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IN THE COURT OF FARMAN ULLAH,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Case File No. 6/9
Date of Institution: 03/06/2020
Date of Order: 27/07/2020

State

VERSUS

Shaman Ali s/o Elman Ali,
Process Server (BPS-05) in the establishment of Senior Civil
Judge, Orakzai at Baber Mela, Hangu.
(Accused/delinquent official)

Order
27/07/2020

1. The background of initiation of instant proceedings are such that Registrar Peshawar High Court, Peshawar, vide letter No. 6154-206 dated: 23/04/2020 communicated a list of employees of Civil Courts throughout Khyber Pakhtunkhwa, who are the beneficiary of BISP. The name of accused/delinquent official was reflected at Serial No. 89 of list and indicated that accused, being Government Servant, is receiving cash grant through his spouse under Benazir Income Support Program (BISP). As such directions were issued for disciplinary proceedings against the accused/delinquent official under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

2. On such information proceedings were initiated against the accused/delinquent official by dispensing the inquiry and a show-cause notice was issued to him on 03.06.2020. Reply to which was submitted by the accused/delinquent official on

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16.06.2020, wherein he contended that a survey was conducted by BISP before his appointment and his wife was held eligible for grant at the time when he was jobless. He also contended that though his wife was held entitled for the grant of BISP during the survey yet no amount has been received by his wife till date. He requested to exonerate him from the charge leveled against him.

3. To clarify and ascertain the stance of accused/delinquent official, notice was issued to the Assistant Director, BISP Orakzai at Hangu with direction to produce the relevant record. Pursuant to which, Mudassir Hussain (Field Supervisor BISP District Orakzai) appeared alongwith the record. His statement recorded on 24.07.2020. He produced the record as Ex.PW-1/1 and Ex.PW-1/2 and also stated that no amount has been received by the wife of accused.

4. Perusal of Ex.PW-1/1 divulges that a survey was conducted by BISP in year 2012 and the spouse of accused was held entitled for the grant. However, Ex.PW-1/2 coupled with the statement of Mudassir Hussain (Field Supervisor BISP District Orakzai) depicts that no amount has been received by the wife of accused/delinquent official from the date of her eligibility till date. So, the record clearly establishing that no benefit has been received by the wife of accused/delinquent official under BISP grant and only she was held entitled for the grant during the survey. Though the name of accused/delinquent official has been indicated in the list of beneficiaries yet no benefit has been

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received by the wife of accused/delinquent official till date.

So, the mere reflection of name of accused/delinquent official in the list cannot hold him as a beneficiary of BISP. Similarly, it is also evident from the record that even form for the grant under BISP was submitted by the wife of accused/delinquent official before the appointment of accused and she was held eligible for grant before the appointment of accused/delinquent official as she was held entitled for grant in year 2012 while accused was appointed as process server on 29.04.2019.

5. Being such position, the available record does not establish that either accused/delinquent official or his spouse are the beneficiary of any grant under BISP. So, the available record does not constitute any misconduct or loss to the government exchequer on the part of accused. Hence, the accused/delinquent official is hereby exonerated from the charges leveled against him.

6. File be consigned to record room after its completion and compilation.

Announced
27.07.2020

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Senior Civil Judge
Orakzai at Baber Mela
Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.

CERTIFICATE

Certified that this order of mine consists of **03** (three) pages, each has been checked, corrected where necessary and signed by me.

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
Farman Ullah
Senior Civil Judge,
Orakzai (at Baber Mela).