

# General Index

26.9.2024

In the Court of IN THE COURT OF SENIOR CIVIL JUDGE, ORAKZAI.

Case Title Departmental Proceedings against Muhammad Sabir Shah (Moharrir)

Nil

Case No. 03/09 Institute on 19/09/2024 Decided on 26/09/2024

Nature Inquiry

1 Serial No of Paper	2 Number of Sheets	3 Date of Admission to the record	4 Nature of Paper	5 Language in which it is written	6 Court Fee		7 Record of A or B
					Name of Label	Value	
1	1	26/09/2024	Index	English	-	-	A
2	1	19/09/2024 to 26/09/2024	Copy of Order Sheets (SCJ, Ork)	English	-	-	A
3-4	2	19/09/2024	Copy of Order Sheet (DSJ) & Office Order	English	-	-	A
5	1	19/09/2024	Copy of Charge sheet	English	-	-	A
6	1	19/09/2024	Copy of Disciplinary Action	English	-	-	A
7	1	19/09/2024	Copy of Complaint Against Official	English	-	-	A
8-9	2	26/09/2024	Copy of Reply	English	-	-	A
10-12	3	26/09/2024	Copy of Inquiry Report	English	-	-	A
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> <p style="text-align: center;">Office of the District Sessions Judge Orakzai</p> <p style="text-align: center;">No. 119</p> <p style="text-align: center;">01.10.24</p> <p style="text-align: center;">RECORD ROOM</p> </div>							

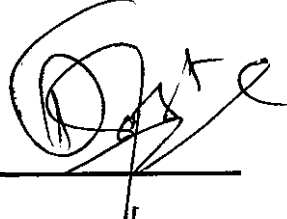
Certified that 12 papers, as detailed above, bearing Court-fee labels of an aggregate value of Rs. \_\_\_\_\_

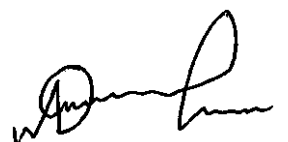
were filed in this case.

Index Part "B" consist of      -      pages.

Prepared by Moharrir

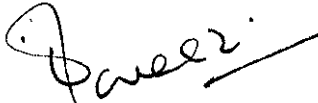
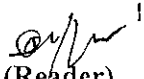

Examined and found correct by Record Keeper





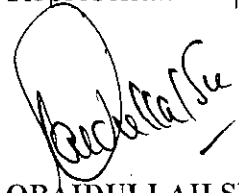
②  
IN THE COURT OF SENIOR CIVIL JUDGE/JM, ORAKZAI

CASE TITLE: INQUIRY AGAINST MUHAMMAD SABIR SHAH (Junior Clerk)

Serial No of order or proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.	
1	2	3	
Order No. 01	19.09.2024	<p>The instant file for conducting inquiry against Muhammad Sabir Shah (Junior Clerk), attached to the court of learned Additional District &amp; Sessions Judge, Orakzai, received from the court of Hon'ble District &amp; Sessions Judge/Competent Authority, Orakzai at Baber Mela. It be registered in relevant register. File to come up for submission of written reply by accused official on 23.09.2024.</p> <p style="text-align: right;"> <b>(Bakht Zada)</b> Senior Civil Judge/Inquiry Officer, Orakzai at Baber Mela</p>	
Note Reader	23.09.2024	<p>Presiding Officer is availing Casual Leave today; hence, File to come up for previous proceedings on 26.09.2024.</p> <p style="text-align: right;"> <b>(Reader)</b> Senior Civil Judge, Orakzai at Baber Mela</p>	
Order No. 02	26.09.2024	<p>Accused/Official present. He submitted written reply which are placed on file. Reply of the accused/official is self-explanatory and to the extent of late coming he has admitted it with valid grounds as on that day mobile network got disrupted owing to security reasons on occasion of Chehlum dated 27.08.2024 due to which the official could not make contact with the Office in time. The accused/official also seeks sincere apology with a commitment of not repeating the same omission. Hence, in view of the afore-mentioned scenario, it is recommended that, since the accused/official has made a gentleman commitment and sought apology for his negligence, there is no need to conduct further inquiry into the matter. It is further recommended that the instant inquiry file may be submitted to Hon'ble the District &amp; Sessions Judge/Competent Authority for issuance of final warning to the accused/official to desist from such behavior in future.</p> <p>Muharrir of the Court is directed to cosign copy of the instant inquiry, after its completion and compilation, to the Record Room.</p> <p style="text-align: right;"> <b>(Bakht Zada)</b> Senior Civil Judge/Inquiry Officer, Orakzai at Baber Mela</p>	

IN THE COURT OF DISTRICT & SESSIONS JUDGE, ORAKZAI AT BABER MELA

Case Title: Departmental Proceedings against Muhammad Sabir Shah (Jr. Clerk)

Serial No of order or proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
Order No. 01	18.09.2024	<p>On 27.08.2024, learned Additional District &amp; Sessions Judge-II, Orakzai conducted surprise visit and checked attendance register of Court's staff. During this, Muhammad Sabir Shah, Junior Clerk (BPS-11), attached to the court of AD&amp;SJ-II, Orakzai was found absent from his duties without applying and approval of any leave application or intimation to his Presiding Officer. An explanation was sought from the accused/official by the learned AD&amp;SJ-II, Orakzai. Reply to the said explanation was submitted by the accused/official on 29.08.2024 which was found unsatisfactory by the AD&amp;SJ-II, Orakzai and thereafter, forwarded a complaint against the accused/official to the undersigned on the above cited grounds for initiation of legal proceedings against the accused/official. Therefore, I, being the Competent Authority, deem it necessary to enquire the matter through an Inquiry Officer. Hence, the inquiry is initiated, it be entered. The statement of allegation and charge sheet served upon the accused official today. Mr. Bakht Zada, Senior Civil Judge, Orakzai, is, hereby appointed as Inquiry Officer in view of rule 10 (1) (a) of the Khyber Pakhtunkhwa Government Servants (Efficiency &amp; Discipline) Rules 2011 to conduct inquiry against the accused official and submit his report within 30 days. The Superintendent of the Sessions Division, Orakzai, is, hereby appointed as Departmental Representative to assist the inquiry officer.</p> <p style="text-align: right;">             (SYED OBaidULLAH SHAH)            District &amp; Sessions Judge,            Orakzai at Baber Mela.         </p>



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

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Website: [www.districtcourtsorakzai.gov.pk](http://www.districtcourtsorakzai.gov.pk)

**OFFICE ORDER:**

Mr. Bakht Zada, learned SCJ Orakzai, is, hereby, appointed as Inquiry Officer under Rule 05 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 to conduct inquiry against Muhammad Sabir Shah (Junior Clerk BPS-11) attached to the Court of Additional District & Sessions Judge-II Orakzai, as there are sufficient grounds for proceedings against him for his willful misconduct as detailed in the statement of allegation and charge sheet within the meanings of ibid rules. The Superintendent of the District & Sessions Judge, Orakzai is, hereby, appointed as Departmental Representative to assist the Inquiry Officer during the inquiry proceedings. The inquiry proceedings be completed and the inquiry report be submitted to the undersigned within 30 days from today positively.

(SYED OBAIDULLAH SHAH)  
District & Sessions Judge,  
Orakzai at Baber Mela.

Endorsement No. 7094-96 /DSJ/ORK

Dated: 18.09.2024

**Copy Forwarded for information to:**

1. Learned Senior Civil Judge/ Inquiry Officer, Orakzai.
2. Superintendent to the District & Sessions Judge, Orakzai.
3. Muhammad Sabir Shah (Junior Clerk), the accused official under inquiry.
4. Office Copy.

(SYED OBAIDULLAH SHAH)  
District & Sessions Judge,  
Orakzai at Baber Mela.

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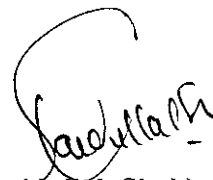
### CHARGE SHEET

I, Syed Obaidullah Shah, District & Sessions Judge, Orakzai, being a competent authority, hereby charge you, Muhammad Sabir Shah (Junior Clerk) attached to the Court of learned Additional District & Sessions Judge-II, Orakzai, as follow;

That you, while posted as Driver to the Court of learned Additional District & Sessions Judge-II, Orakzai, have committed the acts of inefficiency, omission & negligence as below;

*That pursuant to an explanation dated 27.08.2024 issued to you and yours written reply dated 29.08.2024 which was found unsatisfactory, learned Additional District & Sessions Judge, Orakzai forwarded a complaint against you; accordingly following allegations are levelled against you as under;*

1. *You have absented yourself from duty on 27.08.2024 without application, intimation and permission.*
2. *You are also reportedly late comer despite warning.*
2. By reasons of the above, you appear to be guilty of misconduct & inefficiency under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules *ibid*.
3. You are, therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the inquiry officer i.e. learned Senior Civil Judge, Orakzai.
4. Your written defense, if any, must reach to the inquiry officer within specified period, failing which it shall be presumed that you have no defense to put in and, in that case, ex-parte action shall be taken against you.
5. You are also required to intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.



(Syed Obaidullah Shah)  
District & Sessions Judge,  
Orakzai at Baber Mela

Received today  
on 18-09-24

  
18/9/24

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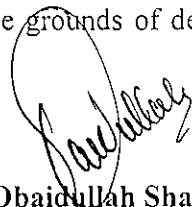
## DISCIPLINARY ACTION

1. I, Syed Obaidullah Shah, District & Sessions Judge, Orakzai being competent authority, am of the opinion that Muhammad Sabir Shah (Junior Clerk), attached to the Court of learned Additional District & Sessions Judge-II, Orakzai has rendered himself liable to be proceeded against, as he has committed the following acts of omissions and negligence within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

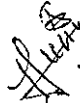
### STATEMENT OF ALLEGATION

*That pursuant to an explanation dated 27.08.2024 issued to you and yours written reply dated 29.08.2024 which was found unsatisfactory, learned Additional District & Sessions Judge, Orakzai forwarded a complaint against you; accordingly following allegations are levelled against you as under;*

1. *You have absented yourself from duty on 27.08.2024 without application, intimation and permission.*
2. *You are also reportedly late comer despite warning.*
2. In order to conduct regular inquiry about the above allegations against above named accused official, the learned Senior Civil Judge, Orakzai is appointed an inquiry officer in view of rule 10 (l) (a) of the *ibid* rules.
3. The inquiry officer shall, in accordance with the provisions of *ibid* rules, provide reasonable opportunity of hearing to accused official, record its findings and submit his report with recommendations as to punishment or other appropriate action against the accused official within 30 days of the initiation of inquiry.
4. Sayed Muhammad Razi Shah, the Superintendent to this office is nominated as representative of this office, who shall render full assistance to the inquiry officer during proceedings, where he shall be personally present and fully prepared with all the relevant record relating to the case, on each date of hearing to be fixed by the inquiry officer. He shall also cross-examine all the witnesses produced by accused official; may also cross-examine all the prosecution witnesses with prior permission of the inquiry officer and shall rebut the grounds of defense, if any, offered by accused official.

  
(Syed Obaidullah Shah)  
District & Sessions Judge,  
Orakzai at Baber Mela

Received today  
on 18-09-2024.

  
18-9  
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**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA**  
office of the  
**ADDITIONAL DISTRICT AND SESSIONS JUDGE, ORAKZAI**  
Email: [dsjorakzai@gmail.com](mailto:dsjorakzai@gmail.com)  
Phone: 0925-690320 Fax No: 0925-690320

F.(1) 92 /Gen/AD&SJ-ORK/2024

Dated Orakzai, the 09/09/2024

To,

District & Sessions Judge  
Orakzai


Subject: **COMPLAINT AGAINST DELINQUENT OFFICIAL NAMELY  
MUHAMMAD SABIR SHAH.**

Respected Sir,

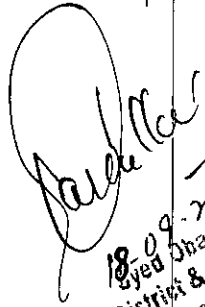
On 27.08.2024, the undersigned conducted a surprise visit and checked the attendance of court's staff. Muhammad Sabir Shah, Additional Muharrir, attached to the court of ASJ-II, Orakzai was found absent from his duties without applying and sanctioning of any leave application or intimation to the undersigned. He was directed to explain the reason of his willful absence of courts duties.

On 29.08.2024, he submitted reply of explanation which was unsatisfactory. That despite warning, he used to come late to the court; therefore, it is humbly requested that legal proceedings may kindly be initiated against him as per law.

Sincerely Yours,

  
**Abdul Basit**  
Addl. Sessions Judge-II,  
Orakzai

*Learned Senior Clerk Judge,  
for registry.*

  
18.09.2024.  
Syed Ubaidullah Shah  
District & Sessions Judge  
Orakzai at Baber Meta

Subject

Reply to my charge sheet and statement of allegation.

My statements are as under:

1. That I am serving in your respectable department as junior Clerk BPS-11 posted as Muharrir to Presiding Officers from starting till now.
2. That in my reply of explanation to Honorable Additional District and Sessions Judge Orakzai I have apologized and again I apology to worthy Senior Civil Judge Orakzai for not getting Casual Leave in advance dated 27/08/2024. Unfortunately Mobile Network /Signals of Whole District Hangu was stopped /crashed by Telecommunication Authority of KPK due the Chehlum Security purposes.
3. In my previous tenure I haven't made such mistake in attachment during duty to the respectable offices.
  - a. In December 2021 and Jan 2022 I worked as Additional Muharrir to the Court of Worthy District and Sessions Judge Orakzai.
  - b. I worked as Additional Muharrir to the court of Honorable Additional District and Sessions Judge for some months.
  - c. Recently I was attached as Muharrir to the Respected Civil Judge/ Judicial Magistrate-1 Orakzai.  
Sir Alhamd-o-Lillah I worked with punctuality and timely regularizing myself with efficiency and no objection or explanation.
4. Therefore it is humbly requested that unauthorized casual leave obtained and my please be pardoned as the first and last mistake of the official.
5. Again special request of being kind to Local Civil Servant (Muharrir to AD&SJ Orakzai Muhammad Sabir Shah) as there is no other Authority of Forgiving and pardoning of the official as I am sincere, Earnest, Solemn and more Sincerer to Government and Governing Department of Equity and Justice.
6. Sir it is hereby pointed to Worthy Senior Civil Judge Orakzai that in my siblings I am the elder one I have one other brother who is Senior Clerk at Tehsil Court Kalaya Residing and duty station are in Kalaya.



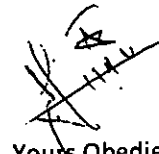
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Babar ZADA  
Senior Civil Judge  
Orakzai at Baber

So with this effect to our family my responsibilities are increased as his wife and child are under my supervision as well as to facilitate them.

Sir My father is weak. Infirm and a patient with Epilepsy so in this situation I am compelled to serve help and facilitate my whole family in each and every movement.

7. That I am so thankful to District Department of Judiciary for giving opportunity to me and my younger brother to serve state. This is our luckiness.
8. As in my tenure I worked with huge interest, accuracy, efficiency and correctness.
9. I am extending this consolidation to your good self that in future I will not do such Casual Leave without authorizing and will be more careful in performing and completing my responsibilities.



Yours Obedient  
Muhammad Sabir Shah  
Muharrir to AD&SJ Orakzai  
At Babar Mela.  
Dated: 26/09/2024.

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## INQUIRY REPORT

Reference No. 7094-96/DSJ/ORK dated: 18-09-2024

.Inquiry against accused official Muhammad Sabir Shah, Junior Clerk.

### BACKGROUND:

On 27.08.2024 the learned Additional District & Sessions Judge, Orakzai sought an explanation from the accused official (Muhammad Sabir shah, Junior Clerk) on account of his absence from duty that day without intimation/permission/applying and approval of his casual leave application. In the light of reply of the accused official dated 29.08.2024, being unsatisfactory, the learned AD&SJ, Orakzai forwarded a report to Hon'ble District & Sessions Judge, Orakzai against the said accused official for initiation of legal proceedings. On 18.09.2024, the Hon'ble District & Sessions Judge, Orakzai, being Competent Authority, initiated disciplinary proceedings against the accused official by issuing statement of allegations and charge sheet dated 18.09.2024 and required him to submit his written reply within seven days after receipt of the said notice.

The undersigned was appointed as Inquiry Officer under Rule 05 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 in order to conduct regular inquiry into the charges levelled against the accused official with the directions to record findings and submit report to the Competent Authority within 30 days after initiation of the inquiry. The Superintendent to District & Sessions Judge, Orakzai was also appointed as Departmental Representative to assist the Inquiry Officer vide the same Office Order dated 18.09.2024.

After entrustment of the instant inquiry to the undersigned, on 19.09.2024, the ibid inquiry was registered in the relevant register and in response of already issued statement of allegations and charge sheet, a written reply of the accused official was sought for 23.09.2024. The accused official submitted his written reply on 26.09.2024 which was placed on file.

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EVIDENCE: The accused official is charged mainly for two reasons: Firstly, for allegedly absenting himself from duty on 27.08.2024 without permission, and secondly, for coming late to the Office. These charges emanate from an explanation note issued to the accused official by learned AD&SJ, Orakzai. However, when accused/official submitted his written reply on 26.09.2024 and appeared before the undersigned, some mitigating circumstances came to the surface. In view of the written reply of the accused/official, which is self-explanatory, the undersigned considered it sufficient as the accused/official admitted his late coming to the Office/absence with noted reasons. Thus, there was no need to collect further evidence on the matter.

FINDINGS:

In view of the available documentary evidence, I am of the opinion that the charge of alleged absence by the accused official from his duty on 27.08.2024 seems true; however, as recorded in his written reply, the accused/official submitted that on the day of his absence on 27.08.2024, he could not make contact with Office due to suspension of mobile network services in Hangu area on account of security reasons during *Chehlum* processions and that he was attending his father who is suffering from Epilepsy. In addition, the accused/official admitted these facts with clean breast and sought sincere apology for his negligence and made a gentleman commitment not to repeat such behavior in future.

RECOMMENDATIONS:

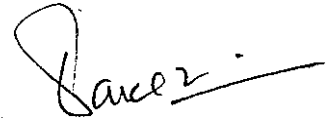
1. As the charges against the accused/official could partially be proved, as evident from his admission, however, he has tendered his sincere apology for his omission and made a commitment that he would not repeat the mistake in future. Moreover, the accused/official has barely three-year service and hails from backward area who rely solely on this job for his sustenance. In view of the above cited background and facts, it is recommended that the apology of

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accused/official, having barely three-year service, may be considered as he has made commitment for not repeating such mistake in future. It is recommended that a final warning may be issued to the accused/official who shall remain punctual and take utmost care of discipline in future.

Inquiry Report is submitted, as directed, please.

Dated: 26.09.2024



**Bakht Zada**

Senior Civil Judge/Inquiry Officer,  
Orakzai at Baber Mela.