Matric	20.04.1967	18.12.1990	30.03.2011	
6.	Baidar Khan.	B.A	07.01.1972	18.03.1998	30.03.2011	
7.	Muhammad Ashraf-II.	B.A	14.03.1971	20.09.1995	30.03.2011	
8.	Ayaz Khan.	Matric	20.04.1977	04.10.2001	30.03.2011	
9.	Muhammad Sakif.	Matric	02.01.1980	04.10.2001	30.03.2011	
10.	Nasir Mehmood.	DAE	02.02.1978	04.10.2001	30.03.2011	
11.	Muhammad Qaiser.	Matric	18.01.1979	08.02.2002	30.03.2011	
12.	Muhammad Shafique.	F.A	11.02.1979	01.10.2003	30.03.2011	
13.	Abdul Baseer	BA	06.01.1980	01.10.2003	30.03.2011	
14.	Tariq Javed.	B.A	11.04.1966	09.10.1998	16.06.2015	
15.	Kamran Jehangari.	Matric	06.04.1974	24.04.2000	18.10.2016	
16.	Mubashir Hussain.	F.A	25.05.1978	23.01.1999	17/03/2018	
17.	Zugaib Iqbal.	M.A	06.03.1980	17.02.2001	03.11.2018	
18.	Shafqat-ur-Rehman.	F.A	08.03.1978	26.05.1999	03.11.2018	
19.	Mubarak Hussain.	D.Com	13.05.1977	01.10.2003	19.02.2019	
20.	Mr. Qaiser.	M.A	30.03.1978	01.10.2003	19.02.2019	
21.	Iftikhar.	B.Com, LLB	02.05.1981	01.10.2003	10.10.2020	
22.	Fakhar-e-Alam.	F.Sc	15.01.1975	01.10.2003	06.03.2021	
23.	Yasir Mehmood.	M.A, LLB	20.04.1979	01.10.2003	28.03.2022	
24.	Muhammad Junaid.	B.A	01.08.1979	01.10.2003	28.03.2022	
25.	Tahir Mehmood Qureshi.	M.A, LLB	08.02.1979	01.10.2003	28.03.2022	
26.	Rashid Ali.	MA, DIT	19.04.1979	01.10.2003	28.03.2022	
27.	S.Tasaddaq Hussain Shah.	F.A	02.02.1976	01.10.2003	28.03.2022	
28.	Shahzad Asghar.	D.Com	12.03.1976	01.10.2003	28.03.2022	
29.	Zahcer Abbas.	F.A	10.03.1983	01.10.2003	28.03.2022	
30.	Qaiser Shahzad.	D.Com	29.12.1980	01.10.2003	28.03.2022	
31.	Abid Hussain-I	Matric	01.01.1980	22.10.1998	12.12.2022	
32.	Shafqat Ali.	DAE	13.10.1973	30.03.2004	12.12.2022	
33.	Muhammad Masood.	B.A	21.03.1975	30.03.2004	12.12.2022	

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YEAR 2023

JUNIOR CLERKS (BPS-11)

1.	Bilal Raza ✓	D.Com ✓	28.09.1982	01.10.2003	01.10.2003 ✓	
2.	Muhammad Rizwan.	Matric	10.04.1983	14.12.2001	30.03.2011	
3.	Muhammad Akram.	Matric	21.01.1967	08.12.1988	30.03.2011	
4.	Khursheed Anwar.	Matric	01.12.1971	13.12.1995	30.03.2011	
5.	Naveed Iqbal.	Matric	20.12.1974	14.04.1996	30.03.2011	
6.	Muhammad Nacem.	Matric	19.02.1979	11.07.1998	30.03.2011	
7.	Jamil Ahmad.	Matric	08.10.1976	08.10.2001	30.03.2011	
8.	Shahab-ud-Din.	Matric	01.01.1976	09.10.2001	30.03.2011	
9.	Qari Noor Rehman.	Matric	01.01.1971	09.02.2004	30.03.2011	
10.	Muhammad Niaz.	Matric	13.04.1973	01.10.2003	30.03.2011	
11.	Zahcer-ud-Din.	Matric	31.10.1978	01.10.2003	30.03.2011	
12.	Aurangzeb.	Matric	05.04.1970	01.10.2003	30.03.2011	
13.	Muhammad Darwaish	B.A	11.05.1987	18.05.2011	18.05.2011	
14.	Sohail Khursheed.	B.Com	25.03.1991	18.05.2011	18.05.2011	
15.	Waqas Ahmad.	D.Com	02.02.1991	18.05.2011	18.05.2011	
16.	Ali Saleem.	F.A	27.10.1989	18.05.2011	18.05.2011	
17.	Muhammad Ansar.	B.Com	08.02.1984	18.05.2011	14.01.2013	
18.	Muhammad Shakir.	Matric	28.04.1979	08.10.2001	14.01.2013	
19.	Muhammad Rashid.	F.A	01.04.1972	16.01.2002	14.01.2013	
20.	Nayyar Khalil.	Matric	15.10.1975	01.10.2003	14.01.2013	
21.	Muhammad Asif.	Matric	04.04.1983	01.10.2003	14.01.2013	
22.	Amjid Ali.	Matric	26.10.1978	09.02.2004	14.01.2013	
23.	Ghulam Nabi.	F.A	05.12.1973	20.11.1995	30.04.2018	
24.	Muhammad Fayyaz.	Matric	13.01.1979	09.02.2004	30.04.2018	
25.	Marrim Qureshi.	B. Sc	28.04.1994	09.01.2019	09.01.2019	
26.	Raeesa Bibi	M.A	01.03.1990	07.01.2019	07.01.2019	
27.	Muhammad Imran	M.Com	14.04.1989	07.06.2013	09.04.2019	
28.	Assad Iqbal	BCS (Hons)	16.07.1993	09.04.2019	09.04.2019	
29.	Riasat.	M.Com (DIT)	16.03.1996	09.04.2019	09.04.2019	
30.	Intinan Malik Mujahid	MA	23.04.1995	26.02.2022	26.02.2022	
31.	Umar Khalid.	BBA	05.03.1995	30.06.2022	30.06.2022	
32.	Liaqat-ur-Rehman.	M.Com	28.04.1995	18.09.2017	30.06.2022	
33.	Muhammad Shakeel.	MS	31.12.1992	30.06.2022	30.06.2022	
34.	Tasneem Ahmad.	BS	05.12.1997	30.06.2022	30.06.2022	
35.	Muhammad Zakir.	BS	18.09.1998	30.06.2022	30.06.2022	
36.	Bilal Ahmad.	B.com	13.09.1991	30.06.2022	30.06.2022	
37.	Rizwan Wali.	MSC	28.03.1990	30.06.2022	30.06.2022	
38.	Syed Umair Ali Shah.	M.Com	22.02.1992	04.10.2017	30.06.2022	
39.	Usama Tariq.	HSSC	24.07.1997	30.06.2022	30.06.2022	
40.	Noman Asghar.	BSCS	15.10.1994	30.06.2022	30.06.2022	
41.	Muhammad Ejaz.	BS	16.01.1999	30.06.2022	30.06.2022	
42.	Shujah Ali Shah.	B.Com	22.02.2000	30.06.2022	30.06.2022	
43.	Muhammad Nazakat Khan	MS	20.11.1990	24.09.2022	24.09.2022	
44.	Amjid Hussain	Matric	15.10.1982	09.02.2004	12.12.2022	
45.	Sadaqat Ali	Matric	23.08.1986	25.03.2005	12.12.2022	
46.	Yasir Ali	MBA	01.01.1986	04.01.2023	04.01.2023	
47.	Husnain Ali Shah	MA	02.11.1997	17.02.2023	17.02.2023	
48.	Waqas Khan	BA	16.12.1995	04.01.2017	10.07.2023	
49.	Usama Nacem	MA	22.09.2000	10.07.2023	10.07.2023	
50.	Muhammad Zain Ul Abideen	FA	07.01.1999	10.07.2023	10.07.2023	
51.	Muhammad Bilal	MA	01.11.1996	10.07.2023	10.07.2023	
52.	Muhammad Adnan	BCS(Hon)	29.10.1997	10.07.2023	10.07.2023	
53.	Khizar Khan	MA	14.03.1996	10.07.2023	10.07.2023	
54.	Amna Rafique	BCS(Hon)	31.12.1999	10.07.2023	10.07.2023	
55.	Atehsham Ahmed Awan	BS(English)	10.10.2000	10.07.2023	10.07.2023	

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P-52 ANNEX-N

52-ANNEX (N)

ANNEX
N

جناب انور علی خان

مقام

عنوان

پتہ

تعلقہ

تاریخ

مقام

موضوع: درخواست برائے نوکری

محترم سر،

میں نے اپنی تعلیم مکمل کی ہے اور میں نے اپنے پاس کچھ رقم جمع کی ہے۔ میں نے اپنے پاس کچھ رقم جمع کی ہے اور میں نے اپنے پاس کچھ رقم جمع کی ہے۔

میں نے اپنے پاس کچھ رقم جمع کی ہے اور میں نے اپنے پاس کچھ رقم جمع کی ہے۔

اپنا

مقام

RECEIVED
APR 2023
Session Court Karachi

ATTESTED
Examining Section Court Masters
27 APR 2023

[Handwritten signature]

Sajid Amin
Civil Judge - 18
Mansoura

on 07-12-22
be produced for cross examination
be requisitioned and witnesses PW-3 to 7
could not be recorded. Record made
non-availability of record. His grant
relevant time period but due to
Reader/Inchard copying error at the
as accused official present. M. Amin
Departmental representative as well

07-18
07-12-2022

Sajid Amin
Civil Judge - 18
Mansoura

07-12-2022

for
already recorded PW-3 to 7
well as cross examination of
witness for their statements as
well as offer PW Mohd Aslam
Civil Judge. As per Adnan as
directed to inform the learned
Departmental representative in
Mohd Adnan learned civil Judge
after statement of PW Aslam
for time to cross examine
official submitted application
cross examination but record
PW-3 to 7 present for
recorded as PW-8. witnesses
Statement of Departmental
representative Abdul Rehid
and Accused official present.
Departmental representative

07-17
28-11-2022

Official petition No. 23716 of 2022
Inquiry vs. Bilal Raza

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Sulid Am...
Civil...
15/11/2022

Departmental representative Abdul Rashid
Assistant present. Accused official Bilal Raja
Also present. Mohd Ashraf Ex-Examiner copying
Branch present and examined as PW-9. PW-8
to PW-7 present and their cross examination
recorded. Notice be issued to PW Qazi Muhammad
Adnan learned civil judge for 10-12-2022

07/12/2022
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Muz: Petition
Inquiry vs. Bilal

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ORDER-22
23-12-2022

Accused/official as well as departmental representative present.
Witness namely Qazi Muhammad Adnan, learned Civil Judge Kohat
also present for recording statement.

The representative also filed an application for re-summoning
record of Challan No.30 dated 14-12-2020 and Challan No.31 dated
26-12-2022 through In-charge Record Room namely Kamran Khan
Jehangiri . It is further stated that earlier through In-charge Record
Room recorded his statement as PW-2 but inadvertently the above-
said documents were left to be exhibited. Accused/official who is
present before the court at the bar opted not to contest the application
and in this respect pen down his no objection on acceptance of the
application at the margin of the application. Accordingly, the
application stands allowed.

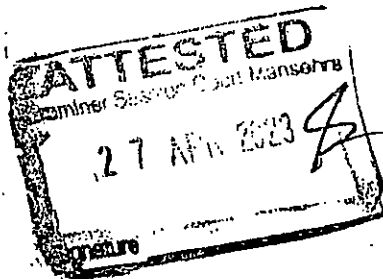
Witness namely Kamran Khan Jehangiri summoned today, who
appeared and recorded his statement as PW-10. Statement of Mr.Qazi
Muhammad Adnan, Civil Judge Kohat also recorded and placed on
file. With this evidence of the department concluded. Accused/official
is directed to submit his list of witnesses on next date.

File to come up for submission of list of witnesses on

04-01-2023.


(SAJID AMIN)
CJ-II, Manshera





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**BEFORE THE HONOURABLE
ADMINISTRATIVE JUDGE, PESHAWAR HIGH COURT,
PESHAWAR.**

**SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED
ORDER NO. 8853-55 DATED 29.11.2023 PASSED BY
THE LEARNED DISTRICT AND SESSIONS JUDGE
MANSEHRA WHEREBY MINOR PENALTY OF
WITHHOLDING OF PROMOTION FOR A PERIOD OF
TWO YEARS OF THE APPELLANT HAS BEEN WITHHELD
WITHOUT ANY LAWFUL JUSTIFICATION AND REASON.**

Respectfully sheweth!

- 1) That, appellant has been appointed as a Junior Clerk in the District Judiciary Manserha vide appointment order dated ~~26.01~~ 2003. Since then, appellant has been performing his duties with unwavering commitment without any blemish record.

(Copy of appointment order annexed as annexure "A").

- 2) That, on 10.02.2021, appellant was dismissed from service on basis of false allegation and without conducting any inquiry as per law, whatsoever.

(copy of order dated 10.02.2021 annexed as annexure "B").

- 3) That, being aggrieved from the dismissal order dated 10.09.2021, appellant filed a service appeal No. 6698-21 before the worthy service tribunal. Whereby on acceptance of appeal the dismissal order was set-aside and the case was remanded back to the authority concerned to conduct denovo inquiry in accordance with the law vide Judgment dated 31.01.2022.

(copy of Judgment dated 31.01.2022 annexed as annexure "C").



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- 4) That, receiving on remand, the learned District and Session Judge/ Competent Authority conduct entrusted inquiry to learned Civil Judge-II/inquiry officer with direction to conclude his inquiry with 90 days. The concerned inquiry officer as well was competent authority failed to conclude the same within 90 days which is severe violation of prevailing law.

(Copy of inquiry report annexed as annexure "D").

- 5) That, after conducting the inquiry, the authority vide impugned order dated 29.11.2023, recommended minor penalty of withholding promotion for a period of two years which was imposed upon the appellant without any legal justification and basis.

(Copy of impugned order dated 29.11.2023 annexed as annexure "E").

- 6) That, appellant being aggrieved of the impugned order dated 29.11.2023 files the instant Departmental appeal on the following amongst other grounds.

GROUND:

- A). That, the impugned order dated 29.11.2023 has been passed without application of Judicial mind, badly time barred and without any lawful justification while disregarding and overlooking the major contradictions in the statements of the witnesses.
- B). That, if the allegations remained unproved against the appellant, there was no lawful justification with the authority to pass the impugned order, as such, the impugned order is illegal, unlawful, without

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lawful authority, without jurisdiction and of having no legal effect.

- C). That, withholding the promotion of the appellant without any lawful justification offends against the vested right of the appellant.
- D). That, the principles of law and natural justice have not been complied with by the authority before imposing the impugned penalty.
- E). That, the decision taken against appellant was in violation of standing law which crumbles whole proceedings to dust. .

IT IS THEREFORE very humbly prayed that on acceptance of the instant Departmental appeal, the impugned order dated 29.11.2023 passed by learned District & Sessions Judge Manserha may kindly be set-aside.

Bilal Faza Junior Clerk/Moharrir posted at Librarian cum/Copy Clerk District Courts Mansehra.....**Appellant**

02/11/23

