


FORM OF ORDER SHEET

Court of _____

Appeal No. 1064/2024

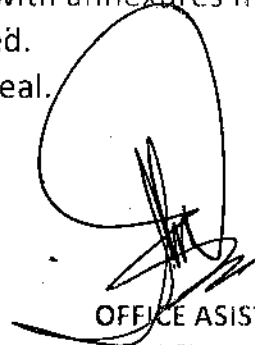
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/07/2024	<p>The appeal of Mr. Ifikhar ud Din resubmitted today by Mr. Shakir Ud Din Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on 05.09.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Iftikhar ud Din received today i.e on 23.07.2024 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 3 is un-necessary/improper party, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal are unattested.
- 4- Check list is not attached with the appeal.

No. 461 /Inst./2024/KPST,

Dt. 24/7 /2024.

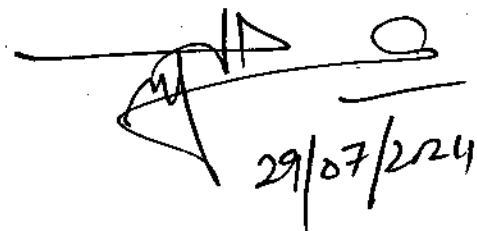


OFFICE ASISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Shakir Uddin Adv.
High Court at Peshawar.

Note:

objection have removed
and Re-Submitted.



29/07/2024

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR

S.A. No. ¹⁰⁶⁴ /2024

Iftikhar Uddin

Appellant

VERSUS

Registrar Peshawar High Court & others

Respondents

INDEX

S. No	Description of documents	Annexure	Pages
1.	Service appeal		1-3
2.	Affidavit		4
3.	Copies of cause list & Daily Register No 9		5-17
4.	Copies of statement of allegation & char sheet		18-21
5.	Copies of reply of char sheet & inquiry report		22-30
6.	Copies of show cause notice and reply of show cause notice		31-32
7.	Copy of impugned order dated 15-03-2023		33-35
8.	Copy of departmental appeal		36-37
9.	Wakalat Nama		38

Appellant

Through

Shakir Uddin Chitrali

Advocate High Court

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR

S.A No. 1064/2024

Senior Clerk Iftikhar ud din son of Miftah ud din Resident of

Appellant

VERSUS

1. Registrar, Peshawar High Court, Peshawar
2. District and session judge, District upper Chitral

**APPEAL U/S 4 KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974, AGAINST THE IMPUGNED ORDER DATED 15-03-2024
DISTRICT AND SESSION JUDGE UPPER CHITRAL**

Respectfully Showeth:

The appellant humbly submit as under..

1. That the appellant was most senior Clerk/Reader with the Civil Judge District Upper Chitral Khyber Pakhtunkhwa.
2. That due to some clerical mistake there were some discrepancies in the names mentioned on the cause list, Daily Registered through sheer inadvertence. (copies of cause lists and daily register No 9 are annexed as annexure "A"&"B")
3. That due to above mentioned mistakes which were totally based upon human error, statement of allegation and charge sheet were issued to the appellant.(copy of Statement of allegation and charge sheet are annexed as annexure "C"&"D")
4. That after charge sheeting the appellant an inquiry officer was appointed to conduct Inquiry regarding the issue, and directed to the appellant to submit his written defense of the charge sheet to the Inquiry Officer, and the appellant submitted the para wise

reply of the charge sheet. Who after conducting inquiry submitted his report to the competent authority, wherein recommendation for withholding increment of one year was made.(copy of reply of charge sheet and an inquiry report are annexed as annexure "E"&"F")

- 5. That after submission report by the inquiry officer, show cause notice was issued to the appellant by the competent authority which was duly replied by the appellant.(copy of show cause notice and reply are annexed as annexure "G"&"H")

- 6. That the competent authority while accepting recommendations of the Inquiry officer imposed minor penalty of withholding on increment for a period of one year and he also directed that he shall not be posted to a responsible position for a period of one year through the impugned order.(copy of order/notification dated 15-03-2024 is annexed as annexure "I")

- 7. That against the mentioned above official letter the appellant submitted departmental appeal the appellate forum which has not decided even after the expiry of 90th days of statutory period.(Copy of departmental appeal is annexed as annexure "J")

- 8. That the appellant invokes the appellate jurisdiction of this Honorable forum for setting aside the impugned order on the following grounds amongst others.

Grounds:


- A. That the impugned order is against the law facts and circumstances of the case hence not tenable and liable to be set aside.

- B. That the appellant submitted his reply during the inquiry proceeding wherein the appellant stated that the mistakes mentioned were totally the result of human error while some of

the allegation were shown baseless on the basis of available record/cause list registers.

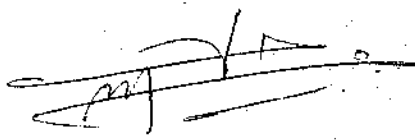
- C. That the Inquiry officer did not take in to consideration the details mentioned in the reply and came to a wrong conclusion by making recommendation of withholding increment of the appellant.
- D. That the appellant has been performing his duties for the last so many years and there has been no complaints against the appellant from any quarter.
- E. That the enquiry report totally one sided and lacks the characteristics of a speaking and reasonable report by ignoring the real facts and details given in the reply of the appellant.
- F. That the impugned order which was purely based upon the enquiry report is a harsh one and against the norms of justice, hence liable to be declare null and void.

It is therefore humbly prayed that on acceptance of this appeal the impugned order dated 16-03-2024 may kindly be set aside and the penalty imposed upon the appellant may also be withdrawn.



Appellant

Through



Shakir ud DIN Shahid
Advocate High Court

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR

S.A No..... /2024

Iftikhar Ud din ----- Appellant

VERSUS

Registrar High Court & others ----- Respondents

AFFIDAVIT

I Iftikhar uddin son of Miftah uddin senior clerk district and session court Upper chitral Buni i do here by solemnly affirm and declare on oath that the contents of this service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

DEPONENT

Identified by

Shakir Ud Din Shahid

Advocate High Court

CNIC No. 15202-9448688-1

Cell No. 8347-8484820



22-7-24

مدارالتعالیٰ جناب جیل فیسر سول جج علاقہ قاضی چترال اپنی

23.7.7.23 دن بروز جمعہ

کازسٹ برائے مورخہ

تاریخ پیش	آئندہ کاروائی	کاروائی	نوعیت مقدمہ	مہر یقین مقدمات
28.7.23	حافی	حافی	السواتی	منظور الہی بنام بی بی گلگرم
24.7.23		"	"	اتم کیتھ بنام سماع احمد ڈیون
27.7.23		"	"	گولڈن ڈیون بنام 99 رجسٹرڈ
"	"	"	"	" " " " " " " "
24.7.23		"	السواتی	لاکھنوی سول بنام DEO ڈیون
"	"	"	"	" " " " " " " "
8.8.23		"	السواتی	بنگلہ دیش بنام عظیم ڈیون
11.8.23		ادائیگی	اجراء	محمد حنیف بنام ابراہیم ڈیون
28/7/23		"	"	ایکسٹریٹ بنام سار علی
27.7.23		السواتی	السواتی	نور احمد ڈیون بنام فضل علی
"	"	"	"	" " " " " " " "
28/7/23			السواتی	محمد شجاع ڈیون بنام منیر علی
"	"	"	"	" " " " " " " "
3/8/23		سٹارٹ	PPC	محمد بنام طارق خان
"	"	"	"	سید بنام سید محمد
28/7/23				محمد عزیز ڈیون بنام عزیز

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بگذشت جناب حیدر علی خان سولہ جمع علاقہ قاضی چترال

کارڈ برائے مورخہ 23. 7. 12 بروز بدھ

نمبر شمار	نام فریقین مقدمات	نوعیت مقدمہ	کارروائی	آئندہ کارروائی	آئندہ تاریخ پیشی
✓	سید سردار حسین بنام رحمت الدین	ادعوات	حاضر		31.7.23
✗	سردار جلال بنام دولت قبول	"	"		9.8.23
✓	" " " " " " " "	السواق	"	ادعوات	شمارہ
✓	عبد العزیز بنام غلام محمد	"	۱۹. اگست		02.8.23
✓	صہباز حسن بنام رضوان	"	شمارت		21.7.23
✓	" " " " " " " "	"	۱۹. اگست		" "
✓	محمد اسد بنام سید ساجد شاہ	ادعوات	ادانگی		08.8.23
✓	حلیل احمد بنام سید سعادت شاہ	"	"		" "
✓	روشنی خان بنام اسد اللہ	"	"		02.8.23
✓	ایلیان اسد بنام حکومت CPK	السواق	شمارت		07.8.23
✓	ضیاء بخش بنام سردار ولی	اجراء	حوالہ		9.8.23
✓	غلام نواز بنام نور محمد	السواق	شمارت		25.7.23
✓	غلام اسد بنام حیدر علی	ادعوات	ادانگی		07.8.23
✓	سرم نواز بنام قاضی	السواق	شمارت		09.8.23
✓	عبد العزیز بنام غلام محمد				

بعد اہلت جناب سید فضل حفیظ سولہ حج لکھنؤ قاضی چترال اپ

کاز لسٹ برائے مورخہ 13/7/23 بروز جمعرات

نمبر شمار	نام فریقین مقدمات	نوعیت مقدمہ	کارروائی	آئندہ کارروائی	آئندہ تاریخ
✓	سلطان سردار نام لکھنؤ	السودا	حاضر		10.8.23
✓	سید علی خان نام لکھنؤ	السودا	"		10.8.23
✓	شیخ ابراہیم نام لکھنؤ	السودا	"		17.8.23
✓	محمد علی نام لکھنؤ	السودا	"		7.8.23
	رحمت علی نام لکھنؤ	السودا	"		31.8.23
✓	خیر اللہ نام لکھنؤ	"	"		01.8.23
✓	" " " " " "	"	"		" "
✓	سید علی نام لکھنؤ	"	"	سید علی	03.8.23
✓	" " " " " "	"	"	"	" "
✓	یوسف نام لکھنؤ	السودا	"		10.8.23
✓	" " " " " "	"	"		" "
✓	محمد اظہار نام لکھنؤ	"	"		10.8.23
✓	" " " " " "	السودا	"	در خواست	
✓	سید عزیز علی نام لکھنؤ	السودا	"	سید عزیز علی	
✓	فخر محمد نام لکھنؤ	السودا	"	فخر محمد	29.8.23
✓	احسان نام لکھنؤ	"	"	احسان	15.8.23
✓	سید جمال نام لکھنؤ	السودا	"	سید جمال	09.8.23

بعد الرحمن جناب جمیل فقیر سول بحج علاقہ قاضی چترال ای

کازسٹ برائے مورخہ 14.7.23 بروز جمعہ

نمبر شمار	نام فریقین مقدمات	نوعیت مقدمہ	کارروائی	آئندہ کارروائی	آئندہ تاریخ پیش
✓	محمد ناصر الدین بنام سلطان لہلہ	FC	حاضری		31.7.23
✓	جان خان بنام سٹیشن افسر	السوائقی	"		04.8.23
✓	" " " "	ارخوارت	"		" "
✓	رحمت امان بنام بیار امان	السوائقی	"		08.8.23
✓	" " " "	ارخوارت	"		" "
✓	رحمت الہی بنام CSW	"	"		08.8.23
✓	سعید بنام کلبہ السقیم	اجراء	حاضری		15.8.23
✓	شازدہ بنام رحیم الدین	FC	شمارت		03.8.23
✓	غلام حسن بنام لویان خان	اجراء	انظر ایل		25.7.23
✓	منیہ بانگرو بنام ابراہیم شاہ	اجراء	ادانگی		10.8.23
✓	عبدالرحمن بنام ڈپٹی سیکریٹری	اجراء	اجراء		24.8.23
✓	اسلم رضا بنام جنید اعظم	اجراء	اجراء		04/8/23
✓	کار بنام حسن بخش	PPC	شمارت		09.8.23
✓	سرکار بنام صہبنا بخش	CMP	"		" "
✓	کار بنام مبارک خسان	"	"		03.8.23

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بعدالت جمار جمیل فقیر سولہ حج علاقہ قاضی چترال

کارڈ برائے مورخہ 23 | 8 | 15 بروز منگل

نمبر شمار	نام فریقین مقدمات	نوعیت مقدمہ	کاروائی	آئندہ کاروائی	آئندہ تاریخ پیش
1	علیہ جی بی بنام عبدالقہر	اجراء	حاضر		18.9.23
2	سائبر جی بی بنام غنیض بحال	درخواست	"		05.9.23
3	سلیم خان بنام نور عالم	القراریتی	"		29.8.23
4	خٹار احمد بنام علیہ الاحد	"	"		06.9.23
5	امیر حسین بنام رحمت قدم	درخواست	"		11.9.23
6	میر صوات خان بنام اسمار الدین	امراء	"		" "
7	سلیم خان بنام نور عالم	درخواست	"		29.8.23
8	محمد قاسم الدین بنام شریک الدین	القراریتی	"		21.8.23
9	" " " "	درخواست	"		" "
10	علامہ محمد بنام عبدالعزیز و غیرہ	القراریتی	پہلو چوٹی		31.8.23
11	انور الدین بنام نفل حبیب و غیرہ	"	"		06.9.23
12	" " " "	درخواست	"		" "
13	محمد قہر بنام مختار خان	امراء	ادراشلی		26.9.23
14	احسان الرحمن بنام حکومت KPP و غیرہ	القراریتی	بخدمت ہر مقدم		18.9.23
15	امیر احمد بنام CSW و غیرہ	"	محبت		31.8.23
16	محمد شہزاد جی بی بنام مشیر نواز	"	کمیشنرز		21.9.23
17	القراریتی بنام وقار احمد	القراریتی	محبت		24.8.23
18	مستوفی احمد بنام کریم بخش	"	حاضر		17.8.23
19	علی حسین بنام نظام الدین	"	بخدمت ہر مقدم	دکرا ڈاکو	

گورنمنٹ ہائیڈرو گریڈنگ ڈیپارٹمنٹ، اسلام آباد

کازسٹ برائے مورخہ 23. 8. 23 بروز بدھ

نمبر کار	نام فریقین مقدمات	نوعیت مقدمہ	کارروائی	آئندہ کارروائی	آئندہ تاریخ پیشی
	زمیندار				
	سیٹھ محمد رفیق خان	اجراء	حاجزی		25.9.23
	غلام محمد خان	الستراجی	"	SCC	25.9.23
	بی بی حاصرہ بی بی حاصرہ شاہ	درخواست	"		22.9.23
	بی بی مسلمہ بی بی حاصرہ شاہ	الستراجی	درخواست		" "
	سیٹھ محمد رفیق خان	درخواست	حاجزی		" "
	سیٹھ محمد رفیق خان	اجراء	ادارہ		5.9.23
	سیٹھ محمد رفیق خان	"	"		22.9.23
	سیٹھ محمد رفیق خان	ف ڈاڑھی	سیٹھ محمد رفیق خان	حکم مستعمل	26.9.23
	سیٹھ محمد رفیق خان	اجراء	الستراجی		22.9.23
	سیٹھ محمد رفیق خان	الستراجی	-		" "
	سیٹھ محمد رفیق خان	"	سیٹھ محمد رفیق خان		17.9.23
	سیٹھ محمد رفیق خان	"	"		24.9.23
	سیٹھ محمد رفیق خان	روایت	حاجزی		25.9.23
	"	حفاظت	"		15/9/23

رہبر

تاریخ 7.7.23

ڈائری (سول) رجسٹر نمبر 9

بروز جمعہ

نمبر مقدمہ	نام فریقین	ذمیت مقدمہ	کارروائی	سابقہ پیشی	آئندہ کارروائی	آئندہ پیشی
100	جانب گزینر نام علی زار وین	السواقی	حاضری	نیا		8/7/23
101	محمد شجاع الدین نام شریف الدین	السواقی	حاضری	نیا		7.7.23
	" " "	ارخوات	"	"		" "
102	نذیر الدین نام فضل حبیب	السواقی	حاضری	نیا		7.7.23
103	" " "	ارخوات	"	"		" "
	منظور الہی نام بی بی کلثوم	السواقی	حاضری	8/6		28.7.23
	ام حبیبہ نام شجاع احمد وین	السواقی	حاضری	14/6		24.7.23
27/6	گل شرف وینہ نام وورثہ وینہ	السواقی	حاضری	14/6		7.7.23
	" " "	ارخوات	"	"		" " "
2/10	شیم افزہ نام ابرار ایم وین	اجراء	ادائیگی	19/6		11.8.23
	اعجاز رسول پیام DEO وینہ	السواقی	حاضری	نیا		14.7.23
	" " "	ارخوات	"	"		" " "
114/1	بزرگ علی نام کلثوم وینہ	السواقی	حاضری	20/6		1.8.23
	سیراز علی نام بیار علی	اجراء	ادائیگی	3/7		28.7.23

تاریخ 12.7.23

تاریخ پیشی کارروائی (سول)

بروز بدھ

تقدیر	نام فریقین	نوبت تقدیر	کارروائی	سابقہ پیشی	آئندہ کارروائی	آئندہ پیشی
	سیدنا حسین بنام زحمت الیوم	دفعات	حاضری	20/6	حاضری	31.7.23
18	عبدالغفور بنام غلام محمد	السواقی	7 دھولی	5/7	7 دھولی	02.8.23
56	" " " " " "	در لاک	آدم خور	"	9 دفعات	" "
09	شہزادہ سکندر ملکہ بنام نعیم الدین	السواقی	شہادت	5/6	شہادت	21.7.23
	" " " " " "	دفعات	جواب دہی	4	"	" "
19	محمد اسد بنام سندھت شاہ	اجراء	ادائیگی	5/6	ادائیگی	08.08.23
	" " " " " "	"	"	"	"	" "
36	خلیل احمد بنام سید سعادت شاہ	اجراء	ادائیگی	5/6	"	08.8.23
19	محمد اسد بنام سید سعادت شاہ	"	"	"	"	" "
	نور محمد بنام اسد الایم	اجراء	ادائیگی	28/6	"	02.8.23
09	ایلیان رحیم بنام حکومت KPK	السواقی	شہادت	15/6	شہادت	07.8.23
5	ضامن بنام سردار ولی	اجراء	جوائی	16/6	جوائی	09.8.23
	عنیم خان بنام گوردان دھولی	السواقی	شہادت	16/6	شہادت	25.7.23
	محمد امجد بنام جمالی	19	ادائیگی	15/6	حاضری	07.8.23
	محمد عثمان بنام حاجی الیوم	السواقی	عدالت	20/6	عدالت	04.8.23
	سردار جہول بنام دولت صہولی	السواقی	حاضری	"	9 دھولی	09.8.23
	" " " " " "	السواقی	دفعات	"	دفعات	" "
17	نظام الدین بنام رحیم خان	اجراء	"	"	حاضری	02.8.23

تاریخ: 13.7.23

تاریخ پیش رجسٹر نمبر 9 (سول)

روز جمعرات

نمبر	نام فریقین	ذمیت مقدمہ	کاروائی	سابقہ پیشی	آئندہ کاروائی	آئندہ پیشی
	محمد اقبال بنام علامہ نبی مہتمم	اتفاق	2 دہائی	26/6		10.8.23
	" " " " " " " "	دعوت	2 دہائی	26/6		15.8.23
53/10	ایم ایف گھنٹہ بنام طاہر گھنٹہ	اجراء	خوب دعوی	26/6		" "
6/2016	" " " " " " " "	دعوت	"	"		" "
84/1	سید زہرا علیا بنام نادر حسین	اجراء	صحت	9/6		10.8.23
124/1	احسان اللہ بنام حکومت KPK	الغرض	بجسٹری	9/6		15.8.23
1/2023	ضیاء محمد بنام قاسم حسین	السوازی	کیمین رپورٹ	19/6		09.8.23
	سلطان مراد بنام نسیم احمد	"	حاضر	10/6		11.8.23
	سرور علی خان بنام لیلی جمیلہ	دعوت	حاضر	13/6		09.8.23
	زیارت جمال بنام ریلین حسین	"	"	13/6		09.8.23
	شفیع اللہ بنام شفیع الرحمن	السوازی	"	26/6		07.8.23
	محمد علی بنام رحمت عزیز	اجراء	"	"		17.8.23
	علی رحمت شاہ بنام رحمت شاہ	السوازی	"	"		31.7.23
	فید اللہ شاہ بنام محمد ناز شاہ	دعوت	حاضر	19/6		1.8.2023
	" " " " " " " "	اتفاق	"	"		" "
144/1	رفیق شاہ بنام رستم	"	"	27/6		03.8.23
33/6	" " " " " " " "	"	"	"		" "

مؤرخه 23 7 1403 شمسی تاریخ پیش رجسٹر نمبر 9 (سول)

روز جمعہ

نمبر مقدمه	نام فریقین	اولیت مقدمه	کاروائی	سابقه پیشی	آئندہ کاروائی	آئندہ پیشی
	شاد زید بنام رحیم الدین	Fc	شمارت	3/7	-	13.8.23
	عظیم خان بنام لوکان خان	پیرت	انتظار اولین	5/6	پیرت	5.7.23
	محمد نادر الدین بنام سلطانہ بیگم	Fc	حاضری	3/7		7.23
	محمد امین بنام سید سعادت بیگم	اجراء	-	5/23	نور علی بیگم	2.7.23
	چبان خان بنام سلطانہ بیگم	الخراجی	حاضری	13/6		4.8.23
	" " " "	انجوائت	"	"	"	" "
	رحمت انان بنام بہار انان	الخراجی	"	"	"	8.8.23
	" " " "	انجوائت	"	"	"	" "
	رحمت اہلس بنام سعید	"	"	"	"	13.8.23
	مین مالک و بنام ابراہیم شاہ	اجراء	ادارگی	16/6		20.8.23
4/10	عبدالرحمن بنام ڈی بی گمن وین	اجراء	ریورٹ پیلو	19/6		4.8.23
	رحیم ضیا بنام جفند اصغر	انجوائت	پیرت	27/6		14.8.23
	شاد زید بنام رحیم الدین	Fc	شمارت	3/7	دوبارہ سہولت نامہ	2
46/10	ایعلی بی بی بنام سعید القیوم	اجراء	حاضری	3/7		5.8.23

ڈاڑھی مارن پیشی رجسٹر نمبر 9 (سول)

تاریخ 23.8.20

نمبر مقدمہ	نام فریقین	ادیت مقدمہ	کاروائی	سابقہ پیشی	آئندہ کاروائی	آئندہ پیشی
	نادر بن علی بنام نادر زراہی	السواقی	کچن مارن	19/7	الحویری	8.23
	" " "	"	"	"	"	"
6/5/20	علی حسن شاہ بنام نظار علی بی	SCMO	ادارگی	23/6	"	3-8-23
37/10	نظار علی بی بنام علی حسن شاہ	اجراء	"	"	ادارگی	3-8-23
	محمد نظام شاہ بنام عزیز الدین		چار دیوڑی	6/6	7. دھوئی	9-23
	سیرین بنام گلشن دین	اجراء	حاضری	3/9	حاضری	8-23
3-8-23	تاج احمد بنام سید عزیز الدین	(سواقی)	حاضری	11/7	"	"
" "	" " " " " " " "	"	"	"	"	"
7-8-23	اسد خان بنام عبدالغفار	السواقی	-	2/8	-	"
3-8-23	نظام علی بی بنام یحییٰ خان	اجراء	حاضری	12/7	حاضری	"
9-23	روبینہ ناز بنام اسد الابرار	"	ادارگی	"	ادارگی	"
5/6/06	غلام محمد بنام عبدالعزیز	السواقی	بیت	12/7	بیت	5-8-23
18/1	عبدالعزیز بنام غلام محمد	السواقی	بیت	"	ادارگی	"
11/06	حسابداری بی بی بنام ابرار اسم وین	"	حاضری	5/7	حاضری	7-8-23
1-8-23	سعل بازار بنام نور خان	رضوانت	حاضری	17/7	"	"
07/03	سیدہ بنام سعید الوالی	FC	تنقیحات	27/6	شہادت	16-9-23
7/8/23	یحیٰی بنام زراہی امان	السواقی	-	2/8	"	"

موردہ 15.8.23 ڈائری پیش رجسٹر نمبر 9 (سول)

منسلک برور

نمبر مقدمہ	نام فریقین	لوبت مقدمہ	کارروائی	سابقہ پیشی	آئندہ کارروائی	آئندہ پیشی
	محمد عظیم بنام محمود کمال	اجراء	ارکون/طہری	11/7	ادارہ ایسٹ	26.9.23
	احسان اللہ بنام حکومت سندھ	السواق	بیت برصندہ	13/7	بیت	18.9.23
46/10	سعدیہ بی بی بنام محمد السعید	اجراء	حاجون	14/7	حاجری	18.9.23
	علی حسین شاہ بنام نظام الدین	"	"	2/8	دعویٰ بنام محمد علی حسین شاہ	
	اسرار بنام س C و ع	السواق	بیت	17/7	بیت	31.8.23
	نور محمد بی بی بنام سید نواز	"	یکشن راول	28/7	ایسٹ	21.9.23
	ماسٹر بی بی بنام فیض جمال	درخواست	حاجری	19/7	حاجری	05.9.23
	سلیم خان بنام نور عالم	السواق	"	27/7	-	29.8.23
	ختمہ احمد بنام عبدالاحد	السواق	حاجری	19/7	حاجری	6.9.23
	سلیم خان بنام نور عالم	"	"	11/8	"	29/8/23
	ایسر حسین بنام اسد کرم	"	حاجری	19/7	"	11.9.23
	الوار الحق بنام وقار احمد	السواق	بیت	24/7	بیت	24.8.23
	یرصوات خان بنام اسماء الدین	اجراء	حاجری	26/7	حاجری	11.9.23
	سلیم خان بنام نور عالم	السواق	4	27/7	"	29.8.23
	حکیم (منسلک)	"	4	"	"	"
	منظور احمد بنام رحمت الحسن	السواق	"	"	"	17.8.23
	محمد شجاع الدین بنام سید فیاض الدین	السواق	حاجری	27/7	"	21.8.23
	"	درخواست	"	"	"	"
	غلام محمد بنام سید عبدالغفور	السواق	7/7	3/8	7/7	31.8.23
	نذیر الدین بنام فضل حبیب و عزن	"	"	"	"	06.9.23
	"	"	"	"	"	"

تاریخ پیشی رجسٹر نمبر 9 (سول) 23-8-23

نمبر مقدمہ	نام فریقین	ذمیت مقدمہ	کارروائی	سابقہ پیشی	آئندہ کارروائی	آئندہ پیشی
25.9.23	نظام لبی بنام رحیم خان	اطراف	حاضری	2/8	حاضری	25.9.23
	نرخان گلستان بنام نیت بگ	استوار	فائل	17/7	SCT	
05.9.23	صفت ریز بنام سید محمد	اجراء	اداریہ	21/7	اداریہ	05.9.23
22.9.23	لبی حاجون بنام سید محمود	درخواست	حاضری	20/7	اداریہ	22.9.23
" "	لبی سلیمہ بنام سید محمود	استوار	جوابدہ	29/7	اداریہ	" "
26.9.23	شہری لبی بنام حبیب الرحمن	فائل	کیٹن اداریہ	20/7	اداریہ	26.9.23
22.9.23	اشکان ریحان بنام لبی ناظمہ	اجراء	اداریہ	20/7	اداریہ	22.9.23
" " "	سید نظار شاہ بنام لبی ناظمہ	استوار	-	"	-	" " "
19.9.2023	سید سکندر بنام حاجی دلیر شاہ	"	شہادت	19/7	شہادت	19.9.2023
22.9.23	عبدالرشید جان بنام میاں گل	درخواست	حاضری	27/7	-	22.9.23
	نظار احمد بنام سینل اعظم	استوار	شہادت	31/7	بہ ایف اے	کامل داخل دفتر
22.9.23	نظار لبی بنام علی حسن شاہ	اجراء	اداریہ	2/8	اداریہ	22.9.23
	علی حسن شاہ بنام نظار لبی	SCMA	اداریہ		اداریہ	

Read the case file and the documents attached to the case file. The responsibility of the complainant is to provide the correct information. If the complainant does not provide the correct information, the court will not be responsible for the outcome of the case.

P. J. Khan, District Judge, Rawalpindi.

23/9/2023

Ifikhar Uddin



**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT & SESSIONS JUDGE/ZQ
UPPER CHITRAL**

Ph: 0943-470316
Fax: 0943-470316
Email: dsjuchitral@gmail.com

No. 612 DSI/ZQ/UCTL

DATED: 28.09.2023

STATEMENT OF ALLEGATIONS

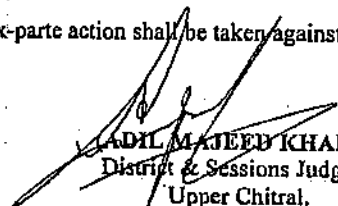
I, Adil Majeed Khan, District & Sessions Judge, Upper Chitral, as competent authority, am of the opinion that, you Mr. Ifikhar Uddin, Senior Clerk/Reader to the Court of learned Civil Judge, Upper Chitral have rendered yourself liable to be proceeded against, as you have committed the following acts/omissions, within the meaning of rule 3 of Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules, 2011;

- ✓ i. That, in the daily diary register, dated 07.07.2023; the names /titles of the cases mentioned at serial No. 4 & 5 of daily diary and cases mentioned at serial No. 10 and 11 in daily cause list have been written with different names by you.
- ✓ ii. That, cases mentioned at serial No. 3, 6 and 17 of daily diary register of dated 12.07.2023 are not mentioned by you in the cause list of the same date.
- ✓ iii. That, case mentioned at serial No.13 of the daily diary register on dated 13.07.2023 is mentioned by you in the cause list with different name.
- iv. That, one case of dated 14.07.2023 is incorrectly recorded in the daily diary register dated 13.07.2023.
- ✓ v. That, case mentioned in serial No. 1 of the daily diary register dated 14.07.2023 is again recorded at serial No. 13 by you.

- vi. That, on dated 02.08.2023 case mentioned at serial No.3 in the daily diary register as incorrectly recorded to be decreed as well as the date fixed and the title of the case are not correctly recorded by you.
- vii. That, a case titled "Ali Hussain vs Nizam Uddin" was decreed on 15.08.2023 but is again incorrectly recorded by you in daily diary register on dated 23.08.2023 and the said case is missing in the cause list of the said date.

For the purpose of inquiry against you accused with reference to the above allegations, Mr. Tanveer Usman, Senior Civil Judge, Upper Chitral, has been appointed as Inquiry Officer under Rule 10 (1) (a) of the ibid rules.

Therefore, you accused, are directed to appear before the Inquiry Officer and submit your reply/defence within seven (07) days, of the receipt of the Charge Sheet and statement of allegations, failing which, it shall be presumed that you have no defence to put and in that case ex-parte action shall be taken against you.


ADIL MAJEED KHAN
District & Sessions Judge/ZQ
Upper Chitral.



**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT & SESSIONS JUDGE/ZQ
UPPER CHITRAL**

Ph: 0943-470316
Fax: 0943-470316
Email: dsjuchitral@gmail.com

No. 613 DSJ/ZQ/UCTL

DATED: 28.09.2023

CHARGE SHEET

I, Adil Majeed Khan, District & Sessions Judge, Upper Chitral, as competent authority, hereby charge you, Mr. Iftikahr Uddin, Senior Clerk/Reader Court of the learned Civil Judge, Upper Chitral, as follows;

That you, while posted as Reader to the Court of Civil Judge, Upper Chitral, committed the following irregularities:

- i. That, in the daily diary register, dated 07.07.2023, the names /titles of the cases mentioned at serial No. 4 & 5 of daily diary and cases mentioned at serial No. 10 and 11 in daily cause list have been written with different names by you.
- ii. That, cases mentioned at serial No. 3, 6 and 17 of daily diary register of dated 12.07.2023 are not mentioned by you in the cause list of the same date.
- iii. That, case mentioned at serial No.13 of the daily diary register on dated 13.07.2023 is mentioned by you in the cause list with different name.
- iv. That, one case of dated 14.07.2023 is incorrectly recorded in the daily diary register dated 13.07.2023.
- v. That, case mentioned in serial No. 1 of the daily diary register dated 14.07.2023 is again recorded at serial No. 13 by you.
- vi. That, on dated 02.08.2023 case mentioned at serial No.3 in the daily diary register as incorrectly recorded to be decreed as well as the date fixed and the title of the case are not correctly recorded by you.

vii. That, a case titled "Ali Hussain vs Nizam Uddin" was decreed on 15.08.2023 but is again incorrectly recorded by you in daily diary register on dated 23.08.2023 and the said case is missing in the cause list of the said date.

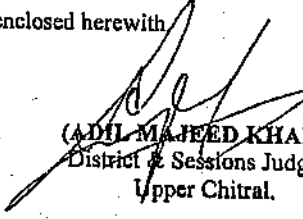
By reasons of the above, you appeared to be guilty of inefficiency under Rule3(a) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule 4 of the ibid rules.

You are therefore, required to submit your written defence within seven (07) days of the receipt of this Charge Sheet to the Inquiry Officer.

Your written defence, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put and in that case ex-parte action shall be taken against you.

Intimate whether you desire to be heard in person.

Statement of allegations is also enclosed herewith


(ADIL MAJEED KHAN)
District & Sessions Judge/ZQ
Upper Chitral.

بہارک جناب سیر سول جج صاحب انکوائری آفیسر ضلع ایبٹ آباد۔

(22) عالیجناب! حسب الحکم بسلسلہ انکوائری فدوی اپنا جواب ذیل سکھور میں پیش کر رہا ہوں۔

جناب عالی!

0-2
10-10-23
106-10-23

چارج شیٹ کے پیرا نمبر 1 کے جواب میں عرض یوں ہے۔
(1) ایک رجسٹر روٹین ڈائری میں سیریل نمبر 05، 04 میں نذیر احمد کی جگہ نذیر الدین سہوآ درج شدہ ہے۔ جو کہ انسانی غلطی تصور فرمایا جائے۔ باقی سیریل نمبر 11، 11، درست طور پر کارڈسٹ اور روٹین ڈائری رجسٹر میں نام درست طور پر درج شدہ ہیں۔ اور ایک دوسرے کے مطابق ہیں۔

پیرا نمبر 2 کی جواب میں عرض یوں ہے۔

(2) ایک روٹین ڈائری رجسٹر میں سیریل نمبر 06، 03 درج شدہ ہیں۔ اور کارڈسٹ میں بھی درج شدہ ہیں۔ تاہم سیریل نمبر 17 میں درج مقدمہ بعنوان نظام بی بی بنام رحیم خان روٹین ڈائری رجسٹر میں درج شدہ ہے۔ جبکہ کارڈسٹ میں درج ہونے سے سہوآ رہ گیا ہے۔ جو کہ سہوآ، غلطی سے ہوا ہے۔ اور قابل معافی ہے۔

پیرا نمبر 3 کی جواب میں عرض یوں ہے۔

(3) روٹین ڈائری رجسٹر میں سیریل نمبر 13 میں درج مقدمہ کا عنوان علی رحمت شاہ

بنام رحمن علی شاہ درست طور پر درج شدہ ہے۔ لیکن کارڈسٹ میں عنوان علی رحمت شاہ کی رحمت علی شاہ سہوآ درج شدہ ہے۔ باقی درست ہے۔ کام کی زیادتی کی وجہ سے تصویحا و کلام حاجان اور Litigants - تاریخ جلدی جلدی لینے کے سہوآ مقدمات کی ٹائٹل دیکھ غلط درج ہوتے ہیں۔ اور اٹنڈن متساط رہیں گا۔

پیرا نمبر 4 کی جواب میں عرض یوں ہے۔

(4) ایک چارج شیٹ میں سیریل نمبر 04 کے تحت نظام غلط فہمی کا نتیجہ ہے، من النظام علیہ کوئی بھی مقدمہ جو کہ 14.7.23 کے لئے تقریر شدہ ہو 23.7.23 کے لئے نہیں رکھا گیا ہے۔

پیرا نمبر 55 کی جواب میں عرض یوں ہے -

(5) ایک سیریل نمبر 01 میں درج مقدمہ درست طور پر درج شدہ ہے۔ تاہم مذکورہ مقدمہ کو سپریم اٹری بیٹری کے روٹین ڈائری رجسٹر میں سیریل نمبر 13 درج کیا گیا ہے۔ تاہم سیریل نمبر 13 کے سامنے (دوبارہ سپریم اٹری لکھا گیا ہے) تحریر شدہ ہے۔ اور یہ جس انسان غلطی کا نتیجہ ہے۔ جو کہ قابل معافی ہے۔

پیرا نمبر 56 کی جواب میں عرض یوں ہے -

(6) ایک مقدمہ سیریل نمبر 03 روٹین ڈائری رجسٹر میں مورفہ 2.8.23 کو درج کیا گیا ہے۔ سماعت کی گئی اور مورفہ 15.08.23 کے پٹے پر حکم صادر کیا گیا۔ تاہم روٹین ڈائری رجسٹر میں 23.08.23 کے پٹے پر حکم صادر کیا گیا تھا۔ بعد ازاں مقدمہ تمام قاضی جج صاحب نے از خود 15.8.23 پر حکم صادر کر لیا۔ حکم صادر کیا روٹین ڈائری رجسٹر میں درج دعویٰ ڈگری شد۔ کے اوپر "سپریم اٹری" تحریر فرما کر تمام جج صاحب نے خود اپنے قلم سے مقدمہ کو پٹے پر حکم روٹین ڈائری رجسٹر میں 23.8.23 کے اوپر "15.08.23" درج فرمایا۔ تاہم علی حسین شاہ بنام نظام الدین کی جگہ سپریم اٹری سے لفظ "سپریم اٹری" تحریر شدہ ہے۔

پیرا نمبر 57 کی جواب میں عرض یوں ہے -

(7) مقدمہ لبونان علی حسین شاہ بنام نظام الدین برٹے 2.8.23 مقدمہ تھا۔ اس روز سماعت کے بعد مورفہ 15.8.23 کے پٹے پر حکم صادر ہوا۔ تمام قاضی جج صاحب کے 15.8.23 مقدمہ کرنے سے قبل میں رجسٹر روٹین ڈائری کے مطابق ڈائری رجسٹر میں 23 | 8 | 23 مقدمہ کیا تھا۔ لیکن اس وقت قاضی جج صاحب کے حکم پر 15.8.23 مقدمہ پر ڈائری روٹین رجسٹر میں درج کیا گیا۔ اور 15.8.23 کو حکم سنایا گیا۔ اس پٹے مذکورہ مقدمہ کو 23 | 8 | 23 کے گزلسٹ میں درج کرنے کی ضرورت نہ تھی۔ نیز ایڈیشن نمبر 28 مورفہ 15.8.23 کو فریقین بذریعہ وکلاء حاضر ہیں۔ جو کہ حکم ایڈیشن پر باقاعدہ لکھا گیا ہے۔

(P+0)

Attested
Charge Record Room
Sudal Courts Upper, Chitral
3/4/24

لہذا استدعا ہے کہ سرندرج بالذمہ ضائق کی بناء پر بین عرض گزار ہیں کہ فدوی کی کوئی بدینتی، قصداً و عمداً گواہی پر گزرتا عمل نہ ہے۔ فدوی انتہائی اخلاص اور دیانت داری سے اپنے فرائض منصبی انجام دے رہا ہے۔ استدعا ہے کہ فدوی کو بری الذمہ فرمایا جائے۔

عین نوادر ہوگی،

03/10/23

السَّامِعُ

تاجدار ملانم افتخار الدین سید گلدار

ٹوڈ سٹریٹ اینڈ
سینٹر جی جی ضلع قاضی
ایبٹ آباد

06-10-23

Attested
Incharge Record Room
District Courts Upper Chitral
3/10/24

BEFORE TANVEER USMAN
INQUIRY OFFICE/SENIOR CIVIL JUDGE
UPPER CHITRAL

Inquiry/Case No.33/6 of 2023

INQUIRY against **IFTIKHAR UD DIN**

INQUIRY REPORT

(26.10.2023)

On 26.09.2023, the learned Civil Judge Upper Chitral made a compliant to the Hon'ble District & Sessions Judge, Upper Chitral contained in letter No.91/CJ/JM/UCTL, complaining against Mr. Iftikhar Uddin, Senior Clerk, the then Reader in the court of the learned Civil Judge for wrong entries in the Daily Diary and Cause List.

The Hon'ble District Judge issued Statement of Allegations and Charge Sheet to the official on 28.09.2023 and vide office order No.614-618/DSJ/ZQ/UCTL, dated 28.09.2023 appointed the undersigned as Inquiry Officer and appointed Mr. Fazal Mehboob, Budget & Accounts Assistant, District Courts, Upper Chitral as Departmental Representative.

On receipt of the order alongwith relevant documents, reply was sought from the official who submitted his reply wherein he admitted the allegations levelled under Heads No.02,03 and 05 of the Charge Sheet to be true and correct, however he disputed rest of the allegations. Therefore, representative of the competent authority was directed to record his statement and produce evidence availing which the representative recorded his statement who was cross examined by the accused. Similarly, statement of the accused was recorded in defense.

He submitted a statement in writing with the contention that his children are residing in Lower Chitral while his mother in Mulkhov and he himself resides here in Booni. For the above reasons, he is not mentally composed. Besides, he has to deal with some family problems as well. Therefore, some clerical mistakes surfaced in the official work. He stated that the mistakes were not meant for any gains and that he will be careful in future and prayed for filing the inquiry.

Attested
 Charge Record Room
 District Courts Upper Chitral
 3/11/24

TANVEER USMAN

As stated above that the accused admits the allegations at S.No.02,03 and 05 to be true and correct. The said heads of allegations are reproduced here:

- ii. That, cases mentioned at serial No. 3, 6 and 17 of daily diary register of dated 12.07.2023 are not mentioned by you in the cause list of the same date.
- iii. That, case mentioned at serial No.13 of the daily diary register on dated 13.07.2023 is mentioned by you in the cause list with different name.
- v. That, case mentioned in serial No. 1 of the daily diary register dated 14.07.2023 is again recorded at serial No. 13 by you.

So far as rest of the allegations bearing No.01,04,06 and 07 are concerned, the evidence produced suggests as follow:

1. ALLEGATION UNDER HEAD NO.01:

That, in the daily diary register, dated 07.07.2023, the names /titles of the cases mentioned at serial No. 4 & 5 of daily diary and cases mentioned at serial No. 10 and 11 in daily cause list have been written with different names by you.

Copy of relevant page of the Daily Diary dated 07.07.2023 (EX:PW1/1) bears title of a case as "Nazar Uddin versus Fazal Habib" and an application connected with the matter has been shown as Ditto while in the Cause List of the even date the title finds mention as "Nazir Ahamd & others versus Fazal Habib". Thus, in the name of has differently been written as Nazir as Nazar Uddin and Nazir Ahmad in the Daily Diary and Cause List. The accused in the reply has termed the same to be human error and written out of inadvertence but the same depicts carelessness on his part.

2. ALLEGATION UNDER HEAD NO.04:

That, one case of dated 14.07.2023 is incorrectly recorded in the daily diary register dated 13.07.2023.

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In reply to the said allegation, the accused has contended that the allegation is the result of misunderstanding as no case was fixed for 13.07.2023. Relevant pages of the Daily Diary dated 13.07.2023 and Cause List of the even date are available on file as EX:PW1/3 and EX:PW1/10 respectively. In the Daily Diary dated 17.07.2023 at S.No.13 title of a declaratory suit is written as "Ali Rehmat Shah versus Rehman Ali Shah" while in the Cause List of the even date at S.No.05 the title has been written as Rehmat Ali Shah versus Rehman Ali Shah". Thus, his reply regarding the allegation to be the result of misunderstanding is not supported by record. However, the official has written "Ali" before and after "Rehmat" in both the Daily Diary & Cause List which seems to be clerical mistake.

In the complaint, it is mentioned that "Case mention date, S.No. of the Diary Register dated 14.07.2023 is incorrectly recorded in the Daily Diary". The above sentence in the complaint is not clear. In the copy of the Register Daily Diary, dated 14.07.2023 (EX:PW1/4), the learned Civil Judge/Complainant has highlighted a case titled "Muhammad Amin versus Syed Sadat Shah" (Execution Petition) and with red ink entered the same entry to be incorrect, however, I do not find any incorrect entry in the Cause List of the even date.

3. ALLEGATION UNDER HEAD NO.06:

That, on dated 02.08.2023 case mentioned at serial No.3 in the daily diary register as incorrectly recorded to be decreed as well as the date fixed and the title of the case are not correctly recorded by you.

I went through the Daily Diary dated on 02.08.2023 (Copy is on file as EX:PW1/12) where in at S.No.03, a case titled "Shahida Bibi versus Ibrahim & others" finds mention, however, there is no mention

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Incharge Room
District Court Upper Chitral
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of incorrect recording of the said matter to be decreed or wrong entry of the same as alleged in the complaint. The same entry finds mention in the Cause List of the even date.

4. **ALLEGATION UNDER HEAD NO.07:**

That, a case titled "Ali Hussain vs Nizam Uddin" was decreed on 15.08.2023 but is again incorrectly recorded by you in daily diary register on dated 23.08.2023 and the said case is missing in the cause list of the said date.

The accused has responded to the allegation under Head No.07 according to the following terms:

مقدمہ بعنوان "علی حسین شاہ بنام نظام الدین" برائے 02.08.2023 مقرر تھا۔ اس روز بحث کے بعد 15.08.2023 کے لئے برائے حکم مقرر ہوا۔ محترم فاضل جج صاحب کے 15.08.2023 کرنے سے قبل میں رجسٹر روٹین ڈائری کے مطابق ڈائری رجسٹر میں 23.08.2023 مقرر کیا تھا۔ لیکن اس وقت فاضل جج صاحب کے حکم پر 15.08.2023 مقرر ہو کر ڈائری روٹین رجسٹر میں درج کیا گیا اور 15.08.2023 کو حکم سنایا گیا۔ اس لئے مذکورہ مقدمہ کو 23.08.2023 کے کارلسٹ میں درج کرنے کی ضرورت نہ تھی۔ نیز آرڈیٹ محررہ 15.08.2023 کو فریقین بذریعہ وکلاء حاضر ہیں۔ جو کہ حکم آرڈیٹ پر باقاعدہ لکھا گیا ہے۔

The said case was fixed for 15.08.2023. On the date fixed, the matter has been shown as "decreed" in the Daily Diary (EX:PW1/6). Similarly, in the Cause List of the even date the matter has been shown as "decreed". The matter finds entered in the Daily Diary of 23.08.2023 wherein it has been written that "the matter has stood decreed". In the Daily Diary of 23.08.2023, entry of the case is missing. However, Order Sheets of the case show that arguments were heard on 02.08.2023 and the matter was fixed for order on 15.08.2023. On the date fixed i.e 15.08.2023, the parties and their counsel were present before the court and the matter was decreed.

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MANAGER, COURT
RECORDS
DISTRICT COURTS
UPPER CHITRAL

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In the above scenario, the contention of the accused that after hearing arguments on 02.08.2023, initially the matter was fixed for 23.08.2023, however, the date was fixed for 15.08.2023, sounds well. The contention is supported by record as well as order sheets which carry presumption of genuineness under the law. In the wake of the above, there was no need to enter the case in the Cause List of 23.08.2023.

In view of the above facts crux of the inquiry is that:

- Charge under Head No.01:** Proved.
- Charge under Head No.02:** Proved, as accused admits.
- Charge under Head No.03:** Proved. Admitted by accused.
- Charge under Head No.04:** Not proved.
- Charge under Head No.05:** Proved. Admitted by accused.
- Charge under Head No.06:** Not proved.
- Charge under Head No.07:** Not proved.

TAVNER ISSMAN
 COURT OF DISTRICT JUDGE
 UPPER C.A. 29 - 14 - 23

The Hon'ble District Judge has directed the undersigned to make recommendations as to punishment or other appropriate actions against the accused.

It is observed that accused's contention regarding the entries being the result of inadvertence does not carry any force with it for the reason that the official having 17 years' service to his credit and having being promoted to the elevated position of Senio Clerk is not expected and supposed to make wrong entries in the Daily Diary Register and Cause List and he cannot seek refuge behind the alleged inadvertence. The above facts speak about his inefficiency.

In case of wrong entries, there is every possibility of the litigants getting wrong Parcha Peshi of another case and date which may result


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 Attested
 Incharge Record Room
 District Court Upper Central
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into dismissal of one's suit for non-prosecution, initiation of ex-parte proceedings against a party, penalties and getting their appeals time barred etc.

The official has already been issued advisory as well by the learned Civil Judge dated 10.04.2023 (EX:PW1/15). He has also been issued with warning. Therefore, I recommend that one increment of the official for a year maybe withheld.

Report submitted, please.


TANVEER USMAN
Senior Civil Judge
Upper Chitral
(TANVEER USMAN)

Inquiry Officer/Senior Civil Judge
Upper Chitral

CERTIFICATE

Certified that the Inquiry Report consists of Six (06) pages, which has been signed by me after making necessary correction therein.


TANVEER USMAN
Senior Civil Judge
Upper Chitral
(TANVEER USMAN)

Inquiry Officer/Senior Civil Judge
Upper Chitral

Attested
Inquiry Record Room
District Courts Upper Chitral
3/4/24

DISTRICT JUDICIARY KHUBER PAKHTUNKHWA

OFFICE OF THE DISTRICT & SESSIONS JUDGE/COMPETENT AUTHORITY

UPPER CHITRAL

SHOW CAUSE NOTICE:

To Mr. Iftikhar Uddin (Accused Official)

Whereas, my learned predecessor in office, being Competent Authority issued statement of allegations and charge sheet to you accused containing seven heads and appointed Mr. Tanveer Usman as inquiry officer.

Whereas as per inquiry report, charges under head No. 1,2,3 and 5 have stood proved against you, and,

Whereas the learned inquiry officer has proposed/recommended the penalty of withholding one increment for a year,

Therefore, you are hereby issued with show cause notice in terms of Rule 14 Sub Rule 4 of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rule 2011 and you are directed to submit your reply as to why the penalty proposed by the Inquiry Officer shall not be imposed upon you and further you are required to submit additional defense in writing, if any, within a period of seven days from the day the charges have been communicated to you.

Further, you are required to indicate as to whether you want to be heard in person or not.

Notice is issued today on 16th February, 2024 under my hand and seal of the court.

Attested
Incharge Record Room
District Courts Upper Chitral
3/4/24



ASAD ALI
DISTRICT & SESSIONS JUDGE/ZO
COMPETNET AUTHORITY
UPPER CHITRAL
District & Sessions Judge/ZO
Upper Chitral

بعد الت جناب ڈسٹرکٹ اینڈ سیشن جج صاحب ضلع چترال اپر

بلسلہ شوکاز نوٹس محررہ 16-02-2024

سائل حسب ذیل عرض گزار ہے۔

1۔۔ آنجناب انکوآری آفیسر / محترم جناب تویر عثمان صاحب سینئر سول جج صاحب چترال اپر کے انکوآری رپورٹ سے عیان ہے کہ سائل نے کوئی مالی بے ضابطگی نہیں کی ہیں۔ سائل نے دیدہ دانستہ کسی فریق کو فائدہ یا نقصان نہیں پہنچایا ہے سائل کی وجہ سے کسی فریق کے حقوق متاثر نہیں ہوئے ہیں۔ محض محترم سینئر سول جج صاحب کی انکوآری رپورٹ سائل کے کردار کے بارے میں صاف ہے۔

2۔۔ محترم سینئر سول جج صاحب نے سائل پر ایک سال کے ایگریمینٹ واپس لینے کی بابت رپورٹ اس بناء پر دی ہے کہ Daily Diary Register اور Cause List میں اندراج میں تاریخ اور ناموں میں فرق پایا گیا ہے۔

جناب والا۔

اس قسم کے اندراجات محض انسانی غلطی ہیں اور سہو آئی گئی ہے جسکے لئے سائل آئندہ حد درجہ محتاط رہنے کی بابت ڈسٹرکٹ جوڈیشری کو یقین دہانی کرتا ہے۔

لہذا استدعا ہے کہ جناب والا فدوی پر رحم فرما کر محترم جناب سینئر سول جج صاحب کے انکوآری رپورٹ پر تجویز کردہ Penalty کو وارننگ میں Convert کر کے مشکور و ممنون فرمائیں۔

العارض۔

افتخار الدین

سنیئر کلرک ٹو ڈسٹرکٹ اینڈ سیشن جج صاحب اپر چترال

BEFORE ASAD ALI
DISTRICT & SESSIONS JUDGE/COMPETENT AUTHORITY
UPPER CHITRAL

Inquiry/Case No.02/6 of 2024

INQUIRY against **IFTIKHAR UD DIN**

FINAL ORDER NO.05

(15.03.2024)

On 26.09.2023, the learned Civil Judge Upper Chitral made a compliant to the Hon'ble District & Sessions Judge, Upper Chitral contained in letter No.91/CJ/JM/UCTL, complaining against Mr. Iftikhar Uddin, Senior Clerk, the then Reader in the court of the learned Civil Judge for wrong entries in the Daily Diary and Cause List.

The Hon'ble District Judge issued Statement of Allegations and Charge Sheet to the official on 28.09.2023 and vide office order No.614-618/DSJ/ZQ/UCTL, dated 28.09.2023 appointed Senior Civil Judge, Upper Chitral as Inquiry Officer and Mr. Fazal Mehboob, Budget & Accounts Assistant, District Courts, Upper Chitral as Departmental Representative. The Inquiry Officer submitted Inquiry Report.

I examined the report and found that the inquiry has been conducted in accordance with the provisions of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. I found that the charges against the accused under heads No.01 to 02 and 05 have stood proved.

Having satisfied myself with the Inquiry Report, Final Show Cause Notice was issued to the accused on 16.02.2024. The accused submitted reply to the notice; however, did not submit any additional defense. In reply to the Show Cause Notice, he prayed for conversion of the proposed penalty into Warning. Thereafter, the accused alongwith

15-03-2024
District & Sess. Judge / ZQ
Upper Chitral

Attested
Incharge Record Room
District Courts Upper Chitral
3/4/24

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the department representative was called for personal hearing. On 02.03.2024, audience was given to the accused official and he was patiently heard. He urged that allegations under heads No.01, 02 and 04 were not proved against him. Record was again perused and comparison was made which transpired that the second portion of allegation No.01, two parts of allegation No.2 (to the extent of S.No.03 and 06) and allegation No.04 was not correct against the accused official.

Today, I went through the record thoroughly which depicts that during the course of inquiry, the accused official submitted his detailed reply to the Statement of Allegations and Charge Sheet wherein he admitted the allegations in the charge under Heads No.02, 03 and 05 to be correct. His stance is that the entries detailed in the charges ibid were the result of human error and inadvertence. The Inquiry Officer has found the charge under Head No.01 to be proved against him and has held charges under Heads No.04,06 and 07 have not been proved.

His contention regarding the entries to be human error and inadvertence cannot be taken into consideration for the reason that per report the official has a lengthy service of 17 years to his credit and he is presently serving in the elevated position of Senior Clerk (BPS-14). Therefore, he is not expected to make wrong entries in Daily Diary Register and Cause List and seek refuge behind alleged inadvertence. The accused official has already been issued advisories by the Presiding Officers for such like acts; hence, his plea of inadvertence loses significance. Even if it is assumed that there were alleged wrong entries due to inadvertence even then being in a responsible position of Reader, he was required to go through the registers and correct the same well

03-2024

Inc. Sessions Judge / ZO
 Upper Chitral

Inc. Sessions Judge / ZO
 Upper Chitral
 3/4/24

within time. In fact, it was not the inadvertence rather his inefficiency and carelessness which resulted into embarrassment to the court and hardships to the litigants. In case of such wrong entries, there is possibility of getting Parcha Peshi containing wrong date of hearing and date of hearing of any other case which may result into dismissal of suit for non-prosecution, initiation ex-parte proceedings, imposition of fine and penalties and appeals of litigants getting barred by time etc.

Keeping in view the Inquiry Report and personal audience given to the accused official, I am satisfied that the accused official is guilty of inefficiency within the meaning of Rule-03, Clause (A) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. In view of the given facts and circumstances, I find myself in agreement with the recommendation made by the Inquiry Officer.

Therefore, minor penalty of withholding one increment with non-accumulative effect for a period of one year is imposed upon the accused official in terms of Rule-04 (1), Clause-02 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. Further, he shall not be posted to a responsible position for a period of one year.

Instant file be consigned to record room after its necessary completion and compilation and a copy of the same is provided to the official concerned free of cost.

Attested
Incharge Record Room
District Court Upper Chitral
3/4/24

ANNOUNCED:
15.03.2024

(ASAD ALI)

District & Sessions Judge/Competent Authority
Upper Chitral

CERTIFICATE

Certified that the Order consists of Three (03) pages, which has been signed by me after making necessary correction therein.

(ASAD ALI)

District & Sessions Judge/Competent Authority
Upper Chitral

Received
18/3/24

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BEFORE THE SENIOR JUDGE / APPELLATE FORUM

PESHAWAR HIGH COURT PESHAWAR

D.A No _____ / 2024

REVIEW/REPRESENTATION AGAINST THE ORDER/NOTIFICATION DATED 15-03-2024 PASSED BY THE LEARNED DISTRICT AND SESSION JUDGE/ZILLA QAZI UPPER CHITRAL WHEREBY IMPOSING MINOR PENALTY OF WITH HOLDING ARE INCREMENT FOR A PERIOD OF ONE YEAR WAS IMPOSED UPON THE APPELLANT.

Respectfully Sheweth:

The appellant humbly submit as under.

1. That the appellant was most senior Clerk/Reader with the Civil Judge District Upper Chitral Khyber Pakhtunkhwa.
2. That due to some clerical mistake there were some discrepancies in the names mentioned on the cause list, Daily Registered through sheer inadvertence. (Copies of cause lists and daily register No. 9 are attached)
3. That due to above mentioned mistakes which were totally based upon human error, statement of allegation and charge sheet were issued to the appellant. (copy of Statement of allegation and charge sheet are attached).
4. That after charge sheeting the appellant an inquiry officer was appointed to conduct inquiry regarding the issue, and directed to the appellant to submit his written defense of the charge sheet to the Inquiry Officer, and the appellant submitted the para wise reply of the charge sheet. Who after conducting Inquiry submitted his report to the competent authority, wherein recommendation for withholding increment of one year was made.(copy of reply of charge sheet and an inquiry report are attached).
5. That after submission report by inquiry officer showcase notice was issued to the appellant by the competent authority which was duly replied by the appellant.(Copy of Showcase notice and replied are attached)
6. That the competent authority while accepting recommendation of the inquiry officer imposed minor penalty of withholding on agreement for a period of one year and he also directed that he shall not posted to a responsible position for a period of one year through the impugned order.(Copy of order notification dated 15-03-2024 are attached.)

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7. That the appellant invokes the appellate jurisdiction of this honorable forum for sitting aside the impugned order on the following ground amongst others.

Grounds:

- A. That the impugned order is against the law facts and circumstances of the case hence not tenable and liable to be set aside.
- B. That the appellant submitted his reply during the inquiry proceeding wherein the appellant stated that the mistakes mentioned were totally the result of human error while some of the allegation were shown baseless on the basis of available record/cause list registers.
- C. That the Inquiry officer did not take in to consideration the details mentioned in the reply and came to a wrong conclusion by making recommendation of withholding increment of the appellant.
- D. That the appellant has been performing his duties for the last so many years and there has been no complaints against the appellant from any quarter.
- E. That the enquiry report totally one sided and lacks the characteristics of a speaking and reasonable report by ignoring the real facts and details given in the reply of the appellant.
- F. That the impugned order which was purely based upon the enquiry report is a harsh one and against the norms of justice, hence liable to be declare null and void.

ATTESTED
MUMTAZ AHMED
Advocate
Oath Commission
03.04.2024

It is therefore humbly prayed that on acceptance of this review/representation the impugned order dated 15-03-2024 may kindly be set aside and the penalty imposed upon the appellant may also be withdrawn.

Appellant

Mr. Ifikhar Uddin

Senior Clerk/Reader Upper Chitral

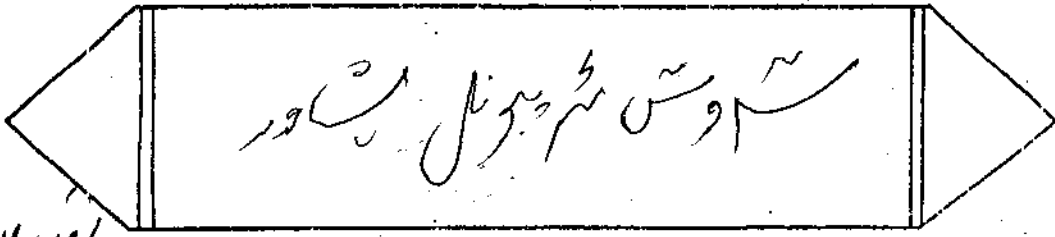
Dated: 03-04-2024

District Judiciary Upper Chitral

Through

Shakir Uddin Shahid Advocate Peshawar High Court Peshawar

بعدالت



2. منجانب احمد الدین

امین الدین بنام

رسورس اور ٹرمینل

موضوعہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و ہواب دہی و کل کارروائی متعلقہ مقام

آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ

پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

الرقوم 22 ماہ 07 2024

کے لئے منظور ہے۔

بمقام رسورس

Attended
Accepted

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