

(11)

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

DISCIPLINARY PROCEEDINGS : 1/9 OF 2022  
DATE OF INSTITUTION : 26.03.2022  
DATE OF ORDER : 30.04.2022


EID BADSHAH, DRIVER (BPS-06), Attached to the office of Additional District & Sessions, Orakzai  
------(Accused/Official)

**JUDGEMENT**  
30.04.2022

In furtherance of the written report dated 08/03/2022 of the Office of Additional District & Sessions Judge, Orakzai; whereby, it was reported that the accused official has remained absent from his official duty with effect from 25<sup>th</sup> of February of 2022 till 8<sup>th</sup> of March, 2022 and thus, act of wilful absence was committed by accused official namely Eid Badshah (Driver, BPS-06), disciplinary proceedings were initiated. An inefficiency and misconduct on part of accused official have also been reported therein. Consequently, the conduct of inquiry was dispensed with for being mandated by Rule No. 05, of KP Government Servants (Efficiency and Discipline) Rules, 2011; the relevant part is reproduced here in below for ease of reference.

(5). *“Initiation of proceedings. \_ (1) If on the*

*basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient*

  
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grounds for initiating proceedings against a Government servant under these rules it shall either:

(a) Proceed itself against the accused by issuing a show cause notice under rule 7 and, for reasons to be recorded in writing, dispense with inquiry:

..... ”

2. Therefore, show cause notice in line with Rule-7 was issued to accused official with direction to submit his reply through the Office of Superintendent as the accused official was not in appearance for duty till that date. Reply was presented and absence in the given period was categorically admitted with the stance that it was the other driver who performed the duty of driving; however, the other charges of inefficiency and misconduct have been denied.

3. Final Show Cause Notice dated 26.03.2022 was served on accused official. Reply of final Show Cause Notice consisting upon about three thousand (3000) words have been presented opting therein the opportunity of personal hearing as well.

4. The reply of final Show Cause Notice is no answer of the charges rather it is derogatory, insulting and unreasonable notes of accused official against two Senior Judicial Officers working in two different districts of Hangu and Orakzai. It is not out of place to mention here that accused official was earlier posted in

Signature of the District & Sessions Judge, Orakzai at Baber Mata  
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the Conference Room and he, in inquiry, adopted the same procedure of attacking the person of Incharge of IT Cell (Hisham Shah, Computer Operator) who was complainant in inquiry and was succeeded in getting his inquiry closed. This is by now established that the accused official is using personal attack on complainant as a tool for closing inquiry proceedings and cannot be ignored further as the present personal attack on complainant (Additional District & Sessions Judge, Orakzai) was aggravated in comparison to previous personal attacks on complainant (Hisham Shah, Incharge IT Cell) and if he has been spared this time, the next personal attack is expected to be more engineered and manipulated that may cause irreparable loss. Moreover, since commencement of the proceedings against the accused official i.e., from the date when he was served with notice of explanation by the Additional District and Sessions Judge, Orakzai, the accused official, without any order of his transfer or otherwise, has continue his wilful absent from his duty. During his personal hearing, when the accused official was asked that as to why he is absent from duty, he was having no explanation for. He refused straightaway from joining duty with the Officer to whom he is attached.

5. If at all, the reply is presumed as gospel truth despite the fact that it is unbelievable on the apparent reasons of known bad character of accused official who is in habit of utilizing method of slandering of complainant; even then, the accused

  
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official is driver who as usual remains in close contact with the house of the Judicial Officer and is not supposed to shatter the privacy and disgrace the Officer with whom he is attached. His bad behaviour was evident in personal hearing when was asked to take back the reply and confine it to the charges levelled against him. He bluntly denied despite the fact of lenient view promised with him. In this scenario, it is in the fitness of thing being close to the demand of justice that the reply shall be sealed and locked so that both the Judicial Officers may not be unnecessarily harassed and dishonoured. Besides, it is being observed that this kind of character is by no sketch of imagination suitable for employment; that too, as driver who as usual interact with the family of the Officer to whom it is attached.

6. Moreover, since commencement of the proceedings against the accused official i.e., from the date when he was served with a notice of explanation by the learned ASJ, he (the accused official) without any order of his transfer or otherwise, has been absent from his duty. During his personal hearing, when he was asked that as to why he is absent from his duty, he flatly refused to perform duty with the learned ASJ.

From the perusal of material available on file; previous official record of accused official; his frequent transfer postings on administrative grounds; constant bad behaviour; admission of wilful absence in reply to explanation and final show cause


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notice; his stubborn behaviour and language used in personal hearing and his flat refusal to perform his duty, it is evident that wilful absence from duty without permission and intimation has been committed with having sufficient material of inefficiency and misconduct on the credit of accused official.

Consequently, major penalty of “**Dismissal from Service**” as envisaged in Rule – 4 (b) (iv) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, is imposed upon the accused official namely Eid Badshah (Driver BPS-06). In addition to that, the salary, if drawn, in period of absence shall be recovered in accordance with law.




**Pronounced**  
30.04.2022

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

**CERTIFICATE**

Certified that this judgment consists of five (05) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 30.04.2022

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