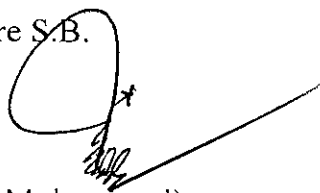


30.05.2022

Learned counsel for the appellant present and requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for preliminary hearing on ~~25.07~~2022 before S.B.

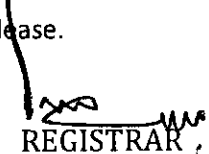

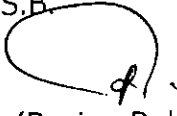



(Mian Muhammad)  
Member (E)

## FORM OF ORDER SHEET

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

Case No.- 7726/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/11/2021	<p>The appeal of Mr. Waqar Ahmad resubmitted today by Mr. Abdullah Shah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR,</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>03/01/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	03.01.2022	<p>Appellant present in person and requested for adjournment due to non-availability of his learned counsel. Request accorded. To come up for preliminary hearing on 01.03.2022 before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>
	1-3-2022	<p>Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 30/5/2022</p> <p style="text-align: right;"> Reader</p>

The appeal of Mr. Waqar Ahmad son of Akhter Zaman, Ex-Examiner of Examination Kohat (BPS-18), SSS Physics, GHSS Kheshgi Payan, District Nowshera received today i.e. on 13.10.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Check list is not attached with the appeal.
2. Index of the appeal is not complete.
3. Appeal has not been flagged/marked with annexures marks.
4. Annexures of the appeal may be attested.
5. Date on departmental appeal is not mentioned in the attached documents.
6. Certificate be given to the effect that the appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
7. Affidavit is not attested by Oath Commissioner.
8. Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2057 /S.T,

Dt. 13/10 /2021

  
REGISTRAR.

SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Abdullah Shah Adv. Pesh. *مذبحہ فیضان اسلام کراچی 18*

*مذبحہ فیضان اسلام کراچی 18*  
*مذبحہ فیضان اسلام کراچی 18*  
Sui, Re-Submitted after completion.

*Abdullah*  
*Advocate*

15 days extension granted for completion  
of file.

*Abdullah*  
*Advocate*  
04/11/21

57/11/21

Sui, Re-Submitted after completion.

*Abdullah*  
*Advocate*

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

Case Title: Waqar Ahmad vs Gouti- etc

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

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

Name: \_\_\_\_\_

Abdullah Shah

Signature: \_\_\_\_\_

Abdullah

Dated: \_\_\_\_\_

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

Appeal No. 7726 /2021

Waqar Ahamad S/o Akhtar zaman (Ex-Examiner of Examination Kohat, BPS 18),  
Presently Senior Subject Specialist (Physics) GHSS Khesghi Payan Nowshehra

Appellant...

VERSUS

The Government of Khyber Pakhtunkhwa through chief Secretary,  
Khyber Pakhtunkhwa, Peshawar & others

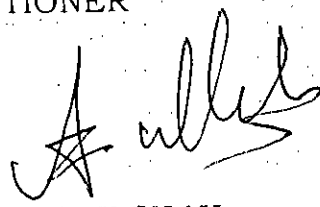
.....Respondents

**'INDEX:**

Sl:#	Particular of documents	Annexure	Pages
			1
1.	Memo of appeal		1-04
2.	Affidavit		5
3.	Copy of Inquiry Proceedings	A	6-15
4.	Copy of Notification No. SO(B&T) E&SE/14-BISE. Kohat dated 14/04/2021	B	16
5.	Copy of the Appeal	C	17-20
6.	Wakalatnama		21

PETITIONER

Through:

  
**ABDULLAH SHAH**  
**ADVOCATE HIGH COURT**

①

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

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7726

Appeal No. \_\_\_\_\_/2021

13-10-2021

1. Waqar Ahamad S/o Akhtar zaman (Ex-Examiner of Examination Kohat, BPS 18),  
Presently Senior Subject Specialist (Physics) GHSS Khesghi Payan Nowshehra

Appellant...

VERSUS

1. The Government of Khyber Pakhtunkhwa through chief Secretary,  
Khyber Pakhtunkhwa, Peshawar
2. Chief Minister, through chief secretary, Khyber Pakhtunkhwa,  
Peshawar.
3. Elementary and Secondary Education Department, Khyber  
Pakhtunkhwa through its Secretary.
4. Mr. Imad Ali, Additional Secretary Home department (Inquiry  
officer)
5. Mr. Sharif Gul, Principal Govt. Shaheed Saqib, Higher Secondary  
School No. 3, Peshawar Cantt (Inquiry Officer)

Respondents...

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT,  
1974 AGAINST THE IMPUGNED NOTIFICATION NO.SO(B&T) E&SE/14-BISE.  
KOHAT/VOL-1 DATED 14/04//2021 AGAINST THE RESPONDENTS BY ILLEGALLY AND  
UNLAWFULLY WITHHOLDING OF ONE ANNUAL INCREMENT OF THE PETITIONER FOR  
ONE YEAR.

**PRAYER IN PETITION:**

On acceptance of the instant Appeal, this Honorable Tribunal may kindly be pleased to  
issue direction to the Respondents:

- filed to-day*  
*ue*  
*Registrar*  
*13/10/2021*
- a. Declare the Notification No. SO(B&T) E&SE/14-BISE. Kohat dated 14/04/2021 as  
illegal, without any force of law, void ab initio hence liable to be set aside.
  - b. Directing the respondents to exonerate the Appellant from the Charges leveled  
against him.
  - c. Direct the Respondents not to withhold the annual increment of the Appellant for  
any further period.
  - d. Direct the respondents to release the annual increment of the Appellant as withheld  
by the respondents for one year.
  - e. Any other relief not specifically prayed for but this August Tribunal deems fit may  
also be granted in favor of the Appellant.

The Appellant humbly submits as under;

②

facts of the petition:

1. That the Khyber Pakhtunkhwa Elementary and Secondary Education, initiated a fact finding inquiry on the charge of leaking of English paper of Class 10<sup>th</sup> in SSC Annual Examination 2019 for BISE Kohath. The committee submitted its report and responsibility was fixed on two officers/officials of the department i.e. namely Waqar Ahmad (BPS-18) Ex-controller of Examinations (Appellant) Mst.Farzana SCT( BPS-16) GGHS Nari Panoos Karak.
2. That accordingly the Appellant was served with a Charge Sheet under Khyber Pakhtunkhwa Govt. Servant Efficiency and Discipline Rules 2011 and a Fact Finding Inquiry Committee was constituted by the competent authority consist of Respondent No. 4 & 5.
3. That afterwards the Appellant was summoned by the Inquiry Committee and Petitioner appeared before the Inquiry Committee, charges were explained to the Appellant which were duly replied by the Appellant and analyzed by the Inquiry Committee.

**(Copy of Inquiry Proceedings are attached as Annexure-A)**

4. That after conclusion of the Inquiry Notification No. SO(B&T) E&SE/14-BISE. Kohat dated 14/04/2021 was issued which was received by the Appellant on 15/05/2021 wherein minor penalty of **withholding of one annual increment for one year** has been imposed upon the Appellant despite the fact that the Appellant has been exonerated from all charges leveled against him by the fact finding inquiry.

**(Copy of Notification No. SO(B&T) E&SE/14-BISE. Kohat dated 14/04/2021 is attached as Annexure-B)**

5. That in order to revert these illogical and unlawful notifications the Appellant took the proper legal route and submitted an appeal against the impugned notifications to the respondent No.1 against the penalty of withholding of one annual increment for one year against the competent authority.

**(Copy of appeal is attached as annex-C)**

6. That where after the Appellant waited for the statutory period of ninety days but no reply has been received from the respondents. That the appellant feeling aggrieved and having no other remedy filed the instant service appeal on the following grounds amongst the others:

**Grounds:**

- a. That the action of Respondents wherein they withhold the annual increment of the Petitioner for one year as the charge against the petitioner has not been proved by

the inquiry committee and the Notification of the respondent is illegal, against the law and principles of natural justice.

(3)

- b. That the Petitioner was appeared before inquiry committee and was questioned accordingly to the charged sheet for he defended himself and was exonerated by the inquiry committee, and instead of declaring him innocent Respondent No. 1 issued the impugned notification imposed minor penalty which illegal, void ab initio and liable to be dismissed at once.
- c. That in doing this illegal, arbitrary and lopsided decision/action of the respondents have completely ignored the finding of the fact finding inquiry wherein the Appellant has been exonerated from charges and no liability has been fixed upon the Appellant.
- d. That after analyzing and scrutinizing the written reply of the Appellant fact finding inquiry categorically stated before every charge that appellant cannot be held liable for the charge and the charge has no weight.
- e. That the respondents have no justifiable reason to impose minor penalty upon the Appellant as the same is not substantiated by any material evidence.
- f. That it is utterly shocking and unbelievable that a person who perform his duties all the times with due diligence and Honestly and the action taken against him is against the contrary to the provisions of law.
- g. That the arbitrariness of the impugned actions and Notification can be gathered from this fact alone that the after giving his defense the inquiry committee did not prove any of the allegations and the same has exonerated the petitioner.
- h. That the perusal of the impugned orders would reveal to us that the respondents have resorted to such illogical acts only because they will it, and is not founded in the nature of things because these notifications does not explain as to what had necessitated such outrageous actions by the respondents.

It is therefore most humbly prayed that on acceptance of the instant appeal the respondents may kindly be directed: -

- i. *Declare the Notification No. SO(B&T) E&SE/14-BISE. Kohat dated 14/04/2021 as illegal, without any force of law, void ab initio hence liable to be set aside.*
- ii. *Directing the respondents to exonerate the Appellant from the Charges leveled against him.*
- iii. *Direct the Respondents not to withhold the annual increment of the Appellant for any further period.*
- iv. *Direct the respondents to release the annual increment of the Appellant as withheld by the respondents for one year.*
- v. *Any other relief not specifically prayed for but this August Tribunal deems fit may also be granted in favor of the Appellant.*



(4)

*Handwritten initials*

Appellant

Through

Abdullah Shah Advocate  
Abdullah Shah Chambers  
15-A, Nasir Mansion,  
Railway Road, Peshawar  
Tel: 0331-9206687

Email: [shah\\_abdullah15@yahoo.com](mailto:shah_abdullah15@yahoo.com)

Certificate

*I is certified that no such  
Service Appeal has been filed earlier  
before the Honorable Tribunal.*

*Handwritten signature*  
Deputy

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

5

Appeal No. \_\_\_\_\_/2021

Waqar Ahamad S/o Akhtar zaman (Ex-Examiner of Examination Kohat, BPS 18),  
Presently Senior Subject Specialist (Physics) GHSS Khesghi Payan Nowshehra

*Appellant...*

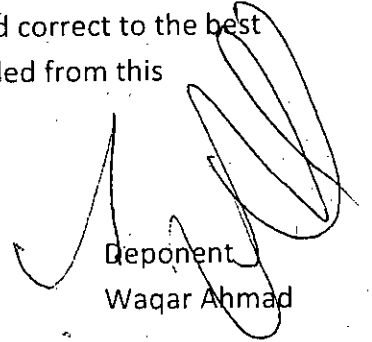
VERSUS

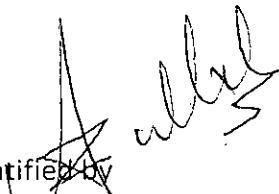
**The Government of Khyber Pakhtunkhwa through chief Secretary,  
Khyber Pakhtunkhwa, Peshawar & others**

*.....Respondents*

**AFFIDAVIT**

I, Waqar Ahmad S/o Akhtar Zaman do hereby solemnly affirm and declare on oath that all the contents of the instant appeal are true and correct to the best of my knowledge and beliefs and nothing has been concealed from this Honorable Court.

  
Deponent  
Waqar Ahmad

  
Identified by  
Abdullah Shah  
Advocate High Court.

Anexure 'A' ~~Anexure 'A'~~  
324  
⑥

## ORDERS OF INQUIRY

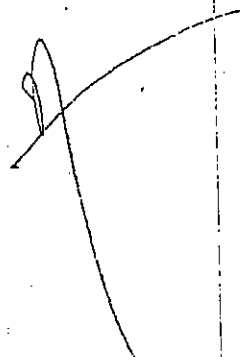
Orders of the Competent Authority to conduct formal inquiry, under Khyber Pakhtunkhwa Govt. Servant Efficiency and Discipline rules 2011 were communicated vide No.SO(B.T)/14-13/BISE Kohat (Annexure-A) comprising committee of the following members.

1. Mr. Imad Ali (PMS BPS-19) Additional Secretary Home Department Khyber Pakhtunkhwa.
2. Mr. Sharif Gul (BPS-19) Principal Govt. Shaheed Saqib Higher Secondary School No. 2, Peshawar Cantt.

## INTRODUCTION

The Govt. of Khyber Pakhtunkhwa Elementary and Secondary Education, initiated a fact finding inquiry on the charges of leaking of English Paper Class 10<sup>th</sup> in SSC Annual Examination 2019 for BISE, Kohat. The Committee submitted its report and responsibility was fixed on two officers / officials of the Department i.e Mr. Waqar Ahmad (BPS-18) Ex-Controller of Examinations and Mst. Farzana SCT (BPS-16) GGHS Nari Panoos Karak.

The Competent Authority i.e Chief Secretary Khyber Pakhtunkhwa served Charge Sheet, to both the accused separately under Efficiency and Discipline Rules 2011 based on the fact finding inquiry.



ADGN  
  
ADN

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(7)

PROCEEDINGS

The accused officer / officials were informed through written letter No. HD/PA/AC(PER)/P/2019 dated Peshawar the 11<sup>th</sup> February 2020, to appear / report before the Inquiry Committee on 18-2-2020 at 11.00 AM. (Annexure-B)

Mr. Waqar Ahmad the Ex-Controller of Examinations appeared and the Charge sheet was placed before him. While Mst Farzana SGT did not confirm her attendance. Mr. Waqar Ahmad was asked to submit his written reply which he did not do before. Another arrangement was made at BISE, Kohat for the connivance / facilitation of accused and provision of documents required for the inquiry proceedings. They were again informed through written letter vide No. 19/PA/BISE-B/2020 dated 19-2-2020 to appear before the Committee on 19-2-2020 at 10.00 AM. (Annexure-C)

Both the accused officers appeared before the committee in the office of the Chairman BSE, Kohat. Both of them also submitted their written defence. They were given ample time to plead the Charges leveled against them. All the replies were Cross -examined through questioning in the light of available fact and questionnaire served. (Annexure-D)

The following tables shows detail analysis of each Charge and replies submitted.



⑩ 245

occupy with printing of papers and many other issue regarding centres. In such a situation refusal of duties, which is mandatory and liable to disciplinary action, create a big problem.

Even if names are taken from shadow draw, they refuse duties one pretext or the other. In fact teachers do not want to go very far flung areas for duties. Their acceptance of duties is much more depends on like and dislike. It is a problem of all boards and especially on female side. It can be verified from other boards as well.

In such like situation, the Controller has to depute supervisory staff in vacant centre for the sake conduct of exam and to facilitate the kids in any way. Even the controller extends request to the teachers to perform duty in order to avoid any difficulty to the students.

submitted refusal. (Annexure-H). After contacting the reserved candidates, finally the available candidate was involved naming Farzana SCT BPS16. All these efforts show that the Controller Mr. Waqar Ahmad did what was humanely possible in such hurry. Mst Farzana SCT has been performing these duties earlier and that is why her name was picked after implementing (refusal) of the computerized draw. The efforts Mr. Waqar Ahmad Controller of Examinations did therefore worthwhile for consideration-for ensuring smooth conduct of examination. That is what came to surface during cross questioning and reply of the questionnaire by the Controller of Examinations.

iii.	You deputed Mst: Farzana	The following reason in the context are enumerated that why Mst Farzana SCT	The refusal of appointment from	The charge is partially proved
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11

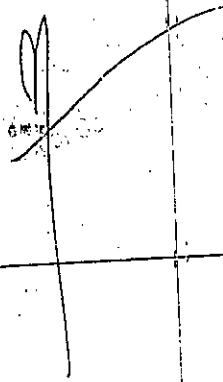
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<p>SCT as Superintendent to Centre No. 57 GGHS Nari Panoos Karak although her name was neither available in computerized draw nor in the list of shadow draw. Her selection was not unsuitable, inappropriate and improper because she was repeatedly performing exam duties at this same centre. She was a junior scale teacher and appointed without any consultation with the concerned DEO/SDEO (Female).</p>	<p>(BPS-16) appointed at Centre No. 57, GGHS Nari Panoos, Karak.</p> <p>i). BISE Kohat has vast remote and war-torn territorial jurisdiction right from District Parachinar sharing border with Afghanistan and District Karak sharing border with Punjab. Supervisory staff is general and female supervisory staff particular are not willing to perform duties in remote areas.</p> <p>ii). Consequent upon the refusal from exam duty by Mst Mehar Angaiz (SST Bio/Chemistry) GGHS Esak Chontria. The relevant officers /officials of the BISE, Kohat contacted the shadow draw superintendent. Some other senior female teachers were also contacted to perform duty but all in vain.</p> <p>Mst Farzana SCT (BPS-16) was appointed as superintendent one day before start of the examination in consultation with the approval of the Chairman, BISE, Kohat. She was appointed in the same way in which other refusal cases were addressed. The said Mst Farzana SCT has performed duties as superintendent at various centres in the past. Consultation with concerned HM, Principal, SDEO, DEO were not required as the draw was conducted from EMIS data provided by the E&amp;SE Department to all the Boards.</p>	<p>computerized draw /shadow draw by Mehar Angaiz SST GGHS Essak Chontria Karak and Farida Khanum SST GGHS Jahangiri Karak (Annexure-I) shows that the Controller Mr. Waqar Ahmad followed the standing instructions to appoint someone from EMIS data available with the BISE, Kohat at the time of emergency. This shows that the Ex-Controller BISE Kohat did his best out of the available options. But the process of appointment of a single person repeatedly through direct means raised doubt on the credibility of the whole process without corrective planning. The whole system of upto the extent of appointment of a repeater and always directly is never on appreciable practice has not been broken by any Controller for the last 15 years.</p>
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			examination may not be vulnerable to the hands of only one person.	
iv.	The question papers were packed in very loose paper stuff and were sealed through scotch tape which was too vulnerable and prone to such occurrence.	<p>All the question papers have been properly sealed and packed. All the standard safety measures have been taken to ensure safety of the question papers. These include:</p> <ol style="list-style-type: none"><li>i. Packing of question papers in black plastic bags and stapled.</li><li>ii. Packing of black plastic bags in brown envelopes packs and sealing of brown envelopes with gum (serash).</li><li>iii. Sealing with scotch tape having security features.</li></ol> <p>Putting signatures at different parts of envelopes over the S/T that R/I, Deputy Superintendent could confirm seals before opening the packet.</p> <p>I have no information about the outcome of the preliminary inquiry.</p>	<p>Packing of the paper is a very loose stuff was another question in the charge sheet. The BISE Kohat was visited and envelopes in which the Question Papers were sealed were checked by the committee in the presence of sitting Chairman. The Chairman Mr. Shaukat Hayat having plenty of experience as Controller and Chairman BISE Mardan. He was asked about using the same stuff even after the incidence of leakage of paper in SSC Examination 2019 (Annual). But he shown satisfaction and no willingness for replacement of this stuff. Moreover the stuff was also used before Mr. Waqar Ahmad Ex-Controller BISE Kohat and nor</p>	<p>The Ex-Controller Mr. Waqar Ahmad cannot be held responsible upto the extent of using loose paper stuff. The charge therefore carries no weight.</p>



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			any issue- was raised from any quarter in the system.	
v.	An inquiry was conducted against you held you responsible for same.		Keeping in view the above facts , the charges 1-4 leveled against Ex-Controller of Examinations BISE, Kohat carries no weight and nothing has been found as negligence, in- efficiency or malpractices. The Inquiry conducted has found nothing solid and concrete for fixing the responsibility except the appointment of Superintendent directly in the time of emergency.	The Ex-Controller BISE Kohat Mr. Waqar Ahmad may not be held responsible.



14

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iv. An inquiry was conducted into the issue which held you responsible for same.	۳۔ درست نہ ہے کیونکہ معاملہ میں مئی انگریزی کی طرف سے جاندارا نہ ہے۔ مجھ سے شدید ترقی دیا کے تحت لے گئے بیان کی بنیاد پر مجھے قصور وار قرار دیا گیا ہے یوں مجھے قربانی کا بھرانے کی کوشش کی گئی ہے۔ انگریزی کیمٹی اصل حقیقت دریافت کرنے میں ناکام رہی۔	Mst Farzana only one plea of being woman and tries to mask all that is happened behind it has not been convincing for exoneration of charges leveled against her. But the role of BISE, Kohat is also losing credibility as she has been successful in obtaining examination duties through direct means not caring for draw/shadow draw for more than fifteen years, out of which she performed three duties in GGHS Nari Panoos Karak (Annexure-0) out of past five year not only under controller Mr. Waqar Ahmad but his predecessor as well.	The charge is true keeping in view the findings of charge No 1 and 2.
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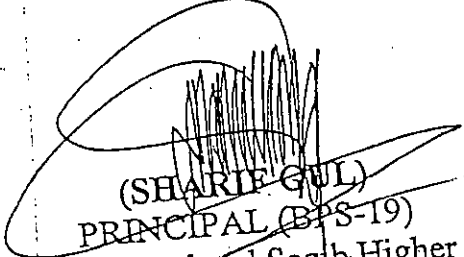
CONCLUSION.

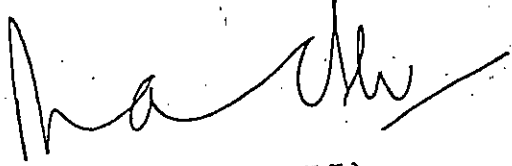
Two main issues surfaced during this whole inquiry proceedings. One is related to appointment of Mst Farzana SCT BPS-16 as Superintendent GGHS Nari Panoos Karak. This issue is confronted by all the Boards of Intermediate and Secondary Education in hard and backward areas in Khyber Pakhtunkhwa especially in female supervisory staff and all the Boards go out of turn and violate the draw and shadow draw as well as Govt instruction time to time. The Education Department is equally responsible for not taking disciplinary action and creating space to these teachers/Heads who are appointed through draw/shadow draw and refuse to perform duties at Eleventh hour. The BISE therefore taking all possible options to conduct the examination. The Controller of Examinations may not be maligned for any appointment which can ensure the smooth conduct of examination.

(15) 353

Second-major issue is the reliance of all BISEs on National and Commercial banks, the institutions who are shouldered a responsibility without direct hold on them. This system needs a structural change /transformation so that any breach of system have a built in mechanism for discouraging all these male practices.

Keeping in view these issues it is concluded that an illwill at the part of a single member i.e Superintendent Mst Farzana in the system will bear the cost of another institution i.e Habib Bank Limited Nari Panoos Karak Branch which is equally responsible but not under the control of BISE Kohat or Elementary and Secondary Education.

  
(SHARIE GUL)  
PRINCIPAL (BPS-19)  
Govt. Shaheed Saqib Higher  
Secondary School No. 2, Peshawar

  
(IMAD ALI)  
Additional Secretary (PMS BPS-19)  
Home Department Khyber  
Pakhtunkhwa.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the, 14.04.2021.

Impugned  
withheld  
16  
Ann-8  
Aund. B<sup>3</sup>

**NOTIFICATION.**

**No.SO(B&T)E&SE/14-3/BISE. Kohat/Vol-I.** WHEREAS Mr. Waqar Ahmad (BS-18), Ex-Controller BISE Kohat, now SS (Physics) GHSS Khashqi Payan, Nowshera was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for not properly conducting the SSC examination 2019, particularly Centre No.57 GGHS Nari Panooos Karak.

2. AND WHEREAS Mr. Imad Ali, (PMS BS-19), Additional Secretary Home Department and Mr. Sharif Gul, Principal (BS-19), Govt Shaheed Saqib HSS No. 2, Peshawar Cantt conducted formal inquiry against the accused.

3. AND WHEREAS the inquiry committee after having examined the charges, evidence on record and explanation of the accused, submitted the report.

4. AND WHEREAS minor penalty of "Withholding Of One Annual Increment For One Year" was tentatively imposed upon the accused by the Competent Authority (Chief Minister, Khyber Pakhtunkhwa).

5. AND WHEREAS Secretary Agriculture, Livestock & Cooperative Department afforded personal hearing to the accused on behalf of the Competent Authority on 26.11.2020 who endorsed the proposals of the Administrative Department.

6. NOW, THEREFORE, in exercise of the powers conferred upon him under Rule 4 (1) (a) (ii) of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after considering the findings and recommendations of the formal inquiry report and personal hearing granted to the accused is pleased to impose minor penalty of "Withholding Of One Annual Increment For One Year" upon Mr. Waqar Ahmad (BS-18), Ex-Controller BISE Kohat, now SS (Physics) GHSS Khashqi Payan, Nowshera with immediate effect.

SECRETARY

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

Copy is forwarded to:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. Chairman, BISE Kohat.
4. District Education Officer (Male), Nowshera.
5. District Account Officer, Nowshera.
6. Mr. Waqar Ahmad (BS-18), Ex-Controller BISE Kohat, now SS (Physics) GHSS Khashqi Payan, Nowshera.
7. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
8. PS to Secretary E&SE Department, Peshawar.
9. Office order file.

(FAZLI WADOOD SAFI)

SECTION OFFICER (BOARDS & TRG)

To

The Honorable Chief Minister,  
Khyber Pakhtunkhwa,  
The Appellate Authority.

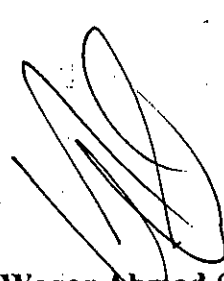
Proper Channel: The Secretary E&SE Department,  
Government of Khyber Pakhtunkhwa, Peshawar.

Subject: **APPEAL AGAINST THE PENALTY OF WITHOLDING OF ONE ANNUAL  
INCREMENT FOR ONE YEAR WIDE NOTIFICATION NO. SO (B&T) E&SE/  
14-3/BISE. KOHAT/VOL-I DATED 14/04/2021**

Memo: with reference to Notification No. SO(B&T)E&SE/14-3/BISE. Kohat/Vol-I  
dated 14/04/2021 (Annexure – A), received on dated 05/05/2021.

Kindly find herewith the appeal against “The Penalty of Withholding of One Annual  
Increment for One Year wide Notification No. SO (B&T) E&SE / 14-3/BISE.  
Kohat /VOL-I Dated 14/04/2021” along with Annexure (A-E) as required for  
necessary action at your end please.

Enclosure as above.

  
**Waqar Ahmad (BS-18)**  
Ex-Controller of Examination Kohat  
Now SS (Physics GHSS Khesghi Payan Nowshera)

To

The Honourable Chief Minister,  
Khyber Pakhtunkhwa,  
(The Appellate Authority)

(18)

Subject: APPEAL AGAINST THE PENALTY OF WITHOLDING OF ONE ANNUAL INCREMENT FOR ONE YEAR WIDE NOTIFICATION NO. SO (B&T) E&SE/14-3/BISE. KOHAT/VOL-I DATED 14/04/2021

Proper Channel: The Secretary, E&ES Dept, Government of Khyber Pakhtunkhwa,  
Peshawar

Respected Sir

With due regards it is humbly stated that the minor penalty of withholding of one annual increment for one year has been imposed upon me by your good self in the capacity of competent authority vide Elementary & Secondary Education Department Notification No. SO(B&T)E&SE/14-3/BISE. Kohat/Vol-I dated 14/04/2021 received on dated 05/05/2021 (Annexure A). From para 4 of the above notification, it is clear that the Secretary Agriculture, Livestock & Cooperative Department who heard me on your behalf in personal hearing, did nothing but just endorsed the proposal of the Administrative Department. I express extreme sorrow that the concerned officers have not analyzed the findings of the inquiry report, material on record and the arguments or proof put forth by the accused officer in his defense.

In the midst of these circumstances, with utmost regards and respect, you are beseeched that in the capacity of Competent/Appellate authority, you are not only duty bound under the relevant laws but under all canons of equity and justice that you may apply your objective, neutral, unbiased and rationalistic mind before agreeing or disagreeing with the material put forth to you by the Administrative Department. Sir, I will request your honour with great expectations that you may please analyze, scrutinize and examine the case with utmost objectivity, neutrality and with rationalistic manner so that the real justice could be ensured to the so called accused as action against me has futuristic negative consequences upon all my family members and will also be a cause of ruining the honour and future career of an entire family for no fault on his part.

Sir, now I will dare to draw your attention to the following facts.

According to the findings of the inquiry committee consisting of Mr. Imad Ali, Additional Secretary Home Department and Mr. Shareef Gul, BS-19, Principal Govt. High School Shaheed Saqib No. 2 Peshawar Cantt, the material on record and other

connected papers including my defense before the inquiry committee, I categorically emphasize that nothing has been proved from the enquiry proceedings against me and there is no single recommendation against me (Annex – E: Page 12/13 & 13/13). (19)

According to the charge sheet the following charges were leveled against me:-

- i. You, being the In-charge Controller of Examinations BISE Kohat failed to properly manage the SSC (Annual) Examination 2019, particularly, center No. 57 GGHS Nari Panoos Karak.

In this connection it is submitted that the inquiry committee, after scrutinizing the record and available facts has exonerated me from this charge with the remarks (Annex – E: (Page No. 4/13):

**“The charge therefore has no weight in the referred context”**

- ii. You did not follow the computerized draw for conduct examination in spite of vivid instructions by the department.

In this connection it is submitted that the inquiry committee, after scrutinizing the record and available facts has exonerated me from this charge with the remarks (Annex-E (Page No. 5/13).

**“The charge is therefore having no weight and against the available facts”**

- iii. You deputed Mst: Farzana SCT as Superintendent to Centre No. 57 GGHS Nari Panoos Karak although her name was neither available in computerized draw nor in the list of shadow draw. Her selection was unsuitable, inappropriate and improper because she was repeatedly performing exam duties at this same centre. She was a junior scale teacher and appointed without any consultation with the concerned DEO/SDEO (Female).

It is submitted that according to computerized draw reached to BISE Kohat on 02-03-2019, Mst. Meher Angaiz SST was appointed as Superintendent and Ms. Sana Khattak as Deputy Superintendent at Centre No. 57 GGHS Nari Panos, Karak. Both were duly informed through text message and registered letter (Annex-B) but both of them refused to join the duty vide (Annex-C), on receipt of refusal of the officers of the original draw, officers of shadow draw were offered duties as a Superintendent and Deputy Superintendent as per laid down procedure. Both of them also refused to join duties at the above stations vide their refusal (Annex-D). The undersigned in the capacity of controller examination was left with no other option but to contact officers/teachers who had past experience of conducting exams. Hence Mst. Farzana SCT was contacted as per rules and procedures and was

offered duty as superintendent at the exam center under discussion which she accepted.

This act of the undersigned is not a violation of any law/rules but was well within the approved guidelines / practice as conducting of exams was prime duty of the undersigned at that moment. Moreover, the exigency of circumstances necessitated the appointment of the Superintendent, because an exam center cannot be left without the appointment of supervisory staff. (20)

In this connection it is submitted that the inquiry committee, in its remarks stated that (Annex-E: Page No. 7/13):

**“The Ex-controller BISE Kohat did his best out of the available options. But the process of appointment of a single person repeatedly through direct means raised doubt on the credibility of the whole process without corrective planning, the whole system of examination may not be vulnerable to the hands of only one person.”**

- iv. The question papers were packed in very loose paper stuff and were sealed through scotch tape which was too vulnerable and prone to such occurrence.

In this connection it is submitted that the inquiry committee, after scrutinizing the record and available facts has exonerated me from this charge with the remarks (Annex-E: Page No. 8/13):

**“The Ex-Controller Mr. Waqar Ahmad cannot be held responsible upto the extent of using loose paper stuff. The charge therefore carries no weight”.**

- v. An inquiry was conducted against you held you responsible for same.

In this connection it is submitted that the inquiry committee, after scrutinizing the record and available facts has exonerated me from this charge with the remarks (Annex-E: Page No. 9/13):

**“The Ex-Controller BISE Kohat Mr. Waqar Ahmad may not be held responsible”.**

The report of the inquiry committee is attached herewith (Annex-E(2-13)).

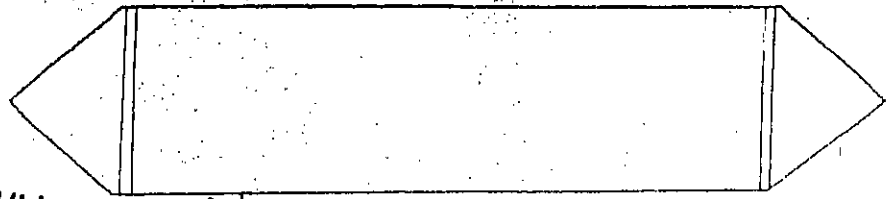
In view of the above, it is prayed that I may be exonerated of the penalty imposed upon me.

Yours faithfully

**Waqar Ahmed (BS-18)**  
Ex-Controller of Examination BISE Kohat  
Now SS (Physics GHSS Khesqi Payan, Nowshera)

The Honorable Service Tribunal KPK Peshawar

بعدالت



نام ابدلہ علی اللہ سکندر

وقرار اعتراف

مدرجہ  
مقدمہ  
دعوی  
جرم

باعث تحریر آئندہ

ایڈووکیٹ

مقررہ عنوان بلایں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی متعلقہ  
آن مقام کے لئے عبداللہ شہزاد صاحب نام کے کاروائی کا کامل اختیار ہوگا۔ نیز  
مقررہ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر نہالت ہ فیصلہ برحاطف دینے جواب دہی اور اقبال دعوی اور  
بصورت ڈگری کرنے اجراء اور سولی چیک دروپیہ اور عرضی دعوی اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخ  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ درجہ جانا التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہوا یا حد سے باہر ہوا وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکورہ کریں۔ لہذا اذکالت نامہ لکھ دیا کہ سند ہے۔

الرقوم 06 10 2024

Attested & Accepted by  
Abdullah Shah

ایڈووکیٹ  
U.S.S.P. Physics  
181-182