

**BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**WRITTEN COMMENTS IN**  
**Appeal No #217/2024**

Bazid Khan S/o Muhammad Ali Khan (Ex: Bailiff, Establishment of Senior Civil Judge(Admn), Bannu) R/o Wanda Mochan Khel, Serai Nurang, District Lakki Marwat ~~~~~ (Appellant)

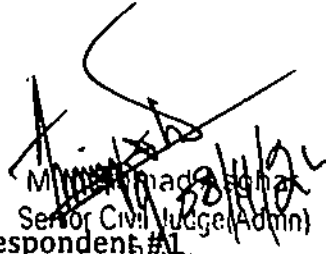
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Senior Civil Judge(Admn), Bannu and another ~~~~(Respondents)

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Dated: 08/11/2024

  
Muhammad Anwar Khan  
Senior Civil Judge (Admn)  
Respondent #1  
Bannu  
Senior Civil Judge (Admn)  
Bannu

**BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

**WRITTEN COMMENTS IN  
Appeal No #217/2024**

Bazid Khan S/o Muhammad Ali Khan (Ex: Bailiff, Establishment of Senior Civil Judge(Admn), Bannu) R/o Wanda Mochan Khel, Serai Nurang, District Lakki Marwat ~~~~~~ (Appellant)

--- VERSUS---

Senior Civil Judge(Admn), Bannu and another ~~~~~(Respondents)

**PARA-WISE COMMENTS ON BEHALF OF RESPONDENT #1.**

**Respectfully Sheweth:**

**Preliminary Objections:**

- (1) That, the appellant has no locus standai to file the instant appeal.
- (2) That, the appellant has not referred to /and of pointed out violation of any statutory provision which has been violated by respondents. The appellant is not an aggrieved person.
- (3) That the appeal is bad for misjoinder of necessary parties.
- (4) That the appellant is estopped by his own conduct from instituting the appeal.
- (5) That the appellant has not come to the Honourable Tribunal with clean hands. Apart from other infirmities the appeal suffers from grass concealment and misstatements of facts, the appellant is therefore, not entitled to any relief.
- (6) That the appellant was afforded full opportunity to explain the charges leveled against him, and the decision was made after careful consideration of the evidence presented and procedure outlined in the relevant rules.
- (7) That the respondents vehemently deny all the allegations made in the titled appeal and reiterate that the impugned order of compulsory retirement was made in accordance with the relevant rules.

Reply to Facts:

- A. That Para "A" of Appeal is correct.
- B. That para "B" of the Appeal is correct to the submission of medical bills of his son. However, it is submitted that the bills were found bogus/ fake.
- C. That para "C" of the Appeal is also correct.
- D. That Para 'D" of the Appeal is correct.
- E. That para "E" of the Appeal is correct.
- F. That Para "F" of the Appeal is correct, however, it is submitted that a proper procedure under the rules was adopted. The medical bills submitted by the appellant were referred to District Headquarter Teaching Hospital, DI Khan Road, Bannu for verification fake (Copy of verification of medical bill is annexed as Annexure "A") and were found fake (Copy of reply to verification of medical bill is annexed as Annexure "B"). Show Cause Notice under the rules was served upon the appellant (Copy of Show Cause Notice is annexed as Annexure "C") and he submitted reply to the Show Cause wherein he has admitted his guilty(Copy of reply to Show Cause Notice is annexed as Annexure "D"). It is pertinent to mention here that on the date when the appellant submitted his reply to the Show Cause, he recorded his statement before the Competent Authority on 24.07.2023 wherein he clearly admitted the allegations leveled against him in the Show Cause(copy of statement of appellant is annexed as Annexure "E"). After admitting his quilt, Final Show Cause Notice was issued to him in accordance with Rule 4(1)(b)(ii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 (Copy of Final Show Cause Notice is annexed as Annexure "F") and reply whereof, he again admitted his quilt(Copy of reply to Final Show Cause Notice is annexed as Annexure "G"). Notice of personal hearing was given to him (Copy of personal hearing notice is annexed as Annexure "H")and after giving him opportunity of personal hearing, major penalty of compulsory retirement was awarded to the appellant under Rule 4(1)(b)(ii) of Khyber Pakhtunkhwa Government Servants ( Efficiency and Discipline) Rules, 2011(Copy of compulsory retirement order is annexed as Annexure "I").

- G. That Para "G" of the Appeal is correct. It is submitted that the appellant was afforded full opportunity of hearing to explain the charges leveled against him.
- H. Para "H" of the Appeal is incorrect as laid. The appellant has no right to invoke the jurisdiction of this Hon'ble Tribunal through the titled appeal which is not maintainable in the eye of law.

**Reply to Grounds:**

- A. That the ground-A of the Appeal is incorrect, hence strongly denied. It is submitted that the order of compulsory retirement was made in accordance with law and procedure outlined in the relevant rules.
- B. That ground-B is incorrect as laid and strongly denied. In reply to this ground, it is submitted that the answering respondents and inquiry officer rightly complied with the procedure as laid down under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. Furthermore, the order of compulsory retirement of appellant is well reasoned.
- C. That ground-C is incorrect as laid and strongly denied. In reply it is submitted that the appellant submitted bogus and fake medical bills, which were verified from the concerned authority and the same were found bogus/fake. Admittedly appellants' son was admitted in Khalifa Gul Teaching Hospital, Township Kohat Road, Bannu and he claimed medical bills with the contention that his treatment was carried out in District Head Quarter Teaching Hospital, DI Khan Road, Bannu which are altogether two difference hospitals. It was his responsibility and to prepare and verify medical bills from Khalifa Gul Teaching Hospital, Bannu and to pass the genuine medical bills from the Competent Authority as per law. Resultantly, the appellant is found guilty of non-observance of discipline and grass misconduct.
- D. That ground-D is incorrect. It is submitted that the impugned order of compulsory retirement of appellant was made on the basis of non-observance of discipline and grass misconduct.
- E. That ground-E is incorrect, hence denied. The appellant himself admitted / narrated in the facts of the titled Appeal that he was served with Show

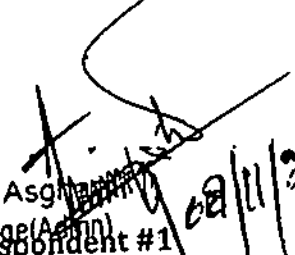
Cause Notice vide No. 665, dated 17.07.2023 and the same was replied by appellant, Final Show Cause Notice vide No. 908, dated 09.09.2023 and provided proper opportunity of hearing to appellant.

- F. That ground-F is incorrect.
- G. That ground-G is incorrect. The service of appellant is not above the board. The detailed reply has already been given in the above paras.
- H. That ground-H is incorrect.
- I. That ground-I need no reply.

It is, therefore, requested that on the acceptance of this written reply/ comments, Appeal of the appellant is incorrect, baseless, frivolous, illegal, without any substance and against the record, dismissed.

*Submitted as directed please.*

Dated: 08/11/2024

  
Muhammad Asghar  
Senior Civil Judge (Admn)  
Respondent #1  
Bannu  
Senior Civil Judge (Admn)  
Bannu  
08/11/24

**BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**WRITTEN COMMENTS IN**  
**Appeal No #217/2024**

Bazid Khan S/o Muhammad Ali Khan (Ex: Bailiff, Establishment of Senior Civil Judge(Admn), Bannu) R/o Wanda Mochan Khel, Serai Nurang, District Lakki Marwat ~~~~~ (Appellant)

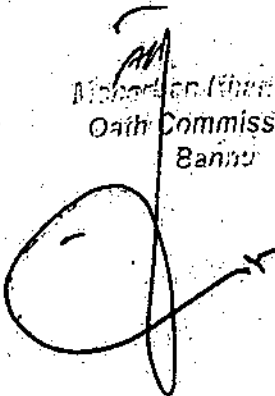
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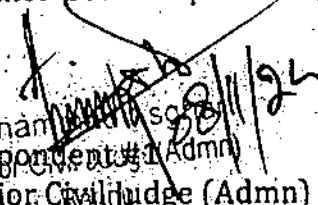
Senior Civil Judge(Admn), Bannu and another ~~~~~ (Respondents)

**AFFIDAVIT**



imposed.

I, do hereby solemnly affirm and declare that contents of instant comments are true and correct to the best of our knowledge and belief and that nothing has been kept concealed from this Honourable Court. It is further stated on oath that the answering respondent has neither been ex-parte nor defense has been struck off. Also no cost is imposed.

  
 Oath Commissioner  
 Bannu

  
 Muhammad Ali Khan  
 Respondent #1 Admn  
 Senior Civil Judge (Admn)  
 Bannu

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA  
OFFICE OF THE SENIOR CIVIL JUDGE(ADMN), BANNU

	OFF: 0928-662048 FAX: 0928-9270195
	scjbanu@gmail.com

No. 611 / SCJ(ADMN) DATED AT BANNU THE 06 / 10/2023

To,

The Additional Director(MTI),  
District Headquarter Teaching Hospital,  
Bannu.

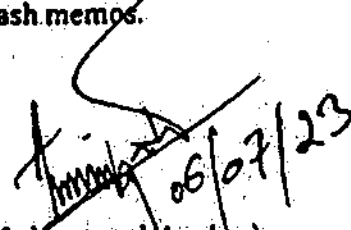
Through: PROPER CHANNEL

Subject: VERIFICATION OF MEDICAL BILL

Memo,

Enclosed find herewith the medical bill in respect of Mr. Bazid Khan,  
Bailiff of this establishment, amounting to Rs.202880/- for verification and send  
back to this office after doing the needful.

Enclosures: Discharge Slip, Non-availability certificate and cash memos.

  
(Muhammad Asghar)  
Senior Civil Judge(Admn)  
Bannu

o/c  
**ATTESTED**

06 NOV 2024

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Lower Courts Bannu

**OFFICE OF THE ADDITIONAL MEDICAL DIRECTOR  
DHQ, TEACHING HOSPITAL (MTI) BANNU.**  
Ph: & Fax No. 0928-92707802 e-mail: dhqhbannu@gmail.com

Dated: 12/07/2023

NO. 1105 /Verification/DHQ/BNU

To  
The Honorable Senior Civil Judge (Admin)  
Bannu.

SUBJECT: VERIFICATION OF MEDICAL BILL

R/Sir,

Kindly refer to your office letter No. 611/SCJ(ADMN) Dated 06/07/2023, on the subject Noted above in R/o Mr. Bazid Khan Bailiff attached to your office/Court for Medical Re-Imbursement amounting to Rs.202880/-

Comments of the concerned consultant <sup>(Mr. Bazid Khan)</sup> has been obtained regarding verification of the claim whereas, "the attached bills are bogus/fake and my signature is also not mine, the case should be sent the Anti-Corruption and disciplinary action should be initiated".

Hence, the claim in original is hereby returned with the above remarks for information and action at your end please.

*[Signature]*  
Additional Medical Director  
DHQTH MTI, Bannu

*Seen. Open  
file for proceedings  
as per law.*

*[Signature]*  
Muhammad Asghar  
Senior Civil Judge (Admin)  
Bannu

**ATTESTED**

06 NOV. 2024

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Lower Courts Bannu





DI <sup>ANY</sup> JUDICIARY KHYBER PAKHTUNKHWA  
OFFICE OF THE SENIOR CIVIL JUDGE (ADMN), BANNU

	OFF: 0928-662127 FAX: 0928-9270195
	scjbanna@gmail.com

14

No. 665 / SCJ (ADMN)

DATED AT BANNU THE 17 / 07 / 2023

To

Mr. Bazid Khan,  
Bailiff of this establishment.

Subject: SHOW CAUSE NOTICE

Memo,

Whereas, you Mr. Bazid Khan serving as Bailiff in the court of undersigned applied for re-imbusement of Medical Charges incurred on the treatment of your son to the tune of Rs. 202,880/- vide application dated 13.06.2023. The receipts of charges were referred to the Additional Director (MTI), DHQ, Bannu for verification vide Letter No. 611/SCJ (Admn), Bannu dated 06.07.2023. In reply to the said verification letter, Additional Director (MTI), DHQ, Bannu vide Letter No. 1195/Verification/DHQ/BNU dated 12.07.2023, has reported that the attached bills are bogus/fake & signatures of Additional Medical Director on the bills are also fake.

Therefore, you are called upon to show cause as to why disciplinary action under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 should not be taken against you. Your reply in this regard should reach this office within seven (07) days failing which it will be presumed that you have nothing in your defense.

o/c

17/07/23  
(Muhammad Asghar)  
Senior Civil Judge (Admn)  
Bannu  
Senior Civil Judge (Admn)  
Bannu

**ATTESTED**

06 NOV 2024

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Lower Courts Bannu

بازید خان

گواہی نامہ

گواہی نامہ جس میں گواہوں کی گواہی ہے

29/10/2023

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24/07/23  
Muhammad Sahat  
Senior Civil Judge (Adalat)  
Baran

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06 NOV 2024  
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District Court Bahawalpur

ATTESTED

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Muhammad Akbar  
Senior Civil Judge (Adm)  
Bahawalpur  
24/07/23

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24/07/23



ATTESTED

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بنا برائے اس کے کہ اس کی تصدیق کی جائے اور اس کے بعد اس کی تصدیق کی جائے۔

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Muhammad Asghar  
Senior Civil Judge  
Bannu  
09/10/24

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06 NOV 2024

ATTESTED

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انجمن صحت و سائنس  
انجمن صحت و سائنس

24.7.2023

Muhammad Asghar  
Senior Civil Judge (Admn)  
Banru  
24/07/23

Handwritten text in Urdu script, likely a legal document or affidavit, containing several lines of text.

(3)

TH

14

OFF: 0928-662127
FAX: 0928-9270195
scjbannu@gmail.com

No. 908 /SCJ(Admn)

Dated At Bannu the 09 /09/2023

**FINAL SHOW CAUSE NOTICE**

I, Muhammad Asghar, Senior Civil Judge(Admn), Bannu, Competent authority, within the contemplation of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Bazid Khan, Bailiff with Final Show Cause Notice as follows:-

WHEREAS, Show Cause Notice was served upon you and after submission of reply to Show Cause Notice, you recorded your statement before the undersigned on 24.07.2023, wherein you have admitted the allegations leveled against you and misconduct on your part of presentation of fake medical bills to the tune of Rs.202880/- is clearly proved against you.

AND WHEREAS, you have also leveled allegations of misconduct / preparation of fake medical bills to the tune of Rs.202880/- by Mr. Zahoor Islam, Bailiff, Show Cause Notice was served upon him on 24.07.2023 and in response whereof, Mr. Zahoor Islam, Bailiff has clearly denied the allegations leveled by you against him.

THEREFORE, having sufficient evidence of misconduct committed by you, Final Show Cause Notice is served upon you as why major penalty under rule 4 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 shall not be imposed upon you.

YOU, shall submit your reply to the final show cause notice within ten (10) days failing which it shall be presumed that you have no defense to offer and you will be proceeded as per law.

Copy of Show Cause served upon Mr. Zahoor Islam, Bailiff and reply submitted by him enclosed.

Dated: 09.09.2023

(Muhammad Asghar)  
Senior Civil Judge(Admn), Bannu/  
Competent Authority

**ATTESTED**

06 NOV 2024


Copying Agency  
Court Bannu

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19/09/23  


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15/1





DISTRICT JUDICIARY KHYBER PAKHTUNKHWA  
OFFICE OF THE SENIOR CIVIL JUDGE (ADMN), BANNU

101

OFF: 0928-662048  
FAX: 0928-9270195  
scjbannu@gmail.com

No. 954 / SCJ(ADMN) DATED AT BANNU THE 21 / 09 / 2023

To  
Mr. Bazid Khan,  
Bailiff of this establishment.

Subject: **NOTICE FOR PERSONAL APPEARANCE**

Memo,

Consequent upon the reply submitted by you in connection with Show Cause notice issued vide this office letter No.908, dated 09:09.2023, your reply was found unsatisfactory. The opportunity of personal hearing is given to you as to why major penalty under rule 4 sub clause (b) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 shall not be imposed upon you.

You are, therefore, directed to appear in person before the undersigned on 27.09.2023.

*(Signature)*  
(Muhammad Asghar)  
Senior Civil Judge (Admn)  
Bannu

**ATTESTED**

06 NOV 2024

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Lower Courts Bannu

*(Signature)*  
21/9/2023





(17)

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**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA**  
**OFFICE OF THE SENIOR CIVIL JUDGE(ADMN), BANNU**

OFF: 0928-662127
FAX: 0928-9270195
scjbannu@gmail.com

No. \_\_\_\_\_/SCJ(Admn)

Dated At Bannu the \_\_\_\_\_/10/2023

**OFFICE ORDER:-**

Consequent upon the inquiry proceeded against Mr. Bazid Khan, Bailiff under the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Rules 2011 for inefficiency with respect to non-observance of discipline and misconduct with regard to production of fake medical bills to the tune of Rs. 202880/- as medical charges on the treatment of his son.

And whereas, Final Show Cause Notice was issued to Mr. Bazid Khan, Bailiff (P.No.00180690) bearing No. 908/SCJ(Admn) dated 09.09.2023 with proposed penalty, but his reply was also found unsatisfactory. The opportunity of personal hearing was also given to him but he could not defend the suggested penalty. The charges/ allegations with respect to production of fake medical bills to tune of Rs. 202880/- is proved on record and so he is held guilty of misconduct and liable to punishment under the rules *ibid*.

It is, therefore, established that the official/Bailiff is guilty of misconduct within the contemplation of Rule 3(c) & Rule 4(1)(b)(ii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.

Now, therefore, I, Muhammad Asghar, Senior Civil Judge(Admin), Bannu, as competent authority impose on the accused / delinquent official the major penalty of compulsory retirement with immediate effect as provided under the rule 4(1)(b)(ii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) rules 2011.

- Sol -  
(Muhammad Asghar)  
Senior Civil Judge(Admn)  
Bannu

Endst: No. 1004-10 /SCJ(Admn) Dated At Bannu the 04 /10/2023

**Copy forwarded for information to:**

1. The Worthy Registrar, Peshawar High Court, Peshawar.
2. The Hon'ble Member Inspection Team, Peshawar High Court, Peshawar.
3. The Hon'ble District & Sessions Judge, Bannu.
4. The Additional Hospital Director, District Head Quarter Hospital, MTI Bannu with reference to his letter No.1195/verification/DHQ/BNU dated 12.07.2023 .
5. The District Comptroller of Accounts, Bannu.
6. The official concerned.
7. Office Copy.

**ATTESTED**

06 NOV 2024

(Muhammad Asghar)  
Senior Civil Judge(Admn)  
Bannu