

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No.353/2018

Date of Institution: 09.03.2018

Date of Decision: 18.01.2021

Mr. Rambail Khan Ex-Deputy District Education Officer, Dera Ismail Khan.

... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa, through Chief Secretary and three others.

... (Respondents)

Mr. Taimour Ali Khan,  
Advocate

... For Appellant

Mr. Riaz Khan Paindakhel,  
Assistant Advocate General

... For Respondents

Mr. MUHAMMAD JAMAL KHAN

... MEMBER (J)

Mr. ATIQ UR REHMAN WAZIR

... MEMBER (E)

**JUDGEMENT: -**

**Mr. ATIQ UR REHMAN WAZIR:** - Brief facts of the case are that the appellant, Mr. Rambail Khan, while serving as Deputy District Education Officer (DDEO) Dera Ismail Khan, was proceeded against on the charges of unlawful release of salaries to a class-iv employee. On the basis of inquiry conducted to this effect, charge sheet/statement of allegations were served upon appellant, to which he responded, thereafter issue show cause notice to the appellant, which also was accordingly responded and as a result thereof, major penalty of removal from service was imposed upon appellant. Feeling aggrieved, the appellant filed review petition before the competent forum, which was accepted and major penalty of removal from service was converted into major penalty of compulsory retirement from service, but in the meanwhile the appellant had already filed the instant service appeal, hence the appellant requested for amendment in

service appeal, which was accepted. The appellant prayed for setting aside the impugned order dated 12-04-2018 and his re-instatement with all back benefits.

02. Written reply/comments were submitted by respondents.

03. Arguments heard and record perused.

04. Learned counsel for the appellant contended that no regular inquiry was conducted in case of appellant skipping the mandatory provisions of law. No opportunity of personal hearing as well as opportunity to cross-examine witnesses was afforded to the appellant, whereas in case of imposing major penalty, the principles of natural justice requires that a regular inquiry be conducted and proper opportunity of defense be provided to the civil servant proceeded against, Non adoption of required mandatory procedure would result in miscarriage of justice. Reliance was placed on

W 2008 SCMR 1369, 2002 SCMR 433, 1997 SCMR 1543, 2012 PLC (CS) 728 and 2012 PLC (CS) 166. The learned counsel further added that action against the appellant was discriminatory to the effect that five other accused in the issue were also recommended for imposition of major penalty but only the appellant was targeted and the remaining accused were exonerated of the charges, who however, were more responsible than the appellant. That such penalty is not tenable in the eyes of law and not warranted. Reliance was placed on 1993 PLC (CS) 1754. The learned counsel contended that the appellant was charged on the allegations that source-1 of salary of Mr. Younas Class-iv was signed by the appellant, who however refused genuineness of such signatures, which was not accepted, whereas in case of other accused, refusal from signature was accepted, which too was discriminatory. That inspite of the fact that the concerned class-iv in his statement has categorically accepted that he himself prepared such documents and the appellant was not responsible for such act. That attributing such signatures to appellant is based on presumption having no evidence on its back and facts had to be proved and not presumed particularly for awarding major penalty.

Reliance was placed on 2002 PLC (CS) 503. The learned counsel further added that the preliminary inquiry conducted to this effect, clearly manifests that all the documents right from the letter of appointment up to his salary document including the stamp used throughout the pay activation process is fake. Besides the statement of class-iv obtained to this effect also testifies to the fact that such signatures were not affixed by the appellant, but still the formal inquiry apportioned such responsibility on the appellant solely on the presumption that he was incumbent of the post of Deputy Director, who deals in such cases. The learned counsel added that appellant is totally innocent in this case, which is evident from the statements of the class-iv and other co-accused as well as the preliminary inquiry and prayed that the impugned order may be set aside and the appellant may be re-instated into service with all back benefits.

05. Learned Assistant Advocate General appeared on behalf of official respondents contended that regular inquiry was conducted against the appellant and others, where proper chance of defense was provided to the appellant including personal hearing. That as a result of inquiry conducted to this effect, the appellant was held responsible for the unlawful drawl of salaries in respect of a fake employee due to the reason that he was responsible for submission of source-1 form to District Accounts Office, which he submitted under his signature and which clearly depicts that the appellant was responsible for such act. That the competent authority taking a lenient view has converted the penalty of removal from service into compulsory retirement, deserve no further leniency, hence the instant appeal may be dismissed.

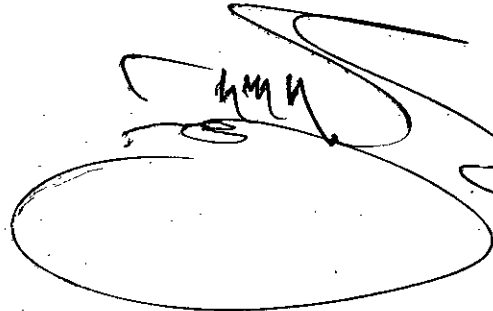
06. We have heard learned counsel for the parties and perused the record. It was noted that one Mr. Younas employed as class-IV was declared fake after investigation and preliminary inquiry was conducted to ascertain the genuineness of his appointment order and subsequent drawl of salaries. The inquiry conducted so found that appointment letter, charge assumption report, his transfer orders and other related documents were fake having no official record. The official stamps used in the process

was also declared fake. The fake employee in his statement recorded before the inquiry officer also pointed out that he was assisted by one clerk namely Arshad in activation of his salary with no mention of the appellant. Because of inquiry, the fake employee Mr. Younas was terminated from service along with recovery of the salaries drawn. It was further noted that the formal inquiry in its findings has attributed the activation of salary of the fake employee for the first time to Ex-DDEO Mr. Taus Khan and Ex-DEO, Mr. Feruz Hussain Shah, but since they refused such signatures, hence their excuse was accepted and salary of the fake employee was stopped, yet the fake employee maneuvered to release his salaries again through fake submission of papers under the signature of the appellant, which was also denied by the appellant but his denial was not accepted, which was discriminatory. Record reveals that three inquires conducted to this effect concludes that the whole process of appointment as well as drawl of salaries by the fake employee was done under fake signatures and stamps. It was also noted that other co-accused in the issue were also recommended for major penalty, but they were exonerated for their denial from their signatures. The appellant was charged on the presumption that he was incumbent during the occurrence, the fake employee however, in his written statement recorded before the formal inquiry has also mentioned that one clerk Mr. Arshad assisted him in activation of salary and the appellant was declared innocent, still the appellant was penalized, which was an act of discrimination on part of the respondents. The appellant also need the same treatment as was done with other co-accused. The inquiry so conducted is also replete with deficiencies and which cannot be termed as a regular inquiry to substantiate their claims with evidences, as no proper opportunity of defense was afforded in terms of personal hearing and cross-examination of witnesses. We could not find any clue to ascertain that signatures and stamp of the appellant was original, whereas that of the others were fake. Inquires conducted so far reveals that the whole process right from

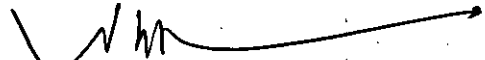
appointment till release of salaries in respect of the fake employee were fake and the appellant was penalized for an act not committed by him.

07. In view of the situation, the impugned order dated 12-04-2018 is set aside and the appellant is re-instated into service with all back benefits. Parties are left to bear their own cost. File be consigned to record room.

ANNOUNCED  
18.01.2021



(MUHAMMAD JAMAL KHAN)  
MEMBER (J)



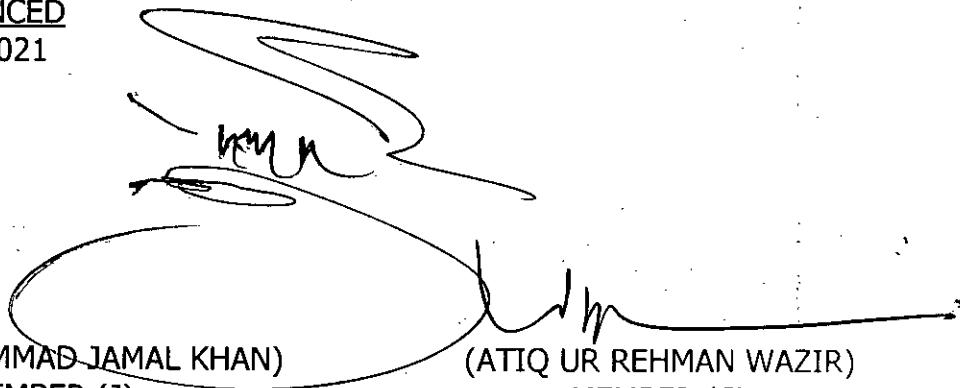
(ATIQ UR REHMAN WAZIR)  
MEMBER (E)

18.01.2021

Appellant alongwith his counsel present. Mr. Riaz Khan Paindakhel learned Assistant Advocate General alongwith Saleem Section Officer for respondents present.

Vide our detailed judgment of today of this Tribunal placed on file, the impugned order dated 12-04-2018 is set aside and the appellant is reinstated into service with all back benefits. Parties are left to bear their own cost. File be consigned to record room.

ANNOUNCED  
18.01.2021

The image shows two handwritten signatures in black ink. The signature on the left is for Muhammad Jamal Khan, and the signature on the right is for Atiq Ur Rehman Wazir. Both signatures are written in a cursive, flowing style.

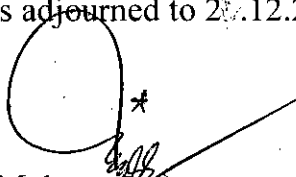
(MUHAMMAD JAMAL KHAN)  
MEMBER (J)

(ATIQ UR REHMAN WAZIR)  
MEMBER (E)

05.11.2020

Nemo for the appellant present. Zara Tajwar, Deputy District Attorney for respondent is present.

The Bar is observing general strike, therefore, the matter is adjourned to 28.12.2020 for hearing before the D.B.

  
(Mian Muhammad)  
Member (E)

  
Chairman

02.12.2020


Appellant with counsel present.


Riaz Painsdakhel learned Assistant Advocate General for respondents present.

Representative of the respondents is not available despite directions; last chance is given with direction to make sure the presence of representative on the next date.

Partial arguments heard but the record annexed with the service appeal as well as with the rejoinder and comments is not in proper form, therefore, both the parties are directed to submit the entire record in proper form by proper paging and to produce record in respect of the appointment and dismissal if any, of the main person i.e. Muhammad Younas Ex-Chowkidar. The respondents are directed to make sure the production of record on the next date positively.

Adjourned to 18.01.2021 for record/arguments before D.B.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

10.4.2020

Due to COVID19, the case is adjourned to

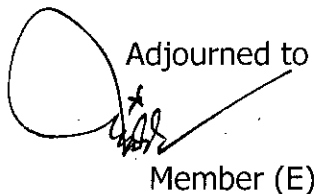
8/7/2020 for the same as before.

  
Reader

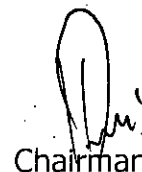
08.07.2020

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Fazle Subhan, S.O for the respondents present.

The representative of respondents has provided copy of record required through order dated 15.07.2019 which is placed on file. Learned counsel for the appellant requests for time to go through the record and address arguments on next date of hearing.

  
Member (E)

Adjourned to 31.08.2020 before the D.B.

  
Chairman

31.08.2020

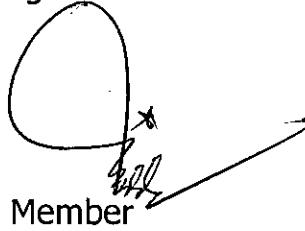
Due to summer vacation, the case is adjourned to 05.11.2020 for the same as before.

  
Reader



06.03.2020

Appellant with counsel present. Mr. Ziaullah, DDA  
alongwith Mr. Fazal Subhan, SO for respondents  
present. Representative of the respondents is strictly  
directed to furnish copy of record mentioned in order  
sheet dated 15.07.2019 positively on the next date of  
hearing. In case of default coercive measure will be  
taken against them. Adjourned. To come up for such  
record and arguments on 10.04.2020 before D.B.

  
Member

  
Member

05.11.2019 Appellant in person present. Mr. Usman Ghani, District Attorney for respondents present. Representative of the respondents submitted record which is placed on file. A copy of the same was also handed over to the appellant. Appellant seeks adjournment as his counsel was busy before the august Supreme Court of Pakistan. Adjourn. To come up for arguments on 06.12.2019 before D.B.

  
Member

  
Member


06.12.2019 Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Mr. Usman Ghani, District Attorney for the respondents present. Adjourned to 20.01.2020 for arguments before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

20.01.2020 Due to general strike on the call of the Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Adjourned to 06.03.2020 for arguments before D.B.

  
(Hussain Shah)  
Member


  
(M. Amin Khan Kundi)  
Member

A-No. 353/2018

Rambail Khan vs Govt

15.07.2019

Appellant alongwith his counsel present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Hayat Muhammad, AD for the respondents present. Record reveals that inquiry committee have recorded the statements of Feroz Hussain Shah, Zavar Hussain Shah and Younis Khan but the copy of statements of those witnesses are not available on the record. Therefore, representative of the department is directed to produce the same alongwith copy of appointment order of Muhammad Younas Class-IV and judgment of worthy High Court on the next date. Adjourned to 26.09.2019 for record and arguments before D.B.

  
(HUSSAIN SHAH)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER


26.09.2019

Appellant alongwith his counsel and Mr. Usman Ghani, District Attorney alongwith Mr. Sahkeel Ahmed, Superintendent for the respondents present.

Record mentioned in the previous order sheet dated 15.07.2019 has not been brought by the representative of the respondents. Representative of the department namely Shaleek Ahmed present in the court is strictly directed to furnish the same on the next date.

Appellant is also directed to furnish Member copy of the instant service appeal on or before the next date of hearing. Adjourned to 05.11.2019 for record and arguments before D.B.

  
(Hussain Shah)  
Member

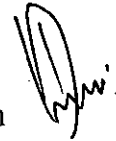
  
(M. Amin Khan Kundi)  
Member

15.1.2019

Counsel for the appellant and Addl. AG for the respondents present.

Learned AAG states that he has not been contacted by the respondents for today's hearing, therefore, requests for adjournment. Adjourned to 26.02.2019 on which date the reply shall be positively submitted by the respondents, else the matter would be proceeded on the strength of available record.

Chairman



26.02.2019

Appellant with counsel and Mr. Kabirullah Khattak Addl; AG alongwith Mr. Shakeel Ahmed for the respondents present and submitted written reply which is placed on file. Adjourned. To come up for arguments/rejoinder on 29.04.2019 before D.B

(Ahmed Hassan)  
Member



29.04.2019


Counsel for the appellant and Mr. Muhammad Riaz Painsdakhel, Asstt. AG for the respondents present.

Learned counsel for the appellant requests for adjournment ~~is made~~ due to over work before the Honourable High Court today.

Adjourned to 15.07.2019 before the D.B.

Member

Chairman



09.08.2018

Mr. Taimur Ali Khan, Advocate counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Counsel for the appellant sought some time to submit amended appeal. Granted. To come up for amended appeal on 08.10.2018 before S.B.



Chairman

08.10.2018

Counsel for the appellant Mr. Taimur Ali Advocate present. Mr. Usman Ghani, District Attorney for the respondents present. Learned counsel for the appellant submitted amended memo. of appeal alongwith spare sets. Notice be given to the respondents. To come up for written reply/comments on amended memo. of appeal on 26.11.2018 before S.B.

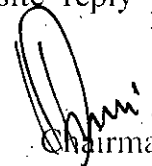


Chairman

26.11.2018

Counsel for the appellant present. Addl: AG for the respondents present.

Learned AAG once again requested for time to file written reply/comments on behalf of the respondents as he has not been contacted by the respondents. Adjourned to 15.01.2019 on which date the requisite reply shall positively be filed.



Chairman

17.05.2018

Appellant Rambail Khan alongwith counsel Mr. Taimur Khan, Advocate present and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Today the case was fixed for submission of written reply/comments by the respondents but at the very outset of hearing, the learned counsel for the appellant intended that during pendency of this appeal, the departmental appeal of the appellant has been decided by the Authority whereby his removal from service was converted into compulsory retirement and the appellant wants to amend this appeal. Request is accepted. To come up for submission of amended memo of appeal on 09.07.2018 before S.B.



Chairman

09.07.2018

Appellant alongwith his counsel and Mr. Sardar Shoukat Hayat, Addl. AG for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 9.08.2018 before S.B.



Member

26.03.2018

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Education Department as Deputy Education Officer (BPS-18). It was further contended that during service he was removed from service by the competent authority vide order dated 06.11.2017 on the allegation that he being DDO unlawfully released salary for the month of July 2013 amounting to Rs. 12201/- and arrears for the period from 01.12.2013 to 31.10.2014 amounting to Rs. 1459201/- to Muhammad Younas Class-IV whose where about was unknown. It was further contended that the appellant also filed review petition but the same was not responded hence, the present service appeal. It was further contended that neither proper inquiry was conducted nor opportunity of cross examination and defence was provided to the appellant therefore, the impugned order is illegal and liable to be set-aside: (12.1.18)

Appellant Deposited  
Security & Process Fee



The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 17.05.2018 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

Form-A  
FORM OF ORDERSHEET

Court of \_\_\_\_\_

Case No. 353/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	09/03/2018	<p>The appeal of Mr. Rambail Khan presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 9/3/18</p>
2-	12/03/18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26/03/18</u>.</p> <p style="text-align: right;"> MEMBER</p>



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

**AMMENDED APPEAL NO. 353/2018**

Rambail Khan

V/S

Education Deptt:

.....


**INDEX**

No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-04
2.	Copy of charge sheet	A	05
3.	Copy statementat of allegation	B	06
4.	Copy of reply to charge sheet	C	07-08
5.	Copy of inquiry report	D	09-11
6.	Copy of show cause notice	E	12-13
7.	Copy reply to show cause notice	F	14-16
8.	Copy of removal order	G	17
9.	Copy of review petition	H	18-20
10.	Copy of order dt: 12.04.2018	I	21
11.	Copy of application	J	22-23
12.	Copy of order sheet	K	24-25
13.	Copy of letter	L	26-27
14.	Copy of inquiry report	M	28-29
15.	Copy of charge report	N	30
16.	Wakalat nama	-----	31



APPELLANT

THROUGH:

  
(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT

  
&  
ASAD MAHMOOD  
(ADVOCATE HIGH COURT)

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

**AMMENDED APPEAL NO. 353/2018**

Rambail Khan, Ex-Dy: DEO,  
D.I.Khan.

**(Appellant)**

**VERSUS**

1. The Government of KPK, through Chief Secretary KPK, Civil Secretariat, Peshawar.
2. The Chief Secretary KPK, Civil Secretariat, Peshawar.
3. The Secretary (E&SE), KPK, Peshawar
4. The Director of Education (E&SE), KPK, Peshawar

**(Respondents)**

-----  
**AMMENDED APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 12.04.2018 WHEREBY THE MAJOR PENALTY OF REMOVAL FROM SERVICE WAS CONVERTED INTO MAJOR PENALTY OF COMPULSORY RETIRMENT FROM SERVICE BY THE APPELLATE AUTHORITY/REVIEWABLE AUTHORITY ON THE REVIEW PETITION OF THE APPELLANT.**

**PRAYER:**

**THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 12.04.2018 MAY BE SET ASIDE. THE RESPONDENT DEPTT: MAY PLEASE BE DIRECTED TO REINSTATE THE APPELLANT WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.**

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant was working as Dy: DEO (M) D.I Khan with honesty and devotion.

2. That while serving in the said capacity, charge sheet along with statement of allegation was issued to the appellant in which the following charges were leveled against the appellant that,

Being DDO you unlawfully released salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 1.12.2013 to 31.10.2014 amounting to Rs.145921/- to Muhammad Younas Class-IV whose where about unknown.

The appellant submitted detail repto the charge sheet in which he clearly mentioned that neither the appellant made the pay of Muhammad Younas class-IV active nor the same was brought before the appellant by the Accountant or Budget & Accounts Officer as required under the standard operating procedure. The question of either making pay active and payment of arrear does not arise as the employee concerned never remain in office or in any of the middle School, he further contended in his reply that Middle Scholl come under domain of the appellant and no post of Chowkidar exists at Middle School. The appellant also contended in his reply that payment of arrear require sanction of competent authority i.e DEO being principal accounting officer was obligatory which was neither granted nor available on record. **(Copies of charge sheet, statement of allegations and reply to charge sheet are attached as Annexure-A,B&C)**

3. That inquiry was conducted against the appellant in which no proper chance of defence was provided to the appellant as neither the statements were recorded in the presence of the appellant nor gave him opportunity of cross examination, but despite that the appellant was held responsible by the inquiry committee. **(Copy of inquiry report is attached as Annexure-D)**
4. That show cause notice to the appellant which was duly replied by the appellant in which he once again denied the allegations. **(Copies of show cause notice and reply to show cause notice are Attached as Annexure-E&F)**
5. That on the basis of formal inquiry report, the appellant was removed from the service vide order dated 06.11.2017. **(Copy of the removal order dated 06.11.2017 is attached as Annexure-G)**
6. That the appellant filed review petition against the impugned removal order on 15.11.2017, which was not responded within the statutory period of ninety days. **(Copy of review petition is attached as Annexure-H)**
7. That against the removal order and not taking action on the review petition of the appellant, the appellant filed service appeal No. 353/2018 in this august Service Tribunal and during the pendency of service appeal, the review petition of the appellant was decided by the appellate authority/reviewable authority on 12.04.2018 in which the major penalty of removal from service was converted into major

penalty of compulsory retirement from service. **Copy of order dated 04.12.2018 is attached as Annexure-I.**

8. That as the order dated 12.04.2018 was passed during the pendency of the appeal which needed to be challenged, therefore, he filed an application before this Service Tribunal on 18.04.2018 for allowing amendment in the service appeal which was accepted on 17.05.2018 by this august Service Tribunal. **Copy of application and order sheet dated 17.05.2018 are attached as Annexure-J & K.**
9. That now the appellant wants to file the amended appeal against the order dated 12.04.2018 in this Honorable Tribunal on the following grounds amongst others.

**GROUND:**

- A) That the impugned order dated 12.04.2018 is against the law, rules, facts and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant clearly mentioned in his reply to charge sheet and show cause notice that he did not received salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 1.12.2013 to 31.10.2014 amounting to Rs.145921/- to Muhammad Younas Class-IV and all have been done by class-IV on fake and bogus sign made on behalf of the appellant as neither the appellant made the pay bill of Muhammad Younas class-IV active nor the same was brought before the appellant by the Accountant or Budget & Accounts Officer as required under the standard operating procedure. The question of either making pay active and payment of arrear does not arise as the employee concerned never remain in office or in any of the middle School, he further contended in his reply that Middle School came under domain of the appellant and no post of Chowkidar exists at Middle School. The appellant also contended in his reply that payment of arrear requires sanction of competent authority i.e DEO being principal accounting officer was obligatory which was neither granted nor available on record, which means that the appellant has made nothing relating to release of salary and arrear of Class-IV but he was punished for the fault of others.
- C) That inquiry was not conducted according to the prescribed procedure as no opportunity of defence was provided to the appellant as neither the statements were recorded in the presence of the appellant nor gave him chance of cross examination which is the violation of law and rules.
- D) That the inquiry committee in its recommendations recommend major penalty to Mr. Taus Khan Dy: DEO D.I Khan now DEO (M) Karak and Mr. Zawar Hussain Shah but the competent did not impose any penalty on Mr. Taus Khan and minor penalty of stoppage of two increments was imposed upon Mr. Zawar Hussain Shah, while major

penalty of removal from service was imposed upon the appellant which was converted into major penalty of compulsorily retirement by the appellante authority/reviewable authority on the review petition of the appellant, which means that the appellant was discriminated which is against the norms of justice.


- E) That Muhammad Younas class-IV made fake and bogus sign on behalf of the appellant and salary for the month of July 2013 and arrears was unlawfully drawn by the Muhammad Younas by fake and bogus sign even he made transfer order from Middle School to High School by fake and bogus sign, which means that the appellant was punished for the fault of others.
- F) That the appellant promptly pointed out the irregularity of Mr. Muhammad Younas Class-IV and even addressed a letter on 1.11.2014 to the Manager NBP Main Branch D.I Khan for stoppage of salary of the said official. **(Copy of letter is attached as Annexure-L)**
- G) That the inquiry was conducted against Muhammad Younas Class-IV and found that all the documents/letters of the concerned official are fake and bogus and the stamp used by him was also fake and the inquiry committee recommended disciplinary proceeding against him. The stamp paper of the Deputy Education Officer used by him in charge report is bogus and self made as he has been used in the case of the appellant. **(Copies of inquiry report and charge report are attached as Annexure-M & N)**
- H) That the appellant has been condemned unheard and has not been treated according to law and rules.
- I) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.



APPELLANT  
Rambail Khan

THROUGH:



M. ASIF YOUSAFZAI  
(ADVOCATE SUPREME COURT)



TAIMUR ALI KHAN  
ADVOCATE HIGH COURT



ASAD MAHMOOD  
(ADVOCATE HIGH COURT)

A  
T  
5

CHARGE SHEET

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, hereby charge you, Mr. Rambail Khan, Dy. District Education Officer Male BS-18 D.I.Khan as follows:-

That you, while posted as DDEO(M) D.I.Khan committed the following irregularities:

1- "Being DDO you unlawfully released salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 01-12-2013 to 31-10-2014 amounting to Rs.145921/- to Muhammad Younas Class-IV whose where about was unknown." ✓

2- By reason of the above, you appear to be guilty of corruption under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.

3- You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer/ inquiry committee, as the case may be.

4- Your written defence, if any, should reach the inquiry officer/ inquiry committee within specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5- Intimate whether you desire to be heard in person.

6- A Statement of Allegations is enclosed.

*Pervez Khattak*  
(PERVEZ KHATTAK)  
CHIEF MINISTER KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

Mr. Rambail Khan, Dy. District Education Officer Male BS-18 D.I.Khan.

ATTESTED

B (6)

DISCIPLINARY ACTION

1. Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that Mr. Rambail Khan, Dy. District Education Officer (Male) BS-18 D.I.Khan has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011

STATEMENT OF ALLEGATIONS

"Being DDO he unlawfully released salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 01-12-2013, to 31-10-2014 amounting to Rs.145921/- to Muhammad Younas Class-IV whose where about was unknown."

2- For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under Rule 10(1)(a) of the ibid Rules:

- i. Mr. Musarrat Hussain (Pcs EG BS-20)
- ii. Mr. Saif-Ul-Rahman BS-20 Principal GHS No 1 Ca
- iii. \_\_\_\_\_

3- The inquiry officer/ inquiry committee shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4- The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/ inquiry committee.

*Pervez Khattak*  
(PERVEZ KHATTAK)  
CHIEF MINISTER KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

Mr. Rambail Khan, Dy. District Education Officer Male BS-18 D.I.Khan.

ATTESTED

UNDER REGISTERED COVER

No: 662-65 /Dated DIK the 2-8 /2016

To

1. Mr. Musarrat Hussain (PCS EG BS-20) Commissioner Kohat.
2. Mr. Saifur Rehman: Principal BS,20 GHS No.1 Nowshehra Cantt.

**SUBJET : CHARGE SHEET/ STATEMENT OF ALLEGATION**

Respected Sir ,

Kindly refer to the secretary to the GOVT : of Khyber Pakhtunkhwa Peshawar. Notification No.SO(S/M) E&SED/4,17/2015/ Syed Zawar Shah HM GHS Mithapur/171 dated Peshawar the 08/08/2016.

In this regard, I beg to submit few lines for seeking justice and sympathetic consideration, please.

I have performed my duties as Deputy District Education Officer (Male) DI Khan with effect from 01/06/2014 to 11/07/2016 laboriously and honestly to the entire satisfaction of my superiors. During the period from 21/06/2014 to 22/10/2014, I have performed my duties as District Education Officer (Male) DI Khan as the Said post was remained vacant for a short period. At present I am performing my duties as Headmaster at GHS Chehkan, DI Khan w.e.f 12/07/2016.

I solemnly declare on oath that neither I made the pay of Muhammad Younas Class .IV active nor the same was brought before me by the Accountant or Budget & Accounts Officer as required under the standard operating procedure. The question of either making pay active and payment of arrear does not arise as the employee concerned never remain in office or in any of the Middle School.

As per SOP Pay of Chowkidar cannot be made active as no Post of Chowkidar exists at middle School .

**ATTESTED**



Further for payment of arrear sanction of competent authority  
i.e. DEO being Principal accounting officer was obligatory which was neither  
granted nor available on record.

Sir,

I am career oriented having strong belief on rule of law and cannot think  
of such an irregularity, Muhammad Younas Class IV himself affixed bogus  
signature of the undersigned which are totally fabricated.

The charges framed against me in haste vide above referred letter are  
factitious, baseless without ground and devoid of any material evidence, just  
to malign me and shift own responsibility on my shoulders.

It is therefore humbly prayed on the basis of facts narrated above  
the unilateral charges may please be withdrawn and I may very kindly be  
exonerated from the illegal / unlawful charges and I may be declared as  
innocent so as to relieve me from the tension imposed upon me thus  
enabling me to continue my services with peace of mind.

Sir, I would like to be heard in person.

submitted. Please.

  
( Mr. Rambail Khan )

HEADMASTER


GHS CHEHKAN (D I KHAN)

Endst : No \_\_\_\_\_

Copy of the above is forwarded for information and similar  
request to the :

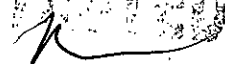
1. P/s to secretary (E/SED) Khyber Pakhtunkhwa Peshawar
2. Section Officer (Schools/ Male) (E/SED) Khyber Pakhtunkhwa Peshawar w/r to his No. and  
Dated quoted above.

3. Director (E/SED) Khyber Pakhtunkhwa Peshawar

  
( Mr. Rambail Khan )

HEADMASTER

GHS CHEHKAN (D I KHAN)

ATTACHED  


REPORT AGAINST MR. TAUS KHAN EX-DY:DEO (M) D.I.KHAN NOW DEO (M) KARAK, MR. RAMBAIL  
EX-DY:DEO (M) D.I.KHAN NOW SH/M, GHS CHEHAK D.I.KHAN, MR. ZAWAR HUSSAIN SHAH EX-DDO,  
MANDHRA KALAN NOW H/M, GHS DHARTIAN HARIPUR AND MR. ATTA MUHAMMAD EX-  
SUPDPT:DEO (M) D.I.KHAN NOW RETIRED REGARDING IRREGULAR DRAWL OF PAY IN R/O MUHAMMAD  
YOUNAS CLASS-IV.

PREAMBLE.

The competent authority has constituted the following enquiry committee vide office Notification No. SO(S/M)E&SED/4-17/2015/Syed Zawar Hussain Shah HM, GHS Mitha Pur/171 Dated 08-08-2016 to conduct formal enquiry against the following Officers for the charges mentioned in the charge sheet and statement of allegations already served upon the concerned Officers (Annex-A).

- 1- Mr. Taus Khan Ex-Dy:DEO (M) D.I.Khan now DEO (M) Karak.
- 2- Mr. Rambail Khan Ex-Dy:DEO (M) D.I.Khan now H/M, GHS Chehak D.I.Khan
- 3- Mr. Zawar Hussain Shah Ex-DDO, GHSS Mandhra Kalan now H/M, GHS Dhartian Haripur.
- 4- Mr. Atta Muhammad Ex-Supdt: DEO (M) D.I.Khan now retired.

ENQUIRY COMMITTEE

- 1- Mr. Musarrat Hussain Khan (PCS EG BS-20), Commissioner Kohat Division Kohat.
- 2- Mr. Saifur Rahman Principal (BS-20), GHS No.1 Nowshera Cantt.

ALLEGATIONS.

Being DDOs unlawfully released pay and arrears of Muhammad Younas Class-IV for various periods which caused great loss to Govt. exchequer.

TERMS OF REFERENCE OF ENQUIRY COMMITTEE.

- i- The aforesaid committee shall look into the matter, conduct formal inquiry for the charges mentioned in the charge sheet and statements of allegations already served upon the concerned Officers and submit recommendation/report to the competent authority.
- ii- In pursuance of letter No. SO(S/M)E&SED/4-17/2015/S. Zawar Hussain Shah & others/171 dated 17-02-2017, the committee clarify the present status of Muhammad Younas Class-IV.
- iii- Charge against M/S Taus Khan Ex-Dy:DEO (M) D.I.Khan and Atta Muhammad Supdt. at the Office of DEO (M) D.I.Khan be examined & report upon.
- iv- The committee should specify other staff of establishment & accounts section who was involved in the fraudulent drawl.

PROCEEDINGS. ✓

In compliance with the above referred notification of the competent authority, the enquiry committee started the proceedings accordingly. The competent authority has already served statement of allegations and charge sheets upon the above named officers (Annex-B to M). All have submitted their reports to the enquiry committee (Annex-N to Q).

To find out the actual position the enquiry committee visited Office of DEO (M) Dera Ismail Khan dated 17-10-2016. The DEO (M) D.I.Khan was requested through camp-letter No.786 dated 18-10-2016 to direct the concerned Officers/Officials to provide relevant record pertaining to the said enquiry (Annex-R). The concerned Officers/Officials were of the views that the appointment of Muhammad Younas as Chowkdar at GMS Wanda Yarak has not been processed accordingly. No entry of the said appointment order is seen in the Dispatch register of DEO (M) D.I.Khan. Photo copy of dispatch register is attached for ready reference (Annex-S&T). The concerned dispatcher also stated in black and white that the endstt No. of appointment order is fake and not recorded in the dispatch register of DEO (M) D.I.Khan (Annex-U).

The concerned Officers/Officials were directed to appear before the enquiry committee on 11-11-2016 at Commissioner Office Kohat resultantly they were appeared except Feroz Hussain Swati Ex- DEOs (M) D.I.Khan, DA D.I.Khan, S.Zawar Hussain Shah Ex-DDO of GHSS Mandhra Kalan Khan S/Clerk of the said school. Those who were appeared before the enquiry committee submitted their statements (Annex-V to A1).

**ATTESTED**

A2). They also recorded their statements (Annex-A3 to A5).

18

Findings.

The Photo copies of relevant documents provided by the above named Officers were checked thoroughly and it was observed that:-

- 1- Muhammad Younas S/o Muhammad Nawaz resident of Dahother Kacha D.I.Khan was appointed against Chowkidar post at GMS Wanda Yarak D.I.Khan by DEO (M) D.I.Khan vide endstt No.1622-27/DEO (M)/Class-IV Dated 10-04-2013 (Annex-A6). The said order was invalid for the reasons that (i) there is no Chowkidar sanctioned posts in Middle Schools and (ii) there is no entry recorded of such appointment order in the dispatch register of DEO (M) D.I.Khan as revealed from the available record and statement of dispatcher (already annexed).
- 2- Mr. Muhammad Younas Class-IV has not performed duty at GMS Wanda Yarak D.I.Khan as revealed from the written statement of Head Master, GMS Wanda Yarak (Annex-A7). There are only two class-iv sanctioned posts i.e Naib Qasid and Sweeper at GMS Wanda Yarak against which Mr. Abdur Rasheed Sweeper and Mr. Azizur Rahman NQ are working since the establishment of the school (Annex-A8).
- 3- The pay of Muhammad Younas Class-IV was not released/computerized well in time for the reason mentioned above. Source-1 for computerization of pay was submitted to DAO D.I.Khan duly signed by Mr. Taus Khan Ex-Dy:DEO (M) and countersigned by Mr. Feroz Hussain Shah Ex-DEO (M) D.I.Khan (Annex-A9). His pay was computerized for the 1st time in 07/2013 (Annex-A10).
- 4- The accused Muhammad Younas Chowkidar GMS Wanda Yarak was transferred mutually vice Mr. Zakaullah Class-IV of GHSS Mandhra Kalan D.I.Khan by DEO (M) D.I.Khan vide endstt No.840 dated 08-10-2013 (Annex-A11). The said transfer order is also invalid for the reason that (i) the signatory authority (DEO M D.I.Khan Mr. Taus Khan) has disowned the signature marked on the transfer order and (ii) the dispatch No. recorded on the said transfer order is fake and has not been recorded in dispatch register of DEO (M) D.I.Khan (Already annexed).
- 5- The DDO of GHSS Mandhra Kalan D.I.Khan Mr. Zawar Hussain Shah now Head Master, GHS Dartian Haripur has released his salary for the month of 10/2013 and 11/2013 without confirmation and issuance of LPC from the quarter concerned which is required being important accounts documents (Annex-A12). Mr. Zawar Hussain Shah Ex-DDO Mandra Kalan stated that he has signed the source documents for release of pay on the request of Feroz Khan S/Clerk of the school. However Mr. Feroz Khan S/Clerk has denied the statement of DDO Concerned.
- 6- Mr. Taus Khan Ex-DEO (M) D.I.Khan now DEO (M) Karak visited GHSS Mandhra Kalan on dated 23-04-2014 and directed the Principal concerned to immediately relieve the accused Class-IV Muhammad Younas resultantly the accused was relieved and his pay was stopped on the verbal direction of Ex-DEO (M) D.I.Khan (Annex-A-13). However no further disciplinary proceeding was initiated by the competent authority due to unknown reason.
- 7- During the course of enquiry it was observed that though the accused was relieved from his official duty on dated 23-04-2014 but even then his salary of intervening period amounting to Rs.145000/- were prepared and submitted to DAO D.I.Khan duly signed by Mr. Rambail Khan Ex-Dy:DEO (M) D.I.Khan now H/M, GHS Chehak D.I.Khan (Annex-A14 to A16). The DAO D.I.Khan passed the said arrear bill (Annex-A-17). Though it was the responsibility of accountant as well as DDO concerned to point out the irregular drawl well in time but no recovery has so far been made from the accused. They further recorded the said amount in monthly expdt statement for the month of 10/2014 (Annex-19 to A29). The accused further stated that his salary bill for the period from 01-12-2013 to 30-09-2014 was signed by Mr. Rambail Khan Ex-DDO (M) D.I.Khan. The accused further requested for adjustment and release of pay.
- 8- Apart from above mentioned facts all the concerned DDOs/Dy:Dos/DDOs except Mr. Zawar Hussain Shah Ex-DDO GHSS Mandra Kalan now Head Master, GHS Dartian Haripur have disowned the signatures marked on service documents of Muhammad Younas Class-IV Servant. No one is ready to accept the responsibility of fraudulent drawl as well as maintenance of record.
- 9- The accused class-IV Servant was heard in person. He verbally admitted that he has not performed duty at GMS Wanda Yarak for the reason that no staff member was present there. However after transfer to GHSS Mandra Kalan he has performed duty from 08-10-2013 to 23-04-2014 as revealed from attendance record of the said school (Annex-A19 to A29). The accused further stated that

salary bill for the period from 01-12-2013 to 30-09-2014 was signed by Mr.Rambail ex-DDO (M) D.I.Khan. He requested for Re-Instatement and release of pay.

- 10- The District Accounts Officer D.I.Khan provided original service and salary record of Muhammad Younas duly submitted by Ex-DDOs of DEO (M) D.I.Khan which was checked thoroughly and it was confirmed that the claim was actually signed by Mr.Rambail Khan and submitted to DAO D.I.Khan which resulted irregular drawl as mentioned in the charge sheet and statement of allegations. The DAO D.I.Khan also recorded his statement (Already annexed).
- ✓ 11- Mr.Feroz Hussain Shah Ex- DEO (M) D.I.Khan now retired stated that he has issued the appointment order of the accused Class-IV servant on the direction of Mr.Qaisar Rasheed Judge Peshawar High Court (Already annexed).
- ✓ 12- Mr.Zawar Hussain now Head Master, GHS Dartian Haripur stated in black & white that he has signed the source form of Muhammad Younas Class-IV for release of his pay.
- 13- Mr.Feroz Khan S/Clerk of GHSS Mandra Kalan stated that he has stamped the source form of Muhammad Younas Class-IV prior to sign of DDO Concerned (Already annexed).

It is worth mentioning to state that three enquiries have already been conducted against the above named class-IV Servant (Annex-A30 to A33). All the three enquiry committees have declared the 1st appointment order and transfer order as fake and bogus. Though his appointment order was issued under 25 percent reserved quota for the children of class-IV servants as his father was retired from service. However no record was found at DEO (M) D.I.Khan.

During the course of enquiry, it was observed that supporting staff of establishment section and accounts section are fully involved in such fraudulent drawl. Disciplinary proceedings are required to be initiated against them under E&D Rules, 2011. However now they are trying to save their skin from any drastic action.

The Charges have been proved against Mr.Rambail Khan Ex-Dy:DO (M) D.I.Khan now H/M GHS Chehak, Mr.Taus Khan Ex-Dy:DO (M) D.I.Khan now DEO (M) Karak and Mr.Zawar Hussain Shah Ex-DDO GHSS Mandhra Kalan now H/M, GHS Dartian Haripur. Mr.Feroz Hussain Shah Ex-DEO (M) D.I.Khan and Mr.Atta Muhammad have already been retired from service. It is further added that no involvement of Atta Muhammad Ex-Supdt: has been proved.

#### RECOMMENDATIONS.

In the light of above mentioned facts and documentary proof on record, the charges have been proved against the above named Officers. It is therefore recommended that:-

- 1- Major Penalty may be imposed upon Mr.Rambail Khan now H/M, GHS Chehak D.I.Khan, Mr.Taus Khan now DEO (M) Karak and Mr.Zawar Hussain Shah now H/M, GHS Dartian Haripur under E&D Rules, 2011.
- 2- Major Penalty of Dismissal may be imposed upon Muhammad Younas Class-IV under E&D Rules, 2011. The salary of absence period drawn fraudulently may be recovered and deposit into Govt treasury without further loss of time.
- 3- Disciplinary proceedings may be initiated against Mr.Muhammad Aftab J/Clerk, Tariq Aziz S/Clerk, Muhammad Arshad J/Clerk and Feroz Khan S/Clerk of E&SE Deptt; D.I.Khan for their involvement in fraudulent drawl.

(MR.MUSARRAT HUSSAIN KHAN)  
(PCS EG BS-20), Commissioner Kohat Division  
Enquiry Officer.

(MR.SAIFUR RAHMAN)  
Principal BS-20./Enquiry Officer  
GHS No.1 Nowshera Cantt.

ATTESTED

REGISTERED

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

E (12)

No.SO(SM) E&SED/4-17/2015/Syed Zawar Hussain Shah & Others/171  
Dated Peshawar the July, 07, 2017

To

✓ Mr. Rambail Khan, Ex-Dy. DFO(M) D.I.Khan,  
(now Headmaster BS-17 GHS Chehak D.I.Khan).

Subject:- SHOW CAUSE NOTICE.

I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice wherein the Competent Authority (Chief Minister Khyber Pakhtunkhwa) has tentatively decided to impose upon you the major penalty of "Removal from service" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

2. You are therefore directed to furnish your reply to the Show Cause Notice as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

3. Your reply should reach this Department within Seven (07) days of the delivery of this letter otherwise ex-parte action shall be taken against you.

Encl: As Above:

(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

1. Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), D.I.Khan with the direction to ensure delivery of show cause notice to the accused.
4. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (SCHOOLS MALE)

REGISTERED

SHOW CAUSE NOTICE

13

I, Pervez Khattak, Chief Minister Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Rambail Khan Ex-Dy. DEO(M) D.I.Khan (now Headmaster BS-17 GHS Chehak D.I.Khan), as follows:-

- (i) that consequent upon the completion of inquiry conducted against you by the inquiry committee for which you were given opportunity of hearing vide communication No.10380/EA/Cmr.Kt dated 18.11.2016, and
- (ii) on going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your written defence before the inquiry committee;

I am satisfied that you have committed the following acts/omissions specified in rule-3 of the said rules:

- (a) Guilty of inefficiency.
- (c) Guilty of corruption.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Removal from Service under rule 4 of the said rules.

3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the inquiry officer is enclosed.

(PERVEZ KHATTAK)  
CHIEF MINISTER KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

Mr. Rambail Khan Ex-Dy. DEO(M) D.I.Khan,  
(now Headmaster BS-17 GHS Chehak D.I.Khan)

ATTACHED

No. 792

Dated. 21/7 /2017

F (15)

From,

Rambail Khan, Ex-Dy:DEO,  
Office of DEO(M) DIKhan  
Now Head Master, (BS-17) GHS. Chahkan DIKhan.

To,

Mujeeb-ur-Rehman.  
Section Officer Schools (Male)  
E&SED, Khyber Pakhtunkhwa, Peshawar.

Subject:

SHOW CAUSE NOTICE.

Kindly refer to your No. SO(SM) E&SED/4-17/2015, Syed Zawar Hussain Shan and others/171; Dated 07.07.2017 addressed to the undersigned regarding Serve Show Cause \notice in connection with un-law ful release of pay in r/o Mr. Muhammad Younis Class-IV.

1. In this context brief history of the Case has already been elucidated to the enquiry committee on the spot and necessary affidavit and the relevant papers of enquiry report of enquiry committee dated 06.01.2015 constituted by DEO (Male) DIKhan (copy attached).
2. In the light of Departmental Enquiry Committee, the brief History of the case was submitted to the then Enquiry Officer Mr. Muhammad Iftikhar Ahmad Shamoza Asstt: Director Sports Directorate of E&SE, KPK, Peshawar vide No. 15315 dated 17.08.2016. The 73 pages report which were self explanatory. (Copy attached).
3. Previously the enquiry report against fraudulent drawl of Rs. 145000/- in r/o Muhammad Younis, Class-IV was already conducted by the enquiry Committee consisting on Mr. Qamar-uz-Zaman, Principal, GHS. Paroa (DIKhan) and Mr. Jamal Ahmad Mirza, Head Master, GHS. Behari Colony DIKhan, which was constituted by DEO (M) DIKhan No. 21766-21767/DEO(M) B&AO dated 10.11.2014, which is self explanatory and all the relevant reports were attached with the enquiry report (Copies attached).
- ✓ 4. All the amount in question has been recovered from the Class-IV concerned.
5. The said Class-IV was not appointed under any signature and his 1<sup>st</sup> Source form was not presented in DAO, DIKhan for feeding through myself. Moreover his Service Book was also not signed by me.

2

6. I was not involved in that malpractice. All the process about his drawl was made with the collusion of some one either in the office or outsider just to defame my dignity.
7. The all process was made on surmise basis just to safe some one.
8. It is irony of fat that I have already illegally punished by degrading my scale from BPS-18 to BPS-17.
9. Now I have again involved and indict in the insignificant and repugnant case as rotated on conjecture basis as prejudicially. There is no proper tangible documents against me. The case was prepared against me as malafide and not based on facts. I have presented submitted the reply to Mr. Mussarat Hussain, Commissioner Kohat and Mr. Saifur Rehman, Principal GHS. No.1 Nowshera in the light of notification No. SO(S/M) E&SED/4-17/2015/ S.Zawar Hussain Shah, Head Master, GHS. Mithapur/171 dt: 08.08.2016 alongwith relevant document which was self explanatory and comprehense. In which, I solemnly declared on oath that neither the pay of Mr. Muhammad Younis, Class-IV was drawn under my signature and no file in this regard was put up to me by the Account Branch of the office. The said Class-IV was illegally transferred from GHS. Mandhran Kalan to GMS. Wanda Yarik, where no post of Chowkidar was exist.
10. It was a insignificant and devoid charges against me which was intentionally speared and dragged just to defame my dignity being a direct selected on Management cadre.
11. Previously, I have faced great loss and reverted from the post of Dy: DEO(M) DIKhan (BPS-18) to the Head Master, GHS. Chahkan (BPS-17).
12. Sir, it was not understood that there was no irregularity and embezzlement was made, then why an ex-party drastic action is being taken against me.
13. I have already submitted the enquiry report of Mr. Qamar-uz-Zaman, Principal, GHS. Paroa and Mr. Jama! Ahmad Mirza, Head Master GHS. Behari Colony DIKhan dated 06.01.2015 ( office Dy: No. 258 dated 10.01.2015 and the brief History of the case submitted vide DEO (M) DIKhan No. 15315 dated 17.08.2016 (copies attached).

17/08/2016



(10)

14. Simultaneously, the reply of questionnaire which was submitted to Mr. Hassam-ul-Haq, Principal GHS. No. 3 Kohat dated 12.08.2015 and the current reply in this regard submitted vide No.662-6 dated 23.08.2016 referred to above are attached for your kind perusal please.

15. All the allegation based on prejudicially and inequitable the one sided report was prepared on the basis of conjecture just to safe some one from these self maded allegations.

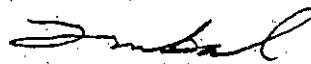
16. I am totally innocent and not involved with any serious irregularities hence not calling for the action regarding to impose Major penalty under Rule-04. I have rendered 30-years meritorious service in Education Deptt: . The inequitable one-sided action taken against me will take on my future career in Service/life and great financial loss.

17. I have already submitted all the relevant inquiry report, made by me from time to time along with relevant documents to your good self.

As all the irregularities/iilegal process were made by the then DEO(M) DIKhan, or by some one, hence it is requested that my case may please be reviewed and I may be exonerated from this critical situation and to avoid mental torture.

It is also stated that I would like to appear in person before the competent authority for my defence, as & when called for the purpose. I hope that my genuine report will be given sympathetic consideration please.

Yours Obediently,



(RAMBAIL KHAN)  
Head Master, GHS. Chahkan  
Dera Ismail Khan

ATTACHED

REGISTERED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the November 06, 2017

NOTIFICATION

NO.SO(SM)E&SED/4-17/2015/Syed Zawar Hussain Shah & Others/171:---

WHEREAS Mr. Rambail Khan, Ex-Dy.DEO(M) D.I.Khan (now Headmaster BS-17 GHS Chehkan D.I.Khan) was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. AND WHEREAS Inquiry Committee comprising the following officers was constituted to conduct formal inquiry against the accused for the charges leveled against him in accordance with rules.

- i. Mr. Musarrat Hussain (PCS EG BS-20) Commissioner Kohat.
- ii. Mr. Saif-ur-Rahman Principal (BS-20) GHS No.1 Nowshera Cantt.

3. AND WHEREAS the Inquiry Committee after having examined the charges, evidences on record and explanation of the accused has submitted the report.

4. AND WHEREAS a show cause notice was served upon him on 07.07.2017.

5. AND WHEREAS the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and report of the Inquiry Committee is of the view that charges against the accused have been proved.

6. NOW, THEREFORE, in exercise of the powers conferred under Section-14 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose major penalty of "Removal from Service" upon Mr. Rambail Khan, Ex-Dy.DEO(M) D.I.Khan (now Headmaster BS-17 GHS Chehkan D.I.Khan) with immediate effect.

Endst: of Even No. & Date:

Copy forwarded to the: -

- 1- Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
- 2- District Education Officer (Male), D.I.Khan.
- 3- District Accounts Officer, D.I.Khan.
- 4- PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
- 5- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 6- Mr. Rambail Khan, Ex-Dy.DEO(M) D.I.Khan (now Headmaster GHS Chehkan D.I.Khan).
- 7- Office order file.

SECRETARY

1234  
7/11/17  
2/02

(MUJEEB-UR-RAHMAN)  
SECTION OFFICER (SCHOOLS MALE)

ATTENDED

Annexure-C&D

4. That show cause notice to the appellant which was duly replied by the appellant in which he once again denied the allegations. (Copies of show cause notice and reply to show cause notice are attached as Annexure-C&D)

3. That no regular inquiry was conducted against the appellant in which no proper chance of defence was provided to the appellant as neither the statements were recorded in the presence of the appellant nor gave him opportunity of cross examination but despite that the appellant was held responsible by the inquiry committee.

The appellant submitted detail reply to the charge sheet in which he clearly mentioned that neither the appellant made the pay of Muhammad Younas class-IV active nor the same was brought before the appellant by the Accountant or Budget & Accounts Officer as required under the standard operating procedure. The question of either making pay active and payment of arrears does not arise as the employee concerned never remain in office or in any of the middle school, he further contended in his reply that Middle School come under domain of the appellant and no post of Chowkidar exists at Middle School. The appellant also contended in his reply that payment of arrears require sanction of competent authority i.e DFO being principal accounting officer was obligatory which was neither granted nor available on record. (Copies of charge sheet and reply to charge sheet are attached as Annexure-A&B)

ps  
cut up  
on file  
H  
29

Being DDO you unlawfully released salary for the month of July 2013 amounting to Rs. 13201/- and arrears for the period from 1.12.2013 to 31.10.2014 amounting to Rs. 145921/- to Muhammad Younas Class-IV whose where about unknown.

- 1. That the appellant was working as Dy: DEO (M) D.I Khan with honesty and devotion.
- 2. That while serving in the said capacity, charge sheet along with statement of allegation was issued to the appellant in which the following charges were leveled against the appellant that,

Respected Sir,

SUBJECT: REVIEW PETITION AGAINST THE ORDER DATED 06.11.2017, WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE.

The Worthy Chief Minister,  
Khyber Pakhtunkhwa Peshawar.

15/11/17  
Sd/-  
H (13)

5. That on the basis of formal inquiry report, the appellant was removed from the service vide order dated 06.11.2017. (Copy of the removal order dated 06.11.2017 is attached as Annexure-E)
6. That now the appellant wants to file the review petition against the order dated 06.11.2017 on the following grounds.

**GROUND:**

- A) That the impugned order dated 06.11.2017 is against the law, rules, facts and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant clearly mentioned in his reply to charge sheet and show cause notice that he did not receive salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 1.12.2013 to 31.10.2014 amounting to Rs.145921/- to Muhammad Younas Class-IV and all have been done by class-IV on fake and bogus sign made on behalf of the appellant as neither the appellant made the pay bill of Muhammad Younas class-IV active nor the same was brought before the appellant by the Accountant or Budget & Accounts Officer as required under the standard operating procedure. The question of either making pay active and payment of arrear does not arise as the employee concerned never remain in office or in any of the middle School, he further contended in his reply that Middle School came under domain of the appellant and no post of Chowkidar exists at Middle School. The appellant also contended in his reply that payment of arrear requires sanction of competent authority i.e DEO being principal accounting officer was obligatory which was neither granted nor available on record, which means that the appellant has made nothing relating to release of salary and arrear of Class-IV but he was punished for the fault of others.
- C) That inquiry was not conducted according to the prescribed procedure as no opportunity of defence was provided to the appellant as neither the statements were recorded in the presence of the appellant nor gave him chance of cross examination which is the violation of law and rules.
- D) That the inquiry committee in its recommendations recommend major penalty to Mr. Taus Khan Dy: DEO D.I Khan now DEO (M) Karak and Mr. Zawar Hussain Shah but the competent did not impose any penalty on Mr. Taus Khan and minor penalty of stoppage of two increments was imposed upon Mr. Zawar Hussain Shah, while major penalty of removal from service was imposed upon the appellant which means that the appellant was discriminated which is against the norms of justice.
- E) That Muhammad Younas class-IV made fake and bogus sign on behalf of the appellant and salary for the month of July 2013 and

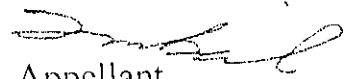
ATTACHED

arrears was unlawfully drawn by the Mr. Muhammad Younas by fake and bogus sign even he made transfer order from Middle School to High School by fake and bogus sign, which means that the appellatant was punished for the fault of others.

- F) That the appellatant promptly pointed out the irregularity of Mr. Muhammad Younas Class-IV and even addressed a letter to the Manager NBP Main Branch D.I.Khan for stoppage of salary of the said official. In addition to this letter was also addressed for inactivation of pay to D.A.O D.I.Khan **(copy of the letter is attached as annexure-F)**.
- G) That the inquiry was conducted against Muhammad Younas Class-IV and found that all the documents/letters of the concerned official are fake and bogus and the stamp used by him was also fake and the inquiry committee recommended disciplinary proceeding against him. The Stamp of Deputy Education officer used by him in charge report is also bogus and self-made as has been used in the case of the appellatant **(Copy at Annex- C & H)**
- H) That the appellatant has been condemned unheard and has not been treated according to law and rules.
- I) That the appellatant has more than 30 years of service and penalty of removal from service is very harsh which is against norm of justice.

It is therefore, most humbly requested that on acceptance of this review petition the impugned order dated 06.11.2017 may be set aside and reinstate the appellatant with all back and consequential benefits.

Dated 15/11/017

  
Appellant  
Rambail Khan,  
Ex-Dy: DEO (M)  
Head Master, (BPS-17),  
GHS, Chehkan.

ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

I (21)

Dated Peshawar the April 12, 2018



**NOTIFICATION**

**NO.SO(SM)E&SED/4-17/2015/Syed Zawar Hussain Shah & Others/171:**

**WHEREAS** Mr. Rambail Khan Ex-Dy.DEO(M) D.I.Khan (now Headmaster BS-17 GHS Chehkan D.I.Khan) was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. **AND WHEREAS** the inquiry committee comprising M/S Musarrat Hussain (PCS EG BS-20) Commissioner Kohat and Saif ur Rehman Principal BS-20 GHS No.1 Nowshera Cantt was constituted to conduct formal inquiry against the accused officer for the charges levelled against him in accordance with rules.

3. **AND WHEREAS** the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, inquiry report, explanation of the accused officer in response to the show cause notice and personal hearing granted to him by the Secretary Establishment Department on behalf of the Chief Minister Khyber Pakhtunkhwa on 16.10.2017 is of the view that the charges against the accused officer have been proved.

4. **AND WHEREAS** the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) in exercise of the powers conferred under Section-14 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 imposed major penalty of "**Removal from service**" upon the accused vide Notification dated 06.11.2017.

5. **AND WHEREAS** the accused submitted a review petition before the Competent Authority against his penalty.

6. **NOW, THEREFORE**, in exercise of the powers conferred under Section-17 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) upon review of the case is pleased to convert the major penalty of "**Removal from service**" imposed upon Mr. Rambail Khan Ex-Dy.DEO(M) D.I.Khan (now Headmaster BS-17 GHS Chehkan D.I.Khan) to major penalty of "**Compulsory retirement from service**".

SECRETARY

**Endst: of even No. & Date**

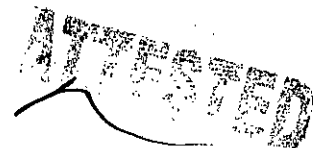
Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Male), D.I.Khan.
5. District Accounts Officer D.I.Khan.
6. Mr. Rambail Khan Ex-Dy.DEO(M) D.I.Khan (now Headmaster BS-17 GHS Chehkan D.I.Khan).
7. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
8. PS to Secretary Establishment Department, Peshawar.
9. PS to Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
10. Incharge EMIS E&SE Department.
11. Office order file.



(ANEELA FARIM)

SECTION OFFICER (SCHOOLS MALE)



Service Appeal No. 353/2018

Rambil Khan

V/S Education Department etc

.....

**APPLICATION FOR ALLOWING AMENDMENT IN  
APPEAL DUE TO PASSING OF APPELLATE ORDER  
DATED 12.04.2018 DURING THE PENDENCY OF  
THE INSTANT APPEAL.**

.....

**RESPECTFULLY SHEWETH:**

1. That the instant appeal has been filed against the order dated 6.11.2017 whereby the appellant was removed from service and against not taking action on the review petition of the appellant in this Honorable Tribunal.
2. That the appeal is in reply stage and the next date fixed for reply 17.05.2018.
3. That the review petition of the appellant was not responded within statutory period of 90 days and now the competent authority decide the review of the petition on 12.04.2018 whereby the penalty of removal from service was converted into penalty of compulsory retirement from service. **Copy of the order dated 12.04.2018 is attached as Annexure-A.**
4. That as the appellate order was also passed by the competent authority on 12.04.2018 which needs to be challenged alongwith order dated 06.11.2017 therefore the appellant wants to amend the instant appeal by challenging the appellate order dated 12.04.2018.

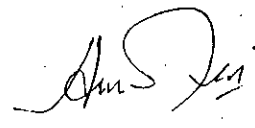
It is, therefore, most humbly prayed that on acceptance of this application the instant appeal may be requisitioned for today and the appellant may be allowed to amend the instant appeal by including the appellate order dated 12.04.2018 in prayer. Any other remedy which this august Tribunal deems appropriate that may also be awarded in favour of the appellant.

**ATTESTED**  
*[Signature]*

23

APPELLANT

THROUGH:



(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT



(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT.

AFFIDAVIT

It is solemnly affirm that the contents of application are true and correct.

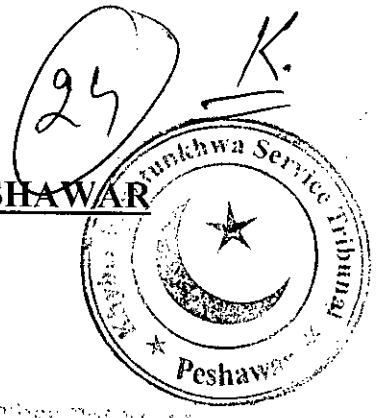
Javed Muhammad  
Advocate High Court  
Oath Commissioner  
Distt. Court Peshawar

18/4/2018

ATTESTED



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**



APPEAL NO. 353 /2018

Rambail Khan, Ex-Dy: DEO,  
D.I.Khan.

362  
Date 09/3/2018  
(Appellant)

**VERSUS**

1. The Government of KPK, through Chief Secretary KPK, Civil Secretariat, Peshawar.
2. The Chief Secretary KPK, Civil Secretariat, Peshawar.
3. The Secretary (E&SE), KPK, Peshawar
4. The Director of Education (E&SE), KPK, Peshawar

(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 06.11.2017 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE AND AGAINST NOT TAKING ACTION ON THE REVIEW WITHIN THE STAPULATED PERIOD OF NINETY DAYS.

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**PRAYER:**

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 06.11.2017 MAY BE SET ASIDE. THE RESPONDENT DEPTT: MAY PLEASE BE DIRECTED TO REINSTATE THE APPELLANT WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

9/3/18

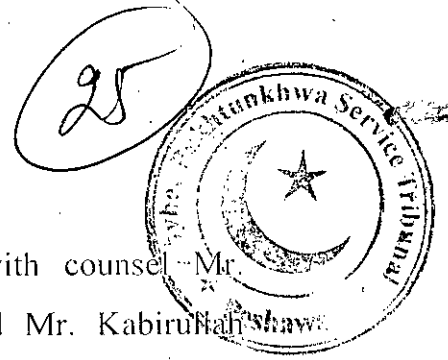
**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant was working as Dy: DEO. (M) D.I Khan with honesty and devotion.

17.05.2018

Appellant Rambail Khan alongwith counsel Mr. Taimur Khan, Advocate present and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

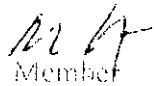


Today the case was fixed for submission of written reply/comments by the respondents but at the very outset of hearing, the learned counsel for the appellant intended that during pendency of this appeal, the departmental appeal of the appellant has been decided by the Authority whereby his removal from service was converted into compulsory retirement and the appellant wants to amend this appeal. Request is accepted. To come up for submission of amended memo of appeal on 09.07.2018 before S.B.

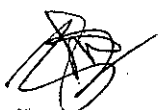
  
Chairman

09.07.2018

Appellant alongwith his counsel and Mr. Sardar Shoukat Hayat, Addl. AG for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 9.08.2018 before S.B.

  
Member

**ATTESTED**

  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar



ED  
26

THROUGH REGISTERED  
**DISTRICT EDUCATION OFFICER, (MALE)**  
**DERA ISMAIL KHAN**


No. 21383 /  
To,

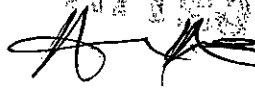
Dated D.I.Khan the 1/11/2014

The Manager,  
NBP, MAIN BRANCH (230327)  
D.I.KHAN

Subject:- STOPPAGE OF PAY  
Memo:

You are requested to please stop the payment of  
monthly salary of MUHAMMAD YOUNIS Designation NAIB SASID  
Personal No. 00702340 teacher drawing salary from your Bank  
A/C No. 4813-9. Your cooperation in this regard will highly  
be appreciated.

  
DY: DISTRICT EDUCATION OFFICER,  
(MALE) D.I.KHAN  
District Education Officer  
(Male) D.I.Khan

  
ATTESTED

PAYROLL SYSTEM  
 AMENDMENT FORM  
 SINGLE EMPLOYEE ENTRY

(23)

FORM PAYOL

Date \_\_\_\_\_

Page No \_\_\_\_\_

OFFICE OF THE \_\_\_\_\_ BY: DEOCMA) D.Khan  
 FOR THE MONTH OF \_\_\_\_\_ 11 2014

DDO Code D17059 Description \_\_\_\_\_  
 (Cost Center)

Personnel Number 00702340 Employee Name Muhammad Yousif  
GHS. NO STATION

National Card Number \_\_\_\_\_  
 Salary Status  Start  Stop

Grade (Pay Scale Group)   

Info Type	GENERAL DATA CHANGE		CHANGE IN PAYMENTS / DEDUCTIONS						Effective Date	Remarks
	Field ID	New Contents	Wage Type	Amount			Adj			
				Rupees	Paisa					
				Pay	in	Active			01-11-2014	Due To Employee (Letter attached)

D.Khan  
 District Education Officer

Prepared By \_\_\_\_\_

Attended/Checked By (Sd/-) D.K. Khan

Entered/Verified By \_\_\_\_\_



DISTRICT EDUCATION OFFICER (MALE),  
DERA ISMAIL KHAN

Tel. 0966-9280131  
e mail: emisdikhan@yahoo.com

~~23~~  
M  
28

21766-21767

No. \_\_\_\_\_/DEO(M)B&AO

Dated DIKhan the 10/11 2014.

To.

- 1) Mr. Qamar Zaman, (Chairman)  
Principal, GHS Prova, DIKhan.
- 2) Mr. Jamal Ahmad Mirza, (Member)  
Headmaster, GHS Behari Colony,  
DIKhan.

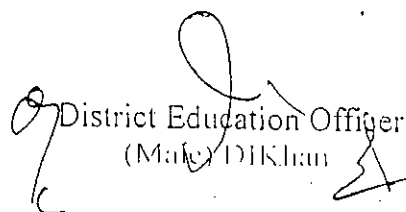
Subject: ENQUIRY

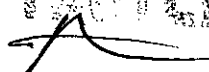
You are hereby nominated to conduct an enquiry against fraudulent drawl of Rs.145,000/- on the part of one Mr. Muhammad Younis Class-IV Servant and submit your findings within 15 days for further necessary action under the relevant rules.

The Enquiry Committee is required to thrash out the following aspects:

- 1- ✓ To verify his first appointment order.
- 2- ✓ To verify charge report dated 10-04-2014 having alleged fake signature of DDO & official stamp.
- 3- ✓ When pointed out such irregularities he gets the DDO code changed from Middle to High (GHSS Mandhra Kalan) while no LPC etc has been issued by the DDO of Middle section.
- 4- ✓ The Ex-DDO Middle has stopped his pay but the present DDO has released his pay and he has drawn Rs.145,000/- fraudulently.

*For any assistance the committee may contact Account Branch of this office.*

  
District Education Officer  
(Male) DIKhan

ATTESTED  


The DEO(Male)

E&SE DIKhan

Subject: Enquiry

Memo,

Reference enquiry No 21766-67 of dated 10/11/2014 was assigned to the under signed. A detailed inquiry was held and findings of the inquiry are hereby submitted in your worthy respect.

1. Appointment order No 1622-29 of dated 10/04/2013 does not exist in the despatch register.
2. Charge report of 10/04/2013 shows a fake stamp with designation of Dy: Education officer Dera Ismail Khan. This post even does not exist at all.
3. Ex- DDO GHSS Mandran Kalan Mr. Zawar Hussain Shah activated the monthly salary of Muhammad Younis without any LPC. The detailed statements of the clerks in GHSS Mandran Kalan is annexed.(Annexure A,B)
4. Statement submitted by the accountant Mr. Muhammad Aftab Dy:DEO Mr. Rambail Khan declared that they have not been involved in the activation of salary of Muhammad Younis or his arrears. DDEO declared that he had not issued pay release order in respect of M. Younis class-iv.(Annexure C,D).
5. Muhammad Younis stated in his on-oath statement that he appeared before the present DDEO for activation of pay and arrears but Dy:DEO directed that pay activation is responsibility of the office. Muhammad Younis in his statement declared that he sought the help of M.Hashim (his relative) for activation of pay. In this regard Mohammad Arshad J/C DEO(F) DIKhan fully facilitated M.Hashim to release the salary.(Annexure E)

Conclusion:-

All the relevant letters of Muhammad Younis class-iv are fake and bogus. The department has nothing to do with the letters.

The stamp used throughout the pay activation process is fake.

Decision:-

1. Muhammad Younis be directed to deposit Rs 145921/- in the exchequer and be warned in future.
2. Department should initiate an inquiry against the two Government employees as pointed out by the statement of Muhammad Younis class-iv.
3. Pay active source form and arrears bill had been passed by the District Accounts office DIKhan under wrong designation shown in the stamp.(Annexure F,G,H) The concerned DAO staff DIKhan must be warned to be conscious in all aspects while passing/ feeding the bills of the Government servants.

Qamar uz Zaman

Principal

GHS Parova DIKhan

Jamal Ahmad Mirza

Head Master

Behan Colony DIKhan

Office of the Dy: DEO (F)  
DIKhan  
Date: 25.01.2015  
258

ATTESTED

OFFICER N  
30  
ALE

# چارج رپورٹ

میں سی ڈی ایچ کے چارج میں رہا ہے۔

تہ جو کہ آج مورخہ 10/4/2013 قبل بعد از دوپہر بموجب حکم نمبری 1622-27

آمدہ از دفتر 1622-27

تبدیل ہوا ہے۔ گورنمنٹ کالج کراچی میں۔

گورنمنٹ کالج کراچی میں۔

مورخہ 10/4/2013

No other receipt  
Dera Ismail Khan

چارج گرنڈہ

TA

Deputy Education Officer  
Dera Ismail Khan

چارج دھندہ

Sd/-  
District Education Officer (Male)  
Dera Ismail Khan

No. 1622-27 DEO(M)/Class-IV Dated DIKhan the 10/4/2013

- Copy to:
1. The Deputy Commissioner, DIKhan.
  2. The Deputy District Education Officer (Male), Dera Ismail Khan.
  3. The District Comptroller of Accounts, Dera Ismail Khan.
  4. Official Concerned.
  5. Office File.

ATTESTED

District Education Officer

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

Appeal No. 353 /2018

Rambail Khan

V/S

Education Deptt:

.....

**INDEX**

No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-04
2.	Copy of charge sheet	A	05
3.	Copy statement of allegation	B	06
4.	Copy of reply to charge sheet	C	07-08
5.	Copy of inquiry report	D	09-11
6.	Copy of show cause notice	E	12-13
7.	Copy reply to show cause notice	F	14-16
8.	Copy of removal order	G	17
9.	Copy of review petition	H	18-20
10.	Copy of letter	I	21-22
11.	Copy of inquiry report	J	23-24
12.	Copy of charge sheet	K	25
13.	Wakalat nama	-----	26

*Rambail Khan*  
APPELLANT

THROUGH:

*M. Asif Yousafzai*  
(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT

*Taimur Ali Khan*  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT

&  
ASAD MAHMOOD  
(ADVOCATE HIGH COURT)



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 353 /2018

Rambail Khan, Ex-Dy: DEO,  
D.I.Khan.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 362

Dated 09/3/2018

(Appellant)

**VERSUS**

1. The Government of KPK, through Chief Secretary KPK, Civil Secretariat, Peshawar.
2. The Chief Secretary KPK, Civil Secretariat, Peshawar.
3. The Secretary (E&SE), KPK, Peshawar
4. The Director of Education (E&SE), KPK, Peshawar

(Respondents)

-----  
APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 06.11.2017 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE AND AGAINST NOT TAKING ACTION ON THE REVIEW WITHIN THE STAPULATED PERIOD OF NINETY DAYS.

**PRAYER:**

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 06.11.2017 MAY BE SET ASIDE. THE RESPONDENT DEPTT: MAY PLEASE BE DIRECTED TO REINSTATE THE APPELLANT WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Filed to-day  
Registrar  
9/3/18

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant was working as Dy: DEO (M) D.I Khan with honesty and devotion.

2. That while serving in the said capacity, charge sheet along with statement of allegation was issued to the appellant in which the following charges were leveled against the appellant that,

Being DDO you unlawfully released salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 1.12.2013 to 31.10.2014 amounting to Rs.145921/- to Muhammad Younas Class-IV whose where about unknown.

The appellant submitted detail repto the charge sheet in which he clearly mentioned that neither the appellant made the pay of Muhammad Younas class-IV active nor the same was brought before the appellant by the Accountant or Budget & Accounts Officer as required under the standard operating procedure. The question of either making pay active and payment of arrear does not arise as the employee concerned never remain in office or in any of the middle School, he further contended in his reply that Middle Scholl come under domain of the appellant and no post of Chowkidar exists at Middle School. The appellant also contended in his reply that payment of arrear require sanction of competent authority i.e DEO being principal accounting officer was obligatory which was neither granted nor available on record. **(Copies of charge, statment of allegations and reply to charge sheet are attached as Annexure-A,B&C)**

3. That inquiry was conducted against the appellant in which no proper chance of defence was provided to the appellant as neither the statements were recorded in the presence of the appellant nor gave him opportunity of cross examination, but despite that the appellant was held responsible by the inquiry committee. **(Copy of inquiry report is attached as Annexure-D)**
4. That show cause notice to the appellant which was duly replied by the appellant in which he once again denied the allegations. **(Copies of show cause notice and reply to show cause notice are Attached as Annexure-E&F)**
5. That on the basis of formal inquiry report, the appellant was removed from the service vide order dated 06.11.2017. **(Copy of the removal order dated 06.11.2017 is attached as Annexure-G)**
6. That the appellant filed review petition against the impugned removal order on 29.11.2017, which was not responded within the statutory period of ninety days. **(Copy of review petition is attached as Annexure-H)**
7. That now the appellant wants to file the review petition against the order dated 06.11.2017 on the following grounds.

#### **GROUND:**

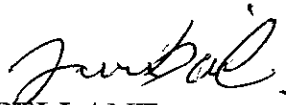
- A) That the impugned order dated 06.11.2017 and not taking action on teh review petition are against the law, rules, facts and material on record, therefore not tenable and liable to be set aside.



- B) That the appellant clearly mentioned in his reply to charge sheet and show cause notice that he did not released salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 1.12.2013 to 31.10.2014 amounting to Rs.145921/- to Muhammad Younas Class-IV and all have been done by class-IV on fake and bogus sign made on behalf of the appellant as neither the appellant made the pay bill of Muhammad Younas class-IV active nor the same was brought before the appellant by the Accountant or Budget & Accounts Officer as required under the standard operating procedure. The question of either making pay active and payment of arrear does not arise as the employee concerned never remain in office or in any of the middle School, he further contended in his reply that Middle Scholl came under domain of the appellant and no post of Chowkidar exists at Middle School. The appellant also contended in his reply that payment of arrear requires sanction of competent authority i.e DEO being principal accounting officer was obligatory which was neither granted nor available on record, which means that the appellant has made nothing relating to release of salary and arrear of Class-IV but he was punished for the fault of others.
- C) That inquiry was not conducted according to the prescribed procedure as no opportunity of defence was provided to the appellant as neither the statements were recorded in the presence of the appellant nor gave him chance of cross examination which is the violation of law and rules.
- D) That the inquiry committee in its recommendations recommend major penalty to Mr. Taus Khan Dy: DEO D.I Khan now DEO (M) Karak and Mr. Zawar Hussain Shah but the competent did not impose any penalty on Mr. Taus Khan and minor penalty of stoppage of two increments was imposed upon Mr. Zawar Hussain Shah, while major penalty of removal from service was imposed upon the appellant which means that the appellant was discriminated which is against the norms of justice.
- E) That Muhammad Younas class-IV made fake and bogus sign on behalf of the appellant and salary for the month of July 2013 and arrears was unlawfully drawn by the Muhammad Younas by fake and bogus sign even he made transfer order from Middle School to High School by fake and bogus sign, which means that the appellant was punished for the fault of others.
- F) That the appellant promptly pointed out the irregularity of Mr. Muhammad Younas Class-IV and even addressed a letter on 1.11.2014 to the Manager NBP Main Branch D.I Khan for stoppage of salary of the said official. **(Copy of letter is attached as Annexure-I)**
- G) That the inquiry was conducted against Muhammad Younas Class-IV and found that all the documents/letters of the concerned official are fake and bogus and the stamp used by him was also fake and the inquiry committee recommended disciplinary proceeding against him.

The stamp paper of the Deputy Education Officer used by him in charge report is bogus and self made as he has been used in the case of the appellant. **(Copies of inquiry report and charge report are attached as Annexure-J&K)**

- H) That the appellant has been condemned unheard and has not been treated according to law and rules.
- I) That the appellant has more than 30 years of service and penalty of removal from service is very harsh which is against norm of justice.
- J) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

  
APPELLANT  
Rambail Khan

THROUGH:   
M. ASIF YOUSAFZAI  
(ADVOCATE SUPREME COURT)  
  
TAIMUR ALI KHAN  
ADVOCATE HIGH COURT  
&  
ASAD MAHMOOD  
(ADVOCATE HIGH COURT)

A  
⑤

CHARGE SHEET

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, hereby charge you, Mr. Rambail Khan, Dy. District Education Officer Male BS-18 D.I.Khan as follows:-

That you, while posted as DDEO(M) D.I.Khan committed the following irregularities:

"Being DDO you unlawfully released salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 01-12-2013 to 31-10-2014 amounting to Rs.145921/- to Muhammad Younas Class-IV whose where about was unknown."

2- By reason of the above, you appear to be guilty of corruption under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.

3- You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer/ inquiry committee, as the case may be.

4- Your written defence, if any, should reach the inquiry officer/ inquiry committee within specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5- Intimate whether you desire to be heard in person.

6- A Statement of Allegations is enclosed.

*Pervez Khattak*  
(PERVEZ KHATTAK)  
CHIEF MINISTER KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

Mr. Rambail Khan, Dy. District Education Officer Male BS-18 D.I.Khan.

*Attested*  
**ATTESTED**

B (6)

DISCIPLINARY ACTION

1. Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that Mr. Rambail Khan, Dy. District Education Officer Male BS-18 D.I.Khan has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011

STATEMENT OF ALLEGATIONS

"Being DDO he unlawfully released salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 01-12-2013 to 31-10-2014 amounting to Rs.145921/- to Muhammad Younas Class-IV whose where about was unknown."

2- For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under Rule 10(1)(a) of the ibid Rules:

- i. Mr. Musarrat Hussain (Pcs EG BS-20)
- ii. Mr. Saif-Ul-Rehman BS-20 Principal GHS No 1 ca
- iii. \_\_\_\_\_

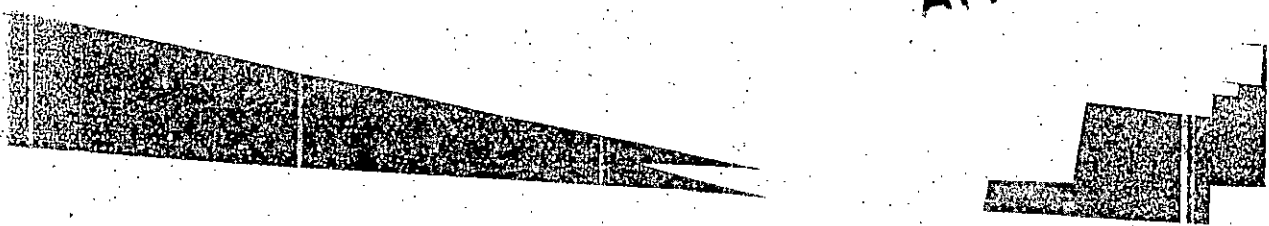
3- The inquiry officer/ inquiry committee shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4- The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/ inquiry committee.

*Pervez Khattak*  
(PERVEZ KHATTAK)  
CHIEF MINISTER KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

Mr. Rambail Khan, Dy. District Education Officer Male BS-18 D.I.Khan.

ATTESTED



UNDER REGISTERED COVER

No: 662-65 /Dated DIKthe 25-8 /2016

To

1. Mr. Musarrat Hussain (PCS EG BS-20) Commissioner Kohat.
2. Mr. Saifur Rehman Principal BS,20 GHS No.1 Nowshehra Cantt.

**SUBJET : CHARGE SHEET/ STATEMENT OF ALLEGATION .**

Respected Sir ,

Kindly refer to the secretary to the GOVT : of Khyber Pakhtunkhwa Peshawar. Notification No.SO(S/M) E&SED/4-17/2015/ Syed Zawar Shah HM GHS Mithapur/171 dated Peshawar the 08/08/2016.

In this regard,I beg to submit few lines for seeking justice and sympathetic consideration,please.

I have performed my duties as Deputy District Education Officer (Male) DI Khan with effect from 01/06/2014 to 11/07/2016 laboriously and honestly to the entire satisfaction of my superiors .During the period from 21/06/2014 to 22/10/2014,I have performed my duties as District Education Officer (Male) D I Khan as the Said post was remained vacant for a short period.At present I am performing my duties as Headmaster at GHS Chehkan DIKhan w.e.f 12/07/2016.

I solemnly declare on oath that neither I made the pay of Muhammad Younas Class .IV active nor the same was brought before me by the Accountant or Budget & Accounts Officer as required under the standard operating procedure.The question of either making pay active and payment of arrear does not arise as the employee concerned never remain in office or in any of the Middle School.

As per SOP Pay of Chowkidar cannot be made active as no Post of Chowkidar exists at middle School .

**ATTESTED**

(8)

Further for payment of arrear sanction of competent authority  
i.e. DEO being Principal accounting officer was obligatory which was neither  
granted nor available on record.

Sir,

I am career oriented having strong belief on rule of law and cannot think  
of Such an irregularity, Muhammad Younas Class IV himself affixed bogus  
signature of the undersigned which are totally fabricated.

The charges framed against me in haste vide above referred letter are  
factitious, baseless without ground and devoid of any material evidence, just  
to malign me and shift own responsibility on my shoulders.

It is therefore humbly prayed on the basis of facts narrated above  
the unilateral charges may please be withdrawn and I may very kindly be  
exonerated from the illegal / unlawful charges and I may be declared as  
innocent so as to relieve me from the tension imposed upon me thus  
enabling me to continue my services with peace of mind.

Sir, I would like to be heard in person.

submitted Please.



( Mr. Rambail Khan )

HEADMASTER

GHS CHEHKAN (D I KHAN)

Endst : No \_\_\_\_\_

Copy of the above is forwarded for information and similar  
request to the :

1. P/s to secretary (E/SED) Khyber Pakhtunkhwa Peshawar
2. Section Officer (Schools/ Male) (E/SED)-Khyber Pakhtunkhwa Peshawar w/r to his No. and

Dated quoted above.

3. Director (E/SED) Khyber Pakhtunkhwa Peshawar



( Mr. Rambail Khan )

HEADMASTER

GHS CHEHKAN (D I KHAN)

**ATTESTED**



REPORT AGAINST MR. TAUS KHAN EX-DY DEO (M) D.I.KHAN NOW DEO (M) KARAK, MR. RAMBAIL KHAN EX-DY:DEO (M) D.I.KHAN NOW SH/M, GHS CHEHAK D.I.KHAN, MR.ZAWAR HUSSAIN SHAH EX-DDO, GHS MANDHRA KALAN NOW H/M, GHS DHARTIAN HARIPUR AND MR.ATTA MUHAMMAD EX-DY:DEO (M) D.I.KHAN NOW RETIRED REGARDING IRREGULAR DRAWL OF PAY IN R/O MUHAMMAD YUNAS CLASS-IV.

PREAMBLE.

The competent authority has constituted the following enquiry committee vide office Notification No.SO(S/M)E&SED/4-17/2015/Syed Zawar Hussain Shah HM, GHS Mitha Pur/171 Dated 08-08-2016 to conduct formal enquiry against the following Officers for the charges mentioned in the charge sheet and statement of allegations already served upon the concerned Officers (Annex-A).

- 1- Mr.Taus Khan Ex-Dy:DEO (M) D.I.Khan now DEO (M) Karak.
- 2- Mr.Rambail Khan Ex-Dy:DEO (M) D.I.Khan now H/M, GHS Chehak D.I.Khan
- 3- Mr.Zawar Hussain Shah Ex-DDO, GHSS Mandhra Kalan now H/M, GHS Dhartian Haripur.
- 4- Mr.Atta Muhammad Ex-Sy-pdtt: DEO (M) D.I.Khan now retired.

ENQUIRY COMMITTEE

- 1- Mr.Musarrat Hussain Khan (PCS EG BS-20), Commissioner Kohat Division Kohat.
- 2- Mr.Saifur Rahman Principal (BS-20), GHS No.1 Nowshera Cantt:

ALLEGATIONS.

Being DDOs unlawfully released pay and arrears of Muhammad Younas Class-IV for various periods which caused great loss to Govt exchequer.

TERMS OF REFERENCE OF ENQUIRY COMMITTEE.

- i- The aforesaid committee shall look into the matter, conduct formal inquiry for the charges mentioned in the charge sheet and statements of allegations already served upon the concerned Officers and submit recommendation/report to the competent authority.
- ii- In pursuance of letter No.SO(S/M)E&SED/4-17/2015/S.Zawar Hussain Shah & others/171 dated 17-02-2017, the committee clarify the present status of Muhammad Younas Class-IV.
- iii- Charge against M/S Taus Khan Ex-Dy:DEO (M) D.I.Khan and Atta Muhammad Supdtt: at the Office of DEO (M) D.I.Khan be examined & report upon.
- iv- The committee should specify other staff of establishment & accounts section who was involved in the fraudulent drawl.

PROCEEDINGS.

In compliance with the above referred notification of the competent authority, the enquiry committee started the proceedings accordingly. The competent authority has already served statement of allegations and charge sheets upon the above named officers (Annex-B to M). All have submitted their replies to the enquiry committee (Annex-N to Q).

To find out the actual position the enquiry committee visited Office of DEO (M) Dera Ismail Khan on dated 17-10-2016. The DEO (M) D.I.Khan was requested through camp letter No.786 dated 18-10-2016 to direct the concerned Officers/Officials to provide relevant record pertaining to the said enquiry (Annex-R). All the concerned Officers/Officials were of the views that the appointment of Muhammad Younas as Chowkidar at GMS Wanda Yarak has not been processed accordingly. No entry of the said appointment order is existing in the Dispatch register of DEO (M) D.I.Khan. Photo copy of dispatch register is attached for ready reference (Annex-S&T).The concerned dispatcher also stated in black and white that the endstt No. of the said appointment order is fake and not recorded in the dispatch register of DEO (M) D.I.Khan (Annex-U).

The concerned Officers/Officials were directed to appear before the enquiry committee on dated 22-11-2016 at Commissioner Office Kohat resultantly they were appeared except Feroz Hussain Shah & Ris Swati Ex- DEOs (M) D.I.Khan, DA D I.Khan, S.Zawar Hussain Shah Ex-DDO of GHSS Mandhra Kalan and Feroz Khan S/Clerk of the said school. Those who were appeared before the enquiry committee recorded their statements (Annex-V to A1).

**ATTESTED**

29-11-2016 at Commissioner Office Konat resultantly they appeared before the enquiry committee (Annex-A2). They also recorded their statements (Annex-A3 to A5).

**FINDINGS.**

The Photo copies of relevant documents provided by the above named Officers were checked thoroughly and it was observed that:-

- 1- Muhammad Younas S/o Muhammad Nawaz resident of Dahother Kacha D.I.Khan was appointed against Chowkidar post at GMS Wanda Yarak D.I.Khan by DEO (M) D.I.Khan vide endstt No.1622-27/DEO (M)/Class-IV Dated 10-04-2013 (Annex-A6). The said order was invalid for the reasons that (i) there is no Chowkidar sanctioned posts in Middle Schools and (ii) there is no entry recorded of such appointment order in the dispatch register of DEO (M) D.I.Khan as revealed from the available record and statement of dispatcher(already annexed).
- 2- Mr.Muhammad Younas Class-IV has not performed duty at GMS Wanda Yarak D.I.Khan as revealed from the written statement of Head Master, GMS Wanda Yarak (Annex-A7).There are only two class-iv sanctioned posts i.e Naib Qasid and Sweeper at GMS Wanda Yarak against which Mr.Abour Rasheed Sweeper and Mr.Azizur Rahman NQ are working since the establishment of the school (Annex-A8).
- 3- The pay of Muhammad Younas Class-IV was not released/computerized well in time for the reason mentioned above. Source-1 for computerization of pay was submitted to DAO D.I.Khan duly signed by Mr.Taus Khan Ex-Dy:DEO (M) and countersigned by Mr.Feroz Hussain Shah Ex-DEO (M) D.I.Khan (Annex-A9). His pay was computerized for the 1st time in 07/2013 (Annex-A10).
- 4- The accused Muhammad Younas Chowkidar, GMS Wanda Yarak was transferred mutually vice Mr.Zakaullah Class-IV of GHSS Mandhra Kalan D.I.Khan by DEO (M) D.I.Khan vide endstt No.8403-7 dated 08-10-2013 (Annex-A11). The said transfer order is also invalid for the reason that (i) the signatory authority (DEO M D.I.Khan Mr.Taus Khan) has disowned the signature marked on the transfer order and (ii) the dispatch No recorded on the said transfer order is fake and has not been recorded in dispatch register of DEO (M) D.I.khan (Already annexed).
- 5- The DDO of GHSS Mandhra Kalan D.I.Khan Mr.Zawar Hussain Shah now Head Master, GHS Dartian Haripur has released his salary for the month of 10/2013 and 11/2013 without confirmation and issuance of LPC from the quarter concerned which is required being important accounts documents (Annex-A12). Mr.Zawar Hussain Shah Ex-DDO Mandra kalan stated that he has signed the source documents for release of pay on the request of Feroz Khan S/Clerk of the school. However Mr.Feroz Khan S/Clerk has denied the statement of DDO Concerned.
- 6- Mr.Taus Khan Ex-DEO (M) D I Khan now DEO (M) Karak visited GHSS Mandhra Kalan on dated 23-04-2014 and directed the Principal concerned to immediately relieve the accused Class-IV Muhammad Younas resultantly the accused was relieved and his pay was stopped on the verbal direction of Ex-DEO (M) D.I.Khan (Annex-A-13). However no further disciplinary proceeding was initiated by the competent authority due to unknown reason.
- 7- During the course of enquiry it was observed that though the accused was relieved from his official duty on dated 23-04-2014 but even then his salary of intervening period amounting to Rs.145000/- were prepared and submitted to DAO D.I.Khan duly signed by Mr.Rambail Khan Ex-Dy:DEO (M) D.I.Khan now H/M, GHS Chehak D.I.Khan (Annex-A14 to A16). The DAO D.I.Khan passed the said arrear bill (Annex-A-17). Though it was the responsibility of accountant as well as DDO concerned to point out the irregular drawl well in time but no recovery has so far been made from the accused. They further recorded the said amount in monthly expdt statement for the month of 10/2014 (Annex-19 to A29). The accused further stated that his salary bill for the period from 01-12-2013 to 30-09-2014 was signed by Mr.Rambail Khan Ex-DDO (M) D.I.Khan. The accused further requested for adjustment and release of pay.
- 8- Apart from above mentioned facts, all the concerned DDOs/Dy:Dos/DDOs except Mr.Zawar Hussain Shah Ex-DDO GHSS Mandra Kalan now Head Master, GHS Dartian Haripur have disowned the signatures marked on service documents of Muhammad Younas Class-IV Servant. No one is ready to accept the responsibility of fraudulent drawl as well as maintenance of record.
- 9- The accused class -IV Servant was heard in person. He verbally admitted that he has not performed duty at GMS Wandar Yarak for the reason that no staff member was present there. However after transfer to GHSS Mandra Kalan, he has performed duty from 08-10-2013 to 23-04-2014 as revealed from attendance record of the said school (Annex-A19 to A29). The accused further stated that

**ATTESTED**

salary bill for the period from 01-12-2013 to 30-09-2014 was signed by Mr.Rambail ex-DDO (M) D.I.Khan. He requested for Re-Instatement and release of pay.

- 10- The District Accounts Officer D.I.Khan provided original service and salary record of Muhammad Younas duly submitted by Ex-DDOs of DEO (M) D.I.Khan which was checked thoroughly and it was confirmed that the claim was actually signed by Mr.Rambail Khan and submitted to DAO D.I.Khan which resulted irregular drawl as mentioned in the charge sheet and statement of allegations. The DAO D.I.Khan also recorded his statement (Already annexed).
- 11- Mr.Feroz Hussain Shah Ex- DEO (M) D.I.Khan now retired stated that he has issued the appointment order of the accused Class-IV servant on the direction of Mr.Qaisar Rasheed Judge Peshawar High Court (Already annexed).
- 12- Mr.Zawar Hussain now Head Master, GHS Dartian Haripur stated in black & white that he has signed the source form of Muhammad Younas Class-IV for release of his pay.
- 13- Mr.Feroz Khan S/Clerk of GHSS Mandra Kalan stated that he has stamped the source form of Muhammad Younas Class-IV prior to sign of DDO Concerned (Already annexed).

It is worth mentioning to state that three enquiries have already been conducted against the above named class-IV Servant (Annex-A30 to A33). All the three enquiry committees have declared the 1st appointment order and transfer order as fake and bogus. Though his appointment order was issued under 25 percent reserved quota for the children of class-IV servants as his father was retired from service. However no record was found at DEO (M) D.I.Khan.

During the course of enquiry, it was observed that supporting staff of establishment section and accounts section are fully involved in such fraudulent drawl. Disciplinary proceedings are required to be initiated against them under E&D Rules, 2011. However now they are trying to save their skin from any drastic action.

The Charges have been proved against Mr.Rambail Khan Ex-Dy:DO (M) D.I.Khan now H/M GHS Chehak, Mr.Taus Khan Ex-Dy:DO (M) D.I.Khan now DEO (M) Karak and Mr.Zawar Hussain Shah Ex-DDO GHSS Mandhra Kalar, now H/M GHS Dartian Haripur. Mr.Feroz Hussain Shah Ex-DEO (M) D.I.Khan and Mr.Atta Muhammad have already been retired from service. It is further added that no involvement of Atta Muhammad Ex-Supdt: has been proved.

#### RECOMMENDATIONS.

In the light of above mentioned facts and documentary proof on record, the charges have been proved against the above named Officers. It is therefore recommended that:-

- 1- Major Penalty may be imposed upon Mr.Ramabil Khan now H/M, GHS Chehak D.I.Khan, Mr.Taus Khan now DEO (M) Karak and Mr.Zawar Hussain Shah now H/M, GHS Dartian Haripur under E&D Rules, 2011.
- 2- Major Penalty of Dismissal may be imposed upon Muhammad Younas Class-IV under E&D Rules 2011. The salary of absence period drawn fraudulently may be recovered and deposit into Govt treasury without further loss of time.
- 3- Disciplinary proceedings may be initiated against Mr.Muhammad Aftab J/Clerk, Tariq Aziz S/Clerk, Muhammad Arshad J/Clerk and Feroz Khan S/Clerk of E&SE Deptt; D.I.Khan for their involvement in fraudulent drawl.

(MR.MUSARRAT HUSSAIN KHAN)  
(PCS EG BS-20), Commissioner Kohat Division  
Enquiry Officer.

(MR.SAIFUR RAHMAN)  
Principal BS-20,/Enquiry Officer  
GHS No.1 Nowshera Cantt:

**ATTESTED**

REGISTERED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

E 12

No.SO(SM) E&SED/4-17/2015/Syed Zawar Hussain Shah & Others/171  
Dated Peshawar the July 07, 2017

To

✓ Mr. Rambail Khan, Ex-Dy.DFO(M) D.I.Khan,  
(now Headmaster BS-17 GHS Chchak D.I.Khan).

Subject:- **SHOW CAUSE NOTICE.**

I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice wherein the Competent Authority (Chief Minister Khyber Pakhtunkhwa) has tentatively decided to impose upon you the major penalty of "**Removal from service**" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

2. You are therefore directed to furnish your reply to the Show Cause Notice as to why the aforesaid penalty should not be imposed upon you and **also intimate whether you desire to be heard in person.**

3. Your reply should reach this Department **within Seven (07) days** of the delivery of this letter otherwise ex-parte action shall be taken against you.

(MUJIB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS MALE)

Encl: As Above:

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

1. Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), D.I.Khan with the direction to ensure delivery of show cause notice to the accused.
4. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (SCHOOLS MALE)

**ATTESTED**

SHOW CAUSE NOTICE

F  
13

I, **Pervez Khattak, Chief Minister Khyber Pakhtunkhwa**, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, **Mr. Rambail Khan Ex-Dy. DEO(M) D.I.Khan (now Headmaster BS-17 GHS Chehak D.I.Khan)**, as follows:-

- (i) that consequent upon the completion of inquiry conducted against you by the inquiry committee for which you were given opportunity of hearing vide communication No.10380/EA/Cmr-Kt dated 18.11.2016; and
- (ii) on going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your written defence before the inquiry committee;

I am satisfied that you have committed the following acts/omissions specified in rule-3 of the said rules:

(a) Guilty of inefficiency.

(c) Guilty of corruption.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Removal from service under rule 4 of the said rules.

3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the inquiry officer is enclosed.

(PERVEZ KHATTAK)  
CHIEF MINISTER KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

Mr. Rambail Khan Ex-Dy. DEO(M) D.I.Khan,  
(now Headmaster BS-17 GHS Chehak D.I.Khan).

ATTESTED

No. 792

Dated. 21/7 /2017

F (15)

From,

Rambail Khan, Ex-Dy: DEO,  
Office of DEO (M) DIKhan  
Now Head Master, (BS-17) GHS. Chahkan DIKhan.

To,

Mujeeb-ur-Rehman.  
Section Officer Schools (Male)  
E&SED, Khyber Pakhtunkhwa, Peshawar.

Subject:

**SHOW CAUSE NOTICE.**

Kindly refer to your No. SO(SM) E&SED/4-17/2015, Syed Zawar Hussain Shan and others/1/1, Dated 07.07.2017 addressed to the undersigned regarding Serve Show Cause \notice inconnection with un-law ful release of pay in r/o Mr. Muhammad Younis Class-IV.

1. In this context brief history of the Case has already been elucidated to the enquiry committee on the spot and necessary affidavit and the relevant papers of enquiry report of enquiry committee dated 06.01.2015 constituted by DEO (Male) DIKhan (copy attached).
2. In the light of Departmental Enquiry Committee, the brief History of the case was submitted to the then Enquiry Officer Mr. Muhammad Iftikhar Ahmad Shamoza: Asstt: Director Sports Directorate of E&SE, KPK, Peshawar vide No. 15315 dated 17.08.2016. The 73 pages report which were self explanatory. (Copy attached).
3. Previously the enquiry report against fraudulent drawl of Rs. 145000/- in r/o Muhammad Younis, Class-IV was already conducted by the enquiry Committee consisting on Mr. Qamar-uz-Zaman, Principal, GHS. Paroa (DIKhan) and Mr. Jamal Ahmad Mirza, Head Master, GHS. Behari Colony DIKhan, which was constituted by DEO (M) DIKhan No. 21766-21767/DEO(M) B&AO dated 10.11.2014, which is self explanatory and all the relevant reports were attached with the enquiry report (Copies attached).
4. All the amount in question has been recovered from the Class-IV concerned.
5. The said Class-IV was not appointed under any signature and his 1<sup>st</sup> Source form was not presented in DAO, DIKhan for feeding through myself. Moreover his Service Book was also not signed by me.

**ATTESTED**

6. I was not involved in that malpractice. All the process about his drawl was made with the collusion of some one either in the office or outsider just to defame my dignity.
7. The all process was made on surmise basis just to safe some one.
8. It is irony of fat that I have already illegally punished by degrading my scale from BPS-18 to BPS-17.
9. Now I have again involved and indict in the insignificant and repugnant case as rotated on conjecture basis as prejudicially. There is no proper tangible documents against me. The case was prepared against me as malafide and not based on facts. I have presented submitted the reply to Mr. Mussarat Hussain, Commissioner Kohat and Mr. Saifur Rehman, Principal GHS. No.1 Nowshera in the light of notification No. SO(S/M) E&SED/4-17/2015/ S.Zawar Hussain Shah, Head Master, GHS. Mithapur/171 dt: 08.08.2016 alongwith relevant document which was self explanatory and comprehension. In which, I solemnly declared on oath that neither the pay of Mr. Muhammad Younis, Class-IV was drawn under my signature and no file in this regard was put up to me by the Account Branch of the office. The said Class-IV was illegally transferred from GHS. Mandhran Kalan to GMS. Wanda Yarik, where no post of Chowkidar was exist.
10. It was a insignificant and devoid charges against me which was intentionally speared and dragged just to defame my dignity being a direct selected on Management cadre.
11. Previously, I have faced great loss and reverted from the post of Dy: DEO(M) DIKhan (BPS-18) to the Head Master, GHS. Chahkan (BPS-17).
12. Sir, it was not understood that there was no irregularity and embezzlement was made, then why an ex-party drastic action is being taken against me.
13. I have already submitted the enquiry report of Mr. Qamar-uz-Zaman, Principal, GHS. Paroa and Mr. Jamal Ahmad Mirza, Head Master GHS. Behari Colony DIKhan dated 06.01.2015 ( office Dy: No. 258 dated 10.01.2015 and the brief History of the case submitted vide DEO (M) DIKhan No. 15315 dated 17.08.2016 (copies attached).

**ATTESTED**

(16)

14. Simultaneously, the reply of questionnaire which was submitted to Mr. Hassam-ul-Haq, Principal GHS. No. 3 Kohat dated 12.08.2015 and the current reply in this regard submitted vide No.662-6 dated 23.08.2016 referred to above are attached for your kind perusal please.

15. All the allegation based on prejudicially and inequitable. the one sided report was prepared on the basis of conjecture just to save some one from these self maded allegations.

16. I am totally innocent and not involved with any serious irregularities hence not calling for the action regarding to impose Major penalty under Rule-04. I have rendered 30-years meritorious service in Education Deptt: . The inequitable one sided action taken against me will take on my future career in Service/life and great financial loss.

17. I have already submitted all the relevant inquiry report, made by me from time to time along with relevant documents to your good self.

As all the irregularities/iillegal process were made by the then DEO(M) DIKhan or by some one, hence it is requested that my case may please be reviewed and I may be exonerated from this critical situation and to avoid mental torture.

It is also stated that I would like to appear in person before the competent authority for my defence, as & when called for the purpose. I hope that my genuine report will be given sympathetic consideration please.

Yours Obediently,



(RAMBAIL KHAN)  
Head Master, GHS. Chahkan  
Dera Ismail Khan

**ATTESTED**



REGISTERED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the November 06, 2017

**NOTIFICATION**

**NO.SO(SME&SED/4-17/2015/Syed Zawar Hussain Shah & Others/171:---**

WHEREAS Mr. Rambail Khan, Ex-Dy.DEO(M) D.I.Khan (now Headmaster BS-17 GHS Chehkan D.I.Khan) was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. AND WHEREAS Inquiry Committee comprising the following officers was constituted to conduct formal Inquiry against the accused for the charges leveled against him in accordance with rules.

- i. Mr. Musarrat Hussain (PCS EG BS-20) Commissioner Kohat.
- ii. Mr. Saif-ur-Rahman Principal (BS-20) GHS No.1 Nowshera Cantt.

3. AND WHEREAS the Inquiry Committee after having examined the charges, evidences on record and explanation of the accused has submitted the report.

4. AND WHEREAS a show cause notice was served upon him on 07.07.2017.

5. AND WHEREAS the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and report of the Inquiry Committee is of the view that charges against the accused have been proved.

6. NOW, THEREFORE, in exercise of the powers conferred under Section-14 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose major penalty of "Removal from Service" upon Mr. Rambail Khan, Ex-Dy.DEO(M) D.I.Khan (now Headmaster BS-17 GHS Chehkan, D.I.Khan) with immediate effect.

Endst: of Even No. & Date:

Copy forwarded to the :-

- 1- Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
- 2- District Education Officer (Male), D.I.Khan.
- 3- District Accounts Officer, D.I.Khan.
- 4- PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
- 5- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 6- Mr. Rambail Khan, Ex-Dy.DEO(M) D.I.Khan (now Headmaster GHS Chehkan D.I.Khan).
- 7- Office order file.

SECRETARY

ADD  
07/11/2017

1234  
7/11/17  
JCE

92  
08-11-17  
2275  
8/11

DD(M)

ATTESTED SECTION OFFICER (SCHOOLS MALE)

(MUJEEB-UR-RAHMAN)

To

The Worthy Chief Minister,  
Khyber Pakhtunkhwa Peshawar.

Secy Ed. No.

Please process.

20/11/17

18

**SUBJECT: REVIEW PETITION AGAINST THE ORDER DATED 06.11.2017, WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE.**

Respected Sir,

1. That the appellant was working as Dy: DEO (M) D.I Khan with honesty and devotion.
2. That while serving in the said capacity, charge sheet along with statement of allegation was issued to the appellant in which the following charges were leveled against the appellant that,

Being DDO you unlawfully released salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 1.12.2013 to 31.10.2014 amounting to Rs.145921/- to Muhammad Younas Class-IV whose where about unknown.

The appellant submitted detail reply to the charge sheet in which he clearly mentioned that neither the appellant made the pay of Muhammad Younas class-IV active nor the same was brought before the appellant by the Accountant or Budget & Accounts Officer as required under the standard operating procedure. The question of either making pay active and payment of arrear does not arise as the employee concerned never remain in office or in any of the middle School, he further contended in his reply that Middle Scholl come under domain of the appellant and no post of Chowkidar exists at Middle School. The appellant also contended in his reply that payment of arrear require sanction of competent authority i.e DEO being principal accounting officer was obligatory which was neither granted nor available on record. (Copies of charge sheet and reply to charge sheet are attached as Annexure-A&B)

3. That no regular inquiry was conducted against the appellant in which no proper chance of defence was provided to the appellant as neither the statements were recorded in the presence of the appellant nor gave him opportunity of cross examination but despite that the appellant was held responsible by the inquiry committee.
4. That show cause notice to the appellant which was duly replied by the appellant in which he once again denied the allegations. (Copies of show cause notice and reply to show cause notice are Attached as Annexure-C&D)

**ATTESTED**

PS

Put up  
on file

th

29/11

- (99)
5. That on the basis of formal inquiry report, the appellant was removed from the service vide order dated 06.11.2017. (Copy of the removal order dated 06.11.2017 is attached as Annexure-E)
  6. That now the appellant wants to file the review petition against the order dated 06.11.2017 on the following grounds.

**GROUND:**

- A) That the impugned order dated 06.11.2017 is against the law, rules, facts and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant clearly mentioned in his reply to charge sheet and show cause notice that he did not receive salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 1.12.2013 to 31.10.2014 amounting to Rs.145921/- to Muhammad Younas Class-IV and all have been done by class-IV on fake and bogus sign made on behalf of the appellant as neither the appellant made the pay bill of Muhammad Younas class-IV active nor the same was brought before the appellant by the Accountant or Budget & Accounts Officer as required under the standard operating procedure. The question of either making pay active and payment of arrear does not arise as the employee concerned never remain in office or in any of the middle School, he further contended in his reply that Middle School came under domain of the appellant and no post of Chowkidar exists at Middle School. The appellant also contended in his reply that payment of arrear requires sanction of competent authority i.e DEO being principal accounting officer was obligatory which was neither granted nor available on record, which means that the appellant has made nothing relating to release of salary and arrear of Class-IV but he was punished for the fault of others.
- C) That inquiry was not conducted according to the prescribed procedure as no opportunity of defence was provided to the appellant as neither the statements were recorded in the presence of the appellant nor gave him chance of cross examination which is the violation of law and rules.
- D) That the inquiry committee in its recommendations recommend major penalty to Mr. Taus Khan Dy: DEO D.I Khan now DEO (M) Karak and Mr. Zavar Hussain Shah but the competent did not impose any penalty on Mr. Taus Khan and minor penalty of stoppage of two increments was imposed upon Mr. Zavar Hussain Shah, while major penalty of removal from service was imposed upon the appellant which means that the appellant was discriminated which is against the norms of justice.
- E) That Muhammad Younas class-IV made fake and bogus sign on behalf of the appellant and salary for the month of July 2013 and

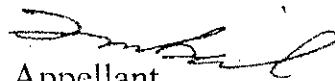
**ATTESTED**

arrears was unlawfully drawn by the Mr. Muhammad Younas by fake and bogus sign even he made transfer order from Middle School to High School by fake and bogus sign, which means that the appellant was punished for the fault of others.

- F) That the appellant promptly pointed out the irregularity of Mr. Muhammad Younas Class-IV and even addressed a letter to the Manager NBP Main Branch D.I.Khan for stoppage of salary of the said official. In addition to this letter was also addressed for inactivation of pay to D.A.O D.I.Khan **(copy of the letter is attached as annexure-F)**.
- G) That the inquiry was conducted against Muhammad Younas Class-IV and found that all the documents/letters of the concerned official are fake and bogus and the stamp used by him was also fake and the inquiry committee recommended disciplinary proceeding against him. The Stamp of Deputy Education officer used by him in charge report is also bogus and self-made as has been used in the case of the appellant **(Copy at Annex- G & H)**
- H) That the appellant has been condemned unheard and has not been treated according to law and rules.
- I) That the appellant has more than 30 years of service and penalty of removal from service is very harsh which is against norm of justice.

It is therefore, most humbly requested that on acceptance of this review petition the impugned order dated 06.11.2017 may be set aside and reinstate the appellant with all back and consequential benefits.

Dated 15/11/017

  
Appellant  
Rambail Khan,  
Ex-Dy: DEO (M)  
Head Master, (BPS-17),  
GHS, Chehkan.

**ATTESTED**



IO 29

**THROUGH REGISTERED**  
**DISTRICT EDUCATION OFFICER, (MALE)**  
**DERA ISMAIL KHAN**

No. 21383 /

Dated D.I.Khan the 1/11 /2014

To,

The Manager,

NBP, MAIN BRANCH (230327)

D.I.KHAN

Subject:-

**STOPPAGE OF PAY**

Memo:

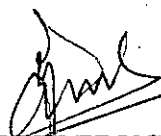
You are requested to please stop the payment of

monthly salary of MUHAMMAD YOUNIS Designation NAIB BASID

Personal No. 00702340 teacher drawing salary from your Bank

A/C No. 4813-9 Your cooperation in this regard will highly

be appreciated.

  
DY: DISTRICT EDUCATION OFFICER,  
(Male) D.I.KHAN  
District Education Officer  
(Male) D.I.Khan

**ATTESTED**

PAYROLL SYSTEM  
AMENDMENT FORM  
SINGLE EMPLOYEE ENTRY

23

FORM PAY02

Date \_\_\_\_\_

Page No \_\_\_\_\_

OFFICE OF THE \_\_\_\_\_  
FOR THE MONTH OF \_\_\_\_\_ 11/ 2014

(BY: DEOCMA) D.Khan

DDO Code: 017059 Description: \_\_\_\_\_  
(Cost Center)

Personnel Number: 00702340

Employee Name: Muhammad Yunis  
GIS. NO. STATION

National Card Number: \_\_\_\_\_

Grade (Pay Scale Group):       

Salary Status:  Start  Stop

GENERAL DATA CHANGE			CHANGE IN PAYMENTS / DEDUCTIONS					Effective Date	Remarks
Info Type	Field ID	New Contents	Wage Type	Amount			Adj		
				Rupees	Paise				
			Pay	Im-Active				21-11-2014	Due to Emphysema (Letter attached)

ATTESTED

Prepared By \_\_\_\_\_

Attested/Checked By: \_\_\_\_\_  
District Education Officer  
(Sic) D.Khan

Entered/Verified By \_\_\_\_\_



DISTRICT EDUCATION OFFICER (MALE)  
DERA ISMAIL KHAN

Tel. 0966-9280131  
e mail: emisdikhan@yahoo.com

J (23)

21766-21767

No. \_\_\_\_\_ /DEO(M)B&AO

Dated DIKhan the 10/11 2014.

To,

- 1) Mr. Qamar Zaman, (Chairman)  
Principal, GHS Prova, DIKhan.
- 2) Mr. Jamal Ahmad Mirza, (Member)  
Headmaster, GHS Behari Colony,  
DIKhan.

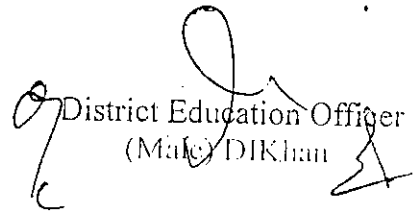
Subject: ENQUIRY

You are hereby nominated to conduct an enquiry against fraudulent drawl of Rs.145,000/- on the part of one Mr. Muhammad Younis Class-IV Servant and submit your findings within 15 days for further necessary action under the relevant rules.

The Enquiry Committee is required to thrash out the following aspects:-

- 1- To verify his first appointment order.
- 2- To verify charge report dated 10-04-2014 having alleged fake signature of DDO & official stamp.
- 3- When pointed out such irregularities he gets the DDO code changed from Middle to High (GHSS Mandhra Kalan) while no LPC etc has been issued by the DDO of Middle section.
- 4- The Ex-DDO Middle has stopped his pay but the present DDO has released his pay and he has drawn Rs.145,000/- fraudulently.

*For any assistance the committee may contact Account Branch of this office.*

  
District Education Officer  
(Male) DIKhan

**ATTESTED**

The DEO(Male)

E&SE DIKhan

24

Subject; Enquiry

Memo,

Reference enquiry No 21766-67 of dated 10/11/2014 was assigned to the under signed. A detailed inquiry was held and findings of the inquiry are hereby submitted in your worthy respect.

1. Appointment order No 1622-29 of dated 10/04/2013 does not exist in the despatch register.
2. Charge report of 10/04/2013 shows a fake stamp with designation of Dy: Education officer Dera Ismail Khan. This post even does not exist at all.
3. Ex- DDO GHSS Mandran Kalan Mr. Zavar Hussain Shah activated the monthly salary of Muhammad Younis without any LPC. The detailed statements of the clerks in GHSS Mandran Kalan is annexed.(Annexure A,B)
4. Statement submitted by the accountant Mr. Muhammad Aftab Dy:DEO Mr. Rambail Khan declared that they have not been involved in the activation of salary of Muhammad Younis or his arrears. DDEO declared that he had not issued pay release order in respect of M. Younis class-iv.(Annexure C,D)
5. Muhammad Younis stated in his on-oath statement that he appeared before the present DDEO for activation of pay and arrears but Dy:DEO directed that pay activation is responsibility of the office.  
Muhammad Younis in his statement declared that he sought the help of M.Hashim (his relative) for activation of pay. In this regard Mohammad Arshad J/C DEO(F) DIKhan fully facilitated M.Hashim to release the salary.(Annexure E)

Conclusion:-

All the relevant letters of Muhammad Younis class-iv are fake and bogus. The department has nothing to do with the letters.

The stamp used throughout the pay activation process is fake.

Decision:-

1. Muhammad Younis be directed to deposit Rs 145921/- in the exchequer and be warned in future.
2. Department should initiate an inquiry against the two Government employees as pointed out by the statement of Muhammad Younis class-iv.
3. Pay active source form and arrears bill had been passed by the District Accounts office DIKhan under wrong designation shown in the stamp.(Annexure F,G,H) The concerned DAO staff DIKhan must be warned to be conscious in all aspects while passing/ feeding the bills of the Government servants.

Qamar uz Zaman

Principal

GHS Parova DIKhan

Jamal Ahmad Mirza

Head Master

Behari Colony DIKhan

Office of the Dy: DEO  
Date: 06/01/15  
Salary No: 250  
2-01-2015

ATTESTED

BDA  
Dy: DEO  
M. =  
DPA



Handwritten initials and number 25 in a circle.

OFFICER

(ALE)

# چارج رپورٹ

میں سی محمد اسحاق نے سی خالد اسحاق

سے جو کہ آج مورخہ 10/4/2013 قبل بعد از دوہرہ موت حکم نمبر 1622-27

آمدہ از دفتر 1020 مورخہ 10/4/2013

تبدیل ہوا ہے جس کی وجہ سے مورخہ 10/4/2013

مقام سے 10/4/2013 مورخہ

No. of ...  
Handwritten notes and scribbles on the left margin.

چارج کر رہا ہے

TA  
Dy. Education Officer  
Dera Ismail Khan

چارج دہندہ  
Handwritten signature and text.

Sd/-  
District Education Officer (Male)  
Dera Ismail Khan

No. 1622-27 DEO(M)/Class-IV Dated DIKhan the 10/4/2013

- Copy to:
1. The Deputy Commissioner, DIKhan.
  2. The Deputy District Education Officer (Male), Dera Ismail Khan.
  3. The District Comptroller of Accounts, Dera Ismail Khan.
  4. Official Concerned.
  5. Office File.

ATTESTED

Handwritten signature and text at the bottom right.

9. Incorrect. The appellant has good cause of action to file the instant appeal which is liable to be accepted on the following grounds.

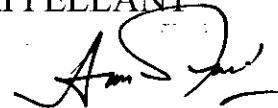
**GROUND:**

- A. It is correct that the removal from service was modified into compulsory retirement on the review petition of the appellant, but that order is also against the law, rules, material on record, therefore not tenable and liable to be set aside. Moreover, there is no need of further departmental appeal against the order dated 12.04.2018 as per rules and law.
- B. Incorrect. While para B of the appeal is correct.
- C. Incorrect. No proper opportunity of defence was provided to the appellant during the inquiry as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination.
- D. Not replied according to para D of the appeal. Moreover para D of the appeal is correct.
- E. Incorrect. The appellant did not release the salary of the appellant. Moreover the Muhammad Younis gave himself the contradictory statements which shows the malafide of Muhammad Younis.
- F. Incorrect. While para F of the appeal is correct.
- G. Incorrect. The appellant did not sign the salary bill of Muhammad Younis and has no role in the issue.
- H. Incorrect. While para H of the appeal is correct.
- I. Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

APPELLANT

Through:



**M. ASIF YOUSAFZAI  
ADVOCATE SUPREME COURT**

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

  
DEPONENT



**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 353/2018

Rambil Khan

VS

Govt: of KP.

.....  
**REJOINDER ON BEHALF OF APPELLANT**  
.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-15) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

1. First portion of para 1 is admitted correct, hence no comments, while the rest of the para is incorrect hence denied.
2. Incorrect. The appellant did not sign the salary bill of Muhammad Younis. Moreover the claim was not signed by the appellant and submitted to DAO D.I Khan.
3. Incorrect. No proper opportunity was provided to the appellant during the inquiry proceeding. Moreover Muhammad Younis gave himself contradictory statement in different inquiries conducted on the issue. **(statements of Muhammad Younis Khan statements are attached as Annexure-R-1)**
4. Incorrect. The appellant submitted reply to show cause notice in which he denied all allegations.
5. Incorrect. The appellant was removed from service which was modified to compulsory retirement without conducting regular inquiry which is violation of law and rules.
6. Pertain to record, however the removal order was modified to compulsory retirement on his review petition and there is no need of further departmental appeal as per rules and law.
7. Pertain to record, however the grievance of the appellant was not redressed as the appellant filed the instant appeal for reinstatement and not for modification of removal order to compulsory retirement.
8. Incorrect. The removal order was modified to compulsory retirement on his review petition and there is no need of further departmental appeal as per rules and law.

R-111  
(11)

بیان حلفی

محمد رسول نائیک قاضی عدلیہ حلفی بلکہ قاضی عدلیہ میں

کہہ رہے ہیں ڈی جی اور رائٹل صاحب کے پاس دفتر کیا کہ میری

منخواہ بنا دیں۔ انہوں نے کہا کہ یہ دفتر کا کام ہے

مگر کیوں تاکہ میں نے کہا ہے۔ اس کے بعد

مجھے منخواہ میرے دوست دار محمد خان

کراچی دی ہے اس سے ہے فصلیہ میرا اس

کے شکہ ایجوکیشن کے دفتر کے فلک کنگ سکراٹر ملانہ سے بل

د مشکا اور ہے بلینز آؤڈ اور دایا ہے

میں عزیز

آؤڈی میں اس میں میرا کوئی حصہ نہیں ہے

محمد رسول نائیک



شناختی نمبر 12103-5788584-5

جناب حسام الحق صاحب  
کراچی اسپر

السلام علیکم: آپ نے 2015-8-12 کو میرے خلاف انکوائری  
کی۔ جس میں بندہ اہل بات نہ کر سکا۔ میری تبدیلی GMS و انڈیا پارک  
سے GHS مندرجہ مکرک پائیم مکرک نے کرائی اور اسی نے اکاؤنٹ  
آفس سے میری تحوہ چالو جاری کرائی تھی۔ وہی پرنسپل سے میرا  
سورس فار آرڈر مستحکم کرایا تھا۔

پھر مجھے دفتر ڈی ای او بھیج دیا گیا۔ وہاں مڈل سکول سے میرے  
بقایا کا بل نکلا جس میں رابیل خان ڈپٹی بے قلمو رہے۔ کیونکہ ارشد  
مکرک ڈی ای او (زنانہ) ڈپوہ نے مجھ سے ستر ہزار روپے لئے  
اور آفتاب مکرک بھی برابر کا سٹریک تھا۔ ارشد مکرک اور پائیم  
کا دوست ہے۔ مڈل سکول سے بقایا تحوہ بل بنانے اور نکلانے  
والا اہل بندہ ارشد مکرک ہے۔ جس میں میری غریب اور  
مجبوری کا خاندان اٹھا پاتا گیا۔

میرا بانی کر کہ مجھے بحال کیا جائے۔

الصارض

محمد یونس

- کالی منورکی کاروائی:
- 1- ڈائریٹریٹراپنجویشن KPK پشاور۔
  - 2- ڈی ای او (منور) ڈپوہ اسماعیل خان۔
  - 3- ڈپٹی ڈی ای او (منور) ڈپوہ اسماعیل خان۔

محمد یونس

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

**AMMENDED APPEAL NO. 353/2018**

Rambail Khan

V/S

Education Deptt:

**INDEX**

No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-04
2.	Copy of charge sheet	A	05
3.	Copy statementat of allegation	B	06
4.	Copy of reply to charge sheet	C	07-08
5.	Copy of inquiry report	D	09-11
6.	Copy of show cause notice	E	12-13
7.	Copy reply to show cause notice	F	14-16
8.	Copy of removal order	G	17
9.	Copy of review petition	H	18-20
10.	Copy of order dt: 12.04.2018	I	21
11.	Copy of application	J	22-23
12.	Copy of order sheet	K	24-25
13.	Copy of letter	L	26-27
14.	Copy of inquiry report	M	28-29
15.	Copy of charge report	N	30
16.	Wakalat nama	-----	31

*Copy of order*

*as per order 17  
Review  
12/4/18 P-21*

*Rambail Khan*  
APPELLANT

THROUGH:

*M. Asif Yousafzai*  
( M. ASIF YOUSAFZAI )  
ADVOCATE SUPREME COURT

*Taimur Ali Khan*  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT

*Asad Mahmood*  
&  
ASAD MAHMOOD  
(ADVOCATE HIGH COURT)

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

**AMMENDED APPEAL NO. 353/2018**

Rambail Khan, Ex-Dy: DEO,  
D.I.Khan.

**(Appellant)**

**VERSUS**

1. The Government of KPK, through Chief Secretary KPK, Civil Secretariat, Peshawar.
2. The Chief Secretary KPK, Civil Secretariat, Peshawar.
3. The Secretary (E&SE), KPK, Peshawar
4. The Director of Education (E&SE), KPK, Peshawar

**(Respondents)**

-----  
**AMMENDED APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 12.04.2018 WHEREBY THE MAJOR PENALTY OF REMOVAL FROM SERVICE WAS CONVERTED INTO MAJOR PENALTY OF COMPULSORY RETIRMENT FROM SERVICE BY THE APPELLATE AUTHORITY/REVIEWABLE AUTHORITY ON THE REVIEW PETITION OF THE APPELLANT.**

**PRAYER:**

**THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 12.04.2018 MAY BE SET ASIDE. THE RESPONDENT DEPTT: MAY PLEASE BE DIRECTED TO REINSTATE THE APPELLANT WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.**

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant was working as Dy: DEO (M) D.I Khan with honesty and devotion.

2. That while serving in the said capacity, charge sheet along with statement of allegation was issued to the appellant in which the following charges were leveled against the appellant that;

Being DDO you unlawfully released salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 1.12.2013 to 31.10.2014 amounting to Rs.145921/- to Muhammad Younas Class-IV whose where about unknown.

The appellant submitted detail repto the charge sheet in which he clearly mentioned that neither the appellant made the pay of Muhammad Younas class-IV active nor the same was brought before the appellant by the Accountant or Budget & Accounts Officer as required under the standard operating procedure. The question of either making pay active and payment of arrear does not arise as the employee concerned never remain in office or in any of the middle School, he further contended in his reply that Middle Scholl come under domain of the appellant and no post of Chowkidar exists at Middle School. The appellant also contended in his reply that payment of arrear require sanction of competent authority i.e DEO being principal accounting officer was obligatory which was neither granted nor available on record. **(Copies of charge sheet, statement of allegations and reply to charge sheet are attached as Annexure-A,B&C)**

3. That inquiry was conducted against the appellant in which no proper chance of defence was provided to the appellant as neither the statements were recorded in the presence of the appellant nor gave him opportunity of cross examination, but despite that the appellant was held responsible by the inquiry committee. **(Copy of inquiry report is attached as Annexure-D)**
4. That show cause notice to the appellant which was duly replied by the appellant in which he once again denied the allegations. **(Copies of show cause notice and reply to show cause notice are Attached as Annexure-E&F)**
5. That on the basis of formal inquiry report, the appellant was removed from the service vide order dated 06.11.2017. **(Copy of the removal order dated 06.11.2017 is attached as Annexure-G)**
6. That the appellant filed review petition against the impugned removal order on 15.11.2017, which was not responded within the statutory period of ninety days. **(Copy of review petition is attached as Annexure-H)**
7. That against the removal order and not taking action on the review petition of the appellant, the appellant filed service appeal No. 353/2018 in this august Service Tribunal and during the pendency of service appeal, the review petition of the appellant was decided by the appellate authority/reviewable authority on 12.04.2018 in which the major penalty of removal from service was converted into major



penalty of compulsory retirement from service. **Copy of order dated 04.12.2018 is attached as Annexure-I.**

8. That as the order dated 12.04.2018 was passed during the pendency of the appeal which needed to be challenged, therefore, he filed an application before this Service Tribunal on 18.04.2018 for allowing amendment in the service appeal which was accepted on 17.05.2018 by this august Service Tribunal. **Copy of application and order sheet dated 17.05.2018 are attached as Annexure-J & K.**
9. That now the appellant wants to file the amended appeal against the order dated 12.04.2018 in this Honorable Tribunal on the following grounds amongst others.


#### **GROUND:**

- A) That the impugned order dated 12.04.2018 is against the law, rules, facts and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant clearly mentioned in his reply to charge sheet and show cause notice that he did not released salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 1.12.2013 to 31.10.2014 amounting to Rs.145921/- to Muhammad Younas Class-IV and all have been done by class-IV on fake and bogus sign made on behalf of the appellant as neither the appellant made the pay bill of Muhammad Younas class-IV active nor the same was brought before the appellant by the Accountant or Budget & Accounts Officer as required under the standard operating procedure. The question of either making pay active and payment of arrear does not arise as the employee concerned never remain in office or in any of the middle School, he further contended in his reply that Middle Scholl came under domain of the appellant and no post of Chowkidar exists at Middle School. The appellant also contended in his reply that payment of arrear requires sanction of competent authority i.e DEO being principal accounting officer was obligatory which was neither granted nor available on record, which means that the appellant has made nothing relating to release of salary and arrear of Class-IV but he was punished for the fault of others.
- C) That inquiry was not conducted according to the prescribed procedure as no opportunity of defence was provided to the appellant as neither the statements were recorded in the presence of the appellant nor gave him chance of cross examination which is the violation of law and rules.
- D) That the inquiry committee in its recommendations recommend major penalty to Mr. Taus Khan Dy: DEO D.I Khan now DEO (M) Karak and Mr. Zavar Hussain Shah but the competent did not impose any penalty on Mr. Taus Khan and minor penalty of stoppage of two increments was imposed upon Mr. Zavar Hussain Shah, while major

penalty of removal from service was imposed upon the appellant which was converted into major penalty of compulsorily retirement by the appellate authority/reviewable authority on the review petition of the appellant, which means that the appellant was discriminated which is against the norms of justice.

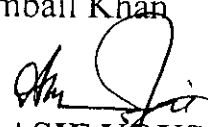
- E) That Muhammad Younas class-IV made fake and bogus sign on behalf of the appellant and salary for the month of July 2013 and arrears was unlawfully drawn by the Muhammad Younas by fake and bogus sign even he made transfer order from Middle School to High School by fake and bogus sign, which means that the appellant was punished for the fault of others.
- F) That the appellant promptly pointed out the irregularity of Mr. Muhammad Younas Class-IV and even addressed a letter on 1.11.2014 to the Manager NBP Main Branch D.I Khan for stoppage of salary of the said official. **(Copy of letter is attached as Annexure-L)**
- G) That the inquiry was conducted against Muhammad Younas Class-IV and found that all the documents/letters of the concerned official are fake and bogus and the stamp used by him was also fake and the inquiry committee recommended disciplinary proceeding against him. The stamp paper of the Deputy Education Officer used by him in charge report is bogus and self made as he has been used in the case of the appellant. **(Copies of inquiry report and charge report are attached as Annexure-M & N)**
- H) That the appellant has been condemned unheard and has not been treated according to law and rules.
- I) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.



APPELLANT  
Rambail Khan

THROUGH:



M. ASIF YOUSAFZAI  
(ADVOCATE SUPREME COURT)



TAIMUR ALI KHAN  
ADVOCATE HIGH COURT



ASAD MAHMOOD  
(ADVOCATE HIGH COURT)

A  
⑤

CHARGE SHEET

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, hereby charge you, Mr. Rambail Khan, Dy. District Education Officer Male BS-18 D.I.Khan as follows:-

That you, while posted as DDEO(M) D.I.Khan committed the following irregularities:

"Being DDO you unlawfully released salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 01-12-2013 to 31-10-2014 amounting to Rs.145921/- to Muhammad Younas Class-IV whose where about was unknown."

2- By reason of the above, you appear to be guilty of corruption under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.

3- You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer/ inquiry committee, as the case may be.

4- Your written defence, if any, should reach the inquiry officer/ inquiry committee within specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5- Intimate whether you desire to be heard in person.

6- A Statement of Allegations is enclosed.

*Pervez Khattak*  
(PERVEZ KHATTAK)  
CHIEF MINISTER KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

Mr. Rambail Khan, Dy. District Education Officer Male BS-18 D.I.Khan.

B (6)

DISCIPLINARY ACTION

1. Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that Mr. Rambail Khan, Dy. District Education Officer, Male, BS-18 D.I.Khan has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011

STATEMENT OF ALLEGATIONS

"Being DDO he 'unlawfully' released salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 01-12-2013 to 31-10-2014 amounting to Rs.145921/- to Muhammad Younas Class-IV whose where about was unknown."

2- For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under Rule 10(1)(a) of the ibid Rules:

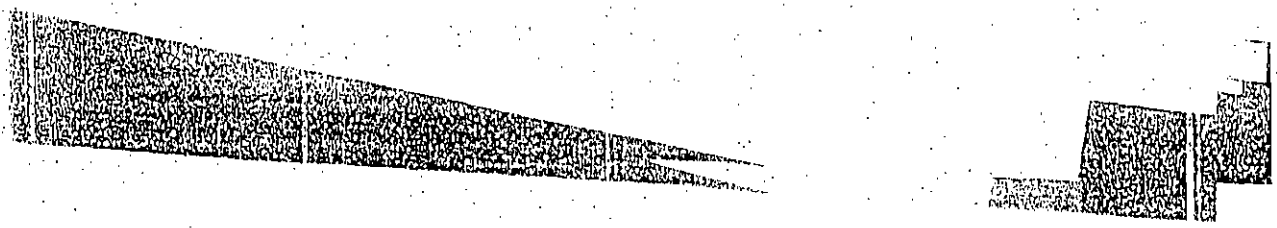
- i. Mr. Musarrat Hussain (Pcs EG BS-20)
- ii. Mr. Saif-ur-Rehman BS-20 Principal CHS No 1 Ca
- iii. \_\_\_\_\_

3- The inquiry officer/ inquiry committee shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4- The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/ inquiry committee.

*Pervez Khattak*  
(PERVEZ KHATTAK)  
CHIEF MINISTER KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

Mr. Rambail Khan, Dy. District Education Officer Male BS-18 D.I.Khan.



UNDER REGISTERED COVER

No: 662-65 /Dated DIK the 22-8 /2016

To

1. Mr. Musarrat Hussain (PCS EG BS-20) Commissioner Kohat.
2. Mr. Saifur Rehman Principal BS,20 GHS No.1 Nowshehra Cantt.

**SUBJECT : CHARGE SHEET/ STATEMENT OF ALLEGATION .**

Respected Sir ,

Kindly refer to the secretary to the GOVT : of Khyber Pakhtunkhwa Peshawar. Notification No.SO(S/M) E&SED/4-17/2015/ Syed Zawar Shah HM GHS Mithapur/171 dated Peshawar the 08/08/2016.

In this regard,I beg to submit few lines for seeking justice and sympathetic consideration,please.

I have performed my duties as Deputy District Education Officer (Male) DI Khan with effect from 01/06/2014 to 11/07/2016 laboriously and honestly to the entire satisfaction of my superiors .During the period from 21/06/2014 to 22/10/2014,I have performed my duties as District Education Officer (Male) D I Khan as the Said post was remained vacant for a short period.At present I am performing my duties as Headmaster at GHS Chehkan DIKhan w.e.f 12/07/2016.

I solemnly declare on oath that neither I made the pay of Muhammad Younas Class .IV active nor the same was brought before me by the Accountant or Budget & Accounts Officer as required under the standard operating procedure.The question of either making pay active and payment of arrear does not arise as the employee concerned never remain in office or in any of the Middle School.

As per SOP Pay of Chowkidar cannot be made active as no Post of Chowkidar exists at middle School .

Further for payment of arrear sanction of competent authority  
i.e. DEO being Principal accounting officer was obligatory which was neither  
granted nor available on record.

Sir,

I am career oriented having strong belief on rule of law and cannot think  
of such an irregularity; Muhammad Younas Class IV himself affixed bogus  
signature of the undersigned which are totally fabricated.

The charges framed against me in haste vide above referred letter are  
factitious, baseless without ground and devoid of any material evidence, just  
to malign me and shift own responsibility on my shoulders.

It is therefore humbly prayed on the basis of facts narrated above  
the unilateral charges may please be withdrawn and I may very kindly be  
exonerated from the illegal / unlawful charges and I may be declared as  
innocent so as to relieve me from the tension imposed upon me thus  
enabling me to continue my services with peace of mind.

Sir, I would like to be heard in person.

submitted Please.

  
( Mr. Rambail Khan )

HEADMASTER

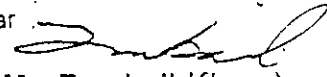
GHS.CHEHKAN (D I KHAN)

Endst : No \_\_\_\_\_

Copy of the above is forwarded for information and similar  
request to the :

1. P/s to secretary (E/SED) Khyber Pakhtunkhwa Peshawar
2. Section Officer (Schools/ Male) (E/SED) Khyber Pakhtunkhwa Peshawar w/r to his No. and  
Dated quoted above.

3. Director (E/SED) Khyber Pakhtunkhwa Peshawar

  
( Mr. Rambail Khan )

HEADMASTER

GHS CHEHKAN (D I KHAN)

REPORT AGAINST MR. TAUS KHAN EX-DY DEO (M) D.I.KHAN NOW DEO (M) KARAK, MR. RAIBAIL KHAN EX-DY:DEO (M) D.I.KHAN NOW SH/M, GHS CHEHAK D.I.KHAN, MR.ZAWAR HUSSAIN SHAH EX-DDO, GHSS MANDHRA KALAN NOW H/M, GHS DHARTIAN HARIPUR AND MR.ATTA MUHAMMAD EX-SUPDPT:DEO (M) D.I.KHAN NOW RETIRED REGARDING IRREGULAR DRAWL OF PAY IN R/O MUHAMMAD YOUNAS CLASS-IV.

PREAMBLE.

The competent authority has constituted the following enquiry committee vide office Notification No.SO(S/M)E&SED/4-17/2015/Syed Zawar Hussain Shah HM, GHS Mitha Pur/171 Dated 08-08-2016 to conduct formal enquiry against the following Officers for the charges mentioned in the charge sheet and statement of allegations already served upon the concerned Officers (Annex-A).

1. Mr.Taus Khan Ex-Dy:DEO (M) D.I.Khan now DEO (M) Karak.
2. Mr.Raibail Khan Ex-Dy:DEO (M) D.I.Khan now H/M, GHS Chehak D.I.Khan
3. Mr.Zawar Hussain Shah Ex-DDO, GHSS Mandhra Kalan now H/M, GHS Dhartian Haripur.
4. Mr.Atta Muhammad Ex-Supdpt: DEO (M) D.I.Khan now retired.

ENQUIRY COMMITTEE

- 1- Mr.Musarrat Hussain Khan (PCS EG BS-20), Commissioner Kohat Division Kohat.
- 2- Mr.Saifur Rahman Principal (BS-20), GHS No.1 Nowshera Cantt.

ALLEGATIONS.

Being DDOs unlawfully released pay and arrears of Muhammad Younas Class-IV for various periods which caused great loss to Govt exchequer.

TERMS OF REFERENCE OF ENQUIRY COMMITTEE.

- i. The aforesaid committee shall look into the matter, conduct formal inquiry for the charges mentioned in the charge sheet and statements of allegations already served upon the concerned Officers and submit recommendation/report to the competent authority.
- ii. In pursuance of letter No.SO(S/M)E&SED/4-17/2015/S.Zawar Hussain Shah & others/171 dated 17-02-2017, the committee clarify the present status of Muhammad Younas Class-IV.
- iii. Charge against M/S Taus Khan Ex-Dy:DEO (M) D.I.Khan and Atta Muhammad Supdpt. at the Office of DEO (M) D.I.Khan be examined & report upon.
- iv. The committee should specify other staff of establishment & accounts section who was involved in the fraudulent drawl.

PROCEEDINGS.

In compliance with the above referred notification of the competent authority, the enquiry committee started the proceedings accordingly. The competent authority has already served statement of allegations and charge sheets upon the above named officers (Annex-B to M). All have submitted their reply to the enquiry committee (Annex-N to Q).

To find out the actual position the enquiry committee visited Office of DEO (M) Dera Ismail Khan dated 17-10-2016. The DEO (M) D.I.Khan was requested through camp letter No.786 dated 18-10-2016 to direct the concerned Officers/Officials to provide relevant record pertaining to the said enquiry (Annex-R). The concerned Officers/Officials were of the views that the appointment of Muhammad Younas as Chowkdar at GMS Wanda Yarak has not been processed accordingly. No entry of the said appointment order is existing in the Dispatch register of DEO (M) D.I.Khan. Photo copy of dispatch register is attached for ready reference (Annex-S&T). The concerned dispatcher also stated in black and white that the endstt No. of the appointment order is fake and not recorded in the dispatch register of DEO (M) D.I.Khan (Annex-U).

The concerned Officers/Officials were directed to appear before the enquiry committee on date 11-11-2016 at Commissioner Office Kohat resultantly they were appeared except Feroz Hussain Shah & Swati Ex- DEOs (M) D.I.Khan, DAO D.I.Khan, S.Zawar Hussain Shah Ex-DDO of GHSS Mandhra Kalan and Khan S/Clerk of the said school. Those who were appeared before the enquiry committee recorded their statements (Annex-V to A1).

A2). They also recorded their statements (Annex-A3 to A5).

18

The Photo copies of relevant documents provided by the above named Officers were checked thoroughly and it was observed that:-

- 1- Muhammad Younas S/o Muhammad Nawaz resident of Dahother Kacha D.I.Khan was appointed against Chowkidar post at GMS Wanda Yarak D.I.Khan by DEO (M) D.I.Khan vide endstt No.1622-27/DEO (M)/Class-IV Dated 10-04-2013 (Annex-A6). The said order was invalid for the reasons that (i) there is no Chowkidar sanctioned posts in Middle Schools and (ii) there is no entry recorded of such appointment order in the dispatch register of DEO (M) D.I.Khan as revealed from the available record and statement of dispatcher(already annexed).
- 2- Mr.Muhammad Younas Class-IV has not performed duty at GMS Wanda Yarak D.I.Khan as revealed from the written statement of Head Master, GMS Wanda Yarak (Annex-A7). There are only two class-iv sanctioned posts i.e Naib Qasid and Sweeper at GMS Wanda Yarak against which Mr.Abdur Rasheed Sweeper and Mr.Azizur Rahman NQ are working since the establishment of the school (Annex-A8).
- 3- The pay of Muhammad Younas Class-IV was not released/computerized well in time for the reason mentioned above. Source-1 for computerization of pay was submitted to DAO D.I.Khan duly signed by Mr.Taus Khan Ex-Dy:DEO (M) and countersigned by Mr.Feroz Hussain Shah Ex-DEO (M) D.I.Khan (Annex-A9). His pay was computerized for the 1st time in 07/2013 (Annex-A10).
- 4- The accused Muhammad Younas Chowkidar GMS Wanda Yarak was transferred mutually vice Mr.Zakaullah Class-IV of GHSS Mandhra Kalan D.I.Khan by DEO (M) D.I.Khan vide endstt No.8405-7 dated 08-10-2013 (Annex-A11). The said transfer order is also invalid for the reason that (i) the signatory authority (DEO M D.I.Khan Mr.Taus Khan) has disowned the signature marked on the transfer order and (ii) the dispatch No. recorded on the said transfer order is fake and has not been recorded in dispatch register of DEO (M) D.I.Khan (Already annexed).
- 5- The DDO of GHSS Mandhra Kalan D.I.Khan Mr.Zawar Hussain Shah now Head Master, GHS Dartian Haripur has released his salary for the month of 10/2013 and 11/2013 without confirmation and issuance of LPC from the quarter concerned which is required being important accounts documents (Annex-A12). Mr.Zawar Hussain Shah Ex-DDO Mandra kalan stated that he has signed the source documents for release of pay on the request of Feroz Khan S/Clerk of the school. However Mr.Feroz Khan S/Clerk has denied the statement of DDO Concerned.
- 6- Mr.Taus Khan Ex-DEO (M) D.I.Khan now DEO (M) Karak visited GHSS Mandhra Kalan on dated 23-04-2014 and directed the Principal concerned to immediately relieve the accused Class-IV Muhammad Younas resultantly the accused was relieved and his pay was stopped on the verbal direction of Ex-DEO (M) D.I.Khan (Annex-A-13). However no further disciplinary proceeding was initiated by the competent authority due to unknown reason.
- 7- During the course of enquiry it was observed that though the accused was relieved from his official duty on dated 23-04-2014 but even then his salary of intervening period amounting to Rs.145000/- were prepared and submitted to DAO D.I.Khan duly signed by Mr.Rambail Khan Ex-Dy:DEO (M) D.I.Khan now H/M, GHS Chehak D.I.Khan (Annex-A14 to A16). The DAO D.I.Khan passed the said arrear bill (Annex-A-17). Though it was the responsibility of accountant as well as DDO concerned to point out the irregular drawl well in time but no recovery has so far been made from the accused. They further recorded the said amount in monthly expdt statement for the month of 10/2014 (Annex-19 to A29). The accused further stated that his salary bill for the period from 01-12-2013 to 30-09-2014 was signed by Mr.Rambail Khan Ex-DDO (M) D.I.Khan. The accused further requested for adjustment and release of pay.
- 8- Apart from above mentioned facts all the concerned DDOs/Dy:Dos/DDOs except Mr.Zawar Hussain Shah Ex-DDO GHSS Mandra Kalan now Head Master, GHS Dartian Haripur have disowned the signatures marked on service documents of Muhammad Younas Class-IV Servant. No one is ready to accept the responsibility of fraudulent drawl as well as maintenance of record.
- 9- The accused class -IV Servant was heard in person. He verbally admitted that he has not performed duty at GMS Wanda Yarak for the reason that no staff member was present there. However after transfer to GHSS Mandra Kalan he has performed duty from 08-10-2013 to 23-04-2014 as revealed from attendance record of the said school (Annex-A19 to A29). The accused further stated



salary bill for the period from 01-12-2013 to 30-09-2014 was signed by Mr.Rambail ex-DDO (M) D.I.Khan. He requested for Re-Instatement and release of pay.

- 10- The District Accounts Officer D.I.Khan provided original service and salary record of Muhammad Younas duly submitted by Ex-DDOs of DEO (MO D.I.Khan which was checked thoroughly and it was confirmed that the claim was actually signed by Mr.Rambail Khan and submitted to DAO D.I.Khan which resulted irregular drawl as mentioned in the charge sheet and statement of allegations. The DAO D.I.Khan also recorded his statement (Already annexed).
- 11- Mr.Feroz Hussain Shah Ex- DEO (MO D.I.Khan now retired stated that he has issued the appointment order of the accused Class-IV servant on the direction of Mr.Qaisar Rasheed Judge Peshawar High Court (Already annexed).
- 12- Mr.Zawar Hussain now Head Master, GHS Dartian Haripur stated in black & white that he has signed the source form of Muhammad Younas Class-IV for release of his pay.
- 13- Mr.Feroz Khan S/Clerk of GHSS Mandra Kalan stated that he has stamped the source form of Muhammad Younas Class-IV prior to sign of DDO Concerned (Already annexed).

It is worth mentioning to state that three enquiries have already been conducted against the above named class-IV Servant (Annex-A30 to A33). All the three enquiry committees have declared the 1st appointment order and transfer order as fake and bogus. Though his appointment order was issued under 25 percent reserved quota for the children of class-IV servants as his father was retired from service. However no record was found at DEO (M) D.I.Khan.

During the course of enquiry, it was observed that supporting staff of establishment section and accounts section are fully involved in such fraudulent drawl. Disciplinary proceedings are required to be initiated against them under E&D Rules, 2011. However now they are trying to save their skin from any drastic action.

The Charges have been proved against Mr.Rambail Khan Ex-Dy:DO (M) D.I.Khan now H/M GHS Chehak, Mr.Taus Khan Ex-Dy:DO (M) D.I.Khan now DEO (M) Karak and Mr.Zawar Hussain Shah Ex-DDO GHSS Mandhra Kalan now H/M GHS Dartian Haripur. Mr.Feroz Hussain Shah Ex-DEO (M) D.I.Khan and Mr.Atta Muhammad have already been retired from service. It is further added that no involvement of Atta Muhammad Ex-Supdt: has been proved.

#### RECOMMENDATIONS.

In the light of above mentioned facts and documentary proof on record, the charges have been proved against the above named Officers. It is therefore recommended that:-

- 1- Major Penalty may be imposed upon Mr.Rambail Khan now H/M, GHS Chehak D.I.Khan, Mr.Taus Khan now DEO (M) Karak and Mr.Zawar Hussain Shah now H/M, GHS Dartian Haripur under E&D Rules, 2011.
- 2- Major Penalty of Dismissal may be imposed upon Muhammad Younas Class-IV under E&D Rules 2011.The salary of absence period drawn fraudulently may be recovered and deposit into Govt treasury without further loss of time.
- 3- Disciplinary proceedings may be initiated against Mr.Muhammad Aftab J/Clerk, Tariq Aziz S/Clerk, Muhammad Arshad J/Clerk and Feroz Khan S/Clerk of E&SE Deptt; D.I.Khan for their involvement in fraudulent drawl.

(MR.MUSARRAT HUSSAIN KHAN)  
(PCS EG BS-20), Commissioner Kohat Division  
Enquiry Officer.

(MR.SAIFUR RAHMAN)  
Principal BS-20,/Enquiry Officer  
GHS No.1 Nowshera Cantt:

REGISTERED

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

E (12)

No.SO(SM) E&SED/4-17/2015/Syed Zawar Hussain Shah & Others/171  
Dated Peshawar the July 07, 2017

To

✓ Mr. Rambail Khan, Ex-Dy.DEO(M) D.I.Khan,  
(now Headmaster BS-17 GHS Cheliak D.I.Khan).

✓ Subject:- SHOW CAUSE NOTICE.


I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice wherein the Competent Authority (Chief Minister Khyber Pakhtunkhwa) has tentatively decided to impose upon you the major penalty of "Removal from service" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

2. You are therefore directed to furnish your reply to the Show Cause Notice as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

3. Your reply should reach this Department within Seven (07) days of the delivery of this letter otherwise ex-parte action shall be taken against you.

Encl: As Above:

Ends: Even No. & Date:

  
(MUJEER-UR-REHMAN)  
SECTION OFFICER (SCHOOLS MALE)

Copy of the above is forwarded to the:-

1. Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), D.I.Khan with the direction to ensure delivery of show cause notice to the accused.
4. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (SCHOOLS MALE)

SHOW CAUSE NOTICE

F  
=

13

I, Pervez Khattak, Chief Minister Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Rambail Khan Ex-Dy. DEO(M) D.I.Khan (now Headmaster BS-17 GHS Chehak D.I.Khan), as follows:-

- (i) that consequent upon the completion of inquiry conducted against you by the inquiry committee for which you were given opportunity of hearing vide communication No.10380/EA/Cmr-Kt dated 18.11.2016; and
- (ii) on going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your written defence before the inquiry committee;

I am satisfied that you have committed the following acts/omissions specified in rule-3 of the said rules:

- (a) Guilty of inefficiency.
- (c) Guilty of corruption.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Removal from Service under rule 4 of the said rules.

3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the inquiry officer is enclosed.

(PERVEZ KHATTAK)  
CHIEF MINISTER KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

Mr. Rambail Khan Ex-Dy. DEO(M) D.I.Khan,  
(now Headmaster BS-17 GHS Chehak D.I.Khan).

No. 792

Dated. 21/7 /2017

F (15)

From,

Rambail Khan, Ex-Dy: DEO,  
Office of DEO(M) DIKhan  
Now Head Master, (BS-17) GHS. Chahkan DIKhan.

To,

Mujeeb-ur-Rehman,  
Section Officer Schools (Male)  
E&SED, Khyber Pakhtunkhwa, Peshawar.

Subject:

SHOW CAUSE NOTICE.

Kindly refer to your No. SO(SM) E&SED/4-17/2015, Syed Zawar Hussain Shan and others/171 dated 07.07.2017 addressed to the undersigned regarding Serve Show Cause notice in connection with un-law ful release of pay in r/o Mr. Muhammad Younis Class-IV.

1. In this context brief history of the Case has already been elucidated to the enquiry committee on the spot and necessary affidavit and the relevant papers of enquiry report of enquiry committee dated 06.01.2015 constituted by DEO (Male) DIKhan (copy attached).
2. In the light of Departmental Enquiry Committee, the brief History of the case was submitted to the then Enquiry Officer Mr. Muhammad Iftikhar Ahmad Shamozaei Asstt: Director Sports Directorate of E&SE, KPK, Peshawar vide No. 15315 dated 17.08.2016: The 73 pages report which were self explanatory. (Copy attached).
3. Previously the enquiry report against fraudulent drawl of Rs. 145000/- in r/o Muhammad Younis, Class-IV was already conducted by the enquiry Committee consisting on Mr. Qamar-uz-Zaman, Principal, GHS. Paroa (DIKhan) and Mr. Jamal Ahmad Mirza, Head Master, GHS. Behari Colony DIKhan, which was constituted by DEO (M) DIKhan No. 21766-21767/DEO(M) B&AO dated 10.11.2014, which is self explanatory and all the relevant reports were attached with the enquiry report (Copies attached).
4. All the amount in question has been recovered from the Class-IV concerned.
5. The said Class-IV was not appointed under any signature and his 1<sup>st</sup> Source form was not presented in DAO, DIKhan for feeding through myself. Moreover his Service Book was also not signed by me.

15

6. I was not involved in that malpractice. All the process about his drawl was made with the collusion of some one either in the office or outsider just to defame my dignity.
7. The all process was made on surmise basis just to safe some one.
8. It is irony of fat that I have already illegally punished by degrading my scale from BPS-18 to BPS-17.
9. Now I have again involved and indict in the insignificant and repugnant case as rotated on conjecture basis as prejudicially. There is no proper tangible documents against me. The case was prepared against me as malafide and not based on facts. I have presented submitted the reply to Mr. Mussarat Hussain, Commissioner Kohat and Mr. Saifur Rehman, Principal GHS. No.1 Nowshera in the light of notification No. SO(S/M) E&SED/4-17/2015/ S.Zawar Hussain Shah, Head Master, GHS. Mithapur/171 dt: 08.08.2016 alongwith relevant document which was self explanatory and comprehension. In which, I solemnly declared on oath that neither the pay of Mr. Muhammad Younis, Class-IV was drawn under my signature and no file in this regard was put up to me by the Account Branch of the office. The said Class-IV was illegally transferred from GHS. Mandhran Kalan to GMS. Wanda Yarik, where no post of Chowkidar was exist.
10. It was a insignificant and devoid charges against me which was intentionally speared and dragged just to defame my dignity being a direct selected on Management cadre.
11. Previously, I have faced great loss and reverted from the post of Dy: DEO(M) DIKhan (BPS-18) to the Head Master, GHS. Chahikan (BPS-17).
12. Sir, it was not understood that there was no irregularity and embezzlement was made, then why an ex-party drastic action is being taken against me.
13. I have already submitted the enquiry report of Mr. Qamar-uz-Zaman, Principal, GHS. Paroa and Mr. Jamal Ahmad Mirza, Head Master GHS. Benari Colony DIKhan dated 06.01.2015 ( office Dy: NO. 258 dated 10.01.2015 and the brief History of the case submitted vide DEO (M) DIKhan No. 15315 dated 17.08.2016 (copies attached).

(10)

14. Simultaneously, the reply of questionnaire which was submitted to Mr. Hassam-ul-Haq, Principal GHS. No. 3 Kohat dated 12.08.2015 and the current reply in this regard submitted vide No.662-6 dated 23.08.2016 referred to above are attached for your kind perusal please.

15. All the allegation based on prejudicially and inequitable the one sided report was prepared on the basis of conjecture just to save some one from these self maded allegations.

16. I am totally innocent and not involved with any serious irregularities hence not calling for the action regarding to impose Major penalty under Rule-04. I have rendered 30-years meritorious service in Education Deptt. The inequitable one-sided action taken against me will take on my future career in Service/life and great financial loss.

17. I have already submitted all the relevant inquiry report, made by me from time to time along with relevant documents to your good self.

As all the irregularities/illegal process were made by the then DEO(M) DIKhan or by some one, hence it is requested that my case may please be reviewed and I may be exonerated from this critical situation and to avoid mental torture.

It is also stated that I would like to appear in person before the competent authority for my defence, as & when called for the purpose. I hope that my genuine report will be given sympathetic consideration please.

Yours Obediently,



(RAMBAIL KHAN)  
Head Master, GHS. Chahkan  
Dera Ismail Khan

REGISTERED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the November 06, 2017

NOTIFICATION

NO.SO(SM)E&SED/4-17/2015/Syed Zawar Hussain Shah & Others/171:---

WHEREAS Mr. Rambail Khan, Ex-Dy.DEO(M) D.I.Khan (now Headmaster BS-17 GHS Chehkan D.I.Khan) was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. AND WHEREAS Inquiry Committee comprising the following officers was constituted to conduct formal inquiry against the accused for the charges leveled against him in accordance with rules.

- i. Mr. Musarrat Hussain (PCS EG BS-20) Commissioner Kohat.
- ii. Mr. Saif-ur-Rahman Principal (BS-20) GHS No.1 Nowshera Cantt.

3. AND WHEREAS the Inquiry Committee after having examined the charges, evidences on record and explanation of the accused has submitted the report.

4. AND WHEREAS a show cause notice was served upon him on 07.07.2017.

5. AND WHEREAS the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and report of the Inquiry Committee is of the view that charges against the accused have been proved.

6. NOW, THEREFORE, in exercise of the powers conferred under Section-14 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose major penalty of "Removal from Service" upon Mr. Rambail Khan, Ex-Dy.DEO(M) D.I.Khan (now Headmaster BS-17 GHS Chehkan D.I.Khan) with immediate effect.

Ends: of Even No. & Date:

Copy forwarded to the: -

- 1- Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
- 2- District Education Officer (Male), D.I.Khan.
- 3- District Accounts Officer, D.I.Khan.
- 4- PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
- 5- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 6- Mr. Rambail Khan, Ex-Dy.DEO(M) D.I.Khan (now Headmaster GHS Chehkan D.I.Khan).
- 7- Office order file.

SECRETARY

1234  
7/11/17

2/02

(MUIJIB-UR-RAHMAN)  
SECTION OFFICER (SCHOOLS MALE)

92  
19-11-17

DDO  
7/11/17

To  
The Worthy Chief Minister,  
Khyber Pakhtunkhwa Peshawar.

15/11/07

Sd/-

Planned process

SUBJECT: REVIEW PETITION AGAINST THE ORDER DATED 06.11.2017, WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE.

Respected Sir,

1. That the appellant was working as Dy: DEO (M) D.I Khan with honesty and devotion.
2. That while serving in the said capacity, charge sheet along with statement of allegation was issued to the appellant in which the following charges were leveled against the appellant that,

Being DDO you unlawfully released salary for the month of July 2013 amounting to Rs. 12201/- and arrears for the period from 1.12.2013 to 31.10.2014 amounting to Rs. 145921/- to Muhammad Younas Class-IV whose where about unknown.

The appellant submitted detail reply to the charge sheet in which he clearly mentioned that neither the appellant made the pay of Muhammad Younas class-IV active nor the same was brought before the appellant by the Accountant or Budget & Accounts Officer as required under the standard operating procedure. The question of either making pay active and payment of arrear does not arise as the employee concerned never remain in office or in any of the middle School, he further contended in his reply that Middle Scholl come under domain of the appellant and no post of Chowkidar exists at Middle School. The appellant also contended in his reply that payment of arrear require sanction of competent authority i.e DEO being principal accounting officer was obligatory which was neither granted nor available on record. (Copies of charge sheet and reply to charge sheet are attached as Annexure-A&B)

3. That no regular inquiry was conducted against the appellant in which no proper chance of defence was provided to the appellant as neither the statements were recorded in the presence of the appellant nor gave him opportunity of cross examination but despite that the appellant was held responsible by the inquiry committee.
4. That show cause notice to the appellant which was duly replied by the appellant in which he once again denied the allegations. (Copies of show cause notice and reply to show cause notice are Attached as Annexure-C&D)

PS

Put up  
on file

th

25



5. That on the basis of formal inquiry report, the appellant was removed from the service vide order dated 06.11.2017. (Copy of the removal order dated 06.11.2017 is attached as Annexure-E)
6. That now the appellant wants to file the review petition against the order dated 06.11.2017 on the following grounds.

**GROUND:**

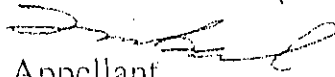
- A) That the impugned order dated 06.11.2017 is against the law, rules, facts and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant clearly mentioned in his reply to charge sheet and show cause notice that he did not released salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 1.12.2013 to 31.10.2014 amounting to Rs.145921/- to Muhammad Younas Class-IV and all have been done by class-IV on fake and bogus sign made on behalf of the appellant as neither the appellant made the pay bill of Muhammad Younas class-IV active nor the same was brought before the appellant by the Accountant or Budget & Accounts Officer as required under the standard operating procedure. The question of either making pay active and payment of arrear does not arise as the employee concerned never remain in office or in any of the middle School, he further contended in his reply that Middle Scholl came under domain of the appellant and no post of Chowkidar exists at Middle School. The appellant also contended in his reply that payment of arrear requires sanction of competent authority i.e DEO being principal accounting officer was obligatory which was neither granted nor available on record, which means that the appellant has made nothing relating to release of salary and arrear of Class-IV but he was punished for the fault of others.
- C) That inquiry was not conducted according to the prescribed procedure as no opportunity of defence was provided to the appellant as neither the statements were recorded in the presence of the appellant nor gave him chance of cross examination which is the violation of law and rules.
- D) That the inquiry committee in its recommendations recommend major penalty to Mr. Taus Khan Dy: DEO D.I Khan now DEO (M) Karak and Mr. Zawar Hussain Shah but the competent did not impose any penalty on Mr. Taus Khan and minor penalty of stoppage of two increments was imposed upon Mr. Zawar Hussain Shah, while major penalty of removal from service was imposed upon the appellant which means that the appellant was discriminated which is against the norms of justice.
- E) That Muhammad Younas class-IV made fake and bogus sign on behalf of the appellant and salary for the month of July 2013 and

arrears was unlawfully drawn by the Mr. Muhammad Younas by fake and bogus sign even he made transfer order from Middle School to High School by fake and bogus sign, which means that the appellant was punished for the fault of others.

- F) That the appellant promptly pointed out the irregularity of Mr. Muhammad Younas Class-IV and even addressed a letter to the Manager NBP Main Branch D.I.Khan for stoppage of salary of the said official, In addition to this letter was also addressed for inactivation of pay to D.A.O D.I.Khan **(copy of the letter is attached as annexure-F)**.
- G) That the inquiry was conducted against Muhammad Younas Class-IV and found that all the documents/letters of the concerned official are fake and bogus and the stamp used by him was also fake and the inquiry committee recommended disciplinary proceeding against him. The Stamp of Deputy Education officer used by him in charge report is also bogus and self-made as has been used in the case of the appellant **(Copy at Annex- G & H)**
- H) That the appellant has been condemned unheard and has not been treated according to law and rules.
- I) That the appellant has more than 30 years of service and penalty of removal from service is very harsh which is against norm of justice.

It is therefore, most humbly requested that on acceptance of this review petition the impugned order dated 06.11.2017 may be set aside and reinstate the appellant with all back and consequential benefits.

Dated 15/11/017

  
Appellant  
Rambail Khan,  
Ex-Dy: DEO (M)  
Head Master, (BPS-17),  
GHS, Chehkan.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

I (21)

Dated Peshawar the April 12, 2018

**NOTIFICATION**

**NO.SO(SM)E&SED/4-17/2015/Syed Zawar Hussain Shah & Others/171:**

**WHEREAS** Mr. Rambail Khan Ex-Dy.DEO(M) D.I.Khan (now Headmaster BS-17 GHS Chehkan D.I.Khan) was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. **AND WHEREAS** the inquiry committee comprising M/S Musarrat Hussain (PCS E&G BS-20) Commissioner Kohat and Saif ur Rehman Principal BS-20 GHS No.1 Nowshera Cantt was constituted to conduct formal inquiry against the accused officer for the charges levelled against him in accordance with rules.

3. **AND WHEREAS** the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, inquiry report, explanation of the accused officer in response to the show cause notice and personal hearing granted to him by the Secretary Establishment Department on behalf of the Chief Minister Khyber Pakhtunkhwa on 16.10.2017 is of the view that the charges against the accused officer have been proved.

4. **AND WHEREAS** the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) in exercise of the powers conferred under Section-14 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 imposed major penalty of "Removal from service" upon the accused vide Notification dated 06.11.2017.

5. **AND WHEREAS** the accused submitted a review petition before the Competent Authority against his penalty.

6. **NOW, THEREFORE**, in exercise of the powers conferred under Section-17 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) upon review of the case is pleased to convert the major penalty of "Removal from service" imposed upon Mr. Rambail Khan Ex-Dy.DEO(M) D.I.Khan (now Headmaster BS-17 GHS Chehkan D.I.Khan) to major penalty of "Compulsory retirement from service".

SECRETARY

**Endst: of even No. & Date**

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Male), D.I.Khan.
5. District Accounts Officer D.I.Khan.
6. Mr. Rambail Khan Ex-Dy.DEO(M) D.I.Khan (now Headmaster BS-17 GHS Chehkan D.I.Khan).
7. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
8. PS to Secretary Establishment Department, Peshawar.
9. PS to Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
10. Incharge EMIS E&SE Department.
11. Office order file.

  
(ANEELA FATIMA)

SECTION OFFICER (SCHOOLS MALE)

Service Appeal No. 353/2018

Rambil Khan

V/S Education Department etc

.....

**APPLICATION FOR ALLOWING AMENDMENT IN  
APPEAL DUE TO PASSING OF APPELLATE ORDER  
DATED 12.04.2018 DURING THE PENDENCY OF  
THE INSTANT APPEAL.**

.....

**RESPECTFULLY SHEWETH:**

1. That the instant appeal has been filed against the order dated 6.11.2017 whereby the appellant was removed from service and against not taking action on the review petition of the appellant in this Honorable Tribunal.
2. That the appeal is in reply stage and the next date fixed for reply 17.05.2018.
3. That the review petition of the appellant was not responded within statutory period of 90 days and now the competent authority decide the review of the petition on 12.04.2018 whereby the penalty of removal from service was converted into penalty of compulsory retirement from service. **Copy of the order dated 12.04.2018 is attached as Annexure-A.**
4. That as the appellate order was also passed by the competent authority on 12.04.2018 which needs to be challenged alongwith order dated 06.11.2017 therefore the appellant wants to amend the instant appeal by challenging the appellate order dated 12.04.2018.

It is, therefore, most humbly prayed that on acceptance of this application the instant appeal may be requisitioned for today and the appellant may be allowed to amend the instant appeal by including the appellate order dated 12.04.2018 in prayer. Any other remedy which this august Tribunal deems appropriate that may also be awarded in favour of the appellant.

23

APPELLANT

THROUGH:



(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT



(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT.

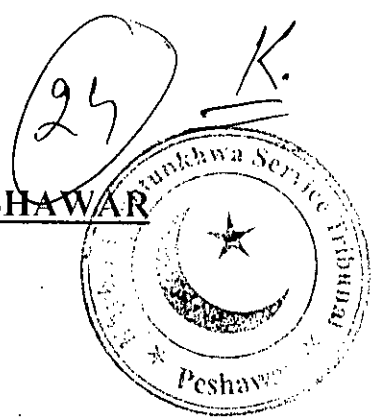
AFFIDAVIT

It is solemnly affirm that the contents of application are true and correct.

Javed Muhammad  
Advocate High Court  
Oath Commissioner  
Distt. Court Peshawar

18/4/2018

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**



APPEAL NO. 353 /2018

Rambail Khan, Ex-Dy: DEO,  
D.I.Khan.

362  
09/3/2018  
(Appellant)


**VERSUS**

1. The Government of KPK, through Chief Secretary KPK, Civil Secretariat, Peshawar.
2. The Chief Secretary KPK, Civil Secretariat, Peshawar.
3. The Secretary (E&SE), KPK, Peshawar
4. The Director of Education (E&SE), KPK, Peshawar

(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 06.11.2017 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE AND AGAINST NOT TAKING ACTION ON THE REVIEW WITHIN THE STAPULATED PERIOD OF NINETY DAYS.

ATTESTED

  
ENGINEER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 06.11.2017 MAY BE SET ASIDE. THE RESPONDENT DEPTT: MAY PLEASE BE DIRECTED TO REINSTATE THE APPELLANT WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

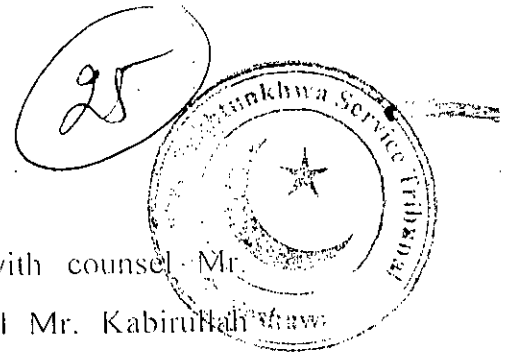
RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was working as Dy: DEO (M) D.I Khan with honesty and devotion.

17.05.2018

Appellant Rambail Khan alongwith counsel Mr. Taimur Khan, Advocate present and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

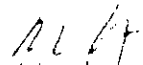


Today the case was fixed for submission of written reply/comments by the respondents but at the very outset of hearing, the learned counsel for the appellant intended that during pendency of this appeal, the departmental appeal of the appellant has been decided by the Authority whereby his removal from service was converted into compulsory retirement and the appellant wants to amend this appeal. Request is accepted. To come up for submission of amended memo of appeal on 09.07.2018 before S.B.


  
Chairman

09.07.2018

Appellant alongwith his counsel and Mr. Sardar Shoukat Hiyat, Addl. AG for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 9.08.2018 before S.B.

  
Member

**ATTESTED**

  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

THROUGH REGISTERED

DISTRICT EDUCATION OFFICER, (MALE)  
DERA ISMAIL KHAN

ED  
96

No. 21383  
To,

Dated D.I.Khan the 1/11/2014

The Manager,


NBP, MAIN BRANCH (230327)

D.I.KHAN

Subject:-  
Memo:

STOPPAGE OF PAY

You are requested to please stop the payment of  
monthly salary of MUHAMMAD YOUNIS Designation NAIB ASID  
Personal No. 00702340 teacher drawing salary from your Bank  
A/C No. 4813-9. Your cooperation in this regard will highly  
be appreciated.

  
DY: DISTRICT EDUCATION OFFICER,  
(MALE) D.I.KHAN  
District Education Officer  
(Male) D.I.Khan



PAYROLL SYSTEM  
AMENDMENT FORM  
SINGLE EMPLOYEE ENTRY

23

FORM BAYU2

Date \_\_\_\_\_

Page No \_\_\_\_\_

OFFICE OF THE \_\_\_\_\_

DY. DEOCMA DICKER

FOR THE MONTH OF \_\_\_\_\_

11 2014

DDO Code (Cost Center) 17059 Description \_\_\_\_\_

Personnel Number 00202340

Employee Name Muhammad Yousaf  
GMS. NO STATION

Nationality \_\_\_\_\_  
Card Number \_\_\_\_\_

Grade (Pay Scale Group)

Salary Status  Start  Stop

GENERAL DATA CHANGE		CHANGE IN PAYMENTS / DEDUCTIONS						Effective Date	Remarks	
Info Type	Field ID	New Contents	Wage Type	Amount			Paise			Adj
				Rs	Paise	Other				
			Pay						21-11-2014	Due to Emergency (Letter attached)

Prepared By \_\_\_\_\_

*[Signature]*  
District Education Officer  
(Sic) D.I. Khan

Entered/Verified By \_\_\_\_\_

Audited/Checked By \_\_\_\_\_



DISTRICT EDUCATION OFFICER (MALE),  
DERA ISMAIL KHAN

Tel. 0966-9280151  
e mail: emisdikhan@yahoo.com

*(Handwritten initials and number 28)*

21766-21767

No. \_\_\_\_\_ /DEO(M)B&AO

Dated DIKhan the 10/11 2014.

To.

- 1) Mr. Qamar Zaman. (Chairman)  
Principal, GHS Prova, DIKhan.
- 2) Mr. Jamal Ahmad Mirza, (Member)  
Headmaster, GHS Behari Colony,  
DIKhan.

Subject: ENQUIRY

You are hereby nominated to conduct an enquiry against fraudulent drawl of Rs.145,000/- on the part of one Mr. Muhammad Younis Class-IV Servant and submit your findings within 15 days for further necessary action under the relevant rules.

The Enquiry Committee is required to thrash out the following aspects:

- 1- To verify his first appointment order.
- 2- To verify charge report dated 10-04-2014 having alleged fake signature of DDO & official stamp.
- 3- When pointed out such irregularities he gets the DDO code changed from Middle to High (GHSS Mandhra Kalan) while no LPC etc has been issued by the DDO of Middle section.
- 4- The Ex-DDO Middle has stopped his pay but the present DDO has released his pay and he has drawn Rs.145,000/- fraudulently.

*For any assistance the committee may contact Account Branch of this office.*

*(Handwritten signature)*  
District Education Officer  
(Male) DIKhan

The DEO(Male)  
E&SE DIKhan

Subject: Enquiry

Memo,

Reference enquiry No 21766-67 of dated 10/11/2014 was assigned to the under signed. A detailed inquiry was held and findings of the inquiry are hereby submitted in your worthy respect.

1. Appointment order No 1622-29 of dated 10/04/2013 does not exist in the despatch register
2. Charge report of 10/04/2013 shows a fake stamp with designation of Dy: Education officer Dera Ismail Khan. This post even does not exist at all.
3. Ex- DDO GHSS Mandran Kalan Mr. Zawar Hussain Shah activated the monthly salary of Mohammad Younis without any LPC. The detailed statements of the clerks in GHSS Mandran Kalan is annexed.(Annexure A,B)
4. Statement submitted by the accountant Mr. Muhammad Aftab Dy:DEO Mr. Rambail Khan declared that they have not been involved in the activation of salary of Muhammad Younis or his arrears. DDEO declared that he had not issued pay release order in respect of M. Younis class-iv.(Annexure C,D).
5. Muhammad Younis stated in his on-oath statement that he appeared before the present DDEO for activation of pay and arrears but Dy:DEO directed that pay activation is responsibility of the office.  
Muhammad Younis in his statement declared that he sought the help of M.Hashim (his relative) for activation of pay. In this regard Mohammad Arshad J/C DEO(F) DIKhan fully facilitated M.Hashim to release the salary.(Annexure E)

Conclusion:-

All the relevant letters of Muhammad Younis class-iv are fake and bogus. The department has nothing to do with the letters.

The stamp used throughout the pay activation process is fake.

Decision:-

1. Muhammad Younis be directed to deposit Rs 145921/- in the exchequer and be warned in future.
2. Department should initiate an inquiry against the two Government employees as pointed out by the statement of Muhammad Younis class-iv.
3. Pay active source form and arrears bill had been passed by the District Accounts office DIKhan under wrong designation shown in the stamp.(Annexure F,G,H) The concerned DAO staff DIKhan must be warned to be conscious in all aspects while passing/ feeding the bills of the Government servants.

Qamar uz Zaman

Principal

GHS Parova DIKhan

Jamal Ahmad Mirza

Head Master

Behan Colony DIKhan

Office of the Dy. DEO (F) Behan Colony DIKhan  
Date: 25.01.2015  
258  
25.01.2015

29

B. A. A. A.  
A. A. A. A.  
A. A. A. A.  
A. A. A. A.

*(Handwritten marks)*

OFFICER

30

(ALE)

# چارج رپورٹ

میں سی ڈی ایچ اے ڈی اے ایف آئی ڈی اے ایف آئی

1622-27 سے جو کہ آج مورخہ 15/4/2013 قبل بعد از دوپہر بموجب حکم نمبری 27-2013

آمدہ از دفتر 27-2013 مورخہ 15/4/2013

تبدیل ہوا ہے لیڈنگ ایف آئی ڈی اے ایف آئی ڈی اے ایف آئی

مقام سے 15/4/2013 مورخہ

*No. 1622-27*

چارج گرہندہ

TA  
Dy. Education Officer  
Dera Ismail Khan

*(Signature)*  
چارج دہندہ

Sd/-  
District Education Officer (Male)  
Dera Ismail Khan

No. 1622-27 DEO(M)/Class-IV Dated DIKhan the 15/4/2013

Copy to:-

1. The Deputy Commissioner, DIKhan.
2. The Deputy District Education Officer (Male), Dera Ismail Khan.
3. The District Comptroller of Accounts, Dera Ismail Khan.
4. Official Concerned.
5. Office File.

*(Handwritten signature)*

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

Appeal No. 383 /2018

Rambail Khan

V/S

Education Deptt:

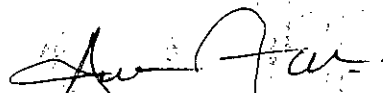
.....

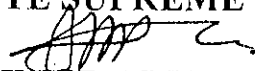
**INDEX**

No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-04
2.	Copy of charge sheet	A	05
3.	Copy statementat of allegation	B	06
4.	Copy of reply to charge sheet	C	07-08
5.	Copy of inquiry report	D	09-11
6.	Copy of show cause notice	E	12-13
7.	Copy reply to show cause notice	F	14-16
8.	Copy of removal order	G	17
9.	Copy of review petition	H	18-20
10.	Copy of letter	I	21-22
11.	Copy of inquiry report	J	23-24
12.	Copy of charge sheet	K	25
13.	Wakalat nama	-----	26

  
APPELLANT

THROUGH:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE SUPREME COURT

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT

&  
ASAD MAHMOOD  
(ADVOCATE HIGH COURT)

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 353 /2018

Rambail Khan, Ex-Dy: DEO,  
D.I.Khan.

(Appellant)

**VERSUS**

1. The Government of KPK, through Chief Secretary KPK, Civil Secretariat, Peshawar.
2. The Chief Secretary KPK, Civil Secretariat, Peshawar.
3. The Secretary (E&SE), KPK, Peshawar
4. The Director of Education (E&SE), KPK, Peshawar

(Respondents)

-----  
APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 06.11.2017 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE AND AGAINST NOT TAKING ACTION ON THE REVIEW WITHIN THE STAPULATED PERIOD OF NINETY DAYS.

**PRAYER:**

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 06.11.2017 MAY BE SET ASIDE. THE RESPONDENT DEPTT: MAY PLEASE BE DIRECTED TO REINSTATE THE APPELLANT WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant was working as Dy: DEO (M) D.I Khan with honesty and devotion.

2. That while serving in the said capacity, charge sheet along with statement of allegation was issued to the appellant in which the following charges were leveled against the appellant that,

Being DDO you unlawfully released salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 1.12.2013 to 31.10.2014 amounting to Rs.145921/- to Muhammad Younas Class-IV whose where about unknown.

The appellant submitted detail repto the charge sheet in which he clearly mentioned that neither the appellant made the pay of Muhammad Younas class-IV active nor the same was brought before the appellant by the Accountant or Budget & Accounts Officer as required under the standard operating procedure. The question of either making pay active and payment of arrear does not arise as the employee concerned never remain in office or in any of the middle School, he further contended in his reply that Middle Scholl come under domain of the appellant and no post of Chowkidar exists at Middle School. The appellant also contended in his reply that payment of arrear require sanction of competent authority i.e DEO being principal accounting officer was obligatory which was neither granted nor available on record. **(Copies of charge, statment of allegations and reply to charge sheet are attached as Annexure-A,B&C)**

3. That inquiry was conducted against the appellant in which no proper chance of defence was provided to the appellant as neither the statements were recorded in the presence of the appellant nor gave him opportunity of cross examination, but despite that the appellant was held responsible by the inquiry committee. **(Copy of inquiry report is attached as Annexure-D)**
4. That show cause notice to the appellant which was duly replied by the appellant in which he once again denied the allegations. **(Copies of show cause notice and reply to show cause notice are Attached as Annexure-E&F)**
5. That on the basis of formal inquiry report, the appellant was removed from the service vide order dated 06.11.2017. **(Copy of the removal order dated 06.11.2017 is attached as Annexure-G)**
6. That the appellant filed review petition against the impugned removal order on 29.11.2017, which was not responded within the statutory period of ninety days. **(Copy of review petition is attached as Annexure-H)**
7. That now the appellant wants to file the review petition against the order dated 06.11.2017 on the following grounds.

#### **GROUND:**

- A) That the impugned order dated 06.11.2017 and not taking action on teh review petition are against the law, rules, facts and material on record, therefore not tenable and liable to be set aside.

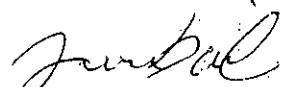
- B) That the appellant clearly mentioned in his reply to charge sheet and show cause notice that he did not released salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 1.12.2013 to 31.10.2014 amounting to Rs.145921/- to Muhammad Younas Class-IV and all have been done by class-IV on fake and bogus sign made on behalf of the appellant as neither the appellant made the pay bill of Muhammad Younas class-IV active nor the same was brought before the appellant by the Accountant or Budget & Accounts Officer as required under the standard operating procedure. The question of either making pay active and payment of arrear does not arise as the employee concerned never remain in office or in any of the middle School, he further contended in his reply that Middle Scholl came under domain of the appellant and no post of Chowkidar exists at Middle School. The appellant also contended in his reply that payment of arrear requires sanction of competent authority i.e DEO being principal accounting officer was obligatory which was neither granted nor available on record, which means that the appellant has made nothing relating to release of salary and arrear of Class-IV but he was punished for the fault of others.
- C) That inquiry was not conducted according to the prescribed procedure as no opportunity of defence was provided to the appellant as neither the statements were recorded in the presence of the appellant nor gave him chance of cross examination which is the violation of law and rules.
- D) That the inquiry committee in its recommendations recommend major penalty to Mr. Taus Khan Dy: DEO D.I Khan now DEO (M) Karak and Mr. Zawar Hussain Shah but the competent did not impose any penalty on Mr. Taus Khan and minor penalty of stoppage of two increments was imposed upon Mr. Zawar Hussain Shah, while major penalty of removal from service was imposed upon the appellant which means that the appellant was discriminated which is against the norms of justice.
- E) That Muhammad Younas class-IV made fake and bogus sign on behalf of the appellant and salary for the month of July 2013 and arrears was unlawfully drawn by the Muhammad Younas by fake and bogus sign even he made transfer order from Middle School to High School by fake and bogus sign, which means that the appellant was punished for the fault of others.
- F) That the appellant promptly pointed out the irregularity of Mr. Muhammad Younas Class-IV and even addressed a letter on 1.11.2014 to the Manager NBP Main Branch D.I Khan, for stoppage of salary of the said official. **(Copy of letter is attached as Annexure-I)**
- G) That the inquiry was conducted against Muhammad Younas Class-IV and found that all the documents/letters of the concerned official are fake and bogus and the stamp used by him was also fake and the inquiry committee recommended disciplinary proceeding against him.




The stamp paper of the Deputy Education Officer used by him in charge report is bogus and self made as he has been used in the case of the appellant. (Copies of inquiry report and charge report are attached as Annexure-J&K)

- H) That the appellant has been condemned unheard and has not been treated according to law and rules.
- I) That the appellant has more than 30 years of service and penalty of removal from service is very harsh which is against norm of justice.
- J) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

  
APPELLANT  
Rambail Khan

THROUGH:

  
M. ASIF YOUSAFZAI  
(ADVOCATE SUPREME COURT)

  
TAIMUR ALI KHAN  
ADVOCATE HIGH COURT

&

ASAD MAHMOOD  
(ADVOCATE HIGH COURT)

A 5

CHARGE SHEET

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, hereby charge you, Mr. Rambail Khan, Dy. District Education Officer Male BS-18 D.I.Khan as follows:-

That you, while posted as DDEO(M) D.I.Khan committed the following irregularities:

"Being DDO you unlawfully released salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 01-12-2013 to 31-10-2014 amounting to Rs.145921/- to Muhammad Younas Class-IV whose where about was unknown."

2- By reason of the above, you appear to be guilty of corruption under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.

3- You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer/ inquiry committee, as the case may be.

4- Your written defence, if any, should reach the inquiry officer/ inquiry committee within specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5- Intimate whether you desire to be heard in person.

6- A Statement of Allegations is enclosed.

*Pervez Khattak*  
(PERVEZ KHATTAK)  
CHIEF MINISTER KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

Mr. Rambail Khan, Dy. District Education Officer Male BS-18 D.I.Khan.

B (6)

DISCIPLINARY ACTION

1. Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that Mr. Rambail Khan, Dy. District Education Officer (Male BS-18 D.I.Khan has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011

STATEMENT OF ALLEGATIONS

"Being DDO he unlawfully released salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 01-12-2013 to 31-10-2014 amounting to Rs.145921/- to Muhammad Younas Class-IV whose where about was unknown."

2- For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under Rule 10(1)(a) of the ibid Rules:

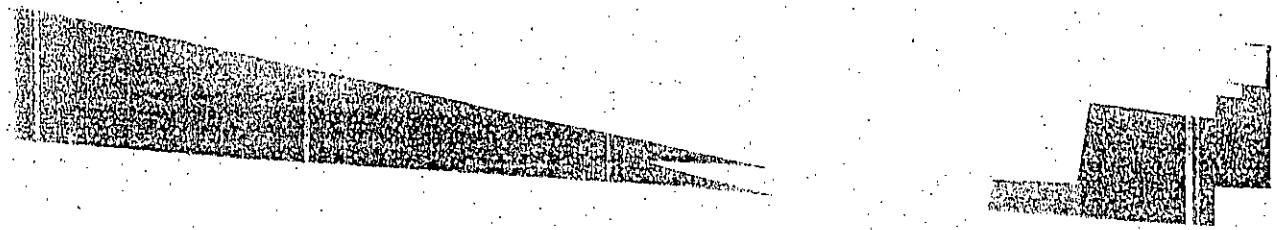
- i. Mr. Musarrat Hussain (Pcs EG BS-20)
- ii. Mr. Saif-Ul-Rehman BS-20 Principal GHS No 1 Ca
- iii. \_\_\_\_\_

3- The inquiry officer/ inquiry committee shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4- The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/ inquiry committee.

*Pervez Khattak*  
(PERVEZ KHATTAK)  
CHIEF MINISTER KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

Mr. Rambail Khan, Dy. District Education Officer Male BS-18 D.I.Khan.



UNDER REGISTERED COVER

C (7)

No: 662-65 /Dated DIK the 2-8 /2016

To

1. Mr. Musarrat Hussain (PCS EG BS-20) Commissioner. Kohat.
2. Mr. Saifur Rehman Principal BS,20 GHS No.1 Nowshehra Cantt.

**SUBJECT : CHARGE SHEET/ STATEMENT OF ALLEGATION .**

Respected Sir ,

Kindly refer to the secretary to the GOVT : of Khyber Pakhtunkhwa Peshawar. Notification No.SO(S/M) E&SED/4-17/2015/ Syed Zawar Shah HM GHS Mithapur/171 dated Peshawar the 08/08/2016.

In this regard, I beg to submit few lines for seeking justice and sympathetic consideration, please.

I have performed my duties as Deputy District Education Officer (Male) DI Khan with effect from 01/06/2014 to 11/07/2016 laboriously and honestly to the entire satisfaction of my superiors. During the period from 21/06/2014 to 22/10/2014, I have performed my duties as District Education Officer (Male) DI Khan as the Said post was remained vacant for a short period. At present I am performing my duties as Headmaster at GHS Chehkan DI Khan w.e.f 12/07/2016.

I solemnly declare on oath that neither I made the pay of Muhammad Younas Class .IV active nor the same was brought before me by the Accountant or Budget & Accounts Officer as required under the standard operating procedure. The question of either making pay active and payment of arrear does not arise as the employee concerned never remain in office or in any of the Middle School.

As per SOP Pay of Chowkidar cannot be made active as no Post of Chowkidar exists at middle School .

Further for payment of arrear sanction of competent authority  
i.e. DEO being Principal accounting officer was obligatory which was neither  
granted nor available on record.

Sir,

I am career oriented having strong belief on rule of law and cannot think  
of such an irregularity, Muhammad Younas Class IV himself affixed bogus  
signature of the undersigned which are totally fabricated.

The charges framed against me in haste vide above referred letter are  
factitious, baseless without ground and devoid of any material evidence, just  
to malign me and shift own responsibility on my shoulders.

It is therefore humbly prayed on the basis of facts narrated above  
the unilateral charges may please be withdrawn and I may very kindly be  
exonerated from the illegal / unlawful charges and I may be declared as  
innocent so as to relieve me from the tension imposed upon me thus  
enabling me to continue my services with peace of mind.

Sir, I would like to be heard in person.

submitted Please.

  
( Mr. Rambail Khan )

HEADMASTER


GHS CHEHKAN (D I KHAN)

Endst : No \_\_\_\_\_

Copy of the above is forwarded for information and similar  
request to the :

1. P/s to secretary (E/SED) Khyber Pakhtunkhwa Peshawar
2. Section Officer (Schools/ Male) (E/SED) Khyber Pakhtunkhwa Peshawar w/r to his No. and  
Dated quoted above.

3. Director (E/SED) Khyber Pakhtunkhwa Peshawar

  
( Mr. Rambail Khan )

HEADMASTER

GHS CHEHKAN (D I KHAN)

REPORT AGAINST MR.TAUS KHAN EX-DY:DEO (M) D.I.KHAN NOW DEO (M) KARAK, MR.RAMBAIL  
EX-DY:DEO (M) D.I.KHAN NOW SH/M, GHS CHEHAK D.I.KHAN, MR.ZAWAR HUSSAIN SHAH EX-DDO,  
MANDHRA KALAN NOW H/M, GHS DHARTIAN HARIPUR AND MR.ATTA MUHAMMAD EX-  
DDT:DEO (M) D.I.KHAN NOW RETIRED REGARDING IRREGULAR DRAWL OF PAY IN R/O MUHAMMAD  
YUNAS CLASS-IV.

PREAMBLE.

The competent authority has constituted the following enquiry committee vide office Notification No.SO(S/M)E&SED/4-17/2015/Syed Zavar Hussain Shah HM, GHS Mitha Pur/171 Dated 08-08-2016 to conduct formal enquiry against the following Officers for the charges mentioned in the charge sheet and statement of allegations already served upon the concerned Officers (Annex-A).

- 1- Mr.Taus Khan Ex-Dy:DEO (M) D.I.Khan now DEO (M) Karak.
- 2- Mr.Rambail Khan Ex-Dy:DEO (M) D.I.Khan now H/M, GHS Chehak D.I.Khan
- 3- Mr.Zawar Hussain Shah Ex-DDO, GHSS Mandhra Kalan now H/M, GHS Dhartian Haripur.
- 4- Mr.Atta Muhammad Ex-Supdt: DEO (M) D.I.Khan now retired.

ENQUIRY COMMITTEE

- 1- Mr.Musarrat Hussain Khan (PCS EG BS-20), Commissioner Kohat Division Kohat.
- 2- Mr.Saifur Rahman Principal (BS-20), GHS No.1 Nowshera Cantt.

ALLEGATIONS.

Being DDOs unlawfully released pay and arrears of Muhammad Younas Class-IV for various periods which caused great loss to Govt exchequer.

TERMS OF REFERENCE OF ENQUIRY COMMITTEE.

- i- The aforesaid committee shall look into the matter, conduct formal inquiry for the charges mentioned in the charge sheet and statements of allegations already served upon the concerned Officers and submit recommendation/report to the competent authority.
- ii- In pursuance of letter No.SO(S/M)E&SED/4-17/2015/S.Zawar Hussain Shah & others/171 dated 17-02-2017, the committee clarify the present status of Muhammad Younas Class-IV.
- iii- Charge against M/S Taus Khan Ex-Dy:DEO (M) D.I.Khan and Atta Muhammad Supdt: at the Office of DEO (M) D.I.Khan be examined & report upon.
- iv- The committee should specify other staff of establishment & accounts section who was involved in the fraudulent drawl.

PROCEEDINGS.

In compliance with the above referred notification of the competent authority, the enquiry committee started the proceedings accordingly. The competent authority has already served statement of allegations and charge sheets upon the above named officers (Annex-B to M). All have submitted their reply to the enquiry committee (Annex-N to Q).

To find out the actual position the enquiry committee visited Office of DEO (M) Dera Ismail Khan dated 17-10-2016. The DEO (M) D.I.Khan was requested through camp letter No.786 dated 18-10-2016 to direct the concerned Officers/Officials to provide relevant record pertaining to the said enquiry (Annex-R). The concerned Officers/Officials were of the views that the appointment of Muhammad Younas as Chowkidar at GMS Wanda Yarak has not been processed accordingly. No entry of the said appointment order is exist in the Dispatch register of DEO (M) D.I.Khan. Photo copy of dispatch register is attached for ready reference (Annex-S&T).The concerned dispatcher also stated in black and white that the endstt No. of the said appointment order is fake and not recorded in the dispatch register of DEO (M) D.I.Khan (Annex-U).

The concerned Officers/Officials were directed to appear before the enquiry committee on 11-11-2016 at Commissioner Office Kohat resultantly they were appeared except Feroz Hussain Shah & Swati Ex- DEOs (M) D.I.Khan, DA D I Khan, S.Zawar Hussain Shah Ex-DDO of GHSS Mandhra Kalan and Feroz Khan S/Clerk of the said school. Those who were appeared before the enquiry committee recorded their statements (Annex-V to A1).

42). They also recorded their statements (Annex-A3 to A5).

FINDINGS.

18

The Photo copies of relevant documents provided by the above named Officers were checked thoroughly and it was observed that:-

- 1- Muhammad Younas S/o Muhammad Nawaz resident of Dahother Kacha D.I.Khan was appointed against Chowkidar post at GMS Wanda Yarak D.I.Khan by DEO (M) D.I.Khan vide endstt No.1622-27/DEO (M)/Class-IV Dated 10-04-2013 (Annex-A6). The said order was invalid for the reasons that (i) there is no Chowkidar sanctioned posts in Middle Schools and (ii) there is no entry recorded of such appointment order in the dispatch register of DEO (M) D.I.Khan as revealed from the available record and statement of dispatcher (already annexed).
- 2- Mr. Muhammad Younas Class-IV has not performed duty at GMS Wanda Yarak D.I.Khan as revealed from the written statement of Head Master, GMS Wanda Yarak (Annex-A7). There are only two class-iv sanctioned posts i.e Naib Qasid and Sweeper at GMS Wanda Yarak against which Mr. Abdur Rasheed Sweeper and Mr. Azizur Rahman NQ are working since the establishment of the school (Annex-A8).
- 3- The pay of Muhammad Younas Class-IV was not released/computerized well in time for the reason mentioned above. Source-1 for computerization of pay was submitted to DAO D.I.Khan duly signed by Mr. Taus Khan Ex-Dy:DEO (M) and countersigned by Mr. Feroz Hussain Shah Ex-DEO (M) D.I.Khan (Annex-A9). His pay was computerized for the 1st time in 07/2013 (Annex-A10).
- 4- The accused Muhammad Younas Chowkidar, GMS Wanda Yarak was transferred mutually vice Mr. Zakauallah Class-IV of GHSS Mandhra Kalan D.I.Khan by DEO (M) D.I.Khan vide endstt No.840-7 dated 08-10-2013 (Annex-A11). The said transfer order is also invalid for the reason that (i) the signatory authority (DEO M D.I.Khan Mr. Taus Khan) has disowned the signature marked on the transfer order and (ii) the dispatch No. recorded on the said transfer order is fake and has not been recorded in dispatch register of DEO (M) D.I.Khan (Already annexed).
- 5- The DDO of GHSS Mandhra Kalan D.I.Khan Mr. Zawar Hussain Shah now Head Master, GHS Dartian Haripur has released his salary for the month of 10/2013 and 11/2013 without confirmation and issuance of LPC from the quarter concerned which is required being important accounts documents (Annex-A12). Mr. Zawar Hussain Shah Ex-DDO Mandra Kalan stated that he has signed the source documents for release of pay on the request of Feroz Khan S/Clerk of the school. However Mr. Feroz Khan S/Clerk has denied the statement of DDO Concerned.
- 6- Mr. Taus Khan Ex-DEO (M) D.I.Khan now DEO (M) Karak visited GHSS Mandhra Kalan on dated 23-04-2014 and directed the Principal concerned to immediately relieve the accused Class-IV Muhammad Younas resultantly the accused was relieved and his pay was stopped on the verbal direction of Ex-DEO (M) D.I.Khan (Annex-A-13). However no further disciplinary proceeding was initiated by the competent authority due to unknown reason.
- 7- During the course of enquiry it was observed that though the accused was relieved from his official duty on dated 23-04-2014 but even then his salary of intervening period amounting to Rs.145000/- were prepared and submitted to DAO D.I.Khan duly signed by Mr. Rambail Khan Ex-Dy:DEO (M) D.I.Khan now H/M, GHS Chehak D.I.Khan (Annex-A14 to A16). The DAO D.I.Khan passed the said arrear bill (Annex-A-17). Though it was the responsibility of accountant as well as DDO concerned to point out the irregular drawl well in time but no recovery has so far been made from the accused. They further recorded the said amount in monthly expdt statement for the month of 10/2014 (Annex-19 to A29). The accused further stated that his salary bill for the period from 01-12-2013 to 30-09-2014 was signed by Mr. Rambail Khan Ex-DDO (M) D.I.Khan. The accused further requested for adjustment and release of pay.
- 8- Apart from above mentioned facts all the concerned DDOs/Dy:Dos/DDOs except Mr. Zawar Hussain Shah Ex-DDO GHSS Mandra Kalan now Head Master, GHS Dartian Haripur have disowned the signatures marked on service documents of Muhammad Younas Class-IV Servant. No one is ready to accept the responsibility of fraudulent drawl as well as maintenance of record.
- 9- The accused class-IV Servant was heard in person. He verbally admitted that he has not performed duty at GMS Wanda Yarak for the reason that no staff member was present there. However after transfer to GHSS Mandra Kalan he has performed duty from 08-10-2013 to 23-04-2014 as revealed from attendance record of the said school (Annex-A19 to A29). The accused further stated

salary bill for the period from 01-12-2013 to 30-09-2014 was signed by Mr.Rambail ex-DDO (M) D.I.Khan. He requested for Re-Instatement and release of pay.

- 10- The District Accounts Officer D.I.Khan provided original service and salary record of Muhammad Younas duly submitted by Ex-DDOs of DEO (MO D.I.Khan which was checked thoroughly and it was confirmed that the claim was actually signed by Mr.Rambail Khan and submitted to DAO D.I.Khan which resulted irregular drawl as mentioned in the charge sheet and statement of allegations. The DAO D.I.Khan also recorded his statement (Already annexed).
- 11- Mr.Feroz Hussain.Shah Ex- DEO (MO D.I.Khan now retired stated that he has issued the appointment order of the accused Class-IV servant on the direction of Mr.Qaisar Rasheed Judge Peshawar High Court (Already annexed).
- 12- Mr.Zawar Hussain now Head Master, GHS Dartian Haripur stated in black & white that he has signed the source form of Muhammad Younas Class-IV for release of his pay.
- 13- Mr.Feroz Khan S/Clerk of GHSS Mandra Kalan stated that he has stamped the source form of Muhammad Younas Class-IV prior to sign of DDO Concerned (Already annexed).

It is worth mentioning to state that three enquiries have already been conducted against the above named class-IV Servant (Annex-A30 to A33). All the three enquiry committees have declared the 1st appointment order and transfer order as fake and bogus. Though his appointment order was issued under 25 percent reserved quota for the children of class-IV servants as his father was retired from service. However no record was found at DEO (M) D.I.Khan.

During the course of enquiry, it was observed that supporting staff of establishment section and accounts section are fully involved in such fraudulent drawl. Disciplinary proceedings are required to be initiated against them under E&D Rules, 2011. However now they are trying to save their skin from any drastic action.

The Charges have been proved against Mr.Rambail Khan Ex-Dy:DO (M) D.I.Khan now H/M GHS Chehak, Mr.Taus Khan Ex-Dy:DO (M) D.I.Khan now DEO (M) Karak and Mr.Zawar Hussain Shah Ex-DDO GHSS Mandhra Kalan, now H/M, GHS Dartian Haripur. Mr.Feroz Hussain Shah Ex-DEO (M) D.I.Khan and Mr.Atta Muhammad have already been retired from service. It is further added that no involvement of Atta Muhammad Ex-Suptdt: has been proved.

#### RECOMMENDATIONS.

In the light of above mentioned facts and documentary proof on record, the charges have been proved against the above named Officers. It is therefore recommended that:-

- 1- Major Penalty may be imposed upon Mr.Rambail Khan now H/M, GHS Chehak D.I.Khan, Mr.Taus Khan now DEO (M) Karak and Mr.Zawar Hussain Shah now H/M, GHS Dartian Haripur under E&D Rules, 2011.
- 2- Major Penalty of Dismissal may be imposed upon Muhammad Younas Class-IV under E&D Rules 2011. The salary of absence period drawn fraudulently may be recovered and deposit into Govt treasury without further loss of time.
- 3- Disciplinary proceedings may be initiated against Mr.Muhammad Aftab J/Clerk, Tariq Aziz S/Clerk, Muhammad Arshad J/Clerk and Feroz Khan S/Clerk of E&SE Deptt; D.I.Khan for their involvement in fraudulent drawl.

(MR.MUSARRAT HUSSAIN KHAN)  
(PCS EG BS-20), Commissioner Kohat Division  
Enquiry Officer.

(MR.SAIFUR RAHMAN)  
Principal BS-20,/Enquiry Officer  
GHS No.1 Nowshera Cantt.



REGISTERED

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

E (12)

No.SO(SM) E&SED/4-17/2015/Syed Zawar Hussain Shah & Others/171  
Dated Peshawar the July 07, 2017

To

✓ Mr. Rambail Khan, Ex-Dy. DEO(M) D.I.Khan,  
(now Headmaster BS-17 GHS Chehak D.I.Khan).

Subject:- SHOW CAUSE NOTICE.

I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice wherein the Competent Authority (Chief Minister Khyber Pakhtunkhwa) has tentatively decided to impose upon you the major penalty of "Removal from service" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

2. You are therefore directed to furnish your reply to the Show Cause Notice as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

3. Your reply should reach this Department within Seven (07) days of the delivery of this letter otherwise ex-parte action shall be taken against you.



(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS MALE)

Encl: As Above:

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

1. Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), D.I.Khan with the direction to ensure delivery of show cause notice to the accused.
4. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (SCHOOLS MALE)

SHOW CAUSE NOTICE

F  
=

13

I, Pervez Khattak, Chief Minister Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Rambail Khan Ex-Dy. DEO(M) D.I.Khan (now Headmaster BS-17 GHS Chehak D.I.Khan), as follows:-

- (i) that consequent upon the completion of inquiry conducted against you by the inquiry committee for which you were given opportunity of hearing vide communication No.10380/EA/Cmr-Kt dated 18.11.2016 and
- (ii) on going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your written defence before the inquiry committee;

I am satisfied that you have committed the following acts/omissions specified in rule-3 of the said rules:

- (a) Guilty of inefficiency.
- (c) Guilty of corruption.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Removal from Service under rule 4 of the said rules.

3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the inquiry officer is enclosed.

(PERVEZ KHATTAK)  
CHIEF MINISTER KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

Mr. Rambail Khan Ex-Dy. DEO(M) D.I.Khan,  
(now Headmaster BS-17 GHS Chehak D.I.Khan).

No. 792

Dated. 21/7 /2017

F (15)

From,

Rambail Khan, Ex-Dy: DEO,  
Office of DEO(M) DIKhan  
Now Head Master, (BS-17) GHS. Chahkan DIKhan.

To,

Mujeeb-ur-Rehman,  
Section Officer Schools (Male)  
E&SED, Khyber Pakhtunkhwa, Peshawar.

Subject:

**SHOW CAUSE NOTICE.**

Kindly refer to your No. SO(SM) E&SED/4-17/2015, Syed Zawar Hussain Shan and others/171, Dated 07.07.2017 addressed to the undersigned regarding Serve Show Cause \notice in connection with un-law ful release of pay in r/o Mr. Muhammad Younis Class-IV.

1. In this context brief history of the Case has already been elucidated to the enquiry committee on the spot and necessary affidavit and the relevant papers of enquiry report of enquiry committee dated 06.01.2015 constituted by DEO (Male) DIKhan (copy attached).
2. In the light of Departmental Enquiry Committee, the brief History of the case was submitted to the then Enquiry Officer Mr. Muhammad Iftikhar Ahmad Shamozai Asstt: Director Sports Directorate of E&SE, KPK, Peshawar vide No. 15315 dated 17.08.2016. The 73 pages report which were self explanatory. (Copy attached).
3. Previously the enquiry report against fraudulent drawl of Rs. 145000/- in r/o Muhammad Younis, Class-IV was already conducted by the enquiry Committee consisting on Mr. Qamar-uz-Zaman, Principal, GHS. Paroa (DIKhan) and Mr. Jamal Ahmad Mirza, Head Master, GHS. Behari Colony DIKhan, which was constituted by DEO (M) DIKhan No. 21766-21767/DEO(M) B&AO. dated 10.11.2014, which is self explanatory and all the relevant reports were attached with the enquiry report (Copies attached).
4. All the amount in question has been recovered from the Class-IV concerned.
5. The said Class-IV was not appointed under any signature and his 1<sup>st</sup> Source form was not presented in DAO, DIKhan for feeding through myself. Moreover his Service Book was also not signed by me.

6. I was not involved in that malpractice. All the process about his drawl was made with the collusion of some one either in the office or outsider just to defame my dignity.
7. The all process was made on surmise basis just to safe some one.
8. It is irony of fat that I have already illegally punished by degrading my scale from BPS-18 to BPS-17.
9. Now I have again involved and indicted in the insignificant and repugnant case as rotated on conjecture basis as prejudicially. There is no proper tangible documents against me. The case was prepared against me as malafide and not based on facts. I have presented submitted the reply to Mr. Mussarat Hussain, Commissioner Kohat and Mr. Saifur Rehman, Principal GHS. No.1 Nowshera in the light of notification No. SO(S/M) E&SED/4-17/2015/ S.Zawar Hussain Shah, Head Master, GHS. Mithapur/171 dt: 08.08.2016 alongwith relevant document which was self explanatory and comprehensive. In which, I solemnly declared on oath that neither the pay of Mr. Muhammad Younis, Class-IV was drawn under my signature and no file in this regard was put up to me by the Account Branch of the office. The said Class-IV was illegally transferred from GHS. Mandhran Kalan to GMS. Wanda Yarik, where no post of Chowkidar was exist.
10. It was a insignificant and devoid charges against me which was intentionally speared and dragged just to defame my dignity being a direct selected on Management cadre.
11. Previously, I have faced great loss and reverted from the post of Dy. DEO(M) DIKhan (BPS-18) to the Head Master, GHS: Chahkan (BPS-17).
12. Sir, it was not understood that there was no irregularity and embezzlement was made, then why an ex-party drastic action is being taken against me.
13. I have already submitted the enquiry report of Mr. Qamar-uz-Zaman, Principal, GHS. Paroa and Mr. Jamal Ahmad Mirza, Head Master GHS. Behari Colony DIKhan dated 06.01.2015 ( office Dy: No. 258 dated 10.01.2015 and the brief History of the case submitted vide DEO (M) DIKhan No. 15315 dated 17.08.2016 (copies attached).

(10)

14. Simultaneously, the reply of questionnaire which was submitted to Mr. Hassam-ul-Haq, Principal GHS. No. 3 Kohat dated 12.08.2015 and the current reply in this regard submitted vide No.662-6 dated 23.08.2016 referred to above are attached for your kind perusal please.

15. All the allegation based on prejudicially and inequitable the one sided report was prepared on the basis of conjecture just to save some one from these self maded allegations.

16. I am totally innocent and not involved with any serious irregularities hence not calling for the action regarding to impose Major penalty under Rule-04. I have rendered 30 years meritorious service in Education Deptt. The inequitable one sided action taken against me will take on my future career in Service/Life and great financial loss.

17. I have already submitted all the relevant inquiry report, made by me from time to time along with relevant documents to your good self.

As all the irregularities/illegal process were made by the then DEO(M) DI Khan or by some one, hence it is requested that my case may please be reviewed and I may be exonerated from this critical situation and to avoid mental torture.

It is also stated that I would like to appear in person before the competent authority for my defence, as & when called for the purpose. I hope that my genuine report will be given sympathetic consideration please.

Yours Obediently,



(RAMBAIL KHAN)  
Head Master, GHS. Chahkan  
Dera Ismail Khan

REGISTERED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the November 06, 2017

NOTIFICATION

NO.SO(SMDE&SED/4-17/2015/Syed Zawar Hussain Shah & Others/171:---

WHEREAS Mr. Rambail Khan, Ex-Dy.DEO(M) D.I.Khan (now Headmaster BS-17 GHS Chehkan D.I.Khan) was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

AND WHEREAS Inquiry Committee comprising the following officers was constituted to conduct formal Inquiry against the accused for the charges leveled against him in accordance with rules.

- i. Mr. Musarrat Hussain (PCS EG BS-20) Commissioner Kohat.
- ii. Mr. Saif-ur-Rahman Principal (BS-20) GHS No.1 Nowshera Cantt.

AND WHEREAS the Inquiry Committee after having examined the charges, evidences on record and explanation of the accused has submitted the report.

AND WHEREAS a show cause notice was served upon him on 07.07.2017.

AND WHEREAS the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and report of the Inquiry Committee is of the view that charges against the accused have been proved.

NOW, THEREFORE, in exercise of the powers conferred under Section-14 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose major penalty of "Removal from Service" upon Mr. Rambail Khan, Ex-Dy.DEO(M) D.I.Khan (now Headmaster BS-17 GHS Chehkan D.I.Khan) with immediate effect.

Endst: of Even No. & Date:

Copy forwarded to the:-

- 1- Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
- 2- District Education Officer (Male), D.I.Khan.
- 3- District Accounts Officer, D.I.Khan.
- 4- PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
- 5- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 6- Mr. Rambail Khan, Ex-Dy.DEO(M) D.I.Khan (now Headmaster GHS Chehkan D.I.Khan).
- 7- Office order file.

SECRETARY

1234  
7/11/17

2/102

(MUJIB-UR-RAHMAN)  
SECTION OFFICER (SCHOOLS MALE)

92  
09-11-17 2375  
2/11

DD(M)  
8/11

To

The Worthy Chief Minister,  
Khyber Pakhtunkhwa Peshawar.

Sd/-

Pls process

SUBJECT: REVIEW PETITION AGAINST THE ORDER DATED  
06.11.2017, WHEREBY THE APPELLANT WAS  
REMOVED FROM SERVICE.

Respected Sir,

1. That the appellant was working as Dy: DEO (M) D.I Khan with honesty and devotion.
2. That while serving in the said capacity, charge sheet along with statement of allegation was issued to the appellant in which the following charges were leveled against the appellant that,

Being DDO you unlawfully released salary for the month of  
July 2013 amounting to Rs. 12201/- and arrears for the period  
from 1.12.2013 to 31.10.2014 amounting to Rs. 145921/- to  
Muhammad Younas Class-IV whose where about unknown.

The appellant submitted detail reply to the charge sheet in which he clearly mentioned that neither the appellant made the pay of Muhammad Younas class-IV active nor the same was brought before the appellant by the Accountant or Budget & Accounts Officer as required under the standard operating procedure. The question of either making pay active and payment of arrear does not arise as the employee concerned never remain in office or in any of the middle School, he further contended in his reply that Middle School come under domain of the appellant and no post of Chowkidar exists at Middle School. The appellant also contended in his reply that payment of arrear require sanction of competent authority i.e DEO being principal accounting officer was obligatory which was neither granted nor available on record. (Copies of charge sheet and reply to charge sheet are attached as Annexure-A&B).

3. That no regular inquiry was conducted against the appellant in which no proper chance of defence was provided to the appellant as neither the statements were recorded in the presence of the appellant nor gave him opportunity of cross examination but despite that the appellant was held responsible by the inquiry committee.
4. That show cause notice to the appellant which was duly replied by the appellant in which he once again denied the allegations. (Copies of show cause notice and reply to show cause notice are Attached as Annexure-C&D)

PS

Put up  
on file

th

29

5. That on the basis of formal inquiry report, the appellant was removed from the service vide order dated 06.11.2017. (Copy of the removal order dated 06.11.2017 is attached as Annexure-E)
6. That now the appellant wants to file the review petition against the order dated 06.11.2017 on the following grounds.

**GROUND:**

- A) That the impugned order dated 06.11.2017 is against the law, rules, facts and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant clearly mentioned in his reply to charge sheet and show cause notice that he did not receive salary for the month of July 2013 amounting to Rs.12201/- and arrears for the period from 1.12.2013 to 31.10.2014 amounting to Rs.145921/- to Muhammad Younas Class-IV and all have been done by class-IV on fake and bogus sign made on behalf of the appellant as neither the appellant made the pay bill of Muhammad Younas class-IV active nor the same was brought before the appellant by the Accountant or Budget & Accounts Officer as required under the standard operating procedure. The question of either making pay active and payment of arrear does not arise as the employee concerned never remain in office or in any of the middle School, he further contended in his reply that Middle School came under domain of the appellant and no post of Chowkidar exists at Middle School. The appellant also contended in his reply that payment of arrear requires sanction of competent authority i.e DEO being principal accounting officer was obligatory which was neither granted nor available on record, which means that the appellant has made nothing relating to release of salary and arrear of Class-IV but he was punished for the fault of others.
- C) That inquiry was not conducted according to the prescribed procedure as no opportunity of defence was provided to the appellant as neither the statements were recorded in the presence of the appellant nor gave him chance of cross examination which is the violation of law and rules.
- D) That the inquiry committee in its recommendations recommend major penalty to Mr. Taus Khan Dy: DEO D.I Khan now DEO (M) Karak and Mr. Zawar Hussain Shah but the competent did not impose any penalty on Mr. Taus Khan and minor penalty of stoppage of two increments was imposed upon Mr. Zawar Hussain Shah, while major penalty of removal from service was imposed upon the appellant which means that the appellant was discriminated which is against the norms of justice.
- E) That Muhammad Younas class-IV made fake and bogus sign on behalf of the appellant and salary for the month of July 2013 and

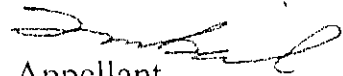


arrears was unlawfully drawn by the Mr. Muhammad Younas by fake and bogus sign even he made transfer order from Middle School to High School by fake and bogus sign, which means that the appellant was punished for the fault of others.

- F) That the appellant promptly pointed out the irregularity of Mr. Muhammad Younas Class-IV and even addressed a letter to the Manager NBP Main Branch D.I.Khan for stoppage of salary of the said official. In addition to this letter was also addressed for inactivation of pay to D.A.O D.I.Khan (copy of the letter is attached as annexure-F).
- G) That the inquiry was conducted against Muhammad Younas Class-IV and found that all the documents/letters of the concerned official are fake and bogus and the stamp used by him was also fake and the inquiry committee recommended disciplinary proceeding against him. The Stamp of Deputy Education officer used by him in charge report is also bogus and self-made as has been used in the case of the appellant (Copy at Annex- G & H)
- H) That the appellant has been condemned unheard and has not been treated according to law and rules.
- I) That the appellant has more than 30 years of service and penalty of removal from service is very harsh which is against norm of justice.

It is therefore, most humbly requested that on acceptance of this review petition the impugned order dated 06.11.2017 may be set aside and reinstate the appellant with all back and consequential benefits.

Dated 15/11/017

  
 Appellant  
 Rambail Khan,  
 Ex-Dy: DEO (M)  
 Head Master, (BPS-17);  
 GHS, Chehkan.

I(21)



THROUGH REGISTERED  
**DISTRICT EDUCATION OFFICER, (MALE)**  
**DERA ISMAIL KHAN**

No. 21383 /  
To,

Dated D.I.Khan the 1/11/2014


The Manager,

NBP, MAIN BRANCH (230327)

D.I.KHAN

Subject:- STOPPAGE OF PAY  
Memo:

You are requested to please stop the payment of monthly salary of MUHAMMAD YOUNIS Designation NAIB BASID Personal No. 00702340 teacher drawing salary from your Bank A/C No. 4813-9. Your cooperation in this regard will highly be appreciated.

  
DY: DISTRICT EDUCATION OFFICER,  
(MALE) D.I.KHAN  
District Education Officer  
(Male) D.I.Khan

PAYROLL SYSTEM  
AMENDMENT FORM  
SINGLE EMPLOYEE ENTRY

23  
FORM PAY 02

OFFICE OF THE DY. DEOCM, Dicheer  
FOR THE MONTH OF 11 2014

Date \_\_\_\_\_

Page No \_\_\_\_\_

DDO Code 017059 Description \_\_\_\_\_  
(Cost Center)

Personnel Number 00702340 Employee Name Muhammad Yousif

National ID Card Number \_\_\_\_\_

Grade (Pay Scale Group)     

GMS. NO STATION

Salary Status  Start  Stop

Info Type	Field ID	GENERAL DATA CHANGE New Contents	Wage Type	CHANGE IN PAYMENTS / DEDUCTIONS Amount						Effective Date	Remarks
				Rupees	Paise	Adj					
				Paid	Im	Active				21-11-2014	Due to Emergency (Letter attached)

Prepared By \_\_\_\_\_

D. Khan  
District Education Officer  
(Sic) D.F. Khan

Attended/Checked By \_\_\_\_\_

Entered/Verified By \_\_\_\_\_