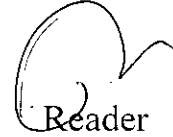



17.03.2022 Due to retirement of the Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned for the same as before on 19.05.2022.


Reader


19.05.2022 None for the appellant present. Mr. Noor Zaman Khattak, District Attorney for respondents present.

Written reply/comments on behalf of the respondents not submitted. Notices be issued to the appellant as well as his counsel and to all the respondents. Adjourned. To come up for written reply/comments before S.B on 17.06.2022 at camp court Abbottabad. The operation of the impugned order to the extent of recovery shall remain suspended till disposal of the appeal.


(Kalim Arshad/Khan)
Chairman
Camp Court Abbottabad

17.06.2022 Appellant present in person. Mr. Muhammad Adeel Butt, Additional Advocate General present.

Reply on behalf of respondents not submitted. Learned AAG seeks time for submission of written reply/comments. Request accepted by way of last chance. To come up for reply/comments on 19.08.2022 before S.B at Camp Court Abbottabad. The operation of the impugned order to the extent of recovery shall remain suspended till disposal of the appeal.


(Fareeha Paul)
Member (E)
Camp Court A/Abad

20.01.2022

Appellant in person present. Mr. Shabir, Progress Officer alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 5 present. Private respondent No. 6 in person present. None present on behalf of private respondent No. 7, therefore, notice be issued to him through registered post.

Representative of official respondents as well as private respondent No. 6 requested for further time for submission of written reply/comments. Adjourned. To come up for written reply/comments on 17.03.2022 before the S.B at Camp Court Abbottabad. The operation of the impugned order to the extent of recovery shall remain suspended till disposal of the appeal.



(Salah-ud-Din)
Member (J)
Camp Court A/Abad

27.12.2021

Counsel for the appellant present. The appeal was fixed for preliminary hearing on 31.12.2021. Learned counsel for the appellant turned up today and submitted an application for listing of the appeal for preliminary hearing today. Application is placed on file. The appeal is listed for today. Preliminary arguments heard.

The appellant has invoked the jurisdiction of this Tribunal to challenge the imposition of major penalty of removal from service upon him vide impugned order dated 13.04.2021. Learned counsel for the appellant contends that the impugned order has been passed on the charge of embezzlement of the public fund by the appellant but without holding any formal enquiry under the E&D Rules, 2011. He further contends that the cursory procedure of issuance of show cause notice for disciplinary proceedings was not sufficient to meet the ends of justice. Points raised need consideration. Subject to all just and legal objection, the appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 20.01.2022 before S.B at camp court, Abbottabad.

An application has been submitted alongwith memorandum of appeal seeking suspension of the impugned order. The impugned order also include the direction besides imposition of the major penalty of removal from service that in case of non-recovery of the said amount, case shall be referred to the competent authority for its recovery as arrears under Section 80 of the Land Revenue Act, 1967. Notice of application be given to the respondents for the date fixed. The operation of the impugned order to the extent of recovery shall remain suspended till disposal of the appeal.

Appellant Deposited
Security & Process Fee

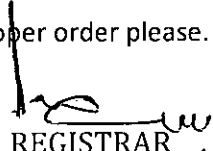


Chairman
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 7852/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/12/2021	<p>The appeal of Mr. Qazi Hassan Nisar presented today by Mr. Muhammad Ishaq Battgrami Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Abbottabad for preliminary hearing to be put there on <u>31/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Qasim Hassan Niswani vs Govt of Pk through Security Local Court

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>M. Usayy Balogran i/c</u>		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	/	
3.	Whether Appeal is within time?	/	
4.	Whether the enactment under which the appeal is filed mentioned?	/	
5.	Whether the enactment under which the appeal is filed is correct?	/	
6.	Whether affidavit is appended?	/	
7.	Whether affidavit is duly attested by competent oath commissioner?	/	
8.	Whether appeal/annexures are properly paged?	/	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	/	
10.	Whether annexures are legible?	/	
11.	Whether annexures are attested?	/	
12.	Whether copies of annexures are readable/clear?	/	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	/	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	/	
15.	Whether numbers of referred cases given are correct?	/	
16.	Whether appeal contains cuttings/overwriting?	/	
17.	Whether list of books has been provided at the end of the appeal?	/	
18.	Whether case relate to this Court?	/	
19.	Whether requisite number of spare copies attached?	/	
20.	Whether complete spare copy is filed in separate file cover?	/	
21.	Whether addresses of parties given are complete?	/	
22.	Whether index filed?	/	
23.	Whether index is correct?	/	
24.	Whether Security and Process Fee deposited? on	/	
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on	/	
26.	Whether copies of comments/reply/rejoinder submitted? on	/	
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on	/	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: M. Usayy Balogran
 Advt. for Appeal.
 Signature: [Signature]
 Dated: Q. Hassan Niswani Govt
8/12/2021

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 7852 /2021

Qazi Hassan Nisar son of Qazi Nisar Ahmed, Ex. Junior Secretary Village Council Shah Muhammad and Muradabad, Tehsil and District Haripur.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Local Govt. and Rural Development Department, Civil Secretariat Peshawar & others.

...RESPONDENTS

SERVICE APPEAL


INDEX

ST. #	Description	Page No.	Annexure
1.	Service appeal alongwith affidavit	17 10	
2.	Copy of office order No. AD(LG-H)1/55/VCS-NCS/2018/3359-63 dated 10/07/2019	11	"A"
3.	Copy of Writ petition alongwith order	12 to 14	"B"
4.	Copy of office order No. Director/(LG)3-7/Court Case/2020 dated 13/04/2021	15	"C"
5.	Copy of the application for Review	16 to 17	"D"
6.	Copy of the detail of expenditure of U/C Muradabad	18 to 19	"E"
7.	Copy of the detail of expenditure of U/C Shah Muhammad	20 to 21	"F"
8.	Copy of other relevant documents	22 to 26	"G"
9.	Stay application with affidavit	27 to 29	
10.	Application for condonation of delay with affidavit. and Application for copy	30 to 33	H
11.	Wakalatnama	34	

...APPELLANT

Through

Dated: 8/12 /2021


(Muhammad Ishaq Battgrami)
Advocate High Court, Haripur

Khyber Pakhtunkhwa
Service Tribunal

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Diary No. 8007

Dated 08/12/2021

Service Appeal No. 7852 /2021

Qazi Hassan Nisar son of Qazi Nisar Ahmed, Ex. Junior Secretary Village Council Shah Muhammad and Muradabad, Tehsil and District Haripur.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Local Govt. and Rural Development Department, Civil Secretariat Peshawar.
2. Director General, Local Govt. and Rural Development Department, Peshawar.
3. Deputy Commissioner, Haripur.
4. Assistant Director LG&RDD Haripur.
5. Departmental Enquiry Committee Union Councils, Shah Muhammad and Murad Abad, District Haripur. *through AD/LG RDD Haripur*
6. Abdul Qadir Nazim, Village Council Shah Muhammad, Haripur.
7. Azhar Hussain Nazim, Village Council Murad Abad, Haripur.

...RESPONDENTS

APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
READ WITH RULES 19 KPK GOVT. CIVIL
SERVANT (EFFICIENCY & DISCIPLINE) RULES,
2011

Filed to-day
Registrar
8/12/2021

Respectfully Sheweth;-

Facts of the appeal/petition are as under:-

1. That the appellant was appointed as Secretary Village council on 21/09/2015 in village Council Shah Muhammad.
2. That later on additional charge was given to the appellant of Union Council Muradabad and appellant performed his duties in the said both councils with honesty and diligence.
3. That the respondents Nos. 6 & 7 were the Nazims of the Union Councils Shah Muhammad and Muradabad respectively.
4. That during the period of inquiry mentioned in the termination order the amount were drawn by the Nazims, respondent No. 6 & 7 for the development works *etc.*
5. That according to section 28(2), the Nazims, respondents Nos. 6 & 7 were responsible.

6. That the respondents No. 4 on some alleged allegations, without any solid proof served show cause notice and no opportunity was given to reply the same and all proceedings were kept clandestinely and passed office order No. AD(LG-H)1/55/VCS-NCS/2018/3359-63 dated 10/07/2019 and No. Director/(LG)3-7/Court Case/2020 dated 13/04/2021, Copies of the offices orders are attached as Annexures ~~A B B B~~
7. That the initial order dated 10/07/2019 was challenged through writ petition No. 1535-A/2019 which was converted/treated as Departmental representation and sent to the respondents for further consideration in accordance with law. Copy of the same order is annexed as Annexure ~~B~~
8. That the respondent did not hear the same according to law and no opportunity of hearing as well as personal hearing or no final show cause notice was given to the appellant before regretting being devoid of merits. That according to law, the appeal should be rejected or accepted and no such words are available in the rule/service act. Copy of the same is already annexed with this appeal. (Annex-C)

9. That the appellant also submitted the review petition to the respondent which is still not decided by the respondents.

10. That the appellant time and again requested verbally as well as through written application to the respondents to give the attested copy of the dismissal as well as the decision on appeal and other documents to the appellant but they kept waiting the appellant that it will be provided / furnished to the petitioner.

11. That the petitioner submitted an application also in writing for the attested copy to the respondents for furnishing the same copies. Copy of the application is annexed as Annexure -H

12. That there is no other efficacious remedy so the impugned orders/decisions are being challenged through the instant appeal, inter-alia on the following grounds:-

GRUNDS:-

- a. That impugned order^s/decisions of the respondent are void, illegal, against the fair trial, without justification, so the same orders are liable to be set-aside and the appellant is liable to be re-instated in service with back benefit.
- b. That the inquiry committee unilaterally submitted their report and no copy of the same is provided to the appellant, so their acts are illegal and without justification.
- c. That according to Rule 6, the appellant was ought to have been placed under suspension.
- d. That no allegations of the same proceedings, show cause notice, statement of allegations was issued to the petitioner and the penalty proposed was not shown to the petitioner, so the same order are liable to be set-aside.
- e. That no opportunity was given according to the rules/law to the petitioner, so their act are against the rule/regulations, service laws.

f. That the respondent No. 6 and 7 were the responsible persons as they were the Nazims of Union Councils Shah Muhammad and Murad Abad. According to section 28 (2) of the Local Government Act and they have drawn and order for all the amount from their respective union council, but the whole responsibility were shifted on the appellant and the respondents Nos. 6 & 7 were exempted and no proceedings were carried out against them, which is clear, crystal from the whole proceedings, so the orders are liable to be set-aside and the appellant is liable to be re-instated in service with back benefits.

g. That the orders of the respondents are totally illegal and unilateral so based on malafide.

h. That the petitioner never indulged in such like illegal activities and it is not proved against the appellant.


i. That no embezzlement have been committed by the appellant according to law as the

audit party, AD, Supervisor regularly conducted the Audit with effect from 2015 to 2019 and no such report was prepared by the Audit party or any other party. So, the proceedings initiated against the petitioner are liable to be set-aside.

j. That total amount of union council Murad Abad, development expenditure and other expenses were 72,52,892/- of Muradabad and Rs. 64,06,25/- were of Shah Muhammad Union Council and it is correctly spent on the respective developmental schemes as well as under relevant head but the petitioner was made scapegoat only. Copy of the detail of expenditure of U/C Muradabad and Shah Muhammad are attached as Annexure ~~E4E8F~~.

k. That the order of the respondents are void, based on malafide, illegal, so the same are liable to be dismissed/ *set aside*.

l. That the order of respondents are void, so no limitation runs against void order.

- m. That the appellant submitted the review petition and the respondents assured the appellant that he will be re-instated with all back benefits but they still not passed any order on the same.
- n. That the respondents have not treated the appellant in accordance with law, rather acted discriminately with the appellant for the reasons best known to them.
- o. That under section 30 of Khyber Pakhtunkhwa, Epidemic Control and Emergency Relief Act, 2020, the limitation has been frozen.
- p. That the appeal is well within time.
- q. That other points would be argued at the time of arguments with the kind permission of this Honourable Court.
- r. That other relevant copies are also enclosed with the instant appeal as Annexure 

It is, therefore, humbly prayed that on acceptance of instant appeal the office order No. AD(LG-H)1/55/VCS-NCS/2018/3359-63 dated 10/07/2019 and No. Director/(LG)3-7/Court Case/2020 dated 13/04/2021 of respondents Nos. 1 to 5 may graciously be set-aside, declared illegal, without justification, unilateral, void and the appellant may also be ordered to be re-instated in service with all back benefits and any other, just and appropriate order/decision may also be passed in favour of the appellant against the respondents.


...APPELLANT

Through

Dated: 8/12/2021


(Muhammad Ishaq Battgrami)
Advocate High Court, Haripur

VERIFICATION:-

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


...APPELLANT

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. _____ -A/2021

Qazi Hassan Nisar son of Qazi Nisar Ahmed, Ex. Junior Secretary Village Council Shah Muhammad and Muradabad, Tehsil and District Haripur.

...APPELLANT

VERSUS

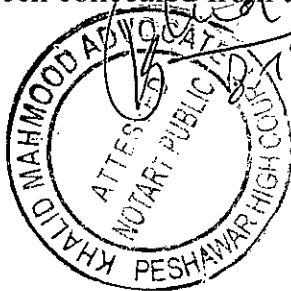
Govt. of Khyber Pakhtunkhwa through Secretary Local Govt. and Rural Development Department, Civil Secretariat Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, *Qazi Hassan Nisar son of Qazi Nisar Ahmed, Ex. Junior Secretary Village Council Shah Muhammad and Muradabad, Tehsil and District Haripur*, do hereby solemnly affirm and declare on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



[Signature]
DEPONENT



OFFICE OF THE ASSISTANT DIRECTOR

ANNEX - A

Local Govt. & Rural Development Department, Haripur District Secretariat, A Block, Room No. 206 (Ph No: 0995-515202)

P 11

OFFICE ORDER

Date: 10.07.2019

No. AD(LG-H)/1/55/VCS-NCs/2018/3357-63. WHEREAS on receipt of complaints from the general public regarding embezzlement of fund Village Council Shah Muhammad, the committee comprising Progress Officer as its Chairman, Mukhtiar Ahmed Tehsil Supervisor, Muhammad Saddique, Tehsil Supervisor and Muhammad Jamil, Tehsil Supervisor was constituted vide this office order No. AD(LG-H)/1-55/VCS-NCs/2018/2948-54 dated 31.05.2019. WHEREAS, on receipt of findings of the committee on 08.06.2019, Mr. Qazi Hassan Nisar, Junior Secretary VC Shah Muhammad was suspended vide this office order No. AD(LG-H)/1-55/P.File/2018/2955-63 dated 08.06.2018.

WHEREAS, the committee pointed out that Rs. 4.000 million as embezzled from VC Shah Muhammad accounts. WHEREAS, Show Cause Notice was served upon Mr. Qazi Hassan Nisar, Junior Secretary vide this office letter No. AD (LG-H)/1-55/SCN/2018/1982 dated 11.06.2019. WHEREAS, Mr. Qazi Hassan Nisar, Junior Secretary was directed to submitted reply to the allegations as mentioned in the Show Cause Notice. WHEREAS, the said accused was directed to appear before the undersigned on 19.06.2019 at 11:00 am for personal hearing but he failed to appear before the undersigned and also not submitted written reply. WHEREAS, today on 20.06.2019, Mr. Qazi Hassan Nisar appeared before the undersigned alongwith Nazim and Naib Nazim of VC Shah Muhammad i.e Abdul Qadir Khan and Arif Hussain Shah AND WHEREAS, he recorded his statement in presence of the said Nazimeen and Progress Officer and Tehsil Supervisor of this office. WHEREAS, he admitted that during the period of Mr. Abdul Qadir Khan, Rs. 1.800 million were embezzled and Rs. 144,000/- was paid to Mr. Abdul Qadir Khan as honoraria for the period w.e.f 01.06.2017 to 31.05.2018 for which he was not the Nazim of VC Shah Muhammad. He further admitted that he also managed to draw funds fraudulently during the period 30.05.2017 to 31.05.2018. WHEREAS, he has also acted as co-signatory with the Nazim VC Muradabad without any authority and despite his transfer from VC Muradabad, he deliberately did not handover the charge to the Secretaries posted in VC Muradabad, and at his own, acted as co-signatory with the Nazim VC Shah Muhammad and so embezzled Rs. 4.000 million.

WHEREAS, another opportunity of "personal hearing" was provided to him to appear before the undersigned on 09.07.2019 but he did not appear nor he submitted any application in this regard. WHEREAS, he submitted an undertaking on 08.06.2019 that on stress of the Village Council Nazimeen, funds under object "garbage collection and sports" were drawn fraudulently and WHEREAS in statement submitted on 20.06.2019, he committed to deposit Rs. 1,500,000/- and Rs. 1,200,000/- in the bank accounts of VC Shah Muhammad and VC Muradabad respectively but he failed to fulfill the provision contained in the said agreement/undertakings.

AND WHEREAS, the reasons mentioned as above, the undersigned has been satisfied that Qazi Hassan Nisar, Junior Secretary VC Shah Muhammad and Nazim have misappropriated the VC Shah Muhammad.

NOW THEREFORE, the undersigned being the competent authority imposed major penalty "Removal from Service" upon Mr. Qazi Hassan Nisar, Junior Secretary Rule 4 sub Rule 1 (b)(iii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and recovery of Rs. 8.039 million (i.e. Rs. 0.937 million of period of Arif Shah as Nazim and Rs. 2.855 million of period of Abdul Qadir Khan Nazim VC Shah Muhammad and Rs. 4.247 million embezzled out of VC Muradabad respectively) is also imposed upon him as required under Rules 4 sub Rule 1 (a)(iii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and furthermore, in case of non-recovery of the said amount, case shall be referred to the competent authority for its recovery as arrears under Section 80 of the Land Revenue Act 1967.

No. & Date: forwarded to the:- General, LG&RDD Peshawar. Commissioner, Haripur. Enquiry Committee. Village Council Shah Muhammad & Muradabad. Qazi Hassan Nisar, ex-Junior Secretary VC Shah Muhammad, Village Muradabad.

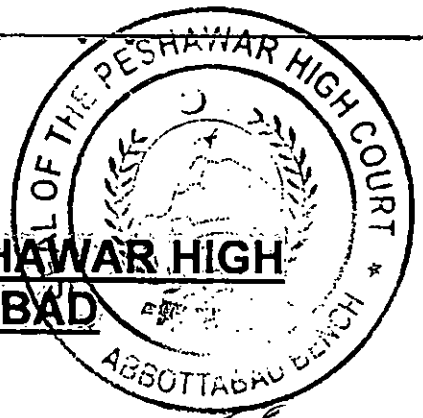
Handwritten signature and date 06/12/2021. Assistant Director Local Govt & RDD Haripur.

Assistant Director Sr. Local Govt. & RDD Haripur

Assistant Director Sr. Local Govt. & RDD Haripur

Annexure
P

12 B



**BEFORE THE HONOURABLE PESHAWAR HIGH
COURT BENCH ABBOTTABAD**

Writ Petition No. 335 of 2019

Qazi Hassan Nisar S/o Qazi Nisar Amed R/o Village Muradabad, Post
Office Sarai-e-Saleh, Tehsil and District Haripur.

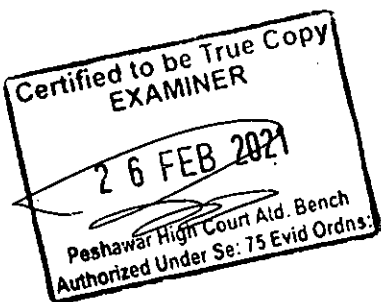
...PETITIONER

V E R S U S

1. Government of Khyber Pakhtunkhwa through Secretary Local Government Secretariat KPK, Peshawar.
2. Director General Local Government & Ruler Development Department, Peshawar, Khyber Pakhtunkhwa.
3. Deputy / Assistant Director Local Government & Ruler Development Department, Tehsil and District Haripur.
4. Deputy Commissioner Haripur.

...RESPONDENTS

**WRIT PETITION UNDER ARTICLE 199 OF
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973 SEEKING DECLARATION TO
THE EFFECT THAT OFFICE ORDER NO AD(LG-
H)1/55/VCS-NCs/2018/3359-63 DATED 10.07.2019
ISSUED BY RESPONDENT NO.3 IN RESPECT OF
REMOVAL FROM SERVICE AS JUNIOR
SECRETARY OF VILLAGE COUNCIL SHAH
MUHAMMAD TEHSIL AND DISTRICT HARIPUR
ALONGWITH RECOVERY OF AN AMOUNT OF**

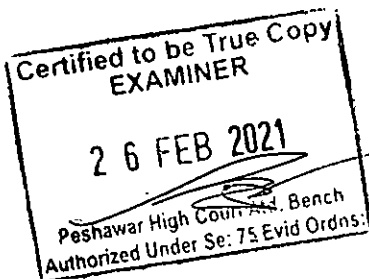


P. 13

RS.8.039 MILLION WHILE ACTING AS SECRETARY VILLAGE COUNCIL SHAH MUHAMMAD AND VILLAGE COUNCIL MURADABAD RESPECTIVELY IS ILLEGAL AGAINST THE FACTS, LAW, ARBITRARY, NORMS OF JUSTICE, MALAFIDE AND IS OF NO LEGAL BEARING / CHARACTER UPON THE EQUITABLE RIGHTS OF THE PETITIONER HENCE THE SAME MAY GRACIOUSLY BE DECLARED VOID AB-INITIO.

PRAYER:

ON ACCEPTANCE OF INSTANT WRIT PETITION, THE OFFICE ORDER NO.AD(LG-H)1/55/VCS-NCS/2018/3359-63 DATED 10.07.2019 ISSUED BY RESPONDENT NO.3, MAY GRACIOUSLY BE DECLARED NULL AND VOID, AB-INITIO AS BEING ARBITRARY, FANCIFUL AGAINST THE LAW, FACTS AND EQUITABLE RIGHTS OF THE PETITIONER GUARANTEED UNDER THE LAW OF LAND.



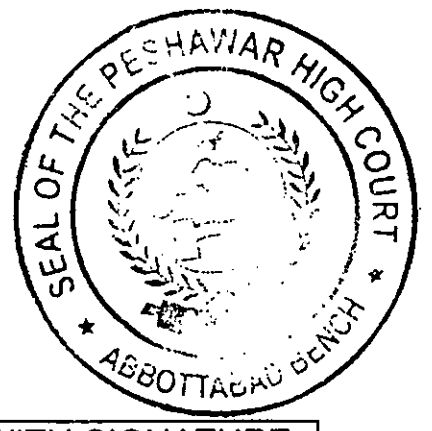
Respectfully Sheweth:

The brief facts giving rise to the instant Writ Petition are as follow:

1. That petitioner was appointed as Village Secretary and was posted Village Council Muradabad Tehsil

P.14

PESHAWAR HIGH COURT,
ABBOTTABAD BENCH
FORM 'A'
FORM OF ORDER SHEET



Date of Order or Proceedings	ORDER OR PROCEEDINGS WITH SIGNATURE OF JUDGE/JUDGES
1	2
23.02.2021	<p>WP No. 1535-A/2019</p> <p>Present:- Mr. Zulfiqar Ali Tanoli, Advocate for the petitioner.</p> <p>Raja Muhammad Zubair, AAG along with Mukhtiar Ahmed, AD and Muhammad Shabbir Progress Officer LG & RDD Haripur for the respondents.</p> <p style="text-align: center;">***</p> <p>MOHAMMAD IBRAHIM KHAN, J.- Learned counsel for the petitioner has come up with a candid request that he would be satisfied if this petition is treated as representation and sent to the respondents for its consideration; in accordance with law, as the petitioner has not preferred any appeal against the impugned order dated 10.07.2019 within a period of 30 days.</p> <p>2. In view of the above, this petition is treated as representation and sent to the respondents for consideration in accordance with law.</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p>

Certified to be True Copy
EXAMINER
26 FEB 2021
[Signature]
Peshawar High Court Attd. Bench
Authorized Under Se: 75 Evid Ordns:



DIRECTOR GENERAL

Annexure - C

Local Government & Rural Development Department, Khyber Pakhtunkhwa

P. 15

Dated Peshawar, the 13.4.2021

IMPLEMENTATION REPORT

EXECUTION OF JUDGMENT OF PESHAWAR HIGH COURT BENCH ABBOTTABAD IN WRIT PETITION NO. 1535-A/2019 TITLED "OAZI HASSAN NISAR EX-JUNIOR SECRETARY VERSUS GOVT. OF KHYBER PAKHTUNKHWA ETC" ANNOUNCED ON 23.02.2021.

No. Director(LG)3-7/Court Case/2020: In pursuance of judgment of Peshawar High Court Bench Abbottabad in writ petition No. 1535-A/2019 announced on 23.02.2021 whereby the said writ petition was converted into "representation" which is also reproduced as under:

".....Learned counsel for the petitioner has come up with a candid request that he would be satisfied if this petition is treated as representation and sent to the respondents for its consideration, in accordance with law, as the petitioner has not preferred any appeal against the impugned order dated 10.07.2019 within a period of 30 days.

2. In view of the above, this petition is treated as representation and sent to the respondents for consideration in accordance with law."

7 WHEREAS, to comply with the abovementioned judgment of the august court, on 17.03.2021, representation and hearing was given to the petitioner, Mr. Mr. Qazi Hassan Nisar (ex-Junior Secretary) s/o Qazi Nisar Ahmed resident of Village Muradabad P.O Sarai Saleh Tehsil & District Haripur by the respondents/appellate authority/Secretary Local Govt. Elections & Rural Development Department Khyber Pakhtunkhwa and the said petition was re-examined in light of the said judgment and comments filed by the respondent No.03 dully vetted by the Additional Advocate General Peshawar High Court Bench Abbottabad and WHEREAS, the record presented by the respondent No.3/Assistant Director LG&RDD was also examined and scrutinized accompanied with the petitioner's fresh statement dated 17.03.2021. WHEREAS, it had been proved that petitioner in a capacity of Junior Secretary and Co-Signatory with the Nazim VC Shah Muhammad and VC Muradabad embezzled an amount of Rs. 6,452,891 (Rs. 3,777,891 and Rs. 2,675,000 out of funds of VC Shah Muhammad and VC Muradabad respectively) as such on receipt of complaints, accounts of VC Shah Muhammad and VC Muradabad was checked, scrutinized by the Inquiry Committee(s) and based on the said inquiry report, concerned VC Nazim and the petitioner were directed to deposit the embezzled amount as required under section 28(2) of Local Government Act 2013 and on non-recovery of the said amount, proceedings under E&D Rules 2011 was initiated against the petitioner. WHEREAS, upon completion of the desired formalities as provided in the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, major penalty "removal from service" was imposed upon the petitioner Mr. Qazi Hassan Nisar ex-Junior Secretary accordingly.

WHEREAS, in view of the abovementioned explanation, the representation/appeal of the petitioner Mr. Qazi Hassan Nisar ex-Junior Secretary V/N Council District Haripur is hereby regretted being devoid of merit.

Assistant Director
LG&RDD, Haripur
Respondent No.3

Director General
LG&RDD, Khyber Pakhtunkhwa
Respondent No.2

Secretary to Govt. of KPK
LGE&RDD, Peshawar
Respondent No.1

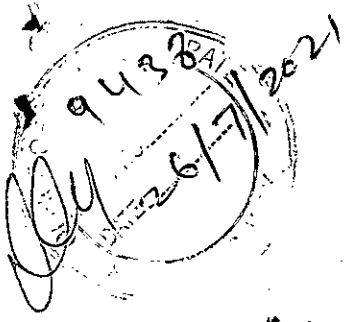
Attested
m. J. J.
Assistant Director
Local Govt. & RDD
Haripur

Endst. even No. & Date:

Copy of the above is forwarded to the:

1. Additional Registrar, Peshawar High Court Bench Abbottabad for perusal of the honorable court.
2. PS to Secretary LG, E&RDD, Khyber Pakhtunkhwa.
3. PA to Director General LG&RDD, Khyber Pakhtunkhwa Peshawar
4. Qazi Hassan Nisar Petitioner
5. Office file

Attested
Assistant Director
Local Govt. & RDD
Haripur



نظر ثانی اپیل Annexure "D"

P-16

بخدمت جناب ڈائریکٹر جنرل صاحب محکمہ بلدیات و دیہی ترقی خمیر پختوخواہ پشاور

جناب عالی!

چند گزارشات آپکے گوش گزار کروانا چاہتا ہوں:-

1. سائل کا تعلق ایک متوسط اور قلیل آمدنی والے طبقہ سے ہے۔ سائل کہ 21-09-2015 میں محکمہ بلدیات میں جو تیز سیکرٹری و بلچ کو تسل تعینات کیا گیا تھا۔ آرڈر کی کاپی درخواست کے ساتھ لف ہے۔

2. سائل نے اپنی ڈیوٹی نہایت خوش اسلوبی اور ایمانداری سے سر انجام دی۔ سائل کی کاموں سے دلچسپی اور قربت دیکھ کر سائل کو دوسری و بلچ کو تسل کا اضافی چارج بھی دے دیا گیا۔ جسکی کاپی ساتھ لف ہے۔

3. کچھ عرصہ کے بعد دونوں و بلچ کو تسلوں میں سیاسی بنیادوں پر ناظمین کے خلاف فنڈز میں تردد برد کی بازگشت سنائی دینے لگی۔ اور دیکھتے دیکھتے بات انکو اڑی تک چلی گئی۔ اور 2 الگ الگ محکمتہ انکو اڑی کمیٹی مقرر کی گئی لیکن انکو اڑی کمیٹی نے چابدارانہ انکو اڑی کی، کیونکہ انکو اڑی کمیٹی پر اسسٹنٹ ڈائریکٹر کے ساتھ ساتھ سیاسی دباؤ بھی تھا۔ انکو اڑی کمیٹی کی کاپی لف ہے۔

4. دونوں انکو اڑی کمیٹی کی رپورٹ کے مطابق سائل کو قصور وار ٹھہرایا گیا۔ جبکہ سائل کی ذمہ داری صرف Co-Signatory کی تھی۔ جسکے متعلق لوکل گورنمنٹ ایکٹ اور اصول و ضوابط 2015 میں واضح ہیں۔ جبکہ سائل اپنی مرضی سے 1 آنے تک کا خرچہ نہیں نکال سکتا تھا۔ ایکٹ کی کاپی درخواست کے ساتھ لف ہے۔

5۔ بعد ازاں ناظمین نے اپنا دفاع کرتے ہوئے اور سیاسی اثر و رسوخ کو ہٹے ہوئے کہ خود کو بیگناہ ثابت کروا لیا ہے۔ اور اسسٹنٹ ڈائریکٹر صاحب پر سیاسی اثر و رسوخ کا استعمال کرتے ہوئے دیا و ڈالا کہ سائل کو نوکری سے برخاست کروانے کے ساتھ ساتھ خود شدہ رقم مبلغ 80,00,000 (اسی لاکھ) روپے کی ریکوری جمع کروانے کا آرڈر بھی جاری کروا دیا۔ جسکی کاپی ساتھ لف درخواست ہے۔

6۔ بعد ازاں سائل کو قواعد و ضوابط سے نا آشنائی کی وجہ سے ہائی کورٹ میں اپیل کروا کے اس معاملہ کو لوکل گورنمنٹ کمیشن میں زیر بحث لایا گیا۔ جس میں طے پایا گیا کہ مذکورہ رقم ناظمین سے وصول کی جائے۔ جسکی کاپی لف ہے۔

7۔ یہ سائل کی قواعد و ضوابط سے نا آشنائی کی وجہ سے پہلے ہی ہائی کورٹ جانے کا مشورہ دے کر نا انصافی کرنے کے ساتھ ساتھ محکمانہ اپیل کے حق سے بھی محروم کروا دیا گیا۔ اور ساتھ ساتھ یہ خرد برد والا معاملہ ایٹنی کریشن اسٹیبلشمنٹ کے حوالے کر کے سائل کو مزید مشکلات سے دوچار کروا دیا گیا۔

ان نکات کے روشنی میں سائل آپ سے التماس کرتا ہے کہ سائل کی درخواست پر نظر ثانی کی جائے اور سائل کو دوبارہ نوکری پر بحال کیا جائے۔ اور سائل کے ساتھ ہونے والی نا انصافیوں پر ایک غیر جانبدارانہ محکمانہ انکوائری بھی مقرر کی جائے سائل تاحیات آپ کی دراز عمری کے لیے دعا گو رہے گا۔

العارض

قاضی حسن ثار ولد قاضی ثار احمد (سابق سیکرٹری و ایجوکیشن کو نسل شاہ محمد)

رابطہ نمبر: 0316-0852093

تعمیرات و تعمیرات از 2015 تا 2019 و مبلغ کل

تراز بار

18-9

تعمیرات و تعمیرات	مبلغ کل
1) پنجره‌ها نزدیک در ورودی	396000
2) پنجره‌ها فراتر	168000
3) پنجره‌ها نزدیک صاف	275000 =
4) مانده پور نزدیک در ورودی	168725 =
5) مانده پور نزدیک صاف	168725 =
6) مانده پور نزدیک در ورودی	168725 =
7) صاف کردن	300000 =
8) پنجره‌ها نزدیک در ورودی	665000 =

مجموع تعمیرات / 2570892 =

تعمیرات و تعمیرات و مبلغ کل تراز بار از 2015 تا 2019

1) استازیه ناطق و نایب ناطق و عمران بلع ریزش و تعمیرات
از 2015 تا 2019 / 1178000 =

2) سقفواه لیزر 4 سال یک - 11 هزار و 800 تومان 2 لیزر
3 سال - / 792000 =

3) کلاس یک مبلغ 2 لاکه و 200 هزار تومان 2 لاکه و 200 هزار تومان
/ 200000 =

4) کلاس یک مبلغ 274000 / 274000 =
انتهی میکنم

19- فیدرہ فرینڈ / کمپوزنگ / کراچی / اسٹڈی -
ٹوٹل اخراجات = 475000/-

(6) ڈینٹل اسپتال 3 سال کے بعد 4 مرتبہ = 418000/-

(7) کراچی بلڈنگ ویج ٹوٹل ہزار ہزار 4 سال = 386000/-

(8) عبداللہی کے موقع پر آل انڈیا انٹرنیشنل سٹیٹس
از 2015 تا 2019 = 388200/-

(9) اسٹڈی اخراجات 3 سال = 85000/-

(10) کراچی اخراجات 3 سال = 90,000/-

(11) کمپوزنگ / فرینڈ اسٹڈی اخراجات = 28000/-

(12) اسپتال فنڈز = 325000/-

ٹوٹل اخراجات ویج ٹوٹل ہزار ہزار

از 2015 تا 2019 تقریباً 7252892

2675000/-

7252892

محمد حسن شاہ
اسٹڈی / فرینڈ / کمپوزنگ / کراچی / اسٹڈی

تفصیل اخراجات ویج رنسل شاہ محمد از 2015 تا 2019

Annexure "F"

فصلیہ (مانع)

ترقیاتی اسکیم / نام اخراجات

محمد الوب - اینڈسٹری
5 برادرز کنڈریشن
5 برادرز اینڈسٹری

217500/=

(i) بجٹ 2015

212500/=

(ii) بجٹ 2016

167325/=

(iii) بجٹ 2017

محمد الوب - اینڈسٹری

212000/=

(iv) بجٹ 2018

محمد الوب - اینڈسٹری

468000/=

(v) بجٹ 2019

محمد الوب - اینڈسٹری

725000/=

(vi) بجٹ 2020

616000/=

(vii) بجٹ 2021

ٹوٹل 2618325

تفصیل دفتری / غیر ترقیاتی اخراجات از 2015 تا 2019

(i) اعزازیہ ناظم محاسب - 10 ہزار ماہانہ کے حساب سے 10 سال کا

480,000/=

(ii) اعزازیہ نائب ناظم صاحب محاسب - 7 ہزار ماہانہ کے حساب سے 7 سال کا

336000/=

(iii) اعزازیہ ممبران / کونسلر ویج رنسل - حساب سے 200 فی اجلاس چار ایکڑ

713000/=

(iv) تنخواہیں / لیڈر کسی بابت معنائی سکوائر حساب 11 ہزار روپے

ماہانہ 2 لیڈر مبلغ 22000 سے ماہانہ 3 سال کے اخراجات

792000/=

(v) 3 سال کے دوران 4 مرتبہ ہوا ٹوٹل اخراجات 322000

2) (i) عبدالغنی کے موقع پر آمدنیوں اور اخراجات کی تفصیلات

از 2016 تا 2019 شیئیں خریدنے کے موقع پر = 364000/-

(ii) اسٹیڈی اخراجات 3 سال کے - بحساب 25000 سالانہ = 75000/-

(iii) گرانڈ اخراجات 3 سال کے بحساب 15000 سالانہ = 45000/-

(iv) کمپوزنگ / فوٹو کاپی اخراجات 3 سال کے بحساب 12000 سالانہ = 36000/-

(v) اسپورٹس فنڈ اخراجات 3 سال کے بحساب 100000 سے سالانہ = 300000/-

(vi) (a) نیا گاڑی / گاڑی کی مرمت / گاڑی کی خریداری

اخراجات = 648000/-

(b) صفائی ستھرائی بنیادی پر لوگوں کے اطراف سے کرنے پڑے

3 سال کے اخراجات = 322000/-

توٹل غیر نقدی اخراجات / آمدنیوں کے اخراجات

= 3791300/-

توٹل اخراجات آمدنیوں اور غیر نقدی آمدنیوں پر 2015

تا 2019 جو مبلغ 6409625

6409625

تالیف حسن نثار ولد حافظ نثار
بیت سیکورٹی و بینکارنگ
لاہور

38

04-1

OFFICE OF THE

OFFICE OF THE

ASSISTANT DIRECTOR

Local Govt. & Rural Development Department, Haripur.
District Secretariat, A Block, Room No. 206 (Ph No: 0995-616202)



No. AD (LG-H)/1-55/SCN/2018/2982

Date: 11.06.2019

Subject: **SHOW CAUSE NOTICE**

I, Abdur Rashid, Assistant Director Senior, Local Government & Rural Development Department Haripur, as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve upon you, Mr. **Qazi Hassan Nisar** Junior Secretary Village Council Shah Muhammad (BPS-09) as follows:-

- (i) That during your posting as Junior Secretary VC Shah Muhammad w.e.f 01.06.2017 to 31.05.2019, you have fraudulently, illegally drawn a sum of Rs. 3,620,763/- and mostly the funds were drawn under object of collection of garbage and honorarium of Nazim and Naib Nazim and you have also drawn a sum of Rs. 144,600/- as honorarium of the Nazim for the vacancy period..
- (ii) Furthermore, you also acted as a co-signatory with the Nazim Village Council Muradabad without any authority and so you fraudulently managed to draw illegally a sum of Rs. 4,714,436/- from the VC Muradabad bank account No. 22362-5.
- (iii) That you did not deposit an amount of Rs. 131,350/- on account of Income Tax/ GST and Stamp duty deducted for the development schemes.

2. I am satisfied you have committed the following acts/omissions specified in section 3 of said Rules:-


- (i) Misconduct,
- (ii) Irregularities

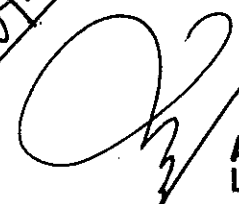
3. As a result thereof, I, as competent authority, tentatively decided to imposed upon you the major penalty removal from service under section 4 of the said Rules.

4. As a result, if no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case ex-parte decision shall be taken against you and no lame excuse thereafter shall be accepted.

5. You can appear in person on 19.06.2019 at 11:00am before the undersigned for personal hearing.


Mr. Qazi Hassan Nisar
Junior Secretary
VC Shah Muhammad.


Assistant Director Sr.
Local Govt. & RDD Haripur

Attested

06/12/2019
Assistant Director
Local Govt & RDD
Haripur

R 23

INQUIRY REPORT REGARDING MISAPPLICATION OF FUNDS OF VILLAGE COUNCIL SHAH MUHAMMAD AND MURADABAD.

Mandate: A Committee comprising the followings was constituted vide order No. AD(LG-H)1-55/VCs-NCs/2018/3227-32 dated 27.06.2019 to scrutinize and investigate the record/accounts of Village Council Shah Muhammad and Village Council Muradabad and to submit report on immediate basis.

VILLAGE COUNCIL: SHAH MUHAMMAD:

Account No. 22364-7 is maintained at Bank of Khyber Haripur and the funds credited in this account since September 2015 are as under:

- i. In 2015-16, Rs. 1,250,000/- and 799,200/- was transferred under development and operating budget respectively.
- ii. In 2016-17, Rs. 2,021,600/- and 22,588/- under development and operating budget respectively was credited.
- iii. In 2017-18, Rs. 937,193/- and 402,750/- under development and operating budget respectively was credited.
- iv. In 2018-19, Rs. 1,212,500/- and 945,150/- under development and operating budget respectively was credited.
- v. Rs. 450,005/- was accumulative local receipt of the 04 years deposited in the VC account.
- vi. **Total funds of Rs. 8,040,986/-** were credited inclusive of local receipt (Rs.450,005/-) in the said bank account during the last four years.

Period of Nazimeen and Secretary who acted as co-signatory of the above mentioned bank account No. 22364-7 is also mentioned as under:

- | | |
|-----------------------------|------------------------------------|
| a) 01.09.2015 to 31.03.2017 | Mr. Saleh Mushtaq as Nazim |
| b) 01.09.2015 to 31.03.2016 | Mr. Arshad Khan as Secretary |
| c) 31.03.2017 to 28.02.2018 | Mr. Arif Shah as acting Nazim |
| d) 31.03.2016 to 01.02.2017 | Mr. Waqas Haider as Secretary |
| e) 01.03.2018 to till date | Mr. Abdul Qadir Khan as Nazim |
| f) 01.06.2017 to 31.05.2019 | Mr. Qazi Hassan Nisar as Secretary |

Developmental Expenditure

Detail of developmental expenditure from 2015-16 and 2016-17.

Name of Scheme	Estimated Cost	Bid Cost	First Payment	Final Payment	Total Expenditure (v+vi)	Total I.Tax Deducted @ 7.5 % from (v & vi)	Stamp Duty Deducted	liability of Country if any	Remarks
ii	iii	iv	v	vi	vii	viii	ix	x	xi
of Street near H/o Aman & Aziz Babu Chak Shah	325,000	324,935	291,437	33,498	324,935	21858+2512 = 24370	1,250	NIL	
of street near GRPS H/o Mulvi Aksar Chak Shah	400,000	399,920	240,784	159,136	399,920	18059+11935 = 29994	1,250	NIL	
of Nullah Musha Town to the Village Shah	825,000	824,175	512,412	188,843	701,255	38431+14163 = 52594	1,850	NIL	

Attest

06/12/2019

Assistant Director
Local Govt & RDD
Haripur

Pavement of drain Mohallah Usmania Near H/o Riaz to Road Village Chak Shah Muhammad.	250,000	249,975	-	249,975	249,975	18748	1,250	NIL	Rs. 5000/- deducted from the bill as penalty @ 2% due to late work completion.
Construction of Nullah Near H/o Sakhi Sultan to Qabristan and H/o Abdul Jabar Patwari up to Abu Talah House Village Shah Muhammad.	550,000	549,917.5	482,383	67,535	549,918	36179+5065 = 41244	1,850	NIL	
Total	2,350,000				2,226,003	166,950	7,450		

Findings

- As per record, the development files pertaining to the financial year 2017-18 and 2018-19 was not produced that is development funds for Rs. 2,149,693/- are reported as unattended.
- The call deposits of the contractors deposited in the bank account also utilized without refunding to the contractors.
- The contractors who executed works at site are pressing for payment whereas the account of the said VC is zero at the moment.
- Rs. 372,589/- was embezzled during the period of Mr. Saleh Mushtaq Nazim and Waqas Haider Secretary as such Rs. 186,295/- is being recovered from the salary of Mr. Waqas Haider Junior Secretary which was imposed as minor penalty vide this office order No. AD(LG-H)/1-15/VCs/NCs/2016/2515-21 dated 24.12.2017. (copy attached)
- Rs. 32,000/- was deposited by Mr. Saleh Mushtaq under local receipt after elapse of 02 years.

Justified and un-justified

- Out of Rs. 5,421,293 development funds, only 2,226,003 inclusive of taxes (174,400) was the expenditure whereas Rs. 3,195,990 also utilized out of development budget which could not be traced out.
- Out of operating budget of Rs. 2,169,688/-, 1,794,000/-, was utilized and which were accordingly verified. However, Rs. 375,688 was the excess expenditure which could not be justified.

Recoverable amount:

- Rs. 186,294/- is to be recovered from Mr. Saleh Mushtaq ex Nazim.
- Rs. 937,193/- was made as expenditure during the period of Mr. Arif Hussian, Shah, acting Nazim and Qazi Hassan Nisar.
- Rs. 1,212,500/- and Rs. 1,498,156/- (Rs.2,710,656/-) was also made as expenditure under development during the period of Mr. Abdul Qadir Khan Nazim and Qazi Hassan Nisar.
- Rs. 144,000/- was also received by Mr. Abdul Qadir as honoraria for a period for which he was not a Nazim.

Attested

06/1/2018

Assistant Director
Local Govt & RDD
Haripur

P 20

84/102

PART-II: IRREGULARITIES AND EMBEZZLEMENT IN VC MURADABAD:

As per record, detail of funds transferred to bank account No. 22362-5 of Village Council Muradabad is as under:

- i. In 2015-16, Rs. 1,250,000/- and 799,200/- was transferred under development and operating budget respectively.
- ii. In 2016-17, Rs. 2,021,600/- and 22,588/- under development and operating budget respectively was credited.
- iii. In 2017-18, Rs. 813,436/- and 402,750/- under development and operating budget respectively was credited.
- iv. In 2018-19, Rs. 1,212,500/- and 945,150/- under development and operating budget respectively was credited.
- v. Rs. 512,043/- was accumulative local receipt of the 04 years deposited in the VC account.
- vi. **Total funds of Rs. 7,979,267/-** were credited inclusive of local receipt (Rs.512,043/-) in the said bank account during the last four years.

As per copy of statement received of Mr. Muhammad Rizwan, Junior Secretary VC Ali Khan that the cash book which was previously maintained for VC Muradabad by him and other secretaries posted in this VC has been examined today in front of the committee members and found replaced/changed which is a serious violation of financial rules on part of the secretary concerned.

2. As per changed cash book, the following irregularities on account of payment/expenditure has been observed in respect of VC Muradabad bank account 22362-5:

Developmental Expenditure:

Detail of developmental expenditure for the year 2015-16 and 2016-17.

S. No	Name of Scheme	Estimated Cost	Bid Cost	First Payment	Final Payment	Total Expenditure (vi+vii)	Total I.Tax Deducted @ 7.5 % from (vi & vii)	Stamp Duty Deuducted	liability of Court if any	Remarks
i	ii	iii	iv	v	vi	vii	viii	ix	x	xi
1	Pavement of street near H/o Arshad, Imran.	400,000	399,920	-	399,920	399,920	29,999	1,250	NIL	
2	Pavement of street Near Sajid House Muradabad.	300,000	299,940	-	299,940	299,940	22,496	1,250	NIL	
	Boring of well Near H/o Muhammad Ilyas Village Muradabad, VC Muradabad.	150,000	149,970	-	149,970	149,970	11,248	1,250	NIL	
	Pavement of street near h/o manzoor Auranzeb Village Muradabad VC Muradabad.	200,000	196,523	-	196,523	196,523	14,740	1,250	NIL	
	Payment of Street Near H/o Nasir	150,000	149,970	-	149,970	149,970	11,248	1,250	NIL	
	Boring of well near H/o Mubhtar Village Muradabad VC Muradabad.	150,000	149,970	-	149,970	149,970	11,248	1,250	NIL	
	Payment of Path lanaza Gab Drain Near H/o Raja Mushiag	500,000	499,900	-	497,537	497,536	37,315	1,250	NIL	
	Pavement of street near h/o Mukhtiar	200,000	199,960	-	199,960	199,960	14,997	1,250	NIL	
	Boring of well Near H/o Ameen Baba Village Muradabad VC Muradabad.	150,000	149,970	-	149,970	149,970	11,248	1,250	NIL	
	Total	2,200,000				2,193,759	164,539	11,250		

Attested
Assistant Director
Local Govt & RDE
Haripur

Findings

- P 26
- As per record, the development files pertaining to the financial year 2017-18 and 2018-19 was not produced that is development funds for Rs. 2,025,936/- are reported as unattended.
 - The call deposits of the contractors deposited in the bank account also utilized without refunding to the contractors.
 - The contractors who executed works at site are pressing for payment whereas the account of the said VC is zero at the moment.

Justified and un-justified

- Out of Rs. 5,297,536 development funds, only Rs. 2,193,759 inclusive of taxes (175,789) was the expenditure whereas Rs. 3,103,777 also utilized out of development budget which could not be traced out.
- Out of Rs. 2,169,688/- operating funds, only Rs. 1,304,900/-, was utilized and which were accordingly verified. However, Rs. 864,788 was the excess expenditure which could not be justified.

Recoverable amount:

- Rs. 3,103,777/- and 864,788/- was also made as expenditure under development and operating expenditure respectively during the period of Mr. Azhar Hussain Nazim and Qazi Hassan Nisar and Muhammad Rizwan Junior Secretary.

Conclusion and Recommendations:-

Since the concerned Secretaries and the Nazim failed to submit the relevant record to Inquiry Committee despite several verbal and written instructions, only cash book, bank statement and development files were provided. Therefore, on conclusion of the findings in respect of both Village Councils Shah Muhammad and Muradabad as discussed above, it is recommended that the loss to the council as mentioned below must be recovered.

S.#	Name of VC	Developmental Fund credited	Operating Fund Credited	Local Receipt	Grand Total (iii+iv+v)	Justified Expenditure		Unjustified Expenditure (amount recoverable)	Closing Balance (30 May 2019)	Remarks
						Development	Operating			
i	ii	iii	iv	v	vi	vii	viii	ix	x	xi
1	Shah Muhammad	5,421,293	2,169,688	450,005	8,040,986	2,226,003	1,794,000	4,020,438	545	Loss of council as recoverable under section 28 sub section 2 of LGA 2013.
2	Muradabad	5,297,536	2,169,688	512,043	7,979,267	2,193,759	1,304,900	4,247,068	233,540	

Muhammad
 Muhammad Ahmed
 Tehsil Supervisor/
 Member Inquiry Committee

Assistant Engineer
 Assistant Engineer
 Member Inquiry Committee

Muhammad Haroon
 Muhammad Haroon
 Assistant Director Junior
 Local Govt. & RDD Haripur.
 Chairman Inquiry Committee

Attested
06/12/04
 Assistant Director
 Local Govt & RDD
 Haripur

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**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

C. M No. _____/2021

IN

Service Appeal No. _____-A/2021

Qazi Hassan Nisar son of Qazi Nisar Ahmed, Ex. Junior Secretary Village Council Shah Muhammad and Muradabad, Tehsil and District Haripur.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Local Govt. and Rural Development Department, Civil Secretariat Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

APPLICATION SEEKING SUSPENSION OF
OPERATION OF IMPUGNED OFFICE ORDER NO.
AD(LG-H)1/55/VCS-NCS/2018/3359-63 DATED
10/07/2019 AND NO. DIRECTOR/(LG)3-7/COURT
CASE/2020 DATED 13/04/2021 TILL FINAL
DISPOSAL OF THE MAIN APPEAL.

Respectfully Sheweth:-

1. That the appellant has filed the accompanying appeal before this Honourable Court, the ingredients of the same may graciously be treated as an integral part of this application.


2. That the appellant has brought a good prima facie case in his favour and is optimistic about his ultimate success before this Honourable Court.
3. That balance of convenience also leans in favour of appellant.
4. That in case, the operation of impugned office orders office order No. AD(LG-H)1/55/VCS-NCS/2018/3359-63 dated 10/07/2019 and No. Director/(LG)3-7/Court Case/2020 dated 13/04/2021 are not suspended, the appellant would be subjected to irreparable loss, which may also give rise to multiplicity of proceedings.

It is, therefore, humbly prayed that operation of impugned office orders office order No. AD(LG-H)1/55/VCS-NCS/2018/3359-63 dated 10/07/2019 and No. Director/(LG)3-7/Court Case/2020 dated 13/04/2021 may kindly be suspended till final disposal of the main appeal.


...APPELLANT

Dated: 8/12 /2021

Through


(Muhammad Ishaq Battgrami)
Advocate High Court, Haripur

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

C. M No. _____/2021

IN

Service Appeal No. _____-A/2021

Qazi Hassan Nisar son of Qazi Nisar Ahmed, Ex. Junior Secretary Village Council Shah Muhammad and Muradabad, Tehsil and District Haripur.

...APPELLANT

VERSUS

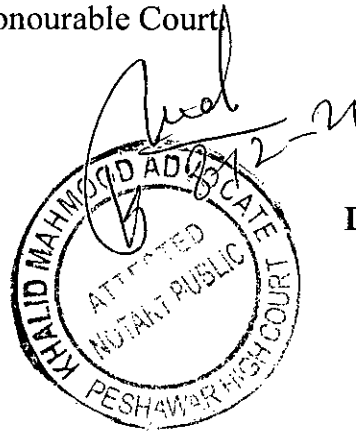
Govt. of Khyber Pakhtunkhwa through Secretary Local Govt. and Rural Development Department, Civil Secretariat Peshawar & others.

...RESPONDENTS

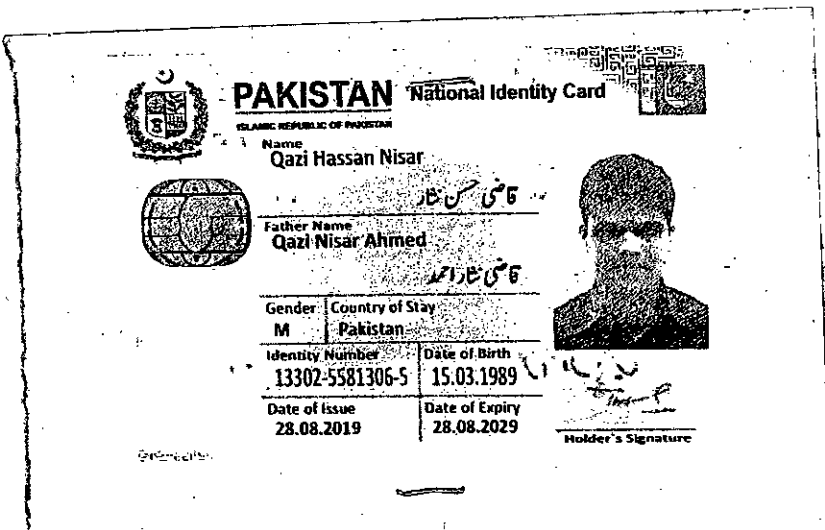
STAY APPLICATION

AFFIDAVIT

I, *Qazi Hassan Nisar son of Qazi Nisar Ahmed, Ex. Junior Secretary Village Council Shah Muhammad and Muradabad, Tehsil and District Haripur*, do hereby solemnly affirm and declare on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court



[Handwritten Signature]
DEPONENT



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**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

C. M No. _____/2021

IN

Service Appeal No. _____-A/2021

Qazi Hassan Nisar son of Qazi Nisar Ahmed, Ex. Junior Secretary Village Council Shah Muhammad and Muradabad, Tehsil and District Haripur.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Local Govt. and Rural Development Department, Civil Secretariat Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

APPLICATION SEEKING CONDONATION OF
DELAY, IF ANY, IN FILING THE APPEAL.

Respectfully Sheweth:-

1. That the appellant has filed the accompanying appeal before this Honourable Court, the ingredients of the same may graciously be treated as an integral part of this application.
2. That the appellant has brought a good prima facie case in his favour and is optimistic about his ultimate success before this Honourable Court.

3. That the impugned orders are void orders besides, according to section 30 of Khyber Pakhtunkhwa, Epidemic Control and Emergency Relief Act, 2020, the limitation has been frozen, therefore, no limitation runs in the instant case.

4. That even if there is any delay, the same may graciously be condoned as the valuable rights of the appellant are involved.

It is, therefore, humbly prayed that on acceptance of the instant application the condonation, if any, may graciously be ordered to be condoned, in the highest interest of justice.


...APPELLANT

Through

Dated: 8/12/2021


(Muhammad Ishaq Battgrami)
Advocate High Court, Haripur

P. 32

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

C. M No. _____/2021

IN

Service Appeal No. _____-A/2021

Qazi Hassan Nisar son of Qazi Nisar Ahmed, Ex. Junior Secretary Village Council Shah Muhammad and Muradabad, Tehsil and District Haripur.

...APPELLANT

VERSUS

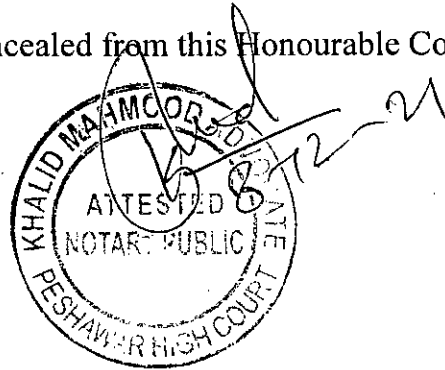
Govt. of Khyber Pakhtunkhwa through Secretary Local Govt. and Rural Development Department, Civil Secretariat Peshawar & others.

...RESPONDENTS

APPLICATION FOR CONDONATION OF DELAY

AFFIDAVIT

I, *Qazi Hassan Nisar son of Qazi Nisar Ahmed, Ex. Junior Secretary Village Council Shah Muhammad and Muradabad, Tehsil and District Haripur*, do hereby solemnly affirm and declare on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



[Handwritten Signature]
DEPONENT

کتابت ضابطہ / آء اے اے / کونسل برائے تعلیمات اسلامیہ / لاہور

مذکورہ عبارتوں کے تحت درج ذیل

ضابطہ - مذکورہ عبارتوں کے تحت

تاریخ 10-7-19

Dismissed

13/4/21

Review

26/7/21

بابت

مذکورہ عبارتوں کے تحت

مذکورہ عبارتوں کے تحت

10-7-19

بابت

مذکورہ عبارتوں کے تحت

13/4/21

مذکورہ عبارتوں کے تحت

بابت

11/6/19

20/6/19

بابت

مذکورہ عبارتوں کے تحت

Apprentice
Trade Order

20/6/19

33.A

under letter 8/6/19

1st Appmt under Security

Copy of the letter
is being furnished to the concerned officer for his information.

110

25.9.2021

For the Officer in Charge

Security

G. S. S. A. J.

25/9/2021
25/9/2021

As per
For the Officer in Charge
[Signature]
25/9/2021