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COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELACase Title: Mst. Diltaj Begum VS Diltaj etc.

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
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Order No. 28	22.02.2025	<p>Presence as before.</p> <p>This order shall decide an application filed by defendant no 04 and 11 for rejection of plaint on the grounds provided under Order 07 Rule 11. Plaintiff has responded to the petition through a written reply.</p> <p>Brief Account:</p> <p>The plaintiff has filed a lawsuit seeking the recovery of Rs. 5 million, or any amount determined correct during the trial. She claims that defendants 01 and 02, who are married to each other, conspired to defraud her of the higher remuneration she was entitled to for her services. The plaintiff explains that defendant 01, sharing a similar name with the plaintiff, exploited this fact to redirect the plaintiff's salary and other payments into her own account. Defendant 01 managed this, with the help of her husband, an employee in the education department. In addition to fraud, the plaintiff has accused the defendants of physical and mental torture, embezzlement, forgery of government documents, and other related wrongdoings.</p> <p>Petitioner, challenging the validity of the suit, has asserted that the suit lacks an actionable cause of action. They contend that plaintiff has duly received her entire salary and pension benefits. They admit that minor</p>

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Order No. 28 continued	22.02.2025	<p>employee of the education department. Further, that they are namesakes of one another with a minor variance of ‘begum’ with the name of the plaintiff. Also, that errors did occur in their service records, with one side maintaining that they caused serious financial loss, while the other regards them as trivial and ineffective.</p> <p>A broad range of allegations and accusations have been levelled against the defendants as hinted at above. However, when seen in the context of the prayer contained in the suit, it is safe to conclude that the cause of action that prompted the suit is recovery of the amount that the defendant no 01 received allegedly on account of fraud played by her in collusion with her husband, defendant no 02.</p> <p>The court thoroughly examined the record submitted by the sides. Both counsels, and the parties were admirably helpful in providing help and assistance. Official experts on budgets and accounts from the district government and judiciary deserve a special acknowledgement for their services.</p> <ul style="list-style-type: none">● Plaintiff was appointed in 1993 and retired on superannuation in 2017. Her payscale was upgraded from BPS-07 to BPS 15 in March 2017. The record closely examined shows that she once received 03 increments at once, which is legally wrong. On the other hand, her salary adjustment after upgrading was done a couple of years after the fact, thus she continued to receive less pay than was due to her for a couple of years.● However, credit due to be paid to her was subsequently adjusted to her, and paid to her. In-fact, per rough calculation, with assistance
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<p>Order No. 28 continued</p>	<p>22.02.2025</p>	<p>of experts, it was found that she probably received more as arrears than was due to her.</p> <ul style="list-style-type: none"> • A detailed chart of the difference in the salary and allowances due to her since she was upgraded and the amount, she actually received is available on the file as Annex A. the total difference comes to Rs. 132,000/- while the arrears she received fall around Rs. 150,000/-. • Similarly, the court investigated allegations that her salary was purposely misdirected into the account of defendant no 01. Admittedly, owing to the similarity in names, payslips show some mix-up in the personal details, however, the remuneration due to her has been paid to her, and it did not go elsewhere. <p>Departmental inquiry into the matter that concluded on 08-12-20 found the same and reported as follows:</p> <p>It is clear from her payslips that her actual salary has never been credited to the wrong account. Rather it has been credited to her own account i.e. 7061-7 NBP'.</p> <ul style="list-style-type: none"> • Para no 08 of the plaint, and the record shows that defendant no 1 received a higher grade in 2007. The allegation that defendants deliberately misdirected the salary of the plaintiff into the account of defendant no 1 makes little sense. Why would someone commit fraud to get less remuneration than is due to her per law? • Also incorrect is the allegation that defendant no 02 was directly behind the alleged fraud. Record shows that defendant no 02 was posted as Budget and Account officer in the education
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