

**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,**

Office of the District & Sessions Judge, Lakki Marwat

Phone#0969-538150 Fax# 0969-538152 E-Mail:dsjlakki@Yahoo.com

No. 1311 /DS/L.M

Dated 22 /03/2024

To

**The Registrar,**  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.


Subject: **SERVICE APPEAL NO.12791/2020**

**“Gul Tiaz.....Vs..... DSJ,Lakki Marwat & others”**

Sir,

With reference to office letter bearing No.289-94 dated 30-01-2024 issued by the Additional Advocate General, Khyber Pakhtunkhwa, Service Tribunal, Peshawar and in pursuance to the instructions contained in letter bearing No.1775/Admn, dated 20-03-2024 issued by the Hon'ble Peshawar High Court, Peshawar; I have the honour to submit the para-wise comments in the applications submitted by the appellant through counsel (01+03 sets) in the subject Service Appeal No.12791/2020 after vetting by the Peshawar High Court, Peshawar for submission before the Hon,ble tribunal as ordered please.

Yours Sincerely,

  
(KASHIF NADEEM)  
District & Sessions Judge,  
Lakki Marwat.

Endst: No. — /DSJ/L.M

Dated Lakki the — -03-2024

Copy forwarded for information to

1. The Registrar, Peshawar High Court, Peshawar with reference to his letter bearing No.1775/Admn dated 20-03-2024 along with copies of fair comments for information, please.
2. The Additional Advocate General, Khyber Pakhtoonkhwa Service Tribunal, Peshawar with reference to his letter bearing No.289-94 dated 30-01-2024 along with copies of fair comments for information.

  
District & Sessions Judge,  
Lakki Marwat.

17-4-2024

Peshawar

**BEFORE HON'BLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR.**

Subject: **REPLY/ COMMENTS ON BEHALF OF RESPONDENTS NO.01 TO  
03 IN THE APPLICATION SUBMITTED BY THE APPELLANT  
THROUGH COUNSEL FOR REQUISITIONING/SUMMONING  
INQUIRY FILE OR PROCEEDINGS CONDUCTED AGAINST  
MR.NASIR KAMAL,EX-ADDITIONAL DISTRICT & SESSIONS  
JUDGE FROM PHC, PESHAWAR.**

Reference: **SERVICE APPEAL NO.12791/2020.**

**"Gul Tiaz VS The Registrar, PHC & 02 others.**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 12087

Dated 03-04-2024

Respectfully Sheweth:

That the respondents submit as under:-


**PRELIMINARY OBJECTIONS:**

- (1) That the appellant, namely, **Mr.Gul Tiaz, Ex-Driver (BPS-06)** has got no cause of action to file the instant application.
- (2) That the appellant has not come to the Hon'ble Tribunal with clean hands.
- (3) That the application is, without locus standi and only meant to vex the respondents.
- (4) That the application in hand is the outcome of ulterior motives, tinted with malice.

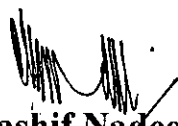
**PARA-WISE REPLY ON FACTS: -**

1. **Para No. 01** of the application is correct to the extent that the said service appeal is already subjudice before the Khyber Pakhtunkhwa Service Tribunal, Peshawar and the next date in the said appeal is fixed for 17-04-2024.
2. **Para No. 02** of the application in service appeal is denied being meritless. The matter/case of appellant/Gul Tiaz, ex-Driver (BPS-06) was purely treated in accordance with Law, Rules and Policy by the respondents and it does not relate to the proceedings of Ex-Judge, namely, Mr.Nasir Kamal,Ex-AD&s.J. Both the matters have no nexus with one another and are not inter-connected.
3. It is therefore, entreated that the instant application filed in subject service appeal No. 12791/2020 may kindly be dismissed with cost as the appellant has no right to access to irrelevant documents in the aforementioned, circumstances.

Respondent No.01 &02.

  
**Registrar**  
Peshawar High Court,  
Peshawar.  
NAM ULLAH WAZIR

Respondent No.03.

  
**(Kashif Nadeem)**  
District & Sessions Judge,  
Lakki Marwat.

**BEFORE HON'BLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR.**

Subject: **REPLY/ COMMENTS ON BEHALF OF RESPONDENTS NO.01 TO 03 IN THE APPLICATION SUBMITTED BY THE APPELLANT THROUGH COUNSEL FOR REQUISITIONING/SUMMONING PER(S) FROM DISTRICT & SESSIONS JUDGE, LAKKI MARWAT.**

Reference: **SERVICE APPEAL NO.12791/2020.**

**"Gul Tiaz VS The Registrar, PHC & 02 others.**

Respectfully Sheweth:

That the respondents submit as under:-


**PRELIMINARY OBJECTIONS:**

- (1) That the appellant, namely, **Mr.Gul Tiaz, Ex-Driver (BPS-06)** has got no cause of action to file the instant application.
- (2) That the appellant has not come to the Hon'ble Tribunal with clean hands.
- (3) That the application is, without locus standi and only meant to vex the respondents.
- (4) That the application in hand is the outcome of ulterior motives, tinted with malice.


**PARA-WISE REPLY ON FACTS: -**

1. **Para No. 01** of the application is correct to the extent that the said service appeal is already subjudice before the Khyber Pakhtunkhwa Service Tribunal, Peshawar and the next date in the said appeal is fixed for 17-04-2024.
2. **Para No. 02** of the application pertaining to PER(S) of the ex-Driver in service appeal is also denied being meritless, as he was dismissed from his service on a specific complaint, after adopting due process of law, which is contested by the complainant and not on the basis of any adverse entry in PERs.
3. It is therefore, entreated that the instant application filed in subject service appeal No. 12791/2020 may kindly be dismissed with cost as the appellant has no right to access to irrelevant documents in the aforementioned, circumstances.

Respondent No.01 &02.

  
**Registrar**  
Peshawar High Court,  
Peshawar.

Respondent No.03.

  
**(Kashif Nabeem)**  
District & Sessions Judge,  
Lakki Marwat.

25.01.2024


Appeal No. 15791/2020  
GulTiaz vs Govt

Appellant alongwith his counsel present. Mr. Taj Muhammad, Accountant alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

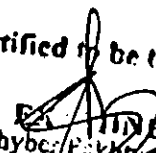


Appellant submitted two applications i.e one for requisitioning/summoning of inquiry file of proceedings conducted against Mr. Nasir Kamal Ex-Additional District & Sessions Judge, while other application for requisitioning/summoning of PERs of the appellant from District & Sessions Judge Lakki Marwat. Copies of the applications handed over to learned District Attorney, who stated that he wants to contest the applications by way of submitting replies. Adjourned. To come up for replies of the applications as well as arguments on the applications and main appeal on 17.04.2024 before the D.B. Parcha Peshi given to the parties.

  
(Fareeha Paul)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

\*Noem Amin\*

Certified to be true copy  
  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Khyber Pakhtunkhwa  
Service Tribunal

Civil-Miscellaneous No: \_\_\_\_\_ / 2023  
In Service Appeal No: 12791 / 2020

Case No. 9593

Dated 24-11-23

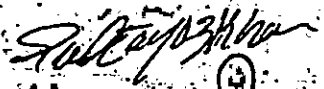
GUL TIAZ vs Govt. of Khyber Pakhtunkhwa etc.

APPLICATION FOR REQUISITIONING / SUMMONING INQUIRY FILE OR  
PROCEEDINGS CONDUCTED AGAINST MR. NASIR KAMAL, EX-ADDITIONAL  
DISTRICT & SESSIONS JUDGE FROM PESHAWAR HIGH COURT, PESHAWAR.

Respectfully Sheweth;

- 1) That, the titled Service Appeal was pending subjudice before this Honorable Tribunal and was fixed for 23.11.2023.
- 2) That, on 23.11.2023, during the course of arguments, it was observed that for fair disposal of the titled Service Appeal, the presence of record / Inquiry / proceedings (Charge Sheet, Show Cause Notice, Statement of Allegations, Explanation & Replies of Officer) conducted against Mr. Nasir Kamal (Ex-Additional District & Sessions Judge, is necessary before the Tribunal, as the case of the Applicant and Ex-Judge was originated from same complaint.

It is, therefore, requested that on acceptance of this Application, the Inquiry File / Proceedings etc. or at least attested copies of the same, as mentioned in heading of the Application may please be requisitioned from Honorable Peshawar High Court, Peshawar.

  
Applicant / Appellant

Through:

  
BILAL AHMAD KAKAIZAI

(Advocate Supreme Court of Pakistan)


213, Sunehri Masjid Road, Near HBL

Nothia Branch, Peshawar Cantt.

0300-9020098

AFFIDAVIT

Gul Tiaz Applicant / Appellant do hereby on oath affirm and declare that the contents of the Application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.

  
Deponent



BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Civil Miscellaneous No: \_\_\_\_\_ / 2023  
In Service Appeal No: 1279 / 2023

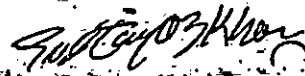
GUL TIAZ VS Govt. of Khyber Pakhtunkhwa etc.

APPLICATION FOR REQUISITIONING / SUMMONING PER(S) FROM DISTRICT & SESSIONS JUDGE, LAKKI MARWAT

Respectfully Sheweth,

- 1) That, the titled Service Appeal was pending subjudice before this Honorable Tribunal and was fixed for 23.11.2023.
- 2) That, on 23.11.2023, during the course of arguments, it was observed by the Learned Counsel that for fair disposal of the titled Service Appeal, the presence of PER(s) of the Appellant are necessary to be placed before the Tribunal.

It is, therefore, requested that on acceptance of this Application, the PER(s) of the Appellant pertaining to year 2018 onwards may please be requisitioned from District & Sessions Judge, Lakki Marwat.

  
Applicant / Appellant

Through:

  
BILAL AHMAD KAKAI

(Advocate Supreme Court of Pakistan)  
213, Sunehri Masjid Road, Near HBL  
Nothia Branch, Peshawar Cantt.  
0300-9020098.

AFFIDAVIT

GUL TIAZ Applicant / Appellant do hereby on oath affirm and declare that the contents of the Application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.

Deponent

**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,**

Office of the District & Sessions Judge, Lakki Marwat

Phone#0969-538150 Fax# 0969-538152

E-Mail:dsjlakki@yahoo.com

No.        /DSJ/L.M

Dated        /04/2024

**OFFICE ORDER**

In pursuance to instruction contained in letter No.1775/Admn dated 20-03-2024 issued by the Hon'ble Peshawar High Court, Peshawar regarding submission of comments in the Service Appeal No.12791/2020 titled "Gul Tiaz.....Vs..... DSJ, Lakki Marwat & others", Mr.Taj Muhammad, Accountant (BPS-16) of this office is hereby deputed to submit the requisite comments in the applications submitted by the appellant in the said Service Appeal before the Khyber Pakhtunkhwa Service Tribunal, Peshawar forthwith.

*—sd—*

**(Kashif Nadeem)**

District & Sessions Judge,  
Lakki Marwat.

Endst No: 1517-18 /DSJ/L.M,

Dated Lakki 02 /04/2024.

Copy forwarded to

1. The Registrar Peshawar High Court Peshawar for information please.
2. Mr.Taj Muhammad, Accountant (BPS-16) of this office for compliance.

**District & Sessions Judge,**  
**Lakki Marwat,**  
**District & Sessions Judge,**  
**Lakki Marwat**