

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR


INDEX

APPEAL NO 492 OF 2024

INAYAT ULLAH ... VS ... REGISTRAR, PESHAWR HIGH COURT,
PESHAWAR AND ANOTHER

SUBJECT: JOINT PARA WISE COMMENTS/REPLY ON BEHALF OF
RESPONDENTS NO 1&2

S/N O	DETAIL OF DOCUMENTS	TOTAL PAGES	NUMBER
1	INDEX	01	01/01
2	COMMENTS/WRITTEN STATEMENT/REPLY	03	02/04
3	COPIES OF SUPPORTING DOCUMENTS (Annex-A TO Annex-E)	15	05/19
4	AFFIDAVIT	01	20/20


SUPERINTENDENT SESSIONS
COURT PESHAWAR

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. 492 of 2024

Inayat Ullah

--VS--

Registrar, Peshawar High Court, Peshawar & another

Joint Para wise Comments/Reply on Behalf of Respondents No. 1 & 2

Preliminary Objections:

1. That the appellant has got no cause of action to file instant appeal.
2. That the appellant has not come to this Hon'ble Tribunal with the clean hands.
3. That the instant appeal is barred by law as well hit by limitation.

FACTS:

1. Incorrect, hence denied. Record shows that Ms. Meena Qaiser, the then Civil Judge-X, Peshawar requested for provision of a substitute official as her Steno was on leave on 07/02/2022, therefore, the appellant was directed to perform duty in the court of learned CJ-X Peshawar. He attended the said Court but very late, that too, after complaint of the Presiding Officer concerned. On the very next date, i.e., 08/02/2022, the appellant/official was again directed to perform duty in the same Court, i.e. of learned CJ-X Peshawar, but he did not comply, rather left the courts premises without any information. The Office tried to contact him on mobile phone but it was unreachable. Thus, he was called upon to explain his position regarding the abovementioned act. He submitted a reply on 12/02/2022 but it was found unsatisfactory, hence, was marked to learned AD & SJ/CPC Peshawar for inquiry & report (**Annex-A**).
2. Pertains to record.
3. Incorrect. The learned Inquiry Officer, in her report dated 28/08/2023 (**Annex-B**), had held the appellant/official guilty of the charges levelled against him. Relevant portion of the inquiry report is reproduced herein below for ready reference:

“The reasons put forth by the delinquent official that since he was engaged in completion of proforma so in order to complete his work for which he submitted leave application, is

not found reasonably justified as he was supposed to report before the presiding officer no matter he was engaged in any other work. Further he was not supposed to inform the Naib Qasid of the concerned court but was required to appear before the presiding officer no matter he went late at 10:30 AM to the said court where he was assigned duties." 3


4. Pertains to record, needs no comments.
5. Pertains to record, needs no comments.
6. Pertains to record, needs no comments.

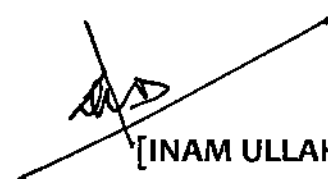
GROUND:

- A. Incorrect. The penalty awarded to the appellant is legal, lawful and in accordance with relevant laws & rules on the subject.
- B. Incorrect. It is an established principle that *punishment should be proportionate to the offence*, to ensure fairness and justice. Building upon this principle, the penalty was awarded to the appellant/official which is just and fair. All the principles of Natural Justice have been fully followed in the instant case.
- C. Needs no comments.
- D. Incorrect, Hence denied. In view of the inquiry report already **Annex-B**, formal inquiry was dispensed with under Rule 5(1)(a) as well as Rule 7 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, and the delinquent official was served with final Show Cause Notice, via No. 5891 dated 05/09/2023 (**Annex-C**). He submitted a reply to the said notice on 12/09/2023 (**Annex-D**), and was also heard in person, but in both his written reply as well as verbal assertions, he could not provide any satisfactory defence. Therefore, he was granted minor penalty of withholding one increment, under the relevant rules.
- E. Incorrect, Hence denied. The competent authority has acted as per law, in accordance with the facts & circumstances of the case, and no violation of law/rules has been committed on part of the respondents.

- F. Incorrect, Hence denied. The appellant/official has a cloudy reputation, and believed to be involved in detrimental activities, which has resulted in his removal from service in another departmental inquiry; removal order is **Annex-E**. The appellant/official has also assailed the said removal before this Hon'ble Tribunal via Service Appeal No. 493 of 2024. 4
- G. Incorrect, Hence denied. This Court has fulfilled all the codal formalities, and the impugned order was passed purely on merits and in line with the prescribed rules.
- H. Incorrect, Hence denied. The appellant/official was given every opportunity to defend himself, including personal hearing, but he failed to defend himself in both written as well as oral form.
- I. Incorrect, Hence denied. As explained in Para-D above.
- J. Incorrect, Hence denied. As explained in Para-D above.
- K. Incorrect, Hence denied. This plea of the appellant/official has thoroughly addressed by the learned Inquiry Officer in her report (**Annex-B**), as explained in Para-3 above.

In view of the above, it is submitted that the appeal in hand being devoid of merits has no weightage in the eyes of law, therefore, the same may be dismissed with cost.


[IKHTIAR KHAN]
Registrar, Peshawar High Court,
Peshawar/Respondent# 1.


[INAM ULLAH WAZIR]
District & Sessions Judge,
Peshawar/Respondent# 2

Amere-A
(05) sheets

Subject: COMPLAINT AGAINST INAYAT ULLAH, COMPUTER OPERATOR

Respected Sir,

Humbly submitted that on 07/02/2022, Ms. Meena Qaiser, learned Civil Judge-X, Peshawar requested for provision of Steno/Computer Operator as the one attached with her Court was on leave. Mr. Inayat Ullah, Computer Operator attached to the Court of Mr. Imtiaz Ahmad, learned Civil Judge-XIX, Peshawar (Who is on Medical/Corona Leave) was directed to perform duty in the Court of learned CJ-X, Peshawar but he reached very late in the said Court, that too, after complaint of the learned Presiding Officer.


Today, on 08/02/2022, again learned Meena Qaiser asked for Steno and said Inayat Ullah Computer Operator was told to perform duty, but he left an application with his Muharrar and left the Court premises. This Office tried to contact him on his mobile phone but could not be reached as he probably had turned his phone off, or he was in a place where signals weren't working.

Submitted for perusal and order, please.

Zaidi
Superintendent,
Sessions Court, Peshawar

*Explanation
be called.*

Raufayn
District & Sessions Judge
Peshawar 22

Attested

Superintendent
District & Sessions Court,
Peshawar.

(25)



DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

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

No. 936
Dated Peshawar 10/2/22

To

Mr. Inayat Ullah, Computer Operator
Attached to the Court of Mr. Imtiaz Ahmad,
learned Civil Judge-XIX, Peshawar.

Subject: EXPLANATION

Memo:

Reportedly, you were directed by the Office of undersigned to perform duty in the Court of Ms. Meena Qaiser, learned Civil Judge-X, Peshawar on 07/02/2022 as her Steno was on leave. You attended the said Court very late, that too, after complaint of the Presiding Officer.

On 08/02/2022, you were again directed to perform duty in the said Court but you did not comply, rather left the Court premises. The Office tried to contact you on your mobile phone but it was unreachable. (24)

Your above-stated acts tantamount to gross misconduct and insubordination. You are, therefore, called upon to explain your position within 02 days, positively; failing which, strict disciplinary action will be taken against you under Khyber Pakhtunkhwa Govt Servants (Efficiency & Discipline) Rules, 2011.

Rafiq
District & Sessions Judge,
Peshawar.

Attested
Superintendent
District & Sessions Court,
Peshawar.

Annex A

To
The Honorable,
District and Sessions Judge,
Peshawar.

77
7

SUBJECT: EXPLANATION.

Most respectfully Sir,

I beg to invite your kind and sympathetic attention to your goodself letter No.936 dated 10.02.2022, calling for explanation of me, and lay down the following few lines for your honours, kind consideration:

1. The Worthy Peshawar High Court, Peshawar had called for statement/list of stay matter, in Civil Cases on Monday, 07.02.2022 before 12:00 PM, which was duly circulated by your honour's office. While I was compiling the same, orders passed by your honour directing to attend the court of learned Civil Judge-X Peshawar, were received, which were duly complied with relinquished the work in hand on 07.02.2022 and attended the court of learned Civil Judge-X Peshawar before 09:30 AM.
2. That, on 08.02.2022 I was again busy in finalizing of the requisite statement/list, required by August Peshawar High Court Peshawar, I received your honour's order to attend the court of learned Civil Judge-X Peshawar and was further informed/directed to finalize the required statement/list, first. As soon as I finalized the request statement/list, I attended the court of learned Civil Judge-X Peshawar, where Mr. Sajid Khan was performing duty as Computer Operator. Mr. Sakhi Jan, Naib Qasid learned Civil Judge-X Peshawar told me that Mr. Sajid Khan is performing duty in our court.

23

In view of above submission, it is humbly requested that I may kindly be absolved from the charged and obliged. It will not be out of place mention that staff members are witnesses to my submissions. Thanks.

However, I pledge to be more careful and vigilant in future.

Attested

[Signature]
Superintendent
District & Sessions Court,
Peshawar.

Dated 12.02.2022

Yours Obediently,

[Signature]

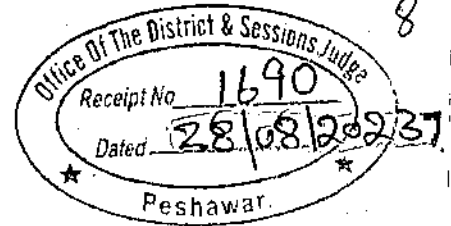
(Inayat ullah)
Computer Operator

Marked to
Mrs Hina Mehwish,
L. A.S.J/CPC, since
the reply is not satisfactory
for fact finding inquiry.

[Signature]
District & Sessions Judge
Peshawar
16/2/22

IN THE COURT OF HINA MEHWISH AD&SJ/CPC/JJC,
PESHAWAR

Inayat Ullah



Order
22.08.2023

Complaint against the court official/ computer operator namely, Inayat Ullah attached to the Court of learned Civil Judge-XIX Peshawar submitted by the superintendent sessions court to honourable District and Session Judge Peshawar to which explanation was sought from the delinquent official vide letter No. 936 dated 10.02.2022 of honourable District and Sessions Judge, Peshawar.

The concerned delinquent/ official submitted his written explanation on 12.02.2023 to honorable District and Sessions Judge, Peshawar which was found unsatisfactory therefore the inquiry in respect of the said complaint was initiated and was entrusted to the undersigned.

As per the very complaint of Superintendent Sessions Court dated 07.02.2022, learned Civil Judge-X Miss Meena Qaiser requested for provision of Steno/ Computer Operator as the one attached to her court was on leave. To said verbal request of the learned Civil Judge-X, the Computer Operator namely, Inayat Ullah attached to the Court of Mr. Imtiaz Ahmed Civil Judge XIX (as the said Civil Judge XIX was on medical leave) was directed to perform duty in the Court of Learned Civil Judge-X, Peshawar but the said official/ computer operator reached late to the said court for performing his duties. On the very next date on 08.02.2022, the learned presiding officer/Civil Judge-X Miss Meena Qaiser again requested for Steno to which the said computer operator Inayat Ullah was deputed to perform his duties but the said official left the application with his Moharrar and went away from the court premises. As per the complaint, the office of superintendent Sessions Court tried to contact on the mobile number of the said official but his mobile number could not be reached.

22-8-2023
HINA MEHWISH
AD & SJ / CPC / JJC
Peshawar

Attested
Superintendent
District & Sessions Court,
Peshawar.

Inayat Ullah Computer Operator

After the receipt of the very inquiry case file, the concerned delinquent official was noticed who appeared in person and recorded his statement on oath.

The delinquent official explained his position by annexing list of proforma/ consolidated data sought by August Peshawar High Court, Peshawar in respect of pendency of stay matters in each court where the last date referred for submission of the said data was 07.02.2022 Monday before 12:00 PM duly circulated by Honorable District and Sessions Judge, Peshawar.

As per the recorded statement of the delinquent official on oath he was engaged in composing the requisite list however in the meanwhile about 9:00 AM on 07.02.2022 the English branch conveyed him/ delinquent official to attend the Court of Learned Civil Judge X Peshawar to which on 07.02.2022 in between 9:00 PM to 9:30 AM he reported the concerned court and performed his duties and after completing his work, he came back to his own court for completion of leftover task of submission of data as required by August Peshawar High Court, Peshawar till closing hours.

On next day on 08.02.2022, as per the statement of said delinquent, he was again engaged in completion of data of requisite proforma when English branch called the courtroom and asked the Moharrar to send the computer operator to the Court of learned Civil Judge X but since the deadline of submission of Proforma was already expired therefore in order to complete the given task urgently, he purposely wrote an application for leave so that he could sit in his court and complete the Proforma as required by the august Peshawar High Court, Peshawar but when the leave application was taken to English branch, it was asked to convey him/ delinquent official to perform his duty with civil Judge, X Peshawar. The statement of the delinquent official further revealed that he also contacted Ayaz Khan of English branch telephonically and informed him regarding the urgency of submission of data as deadline of the submission of the data was already expired to which he was told by Ayaz/ official deputed at English branch that report to the Court of learned Civil Judge-X, Peshawar

Attested

Inayat Ullah Computer Operator

Superintendent
District & Sessions Court,
Peshawar.

22-8-2022
FINANCIALS
AD & SI / CPC / JIC
PESHAWAR

after completion of his task. The concerned official further mentioned in his statement that after completion/finalization of the requisite data and proforma, he went to the court of learned civil Judge-X whereby already Mr Sajid Khan was deputed to perform duty as computer operator while he informed the Naib Qasid Sakhi Jan attached to the court of civil Judge-X for performing his duty to which he was told by the said Naib Qasid that already Sajid Khan has been deputed in the said court for the very day.

He/ delinquent official further explained that on both dates on 07.02.2022 and on 08.02.2022 he was duly present in the court and court premises till closing hours and his presence could be checked from cameras in the court premises while his mobile phone was not switched off rather on silent mode.

Lastly, the said delinquent official requested that he had not deliberately or intentionally tried to avoid to perform his duty in the court of learned Civil Judge-X, Peshawar but was unable to attend his duty on time on the mentioned dates due to the aforesaid reasons with further request that he would be more careful and cautions in future.

Sakhi Jan/ Naib Qasid attached to the court of learned Civil Judge-X was separately examined and his statement recorded whereby he confirmed that he/delinquent official on 08.02.2022 came to the court of learned Civil Judge-X at 10:30 am but uptill then another computer operator namely, Sajid was deputed to their court therefore, the said delinquent official went back while he confirmed that the said delinquent official performed his duties in their court on 07.02.2022 from 09:00 am onwards which fact is also confirmed verbally from the presiding officer/ civil Judge, X, Peshawar that the official performed his duties on 07.02.2022.

As per the complaint, the delinquent who was deputed to perform duties in the court of Civil Judge-X on 07.02.2022 and 08.02.2022 but he reported late at 07.02.2022 around 09:30 AM to the said court while on 08.02.2022 he did not report for his assigned duties in the court of civil judge, X rather left the court premises while his phone was not reachable.

Attested

Superintendent
District & Sessions Court,
Peshawar.

Inayat.Ullah Computer Operator

As per available record, so far as his assigned duties on dated 07.02.2022 is concerned, admittedly, he performed his duties in the court of learned civil judge-X on 07.02.2022 from 09:30 am onwards as confirmed from the presiding officer of the said court and also supported by few typed order sheets of dated 07.02.2022, requisitioned from the said court while so far as the absence of the said delinquent official from duty to the assigned court of Civil Judge-X on 08.02.2022 is concerned, his statement to this effect supported by the attached proforma of august Peshawar High Court, Peshawar requiring data with referred deadline on 07.02.2022 as well as statement of Naib Qasid of the court of Civil Judge-X Peshawar regarding the fact that he / delinquent official attended the assigned court for performing duties on 08.02.2022 at 10:30 AM but went back as uptill 10:30 AM already another computer operator was performing his duties in the said court, is not found justified.

It is apparent from available record that on 08/3/2022, the delinquent official visited the court of Civil Judge-X somewhere after 10:30 AM while admittedly computer operator Sajid Khan had already reported to the said court for performing his duties.

The reasons put forth by the delinquent official that since he was engaged in completion of proforma so in order to complete his work for which he submitted leave application, is not found reasonably justified as he was supposed to report before the presiding officer no matter he was engaged in any other work. Further he was not supposed to inform the Naib Qasid of the concerned court but was required to appear before the presiding officer no matter he went late at 10:30 AM to the said court where he was assigned duties.

Therefore keeping in view the attending circumstances, whereof the delinquent official admittedly performed his duties in the assigned court on 07.02.2022 while on 08/02/2022, he did not report to the presiding officer of the assigned court with the contention that when he completed his own court task, he went to the assigned court at 10:30 AM but was told by Naib Qasid that another computer operator has already joined the

22.8.2023
 HINA MEHWISH
 AD & SJ / CPC / JCA
 Peshawar

Attested

Superintendent
 District & Sessions Court,
 Peshawar.

Inayat Ullah Computer Operator

6

assigned task so in this respect, delinquent official is recommended to be warned and for conveying displeasure to be careful in future.

Inquiry report submitted as desired please.

[Handwritten signature]

HINA MEHWISH
AD & SJ/Child Protection Court,
Peshawar

12

22.8.2023

Attested

[Handwritten signature]
Superintendent
District & Sessions Court,
Peshawar.

(12)

OFFICE OF THE DISTRICT AND SESSIONS JUDGE PESHAWAR

No.83 (DAS) 5891 Dated Peshawar, the 05 / 09 / 2023

FINAL SHOW CAUSE NOTICE

I, Ashfaqe Taj, District & Sessions Judge Peshawar, as competent authority, under the Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) Rules, 2011 do hereby serve you, Inayat Ullah, Computer Operator as follow:

13

- (i) That, you were directed by the Office to perform duty in the Court of Ms. Meena Qaiser, learned Civil Judge-X, Peshawar on 07/02/2022 as her Steno was on leave. You attended the said Court very late, that too, after complaint of the Presiding Officer. On the very next day, i.e. 08/02/2022, you were again directed to perform duty in the said Court but you did not comply, rather left the Court premises. The Office tried to contact you on your mobile phone but it was unreachable. Thus, you were called upon to explain your position regarding the abovementioned acts, but your reply dated 12/02/2022 was not found satisfactory, and was marked to learned AD & SJ/CPC Peshawar for Fact-Finding Inquiry, wherein you have been held guilty of the charges leveled against you.

(Handwritten signature/initials)

(ii) In view of the above, I am satisfied that you have committed the following acts/omissions specified in rule 3(b) of the said rules:

a. Misconduct

- Since sufficient material is available on record, therefore, I, as competent authority, have decided to dispense with the formal inquiry under Rule 5(1)(a) as well as Rule 7 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and impose upon you one of the penalties specified under Rule-4 of the rules ibid.
- You are, therefore, required to furnish reply to this notice within **seven** days.
- If no reply to this notice is received within **seven** days of its delivery, it shall be presumed that you have no defense to put in, and in that case, an ex-parte action i.e. removal from service shall be taken against you.
- Intimate whether you desire to be heard in person.

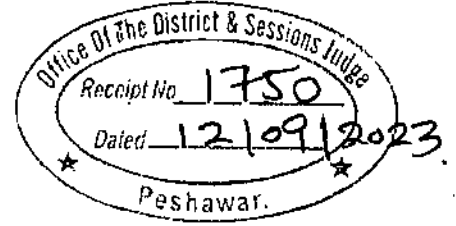
Attested
(Handwritten signature)
Superintendent
District & Sessions Court,
Peshawar.

(Handwritten signature)
[ASHFAQE TAJ]
District & Sessions Judge,
Peshawar.

Annex-D

To

The Honorable,
District and Sessions Judge,
Peshawar.



SUBJECT: EXPLANATION.

Most respectfully Sir,

I beg to invite your kind and sympathetic attention to your goodself letter/final show cause notice No.83 (DAS) 589 dated Peshawar 05.09.2023, calling for explanation of me, and lay down the following few lines are for your honours, kind consideration:

1. On 07-02-2022 I arrived to our court room on time, I was busy in writing of Note Reader with Reader of the court and our Moharrar also told me that the Worthy Peshawar High Court Peshawar had called for statement/list of stay matter in Civil Case on Monday, 07-02-2022 before 12:00PM, which was duly Circulated by your honor's office (copy of said letter attached) to which our Moharrar asked me for composing the requisite list. Then, I stopped work with Reader of our Court and set down with Moharrar for composing/preparing of said/requisite list/proforma, at moharrirs' room. (5)
2. When we started work/composing of the requisite list, meanwhile about 09:00 AM, Sakhi Jan Naib Qasid came to our court room and told me to come to their court room for performing duty, I told him that I am preparing list but when English Branch told me to perform duty in the said Court to which I informed English branch regarding composing and preparing the proforma sought by August High Court. however English branch ordered me to stop his task and perform duties in the court of Learned CJ-X Peshawar.
3. On 07-02-2022 about 09:00 to 09:30 I attended the court of learned Civil Judge-X Peshawar and performed my duties where after finishing work in the said court. I returned back to my court room and started preparing/composing the requisite list with the help of Moharrar of my court and could manage to complete about 30% of the requisite list till closing hours.

Attested
[Signature]
Superintendent
District & Sessions Court,
Peshawar.

14


4. That, on 08.02.2022, I was again busy in finalizing of the requisite statement/list, required by August Peshawar High Court Peshawar, I received your honour's order to attend the court of learned Civil Judge-X Peshawar and was further informed/directed to finalize the required statement/list, first.
5. When we finalized/finished the requisite list about 10:30 to 10:45, so and I attended the court of Honorable Civil Judge-X Peshawar, where Mr. Sajid Khan was performing duty as Computer operator and all the other official of the court were busy in their court work due to rush of work, therefore I met with Mr. Sakhi Jan Naib Qasid of Honorable Civil Judge-X Peshawar, on the entrance door of court room but he informed me that Mr. Sajid Khan is performing duty in their court.
6. On 07-03-2022 and 08-03-2022 I was present in my court room/in the premises of courts till closing hours (my presence can be confirmed from Cameras in the premises of courts) and my phone number was not off but was on silent mode, some time off for prayers only and mostly the signals of Zong Network at third floor of judicial complex, are very weak due to the Jammer (mobile network signal) in Peshawar Jail.
7. I have disclosed all the real facts, I had not intentionally tried to avoid duty/attending the court of learned Civil Judge-X Peshawar on 7th & 8th February 2022, however I was unable to attend my duty on time on the mentioned dates with the learned Civil Judge-X Peshawar for which I apologies with and request that I may kindly be absolved from the charges, and inquiry. I cannot think to disobey any orders of my seniors. I could be more careful, to cautions in performing my duty in future.

In view of above submission, it is humbly requested that I may kindly be absolved from the charged and obliged. Thanks.

However, I pledge to be more careful and vigilant in future.

Dated 12.09.2023

Yours Obediently,

Attended

Superintendent
District & Sessions Court,
Peshawar.


(Inayatullah)
Computer Operator

2022 03
b



DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

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

No. 7076-81
Dated Peshawar 31-10-2023

ORDER

WHEREAS, Ms. Meena Qaiser, learned Civil Judge-X, Peshawar requested for provision of a substitute official as her Steno was on leave on 07/02/2022. Mr. Naseer Ahmad, learned AD & SJ: XVIII, Peshawar was on Casual Leave, therefore, his Computer Operator namely Inayat Ullah was directed to perform duty in the Court of learned CJ-X Peshawar. He attended the said Court but very late, that too, after complaint of the Presiding Officer concerned. On the very next day, i.e. 08/02/2022, the said official was again directed to perform duty in the Court of learned CJ-X Peshawar but he did not comply, rather left the courts premises without any information. The Office tried to contact him on mobile phone but it was unreachable. Thus, he was called upon to explain his position regarding the abovementioned act. He submitted a reply on 12/02/2022 but it was found unsatisfactory, thus, was marked to learned AD & SJ/CPC Peshawar for inquiry & report. (2)

AND WHEREAS, learned Inquiry Officer submitted her report on 28/08/2023, wherein the official concerned was held guilty of the charges leveled against him. In view of the inquiry report, formal inquiry was dispensed with under Rule 5(1)(a) as well as Rule 7 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, and the delinquent official was served with final Show Cause Notice, via No. 5891 dated 05/09/2023. He submitted a reply to the said notice, and was also heard in person, but in both his written reply as well as verbal assertions, he could not provide any satisfactory defense.

NOW, THEREFORE, in view of the above, the delinquent official, Inayat Ullah Computer Operator, is hereby awarded minor penalty of Withholding Annual Increment for a period of one year under rule 4(1)(a)(ii) of the ibid-rules. The official is also directed to ensure strict adherence to general ethics and official conduct.

Attested
[Signature]
Superintendent
District & Sessions Court,
Peshawar.

[Signature]
[ASHFAQE TAJ]
District & Sessions Judge,
Peshawar.

9
No. 83(DAS) 7076-81 Dated Peshawar, the 31 / 10 / 2023

Copy forwarded for information/necessary action to:

1. The worthy Registrar, Peshawar High Court, Peshawar.
2. The learned AD & SJ-XVIII, Peshawar.
3. The learned CJ-X, Peshawar.
4. The Assistant/ACC, Sessions Court, Peshawar.
5. The Assistant/Accountant, Sessions Court, Peshawar.
6. The official concerned.

Attested
Superintendent
District & Sessions Court,
Peshawar.

17
District & Sessions Judge,
Peshawar.

(3)

Annex-8



DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

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

No. 711-16
Dated Peshawar 01/11/23

ORDER

WHEREAS, a complaint was filed by a private person namely Sami Ullah s/o Habib Ullah against Mr. Inayat Ullah, Computer Operator of this Sessions Division, alleging fraudulent activities resulting in a financial loss of approximately 10.64 million rupees. This complaint was also submitted to the august Peshawar High Court, which was forwarded to this Office via PHC letter No. 912/HRC dated 29/04/2022.

AND WHEREAS, an explanation was sought from the concerned official through letter No. 2649 dated 22/04/2022, which he replied to on 30/04/2022. However, his response was deemed unsatisfactory. Thus, Mr. Mohib-ur-Rehman, learned Senior Civil Judge (Admn), Peshawar was tasked with conducting a fact-finding inquiry, and his report was forwarded to the Peshawar High Court for further directives.

AND WHEREAS, Hon'ble the Peshawar High Court, directed this office to take legal action against the said official as per PHC letter No. 1505/HRC dated 04/07/2022. Mr. Nasir Khan, learned Additional District & Sessions Judge-XVI, Peshawar, was appointed as the Inquiry Officer to conduct the inquiry. His comprehensive report, submitted on 13/10/2023, confirmed the charges against the delinquent official.

AND WHEREAS, after issuance of a Final Show Cause Notice on 14/10/2023, and considering the written reply and personal hearing provided to the delinquent official, no credible defense was presented for his misconduct. As per the inquiry report, the official had exploited his position within the judiciary to engage in deceptive and fraudulent activities for personal gain.

NOW, THEREFORE, in accordance with Rule 4(1)(b)(iii) of the Government of Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, the undersigned exercises the authority and **remove Mr. Inayat Ullah, Computer Operator, from service,** in the best interest of public, with immediate effect.

Attested
[Signature]
Superintendent
District & Sessions Court,
Peshawar.

[Signature]
[ASHFAQUE TAJ]
District & Sessions Judge,
Peshawar.

No. 83(DAS) 711-16 Dated Peshawar, the 01 / 11 / 2023

Copy forwarded for information/necessary action to:

1. The worthy Registrar, Peshawar High Court, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The learned Senior Civil Judge (Admn), Peshawar.
4. The Assistant/ACC, Sessions Court, Peshawar.
5. The Assistant/Accountant, Sessions Court, Peshawar.
6. Official concerned by name.

Attested
Superintendent
District & Sessions Court,
Peshawar.

R. P. J. J.
District & Sessions Judge,
Peshawar.

3

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. 492 of 2024

Inayat Ullah

--VS--

Registrar, Peshawar High Court, Peshawar & another

COUNTER AFFIDAVIT

I, **Inam Ullah Wazir, District & Sessions Judge, Peshawar** do hereby affirm and declare on oath that the contents of this reply are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Tribunal.

It is further stated on oath that the answering respondents have neither been placed ex-parte, nor their defense has been struck off, or cost imposed.



15.07.24

Deponent

Inam Ullah Wazir,
District & Sessions Judge,
Peshawar.