


# FORM OF ORDER SHEET

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

**Appeal No. 937/2024**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/07/2024	<p>The appeal of Mr. Ahmad Ali Zeb re-filed today by registered post through Mr. Arshad Khan Bhattani Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on 20.08.2024. Counsel for the appellant has been informed telephonically.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Ahmad Ali Zeb received today i.e on 20.06.2024 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.

Copy of first departmental appeal against the impugned order is not attached with the appeal be placed on it.

No. 238 /Inst./2024/KPST,

Dt. 21/6 /2024.

  
21/6  
OFFICE ASSISTANT  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

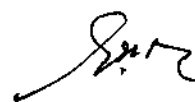
Arshad Khan  
Adv.  
High Court D. Khan

Dear Sir,

The objection regarding the departmental appeal has been removed and appeal is being annexed with the main file as Annexure - J.

Date: 3/7/24

Yours humble

Arshad Khan Bittani  
AHC 

**BEFORE THE KPK SERVICES TRIBUNAL, KPK PESHAWAR CAMP  
COURT DERA ISMAIL KHAN**

In Service Appeal No. 937 /2024

Ahmad Ali Zeb  
(Appellant)

Versus


DSJ DIKhan, etc  
(Respondents)

**SERVICE APPEAL  
INDEX**

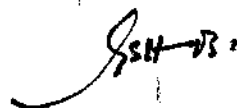
S.No.	Description of document	Annexure	Pages
1	Memo and grounds for appeal along with affidavit	--	1-10
2	Memo of Addresses	--	11
3	Copies of CNIC	A	12
4	Copy of the FIR and letter No. 1603/Inv dated 03/06/2021	B	13-14
5	Copy of notice No. 1025/SCJ-Admin Dated 18/06/2021	C	15
6	Copy of office order No. 1048 dated 24/06/2021	D	16-18
7	Copy of impugned order No. 1228/SCJ-ADMIN DIKhan dated 15/07/2021	E	19-23
8	Copy of order dated 05/10/2021	F	24-29
9	Copy of the order dated 02/03/2024 of Additional Sessions Judge-I/JSC Karak	G	30-32
10	Departmental appeal and order dated 28/03/2024	H	33-37
11	Copy of appeal and order dated 08/05/2024	I	38-43
8	<i>First Departmental Appeal</i> Vakalatnama	J	43-48

Dated: \_\_\_/06/2024

Your Humble Appellant

  
Ahmad Ali Zeb  
Through Counsel

**Arshad Khan Bhattani**  
Advocate High Court



①

**BEFORE THE HONOURABLE SERVICES TRIBUNAL, KPK.**  
**PESHAWAR CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. 937 /2024

**Ahmad Ali Zeb**, son of Muhammad Jahanzed caste awan r/o Gillan town street No. 8 house No. 1 Dera Ismail Khan Ex- Qasid/Process Server DIKhan Judiciary DIKhan

.....(APPELLANT)

**VERSUS**

1. **Learned District and Sessions Judge**, District Dera Ismail Khan.
2. **Learned Senior Civil Judge Admin** , District Dera Ismail Khan.

**(RESPONDENTS)**

*Jee*

**SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL**  
**ACT, 1974 AGAINST IMPUNGED REMOVAL/DISMISSAL ORDER**  
**NO. 1228/SCJ-ADMIN DIKHAN DATED 15/07/2021 ISSUED BY**  
**THE LEARNED SENIOR CIVIL JUDGE (ADMIN) DERA ISMAIL**  
**KHAN, VIDE WHICH THE APPELLANT WAS**  
**REMOVED/DISMISSED FROM THE SERVICES WITHOUT ANY**  
**LAWFUL JUSTIFICATION AND THE ORDERS OF LEARNED**  
**DISTRICT AND SESSIONS JUDGE DERA ISMAIL KHAN DATED**  
**05/10/2021 AND ORDER NO 1117/DSJ-INQUIRY DIKHA**  
**DAGTED 28/03/2024, VIDE WHICH BOTH THE DEPARTMENTAL**  
**APPEALS OF APPELLANT WERE DISMISSEDAND FINALY**  
**AGAINST THE ORDER NO 3751/ADMN OF ADDITIONAL**  
**REGISTRAR (ADMIN) PESHAWAR HIGH COURT DATED**  
**08/05/2024.**

**PRAYER**

*On acceptance of the instant service appeal, to declare the impugned removal/dismissal order NO. 1228/SCJ-ADMIN DIKHAN dated 15/07/2021 issued by the Learned Senior Civil Judge (Admin) Dera Ismail Khan against the law, incorrect and appellant may very kindly be reinstated into service with all back benefits.*

*Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellants as against respondents with costs.*

**Respectfully Sheweth;**

1. That the appellant had been working under the domain of District Judiciary Dera Ismail Khan as Naib Qasid/Process Server since long and is the permanent resident of district Dera Ismail Khan. Copies of CNIC is annexed as **Annexure-A**.
2. That the father of the appellant also served the District Judiciary Dera Ismail Khan as Reader and died during service.
3. That at the time of dismissal appellant was serving in the court of Learned Civil Judge IX/Judge Family court-I Dera Ismail Khan, by which the appellant was totally unaware that he had been transferred to Learned Civil Judge IX/Judge Family court-I Dera Ismail Khan.
4. That the grandmother of the appellant was severely ill as she is the cardiac and T.B patient and the treatment of appellant's grandmother used to be responsibility of the appellant for being only elder member of the family.

5. That on 28/05/2021 due to all of sudden serious condition of appellant's grandmother, appellant had to take his grandmother for check-up to CMH Mianwali, therefore, the appellant telephonically informed the concerned staff about his situation.
6. That similarly on 30/05/2021 appellant was on his way to DIKhan from Peshawar. The Karak Police officials stopped the car of the appellant, arrested the appellant without any reason and on the same day lodged a fake, bogus and fictitious FIR No. 234 dated 30/05/2021 u/s 9 (B) CNSA at PS Karak against the appellant. Copy of the FIR and letter No. 1603/Inv dated 03/06/2021 issued by Superintendent of Police, Investigation Wing, Kark is annexed as **Annexure-B**.
7. That during all this the appellant was unable to inform his high ups about the scenario and due to the absence of the appellant from his duties, Learned Senior Civil Judge District Admin Dera Ismail Khan issued a notice No. 1025/SCJ-Admin Dated 18/06/2021 and appellant was asked to submit his written reply regarding his absence from duty, but as the appellant was in arrested in the fake and bogus FIR due to which the appellant did not receive the same notice and was unaware about the departmental proceeding initiated against the appellant. Copy of notice No. 1025/SCJ-Admin Dated 18/06/2021 is annexed as **Annexure-C**.
8. That similarly statement of allegation and charge sheet/office order No. 1048 dated 24/06/2021 was issued by the Learned Civil Judge Admin DeraIsamail Khan, against the present appellant vide office order No. 1048 dated 24/06/2021, vide which was charged for his absence without prior permission and an Inquiry Officer was also

appointed for initiating an inquiry against the appellant. Appellant was also unaware of the same and did not receive the any copy of the same charge sheet. Copy of office order No. 1048 dated 24/06/2021 is annexed as **Annexure-D**.

9. That similarly without any proper inquiry and investigation the appellant was removed/dismissed from service vide order No. 1228/SCJ-ADMIN DIKhan dated 15/07/2021 issued by The Learned Senior Civil Judge (Admin) Dera Ismail Khan without assigning any cogent reason. Copy of impugned order No. 1228/SCJ-ADMIN DIKhan dated 15/07/2021 is annexed as **Annexure-E**.

*Jae*  
10. That appellant being aggrieved from the impugned order moved a departmental appeal against the removal order No. 1228/SCJ-ADMIN DIKhan dated 15/07/2021 issued by The Learned Senior Civil Judge (Admin) Dera Ismail Khan, which was dismissed vide order dated 05/10/2021. Copy of order dated 05/10/2021 is annexed as **Annexure-F**.

11. That later on the appellant was facing the trial of fake and bogus FIR No. 234 dated 30/05/2021 u/s 9 (B) CNSA at PS Karak at District Karak in which the appellant has been acquitted from the charge on 02/03/2024. Copy of the order dated 02/03/2024 of Additional Sessions Judge-I/JSC Karak is annexed as **Annexure-G**.

12. That after the acquittal of the appellant, appellant again moved a department appeal on fresh grounds before the Worthy District and Sessions Judge Dera Ismail Khan. The same departmental appeal was dismissed by the Worthy District and Sessions Judge Dera Ismail Khan without probing into the matter and also decided the same on the

basis of prior departmental appeal filed by the appellant. Departmental appeal and order dated 28/03/2024 are annexed as **Annexure-H**.

13. That the appellant later on moved an appeal to the Worthy Registrar Peshawar High Court which was returned to the appellant and appellant was directed to approach the Worthy KPK Service Tribunal. Copy of appeal and order dated 08/05/2024 is annexed as **Annexure-I**.

14. That after the directions of Worthy Registrar Peshawar High Court, Peshawar, cause of action has been accrued to the appellant for instant Service Appeal. Hence, the instant service appeal is being preferred, inter alia on the following grounds.

  
**GROUND**S

1. The impugned dismissal order dated 15/07/2021 is against service laws, discriminatory, infringing the right of the appellant. Appellant is very much entitled to be reinstated to his services with all back benefits and impugned order is liable to be set-aside.
2. That act/omission on the part of respondents is illegal against the fundamental and basic rights of the appellant, is violative of the service laws and discriminatory in Nature, hence, need issuance of this worthy tribunal.
3. That the appellant is very much entitled to be reinstated to his services in accordance with law but denial on the part of Respondents is Against all canons of Justice and in utter disregard of Natural justice.




4. That the appellant is innocent and has been subjected to the penalty for no fault on his part. Thus, causing grave miscarriage of justice as well as prejudice to the appellant in making his defence.
5. That it is a matter of record that appellant has been vexed in clear defiance of law and principle laid by the superior courts as well as the tribunals as could be gathered from the facts and circumstances of the case.
6. That the department while adjudicating in the matter of inquiry proceedings of the appellant disposed of the entire matter in a slip shot manner through the orders impugned hereby, thus, the award of impugned punishment is patently unwarranted and ultra-virus.
7. That the impugned orders are liable to be set-aside as the appellant is innocent and the allegation and charges leveled against his are baseless. Moreover, unblemished service record of the appellant has been overlooked and appellant was awarded major punishment of removal from his service.
8. That it is pertinent to mention here that the in the result of the fake and bogus FIR the appellant was facing the proceeding of Trial before the Learned Additional Sessions Judge-I/JSC, Karak and because of all these conditions the appellant was unable to attend and pursue the proceedings of inquiry and removal. Moreover, in the said fake and bogus FIR the appellant had already been acquitted from the charge leveled against him.
9. That the very last paragraph of the impugned order dated 15/07/2021 wherein removal and dismissal have been confused

*ss*

with each other which makes the impugned order as in-operating and liable to be set-aside

10. That the petition of appeal is duly supported by law and rules formulated there under, besides the affirmation/affidavit annexed hereto.

11. That this honourable Tribunal is competent and has ample powers to adjudge the matter under reference/appeal.

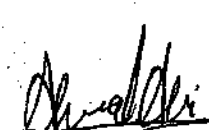
 12. That counsel for the appellants may graciously be allowed to raise additional grounds at the time of arguments.


***It is therefore humbly request that On acceptance of the instant service appeal, to declare the impugned removal/dismissal order NO. 1228/SCJ-ADMIN DIKHAN dated 15/07/2021 issued by the Learned Senior Civil Judge (Admin) Dera Ismail Khan against the law, incorrect and appellants may very kindly be reinstated into service with all back benefits.***

***Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellants as against respondents with costs.***

Dated: 12/06/2024

Your Humble Appellant

  
Ahmad Ali Zeb  
Through Counsel

  
Arshad Khan Bhattani  
Advocate High Court

**BEFORE THE KPK SERVICES TRIBUNAL, KPK PESHAWAR CAMP  
COURT DERA ISMAIL KHAN**

In Service Appeal No. \_\_\_\_\_/2024

Ahmad Ali Zeb  
**(Appellant)**

Versus

Govt of KPK, etc  
**(Respondents)**

**CERTIFICATE**

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

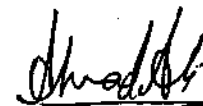
Date: 12/06/2024

  
Appellant

**AFFIDAVIT**

I, **Ahmad Ali Zeb**, son of District Dera Ismail Khan ex Naib Qasid District Judiciary Dera Ismail Khan, appellant herein, do hereby solemnly affirm on oath that all parawise contents of the accompanying appeal are true and correct to the best of my knowledge, belief and information; that nothing has been concealed or kept secret from this worthy Tribunal, nor anything contained therein is based on exaggeration or distortion of facts.

Dated: 12/06/2024

  
Deponent

Cnic# 12101-6749921-5



9

**BEFORE THE KPK SERVICES TRIBUNAL, KPK PESHAWAR CAMP  
COURT DERA ISMAIL KHAN**

In Service Appeal No. \_\_\_\_\_/2024

Ahmad Ali Zeb  
(**Appellant**)

Versus

Govt of KPK, etc  
(**Respondents**)

**ADDRESSES OF PARTIES**

**APPELLANT**

**Ahmad Ali Zeb**, son of Muhammad Jahanzed caste awanr/o Gillani  
Town street No. 8 House No. 1 Tauseef Abad District Dera Ismail Khan.

**(RESPONDENTS)**

1. **Learned District and Sessions Judge**, District Dera Ismail Khan.
2. **Learned Senior Civil Judge Admin**, District Dera Ismail Khan.

Your Humble Appellant



Ahmad Ali Zeb  
Through Counsel



Arshad Khan Bhattani  
Advocate High Court



10

**BEFORE THE KPK SERVICES TRIBUNAL, KPK PESHAWAR CAMP**  
**COURT DERA ISMAIL KHAN**

In Service Appeal No. \_\_\_\_\_/2024

Ahmad Ali Zeb  
(**Appellant**)

Versus

DSJ DIKhan, etc  
(**Respondents**)

**SERVICE APPEAL**

**Subject: APPLICATION FOR CONDONATION OF DELAY**

**Respectfully Sheweth:-**

The appellant most respectfully submits as under:-

1. That the above titled Appeal is being filed before this Honourable court and the instant application may kindly be considered as part of instant appeal.
2. That vide impugned order Learned registrar dismissed the departmental appeal of the appellant.
3. That after the main dismissal order of the appellant the appellant was facing the Trial of fictitious FIR No. 234 dated 30/05/2021 u/s 9 (B) CNSA at PS Karak against the appellant and after the acquittal the appellant approached his high ups on fresh grounds but the same prayer of the appellant was dismissed without any further proceedings.
4. That similarly the mother of the appellant is also ill hence after dismissal of the departmental appeal the appellant contacted his counsel and prepared an appeal and filed the same before this honourable court.
5. That in these circumstances, above titled appeal is well within time but, if in any way it comes time barred, then this delay may please be condoned as the delay is not deliberate but was due to above mentioned reason.



6. That this Honourable court has got vast and ample powers to condone the delay in the instant appeal.

**In wake of submission made above, it is humbly prayed that on acceptance of instant Petition of the appellant delay may please be condoned in the best interest of justice if any.**

Dated: 12/06/2024

Humble Appellant

**Ahmad Ali Zeb**  
Through Counsel

**Arshad Khan Bhattani**  
Advocate High Court

**AFFIDAVIT**

I, **Ahmad Ali Zeb**, son of District Dera Ismail Khan ex NaibQasid District Judiciary Dera Ismail Khan, the appellant, do hereby solemnly affirm on oath that all parawise contents of the above petition are true and correct to the best of my knowledge and belief and that nothing contained therein is based on exaggeration or distortion of facts, nor anything has been concealed therein from this august Court.

Dated: 12/06/2024

**DEPONENT**

**CNIC #12101-6749921-5**








Attached to be  
True copy

کاپی کے ساتھ اصل پر تعلق رکھتی ہے

101051460515



12101-6749921-5

PAKISTAN  
ISLAMIC REPUBLIC OF PAKISTAN

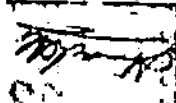



**National Identity Card**

Name: Ahmad Ali Zeb

Father Name: Muhammad Jehanzeb

Gender	M
Country of Stay	Pakistan
Identity Number	12101-6749921-5
Date of Birth	22.04.1998
Date of Issue	02.12.2022
Date of Expiry	02.12.2032

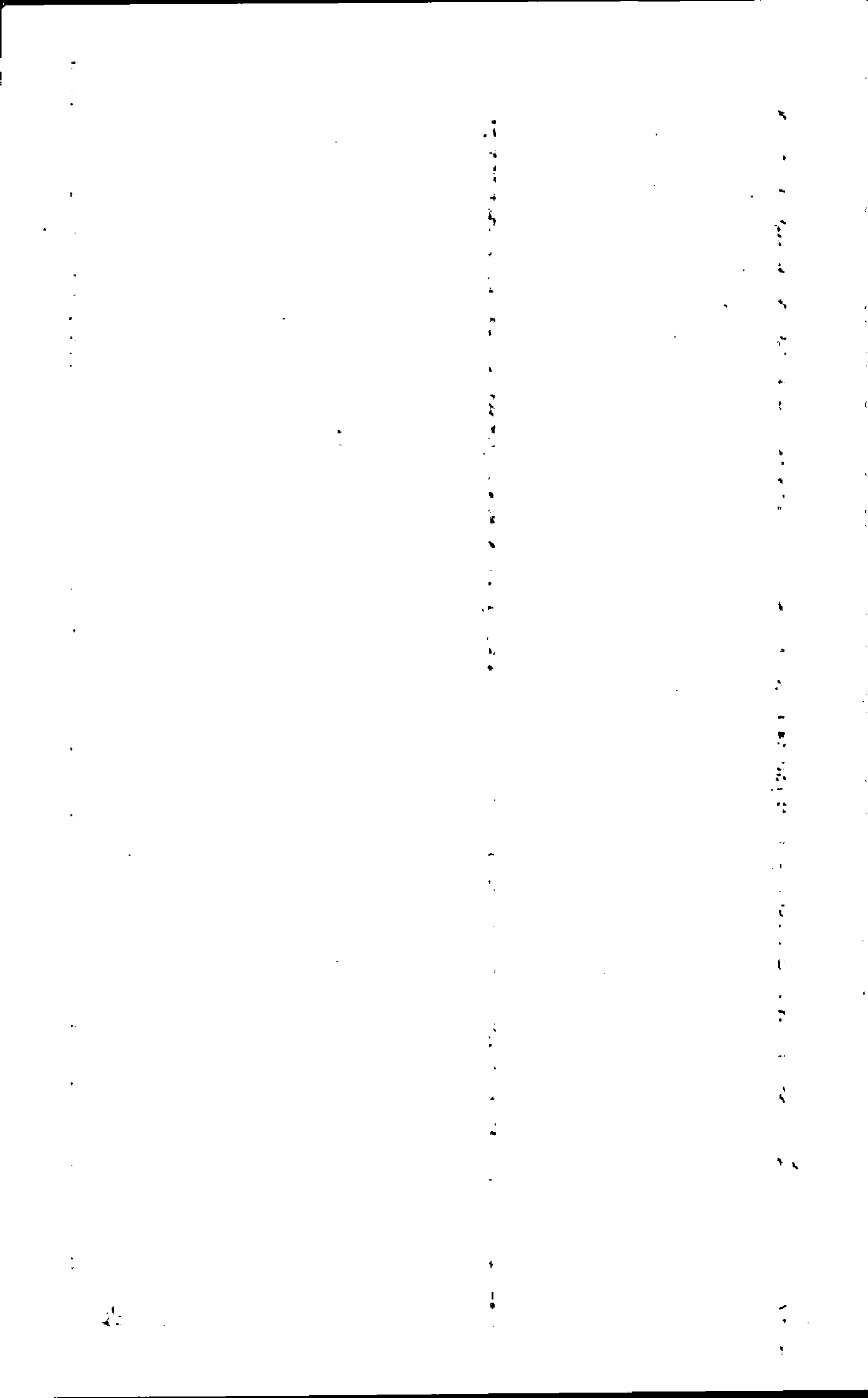
Holder's Signature

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Annex (A)

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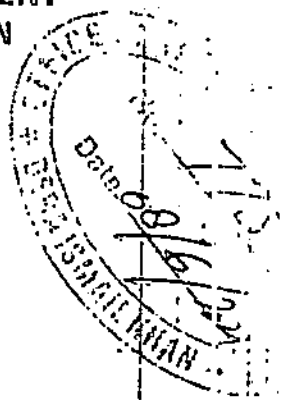
14



OFFICE OF THE SUPERINTENDENT OF POLICE, INVESTIGATION WING KARAK

No. /Inv:

Dated 06 /2021



To:- The District & Sessions Judge, Dera Ismail Khan.

Subject: - CASE FIR NO. 234 DATED 30.05.2021 U/S 9(B)CNSA/11A CNSA POLICE STATION KARAK.

Memo:

It is submitted that accused Ahmed Ali Zaib s/o Muhammad Jehanzeb r/o Gali No. 08 opposite women college Dera Ismail Khan presently serving under your command as Naib Qasid has been charged and arrested in the case cited as subject.

(Copy of FIR is attached)

In view of the above, your office is hereby informed about his arrest please.

*[Signature]*  
Superintendent of Police, Investigation Wing, Karak.

No. /Inv:

Copy to OII Police Station Karak.

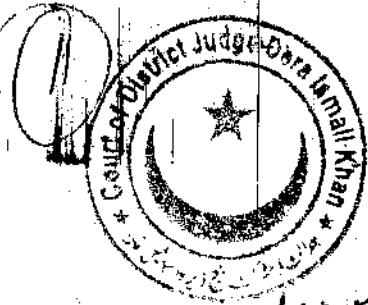
*Seen/SCJ (Adm)  
for further n action.*

*A*

*8/6/21*

ATTACHED  
Examiner  
*20-01-21*

از دفتر سینئر سول جج ایڈمن، ڈی آئی خان



No. 1025 /SCJ-Admin Dated D.I.Khan. 18/6/2021

بطرف:

احمد علی زبیر نائب قاصد،  
عدالت سول جج IX، جج فیملی عدالت-1، ڈی آئی خان۔

عنوان: جواب طلبی

بحوالہ روزمرہ حاضری برائے عدالت سول جج IX- جج فیملی عدالت-1 مورخہ 10-06-2021 & 9 اور تحریری رپورٹ مورخہ 16-06-2021 از موصولہ COC، زبردستی کو آپ کی غیر حاضری کے متعلق مطلع کیا گیا ہے کہ آپ اپنی ڈیوٹی سے مورخہ 28 مئی 2021 سے غائب ہیں جس کی بابت آپ نے کسی کو کوئی پیشگی اطلاع نہیں کی اور نہ ہی چھٹی کی درخواست پیش کی ہے۔

علاوہ ازیں زبردستی کے نوٹس میں یہ بات بھی لائی گئی ہے کہ پچھلے کافی عرصہ سے ڈیوٹی سے غیر حاضری اور عدم دلچسپی اسے متعلق آپ کے ذمہ تحریری شکایات دفتر ہذا کو مسلسل موصول ہو رہی ہیں جن کی بابت آپ کو کئی بار وضاحتی چٹھیاں جاری کی جا چکی ہیں، جن کا آپ نے کبھی بھی تسلی بخش جواب نہیں دیا ہے اور اس ضمن میں آپ کے خلاف محکمان انکوائریاں بھی چل رہی ہیں۔

آپ کی مذکورہ بالا غیر حاضری، لاپرواہی اور نیرزدمدارانہ رویے سے آپ کی ڈیوٹی سے مکمل طور پر عدم دلچسپی ثابت ہو رہی ہے جو کہ گورنمنٹ اور جی بی آر کے تحت Misconduct کے زمرے میں آتی ہے۔

لہذا مذکورہ بالا غیر حاضری اور ڈیوٹی سے عدم دلچسپی کی نسبت آپ سے تحریری جواب طلب کیا جاتا ہے اور آپ کو حکم دیا جاتا ہے کہ آپ کا تحریری جواب اندر سہ ماہیہ یوم زبردستی کو موصول ہو جانا چاہئے۔ ورنہ دہرا آپ کے خلاف برطابق قانون مزید کارروائی کی جائے گی۔

(اشتیاق احمد)

17/06/2021

سینئر سول جج ایڈمن، ڈی آئی خان

OFFICE OF THE SENIOR CIVIL JUDGE (ADMIN) D.I.KHAN

Endst: No. 1026 /SCJ-Admn: Dated DIKhan the 18/6/2021

Copy forwarded for information to the Hon'ble District & Sessions Judge, D.I.Khan.

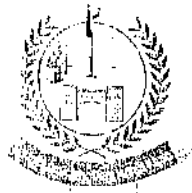
ATTESTED

Examiner

20-01-23

(Senior Civil Judge)

Admin, D.I.Khan



OFFICE OF THE  
**SENIOR CIVIL JUDGE (ADMIN)**  
DERA ISMAIL KHAN

Phone: 0966-9280425  
Fax: 0966-9280425  
Email ID: scidikhan425@gmail.com

1047

Admin: Dated: 24.06.2021

**DISCIPLINARY ACTION**

1. I, **Ishtiaq Ahmad**, Senior Civil Judge (Admin), D.I.Khan, as competent authority, am of the opinion that you, **Mr. Ahmed Ali Zeb**, Naib Qasid of this Establishment has rendered yourself liable to be proceeded against, as you committed the following acts/omissions, within the meaning of Rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011:

**STATEMENT OF ALLEGATIONS**

*"That you were found absent from your duties since 28/05/2021, without any intimation and prior permission.*

*2. You were issued explanation call vide letter bearing No. 1025/SCJ-Admin dated 18-06-2021 for your written reply but you found disobeyed and did not submit your written reply."*

2. For the purpose of inquiry against the said official with reference to the above allegations, **Muhammad Kashif Khan**, learned Civil Judge-II, D.I.Khan is appointed as Inquiry Officer, under Rule 10(1)(a) of the ibid rules.

3. The learned Inquiry Officer shall provide reasonable opportunity of hearing to the official, in accordance with the provision of the ibid rules, record its finding and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the official.

4. The delinquent official and representative of this office **Mr. Salman Muhammad**, Naib Nazir shall join the proceedings on the date, time and place fixed by the learned Inquiry Officer.

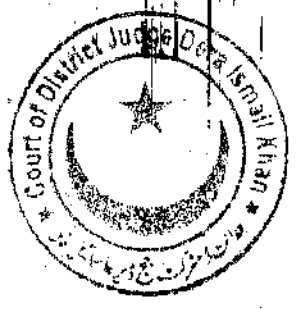
ATTESTED

Examiner

50-0123

(ISHTIAQ AHMAD),  
Senior Civil Judge (Admin)  
Dera Ismail Khan

24/6/21



17



OFFICE OF THE  
**SENIOR CIVIL JUDGE (ADMIN)**  
DERA ISMAIL KHAN

Phone: 0966-9280425  
Fax: 0966-9280425  
Email ID: scjikh425@gmail.com

No. 1186 /SCJ-Admin Dated DIKhan the 12 / 7 /2021

To: **Mr. Ahmed Ali Zeb,**  
Naib Qasid, of this Estab:

Subject: **FINAL SHOW CAUSE NOTICE**

I, **Ishtiaq Ahmad**, Senior Civil Judge (Admin), DIKhan as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, **Mr. Ahmed Ali Zeb, Naib Qasid** as follows:

**WHEREAS**, going through the various attendance sheets of your Court dated 26-06-2021, 28-06-2021, 30-06-2021, 01-07-2021, 02-07-2021 and from 03/07/2021 till date, you remained absent from your duty, without prior permission or approval/submission of leave applications; and

**WHEREAS**, you were served upon explanation vide No. 1025/SCJ-Admin dated 18-06-2021 as well as a show cause notice vide No. 1110/SCJ-Admin dated 02/07/2021 for submission of your written reply but you found disobedient & clear cut violate the directions of the undersigned and you did not submit your single written reply to the explanation/show cause notice intentionally; and

**WHEREAS**, inquiry was also held against you vide bearing No. 1047/SCJ-Admin dated 24-06-2021, but you demolished the directions of the competent authority and did not appear before the Inquiry Officer/CJ-II, DIKhan for your defense; and

**WHEREAS**, in view of your long willful absence from your duties, lack of interest as well as blatant disobedience, it proves that you have no interest to continue your job; and

**WHEREAS**, by reasons of the above misconduct, you are, served Final Show Cause under the Rule 7 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

You are, therefore, given a last & final chance with the directions to submit your written reply within three days of the receipt of this Final Show Cause notice, as to why you should not be proceeded against, under the rules, and if you want to be appeared for personal hearing in this office, failing which, an ex parte action should be taken against you, which may also entail your dismissal from service.

*Handwritten signature and number 1178*

*Signature*  
**(ISHTIAQ AHMAD)**  
SCJ-Admin, DIKhan

**ATTESTED**  
*Signature*  
Examiner

20-01-23

ATTESTED  
EXAMINED

P.S. P. S. P. S.

12-07-2021  
P. S. P. S. P. S.

12/7

12/7  
P. S. P. S. P. S.



18

Before: **The Honourable**  
Senior Civil Judge (Admin),  
Dera Ismail Khan.

Subject: **REPLY FINAL SHOW CAUSE NOTICE.**

Respected Sir,

Most humbly it is submitted that applicant is serving as Naib Qasid under your kind control.

That applicant received final show cause notice from your office in connection of an inquiry and in response thereof applicant submits as under;

That grandmother of applicant is heart patient and also a patient of TB. That she is under treatment of Dr. Habib Ullah Medical specialist, DIKhan. That from the last two months my grandmother is in very critical condition and I being the sole elder member of my family, responsible to look after her. That on the dates mentioned in final show cause notice, my grandmother's health suddenly deteriorated and I took my grandmother, firstly to the emergency DIKhan and after few days I took her to CMH (atomic chashma colony) District Mianwali. At present my grandmother is admitted at the same hospital at District Mianwali. In this regard I can produced medical legal prescription/documents before your owner.

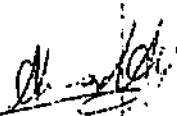
That due to an anxiety the applicant forgotten to inform my colleagues as well as my Learned Presiding Officer regarding my absence.

Therefore, I apologize for my misconduct on all occasions. However, I have learned my lesson and in future I shall be careful. So, it is graciously requested that I may kindly be pardoned.

I shall be very thankful to you for this act of kindness.

Dated 14.07.2021

Attached to  
be Trace copy  
for

  
Applicant  
Ahmad Ali Zeb,  
Process Server



OFFICE OF THE  
**SENIOR CIVIL JUDGE (ADMIN)**  
 DER ISMAIL KHAN

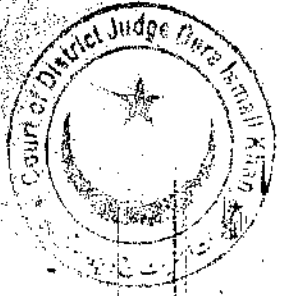
Phone: 0966-9280425  
 Fax: 0966-9280425  
 Email ID: [scjdlkhan425@gmail.com](mailto:scjdlkhan425@gmail.com)

No. 1227 / SCJ-Admin: Dated D.I.Khan the 15/07/2021.

**ORDER**

**WHEREAS** in wake of absences i.e. w.e.f 28/05/2021 to 12/07/2021, by Mr. Ahmed Ali Zeb, Naib Qaid of this Establishment from duties, without prior permission, intimation or approval of leave application. The delinquent official was served upon vide No. 1025/SCJ-Admin dated 18-06-2021, with statement of allegations and was charge sheeted, and proceedings initiated against him vide Office Order bearing No.1048/SCJ-Admin dated 24/06/2021, The delinquent official ignored the same and failed to appear before the Inquiry Officer/Civil Judge-II, D.I.Khan. A subsequent showcause notice was served upon him vide No.1110/SCJ-Admin dated 02/07/2021, to which no reply was submitted, despite personal service. That during absents period, SP Investigation, Karak vide letter bearing No. 1603/Inv: dated 03/06/2021, reported that the above named official has been charged and arrested in a case FIR No. 234 dated 30/05/2021, U/S 9(B) CNSA/11A CNSA, PS Karak.

**WHEREAS** under the Rule 7 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011, a final show cause notice was served upon him vide order bearing No. 1186/SCJ-Admin dated 12/07/2021, to which the delinquent official submitted written reply and proper opportunity of personal hearing was accorded to him, but his written reply was not satisfactory, similarly, no plausible & convincing reasons has put forward by him during the personal hearing in respect of his wilful absence from duties without any approval and prior permission of the competent authority, which proves him guilty of misconduct.



Handwritten signature and date: 15/07/2021

ATTESTED  
 Examiner  
 20 Page 1 of 2

That sufficient evidence is existing which proves guilty of misconduct and being competent authority I hereby dispense with the inquiry against him and impose major penalty against him.

NOW, THEREFORE, being Competent Authority, I order to dismiss the delinquent official Mr. Ahmed Ali Zeb, Naib Qasid of this Establishment, being guilty of misconduct and order, his removal from service under Rule 4(1)(b)(iii) of the Khyber Pakhtunkhwa Govt. Servants Act (Efficiency & Discipline) Rules, 2011, resultantly, he is removed from service with immediate effect.



*[Handwritten Signature]*

**(ISHTIAQ AHMED)**

Senior Civil Judge-Admin,  
Dera Ismail Khan 15/07/2021

**Endst: No. 1228-30 /SCJ-Admin: Dated D.I.Khan the 15/7/2021.  
Copy forwarded for information and necessary action to:**

- 1. The Hon'ble District & Sessions Judge, D.I.Khan.
- 2. The above named delinquent official.
- 3. The District Accounts Officer, D.I.Khan.

*[Handwritten Signature]*

**(SENIOR CIVIL JUDGE)**

Admin, Dera Ismail Khan

15/07/2021

*Ahmed Ali Zeb*  
17/7/21



ATTENDED

Examiner

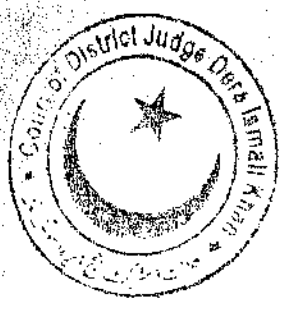
*[Handwritten Signature]*  
20-07-21

**IN THE COURT OF MUHAMMAD KASHIF KHAN  
CIVIL JUDGE-II/INQUIRY OFFICER, DERA ISMAIL KHAN**

Inquiry No. 302/6 of 2021

**The State Vs Ahmed Ali Zeb**

**ORDER  
11.09.2021**



Representative of SCJ (Admin), D.I.Khan present.  
Respondent/official has already been proceeded ex-parte.

The main allegation against the respondent/official is that he remained absent from his duty since 28.05.2021, without any information. In this respect, respondent was issued an explanation letter bearing # 1025/SCJ-Admin Dated 18.06.2021 with the directions to submit his written reply within 03 days but respondent failed to submit the same and disobeyed the Court order, which shows that the respondent had not any defense.

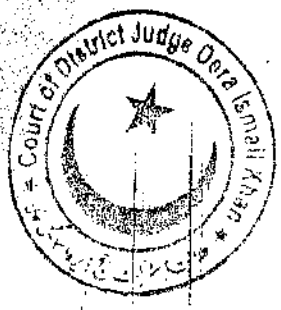
Resultantly, respondent was charge sheeted vide charge sheet bearing # 1048/SCJ-Admin: Dated D.I.Khan 24.06.2021 by the learned Senior Civil Judge (Admin), Dera Ismail Khan and the undersigned was appointed as Inquiry Officer with the directions to the respondent/official to submit written reply within 07 days.

This court received inquiry file on 26.06.2021 and notice was issued to the respondent/official, who appeared before the Court on 08.07.2021 and sought adjournment for submission of written reply. Thereafter remained absent on 15.07.2021 while as per order sheet # 04 dated 26.07.2021, the respondent/official appeared before the Court at morning but later on did not appear before the Court, therefore,

ATTESTED

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proceeded against ex-parte and the representative of the Admin Office was directed to produce ex-parte evidence.

Salman Ahmed, representative of Admin Office Senior Civil Judge, D.I.Khan appeared before the Court as (Aw-01), who reiterated the same story as per contents of the explanation letter and produced original dismissal order of the respondent/official from service as (Ex:Aw-1/1).

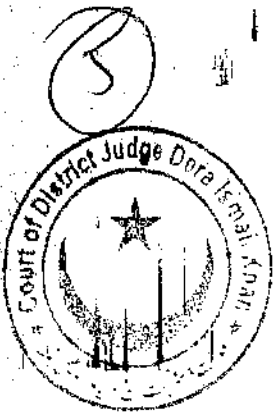
Perusal of record reveals that as per report of Clerk of Court dated 16.06.2021, prior to instant inquiry, two other inquiries were pending before the Court of learned Civil Judge-III, Paharpur, therefore, on 28.05.2021 he (respondent) was transferred to Civil Judge-IX, D.I.Khan but till today i.e., 16.06.2021, he remained absent from his duty. Moreover, as per letter bearing # 1603/Inv: Dated 03.06.2021 issued by Superintendent of Police Investigation Wing, Karak to the Honourable District & Sessions Judge, D.I.Khan regarding arrest of respondent/official in case FIR # 234 dated 30.05.2021 u/s 9 (B) CNSA/11A CNSA at Police Station Karak. Lastly, attendance sheets of the learned Civil Judge-IX/Judge Family Court-II, D.I.Khan also shows that the said official/respondent remained absent from his duty without prior information/permission from the competent authority.

In view of the above, it has been crystal clear that the official/respondent namely Ahmed Ali Zeb, Naib Qasid is habitual in omission towards his duty and remained absent from his duties many times without any prior information/permission from the competent authority and many inquiries were initiated against him coupled with the fact that he did not submit his written reply which shows that he has not any thing in his defense, therefore, the said

ATTESTED  
Examiner

20-01-23

Handwritten signature and date: 11/9/21



official/respondent is hereby found guilty under Rule 03 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011 and this Court/Inquiry Officer recommends punishment under the Rule 4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011.

Inquiry file be sent to the Court of learned Senior Civil Judge (Admin), D.I.Khan for further appropriate order. Moharrir is directed to do the needful.



Muhammad Kashif Khan  
Civil Judge-II

**MUHAMMAD KASHIF KHAN**  
Civil Judge-II/ Inquiry Officer,  
Dera Ismail Khan.

11-9-21

1043

20/11/21

20/11/21

83 pages

Copying Charges 166

Urgent Charges 0.2

Total Charges 168

Name of Copyist [Signature]

Copy Delivery Date 20/11/21

Signature of Examiner [Signature]

20/11/21

ATTESTED  
Examiner

20-01-23

**IN THE COURT OF ADIL MAJEED KHAN**  
ACTING DISTRICT & SESSIONS JUDGE/ADDITIONAL  
DISTRICT & SESSIONS JUDGE-IV, DERA ISMAIL KHAN

Order - 01  
31.07.2021

Departmental Appeal/Representation submitted by  
Ahmad Ali Zeb/Naib Qasid/Process Server.

Be put up before the learned District & Sessions  
Judge, D.I.Khan on 16.08.2021.

(Adil Majeed Khan)

Acting District & Sessions Judge/  
ASJ-IV, Dera Ismail Khan

Order 02  
16.8.2021

File is incomplete. Returned to  
appellant/official for re-submission  
after the needful

where is impugned  
order?

where are amendments  
mentioned in para  
5 & 6 of memo of  
appeal??

16/8/2021  
DISTRICT & SESSIONS JUDGE  
DERA ISMAIL KHAN


Ahmad  
16/11/2023  
Superintendent  
Session Court.  
Dera Ismail Khan.

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for

**IN THE COURT OF ABDUL GHAFOOR QURESHI**  
**DISTRICT & SESSIONS JUDGE D.I.KHAN**


Or - 01  
20.08.2021

Departmental Appeal submitted by Ahmad Ali  
Zeb, Naib Qasid/Process Server. Be registered  
Notice and record for 07.09.2021

  
**Abdul Ghafoor Qureshi**  
District & Sessions Judge  
D.I.Khan

Or - 02  
07.09.2021


Mother and brother of appellant and COC for  
respondent Senior Civil Judge D.I.Khan present. The  
appellant is stated to be admitted in hospital for  
treatment. Arguments on appeal heard. To come up for  
order on 25.09.2021

  
**Abdul Ghafoor Qureshi**  
District Judge D.I.Khan

Order...03  
25.09.2021

Brother of appellant namely Salman Zaib present. Record  
of disciplinary proceedings from the office of competent  
authority as requisitioned vide order dated 20.08.2021, was  
received on previous date and arguments advanced by brother  
of appellant, in his personal absence, were also heard but  
inadvertently comments from the concerned office were not

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*Atulbal*  
  
5/10/2023  
**Superintendent**  
Session Court.  
Dera Ismail Khan



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requisitioned as required under Rule 17(2) of KP Civil Servants (E&D) Rules, 2011. Accordingly, copy of this order alongwith copy of memo of appeal be sent to learned Senior Civil Judge Admin, D.I.Khan to submit his comments in accordance with rule ibid, on or before 05.10.2021.

(Abdul Ghafoor Qureshi)  
Sessions Judge, D.I.Khan

Order -- 04  
05.10.2021

Appellant absent. Muhammad Rizwan Khan Advocate appeared on his behalf and presented vakalatnama, but the appellant/official could not be represented by an advocate or counsel in these disciplinary proceedings as per rule 18 of KP Government Servants (E&D) Rules, 2011, therefore the submitted vakalatnama could not be entertained. Comments of the competent authority as requisitioned under rule 17(2) ibid received. Record of proceedings conducted by the competent authority perused.

This departmental appeal has been preferred by Mr. Ahmed Ali Zaib Naib Qasid of the establishment of Senior Civil Judge, D.I.Khan, against order of the authority dated 15.07.2021, whereby the appellant/official was found guilty of habitually absenting himself from duty without

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3/10/2021  
Superintendent  
Session Court.  
Dera Ismail Khan.

prior approval of leave, hence major penalty of removal from service was imposed upon him and he was accordingly removed from service with effect from the date of such order.

Record shows that initial charge against the appellant vide explanation letter No.1025/SCJ-Admn dated 18.06.2021 was that he remained absent from official duty since 28.05.2021, to which he did not reply and thereafter disciplinary action was initiated against him vide No.1047/SCJ-Admn dated 24.06.2021 and inquiry into the matter was ordered alongwith issuance of charge sheet to the appellant/official vide No.1048/SCJ-Admn. The appellant/official was summoned by the Inquiry Officer but he did not respond to any such action and subsequently the competent authority dispensed with the inquiry, and rightly so because original record of the matter in issue was available before him without any issue needing inquiry, issued show-cause notice to the appellant/official vide No.1110/SCJ-Admn dated 02.07.2021 containing entire detail of grounds for disciplinary proceedings initiated against him, to which no reply was submitted on the part of official nor he appeared before the competent authority. It is pertinent to mention here that his absence from the duty since 28.05.2021 continued till issuance of such show-cause notice.

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*Handwritten signature:* Akmal  
16/11/2021  
**Superintendent  
Session Court.  
Bera Ismail Khan**

(20)

(6)

Thereafter a final show-cause notice was issued to the official vide No.1186/SCJ-Admn dated 12.07.2021, to which the accused/official finally submitted his written reply wherein he after giving flimsy reasons for his absence from his official duty lastly admitted the entire charge levelled against him in the disciplinary proceedings and apologized for his default. Record of the proceedings show that he was also given personal hearing by the competent authority, but the cause mentioned in his written reply for his long absence from official duty without any notice or sanction and explained by him during personal hearing, was not found plausible by the competent authority and resultantly, he was found guilty on the given charge and penalty of removal from service was imposed upon him vide order No.1227/SCJ-Admn dated 15.07.2021.

*NDM*

The record of abovementioned disciplinary proceedings conducted and concluded by the competent authority vide impugned order dated 15.07.2021 show that the competent authority has properly conducted the disciplinary proceedings against the official in accordance with KP Government Servants (E&D) Rules, 2011, without any major discrepancy in the conduct of such proceedings. There is a minor discrepancy in the order appeal against to the effect that the words "I order to

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*A. Umair*  
*16/11/2023*  
Superintendent  
Session Court.  
Dera Ismail Khan


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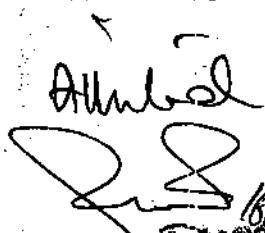
dismiss the delinquent official" prima facie do not conform the penalty imposed upon the official of "removal from service". This discrepancy has been pleaded by the appellant in memo of his appeal as confusing and creating ambiguity in the order of competent authority, but in fact the prior mentioned words appear to be a typo-graphical or unconscious human mistake, but neither does it create any ambiguity in the order appeal against nor does it cast any impression or effect upon merits of the proceedings; for, it has been clearly mentioned in the last part of the order of competent authority that he has been removed from the service under rule 4(1)(b)(iii) of KP Government Servants (E&D) Rules, 2011.

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Consequently, there is no merit in this departmental appeal, which is hereby dismissed. Record of office of learned SCJ (Admn), D.I.Khan be returned alongwith copy of this order while file of this court be consigned to the Record Room after its completion.

Announced  
05.10.2021

  
(Abdul Ghafoor Qureshi)  
District & Sessions Judge  
Dera Ismail Khan

  
16/11/2023  
Superintendent  
Session Court.  
Dera Ismail Khan.

2/3/24 25/5/21/2021 277 T (30) G  
101 25 6 Ahmad

**IN THE COURT OF QURAT UL AIN CHAND IRFAN**  
Additional Sessions Judge-I/Judge Special Court, Karak

689  
204

Case # 277/3T of 2021/2023

State vs. Ahmad Ali Zaib

Order-16  
02.03.2024

Accused Ahmad Ali Zaib on bail and Mr. Ibrar Ahmad learned Dy.PP for State present. PWs absent.

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At the vert outset, learned Dy.PP for State submitted an application u/s 494 Cr.PC for withdrawal of the case on account of deficient evidence against accused.

Allegations against accused facing trial Ahmad Ali Zaib son of Muhammad Jahanzaib resident of Street No.8, adjacent to Winsom College D.I.Khan, are that he was found in possession of 20 grams Ice and 80 grams Chars at the time of arrest, resultantly case vide FIR # 234 dated 30.05.2021 u/s 9-(B) CNSA/11-(A) CNSA was registered at Police Station Karak, District Karak.

02/3/2024

After completion of necessary investigation challan in the case against accused was put for trial. The accused was summoned who turned up on bail on 20.01.2022 and charge against him was framed on 05.04.2022, wherein he pleaded not guilty and claimed trial, hence, Prosecution was asked to produce its evidence, however, till date Prosecution has been unable to examine even a single PW, while today Prosecution withdrawn from the case by filing above stated application.

16-5

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Arguments heard and record perused.

The stance of prosecution is that as per Murasilla report the accused, who was having in his possession contraband, straightaway came across the local police and did not make effort to escape despite being shown in possession of a motorcar. Such narration of the local police is not appealable to a prudent mind; that color, make and model of the motorcar is not reflected in the Murasilla report; that other passengers accompanying the accused at the relevant time are neither mentioned in the Murasilla report nor their statements in support of the occurrence have been recorded. Similarly, no independent witness is associated with the process of recovery; that daily diaries in respect of departure of the seizing party from the Police Station and their return to Police Station are not made part of the record; that custody granting order of the Court dated 31.05.2021 does not provide for production of the contraband before Court concerned; that FSL report in respect of the contraband reflect date of receipt of sample at FSL as 01.06.2021, whereas application addressed to FSL in respect of examination of the contraband of the seizing officer, which is usually drafted prior to sending of any sample to FSL, has been forwarded by SP Investigation on 14.07.2021, meaning thereby that when Investigation Officer through said application had not asked the FSL authorities to examine the sample prior to 14.07.2021 then how come the FSL authorities on its own examined the sample of contraband on

02/3/2024

SP  
16-5-24

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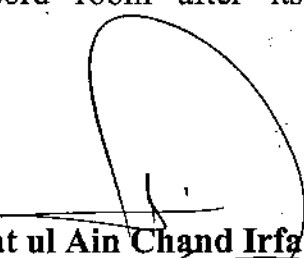
01.06.2021; that there is no previous criminal history of involvement of accused in such like offences on the available record.

In view of above, request of learned Prosecutor seems genuine as there remain no reliable evidence to prove charge against the accused facing trial, hence, the application of Prosecution is allowed, resultantly accused facing trial, namely, Ahmad Ali Zaib is acquitted from the charge leveled against him. He is on bail, he and his sureties are discharged from the liability of bail bonds.

Case property i.e. motorcar bearing No.RK-802 has already been returned to its lawful owner on Superdari vide order dated 02.06.2021, while the remaining case property i.e. Ice and Chars shall be destroyed after period of limitation prescribed for appeal/revision.

File be consigned to record room after its necessary completion and compilation.

**Announced:**  
02.03.2024

  
(Qurat ul Ain Chand Irfan)  
Additional Sessions Judge-1/JSC,  
Karak

Certified true copy

Examined by  
  
16.5.24

16.5.24

29/6/24

Application 16.5.24

6000

16.5.24  
16.5.24

1. That appellant had served the District Judiciary Dera Ismail Khan as Naib Qasid/Process Server and performed his duties with great zeal and zest under the immediate supervision of his high ups.

2. That the father of the appellant had also served the District Judiciary Dera Ismail Khan as Reader and died during service.

3. That at the time of dismissal appellant was serving in the court of Learned Civil Judge (X)/Judge Family court-1 Dera Ismail Khan.

4. That the grandmother of the appellant was severely ill as she is the cardiac and T.B patient and the appellant being elder and responsible member of the family was taking care of the treatment of his grandmother check-ups.

1. That appellant had served the District Judiciary Dera Ismail Khan as Naib Qasid/Process Server and performed his duties with great zeal and zest under the immediate supervision of his high ups.
2. That the father of the appellant had also served the District Judiciary Dera Ismail Khan as Reader and died during service.
3. That at the time of dismissal appellant was serving in the court of Learned Civil Judge (X)/Judge Family court-1 Dera Ismail Khan.
4. That the grandmother of the appellant was severely ill as she is the cardiac and T.B patient and the appellant being elder and responsible member of the family was taking care of the treatment of his grandmother check-ups.

Applicant humbly submits as under,

Respected Sir,

*Handwritten notes:*  
 15/07/2021  
 1228/853-ADMIN  
 DEPT. JUDGE (ADMIN) DERA ISMAIL KHAN, YDDE

**DEPARTMENTAL APPEAL/REPRESENTATION AGAINST THE IMPUNGEMENT/REMOVAL/DISMISSAL ORDER NO. 1228/853-ADMIN DIKHAN SENIOR CIVIL JUDGE (ADMIN) DERA ISMAIL KHAN, YDDE WHICH THE APPELLANT HAD BEEN REMOVED/DISMISSED FROM THE SERVICES WITHOUT ANY LAWFUL JUSTIFICATION**

The Worthy District and Sessions Judge,  
 District Dera Ismail Khan.

To



Muzaffar  
to be taken copy

...proceedings of the appellant...  
...that the respondents will be adjudging in the matter...

...and circumstances of the case...  
...as well as the tribunals as could be gathered from the facts...  
...clearance of law and principle laid by the superior courts...  
9. That it is a matter of record that appellant has been vexed in

making his defence.  
...miscarriage of justice as well as prejudice to the appellant in  
penalty for no fault on his part. Thus, causing grave  
8. That the appellant is innocent and has been subjected to the

duly replied by the appellant.  
dated 12/07/2021 regarding the absence and the same was  
02/07/2021 and issued final show cause notice No. 1186  
Khan issued the show cause notice No. 1110 dated  
7. That thereafter the Senior Civil Judge (Admin) Dera Ismail

is annexed.  
issued by Superintendent of Police, Investigation Wing, Karak  
Copy of the FIR and letter No. 1603/Inv dated 03/06/2021  
30/05/2021 PS Karaku/s 9 (B) CNSA against the appellant  
and on the same day lodged a fake FIR No. 234 dated  
arrested the appellant and did not tell anything to appellant  
Peshawar police officials stopped the car of the appellant and  
6. That similarly on 30/05/2021 appellant was on his way from

staff accordingly.  
a check-up to CMH Mianwali and also informed the concerned  
appellant's grandmother. Appellant took her grandmother for  
5. That on 28/05/2021 due to server serious condition of

34

Attached  
to be this copy  
for

consideration.

15. That the applicant is very much eligible for the said notice of your good office

14. That appellant may graciously be allowed for personal hearing and to bring additional facts and details into kind

In-operating and liable to be set-aside

confused with each other which makes the impugned order as

dated 15/07/2021 wherein removal and dismissal have been

13. That the very last paragraph of the impugned order

annexed.

levelled against him. Copy of the orders dated 02/03/2024 is

FIR the appellant had already been acquitted from the charge

inquiry and removal. Moreover, in the said fake and bogus

appellant was unable to attend and pursue the proceedings of

Judge-I/JSC, Karak and because of all these conditions the

proceeding of Trial before the Learned Additional Sessions

result of the fake and bogus FIR the appellant was facing the

12. That it is pertinent to mention here that the in the

service.

appellant was awarded major punishment of removal from his

service record of the appellant has been overlooked and

levelled against his are baseless. Moreover, undiminished

the appellant is innocent and the allegation and charges

11. That the impugned orders are liable to be set-aside as

through the order impugned the award of impugned punishment is patently

erroneous and ultra-virus.

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Abmad Ali Zaid  
Ex- Qasid/Process Server  
DIkhan Judiciary DIkhan  
CNIC No:  
Mob No: 0333-9960905

Handwritten signature of Abmad Ali Zaid

Yours' humble Appellant

Dated: /03/2024

It is, therefore, most humbly prayed that on acceptance of instant appeal, the impugned order No. 1228-30/SCJ-Admin dated 15/07/2021 may graciously be set-aside/cancelled and the appellant may very kindly be reinstated into service with all back benefits.

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OFFICE OF THE  
DISTRICT & SESSIONS JUDGE,  
DERA ISMAIL KHAN

Phone: 0966-9280228  
Fax: 0966-9280025  
Email: dsjdikhan@gmail.com

37,

No. 1117 *Inquiry* DIKhan dated the 28/03 /2024.

To:

**Mr. Ahmad Ali Zaib,**  
s/o Jahanzeb  
r/o Street No.8 Gillani Town,  
Dera Ismail Khan

**Subject: DEPARTMENTAL APPEAL /REPRESENTATION AGAINST  
THE IMPUGNED REMOVAL /DISMISSAL ORDER  
NO.1228/SCJ-ADMIN DATED 15/7/2021 ISSUED BY THE  
LEARNED SENIOR CIVIL JUDGE (ADMIN) VIDE WHICH  
THE APPELLANT HAD BEEN REMOVED/DISMISSED  
FROM THE SERVICE WITHOUT ANY LAWFUL  
JUSTIFICATION**

With reference to the subject noted above, it is stated that as per record of this office you have already preferred Departmental Appeal No.32 of 2021, which has been disposed of on 05/10/2021.

In the circumstances, this office cannot entertain another appeal against the same order.

*Attached to be true copy for*

**Usman Wali Khan**  
District & Sessions Judge,  
Dera Ismail Khan *28/03/2024*

(38)

R-51977

Page 1

To

The Worthy Registrar,  
Peshawar High Court.

Peshawar High Court, Peshawar.	
Receipt No	4755
Date	22-4-24
For action	APLG
Signature	<i>[Signature]</i>

Subject: **APPEAL AGAINST THE IMPUNGED REMOVAL/DISMISSAL ORDER NO. 1228/SCJ-ADMIN DIKHAN DATED 15/07/2021 ISSUED BY THE LEARNED SENIOR CIVIL JUDGE (ADMIN) DERA ISMAIL KHAN, VIDE WHICH THE APPELLANT WAS REMOVED/DISMISSSED FROM THE SERVICES WITHOUT ANY LAWFUL JUSTIFICATION AND THE ORDERS OF LEARNED DISTRICT AND SESSIONS JUDGE DERA ISMAIL KHAN DATED 05/10/2021 AND ORDER NO 1117/DSJ-INQUIRY DIKHA DAGTED 28/03/2024, VIDE WHICH BOTH THE DEPARTMENTAL APPEALS OF APPELLANT WERE DISMISSED.**

Respected Sir,

*Attested to be true copy*  
*[Signature]*

Applicant humbly submits as under,

1. That appellant had served the District Judiciary Dera Ismail Khan as Naib Qasid/Process Server and performed his duties with great zeal and zest under the immediate supervision of his high ups.
2. That the father of the appellant also served the District Judiciary Dera Ismail Khan as Reader and died during service.
3. That at the time of dismissal appellant was serving in the court of Learned Civil Judge IX/Judge Family court-I Dera Ismail Khan.
4. That the grandmother of the appellant was severely ill as she is the cardiac and T.B patient and the treatment of appellant's

grandmother used to be responsibility of the appellant for being only elder member of the family.

5. That on 28/05/2021 due to all of sudden serious condition of appellant's grandmother, appellant had to take his grandmother for check-up to CMH Mianwali, therefore, the appellant telephonically informed the concerned staff about his situation.

6. That similarly on 30/05/2021 appellant was on his way to DIKhan from Peshawar. The Karak Police officials stopped the car of the appellant, arrested the appellant without any reason and on the same day lodged a fake, bogus and fictitious FIR No. 234 dated 30/05/2021 u/s 9 (B) CNSA at PS Karak against the appellant. Copy of the FIR and letter No. 1603/Inv dated 03/06/2021 issued by Superintendent of Police, Investigation Wing, Karak is annexed.

7. That thereafter the Senior Civil Judge (Admin) Dera Ismail Khan issued the show cause notice No. 1110 dated 02/07/2021 and issued final show cause notice No. 1186 dated 12/07/2021 regarding the absence of the appellant and the same was duly replied by the appellant.

8. That similarly without any proper inquiry and investigation the appellant was removed/dismissed from service vide order No. 1228/SCJ-ADMIN DIKhan dated 15/07/2021 issued by The Learned Senior Civil Judge (Admin) Dera Ismail Khan without assigning any cogent reason. Copy of impugned order is annexed.

*Attested  
to be true copy  
[Signature]*

9. That appellant being aggrieved moved a departmental appeal against the removal order No. 1228/SCJ-ADMIN DIKhan dated 15/07/2021 issued by The Learned Senior Civil Judge (Admin) Dera Ismail Khan, which was dismissed vide order dated 05/10/2021. Copy annexed.

10. That later on the appellant was facing the Trial of fake and bogus FIR No. 234 dated 30/05/2021 u/s 9 (B) CNSA at PS Karak at District Karak in which the appellant has been acquitted from the charge on 02/03/2024. Copy of the order dated 02/03/2024 of Additional Sessions Judge-I/JSC Karak is annexed.

11. That after the acquittal of the appellant, appellant again moved a department appeal on fresh grounds before the Worthy District and Sessions Judge Dera Ismail Khan dated /03/2024. The same departmental appeal has been dismissed by the Worthy District and Sessions Judge Dera Ismail Khan without probing into the matter and also decided the same on the basis of prior departmental appeal filed by the appellant. Departmental appeal and order dated 28/03/2024 is annexed.

12. That the appellant is innocent and has been subjected to the penalty for no fault on his part. Thus, causing grave miscarriage of justice as well as prejudice to the appellant in making his defence.

13. That it is a matter of record that appellant has been vexed in clear defiance of law and principle laid by the superior courts as well as the tribunals as could be gathered from the facts and circumstances of the case.

*Accepted  
to be true copy  
JSM*

14. That the department while adjudicating in the matter of inquiry proceedings of the appellant disposed of the entire matter in a slip shot manner through the orders impugned hereby, thus, the award of impugned punishment is patently unwarranted and ultra-virus.

15. That the impugned orders are liable to be set-aside as the appellant is innocent and the allegation and charges leveled against his are baseless. Moreover, unblemished service record of the appellant has been overlooked and appellant was awarded major punishment of removal from his service.

16. That it is pertinent to mention here that the in the result of the fake and bogus FIR the appellant was facing the proceeding of Trial before the Learned Additional Sessions Judge-I/JSC, Karak and because of all these conditions the appellant was unable to attend and pursue the proceedings of inquiry and removal. Moreover, in the said fake and bogus FIR the appellant had already been acquitted from the charge leveled against him. Copy of the orders dated 02/03/2024 is annexed.

17. That the very last paragraph of the impugned order dated 15/07/2021 wherein removal and dismissal have been confused with each other which makes the impugned order as in-operating and liable to be set-aside

18. That appellant may graciously be allowed for personal hearing and to bring additional facts and details into kind notice of your good office.

*Alleged to be True copy sent*



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19. That the applicant is very much eligible for the said consideration.

**It is, therefore, most humbly prayed that on acceptance of instant appeal, the impugned order No. 1228-30/SCJ-Admin dated 15/07/2021 may graciously be set-aside/cancelled and the appellant may very kindly be reinstated into service with all back benefits.**

Dated: 8/04/2024

Yours' humble Appellant

Ahmad Ali Zaib  
Ex- Qasid/Process Server  
DIKhan Judiciary DIKhan  
CNIC No:  
Mob No: 0333-9960905

11 03189102408

*Attached to be  
True copy  
for*

43



The  
**PESHAWAR HIGH COURT**  
*Peshawar*

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

Exch: 9210149-58  
Off: 9210135  
Fax: 9210170

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

No. 3751...../Admn  
To,

Dated 08 / 05 / 2024

**AHMAD ALI ZEB**  
Ex-Naib Qasid/ Process Server  
District Judiciary DI Khan.  
03189102408

Subject: **DEPARTMENTAL APPEAL**

**Mr. Ahmad Ali Zeb...vs... DSJ, DI Khan**

Memo,

I am directed to refer to the subject noted above, and to say that there is no provision of second appeal under the applicable Rules.

Therefore, I am further directed to return the subject appeal, in original, along with enclosure, with the directions to approach the proper forum. i.e KP Service Tribunal for redressal.

*Attested to be True copy*

*(Signature)*  
**(MAMREZ KHAN KHALIL)**  
ADDITIONAL REGISTRAR (ADMN)

43 A

Annex (J)

Wanted to  
be True copy  
same

The Worthy District & Sessions Judge,  
Dera Ismail Khan.

DEPARTMENTAL APPEAL/REPRESENTATION AGAINST THE  
IMPUGNED REMOVAL FROM SERVICE ORDER NO. 1227/SCJ-  
ADMIN D.I.KHAN DATED 15/07/2021 ISSUED BY THE LEARNED  
SENIOR CIVIL JUDGE (ADMIN) DERA ISMAIL KHAN, VIDE  
WHICH THE APPELLANT IS REMOVED FROM SERVICE WITHOUT  
ANY LAWFUL JUSTIFICATION.

Respected Sir,

With profound respect, the petitioner/appellant makes the following submissions for your kind perusal and gracious consideration.

1. That the appellanthad served the District Judiciary Dera Ismail Khan as NaibQasid/Process Server and performed his duties with great zeal and zest under the immediate supervision of the Senior Civil Judge (Admin) Dera Ismail Khan.
2. That grandmother of the appellant is a cardiac patient and also suffering from T.B who is under treatment. The appellant being elder member of his family, responsible to look after her. Copy of Medical treatment record is annexed herewith as ready reference and kind perusal.
3. That it is also pertinent to mention here that father of the appellant also served the District Judiciary Dera Ismail Khan as Reader and was died during service, the petitioner was appointed against quota reserved for the children of the deceased employees of the department.
4. That the appellant was serving in the court of learned Civil Judge-IX/Judge Family Court-I Dera Ismail Khan meanwhile from 28/05/2021 to 12/07/2021. the health of appellant's grandmothersuddenly deteriorated and appellant took her first to the DHQ Hospital Dera Ismail Khan and after few days appellant's grandmother was admitted inCMHMianwali. In this

43(B)

respect the appellant informed the concerned staff accordingly. Medical Record is available.

5. That ironically the learned Civil Judge-IX/Judge Family Court-I Dera Ismail Khan issued a letter No. 79/CJ-IX/JFC-I D.I.Khan vide which the appellant was mark absent on 30/06/2021. Pertinent to mention here that the said letter negates the allegations leveled against the appellant as the above stated letter dated 30/06/2021 reveals that the appellant has been absent only for a day i.e. 30/06/2021. Copy of the letter dated 30/06/2021 is annexed.
6. That thereafter the Senior Civil Judge (Admin) Dera Ismail Khan issued the show cause notice No. 1110 dated 02/07/2021 and issued final show cause notice No. 1186 dated 12/07/2021 which was duly replied by the appellant on 14/07/2021. Copies of show cause notice and its reply are annexed herewith.
7. That the appellant is an innocent and has been subjected to the penalty for no fault on his part. The learned Senior Civil Judge (Admin) Dera Ismail Khan failed to follow the prescribed procedure and conducted hasty proceedings on the following day i.e. 15/07/2021 vide impugned order No. 1227/SCJ-Admin, thus, causing grave miscarriage of justice as well as prejudice to the appellant in making his defence.
8. That the impugned order of removal from service is against the fact, ground realities and liable to be set aside.
9. That the appellant is an innocent, the allegations and charges levelled against him are baseless. Moreover, unblemished service record of the appellant has been overlooked and appellant was awarded major punishment of removal from his service on the basis of a baseless allegations.
10. That the very last paragraph of the impugned order dated 15/07/2021 wherein removal and dismissal have been confused with each other which makes the impugned order as in-operating and liable to be set aside.

Attachment 10  
be True copy  
Sent

43 (C)

11. That an extreme step has been taken against the subordinate class-IV employee despite the fact that the appellant has also bearing grief of losing his father as well as facing severe ailment of his grandmother and the impugned order has further added his unbearable worries and miseries.

12. That the appellant may graciously be allowed for personal hearing to bring additional legal facts and details into kind notice of your good office.

In wake of the submissions made above, it is, therefore, humbly requested that the impugned order No. 1228-30/SCJ-Admin dated 15/07/2021 may kindly be set aside/cancelled and the appellant may very kindly be reinstated into service with all back benefits.

Dated: 30/07/2021

Yours Humble



Ahmad Ali Zeb  
Qasid/Process Server  
Dera Ismail Khan  
Cell#0333-9960905

Attest to  
be True copy  
— Sour

