

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO.: 304/2024

Mudassar Ahmad

Vs

District & Sessions Judge, Khyber

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07/06/2024
DEPONENT

12-07-24

S.B

Peshawar



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**OFFICE OF THE
DISTRICT AND SESSIONS JUDGE KHYBER
KHYBER PAKHTUNKHWA**

No: 413/DSJ

Dated Khyber the 07th June 2024.

To,

The Respected Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Subject: **AUTHORITY LETTER.**

Dear Sir,

Mr. Ateeq Ullah, Superintendent, Sessions Courts, Khyber, is hereby authorized to appear before the Honorable Khyber Pakhtunkhwa Service Tribunal in **Service Appeal No.: 304/2024.**

Yours sincerely,

(HAQ NAWAZ)
District & Sessions Judge,
Khyber.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No.: 304/2024

Mudassar Ahmad
versus
 District & Sessions Judge, Khyber.

Khyber Pakhtunkhwa
 Service Tribunal

Diary No. 13806

Dated 26-06-2024

PARAWISE COMMENTS

PRELIMINARY OBJECTIONS:

- a) That the petitioner has got no cause of action to file instant appeal.
- b) That the petitioner has no locus standi against the respondent.
- c) That the petitioner has not come to the tribunal with clean hands.
- d) That the petition is filed with malafide intentions.
- e) That the petitioner has been estopped by his own conduct.
- f) That the appeal is barred by law and limitation

PARAWISE REPLY/COMMENTS ON FACTS:

1. Pertains to record.
2. Correct.
3. Correct only to the appointment the rest of the para needs proof.
4. Partially admitted to the extent of show cause notice.
5. The appellant was terminated in light of the report from NADRA wherein it was categorically held that the appellant was permanent resident of district Peshawar having both his temporary and permanent addresses of Peshawar (copy of the NADRA report and inquiry report are attached as annexure A & B).
6. Pertains to record.
7. Correct that inquiry was conducted and decided in favor of the appellant.
8. Pertains to record.

9. Since the appellant joined the office of the Prosecution department after his termination and no affidavit regarding the term of his service in the said department was submitted, therefore he was reinstated with no back benefit by my learned predecessor in office vide order dated 11.09.2023.
10. Incorrect.

PARAWISE REPLY/COMMENTS ON GROUNDS:

- A. Sufficiently commented on in Para No. 09.
- B. Same as above.
- C. Since the services of the appellant were subject to verification by NADRA and he was terminated in view of the verification report of NADRA as a permanent resident of Peshawar, therefore the appellant was not granted salaries for the period from 02.08.2019 to 01.11.2019. As the appellant was an employee in the Prosecution department during the said period and was reinstated in view of an inquiry conducted on the directions of the Honorable Khyber Pakhtunkhwa Service Tribunal, therefore the appellant was not given back benefit in terms of salaries.
- D. Pertains to record.
- E. Explained adequately in the preceding paras.
- F. Need no reply.
- G. That the respondent also seeks permission of this Honorable Tribunal to raise further points at the time of arguments.

Therefore, it is prayed that the para-wise comments of this administration may please be given due weightage and the appeal of the appellant may please be dismissed.


District & Sessions Judge,
Khyber.

Haq Nawaz
Respondent No. 1

NADRA
PUNJABEAST BUILDING, FLOOR 1, SECTOR D-1, PHASE 1, CHANAYANA
Tel No. 091-9217844

No. NADRA/LIA/Misc-03/117

11 Oct, 2019

(46)

To District & Sessions Judge
KhyberSubject: **Verification of CNICs of the Recruited Staff**

Reference: - Your Letter No. 412-confdl Dated Khyber 02/10/2019.

2. In response to your above-referred letter under the subject, find herewith verification of below mentioned CNICs:

Sr	CNIC	Name	Address	Remarks
1	1730146762849	Shera Khan	Sherza Khan Qoum Bar Qamber khel, Tapa Dary Plary Speen Dand Kajory Dist Khyber	Verified
2	2120213938615	Azmat Khan	Qismat Khan Koki Khel Katiya Khel Shahkas P/o & Tehsil Jamrud Dist Khyber	Verified
3	2120172224953	Muhammad Riaz	Akhtar Gul Qoum Malik Din Khel Tappa Dolat Khel Kajory Dist Khyber	Verified
4	2120254161309	Aman Ullah	Jameel Khan Qoum Koki Khel Tappa Sher Khan Khel Chinar Kely Dist Khyber	Verified
5	2120232890085	Sajid ullah	Waheed Ullah Koki Khel Sikandar Khel Burj Kely Dist Khyber	Verified
6	2120284765507	Bait Ullah	Mubark Shah Koki Khel Sikandar Khel Bakar Abad Dist Khyber	Verified
7	1730182461285	Khan Alam	Zain Khan Qoum malik Din Khel Tapa Kal Khel Maindan Kelly Dist Khyber	Verified
8	2120216633877	Muhammad Danish	Muhammad Jamil Koki Khel Sikandar Khel New Abadi Dist Khyber	Verified
9	1730188112265	Mudassar Ahmad	Saeed Ahmad Teri Payyan Teh & Peshawar	Not registred in Dist Khyber
10	2120267730031	Muhammad Sahid Khan	Shan Gul Koki Khel Manya Khel Rekaly Dist Khyber	Verified

Attested
M. J. M. J.

11	2120281640753	Rahid Shah	Muhabat Shah	Koki Khel Maniy Khel Lala Cheena Dist Khyber	Verified
12	1730158269291	Zakir Khan	Nawab Khan	Wapda House Moh sultan Qilla Peshawar	Verified
13	2120102164045	Yaseen Khan	Aman Gul	Bar Qamber Khel Kanday Qayyum Khel Kajori Dist Khyber	Verified
14	2120268748089	Shaukat Khan	Raj Wali	Koki Khel Katia Khel Ghundi Dist Khyber	Verified
15	2120263247263	Said Khan	Wazir Khan	Qoum Koki Khel Tappa Mania Khel Ghundi Dist Khyber	Verified
16	2120369020401	Zakir Khan	Hameed Gul	Kuli Khel Kely Jumrud Shahkass Dist Khyber	Verified
17	2120234570025	Khalid	Gul Badam	Koki Khel Sikandar Khel Moh Dodar Dist Khyber	Verified
18	1730178415283	Baseer Ahmad Afridi	Sial Badshah	Terai Bala Teh Dist Peshawar	Not registred in Dist Khyber

2. Forwarded as desired, please.

Behram Khan

Deputy Director (LEA Cell)
for Director General
(Behram Khan)

DIC

Attested

m. J. J. J.

07

Annexure (B)

**IN THE COURT OF AZIZ MUHAMMAD,
INQUIRY OFFICER /AD&SJ-II, DISTRICT KHYBER**

To
Hon'able District & Sessions Judge,
Khyber.

Subject: **FACT FINDING INQUIRY REPORT OF MUDASSIR AHMAD
(JUNIOR CLERK) AND BASEER AHMAD (CHOWKIDAR)**

Respected Sir,

Vide office order No. 1041-1043, dated Khyber 01-09-2022, the undersigned was directed to conduct fact finding inquiry in the light of judgment date 29-07-2022, passed by the Worthy Khyber Pakhtunkhwa Service Tribunal, Peshawar in appeal No. 1185/2020 and appeal No. 1186/2020 and I have the Honor to submit as under.

That Mudassir Ahmad (Junior Clerk) & Baseer Ahmad (Chowkidar) were appointed in this Sessions Division on 02/08/2019, being permanent residents of District Khyber. After their appointment, the educational documents along with domicile certificates of the appointees were sent to the quarter concern for its verification, upon the receipt of NADRA report dated 11/10/2019, their record not found in District Khyber having not been registered as residents of District Khyber. In response to NADRA report, the officials were terminated from the service vide order dated 01-11-2019.

Feeling aggrieved, the said officials had challenged the termination order before the Worthy KP Service Tribunal Peshawar through Service Appeals No: 1185/2020 & 1186/2020 respectively, which were allowed.

~~Aziz Muhammad
Inquiry Officer / AD & SJ-II
Sessions, District Khyber~~

Attested / m. J. M.

with directions to conduct a proper inquiry regarding the domicile certificates and permanent residence of the appellants.

Upon receipt of instant inquiry, statement of officials/ appellants & other officials were recorded.

The oral and documentary evidence collected, reveals that the forefathers of Mudassir Ahmad and Baseer Ahmad were permanent residents of District Khyber, however, due to some unknown reasons they migrated to District Peshawar. Both the officials had obtained domicile certificates issued by the then Political Agent District Khyber in year 2004 and 2006, respectively. Later on, they had also obtained domicile from District Peshawar. At the time of their appointments, they were in possession of dual domiciles, however, after their termination from the service, they applied to the Deputy Commissioner Peshawar for cancellation of their domicile certificates and accordingly vide office orders No. 1739-42 ADC/ DB date 27-01-2021 and No. 14023-AEC(HQ) dated 12-08-2022, their domicile certificates of District Peshawar had been cancelled.

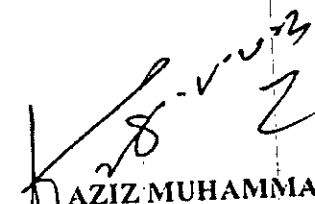
The record further shows that initially both the officials had obtained CNIC from NADRA, wherein, their permanent as well temporary addresses were shown of District Peshawar. However, later on they and their fathers applied for issuance of smart cards on 30-10-2019 and changed their permanent address from District Peshawar to District Khyber on the basis of domicile certificates. No other family member of both the officials are registered as residents of District Khyber. The

Mudassir Ahmad
 AB-1119/2022
 SESSIONS JUDGE-II KHYBER

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NADRA record and domicile certificates have been verified from the concerned officials and found correct. In view of undersigned both the officials have their origin from District Khyber, however, their forefathers migrated to District Peshawar and now they are residing there as permanent residents. They have no permanent residents in District Khyber, however, as per statement of Mr. Riaz Ul Haq Tehsildar Bara, District Khyber, their destroyed houses are available in District Khyber.

The report along with evidence collected by undersigned is submitted as directed, please.


AZIZ MUHAMMAD
Additional District & Sessions Judge-II
Khyber

Aziz Muhammad
ADDITIONAL DISTRICT &
SESSIONS JUDGE-II KHYBER

Attested
M. J. M.

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BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHWAR.

Mudassar Ahmad

Vs

District & Sessions Judge, Khyber.

AFFIDAVIT

I, **Haq Nawaz**, District & Sessions Judge, Khyber, do solemnly affirm that the contents of the reply in Service Appeal No.: **304/2024**, are true and correct to the best of my knowledge and nothing has been concealed from this honorable court.

*it is further stated on oath that the answering
Respondent have neither been
place ex-parte nor their defense struck off last*

DEPONENT

Dated: 07.06.2024

Respondent

Name: **Haq Nawaz.**

Designation: **D&SJ, Khyber.**

Signature: _____

DISTRICT & SESSIONS JUDGE
KHYBER

Stamp: _____

ATTESTED

