

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
AT CAMP COURT SWAT.**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
M. RASHIDA BANO ... MEMBER (Judicial)

Service Appeal No.2478/2023

Date of presentation of appeal16.11.2023
Dates of Hearing.....03.09.2024
Date of Decision.....03.09.2024

Muhammad Hanif son of Muhammad Zameen R/o Alpurai Shangla,
Computer Operator (BPS-16) District Judiciary Shangla.....(*Appellant*)

Versus

1. **Registrar Peshawar High Court, Peshawar.**
2. **District & Sessions Judge, Shangla.....(Respondents)**

Present:

Mr. Qaiser Ali, Advocate.....For appellant.
Mr. Muhammad Jan, District Attorney.....For respondents.

.....
**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST
THE ORDER DATED 14.10.2023 PASSED BY THE RESPONDENT
NO.1, WHEREBY THE APPEAL WAS PARTIALLY ALLOWED
AGAINST THE ORDER DATED 14.07.2020 PASSED BY THE
RESPONDENT NO.2 WHILE TO THE EXTENT OF RECOVERY
OF RS. 113874/- WAS DISMISSED.**
.....

Service Appeal No.2423/2023

Date of presentation of appeal16.11.2023
Dates of Hearing.....03.09.2024
Date of Decision.....03.09.2024

Aziz Ul Haq son of Bakhtawar Shah, Sweeper (BPS-04) District Judiciary
Shangla R/O Lilowani District Shangla.....(*Appellant*)

Versus

1. **Registrar Peshawar High Court, Peshawar.**
2. **District & Sessions Judge, Shangla.....(Respondents)**

Present:

Mr. Qaiser Ali, Advocate.....For appellant.
Mr. Muhammad Jan, District Attorney.....For respondents.

.....
SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 14.10.2023 PASSED BY THE RESPONDENT NO.1, WHEREBY THE APPEAL WAS PARTIALLY ALLOWED AGAINST THE ORDER DATED 25.07.2020 PASSED BY THE RESPONDENT NO.2 WHILE TO THE EXTENT OF RECOVERY OF RS. 129874/- WAS DISMISSED.
.....

Service Appeal No.2424/2023

Date of presentation of appeal16.11.2023
Dates of Hearing.....03.09.2024
Date of Decision.....03.09.2024

Naeem Ali son of Muhammad Younas, R/O Lilownai, Alpurai Shangla, Junior Clerk (BPS-11), District Judiciary Shangla.....(*Appellant*)

Versus

1. **Registrar Peshawar High Court, Peshawar.**
2. **District & Sessions Judge, Shangla.....(Respondents)**

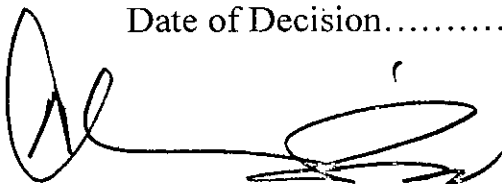
Present:

Mr. Qaiser Ali, Advocate.....For appellant.
Mr. Muhammad Jan, District Attorney.....For respondents.

.....
SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 14.10.2023 PASSED BY THE RESPONDENT NO.1, WHEREBY THE APPEAL WAS PARTIALLY ALLOWED AGAINST THE ORDER DATED 13.07.2020 PASSED BY THE RESPONDENT NO.2 WHILE TO THE EXTENT OF RECOVERY OF RS. 129874/- WAS DISMISSED.
.....

Service Appeal No.2425/2023

Date of presentation of appeal16.11.2023
Dates of Hearing.....03.09.2024
Date of Decision.....03.09.2024



Namoos Khan, Junior Clerk (BPS-11) District Judiciary Shangla R/O Puran, Shangla(Appellant)

Versus

1. **Registrar Peshawar High Court, Peshawar.**
2. **District & Sessions Judge, Shangla.....(Respondents)**

Present:

Mr. Qaiser Ali, Advocate.....For appellant.

Mr. Muhammad Jan, District Attorney.....For respondents.

.....
SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 14.10.2023 PASSED BY THE RESPONDENT NO.1, WHEREBY THE APPEAL WAS PARTIALLY ALLOWED AGAINST THE ORDER DATED 14.07.2020 PASSED BY THE RESPONDENT NO.2 WHILE TO THE EXTENT OF RECOVERY OF RS. 119874/- WAS DISMISSED.

.....
Service Appeal No.2426/2023

Date of presentation of appeal16.11.2023

Dates of Hearing.....03.09.2024

Date of Decision.....03.09.2024

Sabir Ali son of Muhammad Qayoom, Junior Clerk (BPS-11), District Judiciary Shangla R/O Lilowani District, Shangla.....(Appellant)

Versus

1. **Registrar Peshawar High Court, Peshawar.**
2. **District & Sessions Judge, Shangla.....(Respondents)**

Present:

Mr. Qaiser Ali, Advocate.....For appellant.

Mr. Muhammad Jan, District Attorney.....For respondents.

.....
SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 14.10.2023 PASSED BY THE RESPONDENT NO.1, WHEREBY THE APPEAL WAS PARTIALLY ALLOWED AGAINST THE ORDER DATED 14.07.2020 PASSED BY THE RESPONDENT NO.2 WHILE TO THE EXTENT OF RECOVERY OF RS. 121874/- WAS DISMISSED.

.....
Service Appeal No.2425/2023

Date of presentation of appeal16.11.2023
Dates of Hearing.....03.09.2024
Date of Decision.....03.09.2024

Muhammad Afsar son of Abdul Khaliq R/o Machar, Alpurai Shangla,
Senior Clerk (BPS-14) District Judiciary Shangla.....(**Appellant**)

Versus

1. **Registrar Peshawar High Court, Peshawar.**
2. **District & Sessions Judge, Shangla.....(Respondents)**

Present:

Mr. Qaiser Ali, Advocate.....For appellant.
Mr. Muhammad Jan, District Attorney.....For respondents.

.....
**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST
THE ORDER DATED 14.10.2023 PASSED BY THE RESPONDENT
NO.1, WHEREBY THE APPEAL WAS PARTIALLY ALLOWED
AGAINST THE ORDER DATED 13.07.2020 PASSED BY THE
RESPONDENT NO.2 WHILE TO THE EXTENT OF RECOVERY
OF RS. 119874/- WAS DISMISSED.**

.....
Service Appeal No.2480/2023

Date of presentation of appeal16.11.2023
Dates of Hearing.....03.09.2024
Date of Decision.....03.09.2024

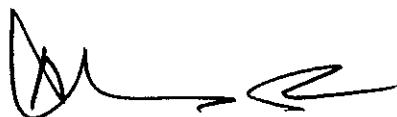
Muhammad Ismail son of Muhammad Anwar R/o Dheri, Alpurai
Shangla, Senior Clerk (BPS-14), District Judiciary
Shangla.....(**Appellant**)

Versus

1. **Registrar Peshawar High Court, Peshawar.**
2. **District & Sessions Judge, Shangla.....(Respondents)**

Present:

Mr. Qaiser Ali, Advocate.....For appellant.



Mr. Muhammad Jan, District Attorney.....For respondents.

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 14.10.2023 PASSED BY THE RESPONDENT NO.1, WHEREBY THE APPEAL WAS PARTIALLY ALLOWED AGAINST THE ORDER DATED 14.07.2020 PASSED BY THE RESPONDENT NO.2 WHILE TO THE EXTENT OF RECOVERY OF RS. 119874/- WAS DISMISSED.

Service Appeal No.2481/2023

Date of presentation of appeal16.11.2023
Dates of Hearing.....03.09.2024
Date of Decision.....03.09.2024

Maryam Begum Widow of deceased Zakir Ullah COC District Court Shangla R/O Tehsil Puran District Shangla.....(Appellant)

Versus

- 1. Registrar Peshawar High Court, Peshawar.
2. District & Sessions Judge, Shangla.....(Respondents)

Present:

Mr. Qaiser Ali, Advocate.....For appellant.
Mr. Muhammad Jan, District Attorney.....For respondents.

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 14.10.2023 PASSED BY THE RESPONDENT NO.1, WHEREBY THE APPEAL WAS PARTIALLY ALLOWED AGAINST THE ORDER DATED 11.07.2020 PASSED BY THE RESPONDENT NO.2 WHILE TO THE EXTENT OF RECOVERY OF RS. 131874/- WAS DISMISSED.

Service Appeal No.1068/2021

Date of presentation of appeal07.01.2021
Dates of Hearing.....03.09.2024
Date of Decision.....03.09.2024

Shamsul Qamar, Bailiff (BPS-06), District Judiciary District Shangla.....(Appellant)

Versus

1. Senior Civil Judge, Shangla.
2. District & Sessions Judge, Shangla.....(*Respondents*)

Present:

Mr. Qaiser Ali, Advocate.....For appellant.
 Mr. Muhammad Jan, District Attorney.....For respondents.

.....
SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 19.12.2020 PASSED BY THE RESPONDENT NO.2, WHEREBY THE APPEAL OF THE APPELLANT WAS PARTIALLY ALLOWED AGAINST THE ORDER DATED 16.07.2020 PASSED OF RESPONDENT NO.1, WHEREBY IMPOSED PENALTY THAT "HE HAS AWARDED PENALTY OF WITHHOLDING INCRMENETS FOR THREE YEARAS WITH NON-ACCUMULATIVE EFFECT UNDER RULE (4)(1)(A)(II) OF THE IBID RULES" AND "RECOVERY OF RS. 129874/- BE MADE FROM APPELLANT AND BE DEPOSITED IN GOVERNMENT TREASURY UNDER RULE 4(1)(A)(III) OF THE IBID RULES" ON THE ACCOUNT OF THE GETTING BEENFIT FROM BENAZIR INCOME SUPPORT PROGRAM, THE IMUGNED ORDER DATED 19.12.2020 BE SET ASIDE TO THE EXTENT OF RECOVERY IN 10 EQUAL INSTALMENTS FROM THE APPELLANT.

.....
Service Appeal No.1068/2021

Date of presentation of appeal07.01.2021
 Dates of Hearing.....03.09.2024
 Date of Decision.....03.09.2024

Muhammad Dedar, Junior Clerk (BPS-11) District Judiciary District Shangla.....(*Appellant*)

Versus

1. Senior Civil Judge, Shangla.
2. District & Sessions Judge, Shangla.....(*Respondents*)

Present:

Mr. Qaiser Ali, Advocate.....For appellant.
 Mr. Muhammad Jan, District Attorney.....For respondents.

.....


SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 19.12.2020 PASSED BY THE RESPONDENT NO.2, WHEREBY THE APPEAL OF THE APPELLANT WAS PARTIALLY ALLOWED AGAINST THE ORDER DATED 16.07.2020 PASSED OF RESPONDENT NO.1, WHEREBY IMPOSED PENALTY THAT "HE HAS AWARDED PENALTY OF WITHHOLDING INCRMENETS FOR THREE YEARAS WITH NON-ACCUMULATIVE EFFECT UNDER RULE (4)(1)(A)(II) OF THE IBID RULES" AND "RECOVERY OF RS. 115874/- BE MADE FROM APPELLANT AND BE DEPOSITED IN GOVERNMENT TREASURY UNDER RULE 4(1)(A)(III) OF THE IBID RULES" ON THE ACCOUNT OF THE GETTING BEENFIT FROM BENAZIR INCOME SUPPORT PROGRAM, THE IMUGNED ORDER DATED 19.12.2020 BE SET ASIDE TO THE EXTENT OF RECOVERY IN 10 EQUAL INSTALMENTS FROM THE APPELLANT.

.....
Service Appeal No. 1070/2021

Date of presentation of appeal07.01.2021
Dates of Hearing.....03.09.2024
Date of Decision.....03.09.2024

Salah Ud Din S/O Sarfaraz, Naib Qasid (BPS-03) District Judiciary District Shangla.....(Appellant)

Versus

- 1. Senior Civil Judge, Shangla.**
- 2. District & Sessions Judge, Shangla.....(Respondents)**

Present:

Mr. Qaiser Ali, Advocate.....For appellant.
Mr. Muhammad Jan, District Attorney.....For respondents.

.....
SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 19.12.2020 PASSED BY THE RESPONDENT NO.2, WHEREBY THE APPEAL OF THE APPELLANT WAS PARTIALLY ALLOWED AGAINST THE ORDER DATED 16.07.2020 PASSED OF RESPONDENT NO.1, WHEREBY IMPOSED PENALTY THAT "HE HAS AWARDED PENALTY OF WITHHOLDING INCRMENETS FOR THREE YEARAS WITH NON-ACCUMULATIVE EFFECT UNDER RULE (4)(1)(A)(II) OF THE IBID RULES" AND "RECOVERY OF RS. 55374/- BE MADE FROM APPELLANT AND BE DEPOSITED IN GOVERNMENT

TREASURY UNDER RULE 4(1)(A)(III) OF THE IBID RULES" ON THE ACCOUNT OF THE GETTING BEENFIT FROM BENAZIR INCOME SUPPORT PROGRAM, THE IMUGNED ORDER DATED 19.12.2020 BE SET ASIDE TO THE EXTENT OF RECOVERY IN 10 EQUAL INSTALMENTS FROM THE APPELLANT.

.....
Service Appeal No.1071/2021

Date of presentation of appeal07.01.2021
Dates of Hearing.....03.09.2024
Date of Decision.....03.09.2024

Muhammad Zada, Sweeper (BPS-04) District Judiciary District Shangla.....(*Appellant*)

Versus

1. **Senior Civil Judge, Shangla.**
2. **District & Sessions Judge, Shangla.....(Respondents)**

Present:

Mr. Qaiser Ali, Advocate.....For appellant.
Mr. Muhammad Jan, District Attorney.....For respondents.

.....
SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 19.12.2020 PASSED BY THE RESPONDENT NO.2, WHEREBY THE APPEAL OF THE APPELLANT WAS PARTIALLY ALLOWED AGAINST THE ORDER DATED 16.07.2020 PASSED OF RESPONDENT NO.1, WHEREBY IMPOSED PENALTY THAT "HE HAS AWARDED PENALTY OF WITHHOLDING INCRMENETS FOR THREE YEARAS WITH NON-ACCUMULATIVE EFFECT UNDER RULE (4)(1)(A)(II) OF THE IBID RULES" AND "RECOVERY OF RS. 129874/- BE MADE FROM APPELLANT AND BE DEPOSITED IN GOVERNMENT TREASURY UNDER RULE 4(1)(A)(III) OF THE IBID RULES" ON THE ACCOUNT OF THE GETTING BEENFIT FROM BENAZIR INCOME SUPPORT PROGRAM, THE IMUGNED ORDER DATED 19.12.2020 BE SET ASIDE TO THE EXTENT OF RECOVERY IN 10 EQUAL INSTALMENTS FROM THE APPELLANT.

.....
Service Appeal No.1072/2021

Date of presentation of appeal07.01.2021
Dates of Hearing.....03.09.2024



Date of Decision.....03.09.2024

Painda Khan S/O Gul Zamin, Chowkidar (BPS-04), District Judiciary District Shangla.....(Appellant)

Versus

1. **Senior Civil Judge, Shangla.**
2. **District & Sessions Judge, Shangla.....(Respondents)**

Present:

Mr. Qaiser Ali, Advocate.....For appellant.

Mr. Muhammad Jan, District Attorney.....For respondents.

.....
SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 19.12.2020 PASSED BY THE RESPONDENT NO.2, WHEREBY THE APPEAL OF THE APPELLANT WAS PARTIALLY ALLOWED AGAINST THE ORDER DATED 16.07.2020 PASSED OF RESPONDENT NO.1, WHEREBY IMPOSED PENALTY THAT "HE HAS AWARDED PENALTY OF WITHHOLDING INCRMENETS FOR THREE YEARAS WITH NON-ACCUMULATIVE EFFECT UNDER RULE (4)(1)(A)(II) OF THE IBID RULES" AND "RECOVERY OF RS. 129874/- BE MADE FROM APPELLANT AND BE DEPOSITED IN GOVERNMENT TREASURY UNDER RULE 4(1)(A)(III) OF THE IBID RULES" ON THE ACCOUNT OF THE GETTING BEENFIT FROM BENAZIR INCOME SUPPORT PROGRAM, THE IMUGNED ORDER DATED 19.12.2020 BE SET ASIDE TO THE EXTENT OF RECOVERY IN 10 EQUAL INSTALMENTS FROM THE APPELLANT.

.....
Service Appeal No.1068/2021

Date of presentation of appeal07.01.2021

Dates of Hearing.....03.09.2024

Date of Decision.....03.09.2024

Itbar Gul, Naib Qasid (BPS-04), District Judiciary District Shangla.(Appellant)

Versus

1. **Senior Civil Judge, Shangla.**
2. **District & Sessions Judge, Shangla.....(Respondents)**

Present:

Mr. Qaiser Ali, Advocate.....For appellant.
Mr. Muhammad Jan, District Attorney.....For respondents.

.....
SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 19.12.2020 PASSED BY THE RESPONDENT NO.2, WHEREBY THE APPEAL OF THE APPELLANT WAS PARTIALLY ALLOWED AGAINST THE ORDER DATED 16.07.2020 PASSED OF RESPONDENT NO.1, WHEREBY IMPOSED PENALTY THAT "HE HAS AWARDED PENALTY OF WITHHOLDING INCRMENETS FOR THREE YEASAS WITH NON-ACCUMULATIVE EFFECT UNDER RULE (4)(1)(A)(II) OF THE IBID RULES" AND "RECOVERY OF RS. 132874/- BE MADE FROM APPELLANT AND BE DEPOSITED IN GOVERNMENT TREASURY UNDER RULE 4(1)(A)(III) OF THE IBID RULES" ON THE ACCOUNT OF THE GETTING BEENFIT FROM BENAZIR INCOME SUPPORT PROGRAM, THE IMUGNED ORDER DATED 19.12.2020 BE SET ASIDE TO THE EXTENT OF RECOVERY IN 10 EQUAL INSTALMENTS FROM THE APPELLANT.

.....
Service Appeal No.1074/2021

Date of presentation of appeal07.01.2021
Dates of Hearing.....03.09.2024
Date of Decision.....03.09.2024

Sabar Zada S/o Nasray Mian, Naib Qasid (BPS-03), District Judiciary District Shangla.....(Appellant)

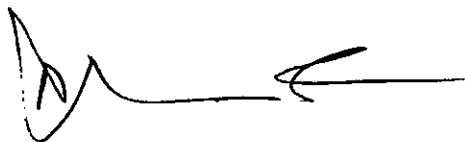
Versus

1. **Senior Civil Judge, Shangla.**
2. **District & Sessions Judge, Shangla.....(Respondents)**

Present:

Mr. Qaiser Ali, Advocate.....For appellant.
Mr. Muhammad Jan, District Attorney.....For respondents.

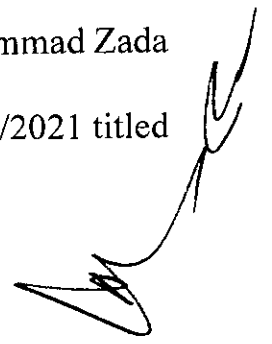
.....
SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 19.12.2020 PASSED BY THE RESPONDENT NO.2, WHEREBY THE APPEAL OF THE APPELLANT WAS PARTIALLY ALLOWED AGAINST THE ORDER DATED



16.07.2020 PASSED OF RESPONDENT NO.1, WHEREBY IMPOSED PENALTY THAT "HE HAS AWARDED PENALTY OF WITHHOLDING INCRMENETS FOR THREE YEASAS WITH NON-ACCUMULATIVE EFFECT UNDER RULE (4)(1)(A)(II) OF THE IBID RULES" AND "RECOVERY OF RS. 129874/- BE MADE FROM APPELLANT AND BE DEPOSITED IN GOVERNMENT TREASURY UNDER RULE 4(1)(A)(III) OF THE IBID RULES" ON THE ACCOUNT OF THE GETTING BEENFIT FROM BENAZIR INCOME SUPPORT PROGRAM, THE IMUGNED ORDER DATED 19.12.2020 BE SET ASIDE TO THE EXTENT OF RECOVERY IN 10 EQUAL INSTALMENTS FROM THE APPELLANT.

.....
CONSOLIDATED JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Through this single judgment this appeal and the connected service appeal No.2423/2023 titled "Azizi U Haq versus Registrar Peshawar High Court, Peshawar and other", appeal No. 2424/2023 titled "Naeem Ali versus Registrar Peshawar High Court, Peshawar and other", appeal No. 2425/2023 titled "Namoos Khan versus Registrar Peshawar High Court, Peshawar and other", appeal No. 2426/2023 titled "Sabir Ali versus Registrar Peshawar High Court, Peshawar and other", appeal No. 2479/2023 versus Registrar Peshawar High Court, Peshawar and other", appeal No. 2480/2023 titled "Muhammad Ismail versus Registrar Peshawar High Court, Peshawar and other", appeal No. 2481/2023 titled " Maryam Begum versus Registrar Peshawar High Court, Peshawar and other", Appeal No. 1068/2021 titled "Sham ul Qamar versus Senior Civil Judge, Shangla and other", appeal No. 1069/2021 titled "Muhammad Deedar versus Senior Civil Judge, Shangla and other", appeal No. 1070/2021 titled "Salah Ud Din versus Senior Civil Judge, Shangla and other", appeal No. 1071/2021 titled "Muhammad Zada versus Senior Civil Judge, Shangla and other", appeal No. 1072/2021 titled



“Painda Khan versus Senior Civil Judge, Shangla and other”, appeal No. 1073/2021 titled “Itbar Gul versus Senior Civil Judge, Shangla and other” and appeal No. 1074/2021 titled “Sabar Zada versus Senior Civil Judge, Shangla and other”, are decided as all the above appeals are regarding the same subject matter and, therefore, can be conveniently decided together.

2. Brief facts gathered from the memo and grounds of appeals are that the appellants served in the District Judiciary of Shangla; that throughout their tenure, they performed their duties with dedication, and no complaints had been recorded against them; On February 7, 2020, the Government issued a letter (No. SOR-I(E&AD) 4-17/2020) listing government officers/officials whose spouses were beneficiaries of the Benazir Income Support Program (BISP); that subsequently, the Peshawar High Court directed all District & Sessions Judges in the Khyber Pakhtunkhwa to take disciplinary action against such officials, either directly or through their spouses; that in compliance with the directive, a show cause notice was issued to the appellants; that despite the appellant's response denying the allegations, respondent No.2 imposed penalties on July 11, 2020, which included:

- **Withholding of increments** for three years, non-accumulative effect.
- **Recovery of amounts** from the appellants, corresponding to funds received by the appellant's spouse.

3. Dissatisfied with the decision, the appellants filed departmental appeals under Rule 3(1) of the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986; that on October 14, 2023, the Peshawar High Court partially allowed the appeal by overturning the increment withholding



penalty but upheld the recovery, hence the instant service appeals on 07.01.2021 and 16.11.2023.

4. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellant.

5. We have heard learned counsel for the appellants and learned District Attorney for the respondents.

6. The learned counsel for the appellants reiterated the facts and grounds detailed in the memo and grounds of the appeals while the learned District Attorney controverted the same by supporting the impugned order.

7. In a similar matter an appeal No. 4751/2021 titled "Mir Nawaz Khan-vs-The Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar and others" was decided by a division bench of this Tribunal and the Tribunal, while deciding the appeal, has denied the relief claimed by the appellants in the instant service appeals. The relevant paragraphs-6 and 7 of the judgment are reproduced below:-

06. It is evident from record and is not disputed that spouse of the appellant has been the direct beneficiary of cash grant from BISP since the time when the appellant was not in government service. How an individual can be penalized for the misdoing of another person simply on the ground being her husband and who is a government servant? And that too when families of government servants were debarred from the said facility in the year 2019? The appellant as a responsible citizen, on joining government service tried to formally inform District officer BISP, Bannu to stop the cash grant facility being availed by her spouse. Neither the

appellant was himself registered as beneficiary under BISP during his service nor he has been in receipt of the facility directly then he cannot be grilled and condemned on account of misconduct.

07. Forgoing in view, we have arrived at the conclusion that the appellant being not registered beneficiary under BISP is not guilty of misconduct and had also made a request in writing for stoppage of the grant on appointment. Therefore, the punishment to the extent of stoppage of one increment is set aside. However, the order regarding recovery of Rs. 1,07,874 is not interfered with. The service appeal is therefore partially allowed in the above manner. Costs shall follow the event. Consign.

8. In view of the above, we find no merits in these appeals which are dismissed. Copy of this judgment be placed in all the connected appeals. Costs shall follow the event. Consign.

9. *Pronounced in open Court at camp court Swat and given under our hands and the seal of the Tribunal on this 3rd day of September, 2024.*



KALIM ARSHAD KHAN
Chairman
At camp court Swat



RASHIDA BANO
Member (Judicial)
At camp court Swat

Adnan Shah, PA