

(1)



DISTRICT JUDICIARY SHANGLA
OFFICE OF THE DISTRICT & SESSIONS JUDGE / ZILLA QAZI, SHANGLA,
KHYBER PAKHTUNKHWA

Phone # 0996-850001
Fax # 0996-851001
Email: dsjshangla1@gmail.com

No. 259 /D&SJ/ZQ(SH)

Dated: 09 / 03. /2024

To: The Registrar, **(Registered)**
Peshawar High Court,
Peshawar.

Subject: **SERVICE APPEALS NO. 2423-2426 & 2478-81/2023**

“Aziz ul Haq & Others ... Vs... DSJ Shangla & Others”

Dear Sir,

Reference letter No. 11277/Admn dated 27.12.2023, on the subject noted above.

I have the honour submit Para-wise comments in the subject appeals as per detail given below as desired, please: -

Appeal No. 2481/2023

(Maryam Begum.... Vs... DSJ Shangla & Others”

Reply on behalf of the respondents No. 01& 02

1. Correct.
2. Correct.
3. Correct to the extent of serving Show Cause Notice upon the appellants and awarding minor penalties i-e with holding of increments for three years non-accumulative effect under Rule (4) (i) (a) (ii) of the abide Rules and recovery of Rs.1,31,874/- which was received by the appellants spouse under Rule (4) (i) (a) (iii) of the abide Rules. So-far-as the question of inquiry is concerned, due to sufficient materials on record and no denial by the appellants that his spouse is not beneficiary of B.I.S.P, adopted procedure as per Rule 7 of Khyber Pakhtunkhwa Civil Servants (Efficiency and Disciplinary), Rules 2011, under the directions of Hon'ble the Peshawar High Court, Peshawar communicated through letter No. 6154-206/ADMN dated 23.04.2020. (Annexure “A”)
4. Correct.
5. No comments

Grounds:

- (G) Incorrect. The appellants was properly served with a Show Cause Notice and had submitted his reply while admitting the receipt of amount from the B.I.S.P by his spouse. He was also heard in person. (Annexure “B” & “C”).

(2)

- (H) Incorrect. There was no need for the regular inquiry as the appellant did not deny receipt of the amount from B.I.S.P by his spouse. The appellant was afforded full opportunity of personal hearing.
- (I) Incorrect. The appellant was heard at length on 04.07.2020. (Annexure "D")
- (J) Correct.
- (K) Incorrect. The appellant has not denied that his spouse was not beneficiary of B.I.S.P. The appellant mentioned that he has not received the amount personally but equally admitted that his spouse received that amount. Thus, the appellant through his spouse received monetary gain from B.I.S.P. The punishment of withholding of increments for three years has been set-aside by the Appellate Forum Hon'ble the Peshawar High Court, Peshawar by already taking lenient view of the recovery on monthly instalments @ Rs. 3000/- per month from the appellant vide Judgment dated 14.10.2020. (Annexure "E").
- (L) Needs no comments.

The applicant was found guilty after adopting the proper procedure issuing of Show-Cause Notice, submission of reply and affording opportunity of personal hearing. The appeal is not maintainable which may please be dismissed.

Para-wise comments are submitted as desired please.

(NASRULLAH KHAN GANDAPUR)
District & Sessions Judge/Zilla Qazi
SHANGLA

Endst: No. 259 /D&SJ/ZQ (SH).

Copy forwarded to the Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar for information, please.

(NASRULLAH KHAN GANDAPUR)
District & Sessions Judge/Zilla Qazi
SHANGLA 09.2.24.

(1)



DISTRICT JUDICIARY SHANGLA
OFFICE OF THE DISTRICT & SESSIONS JUDGE / ZILLA QAZI, SHANGLA,
KHYBER PAKHTUNKHWA

Phone # 0996-850001
Fax # 0996-851001
Email: dsjshangla1@gmail.com

No. 257 /D&SJ/ZQ(SH)

Dated: 09 / 03 / 2024

To: The Registrar, (Registered)
Peshawar High Court,
Peshawar.

Subject: SERVICE APPEALS NO. 2423-2426 & 2478-81/2023
"Aziz ul Haq & Others ... Vs... DSJ Shangla & Others"

Dear Sir,

Reference letter No. 11277/Admn dated 27.12.2023, on the subject noted above.

I have the honour submit Para-wise comments in the subject appeals as per detail given below as desired, please: -

Appeal No. 2480/2023
(Muhammad Ismail.... Vs... DSJ Shangla & Others)

Reply on behalf of the respondents No. 01 & 02

1. Correct.
2. Correct.
3. Correct to the extent of serving Show Cause Notice upon the appellant and awarding minor penalties i-e with holding of increments for three years non-accumulative effect under Rule (4) (i) (a) (ii) of the abide Rules and recovery of Rs.1,29,874/- which was received by the appellant's spouse under Rule (4) (i) (a) (iii) of the abide Rules. So-far-as the question of inquiry is concerned, due to sufficient materials on record and no denial by the appellant that his spouse is not beneficiary of B.I.S.P, adopted procedure as per Rule 7 of Khyber Pakhtunkhwa Civil Servants (Efficiency and Disciplinary), Rules 2011, under the directions of Hon'ble the Peshawar High Court, Peshawar communicated through letter No. 6154-206/ADMN dated 23.04.2020. (Annexure "A")
4. Correct.
5. No comments

Grounds:

- (A) Incorrect. The appellant was properly served with a Show Cause Notice and had submitted his reply while admitting the receipt of amount from the B.I.S.P by his spouse. He was also heard in person. (Annexure "B" & "C").

(2)

- (B) Incorrect. There was no need for the regular inquiry as the appellant did not deny receipt of the amount from B.I.S.P by his spouse. The appellant was afforded full opportunity of personal hearing.
- (C) Incorrect. The appellant was heard at length on 04.07.2020. (Annexure "D")
- (D) Correct.
- (E) Incorrect. The appellant has not denied that his spouse was not beneficiary of B.I.S.P. The appellant mentioned that he has not received the amount personally but equally admitted that his spouse received that amount. Thus, the appellant through his spouse received monetary gain from B.I.S.P. The punishment of withholding of increments for three years has been set-aside by the Appellate Forum Hon'ble the Peshawar High Court, Peshawar by already taking lenient view of the recovery on monthly instalments @ Rs. 8000/- per month from the appellant vide Judgment dated 14.10.2020. (Annexure "E").
- (F) Needs no comments.

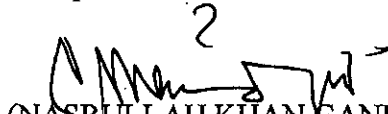
The applicant was found guilty after adopting the proper procedure issuing of Show-Cause Notice, submission of reply and affording opportunity of personal hearing. The appeal is not maintainable which may please be dismissed.

Para-wise comments are submitted as desired please.

(NASRULLAH KHAN GANDAPUR)
District & Sessions Judge/Zilla Qazi
SHANGLA

Endst: No. 257. /D&SJ/ZQ (SH).

Copy forwarded to the Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar for information, please.


(NASRULLAH KHAN GANDAPUR)
District & Sessions Judge/Zilla Qazi
SHANGLA 09-02-24.

(1)



DISTRICT JUDICIARY SHANGLA
OFFICE OF THE DISTRICT & SESSIONS JUDGE / ZILLA QAZI, SHANGLA,
KHYBER PAKHTUNKHWA

Phone # 0996-850001
Fax # 0996-851001
Email: dsjshangla1@gmail.com

No. 255 /D&SJ/ZQ(SH)

Dated: 09 / 03 /2024

To: The Registrar,
Peshawar High Court,
Peshawar.

(Registered)

Subject: **SERVICE APPEALS NO. 2423-2426 & 2478-81/2023**
"Aziz ul Haq & Others ... Vs... DSJ Shangla & Others"

Dear Sir,

Reference letter No. 11277/Admn dated 27.12.2023, on the subject noted above.

I have the honour submit Para-wise comments in the subject appeals as per detail given below as desired, please: -

Appeal No. 2479/2023
(Muhammad Afsar... Vs... DSJ Shangla & Others)

Reply on behalf of the respondents No. 01 & 02

1. Correct.
2. Correct.
3. Correct to the extent of serving Show Cause Notice upon the appellant and awarding minor penalties i-e with holding of increments for three years non-accumulative effect under Rule (4) (i) (a) (ii) of the abide Rules and recovery of Rs.1,19,874/- which was received by the appellant's spouse under Rule (4) (i) (a) (iii) of the abide Rules. So-far-as the question of inquiry is concerned, due to sufficient materials on record and no denial by the appellant that his spouse is not beneficiary of B.I.S.P, adopted procedure as per Rule 7 of Khyber Pakhtunkhwa Civil Servants (Efficiency and Disciplinary), Rules 2011, under the directions of Hon'ble the Peshawar High Court, Peshawar communicated through letter No. 6154-206/ADMN dated 23.04.2020. (Annexure "A")
4. Correct.
5. No comments

Grounds:

- (A) Incorrect. The appellant was properly served with a Show Cause Notice and had submitted his reply while admitting the receipt of amount from the B.I.S.P by his spouse. He was also heard in person. (Annexure "B" & "C").

(2)

- (B) Incorrect. There was no need for the regular inquiry as the appellant did not deny receipt of the amount from B.I.S.P by his spouse. The appellant was afforded full opportunity of personal hearing.
- (C) Incorrect. The appellant was heard at length on 04.07.2020. (Annexure "D")
- (D) Correct.
- (E) Incorrect. The appellant has not denied that his spouse was not beneficiary of B.I.S.P. The appellant mentioned that he has not received the amount personally but equally admitted that his spouse received that amount. Thus, the appellant through his spouse received monetary gain from B.I.S.P. The punishment of withholding of increments for three years has been set-aside by the Appellate Forum Hon'ble the Peshawar High Court, Peshawar by already taking lenient view of the recovery on monthly instalments @ Rs. 8000/- per month from the appellant vide Judgment dated 14.10.2020. (Annexure "E").
- (F) Needs no comments.

The applicant was found guilty after adopting the proper procedure issuing of Show-Cause Notice, submission of reply and affording opportunity of personal hearing. The appeal is not maintainable which may please be dismissed.

Para-wise comments are submitted as desired please.

(NASRULLAH KHAN GANDAPUR)
District & Sessions Judge/Zilla Qazi
SHANGLA

Endst: No. 255 /D&SJ/ZQ (SH).

Copy forwarded to the Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar for information, please.

(NASRULLAH KHAN GANDAPUR)
District & Sessions Judge/Zilla Qazi
SHANGLA 09.3.24

(1)



DISTRICT JUDICIARY SHANGLA

OFFICE OF THE DISTRICT & SESSIONS JUDGE / ZILLA QAZI, SHANGLA,
KHYBER PAKHTUNKHWA

Phone # 0996-850001
Fax # 0996-851001
Email: dsjshangla1@gmail.com

No. 253 /D&SJ/ZQ(SH)

Dated: 09 / 03. /2024

To: The Registrar,
Peshawar High Court,
Peshawar.

(Registered)

Subject: SERVICE APPEALS NO. 2423-2426 & 2478-81/2023

“Aziz ul Haq & Others ... Vs... DSJ Shangla & Others”

Dear Sir,

Reference letter No. 11277/Admn dated 27.12.2023, on the subject noted above.

I have the honour submit Para-wise comments in the subject appeals as per detail given below as desired, please: -

Appeal No. 2478/2023

(Muhammad Hanif... Vs... DSJ Shangla & Others”

Reply on behalf of the respondents No. 01& 02

1. Correct.
2. Correct.
3. Correct to the extent of serving Show Cause Notice upon the appellant and awarding minor penalties i-e with holding of increments for three years non-accumulative effect under Rule (4) (i) (a) (ii) of the abide Rules and recovery of Rs.1,13,874/- which was received by the appellant's spouse under Rule (4) (i) (a) (iii) of the abide Rules. So-far-as the question of inquiry is concerned, due to sufficient materials on record and no denial by the appellant that his spouse is not beneficiary of B.I.S.P, adopted procedure as per Rule 7 of Khyber Pakhtunkhwa Civil Servants (Efficiency and Disciplinary), Rules 2011, under the directions of Hon'ble the Peshawar High Court, Peshawar communicated through letter No. 6154-206/ADMN dated 23.04.2020. (Annexure “A”)
4. Correct.
5. No comments

Grounds:

- (A) Incorrect. The appellant was properly served with a Show Cause Notice and had submitted his reply while admitting the receipt of amount from the B.I.S.P by his spouse. He was also heard in person. (Annexure “B” & “C”).

(2)

- (B) Incorrect. There was no need for the regular inquiry as the appellant did not deny receipt of the amount from B.I.S.P by his spouse. The appellant was afforded full opportunity of personal hearing.
- (C) Incorrect. The appellant was heard at length on 04.07.2020. (Annexure "D")
- (D) Correct.
- (E) Incorrect. The appellant has not denied that his spouse was not beneficiary of B.I.S.P. The appellant mentioned that he has not received the amount personally but equally admitted that his spouse received that amount. Thus, the appellant through his spouse received monetary gain from B.I.S.P. The punishment of withholding of increments for three years has been set-aside by the Appellate Forum Hon'ble the Peshawar High Court, Peshawar by already taking lenient view of the recovery on monthly instalments @ Rs. 8000/- per month from the appellant vide Judgment dated 14.10.2020. (Annexure "E").
- (F) Needs no comments.

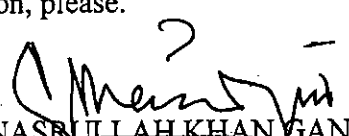
The applicant was found guilty after adopting the proper procedure issuing of Show-Cause Notice, submission of reply and affording opportunity of personal hearing. The appeal is not maintainable which may please be dismissed.

Para-wise comments are submitted as desired please.

(NASRULLAH KHAN GANDAPUR)
District & Sessions Judge/Zilla Qazi
SHANGLA

Endst: No. _____ /D&SJ/ZQ (SH).

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(NASRULLAH KHAN GANDAPUR)
District & Sessions Judge/Zilla Qazi
SHANGLA 09.3.24



(1)

DISTRICT JUDICIARY SHANGLA

OFFICE OF THE DISTRICT & SESSIONS JUDGE / ZILLA QAZI, SHANGLA,
KHYBER PAKHTUNKHWA

Phone # 0996-850001
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Email: dsjshangla1@gmail.com

No. 257 /D&SJ/ZQ(SH)

Dated: 09 / 03 / 2024

To: The Registrar,
Peshawar High Court,
Peshawar.

(Registered)

Subject: SERVICE APPEALS NO. 2423-2426 & 2478-81/2023

“Aziz ul Haq & Others ... Vs... DSJ Shangla & Others”

Dear Sir,

Reference letter No. 11277/Admn dated 27.12.2023, on the subject noted above.

I have the honour submit Para-wise comments in the subject appeals as per detail given below as desired, please: -

Appeal No. 2426/2023
(Sabir Ali... Vs... DSJ Shangla & Others”

Reply on behalf of the respondents No. 01& 02

1. Correct.
2. Correct.
3. Correct to the extent of serving Show Cause Notice upon the appellant and awarding minor penalties i-e with holding of increments for three years non-accumulative effect under Rule (4) (i) (a) (ii) of the abide Rules and recovery of Rs.1,21,874/- which was received by the appellant's spouse under Rule (4) (i) (a) (iii) of the abide Rules. So-far-as the question of inquiry is concerned, due to sufficient materials on record and no denial by the appellant that his spouse is not beneficiary of B.I.S.P, adopted procedure as per Rule 7 of Khyber Pakhtunkhwa Civil Servants (Efficiency and Disciplinary), Rules 2011, under the directions of Hon'ble the Peshawar High Court, Peshawar communicated through letter No. 6154-206/ADMN dated 23.04.2020. (Annexure "A")
4. Correct.
5. No comments

Grounds:

- (A) Incorrect. The appellant was properly served with a Show Cause Notice and had submitted his reply while admitting the receipt of amount from the B.I.S.P by his spouse. He was also heard in person. (Annexure "B" & "C").

(2)

- (B) Incorrect. There was no need for the regular inquiry as the appellant did not deny receipt of the amount from B.I.S.P by his spouse. The appellant was afforded full opportunity of personal hearing.
- (C) Incorrect. The appellant was heard at length on 04.07.2020. (Annexure "D")
- (D) Correct.
- (E) Incorrect. The appellant has not denied that his spouse was not beneficiary of B.I.S.P. The appellant mentioned that he has not received the amount personally but equally admitted that his spouse received that amount. Thus, the appellant through his spouse received monetary gain from B.I.S.P. The punishment of withholding of increments for three years has been set-aside by the Appellate Forum Hon'ble the Peshawar High Court, Peshawar by already taking lenient view of the recovery on monthly instalments @ Rs. 8000/- per month from the appellant vide Judgment dated 14.10.2020. (Annexure "E").
- (F) Needs no comments.

The applicant was found guilty after adopting the proper procedure issuing of Show-Cause Notice, submission of reply and affording opportunity of personal hearing. The appeal is not maintainable which may please be dismissed.

Para-wise comments are submitted as desired please.

(NASRULLAH KHAN GANDAPUR)
District & Sessions Judge/Zilla Qazi
SHANGLA

Endst: No. 251 /D&SJ/ZQ (SH).

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(NASRULLAH KHAN GANDAPUR)
District & Sessions Judge/Zilla Qazi
SHANGLA 09.3.24

(1)



DISTRICT JUDICIARY SHANGLA
OFFICE OF THE DISTRICT & SESSIONS JUDGE / ZILLA QAZI, SHANGLA,
KHYBER PAKHTUNKHWA

Phone # 0996-850001
Fax # 0996-851001
Email: dsjshangla1@gmail.com

No. _____/D&SJ/ZQ(SH)

Dated: _____/_____/2024

To: The Registrar,
Peshawar High Court,
Peshawar.

(Registered)

Subject: **SERVICE APPEALS NO. 2423-2426 & 2478-81/2023**

“Aziz ul Haq & Others ... Vs... DSJ Shangla & Others”

Dear Sir,

Reference letter No. 11277/Admn dated 27.12.2023, on the subject noted above.

I have the honour submit Para-wise comments in the subject appeals as per detail given below as desired, please: -

Appeal No. 2424/2023

(Naeem Ali....Vs... DSJ Shangla & Others”

Reply on behalf of the respondents No. 01 & 02

1. Correct.
2. Correct.
3. Correct to the extent of serving Show Cause Notice upon the appellant and awarding minor penalties i-e with holding of increments for three years non-accumulative effect under Rule (4) (i) (a) (ii) of the abide Rules and recovery of Rs.1,29,874/- which was received by the appellant's spouse under Rule (4) (i) (a) (iii) of the abide Rules. So-far-as the question of inquiry is concerned, due to sufficient materials on record and no denial by the appellant that his spouse is not beneficiary of B.I.S.P, adopted procedure as per Rule 7 of Khyber Pakhtunkhwa Civil Servants (Efficiency and Disciplinary), Rules 2011, under the directions of Hon'ble the Peshawar High Court, Peshawar communicated through letter No. 6154-206/ADMN dated 23.04.2020. (Annexure "A")
4. Correct.
5. No comments

Grounds:

- (A) Incorrect. The appellant was properly served with a Show Cause Notice and had submitted his reply while admitting the receipt of amount from the B.I.S.P by his spouse. He was also heard in person. (Annexure "B" & "C").

(2)

- (B) Incorrect. There was no need for the regular inquiry as the appellant did not deny receipt of the amount from B.I.S.P by his spouse. The appellant was afforded full opportunity of personal hearing.
- (C) Incorrect. The appellant was heard at length on 04.07.2020. (Annexure "D")
- (D) Correct.
- (E) Incorrect. The appellant has not denied that his spouse was not beneficiary of B.I.S.P. The appellant mentioned that he has not received the amount personally but equally admitted that his spouse received that amount. Thus, the appellant through his spouse received monetary gain from B.I.S.P. The punishment of withholding of increments for three years has been set-aside by the Appellate Forum Hon'ble the Peshawar High Court, Peshawar by already taking lenient view of the recovery on monthly instalments @ Rs. 8000/- per month from the appellant vide Judgment dated 14.10.2020. (Annexure "E").
- (F) Needs no comments.

The applicant was found guilty after adopting the proper procedure issuing of Show-Cause Notice, submission of reply and affording opportunity of personal hearing. The appeal is not maintainable which may please be dismissed.

Para-wise comments are submitted as desired please.

(NASRULLAH KHAN GANDAPUR)
District & Sessions Judge/Zilla Qazi
SHANGLA

Endst: No. _____/D&SJ/ZQ (SH).

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(NASRULLAH KHAN GANDAPUR)
District & Sessions Judge/Zilla Qazi
SHANGLA 09.3.24

(1)



DISTRICT JUDICIARY SHANGLA
OFFICE OF THE DISTRICT & SESSIONS JUDGE / ZILLA QAZI, SHANGLA,
KHYBER PAKHTUNKHWA

Phone # 0996-850001
Fax # 0996-851001
Email: dsjshangla1@gmail.com

No. 245 /D&SJ/ZQ(SH)

Dated: 09 / 03. /2024

To: The Registrar,
Peshawar High Court,
Peshawar.

(Registered)

Subject: **SERVICE APPEALS NO. 2423-2426 & 2478-81/2023**

“Aziz ul Haq & Others ... Vs... DSJ Shangla & Others”

Dear Sir,

Reference letter No. 11277/Admn dated 27.12.2023, on the subject noted above. I have the honour to submit Para-wise comments in the subject appeals as per detail given below as desired, please: -

Appeal No. 2423/2023
(Aziz ul Haq... Vs... DSJ Shangla & Others’

Reply on behalf of the respondents No. 01 & 02

1. Correct.
2. Correct.
3. Correct to the extent of serving Show Cause Notice upon the appellant and awarding minor penalties i-e with holding of increments for three years non-accumulative effect under Rule (4) (i) (a) (ii) of the abide Rules and recovery of Rs.1,29,874/- which was received by the appellant’s spouse under Rule (4) (i) (a) (iii) of the abide Rules. So-far-as the question of inquiry is concerned, due to sufficient materials on record and no denial by the appellant that his spouse is not beneficiary of B.I.S.P, adopted procedure as per Rule 7 of Khyber Pakhtunkhwa Civil Servants (Efficiency and Disciplinary), Rules 2011, under the directions of Hon’ble the Peshawar High Court, Peshawar communicated through letter No. 6154-206/ADMN dated 23.04.2020. (Annexure “A”)
4. Correct.
5. No comments

Grounds:

- (A) Incorrect. The appellant was properly served with a Show Cause Notice and had submitted his reply while admitting the receipt of amount from the B.I.S.P by his spouse. He was also heard in person. (Annexure “B” & “C”).

(2)

- (B) Incorrect. There was no need for the regular inquiry as the appellant did not deny receipt of the amount from B.I.S.P by his spouse. The appellant was afforded full opportunity of personal hearing.
- (C) Incorrect. The appellant was heard at length on 04.07.2020. (Annexure "D")
- (D) Correct.
- (E) Incorrect. The appellant has not denied that his spouse was not beneficiary of B.I.S.P. The appellant mentioned that he has not received the amount personally but equally admitted that his spouse received that amount. Thus, the appellant through his spouse received monetary gain from B.I.S.P. The punishment of withholding of increments for three years has been set-aside by the Appellate Forum Hon'ble the Peshawar High Court, Peshawar by already taking lenient view of the recovery on monthly instalments @ Rs. 4000/- per month from the appellant vide Judgment dated 14.10.2020. (Annexure "E").
- (F) Needs no comments.


The applicant was found guilty after adopting the proper procedure issuing of Show-Cause Notice, submission of reply and affording opportunity of personal hearing. The appeal is not maintainable which may please be dismissed.

Para-wise comments are submitted as desired please.

(NASRULLAH KHAN GANDAPUR)
District & Sessions Judge/Zilla Qazi
SHANGLA

Endst: No. _____/D&SJ/ZQ (SH).

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(NASRULLAH KHAN GANDAPUR)
District & Sessions Judge/Zilla Qazi
SHANGLA 09.3.24



(1)

DISTRICT JUDICIARY SHANGLA

OFFICE OF THE DISTRICT & SESSIONS JUDGE / ZILLA QAZI, SHANGLA,
KHYBER PAKHTUNKHWA

Phone # 0996-850001
Fax # 0996-851001
Email: dsjshangla1@gmail.com

No. 245 /D&SJ/ZQ(SH)

Dated: 09 / 03 /2024

To: The Registrar,
Peshawar High Court,
Peshawar.

(Registered)

Subject: **SERVICE APPEALS NO. 2423-2426 & 2478-81/2023**
"Aziz ul Haq & Others ... Vs... DSJ Shangla & Others"

Dear Sir,

Reference letter No. 11277/Admn dated 27.12.2023, on the subject noted above.

I have the honour submit Para-wise comments in the subject appeals as per detail given below as desired, please: -

Appeal No. 2425/2023
(Namoos Khan... Vs... DSJ Shangla & Others)

Reply on behalf of the respondents No. 01& 02

1. Correct.
2. Correct.
3. Correct to the extent of serving Show Cause Notice upon the appellant and awarding minor penalties i-e with holding of increments for three years non-accumulative effect under Rule (4) (i) (a) (ii) of the abide Rules and recovery of Rs.1,19,874/- which was received by the appellant's spouse under Rule (4) (i) (a) (iii) of the abide Rules. So-far-as the question of inquiry is concerned, due to sufficient materials on record and no denial by the appellant that his spouse is not beneficiary of B.I.S.P, adopted procedure as per Rule 7 of Khyber Pakhtunkhwa Civil Servants (Efficiency and Disciplinary), Rules 2011, under the directions of Hon'ble the Peshawar High Court, Peshawar communicated through letter No. 6154-206/ADMN dated 23.04.2020. (Annexure "A")
4. Correct.
5. No comments

Grounds:

- (A) Incorrect. The appellant was properly served with a Show Cause Notice and had submitted his reply while admitting the receipt of amount from the B.I.S.P by his spouse. He was also heard in person. (Annexure "B" & "C").

(2)

- (B) Incorrect. There was no need for the regular inquiry as the appellant did not deny receipt of the amount from B.I.S.P by his spouse. The appellant was afforded full opportunity of personal hearing.
- (C) Incorrect. The appellant was heard at length on 04.07.2020. (Annexure "D")
- (D) Correct.
- (E) Incorrect. The appellant has not denied that his spouse was not beneficiary of B.I.S.P. The appellant mentioned that he has not received the amount personally but equally admitted that his spouse received that amount. Thus, the appellant through his spouse received monetary gain from B.I.S.P. The punishment of withholding of increments for three years has been set-aside by the Appellate Forum Hon'ble the Peshawar High Court, Peshawar by already taking lenient view of the recovery on monthly instalments @ Rs. 8000/- per month from the appellant vide Judgment dated 14.10.2020. (Annexure "E").
- (F) Needs no comments.

The applicant was found guilty after adopting the proper procedure issuing of Show-Cause Notice, submission of reply and affording opportunity of personal hearing. The appeal is not maintainable which may please be dismissed.

Para-wise comments are submitted as desired please.

(NASRULLAH KHAN GANDAPUR)
District & Sessions Judge/Zilla Qazi
SHANGLA

Endst: No. 249 /D&SJ/ZQ (SH).

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(NASRULLAH KHAN GANDAPUR)
District & Sessions Judge/Zilla Qazi
SHANGLA 09-3-24