



# DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Ph#091-9210099 Fax#091-9212419  
eMail: scPeshawar@yahoo.com  
web: SessionsCourtPeshawar.gov.pk

No. 3804  
Dated Peshawar 04/7/24

To


The Additional Registrar (Admn),  
Peshawar High Court,  
Peshawar.

Subject: **Service Appeal No. 707/2024**  
**"Zikria Kibria ... VS... D&SJ Peshawar & others"**

Reference: PHC letter No. 5296/Admn dated 14/06/2024


Dear Sir,

The requisite para-wise comments are forwarded herewith, for vetting and approval. It is further submitted that Mr. Rahmdad Khan, Superintendent BPS-17 (0300-5946391) of this office is hereby designated as Departmental Representative to attend the Service Tribunal KPK Peshawar on each date of hearing in connection with the subject Departmental Appeals, with the assistance of Mr. Sajjad Ahmad Jan, Assistant/ACC (0300-5949003) of this Office.

  
[INAM ULLAH WAZIR]  
District & Sessions Judge,  
Peshawar.

No. 3805 Dated Peshawar the, 04 / 07 / 2024

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

  
District & Sessions Judge,  
Peshawar.

# BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

## INDEX

APPEAL NO 707 OF 2024

ZIKRIA KIBRIA ... VS ... DISTRICT & SESSIONS JUDGE, PESHAWAR AND  
ANOTHER

SUBJECT: WRITTEN STATEMENT /REPLY ON BEHALF OF RESPONDENTS NO  
1&2

S/NO	DETAIL OF DOCUMENTS	TOTAL PAGES	NUMBER
1	INDEX	01	01/01
2	WRITTEN STATEMENT/REPLY ON BEHALF OF RESPONDENTS NO 1 & 2	03	02/04
3	COUNTER AFFIDAVIT	01	05/05
4	ATTESTED COPIES OF SUPPORTING DOCUMENTS Annex "A" to Annex "K"	02	06/30

  
SUPERINTENDENT SESSIONS  
COURT PESHAWAR

# BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. 707 of 2024

Zikria Kibria

--VS--

District & Sessions Judge, Peshawar & another

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 16209

Dated 01-10-24

Written Statement/Reply on Behalf of Respondents No. 1 & 2

## Preliminary Objections:

1. The appellant/official has no locus standi to file the instant appeal, hence, the same being outright untenable is liable to be dismissed.
2. The appellant/official has not come to this Tribunal with clean hands.
3. The appellant/official has been guilty of concealment of material facts.
4. The appeal in hand suffers from non-joinder and misjoinder of necessary parties, who are likely to be affected if prayer of the appellant is accepted.

## FACTS:

5. Pertains to record. It is, however, added that that appellant/official had a reputation of a indolent, unreliable and involvement of corrupt practices.
6. Pertains to record, needs no comments.
7. Pertains to record, needs no comments.
8. Pertains to record, however, it is notable that a thorough inquiry was conducted wherein the allegations against the appellant/official were proved through pro & contra evidence. Furthermore, the appellant/official was never remained a good official as evident from long trial of complaints, explanation calls, notices etc... (**Annex-A to H**).
9. Pertains to record, needs no comments.
10. Incorrect. The appellant/official was granted the major penalty in accordance with rules and after fulfilment of all codal formalities, affording numerous opportunities of defense to the appellant/official, including personal hearing, but he failed to bring anything on record to prove his innocence.

## GROUND:


- A. Incorrect. The appellant/official has been treated in accordance with law and rules on the subject.
- B. Incorrect. All the procedures provided in E&D Rules-2011 had been thoroughly and completely followed. The appellant/official was present on all dates of hearing and had full opportunity to defend himself, but he failed to provide any cogent evidence to prove his innocence.
- C. Incorrect. As explained in para-B above, the appellant/official was present during the inquiry proceedings and was well aware of all the proceedings being carried out. He was confronted with all the evidence produced against him, and was afforded plenty opportunities to bring anything in his


defense, including cross-examination of the witnesses, but he failed, and thus, was proceeded in accordance with relevant rules.

- D. Incorrect. The appellant/official was posted as Muharrar to the Court of JMIC-I Peshawar, and producing fresh put-in-court cases before the Presiding Officer was one of his prime responsibilities, which he failed despite issuance of displeasure and directions of the Presiding Officer, as evident from the complaint of learned JMIC-I (**Annex-I**) and the impugned order dated 07/02/2024 (**Annex-J**). This act on part of the appellant/official not only comes under the definitions of inefficiency and misconduct under E&D Rules-2011, but also a violation of rights of the accused persons, whose cases were delayed due to non-presentation of their cases/challans before the court for trial by the appellant. In this respect, paras 3 & 4 of the final inquiry report (**Annex-K**) worth perusal, which describes that right to a speedy trial is a human right and it is asserted that all sectors involved in the administration of criminal justice must positively endeavor to discharge its duties to ensure the timely disposal of criminal cases as per mandate of law. 3
- E. Incorrect. The appellant/official, along with co-Muharrar, was entrusted with the job of receiving new put-in court cases who was under legal duty to have had placed the cases before the Presiding Officer for taking cognizance and commencement of trial. Failing to discharge their duties at first instance, the delinquent officials were reprimanded by the learned presiding officer and, despite repeated directions to transferee courts they turned deaf ear. The statement of PW-1 and PW-2 have sufficiently established that both the delinquent officials were in habit to causally attend their duties rather were paying least respect to the directions of the court. The delinquent officials while cross examining the PWs and even recording their statements could not shatter the allegations, rather admitted that some cases were lying in the vacant courtroom for a long time, and those were not transmitted and put-in court promptly so as to have had ensured the speedy trial after in-time commencement of trial.
- F. Incorrect. As explained in para-E above, it was the duty of appellant/official to received fresh/put-in-court cases and present them before the Presiding Officer, but he failed, thus, was proceeded against in accordance with law.
- G. Incorrect. The appellant/official, along with co-Muharrar, were directed to make available the court record for inspection by the learned Member Inspection Team of Peshawar High Court, Peshawar, but they were unable to comply with the said directions. This act on part of the delinquent officials amounts to disrespect to the court/presiding officer's directions and therefore, they failed to discharge their duties as per official code of conduct.
- H. Incorrect. Since sufficient material was available on record against the appellant/official, who could not provide any solid ground to defend himself, as evident from final/impugned order, thus, he was proceeded against in accordance with law/relevant rules on the subject. Furthermore, the punishment awarded to the appellant/official is in accordance with the gravity and nature of the charges against him.

- I. Incorrect. The competent authority has acted as per law, in accordance with the facts & circumstances of the case, and no violation of law/rules has been committed.
- J. Incorrect. The appellant/official was proceeded against in accordance with law and rules on the subject, and no perspicacity of any sort has been committed by the authority.
- K. Incorrect. The appellant/official has been treated on merit, and the penalty was imposed upon him after due course of law, and following the procedure. The punishment awarded to him was absolutely in line with the prescribed rules, which could not be quantified as against the natural justice. 4
- L. Incorrect. The charges levelled against the appellant/official were grave in nature, which were proved after thorough inquiry. The appellant/official was given every opportunity of defense, but he failed to defend himself in both written as well as oral form.
- M. Needs no comments, however, it is added that the penalty imposed upon the appellant/official was appropriate and in line with his fault.
- N. Pertains to record, hence, needs no comments.
- O. Incorrect. As explained above, the appellant/official has cheated with the court, by heling the culprits to prepare and produce bogus revenue papers and verification letter thereupon. This fact was proven against him after a thorough and lawful inquiry; thus, he was awarded the major penalty.
- P. Incorrect. As explained above, the appellant/official had ample opportunities to defend himself and provide any proof in rebuttal of the charges against him, but he failed and thus was treated accordingly.
- Q. Incorrect. The appellant/official was treated on merit, and the penalty was imposed upon him after due course of law, and following the procedure in letter & spirit. The punishment awarded to him was absolutely in line with the prescribed rules on the subject.

In view of the above, it is submitted that the appeal in hand being devoid of merits has no weightage in the eyes of law, therefore, the same may be dismissed, please.

  
[IKHTIAR KHAN]  
Registrar, Peshawar High Court,  
Peshawar/Respondent# 1.

  
[INAM ULLAH WAZIR]  
District & Sessions Judge,  
Peshawar/Respondent# 2

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

Appeal No. 728 of 2024

Irshad Ahmad

--VS--

District & Sessions Judge, Peshawar & another

**COUNTER AFFIDAVIT**

I, Inam Ullah Wazir, District & Sessions Judge, Peshawar do hereby affirm and declare on oath that the contents of this reply are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Tribunal.

It is further stated on oath that the answering respondents have neither been placed ex-parte, nor their defense has been struck off, or cost imposed.

Deponent



Inam Ullah Wazir,  
District & Sessions Judge,  
Peshawar.



01-10-2024

Annex - 'A'

No. \_\_\_\_\_ /CJ-XXV, Peshawar

Dated: -17.03.2011

From:

Ms Nazia Hassan,  
Civil Judge-XXV,  
Peshawar.

To

The Honorable,  
District & Sessions Judge,  
Peshawar.

Through: Proper Channel.


Subject: - COMPLAINT.

Respected Sir,

I have the honor to submit that the moharrar of this court namely: Zikria Jan is on leave without obtaining permission nor intimation was given to the undersigned. Previously he was strictly directed time and again not to be on leave without prior permission but he is in a habit of leaving without prior permission of the undersigned. Fortnightly statement has not submitted yet due to his default. He has also not issued notices/summons in the target cases despite repeated oral directions of the undersigned due to which the delay was caused in the target case. Moreover, he does not consign the decided files in time to the record room despite directions of the undersigned. Many explanations had been called from him but he paid no heed to the same even no reply had given till date. Many senior counsels also complained against him regarding the non-issuance of processes of the court and also about the non-consignment of files in time.

It is, therefore, requested that disciplinary action under the law may please be taken against the said Moharrar Mr. Zikria and also deputed an experienced Moharrar to the court of undersigned.

Yours faithfully,

  
(Nazia Hassan)  
Civil Judge-XXV,  
Peshawar.

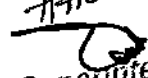
*Call for explanation  
within (2) days*

No. 595 /SCJ, Peshawar.

Dated: - 17.03.2011

Forwarded to the learned District & Sessions Judge, Peshawar for further necessary action.

Senior Civil Judge

*Attested*  
  
Superintendent  
District & Sessions Court,  
Peshawar.

Annex - B (81)

OFFICE OF THE DISTRICT AND SESSIONS JUDGE, PESHAWAR

No.83 (DAS) 6156 Dated Peshawar the 27/08 /2012.

To: Mr. Zikria Kibria, Junior Clerk/Muharrar,  
Attached to the court of CJ-XXI Peshawar.

Subject: EXPLANATION 7

WHEREAS, you remained absent from duty on 24<sup>th</sup>, 25<sup>th</sup> & 27<sup>th</sup> August, 2012, without any information/prior approval of leave.

THEREFORE, you are called upon to explain as to why disciplinary action should not be initiated against you under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Your explanation should reach this office within three days positively.



District & Sessions Judge,  
Peshawar.

*Attested*  
*[Signature]*  
Superintendent  
District & Sessions Court,  
Peshawar.

*Received*  
*3-9-12*







The  
**PESHAWAR HIGH COURT**  
*Peshawar*

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

Exch: 9210149-58  
Off: 9210135  
Fax: 9210170

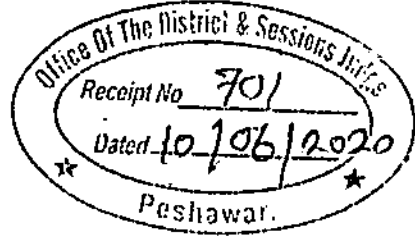
www.peshawarhighcourt.gov.pk  
info@peshawarhighcourt.gov.pk  
phcphs@gmail.com

No. 342 /MIT

Dated Peshawar the 6/6 /2020

To

✓ The District & Sessions Judge,  
Peshawar.



Subject: - **APPLICATION/COMPLAINT (C # 22059)**

I am directed to forward herewith a copy of application/complaint submitted by Humza Sheraz S/o Abdul Aziz, for proceeding at your end, please.

*04.6.2020*

**(MUHAMMAD ZUBAIR)**  
Member Inspection Team

Encl. Copy of the complaint

*SCJ (A) Peshawar  
for inquiry & report  
at the earliest.*

*[Signature]*  
**DES, Peshawar**  
*11/06/2020*

*Attested*

*[Signature]*  
Superintendent  
District & Sessions Court,  
Peshawar.

Annex-D (81) "D"  
Annex



**DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR**

Ph: 091-9210099 Fax: 091-9212419  
eMail: scPeshawar@yahoo.com  
web: SessionsCourtPeshawar.gov.pk

No. 4387  
Dated Peshawar 05-08-2020

To: Mr. Zikria Kibria, Junior Clerk/Muharrar  
Attached to the Court of AD & SJ-XIV,  
Peshawar.

10

Subject: NOTICE

Memo:

Reportedly, you were on duty during summer vacation on 05/08/2020 but your room was found locked when some files/records were requisitioned by learned AD & SJ-XIII Peshawar. Your this act tantamounts to gross misconduct and inefficiency.

You are therefore called upon to explain your position within two days as to why strict disciplinary action under Rule 3(a) & (b) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

District & Sessions Judge,  
Peshawar.

05/08/2020

Attested

[Signature]  
Superintendent  
District & Sessions Court,  
Peshawar.

Handwritten notes in Urdu, including a signature at the top and various lines of text. Some text is circled, possibly indicating specific details or dates.

Superintendent  
District & Sessions Court  
Peshawar

Attested

Handwritten signature or name.

Regional Branch (Sessions)  
District Complex,  
Peshawar

Amree -  
Handwritten notes at the bottom of the page.

No. JMIC-I, Peshawar

*Annex - F*  
Dated: 11/10/2022

From;

*Annex - F*  
Sher Hassan Khan  
Judicial Magistrate-I  
Peshawar

To,

1. Khadim Hussain  
Junior Clerk (Muharrir-I)
2. Zakria Kabria  
Junior Clerk (Muharrir-II).

Subject: **EXPLANATION**

(Reference to missing of court file bearing FIR No.1429 Dated 01/12/2021 under Section 380/427 PPC PS Tehkal, Peshawar, titled: 'State VS Saifur Rahman').

Whereas, you both the Muharrirs being custodian of the Court files/records, have the utmost responsibilities to keep the Court files/record safe and sound from any mischief and missing as well.

Whereas, on dated: 26/09/2022. Reader of this Court has brought into the notice of the undersigned that the above referred case has not been assign to him (Reader) and in that respect, the undersigned has asked you both the Muharrir to report the Court of undersigned but you both failed to respond positively.

Whereas, the act ibid on part of you both the Muharrirs amounts to negligence, therefore, submit your replies that why you should not be proceeded under the E&D Rules, 2011. Your written replies shall must be reached this office within 07-days, otherwise, it shall be presumed that you have nothing in your defense.

*Sher Hassan Khan*  
Sher Hassan Khan  
JMIC-I, Peshawar

Copy to:  
For office record.

*Sher Hassan Khan*  
Sher Hassan Khan  
JMIC-I, Peshawar

*Attested*  
*[Signature]*  
Superintendent  
District & Sessions Court,  
Peshawar.

12

(6)



The  
**PESHAWAR HIGH COURT**  
Peshawar

Annex - G  
05 sheets  
Annex - 6  
6 sheets

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

Exch: 9210149-58  
Off: 9210135  
Fax: 9210170

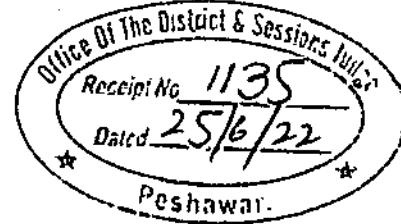
www.peshawarhighcourt.gov.pk  
info@peshawarhighcourt.gov.pk  
phcpsh@gmail.com

No. 2676 /PHC/SDJ/D.I:

Dated Peshawar the 22-06-2022

To:

The District & Sessions Judge,  
Peshawar.




Subject: **COMPLAINT AGAINST MR. ZIKRIYA, MOHARRIR WORKING IN DISTRICT JUDICIARY, PESHAWAR.**

Dear Sir,


Enclosed find herewith copy of a complaint filed by Engineer Muhammad Saleem Akhtar Durrani s/o Abdul Manan, r/o Hayatabad, Peshawar against Mr. Zikriya, Moharrar, working in District Judiciary, Peshawar, which is self-explanatory.

You are requested to look into the matter and furnish your report to this office at the earliest, please.

Attested

  
Superintendent  
District & Sessions Court,  
Peshawar.

Sincerely yours,

  
(KHALID KHAN MOHMAND)  
Director Inspections  
Secretariat of District Judiciary  
Peshawar High Court, Peshawar

Peshawar High Court, Peshawar.  
 Receipt No. 8866  
 Date 20-6-2012  
 Signature [Signature]

محکمہ خزانہ - رجسٹرار صاحب لٹا برہمانی کورٹ لٹا

کثرت براہ نامیہ کارروائی عمل میں لانا اور وصول رقم  
 مبلغ 26000000 (جس میں لاکھ لاکھ) جو تبدیلہ دھورم دی  
 رجسٹرار صاحب پلاٹ دیگرہ ازاں مسائل سے حاصل کیا ہے

Registrar of District Judiciary  
 Peshawar High Court, Peshawar  
 Receipt No. 3131  
 Date 21-6-2012  
 Signature [Signature]

مسائل گزارش ہے

مسائل محض نامی گرامی پر اپریلی کاروبار سے والیہ ہے اور پڑھیں پڑھیں  
 دیکھیں پڑھیں پڑھیں پڑھیں پڑھیں پڑھیں پڑھیں پڑھیں پڑھیں پڑھیں  
 اور اس وقت عدالت خباب فہرم عدالت 30 میں کام کر رہا ہے

14

یہ مذکورہ ملازم سے جو سے بابت فروختی پلاٹ بات گا لیں اور  
 بابت مبلغ 26 لاکھ لاکھ وصول کرنا کہ بعد از مواعظ پر پلاٹ موجود ہے اور  
 عمر 44 ایک سال سے مسائل اپنے رقم وصول کرنا چاہتے ہیں اس کے بعد در پلاٹ کو  
 Attested [Signature] کھار رہا ہے

Superintendent  
 District & Sessions Court  
 Peshawar.

یہ اسمی ذکر کیا جوڈیشل میں ملازم ہے اور بحقیقت رجسٹرار آپس ساتھ ملکر  
 اختیار بابت کارروائی ملازم حاصل ہے اور اس بابت اس شکایت  
 کا ایک عدد شیٹس لٹا اور کوئی دی جا رہی ہے جبکہ مسائل نا علم میں  
 آیا ہے کہ مذکورہ ملازم نے لٹا کو لٹوں سے ہی تبدیلہ نہ لڈا دھورم رقم شہادت  
 جس میں جس سے عدالت کو ساکھ لیت لفظان لفظ رہا ہے

لیڈا استدعا ہے مسائل شکایت پر برخلاف ذکر پلاٹ  
 کارروائی عمل میں لانا وصول شدہ ازاں مسائل کو دلائل حاکم

0315-97737

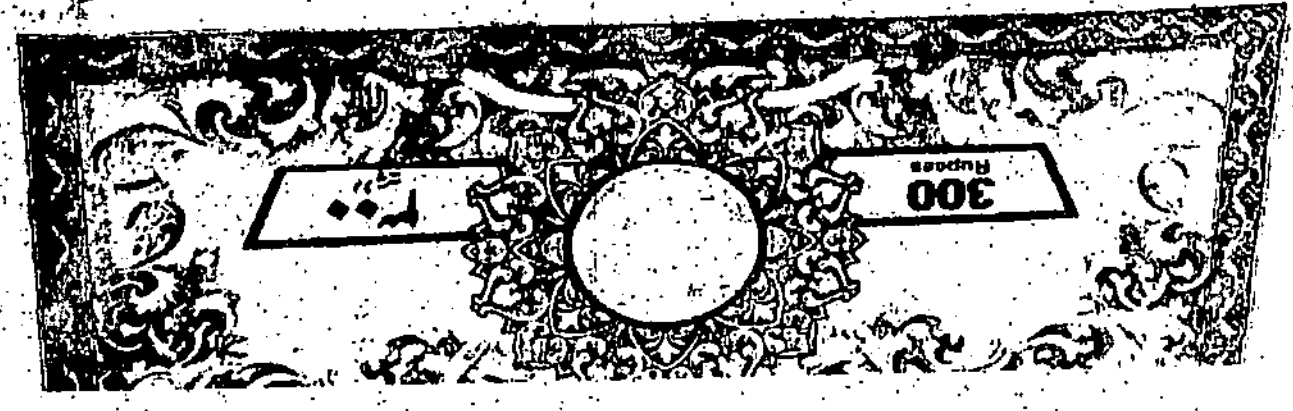
ایم پی محمد سلیم اختر عدالتی و لاء عبدالکمال  
 مسائل حیات آباد لٹا  
 0333 9104127

0315-9773721

Handwritten text in Urdu script, appearing to be a list or a set of instructions. The text is dense and somewhat difficult to decipher due to the high contrast and grain of the scan. It seems to contain several lines of text, possibly related to a legal or administrative document.

Superintendent  
District & Sessions Co.  
Peshawar.

15





نو مینا خرچہ ہوا ہے نرلاق دوٹر نرلاق لاول  
 کو وہ گرنے کا پابند ہوگا -  
 پھر نرلاق نرلاق سے کھل ہوا - نو مینا نرلاقوں  
 کے سرخی ہر مزید عاید کر سکتا ہے - ہو سکتا  
 ہے -  
 چند - عور محمودی ناہ - اوقت نرلاق لاول

16

سیٹا  
 نرلاق دوٹر  
 نرلاق لاول

17301-3556997-3

سیٹا  
 نرلاق لاول  
 نرلاق دوٹر

17301-3556997-3  
 22-03-2021

Attested

Superintendent  
 District & Sessions Court,  
 Peshawar.

سیٹا لاول

لاول لاول لاول  
 لاول لاول لاول

(Handwritten signature)

(Vertical handwritten text on the left margin)

کراچی کے لیے پیدائشی شناختی کارڈ

Ministry of Pakistan  
Ministry of National Identity



Abdul Wahid  
15.06.1965  
28.03.2016

Superintendent  
District & Sessions Court,  
Peshawar

Attested



Date of Issue	28.03.2016
Date of Expiry	28.03.2026
Identity Number	17301-0333626-7
Date of Birth	15.06.1965
Gender	M
Country of Stay	Pakistan

Father Name  
Abdul Wahid



Name  
Muhammad Saleem Akhtar Durrani



PAKISTAN  
ISLAMIC REPUBLIC OF PAKISTAN  
National Identity Card



*Annex - H*  
*(04 sheets)* ~~Annex - H~~ *H*  
**DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR**

Ph#091-9210099 Fax#091-9212419  
eMail: scPeshawar@yahoo.com  
web: SessionsCourtPeshawar.gov.pk

No. 4272/2024  
Dated Peshawar 04/07/2024

To  
The Director Inspections,  
Secretariat of District Judiciary,  
Peshawar High Court, Peshawar.

Subject: COMPLAINT AGAINST MR. ZIKRIA KIBRIA JUNIOR CLERK/MUHARRAR

Reference: PHC letter# 2676/PHC/SDJ/D.I dated 22/06/2022

Dear Sir,

The official under complaint, i.e. Zikria Kibria, is working as Junior Clerk/Muharrar in this Sessions Division. In the past, a complaint of corruption was made against him. He was accused of taking money from a lawyer under the guise of getting his son a job in the District Judiciary. He was cleared by the Inquiry Officer, but the inquiry was restarted at the request of the complainant and is currently pending before the Court of learned AD & SJ-XIII, Peshawar (Annex-A). The official's reputation is tarnished, and there is a widespread belief that he is involved in corrupt practices. His conduct and demeanor are clearly incompatible with the sanctity of this prestigious institution. As a result of his questionable character, his ACR for the year 2021 was given the status of "adverse" (Annex-B).

The complaint in hand was also addressed to this Court. Comments were called from him, and the same are enclosed as (Annex-C).

Submitted as desired, please.

*Attested*  
*[Signature]*  
Superintendent  
District & Sessions Court,  
Peshawar.

Encl: AS ABOVE

*[Signature]*  
[ASHFAQUE TAJ]  
District & Sessions Judge,  
Peshawar.

*(S)*

BEFORE THE COURT OF DISTRICT AND SESSION

JUDGE/ENQUIRY OFFICER

Reply on behalf of Zakarya Kabara for  
Application filed by one Muhammad Saleem

R/Sheriff

The contents of the Reply are Under

① That between the parties and oral agreement was made in which 9 purchased 7 markat plot in Michalla "settyan for one Muhammad Saleem through Rs 1 Lakh 50 lac.

② That as per the agreement one Muhammad Saleem will provide to me Rs. 1 Lakh 50 Lac. and 5 will provide the possession and mutation to Muhammad Saleem.

③ That Muhammad Saleem paid Rs 26 Lakh a the rest of amount is still due to me Muhammad Saleem.

④ That when Muhammad Saleem paid Rs 26 Lac.

Superintendent  
District & Sessions Court,  
Peshawar

Attested

to me I handed over the said amount to the actual owner.

(5) That till date one Muhammad Saleem has not provide me the total amount and the amount of Rs 26 Lakh which was paid by Muhammad Saleem I provide the same to the actual owner.

(6) That if Muhammad Saleem provide me the total amount I am ready to transfer the said plot to the name of Muhammad Saleem <sup>20</sup>


(7) That the transaction b/w the parties are civil nature and the same was done outside the court. Further added that one Muhammad Saleem has right to file civil case before the competent court and the complaint is not ~~the~~ maintainable hence liable to be dismissed.

Date: 27/06/2022

Zakriya Kibria

0311-0619001

Attested

  
Superintendent  
District & Sessions Court,  
Peshawar.

مقامی عدالت، پشاور  
تاریخ: 12/06/2022

Superintendent  
District & Sessions Court,  
Peshawar.

Attested

Attested

محرم الحرام 1444ھ کے مطابق 25 جون 2022ء کو  
مقامی عدالت، پشاور میں ایک درخواست نمٹائی گئی جس میں  
مطلب تھا کہ ایک شخص نے ایک عورت کو اغوا کر لیا ہے اور  
اسے اپنے گھر میں رکھ رکھا ہے۔ اس شخص کی شناخت  
کے لیے درخواست گزار نے ایک بیان جمع کیا ہے جس میں  
مطلب ہے کہ وہ نے اپنے گھر میں ایک عورت کو اغوا کر لیا  
ہے اور اسے اپنے گھر میں رکھ رکھا ہے۔ اس شخص کی  
شناخت کے لیے درخواست گزار نے ایک بیان جمع کیا ہے  
جس میں مطلب ہے کہ وہ نے اپنے گھر میں ایک عورت کو  
اغوا کر لیا ہے اور اسے اپنے گھر میں رکھ رکھا ہے۔

مقامی عدالت، پشاور میں ایک درخواست نمٹائی گئی جس میں  
مطلب تھا کہ ایک شخص نے ایک عورت کو اغوا کر لیا ہے اور  
اسے اپنے گھر میں رکھ رکھا ہے۔ اس شخص کی شناخت  
کے لیے درخواست گزار نے ایک بیان جمع کیا ہے جس میں  
مطلب ہے کہ وہ نے اپنے گھر میں ایک عورت کو اغوا کر لیا  
ہے اور اسے اپنے گھر میں رکھ رکھا ہے۔ اس شخص کی  
شناخت کے لیے درخواست گزار نے ایک بیان جمع کیا ہے  
جس میں مطلب ہے کہ وہ نے اپنے گھر میں ایک عورت کو  
اغوا کر لیا ہے اور اسے اپنے گھر میں رکھ رکھا ہے۔

District & Sessions Judge  
Peshawar  
25 JUN 2022

Attested

Official  
Concurrence  
to submit  
Pawnee  
Comment

Office Of The District & Sessions Judge  
Peshawar  
Receipt No. 1109  
Date 22/06/2022

مقامی عدالت، پشاور میں ایک درخواست نمٹائی گئی جس میں  
مطلب تھا کہ ایک شخص نے ایک عورت کو اغوا کر لیا ہے اور  
اسے اپنے گھر میں رکھ رکھا ہے۔ اس شخص کی شناخت  
کے لیے درخواست گزار نے ایک بیان جمع کیا ہے جس میں  
مطلب ہے کہ وہ نے اپنے گھر میں ایک عورت کو اغوا کر لیا  
ہے اور اسے اپنے گھر میں رکھ رکھا ہے۔ اس شخص کی  
شناخت کے لیے درخواست گزار نے ایک بیان جمع کیا ہے  
جس میں مطلب ہے کہ وہ نے اپنے گھر میں ایک عورت کو  
اغوا کر لیا ہے اور اسے اپنے گھر میں رکھ رکھا ہے۔

No 03 JMIC-I, Peshawar

Dated: 01/06/2023

From:

**FAHIM AHMAD**  
Judicial Magistrate-I  
Peshawar

To,

1. **Barkat Ali**  
Junior Clerk (Muharrir-I).
2. **Zakria Kabria**  
Junior Clerk (Muharrir-II).

Subject:

**WARNING**

(Reference to non-transmitting the Put-in-Court cases to the Institution branch/ quarter concerned).

During physical inspection of the Court record, the undersigned found a plenty numbers of put in court cases pertaining to the PSs Badhber, Inqilab & East Cantt, whereas all the cases pertaining to those Police Station have been transferred from this Court vide order No. 2433-42 dated 30/03/2023 & order No. 2907-16 dated 08/05/2023 of the Hon'ble District & Sessions Judge, Peshawar, and it was the liabilities of you both Muharrirs for timely transmitting put in Court cases of the PSs ibid, but you both the Muarrir did not fulfill you responsibility.

It is thereby, you both the Muharrirs are warned to be careful in future, otherwise stern action be taken against you Muharrir. You also hereby directed to transmit all the cases of PSs Badhber, Inqilab & East Cantt, to the institution branch/ quarter concerned with intimidation to this Court in written till tomorrow i.e. 02/06/2023 positively.


Whereas, you Muharrir namely Zikria Kibria is directed to shift and carry your official duty in the Muharrir room of this Court immediately.

**Fahim Ahmad**  
JMIC-I, Peshawar

Copy to:

For office record.

**Fahim Ahmad**  
JMIC-I, Peshawar

*Attested*  
  
Superintendent  
District & Sessions Court,  
Peshawar.

~~Annex - J~~  
02 sheets  
~~Annex - J~~  
(02) sheets



**DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR**

Ph#091-9210099 Fax#091-9212419  
eMail: scPeshawar@yahoo.com  
web: SessionsCourtPeshawar.gov.pk


No. 841-49  
Dated Peshawar 07/2/24

**ORDER**

**WHEREAS**, Mr. Fahim Ahmad, learned Judicial Magistrate-I, Peshawar submitted a complaint/report to the effect that Mr. Barkat Ali and Zikria Kibria, Junior Clerks/Muharrars attached to the said Court had kept a number of put-in-court cases/challans pertaining to police stations Badhber, Inqilab & East Cantt, in their custody, and despite issuance of displeasure and directions of the Presiding Officer, they failed to provide the said challans to the courts concerned. Apart from that, they were directed to prepare record for inspection by the learned M.I.T, Peshawar High Court, but they failed to comply, which caused inconvenience to the learned M.I.T as well as to the Presiding Officer. 23

**AND WHEREAS**, an inquiry was ordered to be conducted into the above stated allegations. The learned Inquiry Officer submitted his report on 08/01/2024 wherein the charges of misconduct and corruption were reported to have been established against both the officials named above, and proposed that minor penalty/penalties may be imposed upon the delinquent officials. However, keeping in view the gravity of instant charges as well as previous record/service history of the officials concerned, the undersigned, in the capacity of competent authority, did not agree with the said proposition. Thus, a Final Show Cause, bearing No. 420 dated 17/01/2024, was issued to both the accused officials to the effect that why one of the major penalties may not be imposed upon them. They submitted their separate replies on 24/01/2024, as well as, were heard in person but they failed to provide any satisfactory proof in their defense. 24


Attested

  
Superintendent  
District & Sessions Court,  
Peshawar.

**NOW, THEREFORE**, in exercise of powers conferred upon the undersigned under rule 4(1)(b)(iii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, one of the delinquent officials i.e. Zikria Kibria Junior Clerk (BPS-11) of this Sessions Division is hereby **Removed from Service**, in the interest of public service, with immediate effect. The other




delinquent official, i.e. Barkat Ali Junior Clerk (BPS-11) has already been removed from service as a result of another departmental inquiry, therefore, further proceedings against him in the instant inquiry are held in abeyance, till his reinstating in service or rejection of appeal, if any, by the higher forum(s).


  
[ASHFAQUE TAJ]  
District & Sessions Judge,  
Peshawar.

No. 83(DAS) 841-49 Dated Peshawar, the 07/02/2024

Copy forwarded for information/necessary action to:

1. The worthy Registrar, Peshawar High Court, Peshawar.
2. The learned M.I.T, Peshawar High Court, Peshawar.
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. Mr. Nasir Khan, AD & SJ-XVI Peshawar/Inquiry Officer.
5. The Senior Civil Judge (Admn), Peshawar.
6. The Assistant/ACC, Sessions Court, Peshawar.
7. The Assistant/CoC, District Courts, Peshawar.
8. The Assistant/Accountant, Sessions Court, Peshawar
9. Officials concerned.

  
District & Sessions Judge,  
Peshawar.

  
Superintendent  
District & Sessions Court,  
Peshawar.

Annex-K  
(ob sheets)

Annex-K  
(ob) sheets

**BEFORE MR. NASIR KHAN**  
**ADDITIONAL DISTRICT & SESSIONS JUDGE-XVI, PESHAWAR/**  
**INQUIRY OFFICER**

**DEPARTMENTAL INQUIRY UNDER KHYBER PAKHTUNKHWA**  
**GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 2011**

Name of delinquent officials:- 1. Barkat Ali [Muharrir BPS-11]  
2. Zikria Kibria [Muharrir BPS-11]

Establishment:- District & Sessions Judge, Peshawar


25

1. **BACKGROUND FACTS:**

With reference complaint No. 05 dated 16-06-2023, the Judicial Magistrate-I, Peshawar reported that earlier the jurisdiction of Police Stations Badhaber, Inqilab and East Cantt, vide office order No.2433-42/DSJ dated 30.03.2023 and office order No.2907-16/DSJ dated 08.05.2023, was withdrawn from his court and entrusted to other courts. On 01.06.2023, during physical inspection, the learned presiding officer found number of cases, pertaining to PS Badhaber, Inqilab and East Cantt, lying in the vacant court room, earlier received by the delinquent officials for trial but they were failed to put it in court. The learned presiding officer while expressing a written displeasure, directed the delinquent officials/Muharrir to immediately transfer and handover the subject cases in transferee courts. On 16.06.2023, the learned presiding officer again visited the said court and found the cases are still lying, which the delinquent officials could not transfer/transmit to transferee courts. Similarly, when the visit of learned MIT Peshawar High Court, Peshawar was scheduled for 15.06.2023 for court's inspection then again the delinquent officials were earlier directed to make available the court

08.01.2024

Attested

  
Superintendent  
District & Sessions Court,  
Peshawar.

Departmental Inquiry into Charge against Barkat Ali & Zakria Kibria [both muharrir BPS-11]

record/case files for inspection but, they were failed to comply with the directions, that had caused inconvenience to the learned MIT as well as the presiding officer. The slackness on part of the delinquent officials thus showed their inefficiency and misconduct within the meaning of Rule 3(a) & 3(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 [hereafter referred "Rules, 2011"], rendered themselves liable to be proceeded against under the Rules, 2011.

The learned District & Sessions Judge/Competent authority on receiving the complaint, called for explanation of delinquent officials, to which they submitted their reply but found unsatisfactory, therefore, the competent authority was pleased to order for departmental inquiry against the delinquent officials as per contemplation of Rule 5(1)(b) read with Rule 10 of the Rules, 2011. Vide order No. 5930-32 dated 07-09-2023, Mr. Muhammad Ayaz Khan, AD&SJ-XII, Peshawar was appointed as Inquiry Officer under Rule 10(1)(a) of Rules, 2011 as to conduct the Inquiry against the delinquent officials under Rule 11 of Rules, 2011, into the charges. The statement of allegations was issued and the delinquent officials were charge sheeted under Rule 5(2) of the Rules, 2011 for the charge of inefficiency and misconduct as envisaged under Rule-3(a) & 3(b) of Rules, 2011. The delinquent officials were also directed to file their written defense to the charge before the Inquiry Officer as provided under Rule-10(1)(d) of the Rules, 2011.

[It may be noted that; Mr. Muhammad Ayaz Khan AD&SJ-XII, Peshawar proceeded with the subject inquiry, but owing to his transfer, the competent authority via his office order dated 25-11-2023, appointed

Departmental Inquiry into Charge against Barkat Ali & Zakria Kibria [both muharrir BPS-11]

Attested

Superintendent  
District & Sessions Court,  
Peshawar.

26

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MS-20-20  
08.07.2024

the undersigned as inquiry officer to continue with inquiry from the point/proceeding, it was left by the erstwhile Inquiry Officer]

2. **INQUIRY PROCEEDINGS as per Rule-11 of The Rules, 2011**


The delinquent officials filed their written defense to the charge, which were found to be unsatisfactory. The statements of Kashif Elahi [Reader]/PW-1, Taimur Abbas [Muharrir of learned ASJ-XI]/PW-2, attached to the Court of Judicial Magistrate-I, Peshawar, were recorded.

Thereafter, opportunity as per contemplation of Rule-11(1) of Rules, 2011 was also extended to the delinquent officials as to record their statements and produce evidence in their defense, if they so wish. The delinquent officials recorded their statements. The delinquent officials, however, did not opt to produce any evidence in their defense.

3. **FINDINGS:**

In criminal law, the right to a speedy trial is a human right under which it is asserted that all sectors involved in the administration of criminal justice must positively endeavor to discharge its duties in such fashion as to ensure the timely disposal of criminal cases as per mandate of law. The completion of investigation within a period of 14 days and thereafter, submission of challan before the court as per mandate of section 173 readwith section 190 CrPC is aimed to ensure the speedy trial and conclude the proceedings with a legal and logical conclusion within the period provided under the law, founded on the principle of fair trial enshrined under Art.10-A of the Constitution, 1973. Dealing with the criminal cases not only the investigating agency and prosecution is under

bounden duty to discharge its statutory duties within the time frame but

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 Superintendent  
 District & Sessions Departmental Inquiry into Charge against Barkat Ali & Zakria Kibria [both muharrir Peshawar. BPS-11]

27

42

the court and the allied staff is also equally under legal duty to should not act in the manner that may cause delay the trial of a criminal suspect arbitrarily and indefinitely. Otherwise, any negligence on the part of any contributing stakeholder, in general, while the court and its staff members, in particular, if allowed to fetch the unencumbered powers to impose or cause such delays would definitely aid to injustice but will also make the public to distrust the judicial system. Thus the person having interest in any criminal case, be it may the victim or the felon, has the fundamental right to a speedy trial. The scheme of criminal law urging for speedy trial is based on the notion that, firstly an innocent citizen/suspect should not be required to spend many months incarcerated, secondly, the right to a speedy trial also reduces the stress on prosecution and allows it to gather and present evidence while it is still fresh. Thirdly, a witness may struggle to recall the events leading to the charges if several months or more pass before the trial. Therefore, if the right to a speedy trial is violated, any conviction and sentence must be wiped out, and the charges must be dismissed if the case has not reached trial. In the same sequel, one must be aware that delays in criminal justice can have several consequences. For example, delays can lead to: weakening of prosecution evidence, increase pressure on both side who may opt to take the law into their own hands bargain, causing erosion of the law's deterrent effect, increased strain on jail resources and government exchequer and, at last but not the least it may make the public to loss their confidence in the courts. Moreover, research has shown that delays in delivering justice can lead to harsher sentencing. People want swift punishment and will even penalize

Departmental Inquiry into Charge against Barkat Ali & Zakria Kibria [both muharrir BPS-11]

Attested  
 Superintendent  
 District & Sessions Court,  
 Peshawar.

28

13

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perpetrators for delays outside their control. When this process is disrupted, judges may find it unfair and seek to correct for a process that they believed had unfairly benefited the transgressor or the victim party.

With this backdrop, the delinquent officials entrusted with the job of receiving new put-in court cases were under legal duty to have had placed the cases before the concerned court for taking cognizance and commencement of trial. Failing to discharge their duties at first instance, the delinquent officials were reprimanded by the learned presiding officer and, despite they were thereof again directed to transfer the cases to transferee courts they turned deaf ear to the directions of learned presiding officer. The statement of PWs recorded as PW-1 and PW-2 has sufficiently established that both the delinquent officials were in habit to causally attend their duties rather were paying least respect to the directions of court. So much so, they were also unable to comply with the directions of learned presiding officer to have had the record made available on day scheduled for the court inspection by learned Member Inspection Team Peshawar High Court, Peshawar. This conduct on part of the delinquent officials amounts to disrespect to the court/presiding officer's directions and therefore, they are found ham-fisted in the discharge of their duties as per code of conduct. The delinquent officials while cross examining the PWs and even recording their statements could not shatter the allegations/charge rather admitted that some cases were lying in the vacant court room for a long time, and those could not been transmitted and put-in court so promptly as to have had ensured the

speedy trial after in-time commencement of trial.

Departmental Inquiry into Charge against Barkat Ali & Zakria Kibria [both muharrir BPS-11]

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Superintendent  
District & Sessions Court,  
Peshawar.

Evaluating the facts ibid and viewing it in all perspectives, it can be safely gathered that the delinquent officials named Barkat Ali [Muharrir] and Zakria Kibria [Muharrir] are guilty of negligence, inefficiency and misconduct, therefore, the charge against the officials viz above under Rule 3(a) and 3(b) of Rules, 2011 has successfully been established and proved therefore, they are accordingly found guilty.

4. **Recommendation/conclusion:**


The delinquent officials named Barkat Ali [Muharrir BPS-11] and Zakria Kibria [Muharrir BPS-11], working in the establishment of District & Sessions Judge, Peshawar since found guilty of negligence, inefficiency and misconduct as per Rule 3(a) and Rule 3(b) of The Rules, 2011, therefore, the minor penalty/penalties as per contemplation of Rule 4(a) of Rules, 2011 is/are proposed to be imposed against them.

With above observation and conclusion, the Inquiry report is submitted before the Hon'ble District & Sessions Judge/Competent Authority for his perusal and further necessary Orders as per rules, please.

  
(NASIR KHAN)

Additional District & Sessions Judge-XVI/  
Inquiry Officer District, Peshawar

Attested

  
Superintendent  
District & Sessions Court,  
Peshawar.