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**THE OFFICE OF DISTRICT & SESSIONS JUDGE,**  
**ORAKZAI AT BABER MELA**

DEPARTMENTAL APPEAL NO. : 1 OF 2021  
DATE OF INSTITUTION : 26.05.2021  
DATE OF ORDER : 07.02.2022

MUHAMMAD ISHAQ, CHOWKIDAR ATTACHED TO THE  
ESTABLISHMENT OF SENIOR CIVIL JUDGE, ORAKZAI AT  
BABER MELA

------(Appellant/Official)

VS

SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

- -----(Respondent/Authority)

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ORDER  
07.02.2022

Impugned herein is the order dated 24.11.2021 of learned Senior Civil Judge, Orakzai vide which the appellant/official was found guilty under Rule 4(1)(a)(ii)(iii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011 withholding his two annual increments with non-accumulative effects.

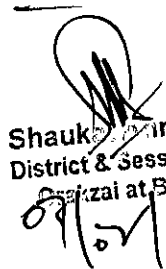
Brief facts of the case are, that the appellant/official Muhammad Ishaq, Chowkidar (BPS-3) attached to the establishment of Senior Civil Judge, Orakzai at Baber Mela was posted as Chowkidar in circuit house inside the premises of Orakzai HQ at Baber Mela, that on 16.07.2021 the appellant/official was found absent from his duty numerously, that explanation was called on 07<sup>th</sup> October, 2021 by the undersigned upon

  
Shaukat Ahmad Kifayat  
District & Sessions Judge,  
Orakzai at Baber Mela  
07/02/22

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delinquency of the appellant/official, that the explanation was submitted accordingly which was found unsatisfactory and that the case file was sent to Senior Civil Judge, Orakzai for disciplinary proceedings against the delinquent official.

- (3). Accordingly, a show cause notice was issued to the appellant/official on 30.10.2021 besides the appellant/official was suspended from his service, reply to the same was submitted on 06.11.2021 contending that he might have gone for prayer at the time when he was found absent. On 24.11.2021, the learned Senior Civil Judge, being the competent authority, found the appellant/official guilty of wilful absence and imposed the following penalty;

  
Shaukat Ahmad Khair  
District & Sessions Judge,  
Orakzai at Baber M. A.

*“Therefore, I, being the competent authority impose minor penalty on the accused under Rule 4(1)(a)(ii)(iii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.*

*i. Withholding two annual increments with non-accumulative effect.”*

- (4). The appellant filed the instant appeal against the aforementioned order and put himself on mercy for the reasons mentioned therein.
- (5). I heard the petitioner in person and perused the available record. Perusal of case file shows that the

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delinquent official is freshly appointed having short length of service and has less knowledge of service rules. The delinquent official has made a gentlemen commitment that he would not repeat the mistake and would mend his behaviour.

(6). In the light of what is discussed above, the Departmental appeal in hand stands accepted. The order dated 24.11.2021 of the learned Senior Civil Judge, Orakzai is set aside and the following orders are passed:

I. The penalty of stoppage of increments is set aside/recalled.

II. Minor penalty of censure under Rule 4(1)(a)(i) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 is hereby imposed on the delinquent official with the direction to be careful in future.

(7). File be consigned to Record Room after its completion and compilation.

**Pronounced**  
07.02.2022



**(Shaukat Ahmad Khan)**  
District & Sessions Judge,  
Orakzai, at Baber Mela