BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

INDEX

APPEAL NO 493 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	DETAIL OF DOCUMENTS	TOTAL	NUMBER
0		PAGES	
1	INDEX	01	01/01
2 .	COMMENTS/WRITTEN STATEMENT/REPLY	04	02/05
3	COPIES OF SUPPORTING DOCUMENTS (Annex-A TO Annex-K)	15	06/78
4	AFFIDAVIT	01	79/79

SUPERINTENDENT SESSIONS COURT PESHAWAR

(5-07-24

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Chyber Pakhtukhwa Service Tribunul

Appeal No. 493 of 2024

Diary No. 14 277 2

Inayat Ullah

Dated 15-27 24

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. Pertains to record. It may, however, notable that a private person named Sami Ullah son of Habib Ullah filed a complaint No.26067 (Annex-A) against the appellant/official, [then posted as Computer Operator in the establishment of Sessions Division Peshawar], alleging fraudulent activities resulted in financial loss of about rupees 10.64 million. The copy of complaint was also submitted before the august Peshawar High Court, which was received by this office via letter No.912/HRC dated 29.04.2022 for necessary action (Annex-B). The explanation submitted by the appellant/official (Annex-C), in response to letter of this office, bearing No.2649 dated 22.04.2022 (Annex-D), was found unsatisfactory, therefore, Senior Civil Judge [Admn] Peshawar was directed for fact-finding inquiry. The Fact-finding inquiry report dated 13.06.2022 was submitted before the august Peshawar High Court, whereupon the august High Court directed this office, vide letter No.1505/HRC dated 04.07.2022 (Annex-E), to take action against the appellant/official. Thus, vide office order No.5238-40 dated 03.09.2022 (Annex-F), Mr. Nasir Khan, learned Additional District & Sessions Judge-XVI, Peshawar was appointed as inquiry officer under Rule 5(1)(b), 10, 10(1)(a) and 11 of the Khyber Pakhtunkhwa Government Servants [Efficiency & Discipline] Rules, 2011, to conduct inquiry. The statement of allegations was issued and the appellant/official was charge sheeted under

- 2. Pertains to record, As explained in the proceeding para.
- 3. Pertains to record, As explained in the proceeding para.
- 4. Pertains to record, however, it is added that the stance of the complainant was proved through pro & contra evidence during the inquiry.
- 5. Pertains to record, As explained in the proceeding para.
- 6. Incorrect. The complainant has proved his allegations against the appellant; hence, he was proceeded against in accordance with law after fulfillment of all codal formalities.
- 7. Pertains to record, needs no comments.
- 8. Pertains to record, As explained in the proceeding para.

GROUNDS:

- **A.** Incorrect, Hence denied. 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 ensures fairness and justice. Building upon this principal, the penalty was awarded to the appellant/official which is just and fair.
- C. Needs no comments.
- D. Incorrect, Hence denied. As per evidence produced against the appellant/official, he had a private business contract with the complainant and, thereof, had entered into a written contract, and signed the partnership deed as one party. The contents of deeds/affidavit dated o1/06/2019 (Annex-H), deed/affidavit dated o3/04/2020 (Annex-I) and deed/affidavit dated 29/06/2021 (Annex-J) clearly depicts the engagement of appellant/official in private business. In the context of his admitted signature over partnership deed, the appellant/official has vainly attempted to explain that he had signed the document on behalf of his father. The justification forwarded thereto, is itself astounding as, if the father of the appellant/official was the actual party to the subject deeds then why he did not sign it? Secondly, the appellant/official, as being an educated and highly qualified person occupying a responsible position in District Judiciary

Peshawar, was aware of the consequences of becoming party to the agreement, thus, he could not be believed to have signed the documents on the behest of his father. Furthermore, the appellant/official failed to produce his father as witness in his defense, therefore, he was failed to establish his such stance. Nonetheless to note that the appellant/official in his cross examination (Annex-k) had admitted to have not only signed the partnership deeds but also admitted his acknowledgment signature over receipts to have had received considerable amount from the complainant. All these documents and facts on file had thus entirely belied his stance.

- E. Incorrect, Hence denied. As explained in para-D above, the appellant/official has signed a contract with the complainant, and it is hard to believable that a highly qualified person occupying a responsible position in District Judiciary could have signed a document without knowing its severity and consequences. Moreover, the appellant/official had every opportunity to prove the bad intentions and ill-will of the complainant during the course of inquiry but he badly failed to do so.
- F. Incorrect, Hence denied. The complainant has produced strong and cogent evidence in support of his stance, while the appellant/official failed to rebut the allegations levelled against him by the complainant.
- **G.** 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.
- H. Incorrect, Hence denied. The appellant had entered into a private business without obtaining NOC from the department. Then, as per contentions of the complainant as well as evidence produced during the inquiry, the appellant/ official received a sum of Rs. 1,64,00,000/- from the complainant by misusing his position as a government servant, thus, committed fraud, misrepresentation and cheating.
- I. 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.
- J. 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.
- K. Incorrect, Hence denied. Since sufficient material was available on record against the appellant/official, who could not provide any solid ground to defend his misconduct, es evident from final/impugned order (Annex-E). Hence, he was proceeded against in accordance with law/relevant rules on the subject. Further, as explained in Para-B above, the punishment awarded to the appellant/official is in accordance with the gravity and nature of the charges against him.

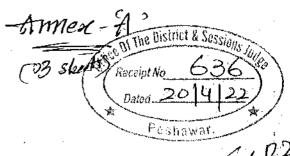
4

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. [ÍNAM ULLAH WAZIR]

District & Sessions Judge, Peshawar/Respondent# 2 To



The Honourable District & Sessions Judge Peshawar.

Subject: COMPLAINT AGAINST MR. INAYAT ULLAH S/O RIZWAN ULLAH FOR MISAPPROPRIATION/FRAUD AND CHEATING WITH APPLICANT.

Respected Sir:

- That applicant is the law abiding citizen of Pakistan and 1. belongs to a respectable family residing at village Fattu Abdur Rahima Dala Zak Road, Peshawar.
- That one Inayat Ullah S/O Rizwan Ullah R/O Dala Zak Road 2. Peshawar is a civil servant as KPO/key punch operator in District Judiciary KPK Peshawar since many years.
- That few years ago the said Inayat Ullah started a business of 3. correction of documents pertaining to property etc and convinced the present applicant to join him in a project situated at Liaqat Bagh Rawalpindi. It is pertinent to mention here that being a civil servant he is unable to carry on any private business during his service.
- applicant with intention to invert/handed over a handsome amount of Rs 1 Crore 64 Lacs to the said Inayat Ullah being member of and part of said project but later on it was disclosed that no such projects exists in the name and style which was introduced by the said respondent/Inayat Ullah.

District & Sessions Court,

Attested

- 5. That the applicant requested time and again to the respondent/Inayat Ullah to return/hand over his hard earned money and the applicant sold his valuable property for investing with respondent/Inayat Ullah but the said respondent/Inayat Ullah delayed the matter on one pretext and another.
- 6. That in this regard the various Jirgas were held to convey to the respondent/Inayat Ullah for return of money, initially the respondent/Inayat Ullah agreed that he will pay/return complainant money but later on refused to do so and turned deaf ear.
- 7. That the respondent Inayat Ullah misuse his office and cheats the applicant namely Sami Ullah and grab his money and threaten him, he is in judiciary, so no one can take action against him, also signed the contract, which establish the fact that he is a Thag/cheater.
- 8. That beside this the respondent/Inayat Ullah is involved in malpractices, he is in habit of defrauding and cheating other persons as well in the name and style of said project and has collected and collecting huge amount from the innocent people.
- 9. That being a civil servant the law restrains him from such kind of activities and being an employee in District Judiciary he knows each and every legal tactics of legal proceedings in this

Superintentient District & Sessions Court, Peshawar.

Alested

regard scribed a number of documents/ stamp papers which applicant can produce when and where required by the competent authority.

- 10. That proper assessment of his assets be carried out in order to prevent public at large from his malpractices and the money or assets illegally earned by the respondent/Inayat Ullah may please be handed over/returned to the real owners.
- 11. That strict action be taken against such like malpractices of civil servants as being the public office bearers, they have the ability to gain the trust of innocent people easily.

It is therefore, requested that an inquiry may kindly be initiated against the said Inayat Ullah and major penalty be imposed on him as per law if found guilty. Any other relief has not specifically prayed for may also be granted in favor of applicant against respondent/ Inayat Ullah and he be directed to return the said amount.

Applicant

SAMI ULLAH S/o Habib Ullah R/o Village Fattu Abdur Rahima Dala Zak Road Peshawar.

idel

Cell No 03459395056

Dated: 20.04.2022

Attested

Superintendent District & Sessions Court, Peshawar,



PESHAWAR HIGH COURT

Peshawar



add**ies**sed**Sdato Ri**bbistrar Peshawar

High Court, Peshawar and not to any official by name.

9210149-58 Exch: Off: 9210135

Fax:

www.peshawarhighcourt.gov.pk info@peshawarhighcourt.gov.pk phcpsh@gmail.com

9210170

To

The District & Sessions Judge,

Peshawar.

Subject:

COMPLAINT/APPLICATION (#26067)

Respected Sir,

Please find enclosed herewith a copy of the subject complaint submitted by Haji Sami Ullah, for your report, within 30 Days, to be placed before hon'ble the Chief Justice, please.

Human Rights Cell

Ph: No. 091-9213023 Fax No: 091-9210728

Endst. No.

Dated Peshawar, the

Copy forwarded for information to:

Haji Sami Ullah s/O Habib Ullah R/O Fatu Abdur Rehman, Peshawar. 0345-9395056

SCJ (Admin) Pashawan to Submit his Inquiry report, within a fortnight.

District & Sessions Judge, Peshawar

Director, Human Rights Cell

District & Sessions Court, Peshawar.

76067

The Hon'ble Chief Justice, Peshawar High Court, Peshawar

Application for initiating inquiry and lodging FIR Against the Inayat-Ur-Rehman, Computer Operator, Attached to the court of AD-ASJ-XVIII, Peshawar for Misleading, deceiving and later on fraudulently & deceptively grabbing a huge Amount of Rs 1640,00,0,0-16.4millionPKR in the name of so called project situated At Liagat Bagh Rawalpindi

Your excellency,

- That the applicant is a law abiding and peaceful citizen of Pakistan, suffering from multiple chronic diseases. (Copy of CNIC is attached)
- 2) That the above delinquent computer operator is serving as computer operator in District Judiciary Peshawar as computer operator.
- That the above computer operator offered the applicant to become his partner in project of Liaqat Bagh Rawalpindi, as said projected has already been initiated and proceeded to some extent by computer operator, it was further disclosed that a meager amount has also been invested by the delinquent computer operator in the said project.
- 4) That the applicant is the sole bread earner of his family and hasalso been under gone through multiple surgeries i.e. open heart surgery andrenal surgery due to renal tumor etc.
- That the delinquent computer operator deluded the applicant , mis convinced, misled and fraudulently grabbed approximately Rs 16400000-/ in the name of project at Liaque Bagh Rawalpindi, the reality of which was revealed later on revealed that the applicant has been betrayed on the name of so called bogus hallucinatory, and illegal project.

Supe Indent District & Sessions Court, Peshawar. ugy

- (18)
- 7) That with the passage of time when all the savings of applicant got vanished, the applicant urged to let him know as to when where and how a huge amount has been invested and what progress has been so for made by him in the so called project, the delinquent computer operator started procrastination and tried his bestto divert the applicant on the unrealistic expectation.
- 8) That it was time and again requested to return the amount which has been fraudulently procured by the delinquent computer operator, but in vain.
- That recently a joint sitting/jarga was held through the intervention of Syed Naeem Bukhari and Agha Syed Faraz Hussain shah, Nasir Awan, wherein he admitted the factum of receiving the amount in the name of so called project and vow to pay it back to the applicant but when he was contacted for repayment of amount, he turns deaf ears and eventually refused by stating that file of project has been put up to the office of Secretary education Punjab and he will successfully get this project in the near future, so the applicant must wait because he has paid a huge amount to the deputy commissioner, and other revenue officer of District Rawalpindi.

49

50,

Point needs consideration:

- i) That a huge amount is admittedly grabbed in the name of socalled project? Whether this project actually exist?
- ii) If yes: Whether delinquent computer operator may indulge himself in such a suspicious activity?

Superior dent
District & Sessions Court,
Peshawar.

Whether the amount paid by the applicant is actually invested iii) by delinquent computer operator in the various department including revenue department?

It is, therefore, prayed that a stern action may kindly be taken against the delinquent computer operator for betraying, deceiving and fraudulently grabbing a huge amount in the name of so-called project

Dated 26/04/2022

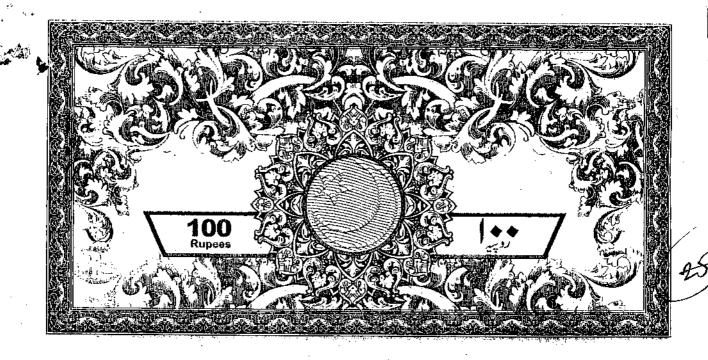
Applicant,

I while h

Haji Sami-u-llah S/o Habibullah R/o Fatu Abduraheema Peshawar CNIC No. 17301-1514747-9

Contact No. 0345-9395056 Email: Abdul Khan 016@ gmail. Com

District & Sessions Court,



لياقت باغ روالينذي يروجيك

فريق موئم سمخ اللبولد مبيب للبيكذ فتؤممد الرجيا يشادر

فريق إول منير كل والدمنكا في سكند في آباء فمير إلكبهاد روؤيشاور خريق دوئم منايت الله ولدرخوان سكند وابذاك يشاور

بذكوره يراجيك كافذات شيك كراف كاكام سال 2017-2018 ميل فريق اول اور فريق دوئم في شروع كيا تفااور فريق موغى وخوش سد سال 2019 ميل معابده شراكمت دارى مورخد 2019-03-09 کوشال ہوا۔ اس دن سے معاہدہ کی دوڑ سے فریق دوئم کے ما تلکنے پر پہنے و بتارہااور متذکرہ چیوں کی بابت فریق سوئم، متذکرہ معاہدہ کے چینے مخلف تاریخوں پر فریق دوئم سے دستخط خیت کر تار پا۔ جب مجھی فریق ودئم اسے دوست سے قرض سالے کے کام چانا تھااور صرف آخری باد قریق اول منیر کل کی موجود گی ہیں 10 لاکھ روپے دیے ندکورہ رقم فریق دوئم نے ایک دیست سے قرض ل تى يوك بنايا قد آن فريق موم نے فريق درم كون كرد قرص رقم و الا كارور به دائل ماه بعد و النسوس كري لكى الله الله الكلمان كا مذكوره پراجيك كے كاغذات بنوارى كے دفترے سيكرش كا مخلم تعليم بنواب كے دفترتك مناسب جيش كے دريع كانوات بنوارى كے دفتر الرفدكوره پروجيك كاغذات بنوارى كے دفتر سے سیکرٹری محکمہ تعلیم چھاب کے دفتر تک مناسب چینل کے دریعے خیس کانچاہوں او فریق دوئم منایت، فریق سوئم کوجور قم اس پرجیکٹ کے کاخذات پر سکے ایک اس کے ایک روپ کے بدلے ایک کروڑ اداکرنے کا یابند ہوگا۔)

2. اگر ند کوروپر وجیک کے پینے کوئی مجی قریق بلضوص فریق دوئم عنایت نے اپنے لئے یادوست کے سلتے یار شند دار کے لئے کوئی مجی پر اپر ٹی، پلاٹ، مکان، دکان یا گاری خریدی ہو تو واق قریق ، فراق سوئم کو قد کورہ پر وجیکٹ کے کافذات پر جھنار قم لگاہواس کے ایک رویے کے بدایک کروڑ روپے اداکر نے کا پایند ہوگا۔

3. ندکورہ پروجیکٹ کے کاغذات پر جور قم فریق سوئم نے خرج کیا تھائی ہیں سے یکھ رقم سائل 2019 کے آخریل فریق سوئم کو حاتی بخت زمین نے قرض دی تھی، بخت زمین جو فریق دوئم کا دوست ہے۔ حاتی بخت زین کواس قرض رقم کے بدیے میں فریق دوئم اسے سرکاری بینک ہے چیک دینارہا۔ اور جب اللہ کے کی پراپرٹی فرونست ہوئی تو حاتی بخت زیش کو فراتی دوئم نے يے / رابر في دى اور فدكوروميك چيك وائى اليا حاقى بخت زئن كر برابر في ك سائل الجى تك جارى ب

آج کے بعد جو بھی فریق اپنی مرضی اورخوش سے سیکر لری محکمہ تعلیم بنجاب سے فائل پر وستخط لینے کی ذمہ واری (جس سے کاغذات حکومت کے نام سے مشن کے نام پر ہوجائے) لیمانیا ہتا ہو(نوٹ: آنے تک قد کوروپر وجیک کا قائل محفوظ حالت میں موجود ہے اور آئے تک صرف فریق دوئم کے علم میں ہے۔ اگر تھی جہ وہ کی فریقین کے کام سے تکل مميا تووای فریق بقایا فریقین کواس بر وجیک کی لیجت میں ہے فریقین کاجو حصہ بٹا ہے تواس کے ایک دویے کے بدلے ایک کروڑ دویے اداکر نے کا پابند ہوگا۔

کیان آج کے بعد اس فائل کو آمے کام کر نے کے فریق اول فریق دو تم اور فریق سوتم یہ تیزن اس فائل پر کام کروائی ہے۔ آگر فریق اول یافریق سوتم کی دجہ ہے مس او تا ہے توفریق ووتم سے ساتھ فریق اول ایلے فریق سوتم کا ہونا ضروری ہے۔ مشن سے اعتیار اور کام لینے کی فرسداری فریق اول منبر کل سے لی سے اور اس کو وہ یو داکر بیگا۔ کید کلہ فریق دائم مناعت اعلاء اور فریق سوئم سیخ اللہ میں اضاف پڑ گئے ای ان کے اختلاف دور کرنے کے لئے فریق اول منیر کل کی اور حق کو سامنے رکھتے ہوئے اور کی کیات کرتے ہوئے دیسے سے اس پر وجیکٹ کو آگے بڑھا كينتے اور خداتعالی كوسائے ركھتے ہوئے حق اور كے كاساتھ ويلتے۔ اگر اس ش كوئى ہمي مكتاب كار تابت ہو كياتوان ش كسى ہوئى با تميں ان پر لا كوں ہو يكھے۔

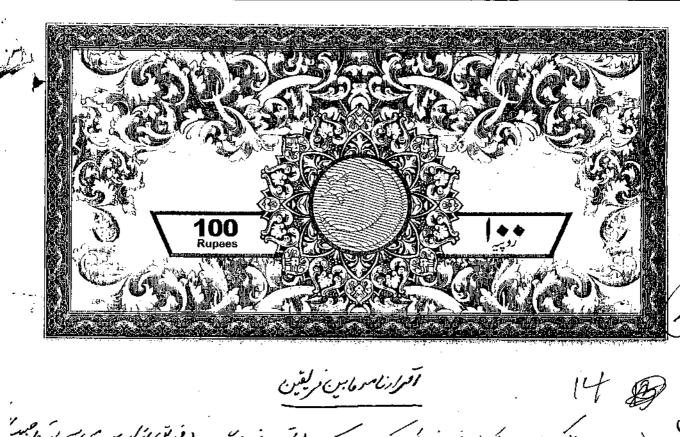
فريق سوئم ن في كارزنم 1<u>747-9 15 - 15 14 13 - 10 13</u> - Aculles is

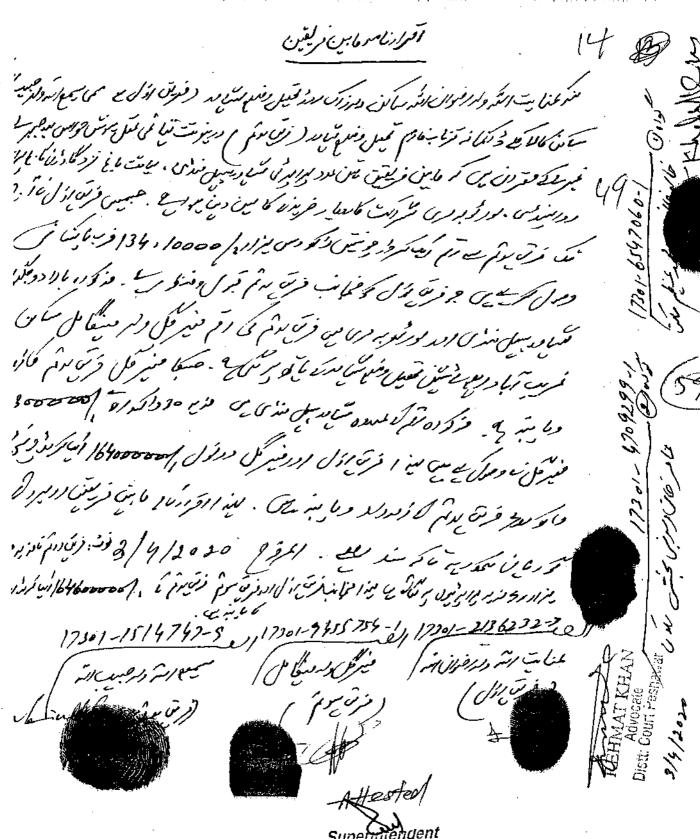
> District & Sessions Court, Peshawar.

Attested

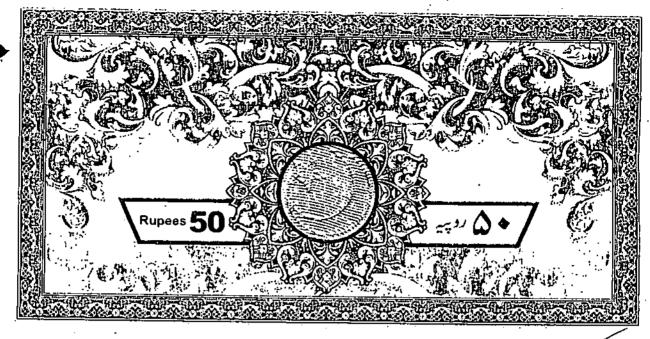
فريق دوئم 17301-2136232-72 NOCO (T) (T) 29.06.2021

فریق اول عافي كاروني 1730 17<u>9455 19</u> with the wise course in the Albert in





Supermendent District & Sessions Court, Peshawar. 15/11/2/



(معاہدہ شرا کت داری) منكة مسى سنيرگل دلد مينيگامل سكنه فيخ آباذنبر 1 "مجيهاررودْ مكان نمبر 20" گلى نمبر 1 يشاور ـ فراق اول

عنايت الله ولدرضوان الله يما أركا وَل وذا كنانه د لا ذاك بيثا در فريق دومُ مسيع الله ولدحبيب الله سكنه فيزع بدالرتيما الخصيل وضلع بيثاور فراق سوئم

يركرسانه وبابت شراكت دارى ليافت باغ ين كارازن كالح زير باس شن كى برايرنى ايراجيّن درج ذيل شرائطا پرمايين فريقين سط باياست -به كرين اول منيرگل في تقريبا 20 سال ان وجاني منت كي اور شن سه كام لينار با-يد كفريق دومم ، عنايت الله في تقريباً 06 ما في وجاني محنت كي ادر يوينوسه كام ليتار با

يه كه الجعي آخرى لمحات ميس ،فريق سوم ما جي سميج الله اپي خوشي د مرضى يه ، فريق اول اور دومُ كريسا تحداس پراجيك میں برابر کاشریک ہونا جا ہتا ہے ادر بقایا جننے بھی ہیے اس پہاچیکٹ پرخرچہوں کے تو وہ فران سوئم ادا کرنے کا یابند ہوگا۔ الدارك الماسية المراجيك إلى المجيك المراجيك المراجيك المراجع ا نہیں طلب کرے گا۔ بلکہ تینوں فریقین اینے اسیے نقصان خود برداشت کرے گا۔اور ندکورہ کاروبار میں کامیاب کی صورت میں منافع کو تینول فریقین آپس میں برابر رتفتیم کریں مٹے۔

۵ ۔ پیکراصل معاہدہ شراکت داری فریق سوئم اینے یاس دیکھے گاجس پر فریق اول ادر فریق دوئم کوکوئی عذراعتر اض ہرگز ندہوگا۔ يرك والبره شراكت وارك ووول فراقين في يزه ليااور جهليا بهاور الياسية المينة والنان الكوشار، بروكوا إن كروسية ين أكد مدس

عنايين الأوا أرام والموال الله

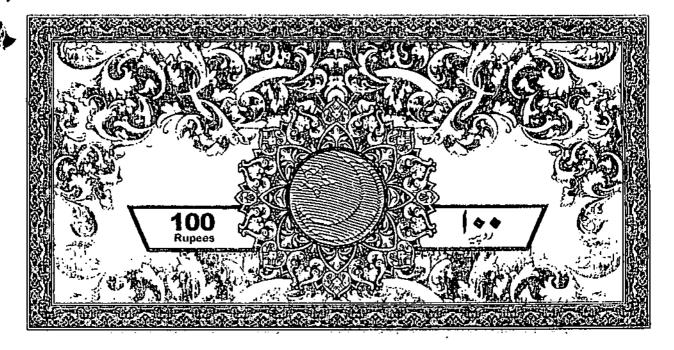
عافى كاردائى 7-2130232 - 17301 عافى كاردائى 9-1514747 - 17301

منركل ولدمينكايل شانی کارد ^نبر 1 -9455754

Superintendent District & Sessions Court,

Peshawar.

Willows 6. Vigies & die I was 8362/.9 John 18/132-7. S.10,000/ يدره لاكومون \$15,00,000/ \$ 60 5 lors +5,00,000/-20.03.2013 7.00,000/- & M 5-1000 30.03.2019 > 10,00,000/ A D. 5=10/3 \$62,10,000/-5 15,00,000/- 4 0 .5 Jes 15,00,001-22 05 2011 62,6000/->50,000F & <u>-607</u>, 2906.2019. Attested District & Sessions Court,



مينتين مل والمرصيط على مائد على المنه المارين سي المدوم ميد والمريث في سرائر عي فيديد و في ما يوا دفردور على سرم كر رئيس مندول مندولانات ودمكريس مندى ايخ سرس ك عملا فريْس ك ك كر دي عالم بنه بي . در فرور الم شك الم المرسى عن من مرفي مل ما المعالى المعالى ما المعالى المعا مِعْ يَمْدُونُ لِيهُ أَرْ يُونُونُ وَرُونُ مِنْ لَقُونُ لُونُ لِي اللَّهِ اللَّهُ اللَّا اللَّا اللَّهُ اللَّهُ اللَّا اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ July his (how Not Booost) sin filis أى ادار على بنه مى زيد ما مون في ويته لى مالم مرن L'alièle Noc in 18/2 de l'élie بيدا بالألفف ك عوراكي بروم ولين ادرى عن بي الشروم رهموان النم in chiloconjoin Esincindinision 10 1/2/12 is (1/2/1/2) Juijis Jing 17301-21362327 17301-15147479 17301-94557547

11301-21362327 17301-15147479 17301-94557547

116/019

Attended

District & Sessions Court,

(

18

57

(13)

Don of Chings 8,2.80.18

-Amex-C

بخدمت جناب وسنركث ايندسيشن جح صاحب بيثاور

تحریری وضاحت بابت جواب طبی Explanation

بحواله حكم نمبر 4649مورخه 22/04/2022

لوكم جناب عالى! بحواله مندرجه باله "complaint" ازال سميع الله ولد حبيب الله

تحریری وضاحت حساب ذیل ہیں۔

ا۔ بیک فقرنمبرا کے جواب میں عرض ہے کہ فدوی بھی ایک معزز خاندان سے تعلق رکھتا ہے اور والدین اور سرال دونوں کی طرف وسیع جائیداد اور املاک موجود ہیں اور صاحب جائیداد ہے۔ فدوی گزشتہ 11 سال سے ضلع عدلیہ میں اپنے فرائض نہایت احسن طریقہ سے سرانجام دے رہا ہے۔

٢_فقره نمبرادرست ہے

سے فقرہ نمبر سراسرالغونلط اور کے بنیاد ہے فدوی تھی جائیدادوں کی دستاویزات کی بتیاری کے کاروبار میں ملوث ندر ہا ہے اور نہ ہی فدوی کواس قسم کے کاروبار کی کوئی ضرورت ہے۔ فدوی پر دستاویزات کی در تنگی کا بے بنیادالزام عائد کیا گیا ہے۔ جو کہ اگر ثابت ہوا تو سائل ہر قسم کی سز کے لئیے تیار ہوگا۔ بصورت دیگر فدوی از الہ حثیت عرفی اور بدنا می پر شکایت کندہ سمتے اللہ کے خلاف قانونی چارہ جوئی کا حق محفوظ رکھتا ہے۔ مزید برآں آینٹی اسلامی جمہوریہ پاکستان بھی سرکاری ملازم کو جائیداد خرید نے کے خلاف تا نوفی چارہ جوئی کا حق محفوظ رکھتا ہے۔ مزید برآں آینٹی اسلامی جمہوریہ پاکستان بھی سرکاری ملازم کو جائیداد خرید نے کے حق سے محروم نہیں کرتا بلکہ سرکاری ملازم جائز ذرائع آمدن سے جائیداد خرید سکتا ہے۔

۵۔ فقرہ نمبر۵ کا جواب مفصل فقرہ نمبر میں آچکا ہے۔ جو کہ مخل الزام تراشی ہے اور اس بابت شکایت کنندہ سے ثبوت طلب الصاب المصل کے است

Superintent

District & Sessions Court,

Peshawar.

phc)

لائے جانے کی استدعا کیاجا تا ہے۔

فرمایا جائے۔

۱ _ نقرہ نمبر ۲ غلط ہے ۔ شکایب کنندہ فدوی کی عزت نیک نامی اور شہرت کو داغداد کرنے کیلے بلیک میلینگ کررہاہے اور فدوی ہرفتم کے جرگہ کے لیے تیار ہے اگر فدوی کے ساتھ ظلم نہ کیا جا ہے اورا گر کسی بھی جرگہ نے فدوی کوقصور وار میہر ایا تو کے فدوی ہرفتم کی قانونی سزاکے لیے تیار ہے۔

کے۔فقرہ نمبر کے غلط بے بنیاد ہے۔ ایک معمولی Computer Operator جس نے 11 سالہ سروں میں محض نیک نامی کا ٹی کمائی ہے کس طرح سے دفتری حضیت کے غلط استعال کا نصور کرسکتا ہے۔ اس قسم کا نصور بھی فدوی کے موت سے بھی بدتر ہے اور ذلت کی زندگی پر فندوی موٹ کو ترجیح دیے گا گراپنے ادارے کی نیک نامی پر آنجے نہیں آنے دیگا۔ استدعا ہے کہ فدوی کے خلاف با قاعدہ تحقیقات عمل میں لائی جاکر صفائی کا موقع دیا جائے اور سائل ہر قسم کی کاروائی کا سامنا کرنے کے لیے تیار

ہے۔ کسی کے اللہ کے اللہ کا اور الٹاچور کو توال کوڈانٹنے کے مترادف ہے۔ ۸۔ فقر ہنبر مجھن الزام پر اشی اور الٹاچور کو توال کوڈانٹنے کے مترادف ہے۔

9 فقرہ نمبر 9 غلط ہے کہ فدوی سی قتم کا غیر قانونی سرگری میں ملوث ندر ہاہے۔

۱۰ فقره نمبر ۱۰ بھی غلط ہے اور فدوئی کے سروس ریکارڈ کا جائزہ آپ جناب خود بھی لے سکتے ہیں اور میرے آفیسر نجے صاحبان سے خفیہ طور پر معلوم کیا جاسکتا ہے یا خفیہ اواروں سے بھی میری دیا نیت داری یا بدنیتی کاریکارڈ خفیہ طور پر حاصل کیا جاسکتا ہے اافقرہ نمبر ۱۱ غلط ہے۔غلط الزام لگانے پر شکایت کنندہ کے خلاف کاروائی کی استدعا کیا جاتا ہے۔

استدعا ہے کہ جواب طبی منظور فرمائی جا کرشکایت برخلاف فدوی داخل دفتر فرماکیا جائے اور شکایت گنندہ کے خلاف کاروئی

عمل میں لائی جائے۔

فدوى تاحيات آپ كى بلندا قبالى كىلى دعا كورى كا_

العارض

67)

ال الله الله الميبوثر آپريٹر عنايت الله کمپيوٹر آپريٹر ڈسٹر کٹ کورٹ پیثاور

> Superintendent District & Sessions Court, Peshawar.

مورخه 2022 04.04

To

Dear Sir,

I invite your kind attention to your notice dated 22/04/2020 regarding agreement of three properties situtated at (i) Liaqat Road adjacent to Garden college, (ii) Rawalpini lower Toba Muree and (iii) Peshawar Fruit Mandi and to inform you that it is absolutely incorrect that I have executed any agreement as per your notice.

You are therefore, requested to investigate true facts of the case and withdraw your notice dated 22/04/2020 at the earliest. Incidentally, it is requested that it would be a favour to me if a copy of alleged agreement/deed is supplied to me, so that I may also investigate the matter to catches culprits of the case.

With regards.

Dated 09/05/2020

c'estified to be true copy.

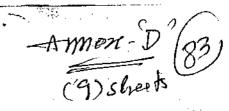
Your faithfully, samiullah

(W)

- 14.

Attected

Super Rendent District & Sessions Court, Pesnawar.





Ph#091-9210099 Fax#091-9212419 eMail: scPeshawar@yahoo.com web: SessionsCourtPeshawar.gov.pk No. 2649

Dated Peshawar 22/4/2

To

Mr. Inayat-ur-Rehman, Computer Operator, Attached to the Court of learned AD & SJ-XVIII,

Peshawar.

Subject:

EXPLANATION

Memo:

A copy of complaint dated 20/04/2022, submitted by one Sami Ullah s/o Habib Ullah, is forwarded with the direction to submit para-wise reply to the same, within three days, positively.

Encl: AS ABOVE

Am Jada

District & Sessions Judge, Peshawar.

59

655

Superintendent
Superintendent
District & Sessions Court,
Peshawar.



Ph#091-9210099 Fax#091-9212419 eMail: scPeshawar@yahoo.com web: SessionsCourtPeshawar.gov.pk No. <u>2929 31</u>
Dated Peshawar 10/5/22

OFFICE ORDER

WHEREAS, a complaint was submitted by one Sami Ullah s/o Habib Ullah levelling several allegations against Mr. Inayat Ullah, Computer Operator of this Sessions Division. Explanation of the concerned official was called vide No. 2649 date 22/04/2022. He submitted para-wise reply to the explanation on 30/04/2022 but the same was found unsatisfactory.

THEREFORE, Mr. Mohib-ur-Rehman, learned Senior Civil Judge (Admn),
Peshawar is directed to conduct fact finding inquiry into the matter, and submit
report to this Office, at the earliest.

[ASHFAQUE TAJ]
District & Sessions Judge,
Peshawar.

No. 83(DAS) <u>2929</u> Dated Peshawar, the <u>10 / 05 /2022</u>
Copy forwarded to:

1. The learned Inquiry Officer, along with relevant documents, for compliance.

2. The complainant ife. Sami Ullah s/o Habib Ullah (0345-9395056)

3. The official concerned.

District & Sessions Judge, Peshawar.

Superinte dent District & Sessions Court, Peshawar.

0/6



Ph#091-9210099 Fax#091-9212419 eMail: scPeshawar@yahoo.com web: SessionsCourtPeshawar.gov.pk No. 49
Dated Peshawar 14-6-2022.

OFFICE OF THE SENIOR CIVIL JUDGE, PESHAWAR

To.

The Hon'ble,

District & Sessions Judge,

Peshawar.

Subject:

FACT FINDING INQUIRY

Respected Sir,

19/06/22)
Maison 19/06/22

In compliance with the directions vide letter No. 2929-31 dated 10-05-2022 of your goodself, the fact finding inquiry was conducted against accused/official Inayat Ullah, Computer Operator, which is submitted for your kind perusal and further appropriate order's please. (Inquiry Report is annexed).

Obediently yours,

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

Superintendent District & Sessions Court, Peshawar.

IN THE COURT OF MOHIB-UR-REHMAN, SENIOR CIVIL JUDGE (ADMN), PESHAWAR/INQUIRY OFFICER.

Inquiry Report

Complainant, Sami Ullah S/O Habib Ullah R/O village Fattu Abdur Raheema Dalazak Road Peshawar, filed a written complaint before the Hon'ble District & Sessions Judge Peshawar on 20-04-2022 wherein, he levelled serious allegations against one Inayat Ullah (Computer Operator) working under Sessions Division for necessary legal action against the latter who was charged for misappropriation of money, fraud and cheating.

The official under report was directed to submit his reply before the Hon'ble District & Sessions Judge Peshawar as Explanation was called on, vide No. 2649 dated 22-04-2022. The reply was furnished but was found unsatisfactory by the Hon'ble District & Sessions Judge Peshawar and thus, this office was directed to hold a fact finding inquiry forthwith and to table the inquiry report at the earliest.

The gist of complaint dated 20-04-2022 is as under:

- from Fattu Abdur Raheema, Dalazak Road Peshawar and got acquainted with the accused/official Inayat Ullah Computer Operator who instigated the Complainant to invest some capital in the business of correction of documents regarding Missionary Property and succeeded in convincing the Complainant to become partner in the said project at Liaqat Bagh Rawalphindi.
- Complainant handed over a sum of Rs. 164,00,000/- to the accused/official Inayat Ullah for carrying out the

26

36

43

MOHIB UR REHMAN Senior Civil Judge (Admn) Peshawar.

> Supernite dent District & Sessions Court, Peshawar.

said business and even, sold some of his landed property in order to pay off the requisite amount to Inayat Ullah but later on, Complainant got flabbergasted to hear that no such project actually existed and that he not only defrauded him but also pinched his mental faculty to the extent of suffocation.

- That Complainant even signed contract with the accused/official in respect of the subject matter but now, the accused/official is reluctant to pay a single penny to the Complainant and is putting undue influence by presuming to be holding an authoritative slot in District Judiciary, Peshawar.
- Complainant alleges that the accused/official has shown high handedness on two counts, one that he is a civil servant who is barred by law to carry out private business and secondly, complainant's huge amount has been put at stake.
- Complainant made a formal request that the accused/official be taken to task.

In his initial reply to the Hon'ble District & Sessions Judge Peshawar dated 30-04-2022, the accused/official Inayat Ullah admitted that a discussion had taken place between them regarding the Christian Mission Property but later on, a legal notice was served upon them and therefore, no progress was made thereafter.

After going through the nature of allegation in complaint and the perusing the available documents, I as Inquiry Officer recorded statement's of the Complainant Sami Ullah and his witness Safeer Ullah and also put relevant questions over.

Accused/official Inayat Ullah's statement was also recorded and question put over him.

MOHE UR REHMAN

Supernitenciem District & Sessions Court, Peshawar. (12)

27

37

36

447

Witness in defence of accused/official namely Advocate Raja Bilal was also heard and his statement recorded alongwith some documents which the said witness produced.

Besides, ACR's of the official Inayat Ullah were procured from the proper custody.

CONTROVERSY

Complainant alleges that accused/official Inayat Ullah has misused his authority as a Government Servant by doing business with Complainant and has deprived him of Rs. 164,00,000/- and has thus committed fraud, misrepresentation and cheating.

Conversely, Inayat Ullah (accused/official) denies said allegations by contending that actually Inayat Ullah's father, Rizwan Ullah was doing business with Sami Ullah and that neither Inayat Ullah has been guilty of misconduct nor has he taken any amount from Complainant Sami Ullah.

FINDING

The ACR's of accused/official Inayat Ullah amply manifest that he is a punctual and dedicated official and has been (found) incorruptible by his respective learned Presiding Officer's and neither any such type of complaint has been on his career database nor been reported to be doing private business, however, during his statement before the Inquiry Officer, he has admitted that he signed the contract "معابده شراکت داری" dated 02-03-2019 on behalf of his father Rizwan Ullah but worthy to mention that the entire agreement is silent of Rizwan-Ullah (father of accused/official), rather the agreement reads/ that accused/official Inayat Ullah is a party to it and the roleattributed to him is that he is pursuing the case of Missionary Property in Liaqat Bagh, Rawalphindi near Garden College for the last 06 months. Complainant Sami Ullah is a party to the said

MOHIB UR REHMAN Senior Civil Judge (Adm Peshawar.

Attested District & Sessions Court, Peshawar.

contract alongwith accused/official and one Munir Gul. It has also been mentioned in the said agreement dated 02-03-2019 that Munir Gul has been on the project for the last 20 years. whereas, Inayat Ullah for the last 06 months and now, Complainant has joined them and rest of expenses will be paid by Complainant Sami Ullah for correction of record of Missionary Property. The said Agreement dated 02-03-2019 has been signed by Inayat Ullah (accused/official) and the stamp paper for said agreement has also been issued in Inayat Ullah's name. Had accused/official Inayat Ullah signed it on behalf of his father (Rizwan Ullah), the latter might have been the partyto the Agreement.

Another Agreement dated 29-06-2021, duly signed by all the three parties with the title name of "Liaqat Bagh Rawalphindi Project" also endorses the Principal Agreement dated 02-03-2019. Thought, Inayat Ullah has allegedly received an amount of Rs. 62,60,000/- by putting his signatures and he didn't deny the said in his statement specifically, however, on record, neither there is a single witness nor any Bank Transactions available on file in form of cheques etc to show that Inayat Ullah actually received Rs. 164,00,000/- from Complainant. Iqramama dated 16-03-2020 is also between Complainant and accused/official where, Rehmat Khan Advocate has stamped the same and two witnesses are also

Advocate Raja Bilal from Rawalpindi, who was summoned on the request of accused/official submitted that Inayat Ullah's father alongwith Complainant are his clients and they made partnership over a project to transfer he Missionary Property from Provincial Government Punjab in favour of Missionary Society on the strength of the judgment of apex Supreme Court "1987 SCMR 1197". Advocate Raja Bilal states that the business for Correction of Record was between

MOHIB UR REHMAN Senior Civil Judge (Admn) peshawar.

District & Sessions Cour

Peshawar.

present over it.

Complainant and Rizwan Ullah and not Inayat Ullah and that due to the lack of interest of Sami Ullah, the said project is in deadlock.

The accused/official has signed number of contracts with Complainant Sami Ullah and this fact has been admitted by the official Inayat Ullah himself. The sole agreement which shows that actually Inayat Ullah's father Rizwan Ullah did the partnership, cannot be given due weightage as in the said agreement, Complainant Sami Ullah is not signatory.

Thus, it can be concluded that Inayat Ullah signed "Partnership Agreement" with Complainant and did private business, however, receiving of such huge amount of Rs. 164,00,000/- by accused/official in absence of a single witness could not be proved. Besides, no Bank cheque or transaction is available on file.

Inquiry Report is forwarded for your kind perusal and further appropriate order's please.

ANNOUNCED 13.06.2022.

Supermentent District & Sessions Court, Peshawar.

MOHB UR REHMAN, Senior Civil Judge(Admn) Peshawar .

40

,

11.



Ph#091-9210099 Fax#091-9212419 eMail: scPeshawar@yahoo.com web: SessionsCourtPeshawar.gov.pk No. 3901 Dated Peshawar 1716 22

To

The Director, Human Rights Cell, Peshawar High Court, Peshawar.

Subject:

COMPLAINT/APPLICATION (# 26067)

31

Dear Sir/Ma'am,

This is with reference to PHC letter No. 912/HRC dated 29/04/2022, and subsequent reminder No. 1179/HRC dated 31/05/2022. A similar complaint was made to this Court by the complainant, which was entrusted to the learned Senior Civil Judge (Admin), Peshawar for independent inquiry. The learned Inquiry Officer submitted his detailed report dated 13/06/2022, which is forwarded herewith, for perusal and further directions, please.

Encl: AS ABOVE

[ASHFAQUE TAJ] V
District & Sessions Judge,

Peshawar

D.\English Branch, 2022\80.CO\HRC\Application Complaint 26067 Inayat CO 17-06-2022.doc

District & Sessions Court, Peshawar. 225



ThePESHAWAR HIGH COURT Peshawar



All communications should be addressed to the Registrar Peshawar High Court, Peshawar and not to any official by name.



9210149-58 Exch: 9210135

www.peshawarhighcourt.gov.pk Info@peshawarhighcourt.gov.pk phcpsh@gmail.com

Dated Peshawar, the

The District & Sessions Judge,

Peshawar.

Subject:

COMPLAINT/APPLICATION (#26067)

Respected Sir,

I am directed to refer to your office letter No. 3901 dated: 17-06-2022 on the subject complaint and to say that his pordship Hon bletthe Chief Just

splease

Human Rights Cell Ph: No. 091-9213023

Fax No: 091-9210728

Endst No_

Dated Peshawar, the

Copy forwarded for information to:

Mr. Fida Muhammad S/O Abdul Rashid R/O Pishtakhara Payan, Peshawar.

Mr. Haji Samiullah 5/0 Habibullah R/O Faty Abdut Relunga

Perhana. 03459395056

Director Human Rights Cell

Allested District & Sessions Court, Peshawar.



ISTRICT JUDICIARY, KHYBER PAKHTUNKHWA

eMail: scPeshawar@yahoo.com web: SessionsCourtPeshawar.gov.pk Dated Peshawar 31

OFFICE ORDER

WHEREAS, a complaint was submitted by one Sami Ullah s/o Habib Ullah levelling several allegations against Mr. Inayat Ullah, Computer Operator of this Sessions Division. Explanation of the concerned official was called vide No. 2649 date 22/04/2022. He submitted para-wise reply to the explanation on 30/04/2022 but the same was found unsatisfactory.

AND WHEREAS, Mr. Mohib-ur-Rehman, learned Senior Civil Judge (Admn), Peshawar was directed to conduct fact finding inquiry into the matter, and submit report to this Office. The learned Inquiry Officer submitted his report on 13/06/2022 which was forwarded to august Peshawar High Court for further directions.

AND WHEREAS, his lordship Hon'ble the Chief Justice of Peshawar High Court had been pleased, vide PHC letter No. 1505/HRC dated 04/07/2022, to direct the undersigned to proceed against the official concerned in accordance with law.

NOW THEREFORE, Mr. Nasir Khan, learned Additional District & Sessions Judge-XVI, Peshawar is hereby appointed as Inquiry Officer, to proceed against the delinquent official, in accordance with law/relevant rules, and submit report to this Office, within a month.

Mr. Sajjad Ahmad Jan, Assistant/ACC shall represent this Office during the inquiry proceedings.

> District & Sessions Court, Peshawar.

[ASHFAQUE TAJ]

District & Sessions Judge,

Peshawar.

No. 83(DAS) 5238 40 Dated Peshaving 103 / 09 /2022

Copy forwarded to:

1. The Director, Human Rights Cell, Peshawar, High Court, Peshawar, for information, with reference to PHC letter quoted above, please.

2. The Inquiry Officer, along with Inquiry file, and copies of Charge Sheet and Statement of Allegations served upon the delinquent official.

3. The officials concerned.

Supermentent District & Sessions Court, Peshawar. District & Session Judge, Peshawar.

BUS





DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

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

No. <u>5236</u>

Dated Peshawar <u>34 22</u>

DISCIPLINARY ACTION

I, Ashfaque Taj, District & Sessions Judge, as competent authority, am of the opinion that <u>Inayat Ullah, Computer Operator</u> have rendered their selves liable to be proceeded against, as they committed the following act/omission, within the meaning of Rule-3(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATION(S)

- He acquainted with the complainant Sami Ullah s/o Habib Uliah and instigated him to become partner and invest money in his business of Correction/Preparation of documents regarding Missionary Property.
 And that he has received a sum of Rs. 1,64,00,000/- from the complainant for the said business, which, as per allegation of the complainant, was fake and fraudulent.
- 2. He entered into a business with a private person by signing a contract with him, without obtaining proper NOC.
- 1. For the purpose of inquiry against the said accused officials with reference to the above allegations, Mr. Nasir Khan, learned Additional District & Sessions Judge-XVI, Peshawar is appointed under Rule 10(1)(a) of the rules ibid.
- 2. The inquiry officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record his findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
- The accused and Mr. Sajjad Ahmad Jan, Assistant/representative of this office, shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

Superintendent District & Sessions Court, Peshawar.

Attesteo

District & Sessions Judge/ Competent Authority, Peshawar. •

(35)

0/c



DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

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

No. 5237 Dated Peshawar 3/9/22

CHARGE SHEET

I, Ashfaque Taj, District & Sessions Judge Peshawar, as competent authority, hereby charge you, <u>Inayat Ullah, Computer Operator</u> as follow:

- 1. That, while posted as Computer Operator in this Sessions Division, you committed the following irregularities:
 - a. You acquainted with the complainant Sami Ullah s/o Habib Ullah and instigated him to become partner and invest money in your business of Correction/Preparation of documents regarding Missionary Property. And that you received Rs. 1,64,00,000/- from the complainant for the said business, which, as per allegation of the complainant, was fake and fraudulent.
 - b. You entered into a business with a private person by signing a contract with him, without obtaining NOC from your department.
- 2. By reason of the above, you appear to be guilty of <u>misconduct</u> under Rule-3(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule-4 of the rules ibid.
- 3. You are, therefore, required to submit your written defense a within **seven** days of the receipt of this charge sheet to the Inquiry Officer.
- 4. Your written defense, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case, ex-parte action shall be taken against you.
- 5. Intimate whether you desire to be heard in person.
- A statement of allegations is enclosed.

Superingent District & Sessions Court, Peshawar.

Attested

[ASHFAQUE TAJ]

District & Sessions Judge/
Competent Authority,
Peshawar.

St

39

(36)

To

The Worthy Additional District Judge-XVI, Peshawar (Inquiry Officer).

CHARGE SHEET OF INAYAT ULLAH, COMPUTER OPERATOR.

Rested sir,

Most respectfully I beg to invite your kind and sympathetic attention to Office Order No.5238/40 dated 03.09.2022 of the Honorable District and Sessions Judge, Peshawar, and beg to lay down the following few lines for your kind and sympathetic consideration:

37

a. In respect of allegation No.1, it is respectfully submitted that I did not have acquainted with the complainant Mr. Samiullah. In fact, Mr. Samiullah was in business term with my father Mr. Rizwan Ullah not only in this business was also in other business activities. In this particular case as submitted above Mr. Samiullah was partner with my father in the alleged business but at the time of execution of agreement dated 02.03.2019 Mr. Samiullah compelled my father that I should sign the agreement. I signed it in obedience to the wishes of my father. Your honour will

b. As regards alleged amount of Rs.16,400,000/- as per allegations of Mr. Samiullah I did not receive the same. I invite your kind and sympathetic attention to the findings

agree that as an obedient son, I did not displease father.

Superintendent District & Sessions Court, Peshawar.

Now You

of Mr. Muhib-Ur-Rehman learned Senior Civil Judge (Admin) Peshawar dated 13.06.2022 which run as under:

"Receiving of such huge amount of Rs.16400000/- by accused/official cannot be proved as neither there is present a single witness of receipt of cash (Rs.16400000/-) nor a single penny paid through Bank."

"In case your honor direct that I should swear on holy Quran so I am ready for the same."

It is also submitted for your kind consideration that the allegations that I participated in correction/preparation of the documents of Missionary property, this allegation carries no weight because I am not a Christion and thus I did not participate in it. The benefit of correction of record goes to the Christion community which was that the Government had Nationalized Missionaries' Schools in 1972 which were returned to the Community under the order of August Supreme of Pakistan.

In his findings dated 13.04.2022, the learned Senior Civil Judge (admin) Peshawar has observed as under:-

"The ACR's of accused/official Inayat Ullah amply manifest that he is a punctual and dedicated official and has been (found) incorruptible by his respective learned Presiding Officer's and neither any such type of complaint has been on his career database nor been reported to be doing private business"

Your honour may kindly consider how I could participate in such alleged activities in Rawalpindi and Lahore as

Superintentent District & Sessions Court, Peshawar. 38

64

e.

d.

alleged by the complainant, in view of work load, I have no long leave (medical leave, Ex-Pakistan leave) from date of appointment till now. This needs your kind consideration.

In view of above submissions, it is humbly requested that I may kindly be exonerated from the charges and obliged.

Thanks,

Dated: 13.09.2022

Your sincerely

Inayat Ullah Computer Operator

65

Superintendent District & Sessions Court, Peshawar.

W. J.

Dated: 13/10/2023

O'The Diston &

eshawar

No. 35 / AD&SJ-XVI, Peshawar

To:

The Honorable District & Sessions Judge

Competent Authority, Peshawar.

Subject:

INQUIRY AGAINST **INAYAT DEPARTMENT**

ULLAH, COMPUTER OPERATOR, BPS-16.

Respected Sir,

Please find enclosed herewith the detailed inquiry report consisting of 09 pages along with original inquiry file for your kind perusal and necessary action, please.

> NASIR KHAN, AD&SJ-XVI/Inquiry Officer, Peshawar.

District & Sessions Court, Peshawar.

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

(Annex-Ca)

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

Name of accused/official:- Inayat Ullah Computer Operator BPS-16
Establishment:- District & Sessions Judge, Peshawar

4

1. BACKGROUND FACTS:

With reference complaint No.26067, later on referred to the office of District & Sessions Judge, Peshawar vide letter No.1189 dated 05-07-2022 of the Director Human Rights Cell, Peshawar High Court, Peshawar, the complainant, Haji Sami Ullah son Habib Ullah claimed that the official/respondent despite being in civil service was running private business and, in the course of such business he has defrauded the complainant, whereof the official/respondent has deprived him of his life earning i.e an amount of Rs.16400000/- and has thus committed fraud, misrepresentation and cheating. Narrating the facts, the complainant had asseverated that; few years back the official/respondent started business of correction of documents pertaining missionary property, situated at Punjab. The complainant handed over subject amount to the official/respondent, who represented himself as member of the group running said project, but later it was disclosed that neither any such project was existing nor was the official/respondent member of any such group running the alleged project. The official/respondent was asked repeatedly to repay the subject amount

Supermender

Supermedian.

Su

Page 1 of 9

official/respondent signing a contract expressed his readiness to repay the subject amount but has now refused. It was claimed that the official/respondent is habitual thug and remained involved in many illegal activities, grabbing money from innocent people in the name of phony project. The complainant has further maintained that the official/respondent is serving as Computer Operator is bound by code of conduct, codified for the civil servants barring him to engage himself in any private business, therefore, he has not only committed fraud on complainant but also guilty of misconduct by way of associating himself with private business.

The competent authority, while taking notice of the allegations constituting felony and delinquency on part of official/respondent, called for explanation, which was submitted but found unsatisfactory, therefore, the competent authority ordered for "Facts Finding Inquiry". The learned Senior Civil Judge (admin) was assigned the task, who by its detailed report dated 13-06-2022, found the allegations lug credence. The competent authority after being persuaded with the findings of facts finding inquiry was pleased to order for departmental inquiry against the official/respondent as per contemplation of Rule 5(1)(b) read with Rule 10 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 [hereinafter referred "The Rules, 2011"]. Vide order No.5238-40 dated 03-09-2022, the undersigned was nominated as Inquiry Officer under Rule 10(1)(a) of The Rules, 2011 as to conduct the Inquiry against the delinquent official/respondent under Rule 11 of The Rules, 2011, into the Charges. The nuenstatement of allegations was issued and the official/respondent was charge

peshawar. sheeted under Rule 5(2) of The Rules, 2011 for the charge of misconduct as

envisaged under Rule-3(b) of The Rules, 2011. The official/respondent was also directed to file his written defense to the charge before the undersigned/Inquiry Officer as provided under Rule-10(1)(d) of The Rules, 2011.

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

On receiving the Inquiry File, the official/respondent filed his written defense to the charge, which was found to be unsatisfactory. On 30-09-2022, the statement of complainant Haji Sami Ullah was recorded as PW-1, who reiterated the same facts and placed reliance over the documents pertaining alleged project, placed on file as ExPW1/1 (04 sheets) while the dairy record/receipts were placed on file as annexure A to E. The statement of one Syed Naeem Shah Bukhari was recorded as PW-2 while Syed Faraz Hussain Shah was examined as PW-3. The statement of Sajjad Ahmad Jan [representative of the competent authority] was recorded as PW-4, who produced the fact finding inquiry report as ExP1, written complaint of the complainant was placed on file as ExP2 while letter of the Peshawar High Court referring the complaint to the office of District and Sessions Judge for departmental action against the official/respondent is placed on file as ExP3. The statement of allegations and charge sheet were marked as ExP4 and ExP5 respectively. One USB containing the voice recording of the official/respondent was produced and placed on file as ExP6.

Thereafter, opportunity as per contemplation of Rule-11(1) of The Rules, 2011 was also extended to the official/respondent as to record his endown statement and produce evidence in his defense, if he so wishes. The peshawarofficial/respondent produced Mukhtiar Ud Din RW-1. The



official/respondent recorded his own statement RW-2 and denied all allegations. The official/respondent also denied as to have either associated himself with any private business or he has received any amount from the complainant.

FINDINGS: 3.

Section 15 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 provides that the conduct of a civil servant shall be regulated by rules made, or instructions issued, by Government or a prescribed authority, whether generally or in respect of a specified group or class of civil servants. As such the rules, framed under the statutory provision ibid, i.e The Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987, which have been made applicable to every person, whether on duty or on leave within or without the Khyber Pakhtunkhwa serving in connection with the affairs of the Khyber Pakhtunkhwa, including the employees of the Provincial Government deputed to serve under the Federal Government or with a statutory Corporation or with a non-Government employer. Rule 16 thereof, has imposed some restrictions upon the Government Servant, prohibiting his association with any private business or trade. The excerpt of Rule 16 is reproduced hereunder for ready reference;

District & Sessions Court, Peshawar.

Rule-16---- Private trade, Employment or Work-(1). No Government servant shall, except with the previous sanction of Government, engage in any trade or undertake any employment or work, other than his official duties:

Provided that he may, without such sanction, undertake honorary work of religious, social or charitable nature or occasional work of a literary or artistic character, subject to the condition that his official duties do not thereby suffer and that the occupation or undertaking does not conflict or is not inconsistent with his position or

obligation as a Government Servant but he shall not undertake or shall discontinue such work if so directed by Government. A Government Servant who has any doubt about the proprietary of undertaking any particular work should refer the matter for the orders of Government:

Provided further that non-gazetted Government Servant may, without such sanction, undertake a small enterprise which absorbs family labor and where he does so shall file details of the enterprise along with the declaration of assets.

(2).. Notwithstanding anything contained in sub-rule (1), no Government Servant shall associate himself with any private trust, foundation or similar other institution which is not sponsored by Government.

(3).. This rule does not apply to sports activities and membership of recreation clubs.

As such, the official/respondent serving Computer Operator BPS-16 has been recruited and appointed under the Peshawar High Court (Subordinate Courts Staff) Recruitment Rules, 2003 as being framed under Sub-Rule 2 of Rule 3 of the Khyber Pakhtunkhwa Civil Servants (appointment, Promotion and transfer) Rules, 1989 having the statutory backup of section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, is a civil servant bound by rules made under section 15 of the Act, codifying the conduct of any civil servant.

With above statutory backdrop, evidence adduced against the official/respondent unravels that; the complainant Haji Sami Ullah recording his statement as PW-1, claimed that he was contacted by the official/respondent, who asked him for investment in a project relating clearance of missionary property, located at Peshawar/Rawalpindi. That he was trapped when he was taken to the subject property and was shown one

Superior & Sessions Court of Pakistan. On assurance of peshawa official/respondent, one partnership deed dated 02-03-2019/ExPW1/1(page-

45

7



3) was executed between them. The complainant thereafter paid the subject amount through installments against receipts duly signed by the official/respondent overleaf of stamp-paper/ExPW1/1 (page-3). The subject document, as placed on file, depicts that it was signed by the official/respondent as 2nd Party explicitly showing that he was hand in glove with his other partners, engaged with the subject project. In this context, when the official/respondent/RW-2, was cross examined then he admitted that he has signed two agreements with the complainant. Similarly, he has also admitted his signatures endorsed overleaf of the partnership deed showing that he has received the stated amount from complainant. Though the official/respondent has denied to have had received any amount from the complainant, but his such explanation holds no water as being an educated person, employed in the judiciary, he cannot be expected to would have put his signature over amount receiving receipts without actually receiving it from complainant. The official/respondent also tried to forward an explanation qua his signature over the partnership deed by stating that he has signed the subject document on behalf of his father. This explanation is also astounding as to why he would have signed the partnership deed about one project, to which he is not personally associated. Even if the explanation of the official/respondent be considered then the question would arise that why his father as being the actual party to the agreement did not sign the partnership deed. Likely, what then compelled the official/respondent to eceive this huge amount from the complainant despite being a distinct legal person he had no power of attorney on behalf of his father. So much so, the

official/respondent also could not produce his own father as witness who

might have testified that he is the actual partner and had received any amount from the complainant.

The complainant has also produced addendum affidavits, whereof the official/respondent has not only admitted to have received the amount but has also made promise to repay the amount without fail. It may be noted that the official/respondent in his own cross examination has admitted his signatures over the subject affidavits depicting that he remained engaged in the private business/project and had received millions of rupees from complainant. In this context the affidavit dated 01-06-2019, affidavit dated 03.04.2020, affidavit dated 29-06-2021 placed on file, the contents of which are self-explanatory, and clearly unraveling that official/respondent remained engaged with private business. The official/respondent was extended the opportunity to cross examine the PW-1/complainant but except some irrelevant questions, he could not shatter the testimony of complainant. The documents/affidavits presented by the complainant showing that the official/respondent was running private business has also received huge amount from the complainant. Even on his turn, the official/respondent could not produce any documentary evidence to suggest that he has been falsely and malafidely charged by the complainant.

Syed Naeem Shah Bukhari/PW-2 has also testified to have convened a Jirga to resolve the dispute between the parties. He further stated that in his presence the official/respondent admitted to have received some amount edirectly from the complainant while some amount he has received from one & Sessian Safeer Ullah on behalf of complainant. During cross examination of PW-2,

the official/respondent has put some questions posing that he has



participated in the Jirga convened at the *hujra* of PW-2, which was also attended by the complainant and his children. This version of the official/respondent has therefore, lent support to the allegations and suggests that on erupting dispute venting out of the same business/project and repayment of amount, the official/respondent has also attended *Jirga* sessions.

The official/respondent has produced one Mukhtiar Ud Din as RW-1, but his testimony is found to be irrelevant rather he has outwardly attempted to rescue the official/respondent.

The official/respondent has recorded his own statement as RW-2 but he could not utter any explanation worth the name that what had compelled him to sign the partnership deed with the complainant. He also could not shatter the documentary evidence suggesting that he had received the amount from complainant. Against that, in his cross examination, he has admitted his signatures over the affidavits and also admitted to have signed the overleaf of one affidavit, depicting receipt of amount through different installments.

Evaluating the facts ibid and viewing it in all perspectives, it can be safely gathered that the official/respondent despite being in civil service bound by Conduct Rules has engaged himself with private business, which amount to violation of rule 16 of The Khyber Pakhtunkhwa Civil Servant (Conduct) Rules, 1987, therefore, the charge against the accused/official named Inayat Ullah Computer Operator BPS-16 has been successfully trentestablished and proved therefore, he is found guilty of misconduct as

strict & Sessions provided under Rule 3(b) of The Rules, 2011.

Page 8 of 9

So far as the repayment or liability to pay the subject amount is concerned, since the undersigned having no authority to dilate upon such controversy and to determine that how much amount in total was received by the official/respondent and that whether he has repaid any amount thereof or still he owes the total amount to complainant, rather it has vented out separate factual dissonance and falling within the domain of court of civil jurisdiction. The complainant/aggrieved person may approach the court of competent jurisdiction for remedy available under the law, if he desires so.

4. <u>RECOMMENDATION/CONCLUSION:</u>

The official/respondent named Inayat Ullah Computer Operator BPS-16, working in the establishment of District & Sessions Judge, Peshawar since found guilty of misconduct as per Rule 3(b) of The Rules, 2011, therefore, the major penalty/penalties as per contemplation of Rule 4(b) of The Rules, 2011 is/are proposed to be imposed against him.

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

Superintendent District & Sessions Court, Peshawar. (NASIR KHAN)

Additional District & Sessions Judge-XVI Inquiry Officer District, Peshawar

OFFICE OF THE DISTRICT & SESSIONS JUDGE PESHAWAR

No.83 (DAS) 6639 Dated Peshawar, the 14 / 10 /2023

SHOW CAUSE NOTICE

I, Ashfaque 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 of Sessions Court Peshawar, as follow:

1.

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer, for which you were given the opportunity of hearing vide communication No. 5238-40 dated 03/09/2022.
- After going through the findings of the Inquiry Officer, the material on record and other connected papers including your defense before the inquiry officer;

I am satisfied that you have committed the following acts/omissions specified in Rule-3 (b) of the said rules.

a. Misconduct

- 2. As a result, I, as competent authority, have tentatively decided to impose upon you one of the penalties provided under rule-4 of the ibid rules.
- 3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you, and also, intimate if you desire to be heard in person.
- 4. If no reply to this notice is received within **seven** days of its delivery, it shall be presumed that you have no defense to put in, and in that case, an ex-parte action shall be taken against you.
- 5. A copy of the findings of the Inquiry Officer is enclosed herewith.

Supermiendent District & Sessions Court, Peshawar. [ASHFAQUE TAJ] 'District & Sessions Judge,
Peshawar

(B)

The Honorable, District and Session Judge, Peshawar.

Subject: Show Cause Notice to InavatUllah.

Necesign No. 2033

Noved 24/10/23

Respected sir,

51

Most respectfully I beg to invite your honor kind and sympathetic attention to Show Cause No.83 (DAS) 6639 dated 14/10/2023 and lay down the following few lines for favorable consideration, please.

- At the outset it is respectfully submitted that I have no business relations with Mr. Samiullah infect he was in business terms not in this case but also in other cases with my father. It is respectfully submitted that I am Muslim and do not want to speak alie. I would take oath on Holy Quran so as to convince your honor.
- A perusal of inquiry report reveals that the same is unilateral and my submissions before the worthy Inquiry Officer have totally been ignored, the entire report is based on presumption so as to defame me.
- iii) I may kindly be allowed to draw your kind and sympathetic attention to a similar inquiry of Mr. Mohib-Ur-Rehman learned Senior Civil Judge Peshawar. As the alleged business/project was participated in Rawalpindi

Superintendent District & Sessions Court, Peshawar.

Attested

& Lahore and I am punctual in his service and no long leave (medical leave, Ex-Pakistan leave) from date of appointment till now, this needs you kind consideration.

iv) I may kindly be heard in person, if your honor needs so.

52

2. In view of above submissions, it is humbly requested that I may kindly be exonerated from the charges and obliged.

Thanks.

With regards.

6

Dated:24/10/2023

Your obediently.

Inayat Üllah Computer Operator

Superfite ndent District & Sessions Court, Peshawar.



Judiciary, Khyber Pakhtunkhwa, Peshawa<u>r</u>

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

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.

> District & Sessions Court, Peshawar.

[ASHFAQUE TAJ] District & Sessions Judge,

Peshawar.

No. 83(DAS) <u>7111 — 16</u> Dated Peshawar, the O1 / 11 /2023

Copy forwarded for information/necessary action to:

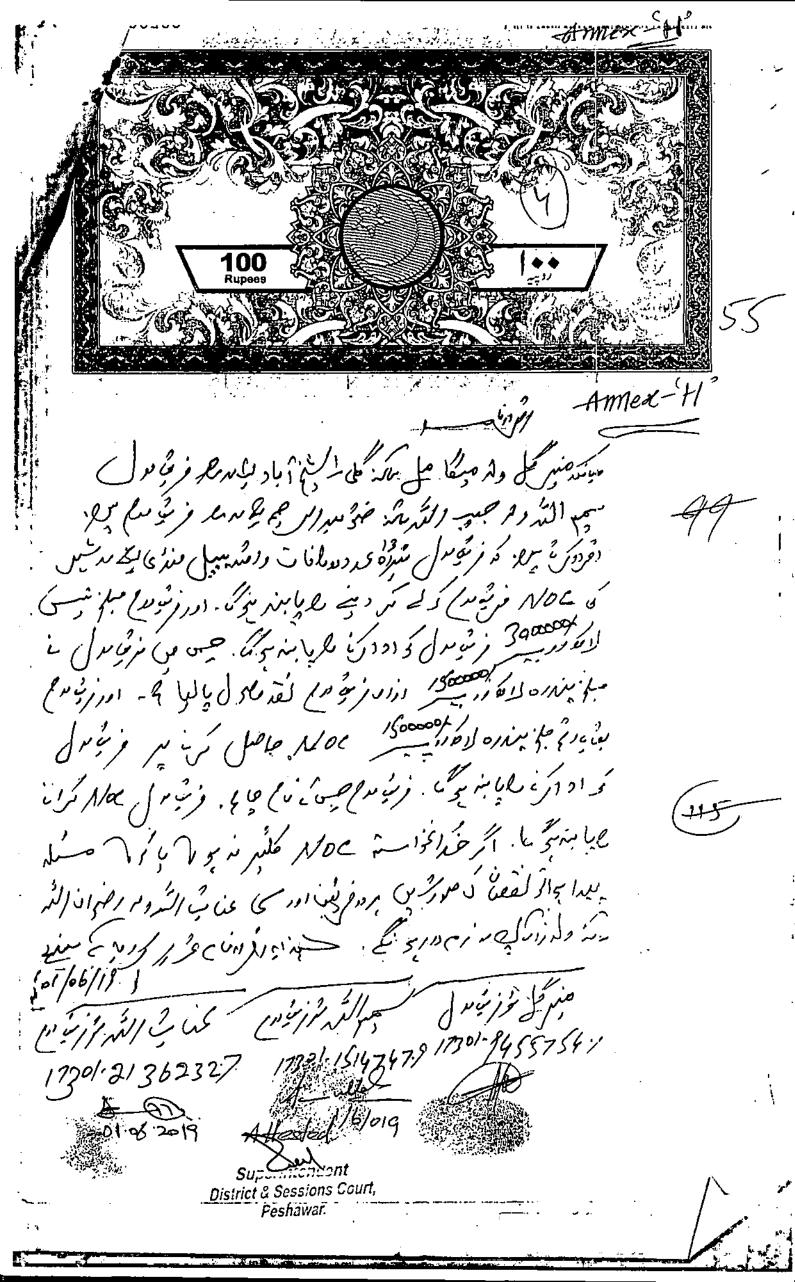
- 1. The worthy Registrar, Peshawar High Court, Peshawar.
- 2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 3. The learned Senior Civil Judge (Admn), Peshawar.
- 4. The Assistant/ACC, Sessions Court, Peshawar.
- 5. The Assistant/Accountant, Sessions Court, Peshawar.
- 6. Official concerned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

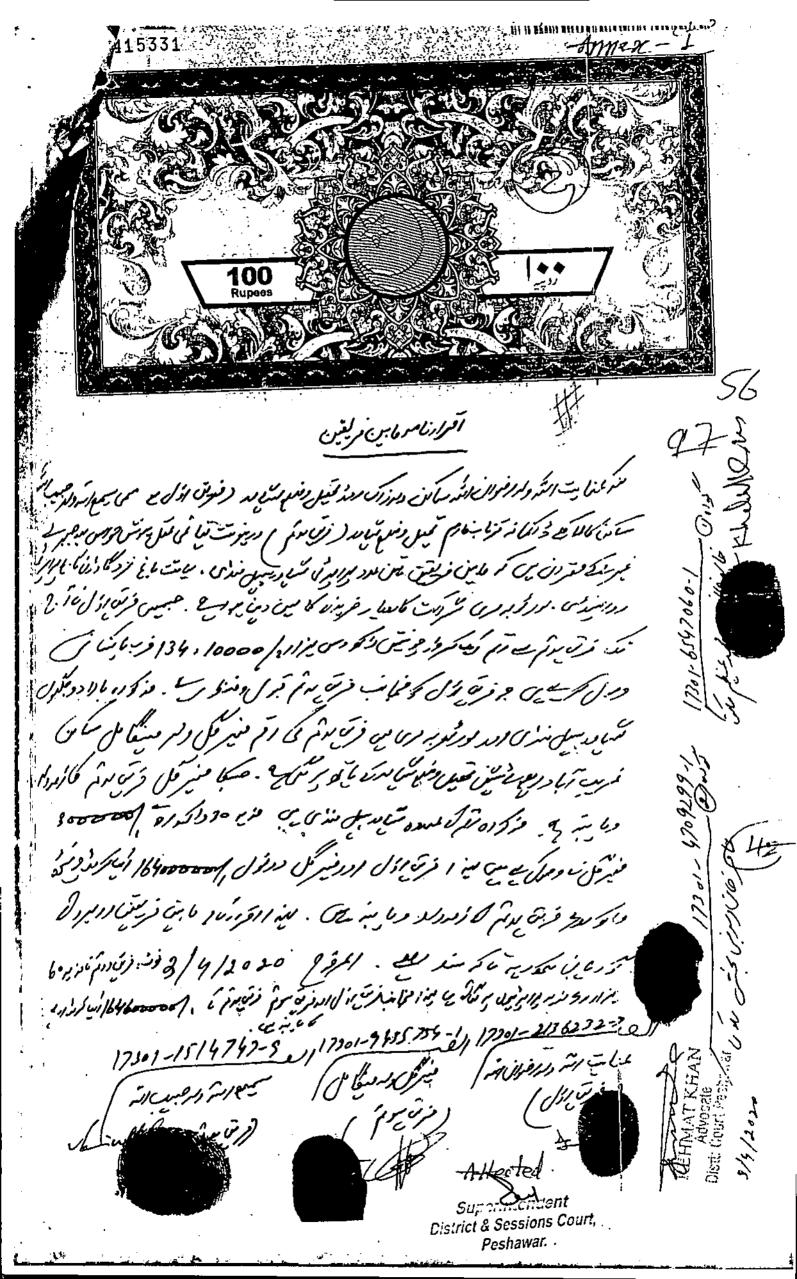
District & Sessions Judge, Peshawar.

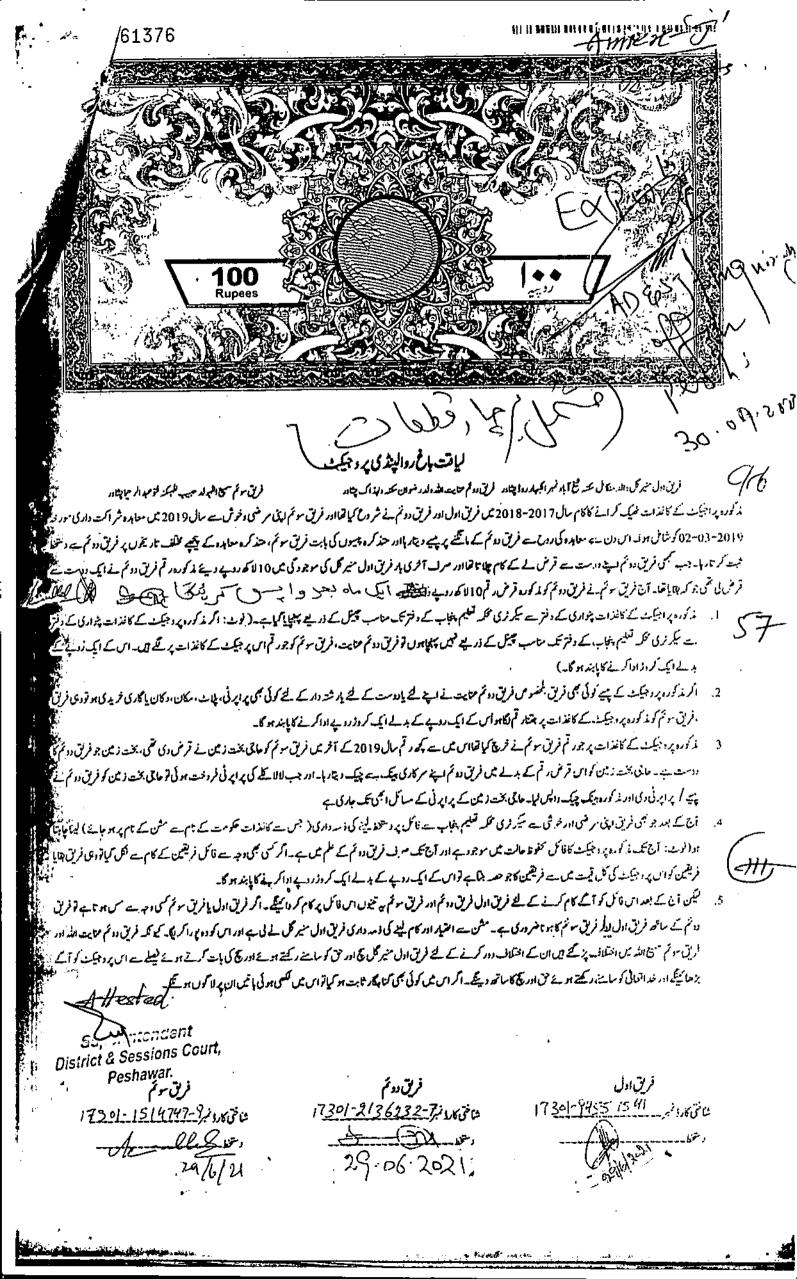
DELECT CONTROL OF

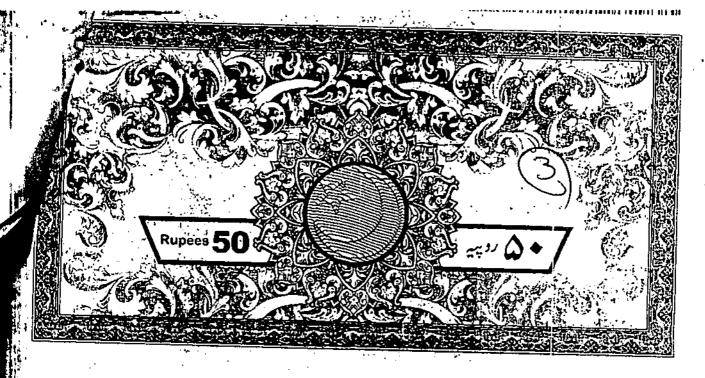
Superintendent District & Sessions Court, Peshawar.

Page 2 of 2









(معامده شراکت داری)

Exp 10

منكه من منيرگل ولدمين كامل سكنه شيخ آباد نبسر 1 "مكنهاررودْ" مكان نمبر 20 "كلى نمبر 1 پيثاور ـ فريق اول . عنايت الله ولدرضوان الله سكنه گاؤل وڈ اکخانه د لاذ اک پیثاور فریق دوئم مسيح الله ولدحبيب الله سكنه فية عبدالرجيما الخصيل وضلع بيثا ورفراق سوئم

بركر سابده إبت شراكت دارى لباقت باخ مي كارون كارنج بري مثن كى يراير في ايرا جيكث درج ذيل شرائط پر مايين فريقين سط پايا ہے -بركر بن اول بمنير كل نے تقريبا 20سال ال وجانی محنت كى اور مشن سے كام لينار ہا۔

58

یک فریق دوئم ، عنایت الله نے تقریباً 60 ماه مالی وجانی محنت کی اور ریو نیوسے کام لیتار ہا۔

ید اجی آخری کھات میں ،فریق سوئم حاجی سیج الله اپن خوشی ومرضی ہے ،فریق اول اور دوئم کے ساتھاس پراجیک يس برابركاشريك مونا جابتا بهاور بقايا جين بهي بياس پراچيك برخر چهول كيتوه و فريق سوئم اداكر في كا بابند موكار

ید که اگر فریقین اس براچیکٹ میں کسی بھی وجہ سے ناکام ہوجا کیں اتو کوئی بھی فریق دوسر فریق سے نقصال

نبین طلب کریے، گا۔ بلکہ تنون فریقین اسے اسے نقه مان خود برداشت کرے گا۔ اور فرکورہ کاروبار میں کامیاب کی صورت ميں منافع كونتيوں فريقين آپس ميں برابر يرتشيم كريں معرب

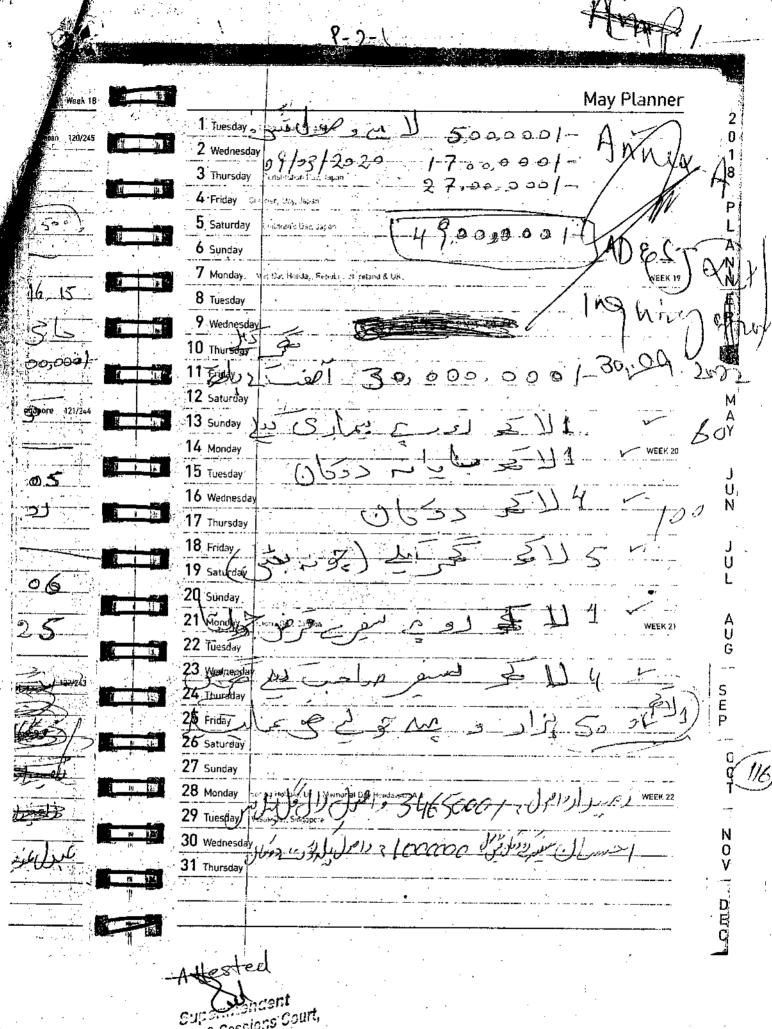
 میکداشل معاہدہ شراکت داری فریق سوئم اپنے پاس رکھے گاجس پر فریق اول اور فریق دوئم کوکوئی عذراعتراض برگز ندہوگا۔ یے کے عابدہ شراکت داری دونوں فریقین نے پڑھ لیا در مجھ لیا ہے اور اپنے اپنے دستھ اونٹان انگوٹھاں برد کواہان کردیتے ہیں تا کہ مقدر سہت

شناخی کارونمبر 9-1514747-17301 شاخى كارز^{ائ}ىر 7-2136232-17301 ء فراق اول: ـ منبركل ولدمين كالل

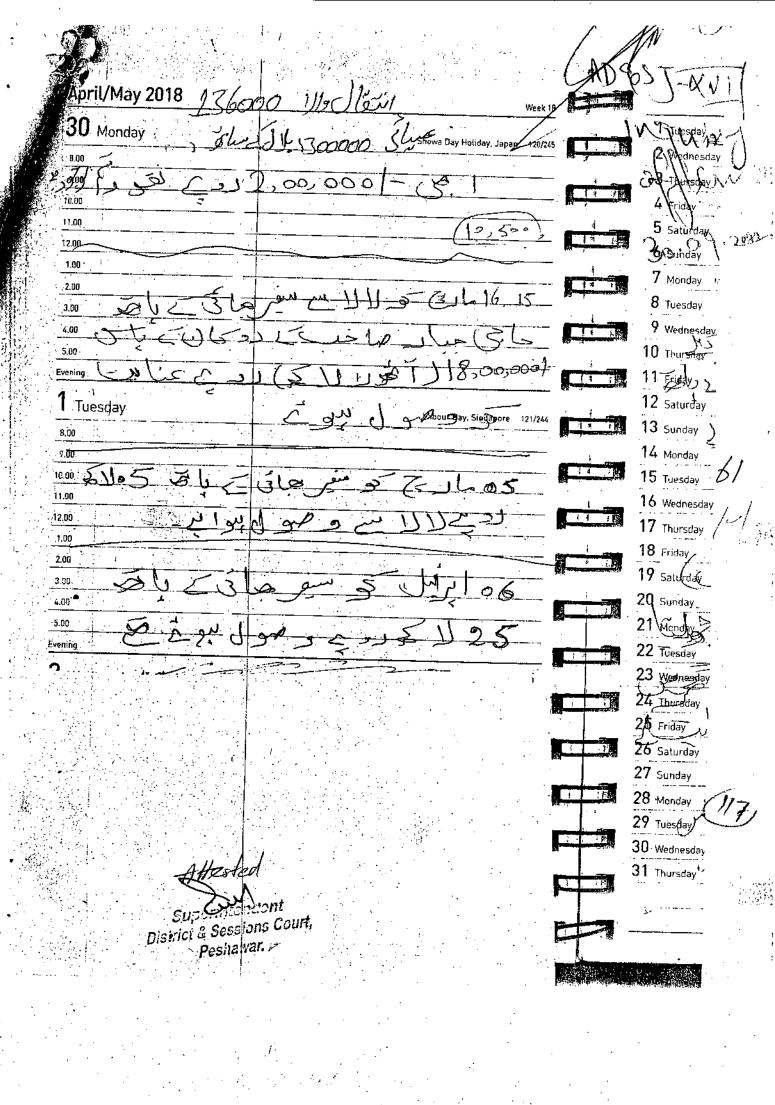
غازاكر 17301-9455754 عاد 17301

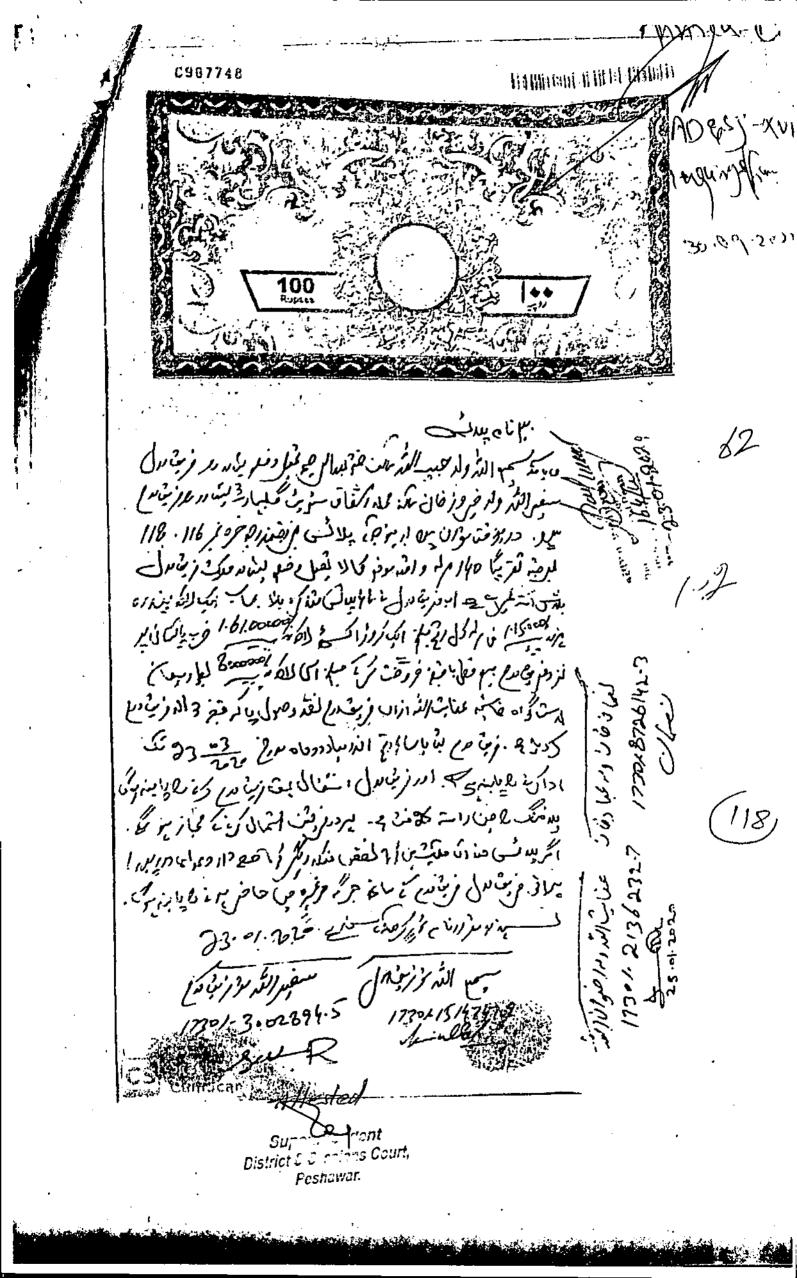
4 Hested District & Sessions Court, Peshawar.

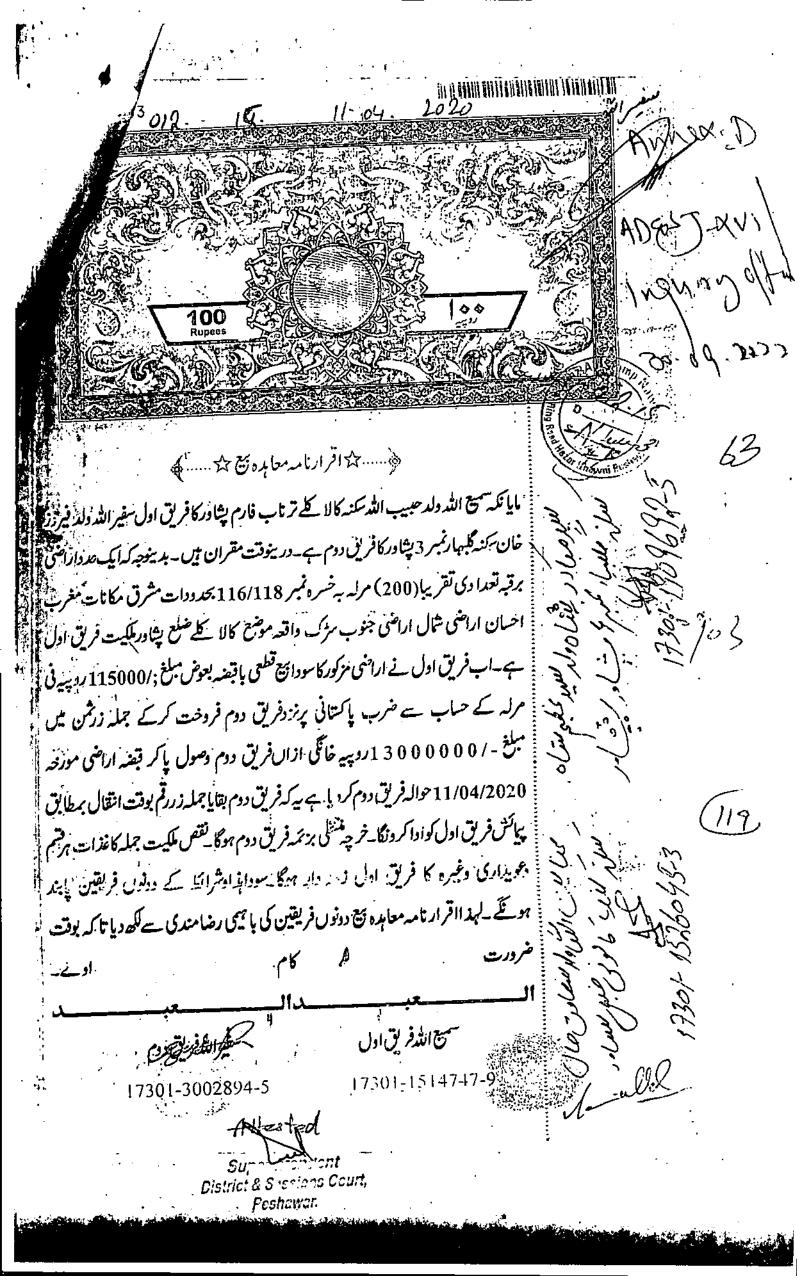
->5.10,000/-بنداه لاکومن 715,00.000/ 1 00 35 love 15.03.2017 +5,00,000/-20.03.2019 \$0.03,204 7,00,000/-J. 10,00,000/-12.04.2019 762,10,0001-> 15.00,000/- 4 D. 5dr 75,00,000 22.05.2018 →50,000/ \$ 500. Attested Superintendent District & Sessions Court, Peshawar.



District & Sessions Court, Peshawar.







Better Copy. مرامل طيول من مديم المدول حب التدمير مي مدا توم عيم ويم مدين ويوس - عير مد و مروو فال ماس كل المفاف مشريد ماي، مسال مراه وروع من درموف الوال ما للركافين بعدائه مرحة مرين ولا والدر ويدوا والمدون الما الما والمدوو فالعلاما وعدد والمصطلع وربعة وكرا وصيد على التدوور ويود و ويروم ل 1 23 22 to 23 8 brokes Amil \$ 181 min 2 grap 3 40/ (10 min) 3 pie is to well of point and and port por lower from م عالم در روضه کا می این کا معل بود میاسه علی بداننگ ما بروارا می کا و این است کا و در این مراسد کاو ما این ا بر در مروض سنست کا اندال کر شیر را اگر معرد کرداور از میکه میر از در در ها در این از در والمادلله وهم أو عدم والا وحول وربيه مه المالي مركم عرب عُرُه وعرد مِن وسُولُ لَا سَرَاه سَخِفُ لَا سَمَامِ كَا الله مِنْ الله عَلَى الله مِنْ الله مِنْ الله De to have the allestick معيم النسر وفاءم

مرور خان ماس فحله وكفأة وشويل مليار سرافيد ورفر درا من در بخف توال م لدروه ما يدل المعد الربيا ولا م ارزمد الرجر الله 11 والدمو العدال معلية فرنيسرل عي الباغ موسل و ما البيل على مالاول المي لالايشالي بزير ر بعيدي ن مرمي رو ما دوروز محالا المصحة وي وريات الديرورو مدرو مروط وروف 23 32 1 23 the book of him fill will 2 bis 2 bis (2 bis) 2 in 20 2 2 bis id by well from to do to your of on I م على دمن وهم له بتواكث كا على ما موري كا . بله نشك عاب دائد كوم ا ردرم وهن سن النمال مرسك ، اگر بدد ي مدار ميك بن ار الفقي في ورد السان للموظر أسع والروعواى ورئيسرا موا أوالي ممرون مريا وم فرمة مع كالمعراء بسخة عا ياملريوك المعادي وفرون-Attested

RW-2

20.05.2023

بيان عنايت الله ولدر ضوان الله وله زآك يشاور

حلفا بیان کرتا ہوں کہ میں سال 2010/2011 سے اپنی ڈیوٹی خوش اسلوبی سے سر انجام کرتا آرہا ہوں اور اب تک میرے خلاف کس بھی قتم کی کوئی شکایت / دعویداری نہیں ہے۔

شکایت کنندہ سے میر اواسطہ بذریعہ ماموں ہوا تھا۔جب شکایت کنندہ کو تھانہ چیکنی کے ایک مقدمہ میں جیل ہو کی تھی۔ اُک د نوں میں تھانہ چیکٹی کے معزز JMIC کے ساتھ بطور کمپیوٹر آپریٹر ڈیوٹی سرانجام دیتا تھا۔

شکایت کنندہ کے بہ سارے ہر دو قسم کے مقدمان ہیں جو عرصہ دراز سے چلے آرہے ہیں اور کچھ مقدمات august

Supreme Court of Pakistan میں اب بھی زیر تجویز ہیں۔

بطور شبوت شکایت کنندہ کے مقدمات میں سے ایک مقدمہ کورٹ نمبر 42 میں بعنوان صبغت اللہ وغیرہ بنام مشاق احم وغیرہ جس میں آئندہ پیثی 22.05.2023 کوہے۔ اُس مقدمہ کے ریکارڈسے عیاں ہے کہ شکایت کنندہ نے کمپلینٹ وائر کیا تھا جو تقریباً4سال بعد الت معزز ADJ-VII پشاور کے عد الت میں راضی نامہ پر واپس لیا گیا اور اُس کی شکایت کنندہ Attorney

جب بقایا petitioners عدالت حضور میں حاضر ہو کر بیان میں کہا کہ Petitioner Sami Ullah (شکایت کنندہ) نے عدالت

حضور سے غلط بیانی کی ہے۔ نہ ہم نے شکایت کنندہ کو Power of Attorney وی ہے اور نہ کمپلینٹ وائر کرنے کو کہا ہے۔ اس انگر

كاذكر معزز جج صاحب نے اپنے Order مور ند 15.05.2018 میں بھی ذكر كيا ہے-

شکایت کنندہ جھوٹا، شکایتی، مقدمہ بااور عادی مجرم ہے۔ جس نے اپنی عادت سے مجبور ہو کر سائل کے خلاف اُس کی ذاتے جائیڈاد نام وعزت خراب کرنے کے لیے مور خہ 20.04.2022 کو من گھڑت و فرضی قشم کی درخواست مجاز حکام کو دی جس بیٹ

Peshawar.

کممل طور پر شکایت کنندہ اور اُس کے گواہ کو تول و فعل میں واضح تضاد موجو د ہے۔ Superateixdent District & Sessions Court,

Page 1 of 3

من گھڑت شکایت کی بناء پر مجاز حکام نے شکایت کنندہ کی درخواست کو معزز فیکٹس فائنڈنگ اکلوائری آفیسر /سیئر سول بخ صاحب پیثاور کو نامز دکیا جنہوں نے شکایت کنندہ اور اُس کے گواہ مسمی سفیر خان، سائل اور اُس کے گواہ راجہ آصف بلال ایڈوکیٹ راولپنڈی ہائی کورٹ کو شننے اور بیانات ریکارڈ کرنے کے بعد مور خہ 13.06.2022 کو اپنی رپورٹ بعد الت جناب سیشن بخ صاحب پیثاور کو پیش کی۔

ر مر انگوائری کے بنتیج میں جناب مجاز ڈکام نے سائل کو صرف ایک الزام میں صرف شک کی بنیاد پر نامز د کیا جبکہ ایک الزام جو کے ک کہ چارج شیٹ A کے حصہ میں انگوائری آفیسر نے سائل کوبری از مہ قرار دے دیا۔

ج جبکہ سائل کو صرف شک کی بنیاد پر سائل کے پیش کر دہ ثبور پر ابہام کا اظہار کیا۔ مجاز حکام نے شکایت کنندہ کو ہار ہار اپنے اور اپنے گواہان پیش کرنے کا تھم دیا جس پر شکایت کنندہ نے صرف اپنے بیان پر انحصار کیا اور کوئی گواہ بیش نہ کرسکا۔

ACC، نما ئندہ مجاز حکام کو نامز دکیا جس نے 14.10.2022 کو فہرست گواہ (مسمی سفیر خان مدعی کا پہلے سے پیش کر دہ گواہ) بر خلاف سائل جمع کر ائی۔ یہ امر قابل ذکر ہے کہ نما ئندہ مجاز حکام بھی سائل کے خلاف کسی قسم کا گواہ اور ثبوت عدالت کھنور میں پیش نہ کرسکااور صرف اپنی شہادت پر اکتفاء کیاہے۔

مزید بر آس نما ئندہ مجاز حکام نے اپنے آپ کو قانون سے بالاترر کھ کر اور Code of Conduct کو پس پشت ڈال کر دو وکلاء صاحبان کو سائل کے خلاف فرضی بیانات دینے کے لیے جس کا ذکر آج تک تمام کارروائی میں نہ تھا جنہوں نے نما ئندہ مجاز حکام اور شکایت کنندہ کی آپس میں ملی بھگت سے سائل کے خلاف من گھڑت اور بغیر کسی نوٹس مجاز حکام بیانات ریکارڈ کیے جس میں ہر

> عرج کا بہام اور تضاد موجو دہے۔ بچھے کا

سائل کاکسی بھی کاروباری لین دین ہے کوئی واسطہ عرض ندہے۔بطور شبوت تحریر مور خد 05.07.2021 فائل پر موجود

Supermientient District & Sessions Court, Peshawar.

-4

Department Inquiry against Inayat Ullah Computer Operator

Statement of Inayat Ullah - 20.05.2023

یہ کہ شکایت کنندہ نے سائل کو بمور خہ 20.04.2022 سے لے کر آج تک مسلسل ذہنی وجسمانی اور مالی طور پر نقصان پہنچائی ہے۔ جس کے خلاف سائل ہر قشم ہر جانہ کا دعویٰ کرنے کا حق محفوظ رکھتاہے۔

شکایت کنندہ کی من گھڑت و فرضی در خواست کے جواب میں سائل نے اپنے تمام پختہ ثبوت اور مستند گواہ پیش کیے اور

کرونگا سائل نے ہر ایک سوال کاجواب بمع ثبوت دیے جو کہ فائل پر موجود ہے اور جوالز امات سائل پر ابہام کی وجہ سے لگائے گئے

بیں اُس کی کوئی حیثیت نہ ہے۔ لبند امیر معزز انکوائری آفیسر صاحب سے التجاء ہے کہ شکایت کنندہ کی من گھڑت فرضی جعلی اور

ابہام زدہ در خواست کو خارج بمح ہر جانہ کیا جائے اور جو نقصان جانی، مالی سائل کو پہنچا ہے، شکایت کنندہ سے وصول کیا جائے اور

ابہام زدہ در خواست کو خارج بمح ہر جانہ کیا جائے اور جو نقصان جانی، مالی سائل کو پہنچا ہے، شکایت کنندہ سے وصول کیا جائے اور

کر سیائل کو پہنچنے والے ذہنی نقصان کے طور پر شکایت کنندہ کو بمطابق قانون و انصاف پابند سلاسل کیا جائے تا کہ شکایت کنندہ اپنی

عادت سے مجبور ہو کر کسی بھی دو سرے شخص کو نقصان نہ پہنچا سکے۔ شکایت کنندہ کی ذریعہ آ مدنی مقدمہ بازی / شکایت کر ناجیں اور

ای وجہ سے شکایت کنندہ نے میر سے والمہ صاحب اور مجھ سے رقم ہتھیانے کی غرض سے جعلی، فرضی، من گھڑت شکایت دائر کی

xx... جرح محفوظ شد_

سن کر درست تسلیم کیا **20.** کردرست تسلیم کیا **20.** کرد اگوائزی آفیسر / ایڈیشنل سیشن نج-XVI، پیثاور

> Superitendent District & Sessions Court, Peshawar.







15.09.2023

xx. جرح بربيان عنايت الله ولدر ضوان الله

میر اسمیج اللّٰہ کے ساتھ اپنا کوئی تعلق نہیں ہے لیکن ماموں اور والد صاحب کی وجہ سے ان کے ساتھ میر ا تعلق ہے۔ یہ بات درست نہیں کہ میں نے شکایت کنندہ کے ساتھ کوئی لین دین کی ہے۔میرے ان کے ساتھ دومعاہدوں پر دستخطہے اور میں پی گر دکھر) پہلے اپنے بیان میں بتا چکاہوں کہ سمتی اللہ کی ضد اور میرے والد صاحب کے کہنے پر دستخط کیے۔ یہ بات درست ہی کہ مجھے میرے والدصاحب نے دستخط کرنے کے لیے کوئی تحریری مختیار نامہ نہیں دیا۔ دومعاہدے جس پرمیرے دستخط موجود ہے۔اس کے علاوہ مراکم کی علاوہ جو دستاویزات انکوائزی فائل میں موجود ہے جس پرمیر انام درج ہے اس سے میر اکوئی تعلق یا واسطہ نہیں ہے۔ سفیر اللہ نے جو سینیئر سول جج کے سامنے بیان دیاہے جن میں پیپوں کا ذکرہے کہ میں نے عنایت کو پیسے دیے ہیں سے سراسر غلط ہے۔ یہ بات بھی غلط ہے کہ میں نے ان پیسوں سے کوئی د کا نمیں خریدی ہیں۔ یہ بات بھی غلط ہے کہ میری کوئی د کا نمیں ہیں۔ اس وقت میں نے ایسے کوئی Documents نہیں لگائے جس پر سمیع اللہ کو کوئی سزاملی ہو۔ مجھے علم نہیں ہے کہ جب کسی انکوائری میں Department کی طرف سے کوئی نما ئندہ پیش ہو تاہے تواس کی کیاDuty ہوتی ہے۔ ملی بھگت سے میر ایہ مر اد نہیں ہے کہ نما ئندہ مجازیا شکایت کنندہ کا آپس میں کوئی انٹرسٹ ہے۔ میں انکم ٹیکس تنخواہ میں اداکر تاہوں جبکہ میں فائلر نہیں ہوں۔ یہ بات درست ہے کہ معاہدہ شر اکت داری کے پچھلی سائیڈ پر جن پییوں کی وصولی کے سامنے میرے دستخط ہوئے ہیں وہ دستخط میرے ہیں۔البتہ میں نے ان سے کوئی پیسے وغیرہ نہیں لیے ہیں اور نہ ہی ان کے ساتھ میر اپلیوں کا کوئی لین دین رہاہے۔ جس پر اجیکٹ کاذ کر شکایت کنندہ نے کیا ہے اس ہے میر اکو کی لین دین نہیں ہے۔

سن کر درست تسلیم کیا کر کرکر کر ہے کہ میں انگوائری آفیسر /ایڈ ایشنل سیشن نج -XVI، پشاور

Supermenuent
District & Sessions Court.

Peshawar. 🖈

بيان عنايت الله ولدرضوان الله سكنه ولاذاك بيثاور

ٔ حلفاً بیان کرتا ہوں کہ میں اس انگوئری میں مزید شھادت پیش نہیں کرنا ہوں۔ مور جہ: 21/09/2023

عنايت الله

AD&SJ-XVI/Inquiry Officer, Peshawar.

Superintendent
District & Sessions Court,
Peshawar.

110-

19

بيان عاى سميل راس ولا حيد رس (مسطان كسا) Pw-1 30-09.2022 ملقًا بان كرك شوف عنات الله جوكه وسلاك كورس الي در من منزم ع كما تو لفارية وسي إر ره سال وي أس وتن مان سمان مول عب اس ما سم ساء الله ما دوں طاق مرسلین فرهای کا مطابع شرالی داری ملحول اور این ظالمزار تعالی عقل بان اور این طالبرای رطر کوره ملحول کاف کو میں اثنی ط نیا تک ، عناية كو على مواكر من زائى والى عامية والله عن والى عامية و فروفت ك ع أو في إن ماء الوسط المرا كا Com Jeggan LIS Blo / ico co W ئے وطاع کی کہ لیتا ور اور دا ولائی عب مشن 1/2 3 mine 1 Dr/2 3 2 2 8 8 3/6 Che ho by a le la pris and a le las interiores to in Blue (1) I'll will get on for Mind Man lelis de willy 3/2 hall a ling with on 10/210 Wat of Wisix) Ly lector iali is b, d & m Cus p. & 6650. Pl District & Sessions Court,

(81) (3 United So

(اولندی کی عیمانیوں کی (81) کتال ارافی واقع كاردى كالر راولندى يار مسالئ الما ما كالى الما ما كا 1000 Siliba En July Cu Child IN Ca was in ill alie 23 to Cow Our Chilgs of com 188 WTH DEW WE W. 690 M , liet ve die ill Sile iber jed Sun. Po (1,6 3/1 = 0,60 i ou (94 2) i whow down . (In B of 2/50/8 is node, Nier & Distillation and an 2 299 (a) plan is contact of Now as find dipile plin co Ju conta Colve that as by Toplas all Sifted in wholly poblide 10/1/ 1- 1 paju (A) cide 396/ (ishe Cury) (I) (Il (sile) 290

Sight was all the steel with the steel

District & Sessions Court, Peshawar.

85,00000/- SICNUS, Ngo Com is Contra Star to les cons en SWI OUNCE المعنام الله في المالم المرآب المرابع المالمة لو الله الوسك كرده واقعم طنالع موط ملك او Is ille vis get of our con & will de es a period i d'amp, o cul les de ويورن لر بر زمين جسم دواور بر سار الفرمان مشرى كالمرامر كى سى كورك كرونيك . اوراس سى كىنابى كىفىكان سوط مىن د مددار سولها، لوص غرابی دو سو (200) مدلے ز مین اسکونشر دار Cold Sive Sun Siegis villie ab Jus 6 Jus i Culie 3. Lis July 1 Tryped 3 66 8 23/2020 No Color Col ill air IN John New Whier Glo Nigo 29 \frac{6}{22} icul & & build of & Buly Myster in alle in will give of District & Sessions Court, Peshawar.

Quid By 2 6 86 85 m (1 gum, en i Old اور برآب برئات سُوالُوآب جارات مارات ميانم دسل لها 1 20 1009 de si 6 16 fise sil sin al Ploop NW of ling of Lord pool Ose Eighten min of My Com inter Com/ 20 / 1/2 do Cyo (m/ 8) in Colo Che I sui i will live I delle 11/2 3 CM W of in 18/1/2 () Chill cuelled wind bible soil of Williams Chocosport Selvi Liggrad on 2/6 of you of is it is to so the listing co and i all air and low the con NW, elcher Spilinger Wole, Wil Solice de Light of when I ge of س اوروملاء جی وی کس کر می نے کا کا Chief Curl July 800 Cuming Corp Super Andent
District & Sessions Court,
Peshawar.

0.7.9 1016年(中的)期的影 E COUNTY NING PIN MONIES 1209. 122400 my 1000 1 00 (20N) & WW. WW EN Day MENO 8105 10 WWW. ED (26.0 800N) WE WONE IN THE THEORY OF 2600 NGO 21 M 2400 0 M 120 6/400 2000 16 16 1 mgo 1 6 mgod (00096) NG 8167 (-10000 461) m m رى بىل دۇران سالى سى لىلى كىلى بىلى 12 20 12 6 12 W W 696 W 8 66 80 21/200 19/3/8/2/6 (Julum) 12 16/1/2 5 ww Lab way lle & All 810(120) 750 min mo 15 mo 1918 (3) - J.

Cours Jes i Ell gilis and e lin Wier miles in dain, ledic MERCAS Interior of my foi dhier كادلهاردنگ اور ماكال العاردنگ ONES Colon c, m. 2 2000 Co · Nidolpe Lein ab 19 ist le stimologo اور دالدرز نه هج اوی هار ایس اور دالدر July 1.88 0, 40 (il) 2 - 2 gutallis 3.0) Nebul w creperities en Mi مُنْ لُورُ فِيمَا مِنْ اللَّهِ وَجُولُم الرَّ الذي مِنْ us Sid Siliped and Mour Beb 346 cien ou ciem édétul . En stie û û it, I Supris endent

District & Sessions (ourt, Peshawar.

P-7 U, bili سي انده وشاونز بان مراجلتا راولتناى ال Jules : July Jund Jund Jund War Wal 76 31 2019 Por robital 9 U, ballic الرا مول جو کم مثر الله (64) عظف کے میں Sin The Exput. Cuill No. له زماره کا والی س بن داندی رسان اراندی william i flu ND, Labo 62) ne pris sleds Noute et l'éla de l'un rés. L'élape ENTER CONSTRUCTION COST POR Miner & Anex-A L'OU W 88) Mr. NASIR KHA Attested ADJ-XVI/Inque officer

xx ~ 10-61 200 11m آلي ماموقان ما ٥ ورسلس اور لولس كساله عبر كونى د برين لفلا نس بهالله دعا الام عب مع دون مؤربن نا فحص تفريباً والحراسال مارجه بوتاجه بين من بهري فان يماني اذَوْرَكِما لَمْ أَيْكِي مامول فرسلين كارساطات سى آئ اللهاد وج كسالة مبرا بالطم فهوا- اور جو مرسلسن كسا لا مدالم مراج نامد مزایروناما آسمون آب اور آبی کرن قایان سَنَانَ عَانَ لَوْسِي عَانَايُونَ ادْفُرُ لِللَّهِ مِهِ كُلَّ سَفِلُوهَا. سوال: آئے کئی بچے ہیں ؟ جواب: الله آلواری آهند آبزار کنان: سوال نیز فعللی ح سوال! - آیک لحکمال شاری شده یی ؟ المعاني أفس أيزرون : - سوال عنر فعللي كم السوال: - آنها ذرافي آندن الله ؟ ب اسفافادن و رتام -ألوائراً فيمر آني ولين - كواه م سوال كوسم عن عن باردور سيرها جواب منا سب منس عها-میں سی منہ کا بنیس کو معول میں کر ا District & Sessions Court,

Pw-01 +x میں کس کی مفرصہ بازی نس کریا آگرکوئی کیس ہے 300 سراها فی دی در س آسی سروی تدون بی بی فو جراری مفا میر میں ملوث نیس را بوں. بوکل م نی نران قارے ہوئے ہوں سن بار بنی رہا۔ سوال:- كيابى درسان مع ته ساور كبرى وس هَكْرًا بواها 87 ours ite 20 celle our in the falt idelier I hiller of mell in meller سُنگردست (کم)، 16 28/2/502> الله المسركة الموارك المنس

Attacted
Sup which dent
District & Sessions Court,
Peshawar.

90)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. 493 of 2024

Inayat Ullah ---VS---

Registrar, Peshawar High Court, Peshawar & another

(19)

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.

Deponent

Inam Ullah Wazir,
District & Sessions Judge,
Peshawar.

eshawar w

15-07,029