

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 1727/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16266

Dated 02/10/2024

Imtiaz Hussain

(Appellant)

Versus

Departmental promotion committee Distract Judiciary through its Chairman
District and Session Judge Kurram and others.

(Respondent)

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Appellant

Through

Kabir Ullah Khattak

&

Roeda Khan

Advocates High Court Peshawar

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
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..... (Appellant)

Versus

Departmental promotion committee Distract Judiciary through its Chairman
District and Session Judge Kurram and others.

(Respondent)

PARA WISE WISE COMMENTS ON BEHALF OF RESPONDENTS
NO 6 TO 11.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS.

1. That the Appellant has got no cause of action /locus standi to file the instant appeal.
2. That the Appellant has not come to this Honorable tribunal with clean hands.
3. That the Appellant is estopped by his own conduct.
4. That the appeal is barred by law and badly time barred.
5. That the appellant has concealed material facts from this Hon' able Tribunal.
6. That the present appeal of the appellant is not maintainable in the eyes of law.

ON FACTS.

1. That Para -1 is pertains to record.
2. That Para- 2 is pertains to record.
3. That Para-3 is correct to the extent of eight vacancies of senior clerk to be promoted from amongst to the Junior Clerks, while the number of

candidates were nine to be promoted, in response of rest of Para it is stated that the seniority list is tentative seniority list and not a final seniority list.


4. That Para-4 is pertains to official record.
5. That Para-5 is incorrect hence denied, the promotion order dated 21.05.2022 was passed according to law and rules and promotion were granted to the officials after considering service record and was issued on the basis of seniority cum-fitness and vide minutes of the meeting. It is clearly mentioned that the appellant was not found suitable and fit for promotion and was differed due to ACR of 2019 and other legal deficiency on his service official record. (Copy of Show cause Notice issued against the appellant and explanation are attached). It is pertinent to mention here that there are number of departmental Inquires initiated against the appellant they may kindly be requisitioned from the official respondent.
6. That Para-6 is incorrect already explain in para 5 and the ACR of 2019 was communicated to the appellant by the official respondent.
7. That Para-7 is incorrect hence denied.
8. That Para-8 is incorrect hence denied.
9. That Para-9 is incorrect, in response of which it is stated that no adverse order is passed against the private respondent No. 11 as well as no adverse remarks were reported against the respondent No 11 and the respondents No. 6 to 11 are rightly promoted by the official concerned on the basis of their service record. Furthermore, there were no deficiency and adverse order were passed against the respondents No 6 to 11. So concerned respondent No. 12 is below in the seniority list from all the private respondents No 6 to 4 therefore respondent No. 12 submitted cognovits in favor of appellant.
10. That Para No. 10 is incorrect.

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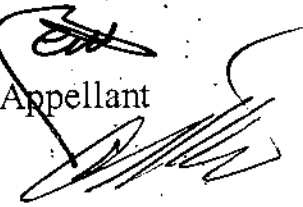
GROUND.

- A) That the promotion order dated 21.05.2022 is passed in accordance to Law and rules by the respondent department.
- B) That the impugned promotion order was passed on the basis of seniority, merit fitness and official record.
- C) That the impugned order is neither arbitrary, discriminatory nor passed against any law and rules and is passed on cogent and convince grounds.
- D) That ground D is incorrect already explained the above ground. Furthermore, the appellant was not found suitable and fit for promotion and was differed due to ACR of 2019 and due to other legal deficiency.
- E) That ground E to G is incorrect hence denied, already explained in the above grounds.
- F) That ground H is incorrect, the appeal of the appellant is badly time barred.
- G) That the answering respondents seeks permission agitate further grounds at the time of arguments with the prior permission of this Hon' able court.

It is, therefore, most humbly prayed that on acceptance of the instant para-wise comments / reply the appeal of the appellant may kindly be dismissed with heavy cost.


Appellant

Through


Kabir Ullah Khattak

 &
Roeda Khan

Advocates High Court Peshawar

④

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 1727/2023

Imtiaz Hussain

(Appellant)

Versus

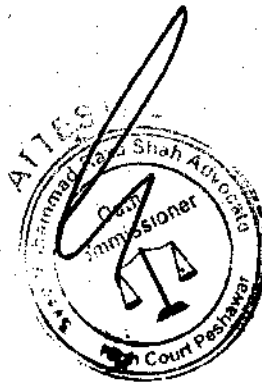
Departmental promotion committee Distract Judiciary through its Chairman
District and Session Judge Kurram and others.

(Respondent)

AFFIDAVIT

I, Gul Zaman (Junior Clerk) BPS-14 Private Respondent No 11 do hereby affirm
and declare on oath that the contents of this written reply is true and correct to the
best of my knowledge and belief nothing has been concealed from this Hon'ble
Service Tribunal.

Deponent _____



02 OCT 2024



OFFICE OF THE
ADDITIONAL DISTRICT & SESSIONS JUDGE,
LOWER KURRAM AT SADDA

Phone No. 0926-521971
Fax No. 0926-521971
Email:
adaj@kurr.am@gmail.com

No. 320-21 (ASJ/Sadda, Kurram) Dated: 29/05/2024

To,

Mr. Imtiaz Hussain,
Moharrir to ASJ, Sadda

Subject: SHOW CAUSE NOTICE.

Memo,

WHEREAS, today you left the Court without a prior permission of the presiding officer and you are habitual in leaving the Court without any prior permission.

Being Moharrir of this Court, your this sort of action is a gross misconduct and against the service discipline rules.

THEREFORE, you are hereby served with this notice to show cause as to why you should not be proceeded against under the E&D rules. Your reply must reach to this Court with in three days positively, failing which it shall be deemed that you have nothing to say in your defense and you shall be proceed under the relevant rule and law

Dated: 29/05/2024.

(MUHAMMAD TAYYIB JAN)
ADDITIONAL SESSIONS JUDGE,
LOWER KURRAM AT SADDA.

Encls: No. & Dated Even.

COPY FOR INFORMATION TO:

1. The Hon'ble District & sessions Judge, Kurram at Panchtara.
2. Office copy.

(MUHAMMAD TAYYIB JAN)
ADDITIONAL SESSIONS JUDGE,
LOWER KURRAM AT SADDA.



OFFICE OF THE
ADDITIONAL DISTRICT & SESSIONS JUDGE,
LOWER KURRAM AT SADDA

Phone No. 0926-521771
Fax No. 0926-521771
Email
asj@kurram@gmail.com

No. 331 ASI/Sadda, Kurram Dated: 09/07/2024

To,

Imtiaz Hussain
Moharrir to ASJ, Sadda

Subject: EXPLANATION.

Memo,

During inspection it was found that even cases disposed of in the Month of May & June 2024 are still pending for consignment inspite of repeated verbal directions which shows your slackness and lack of interest in performance of your official duties.

You are therefore, directed to explain your position that why necessary legal action under the relevant provisions of law shall not be initiated against you. Your reply must reach to this office within three days positively, failing which it shall be deemed that you have nothing to say in your defense and you shall be proceeded against accordingly.

Dated: 09/07/2024.

(MUHAMMAD TAYYIB JAN)
ADDITIONAL SESSIONS JUDGE,
LOWER KURRAM AT SADDA.

Encls: No. & Dated Even.

COPY FOR INFORMATION TO:

1. The Hon'ble District & sessions Judge, Kurram at Parachinar.
2. Office copy.

(MUHAMMAD TAYYIB JAN)
ADDITIONAL SESSIONS JUDGE,
LOWER KURRAM AT SADDA.

9



OFFICE OF THE
ADDITIONAL DISTRICT & SESSIONS JUDGE,
LOWHR KURRAM AT SADDA

Phone No: 0716-511001
Fax No: 0716-511001
Email: adaj2kurr.am@gmail.com

No. 336 /ASJ/Sadda, Kurram Dated: - 29/8/2024

To,

Imtiaz Hussain
Moharrir to ASJ, Sadda

Subject: EXPLANATION.

Memo,

WHEREAS, it has been noticed by the undersigned that you were absent from duty without prior application and granting leave on 27/08/2024 & 28/08/2024 and even today again without any permission you are absent from duty which shows your slackness and lack of interest in performance of your official duties.

You are therefore, directed to explain your position that why necessary legal action under the relevant provisions of law shall not be initiated against you. Your reply must reach to this office within three days positively, failing which it shall be deemed that you have nothing to say in your defense and you shall be proceeded against accordingly.

Dated: 29/08/2024.

(MUHAMMAD TAYYIB JAN
ADDITIONAL SESSIONS JUDGE,
LOWHR KURRAM AT SADDA.

Endst: No. & Dated Even.

COPY FOR INFORMATION TO:

1. The Hon'ble District & Sessions Judge, Kurram at Parachinar.
2. Office copy.

8



OFFICE OF THE
ADDITIONAL DISTRICT & SESSIONS JUDGE,
LOWER KURRAM AT SADDA

Phone No: 0926-521971
Fax No: 0926-521971
Email: asj@kurram@gmail.com

No. _____ /ASJ/Sadda, Kurram Dated: - ____ / ____ /2024

To,

Mr. Imtiaz Hussain,
Moharrir to ASJ, Sadda

Subject: **SHOW CAUSE NOTICE.**

Memo,

WHEREAS, it was reported to the undersigned that the consignment/disposal of this Court is pending and not sent to the Sessions Record Room since October 2023.

Being Moharrir of this Court, your this sort of action is a gross misconduct and against the service discipline rules.

THEREFORE, you are hereby served with this notice to show cause as to why you should not be proceeded against under the E&D rules. Your reply must reach to this Court with in three days positively, failing which it shall be deemed that you have nothing to say in your defense and you shall be proceed under the relevant rule and law

Dated: 06/01/2024.

(MUHAMMAD TAYYIB JAN)
ADDITIONAL SESSIONS JUDGE,
LOWER KURRAM AT SADDA.

Endst: No. & Dated Even.

COPY FOR INFORMATION TO:

1. The Hon'ble District & sessions Judge, Kurram at Parachinar.
2. Office copy.

(MUHAMMAD TAYYIB JAN)
ADDITIONAL SESSIONS JUDGE,
LOWER KURRAM AT SADDA.

9



OFFICE OF THE
DISTRICT & SESSIONS JUDGE,
KURRAM

Phone No. 09226 42207
Fax No. 09226 42208
Email: dsj@krrm.gov.pk

No. 3267 /DSJ/KURRAM

Dated 12th July, 2024

To,

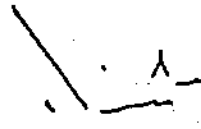
1. Imtiaz Hussain
- ✓ 2. Naveed Rehman
Muharrir to AD&SJ Sadda.

SUBJECT: SHOW CAUSE NOTICE

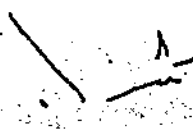
Whereas as per information delivered by In-charge Record Room District Courts Parachinar that you intentionally delayed the delivery of consigned file to record room. You sent the files on 10/07/2024 through special messenger. As per established rules tailored for delivery of files from tehsil courts, the time frame is only one month while you have sent the consigned files after one and a half months which is negligence on your part. Despite the knowledge that the record needs to be delivered within the time frame set by august Peshawar High Court Peshawar, your act amounts to misconduct and misrepresentation on you part.

Therefore, you (delinquent officials) are served with this show cause notice as to why one or more penalties under the Rules of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules 2011 may not be imposed upon you for the act of misconduct so established against you.

Your reply on receipt of this notice must reach this office within 07 days failing which it shall be presumed that you have nothing in your support to offer for explanation.


HITESHAM UL HAQ DANISHMAND KHAN
DISTRICT & SESSIONS JUDGE,
KURRAM.

Copy For's Added To:
1. District & Session Judge, Sadda.
2. District Judge.


HITESHAM UL HAQ DANISHMAND KHAN
DISTRICT & SESSIONS JUDGE,
KURRAM.

10



OFFICE OF THE
ADDITIONAL DISTRICT & SESSIONS JUDGE,
LOWER KURRAM AT SADDA

Phone No: 0926-521973
Fax No: 0926-521973
Email:
adsj2kurram@gmail.com

No. 331 /ASJ/Sadda, Kurram Dated: - 09/07 /2024

To,

Imtiaz Hussain
Moharrir to ASJ, Sadda

Subject: EXPLANATION.

Memo,

During inspection it was found that even cases disposed of in the Month of May & June 2024 are still pending for consignment inspite of repeated verbal directions which shows your slackness and lack of interest in performance of your official duties.

You are therefore, directed to explain your position that why necessary legal action under the relevant provisions of law shall not be initiated against you. Your reply must reach to this office within three days positively, failing which it shall be deemed that you have nothing to say in your defense and you shall be proceeded against accordingly.

Dated: 09/07/2024.

(MUHAMMAD TAYYIB JAN)
ADDITIONAL SESSIONS JUDGE,
LOWER KURRAM AT SADDA.

Endst: No. & Dated Even.

COPY FOR INFORMATION TO:

1. The Hon'ble District & sessions Judge, Kurram at Parachinar.
2. Office copy.

(MUHAMMAD TAYYIB JAN)
ADDITIONAL SESSIONS JUDGE,
LOWER KURRAM AT SADDA.

(11)

BEFORE THE HON'BLE DISTRICT & SESSIONS JUDGE,
KURRAM.


Reply

Subject: REPLY TO THE SHOW CASE BEARING NO. 3267/DSJ/KURRAM DATED 12TH JULY 2024.

Respectfully Shewith:

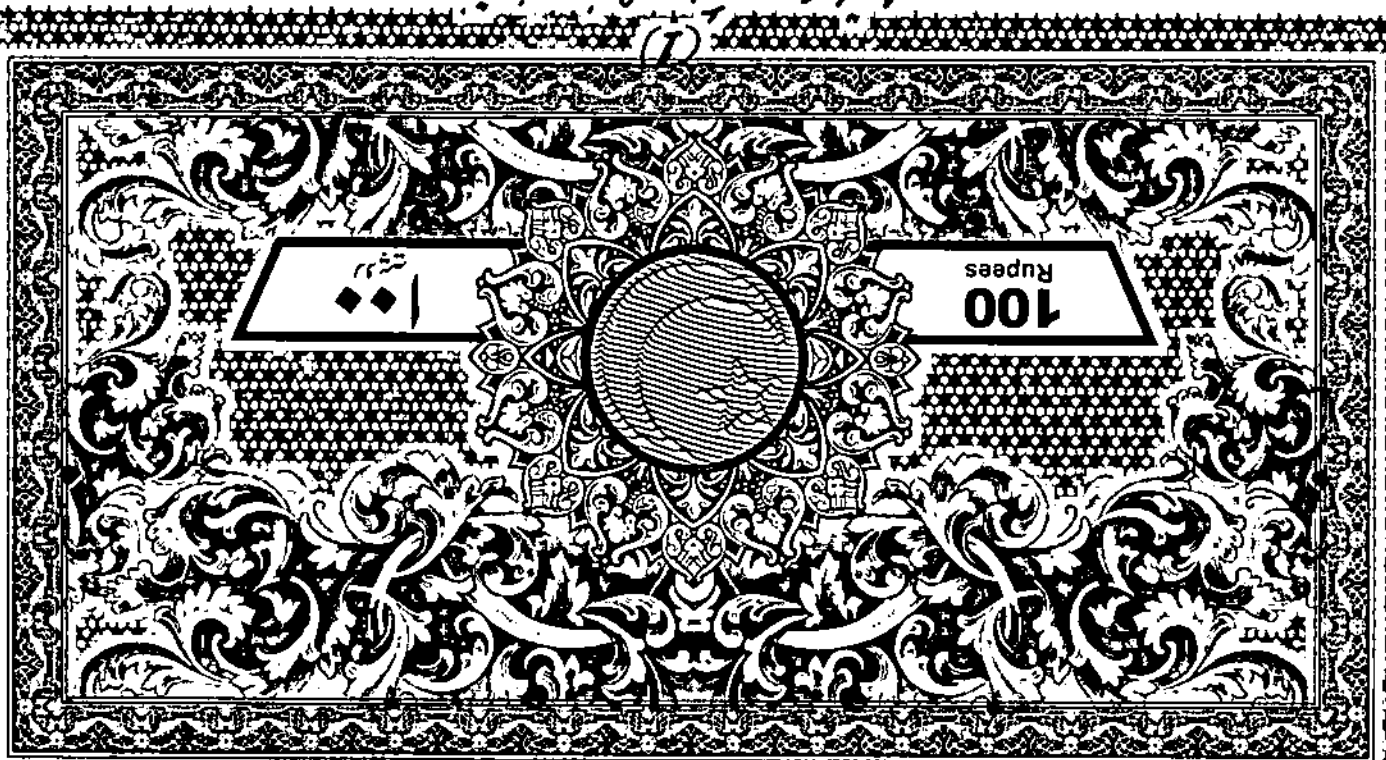
It is stated that on 09/07/2024, the Hon'ble Additional District & Sessions Judge, Sadda, Kurram issued a show-cause notice only to one Mr. Imtiaz Hussain Moharrir to ADJ-Sadda with the direction "to explain your position that why necessary legal action under the relevant provision of law shall not be initiated against you. Your reply must reach to this office within three days positively, failing which it shall be deemed that you have nothing to say in your defense and you shall be proceeded against accordingly" and copy of the said notice was sent to your Hon'ble court.

It is pertinent to mention here that in the above said show cause notice given by ADJ-Kurram to only Mr. Imtiaz Hussain Moharrir wherein my name was not mentioned. I am execution Moharrir and the Hon'ble ADJ-Sadda divided moharrir duties/work. My work is to issue notices to the parties and make index. The consignment of files and the same is send to the record room is the responsibility of Mr. Imtiaz Hussain and he also maintains all the registers. I am performed my responsibility/duty honestly with full zeal and zest. I will not give any chance complaint. It is requested that my reply my kindly be accepted.


Naveed Rehman

Handwritten signatures and names at the top of the page, including "الذكي" and "محمود".

Handwritten text in Urdu, appearing to be a list or a set of instructions. The text is written in a cursive style and includes several lines of script.



کلی زما ناولد عبیر اعلیٰ سلطان سکولت - جس باغ جس لائبریری میں لائے جھٹلا، نامہ

THE UNIVERSITY OF PUNJAB
P. 65 ST. 2021
LIBRARY

Handwritten text in Urdu script, appearing to be a list or ledger entries, possibly related to financial or administrative records.

Handwritten signature and text in Urdu script, possibly indicating a specific entry or a signature.

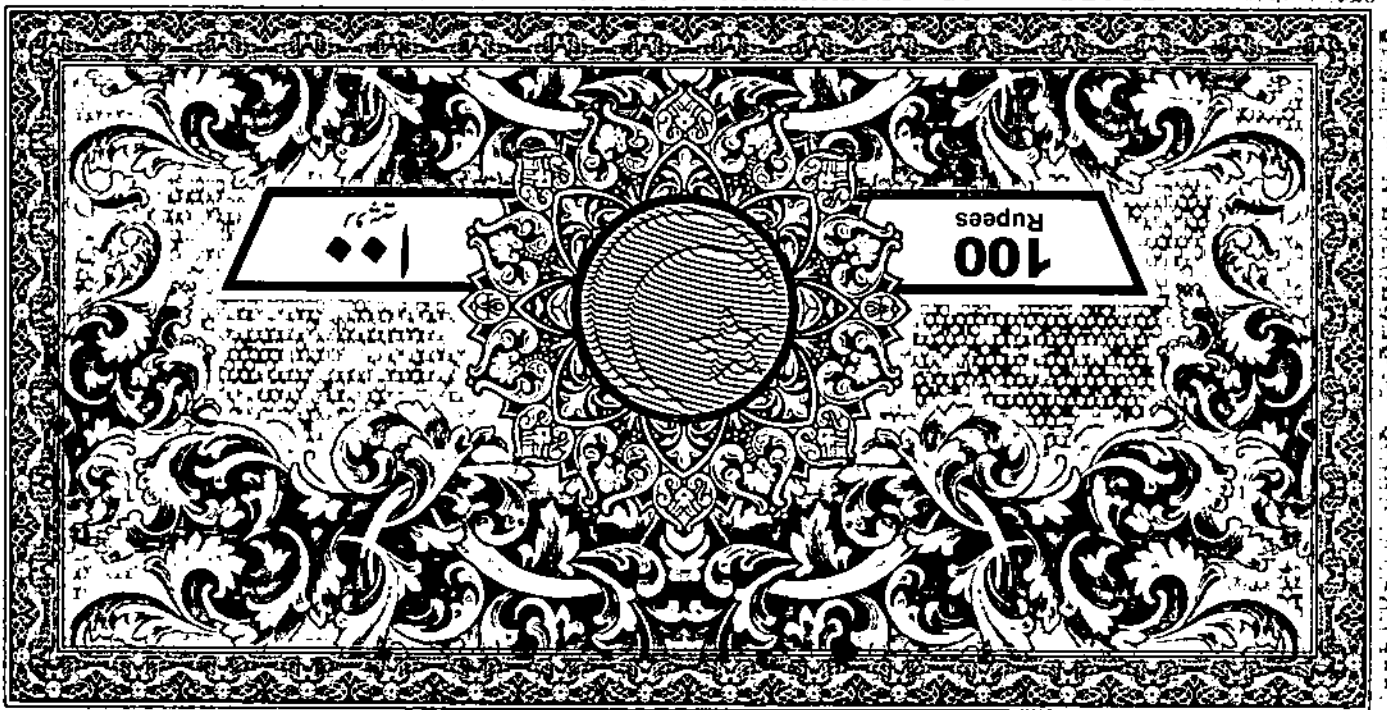
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(2)

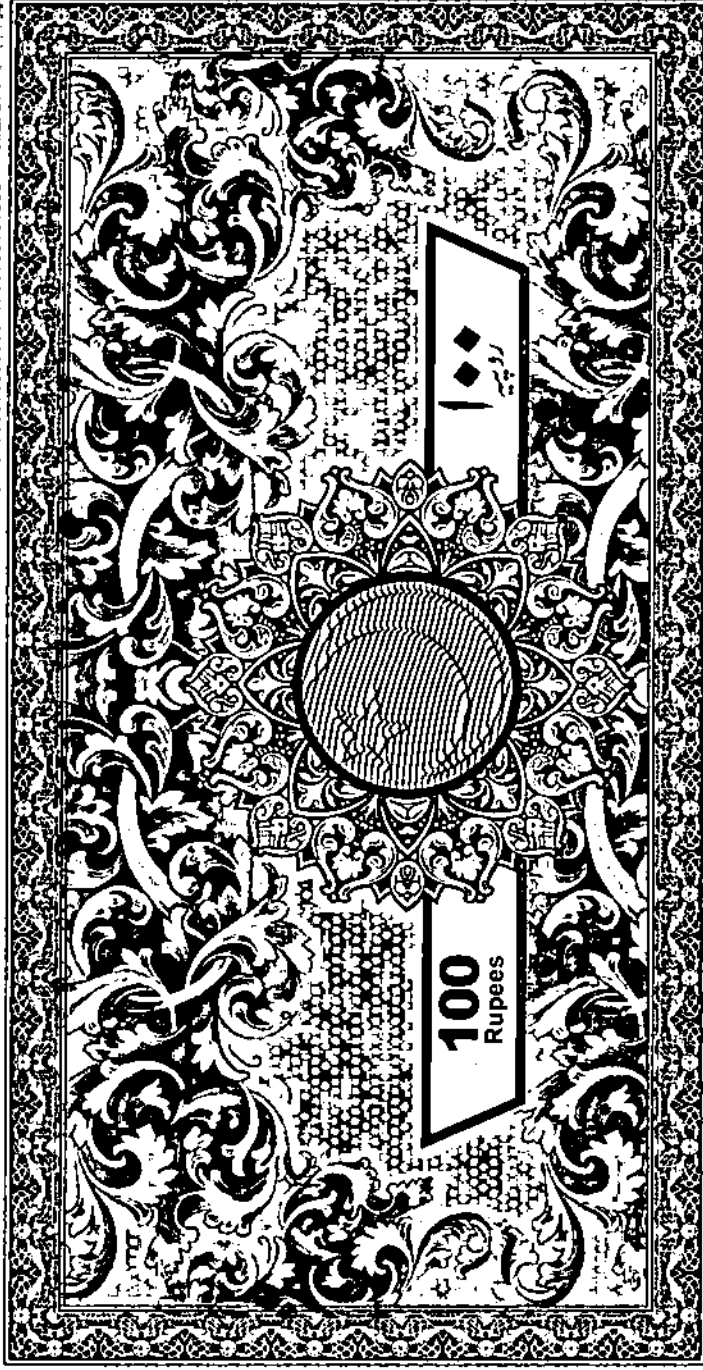


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کلیں ہاں - لیسبر ایجنٹ کا ذمہ داری ہے کہ اس کی سہولتیں فراہم کرے۔

06 SEP 2021
Treasurer
06 SEP 2021
Treasurer

J316678



(3)

فصلنامه جامع حقوقی و اقتصادی

شماره فصلنامه حقوقی و اقتصادی ۱۱۶

مجله حقوقی و اقتصادی

۱۱۶

فصلنامه جامع حقوقی و اقتصادی

POSTAL COMMUNICATIONS
06 SEP 2021
* (TRANSIT WIND) *
* (MAY ANSWER) *

Handwritten text in Arabic script, likely a signature or address, oriented vertically.

A single diagonal line drawn across the bottom of the page.