

PESHAWAR HIGH COUR, PESHAWAR

Dated Peshawar, the 11th October, 2018

Notification

No, 241 -J, Whereas, disciplinary proceedings were conducted against Mr. Muhammad Azim Khan Afridi, District & Sessions Judge/OSD (Under Suspension) within meaning of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

Whereas, Show Cause notice was issued to the accused/officer with the following allegations:-

“Whereas, you on 20.03.2018 submitted a complaint before the President Islamic Republic of Pakistan, the Prime Minister of Pakistan, the Speaker National Assembly, the Chairman Senate, the Minister for Law & Justice and Special Assistant to Prime Minister on Law, Islamabad, directly without adopting proper channel, the matter has been taken seriously and has been viewed as breach of norms of service discipline, which amount to gross misconduct.

Whereas, your complaint contains derogatory remarks and scandalous narrations against an Ex-Hon’ble Chief Justice of Pakistan, serving judges of the Supreme Court and Chief Justice and Judges of High Court, which tantamount to ridiculing the judiciary as a whole.”

Whereas, the Competent Authority/Chief Justice after considering contents of the complaint and related facts of the case and reasons/grounds thereof was pleased to dispense with inquiry under Rule 11 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

And whereas, the accused/officer was advised to submit written defense against the above charges within 07 days of receipt of notice, explaining as to why one or more penalties including the penalty of dismissal from service may not be imposed upon him under the Khyber Pakhtunkhwa

Government Servants (Efficiency & Discipline) Rules, 2011, and also to communicate whether he wants to be heard in person.

And whereas, the accused/officer submitted reply whereafter he was personally heard and the Competent Authority was pleased to pass the following order:-.

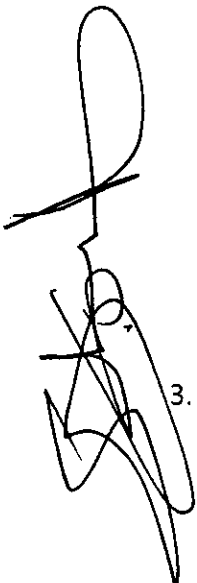
"The accused/officer was heard in person in detail on 06.10.2018 with record produced by the departmental representative. The Accused/Officer already facing inquiry as part of disciplinary proceedings submitted a reference/complaint before the Parliament with its copy to this Court. On a note moved by the office regarding said reference/complaint, the following direction was given:-

"Considering contents of the complaint, mentioned as Reference, and related facts of the case and reasons/grounds thereof, there is no need of holding inquiry, the same is dispensed with, Show Cause Notice be issued to the accused officer."

1. In pursuance to the above direction, proper Show Cause notice dated 16.04.2018 was served upon the accused on 21.04.2018.
2. Instead of submitting reply to the Show Cause Notice, the accused/officer by his own wisdom opted to give the Counter Notice dated 21.04.2018 to the Chief Justice. While referring to the Show Cause Notice, the accused in Paragraph-7 of his counter notice dated 21.04.2018 had come up with a blunt narrative as follows: ***"The said notice also suggests that your honor intends to facilitate the money launderers, the drug masters and terrorist to homicide five innocent citizens, quoted as witnesses in the said inquiry, three of whom were declared as valuable customers by the Hon'ble High Court, at the instance of the associates of money launderers, drug masters and terrorists."*** Not this but added a threat in the following style:-

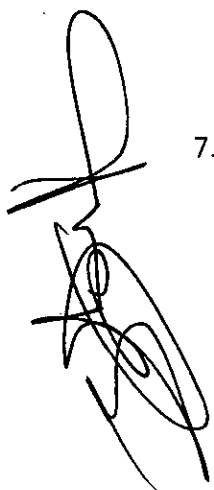
"Please be informed that such an act on your part may drive me to the local Court for suing your honor for damages, to local police station for charging your honor as an associate of drug masters for sharing common intention amounting to offenses of grave consequences and aimed at facilitating, aiding, and abetting the money launderers, the drug masters and the terrorists."

3. The accused submitted reply to the Show Cause Notice on 28.04.2018 which by and large is reproduction of details meant to describe his viewpoint against Judicial Commission in background of his grievance on his non-confirmation by the said Commission as Judge of Islamabad High Court. In Paragraph-A under the heading **"Summary of Event"** in the reply of accused, he referred to the reasons which according to him prevailed in the matter of his non-confirmation as Judge of the High



Court and then he gave detail of his postings ordered by the Hon'ble Peshawar High Court.


4. Whatever grievances the accused/officer may have against Judicial Commission of Pakistan, he was graciously owned by this Court after come back from Islamabad High Court as he himself admits that despite all odds, he was firstly posted as Judge, Special Court CNS, then as District & Sessions Judge, Haripur, and then as Chairman, KPK Service Tribunal. So, nothing was added to his grievances which he carried with him while returning from Islamabad.
5. The issuing of Show Cause Notice dated 16.04.2018 to the accused was purely a matter of service discipline requiring his explanation within parameters of service discipline. However, the accused before submission of reply to the said Show Cause Notice gave a counter-notice dated 21.04.2018 and among other narrations in it he tried to blemish office of Chief Justice that the he intended to facilitate money launderers etc by the Show Cause Notice given to accused/officer; and in extension of his blame he threatened of dire consequences. Why the accused became defiantly imprudent on receipt of the Show Cause Notice is best known to him but by what he conveyed through the counter notice has exhibited a conduct prejudicial to good order or service discipline as well as unbecoming of a government servant, which in turn constitute misconduct within meaning of Rule 2(l)(i)&(iii) of KPK Government Servants (E&D) Rules, 2011. He also owned the counter-notice dated 21.04.2018 in his written defense of the Show Cause Notice.
6. Instead of coming with plausible defense against the grounds of disciplinary action contained in the Show Cause Notice, the accused/officer has further contributed to strengthen the case against him. The assertions of the accused/officer in counter-notice and written defense are highly unwarranted and lacking the requirements of showing cause, which do not constitute a defense against the charges described in the Show Cause Notice dated 16.04.2018. Therefore, the accused/officer having failed to show cause as required from him has become liable to receive the penalty provided under Rule 4 of KPK Government Servants (E&D) Rules, 2011.
7. Mr. Muhammad Azim Khan Afridi (Accused/Officer) has also been held liable for awarding of major penalty with leniency and accordingly, his compulsory retirement from service has been ordered. He is held liable for similar penalty in this case which shall merge into the penalty already ordered to be imposed in the matter of earlier disciplinary proceedings having culminated after full inquiry by a duly appointed



Inquiry Officer. Office is directed to do the further needful in light of the operative part of this order."

Now, therefore, it is notified that the accused/officer named above stands retired from service compulsorily within the meaning of Rule 4(1)(b)(ii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, with immediate effect.


By order of Hon'ble the Chief Justice


(Khawaja Wajih-ud-Din)
REGISTRAR

Endst: No. 16886-945/Confd:/Admn Dated Peshawar the, 11.10.2018

Copy forwarded to;

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department, Peshawar.
4. The Secretary to Government of Khyber Pakhtunkhwa, Law Department, Peshawar.
5. The Secretary to Government of Khyber Pakhtunkhwa, Home Department, Peshawar.
6. The Secretary to Governor of Khyber Pakhtunkhwa, Peshawar.
7. The Member Inspection Team, Peshawar High Court, Peshawar.
8. All District & Sessions Judge/Zilla Qazis in the Khyber Pakhtunkhwa.
9. The Secretary to Hon'ble the Chief Justice, Peshawar High Court, Peshawar.
10. The Additional Registrars, Peshawar High Court, Abbotabad, D.I.Khan, Bannu and Mingora Benches.
11. The Private Secretary to Hon'ble the Chief Justice, Peshawar High Court, Peshawar.
12. The MIS, Computer Branch, Peshawar High Court, Peshawar.
13. All the Private Secretaries to Hon'ble Judges of this Court for placing the same before the Judges for their kind information.
14. The Manager, Govt: Printing and Stationery Department, Peshawar, for publication in the next official gazette.
15. The Director of Information, Govt: of Khyber Pakhtunkhwa, Peshawar.
16. The Assistant Registrar (General), Peshawar High Court, Peshawar.
17. The Deputy Registrar (Accounts), Peshawar High Court, Peshawar.
18. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
19. The District Accounts Officer concerned.
20. The Officer concerned by name.
21. Personal file of the Officer concerned.


(Khawaja Wajih-ud-Din)
REGISTRAR

