

**IN THE COURT OF HAQ NAWAZ,**  
**DISTRICT JUDGE, ORAKZAI (AT BABER MELA)**

CIVIL APPEAL NO. : 11/13 OF 2025  
DATE OF INSTITUTION : 01.03.2025  
DATE OF TRANSFER-IN : 29.05.2025  
DATE OF DECISION : 29.08.2025

SYED AWAN ALI SHAH S/O SYED ZAMIN JAN, R/O TEHSIL AND  
DISTRICT ORAKZAI

.....(APPELLANT)

-VERSUS-

MEHBOOB KHAN BUDGET OFFICER, PRESENTLY SERVING AS  
DEO (F) ORAKZAI AT HANGU AND OTHERS

..... (RESPONDENTS)

**Present** : Mr. Safdar Iqbal Khattak Advocate for appellant.  
: Abid Ali Advocate for respondent No. 1.

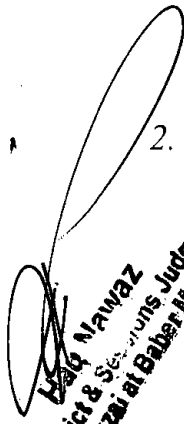
**JUDGEMENT**

29.08.2025

This civil appeal was preferred by the appellant against the Order dated 30.01.2025 passed by the Court of learned Senior Civil Judge, Orakzai, whereby plaint in Civil Suit No. 29/1 of 2024 was rejected.

2. The suit was brought by the appellant/plaintiff for the recovery of Rs. 40 million for defamation, loss of reputation, loss of goodwill, mental torture, malicious prosecution, involvement in illegal inquiries and stoppage of salary.

3. According to averments of the plaint, the plaintiff is serving as SPET in Government High School Awi Mela, Tehsil Lower, District Orakzai. He was transferred to DEO Office Orakzai at Hangu on 02.06.2020. But his transfer order was withdrawn on 02.07.2020 with malafide intention of the defendants No. 1 to 3 with one Fareed Ullah Ex-DEO (M) Orakzai at Hangu on the connivance of the local MNA. The defendants No. 1 to 3

  
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involved the plaintiff in different illegal inquiries and litigations due to which the plaintiff incurred huge losses. They also stopped his salary without any justification and thereby tortured the plaintiff mentally and financially. The said acts by the defendants No. 1 to 3 and Fareed Ullah Ex-DEO (M) Orakzai were the results of inquiry initiated against them by the Anti-Corruption Department with regard to illegal appointment of more than 1000 teachers and other officials in Education Department in District Orakzai in the year 2019-2022 and they presumed that the plaintiff has played active role behind the said inquiry. Therefore, the defendants No. 1 to 3 by using their official authority harassed the plaintiff mentally and financially due to which the plaintiff incurred huge losses.

Therefore, the suit was filed.

4. The defendant contested the suit by filing written statement.

An application under Order VII Rule 11 CPC was also filed. It

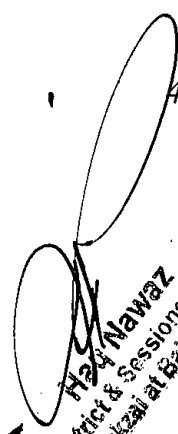
was contested by the appellant by submitting written reply. The

learned trial Court, while accepting the application, dismissed

the suit with cost of Rs. 20,000/-; hence, this appeal was preferred.

5. I have heard learned counsels for the parties and perused the record.

6. The plaintiff has sought the recovery of Rs. 40 million on account of withdrawal of his transfer order from Government High School Awi Mela to the office of DEO Orakzai at Hangu

  
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on 02.07.2020 within a period of one month at the behest of defendants with one Fareed Ullah Ex-DEO (M) Orakzai at Hangu. The perusal of said withdrawal order dated 02.07.2020 shows that it was issued by the Director, Eliminator and Secondary Education, Khyber Pakhtunkhwa, Peshawar, but he has not been arrayed as defendant in the suit.

7. Similarly, the plaintiff/appellant is also aggrieved from his involvement in disciplinary inquiries and stoppage of his salaries. The record further shows that an inquiry under the Efficiency and Disciplinary Rules was initiated against him by the Deputy Commissioner, Orakzai Tribal District on 03<sup>rd</sup> March, 2021. The Deputy Commissioner also directed the District Account Officer, Orakzai to stop the salary of appellant. But the Deputy Commissioner has also not been made party in the suit.

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8. Furthermore, a Service Appeal No. 7774 of 2021 was preferred by the appellant before the Khyber Pakhtunkhwa Service Tribunal, Peshawar against the inquiry in question which was dismissed in default on 14.02.2023.
9. In such circumstances, the appellant was having no cause of action to bring his suit against the respondents/defendants and the learned trial Court has rightly accepted the application under Order VII Rule 11 CPC. However, instead of rejecting the plaint under the said rule, the trial Court dismissed the suit. Therefore, the impugned order is modified to that extent and

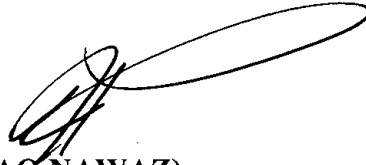
the plaint is rejected under Order VII Rule 11 CPC. The cost imposed against the appellant is also withdrawn.

10. Copy of this judgment be sent to the trial Court for information.

File of this Court be consigned to record room after its necessary completion and compilation.

**Announced:**

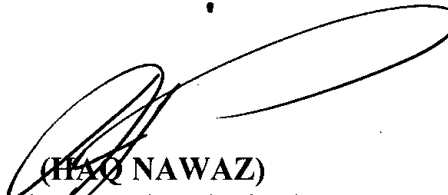
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**CERTIFICATE**

Certified that this judgment consists of four (04) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 29.08.2025

  
(HAQ NAWAZ)  
District Judge, Orakzai  
at Baber Mela