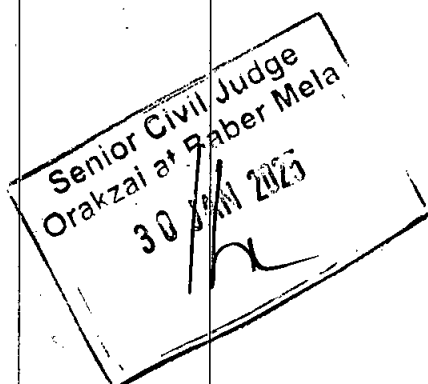


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COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Case Title: Syed Awan Ali Shah Vs Mehboob Khan etc

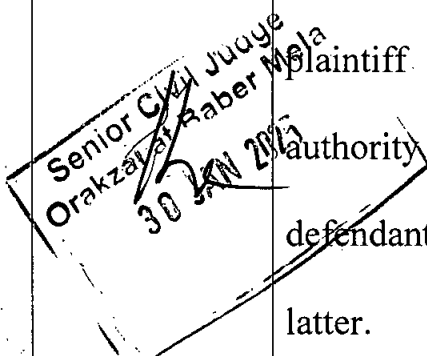
Serial No of order or proceeding s	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 20	30.01.2025	<p>Plaintiff in person along with counsel present.</p> <p>Defendant no. 02 through Abid Ali advocate present.</p> <p>Defendant No. 01, 03 and 04 through district attorney present.</p> <p>This order shall settle the objections raised against legal sustainability of the instant suit. Defendants have filed an application under Order 07 Rule 11 alleging therein that the suit is lacking in an actionable cause of action. Plaintiff has responded to the petition in writing.</p> <p><u>Brief Account:</u></p> <p>Plaintiff has filed instant suit for recovery of Rs. 40 Million on account of a score of legal injuries he allegedly suffered at the hands of the defendants. It is alleged that defendants have defamed him and maliciously prosecuted him and have thereby caused him serious loss in health, wealth, and fame. Of the range of grievances, the three principal ones which encompass the others are departmental inquiries motivated by malice, illegal transfers, and stoppage of salary.</p> <p>Respondents in their written response term the suit as one aimed at harassing them for ulterior motives, and undeserving benefits. They contend that plaintiff is a</p>



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Order No. 20 continued	30.01.2025	<p>problematic employee, and a litigious person, who finds it easier to drag his superiors to courts instead of rendering their orders due compliance.</p> <p>Arguments have been heard and record perused.</p> <p><u>Reasoning:</u></p> <p>Considering the range of allegations contained in the plaint, the court deemed it convenient to fix their exact nature, and the persons held responsible for them. The plaintiff was inquired about the authority who ordered an inquiry into his conduct, ordered his transfer, and stopped his salary.</p> <p>The court was informed that the inquiry was initiated at the directions of the competent authority, the then secretary education, Mr. Nadeem Aslam. About his transfer, plaintiff confirmed that it was the director education, one Mr. Ibrahim Khan. finally, in respect of stoppage of salary, the name supplied by the plaintiff of the person responsible was the then DEO Mr. Farid Ullah.</p> <p>It came as a surprise to the court that none of these three persons has been arraigned as a defendant in the present suit. When confronted with the situation, the plaintiff attempted to explain that these persons in authority were under the influence of the present defendants, and acted against him at the behest of the latter.</p>
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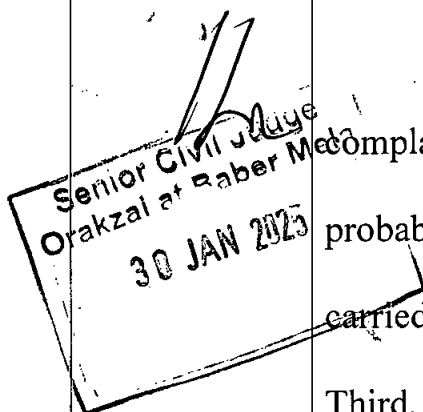


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COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Case Title: Syed Awan Ali Shah Vs Mehboob Khan etc


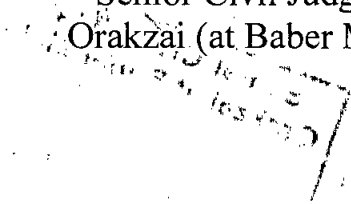
Order No. 20 continued	30.01.2025	<p>At the risk of stating the obvious, in legal matters, only the person competent and authorized to perform a task is called to account for the action, and not some perceived background influence acting on the officer.</p> <p>Interestingly, defendant no 01 was not posted in the district at the time when the alleged wrongs were committed against the plaintiff, and defendant no 03 was a litigation officer, with no authority to direct inquiries, order transfers, or stop salaries.</p> <p>The court next inquired about the presence of malice in all the wrongs alleged. Plaintiff was required to explain as to what forum determined the presence of malice. He referred to a proceeding in the service tribunal against his transfer orders which ended in dismissal for default on attendance.</p> <p>Similarly, departmental appeal of the plaintiff against the punishment ended when the respondent in the petition requested the competent authority to take a clement view and grant the appeal with a note of caution to the plaintiff.</p> <p>Cumulatively taken, no forum has found the wrongs complained in the suit as being baseless, and thus, probably malicious. Secondly, none of the persons who carried out the alleged wrongs have impleaded in the suit.</p> <p>Third, local elders, ex-parliamentarians, and civil servants</p>
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COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

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Order No. 20 continued	30.01.2025	<p>not remotely related to the wrongs complained have been enlisted as defendants. The plaintiff desires the court to chase after perceived '<i>social political influences</i>' of the defendants, rather than tangible actions of actual persons in authority at the time.</p> <p>The forensic reliability of the claim and allegations can be inferred from just one instance in the plaint. Plaintiff, in para 06 of the plaint, has alleged that ex-DEO Mr. Farid Ullah appointed more than a thousand persons by receiving kickbacks. However, having levelled such a grave allegation in the passage, he omits to implicate the allegedly corrupt official as defendant.</p> <p><u>Ruling:</u></p> <p>In view of the discussion above, the court finds the suit lacking in an actionable cause of action, and the plaintiff without a legal standing against the defendants. Considering the frivolity of the suit, the court is constrained to impose cost on the plaintiff. Suit is dismissed with cost of Rs. 20,000/-. File be consigned.</p> <p>Announced 30.01.2025</p> <p style="text-align: right;"> Ijaz Mahsood Senior Civil Judge, Orakzai (at Baber Mela)</p> <p style="text-align: right;"></p>
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