

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1220/2014

Date of Institution ... 10.10.2014

Date of Decision ... 02.02.2022

Muhammad Asif Ex-CT, GHSS, Ziarat Kaka Sahib, Nowshera.

... (Appellant)

VERSUS

The Secretary Education (E&SE) Peshawar and others.

... (Respondents)

Uzma Syed,
Advocate

.... For Appellant

Muhammad Adeel Butt,
Additional Advocate General

... For respondents

AHMAD SULTAN TAREEN ...
ATIQU-UR-REHMAN WAZIR ...

CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that the appellant was appointed as CT vide order dated 17-02-2007. It was in 2010, when heavy floods inundated the official record, hence a fact finding inquiry was conducted and appointment of the appellant was declared as fake vide order dated 20-10-2012, against which the appellant filed departmental appeal followed by Service Appeal No. 1300/2012, which was decided vide judgment dated 21-10-2013 and his case was remanded to the respondents to conduct de-novo inquiry. As a result of de-novo proceedings, the appellant was against terminated from service vide order dated 08-07-2014. Feeling aggrieved, the appellant filed departmental appeal dated 18-07-2014, which was not responded within the statutory period, hence the instant service appeal with

prayers that the impugned orders may be set aside and the appellant may be reinstated in service with all back benefits.

02. Learned counsel for the appellant has contended that the impugned order dated 08-07-2014 and not taking action on the departmental appeal of the appellant are against law, facts and norms of natural justice, therefore, not tenable and liable to be set aside; that the appellant has been condemned unheard and has not been treated in accordance with law; that neither the appellant was associated with proceedings of the inquiry nor statement of witnesses were recorded in presence of the appellant, thus the appellant was deprived of the opportunity to cross-examine such witnesses; that this tribunal vide judgment dated 21-10-2013 had directed to conduct a full-fledged regular inquiry, which however was not conducted as per mandate of law, as the appellant was not afforded appropriate opportunity of defense, which is violation of law and rule; that service record of the appellant was not available with the appellant, but was not provided by the respondents, which shows malafide on part of the respondents; that the appellant has been punished for no fault on his part, as the service record of the appellant was damaged in floods, for which the appellant cannot be blamed; that the appellant has been discriminated, as other officials whose record was damaged, have not been removed from service; that the appellant has now been appointed as Drawing Master (DM) vide order dated 14-03-2018, hence under the principle of molding, the appellant now request for benefits of his previous service.

03. Learned Additional Advocate General for the respondents has contended that the appellant never joined education department as CT on 17-02-2007 and joined Education Department through a fake order dated 30-08-2010 and took over charge on 01-09-2010; that destruction of record in the floods of 2010 has no connection with the case of the appellant, as the general appointment order 2007 for CT is available on record and name of the appellant is not included in

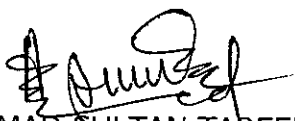
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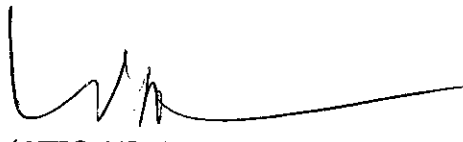
the general appointment order of 2007; that as per orders of this tribunal, a de-novo inquiry was conducted as per law and rule and the appellant was afforded appropriate opportunity of defense, but the appellant failed to prove his case; that the appellant was proceeded against as per law and rule and after fulfilling all the codal formalities, the appellant was terminated from service vide order dated 08-07-2014.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that the appellant had agitated the same issue before this Tribunal in service appeal No 1300/2012, which was decided vide judgment dated 21-10-2013 and respondents were directed to conduct de-novo inquiry. Because of de-novo proceedings, the appellant was terminated from service vide order dated 08-07-2014, against which the appellant filed the instant service appeal. Now the appellant has been appointed as DM vide order dated 14-03-2018 and has requested that under the principle of molding, the appellant now may be granted back benefits of his previous service. In a changing situation, since the appellant has not filed departmental appeal, hence his instant appeal is treated as departmental appeal and remitted it to the respondents to examine his request and pass an appropriate order within a period of 60 days. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
02.02.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

ORDER

02.02.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondent present. Arguments heard and record perused.


Vide our detailed judgment of today, separately placed on file, the appellant has not filed departmental appeal, hence his instant appeal is treated as departmental appeal and remitted it to the respondents to examine his request and pass an appropriate order within a period of 60 days. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

02.02.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN



(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

08.09.2021

Syed Nouman Ali Bukhari, Advocate, Junior of learned counsel for the appellant present. Mr. Masood Khan, Litigation Officer alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Junior of learned counsel for the appellant requested that as connected nature service appeals are fixed for 12.11.2021, therefore, the instant appeal may be fixed for the said date. Adjourned. To come up for arguments before the D.B on 12.11.2021.



(ATIQU UR REHMAN WAZIR)
MEMBER (EXECUTIVE)




(SALAH-UD-DIN)
MEMBER (JUDICIAL)

12.11.2021

Mr. Taimur Ali Khan, Advocate for the appellant present. Mr. Masood Khan, Litigation Officer alongwith Mr. Javed Ullah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments before the D.B on 10.02.2022.



(Atiq Ur Rehman Wazir)
Member (E)



(Salah-ud-Din)
Member (J)

30.12.2020

Due to summer vacation, case is adjourned to
17.3.2021 for the same as before.


Reader

17.03.2021

Junior to counsel for the appellant and Addl: AG
alongwith Mr. Masood Khan, ADEO for respondents present.

On the last date the proceedings were adjourned on the
strength of Readers note. To come up for arguments on
17.05.2021 before D.B.




(Mian Muhammad)
Member (E)



Chairman

17.5.21

*Due to COVID-19, The case is adjourned
to 8.9.2021 for the same.* 

29.10.2020

Proper D.B is on Tour, therefore, the case is adjourned for the same on 30.12.2020 before D.B.

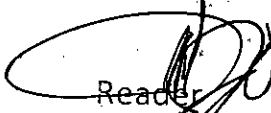
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Reader

29-4.2020

Due to COVID19, the case is adjourned to

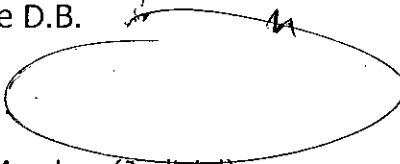
13/7/2020 for the same as before.



Reader

13.07.2020

Syed Numan Ali Bukhari Advocate on behalf of counsel for the appellant and Mr. Ziaullah, DDA for the respondents present.

Former requests for adjournment as learned senior counsel for the appellant is engaged before Darul Qaza Bench of Peshawar High Court at Swat today. Adjourned to 02.09.2020 before the D.B.


Member (Judicial)

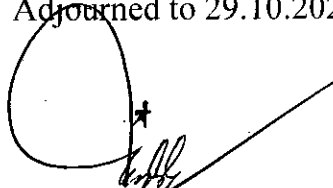

Chairman

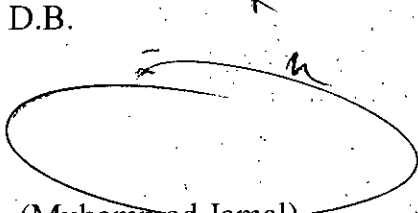
02.09.2020

Mr. Syed Noman Ali, Advocate junior to counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Yousaf Shah, ADO for respondents present.

Junior to counsel for the appellant seeks adjournment as senior counsel was busy before the august Supreme Court of Pakistan.


Adjourned to 29.10.2020 before D.B.



(Mian Muhammad)
Member (E)


(Muhammad Jamal)
Member(J)

29.11.2019


Counsel for the appellant present. Asst: AG alongwith Mr. Wisal, H.C for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 24.01.2020 before D.B.

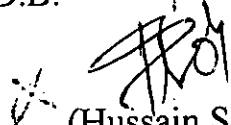

Member


Member

01.2020

Due to general strike on the call of 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 11.03.2020 for arguments/further proceedings before D.B.


(M. Amin Khan Kundi)
Member


(Hussain Shah)
Member

11.03.2020

Junior to counsel for the appellant present. Addl: AG for respondents present. Junior to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 29.04.2020 before D.B.


Member


Member

14.06.2019

Appellant in person and Addl. AG for the respondents present.

Due to general strike on the call of the Khyber Pakhtunkhwa Bar Council, the matter is adjourned to 08.8.2019 for arguments before the D.B.


Member


Chairman

08.08.2019

Clerk to counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike on the call of Pakistan Bar council. Adjourn. To come up for arguments on 27.09.2019 before D.B.


Member


Member

27.09.2019

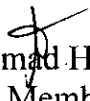
Counsel for the appellant present. Learned Asst: AG for respondents present. Learned counsel for the petitioner seeks adjournment. Adjourn. To come up for arguments on 29.11.2019 before D.B.



Member


Member

22.11.2018


Junior counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court. Adjourned. To come up for arguments on 23.01.2019 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

23.01.2019

Mr. Taimur Ali Khan, junior counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court, Peshawar and cannot attend the Tribunal today. Adjourned to 28.03.2019 for arguments before D.B.



(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

28.03.2019

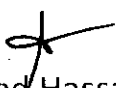
Due to general strike of the bar, the case is adjourn. To come up for arguments on 14.06.2019 before D.B.


Member


Member

24.04.2018

Learned counsel for the appellant and Mr. Muhammad Jan
Learned Deputy District Attorney present. Learned counsel for the
appellant seeks adjournment. Adjourn. To come up for arguments
on 21.06.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

21.06.2018


Counsel for the appellant and Adll: AG for respondents
present. Counsel for the appellant seeks adjournment. Adjourned.
To come up for arguments on 10.08.2018 before D.B.


21.06.2018

~~Learned counsel for the appellant and Mr. Muhammad Jan
Learned Deputy District Attorney present. Learned counsel for the
appellant seeks adjournment. Adjourn. To come up for arguments
on 21.06.2018 before D.B.~~

10.08.2018

~~Learned counsel for the appellant and Mr. Muhammad Jan
Learned Deputy District Attorney present. Learned counsel for the
appellant seeks adjournment. Adjourn. To come up for arguments
on 21.06.2018 before D.B.~~


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

09.10.2018

Junior to counsel for the appellant and Mr. Zia Ullah
learned Deputy District Attorney for the respondents present.
Junior to counsel for the appellant seeks adjournment as his senior
counsel is not available in today. Adjourned. To come up for
arguments on 22.11.2018 before D.B.


Member


Member

16.10.2017

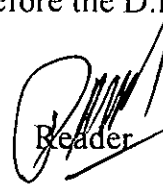
Clerk of the counsel for appellant present. Mr. Kabir Ullah Khattak, Assistant Advocate General for the respondents present. Clerk of the counsel for appellant seeks adjournment due to non-availability of his senior counsel adjourn. To come up for arguments on 21.12.2017 before D.B.

(Ahmad Hassan)
Member (I)

(Muhammad Hamid Mughal)
Member (J)

21.12.2017

Due to Judicial Officer's Conference today, case is adjourned to 16.02.2018 for the same before the D.B.


Reader

16.02.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 24.04.2018 before the D.B.


Member


Chairman

14.06.2017

- Agent to counsel for the appellant and Mr. Inayat Ullah,

ADO Legal along with Comern Muhammad Karim Deputy District Attorney, for the respondents present. Agent to counsel for the

appellant requested for adjournment. Adjourned. To come up for

arguments on 16.10.2017 before D.B.

(Muhammad Amin Khan Kundi)
Member

(Gul Zeb Khan)

Member

the record

14.03.2016

Counsel for the appellant and Mr. Hameed-ur-Rehman, AD (lit.) alongwith Mr. Ziaullah, GP for respondents present. Learned counsel for the appellant requested for adjournment. Adjourned for arguments to 6/6/16 before D.B.



MEMBER



MEMBER

06.06.2016

Counsel for the appellant and Addl: AG for respondents present. Learned counsel for the appellant requested for adjournment. Adjourned for arguments to 3.11.16 before D.B.



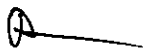
MEMBER



MEMBER

03.11.2016

Clerk to counsel for the appellant and Mr. Hameed-ur-Rehman, AD (lit.) alongwith Assistant AG for respondents present. Counsel for the appellant is not in attendance today before the court therefore, case is adjourned for arguments to 2-3-17 before D.B.



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

07.03.2017

Counsel for the appellant and Addl: AG alongwith Mr. Inayat Ullah, ADO for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 14.06.2017 before D.B.



(ASHFAQUE TAJ)
MEMBER



(MUHAMMAD AAMIR NAZIR)
MEMBER

5 09.03.2015

Counsel for the appellant, M/S Khurshid Khan, SO for respondent No. 1 and Inayatullah, ADO for respondent No. 3 alongwith Addl: A.G for all respondents present. Requested for adjournment. To come up for written reply/comments on 29.5.2015 before S.B.


Chairman


6 29.05.2015

Counsel for the appellant, M/S Khurshid Khan, SO and Javed Ahmed, Supdt. alongwith Assistant A.G for respondents present. Comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 10.11.2015.


Chairman

10.11.2015

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Rejoinder on behalf of the appellant submitted, copy of which placed on file. To come up for arguments on 14-3-2016.


Member


Member

Appeal No. 1220/2014
Mr. Muhammad Asif

3.

Reader Note:

19.11.2014

Counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 11.12.2014 for the same.


Reader

4.

Reader Note:

11.12.2014

Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 22.01.2015 for the same.


Reader

5.

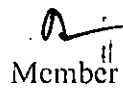
22.01.2015

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 08.07.2014, vide which the major penalty of termination from service has been imposed upon the appellant. Against the above referred impugned order appellant filed departmental appeal on 18.07.2014 which was not responded within the statutory period of 90 days, hence the instant appeal on 10.10.2014.

Since the matter pertains to terms and conditions of service of the appellant, hence admit for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on 09.03.2015 before the learned Bench-III.

Appellant Deposited
Security & Process Fee
Rs. 350/- Bank
Receipt is Attached with File

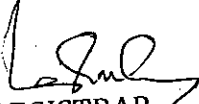




Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1220 /2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	10/10/2014	The appeal of Mr. Muhammad Asif presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.  REGISTRAR
2	16-10-2014	This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>19-11-2014</u> .  CHAIRMAN

Printed Name of the Court
Date of the Order
Signature of the Judge/Magistrate

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1220/2014

Muhammad Asif

V/S

Education Deptt: etc

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5.	Copy of revised notification dated 14.3.2014	C	11
6.	Copy of modified charge sheet	D	12
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APPELLANT *A/S*
Muhammad Asif

THROUGH:

M. Asif Yousafzai
M.ASIF YOUSAFZAI

Taimur Ali Khan
&
TAIMUR ALI KHAN

(ADVOCATES, PESHAWAR)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1220 /2014

Muhammad Asif Ex-CT,
GHSS, Ziarat Kaka Sahib, Nowshera.

1253
10-10-2014

(Appellant)

VERSUS

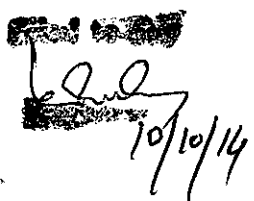
1. The Secretary Education (E&SE), Peshawar.
2. The Director Education (E&SE), Peshawar.
3. The DEO(E&SE), Nowshera. ✓
4. The Secretary, Government of Khyber Pakhtunkhwa, Finance Department, Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 08.07.2014, WHERE THE APPELLANT HAS BEEN TERMINATED FROM SERVICE AND NOT TAKING ACTION ON DEPARTMENTAL APPEAL OF THE APPELLANT WITH IN STATUTORY PERIOD.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED .08.07.2014 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED 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.


10/10/14

R. SHEWETH:

1. That the appellant joined the education department as CT 17.2.2007 and performed his duties at various Govt: schools at District Nowshera.

2. That during flood in the years 2010, the official record of the District Nowshera completely damaged. That on the basis of missing/damaged record, a fact finding inquiry committee was constituted and the basis of fact finding inquiry, the appellant was declared to be appointed fraudulently vide order dated 20.10.2012.
3. That against the order dated 20.10.2012 the appellant filed appeal in august Service on dated 05.12.2013 and the service Tribunal was kind enough to accept the appeal on dated 21.10.2013 and set aside the impugned order dated 20.10.2012 and the appellant was reinstated in service from the date of his removal with the direction to the respondents to conducted a proper enquiry against the appellant in accordance with law. (Copy of judgment of Service Tribunal is attached as Annexure-A)
4. That on the basis of Hon'able Tribunal's judgment the appellant was reinstated by notification dated 25.1.2014. The notification dated 25.1.2014 was further modified by revised notification dated 14.03.2014.(Copy of the notification and revised notification are attached as Annexure-B&C)
5. That modified charge sheet and modified statement of allegations was served upon the appellant. The appellant was also asked to file reply of charge sheet. The appellant submitted his reply to charge sheet and requested to provide him legible copies of the orders and documents relating to his service record as all service record of the appellant is in the office of DEO (E&SE) Nowshera and he has no copy of documents relating to his service career. (Copy of modified charge sheet, modified statement of allegation and reply to charge sheet are attached as Annexure-D,E&F).
6. That one sided inquiry was conducted but none of the statement was recorded or record examine in presence of the appellant. However even then the appellant was held responsible by the inquiry officer, but no penalty was proposed for the appellant in his report.
7. That show cause notice was served upon appellant and the appellant submitted his detailed reply to the show cause notice in time and denied all allegations in the reply to the final show cause notice. (Copy of show cause notice and reply to show cause notice are attached as Annexure-G&H)

8. That on 08.07.2014 the penalty of termination from service with immediate effect and the salaries drawn be recovered from him was imposed upon appellant under (E&D) Rules 2011 with out chance of personal hearing.(copy of order is attached as Annexure-I)
9. That against the order dated 08.07.2014, the appellant filed departmental appeal on dated 18.07.2014, but the same was not responded after the expiry of statutory period. (Copies of departmental appeal is attached as Annexure-J)
10. That now the appellant come to this august Tribunal on the following grounds amongst others.

GROUNDS:

- A) That the impugned order dated 08.07.2014 and not taking action on the departmental appeal of the appellant are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant has been condemned unheard and has not been treated according to law and rules.
- C) That neither the appellant was associated with the enquiry proceedings nor has any statement of witnesses been recorded in the presence of appellant. Even a chance of cross examination was also not provided to the appellant which is violation of norms of justice.
- D) That the appellant was reinstated by the august Tribunal, but the respondent department again imposed penalty of termination on appellant for the same allegations on which he was previously dismissed from the service.
- E) That service Tribunal in its judgment directed the respondents to conducted proper inquiry in accordance with law by giving full chance of personal defense to the appellant, but the appellant was given no chance for his defense during inquiry proceeding, which is the violation of law and rules.

- F) That no proper inquiry was conducted against the appellant, which is violation of law and rules.
- G) That the penalty of removal from service is very harsh which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law.
- H) That the appellant requested to DEO(M)(E&SE), Nowshera to provide all documents relating to his service as all the service record of the appellant in office and he has no record of his service, but the concerned department did not provide the service record to the appellant, which proves the malafide intention on part of the concerned department.
- I) That the appellant has been punished for no fault on his part, because if the service record of appellant was damaged due to flood, then he could not be blamed for act of God Almighty. The damage of record is also admitted by the Deptt: itself.(Copies of letters are attached as Annexure-K,L&M)
- J) That the appellant has been discriminated because, other officials whose record was damaged/missing, have not been removed from service.
- K) That the appellant has not been treated according to law and rules.
- L) That the appellant seeks permission to advance others 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.

THROUGH:

APPELLANT 
Muhammad Asif


M.ASIF YOUSAFZAI

& 
TAIMUR ALI KHAN

(ADVOCATES, PESHAWAR)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2014

Muhammad Asif

V/S

Education Deptt: & others.

**APPLICATION FOR RESTRAINING THE RESPONDENT FROM
MAKING RECOVERY OF SALARIES PAID TO THE APPELLANT
TILL THE DISPOSAL OF MAIN APPEAL.**

RESPECTFULLY SHEWETH:

1. That the appellant has filed an appeal along with this application in which no date has been fixed so far.
2. That the grounds of main appeal may also be considered as integral part of this application.
3. That all three ingredients are in favour of appellant.
4. That if the respondents are not restrained from recovery then the appellant will suffer from irreparable loss and his appeal will become infructuous.

It is, therefore, most humbly prayed that the respondents may be restrained from effecting recovery of paid salaries from the appellant till disposal of main appeal. Any other remedy which this august Tribunal deems fit and proper, may also be awarded in favour of appellant.



APPELLANT
Muhammad Asif

THROUGH:

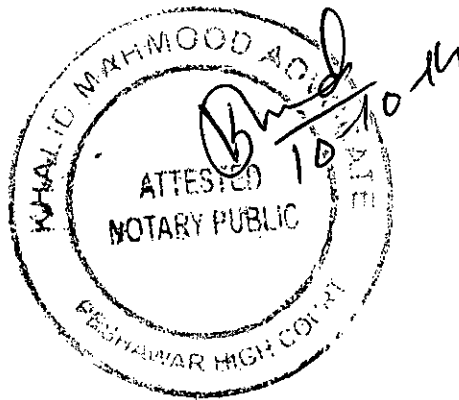
M. Asif Yousafzai
M.ASIF YOUSAFZAI
& *Taimur Ali Khan*
TAIMUR ALI KHAN

(ADVOCATES, PESHAWAR)

AFFIDAVIT

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

Dei
DEPONENT



A 7

Appeal No. 1300/2012

Date of Institution ... 05.12.2012
Date of Decision ... 21.10.2013

Muhammad Asif, Ex-C.T. GHS Pahari Katti Khel,
Nowshera.

(Appellant)

VERSUS

1. The District Coordination Officer, Nowshera.
2. The EDO (E&SE), Nowshera.
3. The District Accounts Officer, Nowshera.
4. The Secretary, Government of Khyber Pakhtunkhwa, Finance Department,
Peshawar. (Respondents)

MR. MUHAMMAD ASIF YOUSAFZAI,
Advocate

For appellant

MR. MUHAMMAD JAN,
Government Pleader

For respondents.

MR. MUHAMMAD AAMIR NAZIR,
MR. SULTAN MAHMOOD KHATTAK.

MEMBER
MEMBER

JUDGMENT

MUHAMMAD AAMIR NAZIR, MEMBER. The appellant Muhammad Asif, Ex-C.T. GHS, Pahari Katti Khel, Nowshera through the instant appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, has impugned order dated 20.10.2012 whereby the appointment order of the appellant was stated to be fake with further direction that the salary so far drawn fraudulently by the appellant be recovered and shall be deposited in government treasury; the appellant also impugned order dated 19.11.2012 whereby his departmental appeal was rejected.

2. Briefly stated facts giving rise to the appeal in hand are that the appellant joined the respondent department as C.T on 17.2.2007. During his service, the appellant performed his duties at various government schools at District Nowshera. That during the floods in the year 2010, the official record of district Nowshera was completely damaged. That on the basis of missing/damaged record, a fact finding

ATTORNEY

enquiry committee was constituted and on the basis of fact finding enquiry, the appellant was declared to be appointed fraudulently vide impugned order dated 20.10.2012, it was further directed that the salary so drawn by the appellant may also be recovered. The departmental appeal filed by the appellant dated 5.11.2012 against the impugned order was also rejected on 19.11.2012, hence the instant appeal.

3. After institution of the instant appeal, it was admitted to regular hearing and the respondents were summoned by the Tribunal. The respondents contested the appeal and submitted their written reply. We have heard the arguments of the learned counsel for the parties and perused the record.

4. The learned counsel for the appellant argued before the court that the appellant was properly appointed as C.T Teacher in the year 2007 and till passing of the impugned order he served as a teacher in different schools; that during the period, the appellant had drawn salary from the government treasury; that due to heavy flood in the year, 2010, the official record of district Nowshera was completely damaged and due to non-availability of record a fact finding enquiry was made and the appellant was removed from service; that no charge sheet/statement of allegations was served upon the appellant and no proper enquiry was conducted, hence the impugned order passed on the basis of fact finding enquiry is liable to be set aside and the appellant be reinstated in service with all back benefits.

5. The learned Government Pleader in rebuttal argued before the court that the appellant has committed fraud and forgery and pretended to be a government teacher despite the fact that he was not in possession of appointment order in this respect; that the appellant has rightly been removed from service through the impugned order, hence the appeal be dismissed.

6. Perusal of the case file reveals that the appellant claims to be C.T Teacher appointed in the year, 2007 and hence performed duties as a teacher in different schools of district Nowshera till the year 2012. In this respect the appellant produced before the Tribunal salary slips and Last Pay Certificate issued to him by the District Accounts Office, Nowshera which prima-facie suggest that the appellant had served in different schools of district Nowshera as teacher till the year 2012 when the impugned order was passed.

7. Respondents removed the appellant on the pretext that he has committed a fraud as he is not in a possession of relevant documents showing him to be legally appointed as C.T teacher. However, it is also a fact that during heavy floods in the

RECEIVED
GENERAL
SERVICES
DIVISION
11/11/2012

ATTESTED

year 2010. official record of district Nowshera was inundated and hence the respondents too failed to bring on record any cogent documentary proof that the appellant was not appointed in the year 2007. Only a fact finding enquiry conducted, and on the basis of which the appellant was removed from service through the impugned order dated 20.10.2012. No charge sheet and statement of allegations were issued to the appellant, and no proper enquiry was conducted against the appellant. Hence it would be appropriate to direct the respondents to conduct a full-fledged and proper enquiry against the appellant so that all the issues relating to the controversy should be discussed and addressed properly. Therefore, on acceptance of the appeal, the impugned orders dated 20.10.2012 and 19.11.2012 are hereby set aside and the appellant be reinstated in service from the date of his removal with direction to the respondents to conduct a proper enquiry against the appellant in accordance with the law within a period of three months positively. Parties are left to bear their own costs. File be consigned to the record.

Jd/- Muhammad Aamir Nozai
Member
Jd/- Sultan Mahmood Sheikh
Member

ANNUNCIED
21.10.2013.

Certificate (signature copy)

[Signature]
 Khya Service Tribunal
 Peshawar

Date of Presentation of Application 28.10.2013
 Number of Pages 1200
 Copies 8
 Urgent 2
 Total 10
 Name [Signature]
 Date 28.10.2013
 Date 28.10.2013

[Signature]
 ATTESTED



B10

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

(Office Phone#0923-9220228, Fax#0923-9220228)


NOTIFICATION.

Mr. Muhammad Asif CT who has already been re-instated in service vide this Office Notification No. 7473-78 dated: 20-11-2013 as per directions of the Honourable Service Tribunal Peshawar Government of Khyber Pakhtunkhwa dated 21-10-2013 passed in Service Appeal No.1300/2012 is hereby adjusted in GHSS Ziarat-kaka sahib Nowshera against the vacant post in the interest of Public Service.

(Muhammad Uzair Ali)
District Education Officer (Male)
Nowshera

Endst: No. ⁰⁹ ~~8305~~ /DEO(M)NSR/EA-S/F.No. 1 /Adjustment of CT Dated Nowshera the 25/1-2014
Copy of the above is forwarded for information and necessary action to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Director (E&SE) Khyber Pakhtunkhwa Peshawar.
3. Senior District Account Office Nowshera.
4. Principal GHSS Ziarat kaka Sahib Nowshera.
5. Official Concerned

 25/1/14
District Education Officer (Male)
Nowshera


ATTESTED



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

(Office Phone#0923-9220228, Fax#0923-9220228)

REVISED NOTIFICATION

In partial modification of notification issued by this office vide No. 7473-78 dated: 20/11/2013, Mr. Muhammad Asif CT GHSS Ziarat kaka sahib is hereby reinstated in Services from the date of his removal


However, a full fledged and proper enquiry is ordered against the official to probe into matter of his fake/bogus appointment as per the Service Tribunal's direction.

(Muhammad Uzair Ali)
District Education Officer (Male)
Nowshera

Endstt: No. 10365-71 /DEO (M) NSR/F-2 / Dated: 14 /03/2014

Copy of the above is forwarded for information to the:-

1. Senior District Account officer NSR
2. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Director (E&S) Education Khyber Pakhtunkhwa Peshawar.
4. Principal GHS Shaidu Nowshera.
5. Principal GHS Jehangira Road Nowshera.
6. Principal GHSS Ziarat kaka Sahib NSR
7. Official concerned.


District Education Officer (Male).
Nowshera


ATTESTED



D 12

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

(Office Phone#0923-9220228, Fax#0923-9220228)

No. 10427-28 Dated. 17/03/2014

MODIFIED CHARGE SHEET

I, Muhammad Uzair Ali District Education Officer (M) Nowshera as Competent authority, hereby charge you, Mr. Muhammad Asif CT, GHSS Ziarat Kaka Sahib Nowshera, as follows:-

1. (a) That you fraudulently managed to get appointment through fake/bogus order as C.T and consequently received a huge amount on account of monthly pay and thus inflicted heavy losses to the national exchequer.
- (b). That You also fraudulently managed to get BPS-14 on B.A 3rd Division.
- (c). That as per Service Book you were appointed as a CT teacher on 17-02-2007 vide EDO letter No 4321-27 dated 17-02-2007 in BPS-09 on contract basis at GMS Kana Khel Nowshera, but you joined the services at GMS Kana Khel on transfer/ adjustment order on dated 30-08-2010 vide EDO letter No 482.dated 30-08-2010 & as per statement of Headmaster GMS kana Khel & Attendance Register of GMS Kana Khel you performed your duties as CT teacher at GMS Kana Khel w.f. 01-09-2010 to 01-01-2011.
- d). That you also managed to get transferred from GMS kana Khel to GHS Pahari Kati Khel vide EDO letter No.2646-48 dated 30-12-2010 & got relieved from GMS kana Khel on 01-01-2011. All the administrative orders are of no legal effect as your initial recruitment/ appointment is allegedly based on fake/bogus order.
- e) That you resigned from service and it was forwarded by the DDO GHS Pahari Kati Khel for necessary action to the EDO Nowshera on 06-10-2011.
- f) The preliminary enquiry was conducted against you vide DCO office No.10/DCO/EA/NSR 14710-12 Dated 17-11-2011, and your services were terminated in the light of recommendations of preliminary enquiry.
- g) That you filed Service Appeal before Honorable Service Tribunal Khyber Pakhtunkhwa and the Honorable Service Tribunal re-instead your services vide judgment dated 21-10-2013 passed in service appeal 1300/2012 titled as Muhammad Asif Vs. DCO Nowshera.
- h) That in the light of the judgment of the Service Tribunal dated 21-10-2013 your services were provisionally restored and you were posted /Adjusted as CT at GHSS Ziarat Kaka Sahib subject to the recommendations of a detailed enquiry.
- (i) Accordingly in the light of the above mentioned judgment your services have been restored and now a formal detailed enquiry is being launched against you.
- (2) By reason of the above you appear to be guilty of misconduct under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the ibid rules.
- (3) Therefore, you are required to submit your written defense within 7 days of the receipt of this Charge Sheet to the Enquiry Committee, as the case may be.
- (4) Your written defense, if any, should reach the Enquiry Committee/Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense 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.

 17-03-2014
Competent authority

Mr. Muhammad Asif CT, GHSS Ziarat Kaka Sahib Nowshera

ATTESTED



E 13

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

(Office Phone#0923-9220228, Fax#0923-9220228)

No. 10425-26 Dated. 17/03/2014

DISCIPLINARY ACTION

I, Muhammad Uzair Ali District Education Officer (M) Nowshera as Competent authority, am of the opinion that Mr. Muhammad Asif CT, GHSS Ziarat Kaka Sahib Nowshera, has rendered himself liable to be proceeded against, as he has committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.


MODIFIED STATEMENT OF ALLEGATIONS

1. (a) That he fraudulently managed to get appointment through fake/bogus order as C.T and consequently received a huge amount on account of monthly pay and thus inflicted heavy losses to the National exchequer.
 - (b). that he also fraudulently managed to get BPS-14 on B.A 3rd Division.
 - (c). that as per Service Book he was appointed as a C.T on 17-02-2007 vide EDO letter No 4321-27 dated 17-02-2007 in BPS-09 on contract basis at GMS Kana Khel Nowshera, but he joined the services at GMS Kana Khel on transfer/ adjustment order on dated 30-08-2010 vide EDO Letter No 482 dated 30-08-2010 & as per statement of the Headmaster GMS kana Khel & Attendance Register of GMS Kana Khel he performed his duties as CT teacher at GMS Kana Khel w.f. 01-09-2010 to 01-01-2011.
 - d). That he also managed to get transferred from GMS kana Khel to GHS Pahari Kati Khel vide EDO letter No.2646-48 dated 30-12-2010 & got relieved from GMS kana Khel on 01-01-2011. All the administrative orders were of no legal effect as his initial recruitment/ appointment was allegedly based on fake/bogus order.
 - e) That he resigned from service and it was forwarded by the DDO GHS Pahari Kati Khel for necessary action to the EDO Nowshera on 06-10-2011.
 - f) That preliminary enquiry was conducted against him vide DCO office No.10/DCO/EA/NSR 14710-12 Dated 17-11-2011, and his services were terminated in the light of recommendations of preliminary enquiry.
 - g) That he filed service appeal before Honorable Service Tribunal Khyber Pakhtunkhwa and the Honourable Service Tribunal restored his services vide judgment dated 21-10-2013 passed in Service Appeal 1300/2012 titled as Muhammad Asif Vs. DCO Nowshera.
 - h) That in the light of the judgment of the Service Tribunal dated 21-10-2013 his services were provisionally restored and he was posted /adjusted as CT at GHSS Ziarat Kaka Sahib subject to the recommendations of a detailed enquiry.
 - (i) Accordingly in the light of the above mentioned judgment his services have been restored and now a formal detailed enquiry is being launched against him.
- 2 For the purpose of detail/formal enquiry against the said accused with reference to the above allegations, an enquiry committee, consisting of the following, is constituted under rule 10 (1) (a) of the ibid rules:

- | | |
|--|----------|
| 1. Mr. Matiullah Principal GHS No.1 Shaidu | Chairman |
| 2. Mr. Naeem Khan Principal GHS Jehangira Road | Member |

3 The Enquiry 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 30 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 enquiry committee.


17-03-2014
Competent Authority

Mr. Muhammad Asif CT, GHSS Ziarat Kaka Sahib Nowshera

ATTACHED

To

The District Education Officer (Male)
(E&SE), Nowshera.

Subject: **MODIFIED CHARGE SHEET**

Sir,

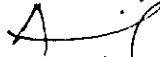
Kindly refer to the subject noted above, I request to kindly provide me a legible copies of the orders and documents mentioned below, enabling me to properly answer the charge sheet and to defend myself with cogent reasons. Because my all service record is in the office and I have no any copy of the orders, service book, notifications etc.

1. Service Book
2. Order No.4321-27, dated 17.2.2007,
3. Certificates of the Pay Fixation Party.
4. Total deduction made from my salaries during my service.
5. Order regarding Granting Higher Scale
6. Complete Preliminary Inquiry Report.
7. Copies of Statement of officers/officials recorded during the inquiry report.
8. Monthly Statements of Reconciliation duly reconciled by DAO Nowshera..
9. Copies of Transfer order and LPC.

It is, therefore, requested that the above mentioned documents may kindly be provided to me, enabling to submit my reply to the charge sheet.

I shall be thankful for your kind consideration.

Yours Sincerely


(Muhammad Asif) C.T.
GHSS, Ziarat Kaka Sahib,
District Nowshera.


ATTESTED



G-15

**OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA**
(Phone & Fax # 0923-9220228)

SHOW CAUSE NOTICE

I, Mr. Muhammad Uzair Ali District Education Officer (M) Nowshera, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules 2011, do hereby serve upon you, Mr. Muhammad Asif CT S/O Zafar Khan GHSS Ziarat Kaka Sahib Distt: Nowshera this show cause notice as follow: -

1: That consequent upon the order of the Honourable Service Tribunal in Service Appeal 1300/2012 dated 21-10-2013 wherein this office was directed for your restoration/reinstatement subject to the recommendations of detailed enquiry. In compliance, this office issued your re-instatement order vide No.7473-78 dated 20-12-2013. You were posted at GHSS Ziarat Kaka Sahib and a detail formal enquiry was ordered and conducted against you in the light of the direction of the Honourable Service Tribunal Peshawar. On going through the findings, recommendations, the material on record and other related papers including your defense before the enquiry committee, I am satisfied that you have committed the following acts/omissions specified in Rule 3 of the mentioned rules:

a. That as per Service Book you got appointed as a CT on 17-02-2007 vide EDO letter No.4321-27 on contract basis at GMS Kana Khel Nowshera but you joined the services at GMS Kana Khel on transfer/adjustment order on dated 30-08-2010 vide EDO letter No.482 dated 30-08-2010 and as per statement of the Headmaster GMS Kana Khel you assumed charge on 01-09-2010. Then you managed to get transferred from GMS Kana Khel to GHSS Pahari Kati Khel vide EDO letter No.2646-48 dated 30-12-2010 and got relieved from GMS Kana Khel on 01-01-2011. All the administrative orders are of no legal effect as it has been proved in the findings of the Detail Enquiry that your initial recruitment/appointment is based on fake/bogus order. So you have been proved to have fraudulently got appointed through fake/bogus order as CT and consequently received a huge amount on monthly pay and thus inflicted heavy losses on to the national exchequer.

2: That, as the Detailed Enquiry Committee has proved your appointment as "totally fake and bogus" and has recommended major penalty of removal from service and recovery of salaries you have fraudulently drawn" I am satisfied that you have committed acts/omissions specified in Rule 3, of the said rules.

3: As a result thereof, I as the competent authority, have tentatively decided in the light of the recommendations and other record at hands to impose upon you the major penalty of dismissal/removal from service specified in Rule 4 of the *ibid* Rules.

4: You are, therefore, 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.

5: If no reply to this effect is received within 15 days of its delivery, it shall be presumed that you have no defense to put in and in that case Ex-Parte action shall be taken against you.

ATTESTED

6: A copy of the findings is enclosed herewith.


16

(Professor Muhammad Uzair Ali)
Competent Authority
District Education Officer (M)
Nowshera

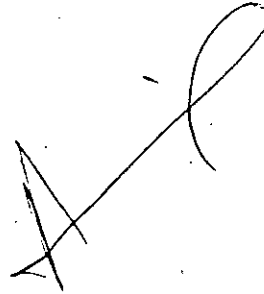
Endst; No. 11391-95 /DEO (M) NSR/Estb;Secy /Discp. Action, Dated Nowshera the 03
/5/2014

Copy of the above is forwarded for information to the: -

1. PS to Minister of Education E&SE Deptt: Khyber Pakhtunkhwa Peshawar.
2. PS to Secretary E&SE Deptt: Khyber Pakhtunkhwa Peshawar.
3. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. Principal GHSS Ziarat Kaka Sahib Distt: Nowshera
- ✓ 5. Mr. Muhammad Asif CT S/O Zafar Khan GHSS Ziarat Kaka Sahib Distt: Nowshera.
6. Office copy.


03/5/14
District Education Officer (Male)
Nowshera

Mr. Muhammad Asif CT S/O Zafar Khan GHSS Ziarat Kaka Sahib Distt: Nowshera.

Received by 

ATTACHED

To

The District Education Officer (Male),
Nowshera.

Subject: **SHOW CAUSE NOTICE DATED 3.5.2014**

Most profoundly, it is submitted that the show cause notice dated 3.5.2014 received to me on 8.5.2014 but without having the copy of findings of the enquiry committee, therefore, on an application I was provided the copy of findings of the enquiry committee on 20.5.2014.

As far as the findings of the enquiry committee is concerned that are biased because the recommendations were duly signed by one Mr. Inayatullah by showing him a member of the enquiry committee, whereas Mr. Inayatullah was never nominated in the statement of allegations as member of the enquiry committee vide Memo 17.3.2014. Thus, such recommendations endorsed by the non member of the committee, is not only prejudice but also violation of the law, rules and norms of justice.

As far as the orders mentioned in the findings of the enquiry committee and statement taken by the enquiry committee are amounting to condemnation unheard because non of the orders or statement of any official was recorded in my presence nor I was allowed to cross examine the same, thus not only miscarriage of justice has been done but also the principle of fair play, violated as held in various judgments of the superior courts.

The enquiry committee only emphasized on the salaries drawn by me on 1.10.2010 but did not bother to consider the amount drawn on 1.10.2010 which included the past salaries arrears. Moreover, I was given a proper certificate which was issued by the then D.O who was not examine by the enquiry committee at-all. Thus, the findings of the enquiry committee based on conjecture and surmises, without any cogent reasons and proofs.

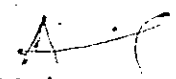
Thus, if any mistake committed by the high-ups of the department and issuing order or adjustment against other post for that I can not be held responsible.


ATTESTED

Therefore, keeping in view the above submission, the show cause notice dated 3.5.2014 may be withdrawn/dropped and the **matter may also be re-enquired through an independent enquiry committee as directed by the Honorable Service Tribunal, Peshawar.**

I also request for give me an opportunities for personal hearing.

Yours Obediently



(Muhammad Asif)
C.T.
GHSS, Ziarat KaKa Sahib
Nowshera

 ATTESTED



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

(Office Phocce#0923-9220228. Fax#0923-9220228)

No. 1230-36 Dated 08/07 /2014

Notification

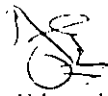
1. WHEREAS Mr. Muhammad Asif (CT) GHSS ZKK, the appointment order of the said official is proved fake and bogus.
2. WHEREAS on the formal/ detail enquiry of the enquiry committee, it has been proved that your appointment order is totally fake and bogus.
3. WHEREAS the District Education Officer (M) Nowshera, the competent authority issued show cause Notice to him.
4. WHEREAS the competent authority is satisfied that his reply to the show cause notice is not satisfactory.
5. Now, therefore, in exercise of the powers confirmed under the Khyber Pakhtunkhwa Government servant (Efficiency and Disciplinary) Rules 2011, the competent authority DFO (M) Nowshera is pleased to impose major penalty of "termination from service" upon Mr. Muhammad Asif (CT) GHSS Ziarat Kaka Sahib Nowshera with immediate effect and the salaries fraudulently drawn be recovered from him and be deposited in Government Treasury.

(Muhammad Inam Turo)
District Education Officer (M)
Nowshera

Copy for information to:-

1. Registrar Service Tribunal Peshawar
2. Additional Advocate General Service Tribunal Peshawar
3. Director (E&S) Education Govt: of Khyber Pakhtun Khwa Peshawar
4. Deputy commissioner Nowshera
5. District Account Officer Nowshera
- ✓ 6. Principal GHSS ZKK Nowshera
7. Official Concerned

ATTESTED


District Education Officer (M)
Nowshera

J=200

بخدمت جناب ڈائریکٹر (E&SE) پشاور

عنوان: اپیل برخلاف آرڈر نمبر 36-1230 مورخہ 08-07-2014

جناب عالی!

گزارش ہے کہ۔

(۱) - سائل کو EDO نوشہرہ نے بحوالہ آرڈر نمبر 43-13830 بتاریخ 20-10-2012 کو سروس سے Terminate کر دیا تھا۔

(Flag-A)

(۲) - سائل نے اس کے خلاف سروس ٹریبونل میں اپیل کی جس کا فیصلہ سائل کے حق میں بتاریخ 21-10-2013 کو ہوا۔ (Flag-B)

(۳) - سائل کو دوبارہ بحوالہ آرڈر نمبر 09-8305 بتاریخ 25-01-2014 سروس پر بحال کیا گیا اور گورنمنٹ ہائر سیکنڈری سکول زیارت کا صاحب میں تعینات کیا گیا۔ (Flag-C)

(۴) - سائل کے خلاف انکوآری بحوالہ آرڈر نمبر 71-10365 بتاریخ 14-03-2014 کو دوبارہ شروع کر دی گئی۔ (Flag-D)

(۵) - سائل کو شوکار نوٹس بحوالہ آرڈر نمبر 95-11391 بتاریخ 03-05-2014 کو دیا گیا۔ (Flag-E)

جس میں پرسنل ہیئرنگ کا ذکر بھی کیا گیا۔

(۶) - سائل نے بتاریخ 03-06-2014 کو D.E.O صاحب کو رپلائی جمع کی جس میں یہ بھی التجا کی کہ سائل پرسنل ہیئرنگ کیلئے پیش ہونا چاہتا

ہے۔ لیکن سائل کو بغیر پرسنل ہیئرنگ ملازمت سے برخواست کرتے ہوئے ریکوری کے بھی احکامات بحوالہ آرڈر

نمبر 36-1230 بتاریخ 08-07-2014 کو جاری کر دیئے۔ (Flag F&G)

(۷) - سائل نے انکوآری سے پہلے متعدد کاغذات ریکارڈ کیلئے بھی التجا کی تھی تاکہ سائل اپنا دفاع کر سکے لیکن باوجود درخواست کے سائل کو متعلقہ

ریکارڈ نہیں فراہم کیا گیا۔ (Flag-H)

(۸) - انکوآری افسران نے بھی جو بیان ریکارڈ کئے یا ریکارڈ ملاحظہ کیا وہ بھی یکطرفہ کاروائی تھی کیونکہ سائل کی موجودگی میں نہ تو بیان ریکارڈ کیا گیا اور

نہ ہی ریکارڈ ملاحظہ کیا گیا۔ مزید یہ کہ انکوآری افسران نے ان لوگوں کا بیان بھی ریکارڈ نہیں کیا جنہوں نے متعدد متعلقہ حکم نامے جاری کئے تھے۔

(۹) - سائل کا کیس سروس ٹریبونل میں بھی زیر سماعت ہے۔

لہذا آپ صاحب سے موذبانہ التماس کی جاتی ہے کہ سائل کو دوبارہ تمام مراعات کے ساتھ ملازمت پر بحال کیا جائے۔

عرضے

آپ کا تابع دار

محمد آصف سیٹھی
گورنمنٹ ہائر سیکنڈری سکول زیارت کا صاحب

ضلع نوشہرہ

REGISTERED

کاپی برائے اطلاع:

۱- ڈسٹرکٹ ایجوکیشن آفیسر نوشہرہ

۲- ڈسٹرکٹ اکاؤنٹ آفیسر نوشہرہ

13/07/14

Office of the Executive District Officer
Elementary & Secondary Education
Camp Office (Khattak Building),
Nowshera.
No. 26-27 dated 10/8/10

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To

The Audit Officer,
Camp Office,
Executive District Officer
Elementary & Secondary Education
Nowshera.

Subject:- Reply to the Audit Objections July 2010
Memo

As per parawise Audit observations noted and communicated by the Audit Party July, 7th 2010 to July 27th 2010.

It is stated for your kind information that due to the torrential rains, flood in district Nowshera on 29-07-2010 update the relevant old record is completely damaged. The concerned dealing Assistants reported complete damage and inaccessibility to the record lying sunk in water since 29-07-2010 upto date.

District Officer
(M&F) Secondary
Elementary & Secondary Education
Nowshera.

It is stated that all record relating to this office is not accessible and the staff has been intimated in written vide no 003 dated 03-08-2010 to make access to the record, so based on the reports of the concerned dealing assistants DO(M&F) and DDO's (M&F) Primary and Secondary, major record of the offices has been damaged due to lying sunk in flood water since 29-07-2010 update submitted for further necessary action please. Moreover the above statement of the DDO's is hereby endorsed and countersigned.

Ends: Even No. & Date

Copy of the above is forwarded to the :-

1. Copy to all concerned.
2. Office Copy.

Handwritten signature: H. ...
10/8/10
Executive District Officer
Elementary & Secondary Education
Nowshera.

10 August 2010

Page 1 of 1

Handwritten: ATTESTED
D.O. (M) (E&SE)
Nowshera

Handwritten signature: A
ATTESTED

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6001
8

Office Of The Principal GHS No.2 Nowshera Kalan.
Ref: No.50 Date:27-06-2011

To
The Executive District Officer,
Elementary & Secondary Education,
Nowshera.

Subject: Retrieval Of The Office Record

Respected Sir,

Kindly reference your Office order No.1520-22 dated 28-05-2011, the undersigned along with the following members of the committee, worked hard to retrieve useful record out of the dumps record damaged by the Flood 2010. The record is lying scattered in various places within the premises of the Office.

It is submitted in your honor that all of our efforts went futile exercise because the muddy water has spattered the documents like glue. All the record is spoiled completely. Nothing could be found in proper condition. A few worth mentioning documents like service books, cash books and stock register came to our hand but unfortunately all of these are not in such a position to read vividly. List of these documents is attached herewith.

The report is submitted for necessary action please.

- 1) Mr.Nasrminallah, ADO, Establishment Local Office-Member *halled*
- 2) Mr.Muhammad Javed, Superintendent-do- *Javed*
- 3) Mr.Misal Khan class-IV -do- *Misal*
- 4) Mr.Muhammad Qasim class-IV GHS No. Nsr Kalan. *Muhammad*

AJMEER SHAH (Chairman)
Principal GHS No.2 Nsr Kalan.
PRINCIPAL
Govt. High School No. 2
Nowshera Kalan

ATTESTED

M 23 10 20
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OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE)
NOWSHERA

OFFICE ORDER:

A committee is constituted of the following members under the Chairmanship of Mr. Ajmeer Shah, Principal GHS No. 2 Nowshera Kalan to retrieve office record from the dumped record ^{and was} ~~and~~ damaged by the July 2010 flood.

- 1) Mr. Ajmeer Shah, Principal GHS No. 2 Nowshera Kalan – Chairman
- 2) Mr. Nasruminallah, ADO, Establishment Local Office – Member
- 3) Mr. Muhammad Javed, Superintendent, Establishment Branch – Member
- 4) Any two class-IV's nominated by the Chairman

The committee is directed to work out its modalities and complete the task within one month time period positively.

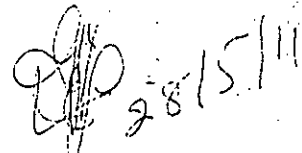
(Muhammad Uzair Ali)
Executive District Officer
(E&SE) Nowshera.

Endst: No. 1520-22

date 28/5/2011

Copy to:

- PA to Directress (E&SE) Peshawar.
- District Officer (M) Nowshera.
- District Officer (F) Nowshera.


Executive District Officer
(E&SE) Nowshera.

ATTESTED

10

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Appeal No 1220/2014

Muhammad Asif^{Ex} (CT)Appellant

VERSUS

1- Secretary (E & S) Education Khyber Pakhtunkhwa, Peshawar & others.
..... Respondents

Respectively Sheweth

Written comments/reply on behalf of respondents.

Preliminary Objections

1. That the Appellant has no cause of action/locus standi to file the instant appeal.
2. That this honorable service tribunal has got no jurisdiction to entertain the present appeal.
3. That the present Appeal is bad for non-joinder and mis joinder of necessary parties.
4. That the instant Appeal is badly time barred.
5. That the appellant has concealed material facts from this honorable service tribunal.
6. That the appellant is estopped by his own conduct, by deed and by law to file the instant appeal.
7. That the instant Appeal is not maintainable in its present form.

Factual Objection

1. Incorrect. The appellant never joined the Education Department as CT on 17/2/2007, the appellant joined the Education Department through a fake / bogus order 482 dated 30/8/2010 and took the charge on 1/9/2010 at GMS Kana Khel.
2. Incorrect. The destruction of office record in the flood 2010 has no concerned with this matter. The general appointment order 2007 for CT is available in the office record and the name of appellant is not included in the general appointment order of 2007.
3. Pertains to record.
4. Pertains to record.
5. Correct to the extent that modified charge sheet, statement of allegation was served on the appellant. Appellant submitted reply which was found unsatisfactory the rest of the para is denied. As far as service record of the appellant is concerned the general appointment order of the year 2007 is available in the office record in which name of the appellant is not included.
6. Incorrect. Full opportunity was given to the appellant and major penalty of removal from service was proposed in the inquiry report (Annexure-A).
7. Correct to the extent that show cause was issued to the appellant, however his reply was found un-satisfactory.
8. Correct to the extent that major penalty was imposed upon the appellant after giving him full opportunity to defend himself.
9. No comments.
10. The appellant has got no cause of action to file instant appeal.

Grounds:

- A. Incorrect. The order dated 8/7/2014 is according to law, rules and policy and was issued in the light of the inquiry report.
- B. Incorrect. The appellant was provided full opportunity to defend himself and was treated according to law.
- C. Incorrect. The appellant was given full opportunity to defend himself.
- D. Incorrect. The appellant was reinstated with the direction to respondent to conduct a formal inquiry. The appellant was terminated in the light of the recommendations of enquiry officer in inquiry report.
- E. Incorrect. The appellant was provided full opportunity of personal defence according to law.
- F. Incorrect. A formal/ Full fledge inquiry was conducted against the appellant.
- G. Incorrect. The penalty of termination from service was imposed according to law.
- H. Incorrect. The general appointment order 2007 for CT is available in the office record, but the name of the appellant is not included in the general appointment order 2007.
- I. Incorrect. The destruction of office record has no concern with this matter.
- J. Incorrect. The appellant was terminated from service for the reason that his appointment order was fake/ bogus. The destruction of office record has no concerned with this matter.
- K. Incorrect. The appellant was treated according to law and rules.
- L. The respondent may also be permitted to advance other grounds and proofs at the time of the hearing.

It is therefore, requested before your honor that the present appeal is against facts and without force, may kindly be dismissed with cost.

Respondent No.1

Secretary (E&SE) Department,
Govt: of KPK.

Respondent No.1&2

District Education Officer (M)
Nowshera

Respondent No.4

Secretary Finance Department,
Govt: of KPK.

Sol (11)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Appeal No 1220/2014

Muhammad Asif (CT)Appellant

VERSUS

1- Secretary (E & S) Education Khyber Pakhtunkhwa, Peshawar & others.
..... Respondents

AFFIDAVITE

I Muhammad Inam Toru District Education Officer Nowshera, do solemnly affirmed and declare on oath that the contents of Par wise comments/ reply on behalf of respondent are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Court.

Deponent

بیان حقیقی

شہر آصف ولد ظفر رضا 14-4-81 '2007-2-17-2007 '2-6-2007

گورنمنٹ ہائیر سیکنڈری سکول زیارت کالہ صاحب نوشہرہ

جواباً کثرت خیل میں خارج لینے کے بعد

سائل کو 5/0 آفیس میں آرڈر کر دیا پھر 2010

میں دوبارہ سکول آرڈر ہوا۔ (17²/₀₇ کالہ آفیس)؟

2۔ جملہ ریکارڈ دفتر میں تھا جو کم سلاب کی وجہ

سے ضائع ہو چکا ہے۔ جبکہ duplicate سرورس با بلو سرٹیفکیٹ

3۔ 1-1-2011 سے GHS کھارڈ کی اصل کو تبدیل ہوا

5۔ D.H.O آفیس میں جمع کی گئی۔

6۔ یار لینڈ دفتر سے رابطہ کر کے معلوم کیا جا سکتا ہے

7۔ GHS 1 نوشہرہ

8۔ ریکارڈ دفتر میں موجود ہو گا۔

9۔ میرا نام لکھنے میں ضائع نہ ہونے کے بعد سائل نے دوبارہ اصل

کی جس کے نتیجے میں سائل کی انفرادی لکھری ہوئی تھی

10۔ ایف اور یو نیورٹی 232/SSO 2003-04

اور ساتھ میں مہرین کرتا ہوں کہ دو عدد (Notifications)

لف میں جس میں B.A 3rd یا 2nd (دو تہی کا

فرق ختم ہو چکا ہے۔ یعنی صرف B.A 3rd ہے سیکل

حاصل کرنے کیلئے۔ (کالہ آفیس)

11۔ D.H.O نوشہرہ دفتر میں دیا گیا

12۔ متعلقہ حجاز کونسل نے جاری کیا ہو گا

13۔ سلاب کی وجہ سے سائل کا ریکارڈ ضائع
 ہوا جبکہ گرفت والے مطالبہ کر رہے تھے اور
 سائل کو یہ اطلاع ملی تھی کہ اس کے لقمی
 اسناد جعلی ہیں جس پر سائل زہنی
 دباؤ کا شکار ہوا اور مجبوراً پیش کر دیا۔
 سابق میں عرض ہے کہ سائل نے 2005
 صہب سے والی کی درخواست کی تھی
 (روز لفظی)

14۔ یہ بات دفتر کی ریکارڈ سے معلوم کی جا سکتی ہے
 (روز لفظی)

A P

Annex: "A" (4)

ENQUIRY REPORT AGAINST FAKE APPOINTMENT OF Mr. MUHAMMAD ASIF C.T GHSS ZIARAT KAKA SAHIB DISTT: NOWSHERA

INTRODUCTION

I Mr. Matiullah Principal GHS No.1 Shaidu Distt: Nowshera accompanied by Mr. Naeem Khan Principal GHS Jehangira Road and Mr. Inayat Ullah o/o D.E.O (M) Nowshera Litigation Branch conducted enquiry against Mr. Muhammad Asif C.T S/O Zafar Khan village Ballo P.O Taro Jabba Distt: Nowshera vide DEO (M) Nowshera Endst.No. 7473-78 Dated 20-11-2013 and No. 10030 Dated 22-02-14 Revised Notification No. 10365-71 dated 14-03-2014 and Modified statement if allegation No. 10425-26 Date 17-03-2014. (Annex A)

In this connection the Enquiry Committee visited the following schools on dated noted against each:

- 1. GHS Pahari Kati Khel 07-01-2014
- 2. GMS Kana Khel 07-01-2014

A Preliminary enquiry was also conducted against Mr. Muhammad Asif C.T by Mr. Mian Khalid Shah Principal GHSS Kaka Khel Nowshera (Annex B)

This Enquiry Committee not only support the recommendations made by Mr. Main Khalid Shah but also agreed with them.

The Preliminary enquiry was initiated by the complaint made by Mr. Noor Jamal Khan Principal GHS Badrashi and also the D.D.O GHS Pahari Kati Khel. (Annex C)

FINDINGS

1. Mr. Muhammad Asif C.T was informed to appear before the Enquiry Committee on 09-04-2014 at GHS No.1 Cantt vide office of the Principal GHS No.1 Shaidu Distt: Nowshera No. 5578 Dated 01-04-2014, but he failed to do so. He was directed again to before the Enquiry Committee On 14-04-2014 at GHS No.1 Nowshewa Cantt. A questionnaire was served upon him and he promise to answer the questionnaire on 15-04-2014 . Reply to the questionnaire was sent thrugh any other person in which he replied that :
 - a) He join the C.T post at GHS Kana Khel on 17-02-2007 and he took charge at GHS Kana Khel on 17-02-2007 while during the visit of the Enquiry Committee to GMS Kana Khel the record was checked and found that he was appointed through adjusted order No. 482 dated 30-08-2010.(Annex D)
 - b) He replied that after taking over charge he was ordered to performed duties as computer operator in the office of the D.O (M) (E&SE) Nowshera but official order is not available nor annexed at all. He also replied that all the record including his Original service Book is completely destroyed in heavy flood of 2010.He produced photo copies of service book ,(Annex E)

The Enquiry Committee reached to the conclusion that the official concern exploiting the situation as The office record is completely destroyed in the flood.

ADD 5/2
28/4/14

According to the teacher's attendance register GMS Kana Khel and statement given by the HM GMS Kana Khel Mr. Muhammad Asif C.T performed his duties as C.T w.e.f 01-09-2010 to 01-01-2011.

Entry No. 2959 at 30-4-2014
C/O THE DEO (M) NSR

28/4/2014

[Signature]

(5)

The Head Master Kana Khel further stated that Mr. Muhammad Asif C.T was handed over the charge of C.T post on adjusted order bearing Endst No. 484 Dated 30-08-2010. The Statement of HM GMS Kana Khel is attached. (Annex F) and attendance register GMS Kana Khel . (Annex G) According to D.A.O Nowshera record provided by E.D.O (E&SE)Nowshera Mr. Muhammad Asif C.T 1st drawn Salaries on 01-10-2010 (Annex H)

3. During visit of the Enquiry Committee to GMS Kana Khel the record was checked and found that 1st appointment order and charge report were not available at school , while other complete record of the school is in the safe custody of the HM and said school is not affected by the flood of 2010.
4. As per service book Mr. Muhammad Asif was appointed as C.T at GMS Kana Khel on 17-02-2007 which is completely contradictory with the statement of the HM GMS Kana Khel and school record

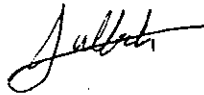
CONCLUSIONS

In the light of the above facts and available record and statement of the Head Master GMS Kana Khel the Enquiry committee concluded that the appointment of Mr. Muhammad Asif C.T is totally Fake and Bogus.

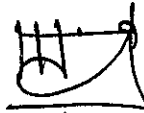
RECOMMADATIONS / SUGGESTIONS

In the light of above conclusions it is Recommended that :

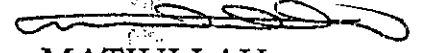
1. The Major penalty of removal from service may be imposed upon him.
2. The Salaries fraudulently drawn may be recovered from him and may be deposited in Govt: treasury.



INAYAT ULLAH
Litigation Officer/
Member
Enquiry committee
o/o D.E.O (M)
Nowshera



28/4/2014
NAEEM KHAN
PRINCIPAL
Member
Enquiry committee
Govt: High School
Jahangira Road



28/4/14
MATIULLAH
PRINCIPAL/
Chairman
Enquiry committee
Govt: High School No.1
Shaidi Nowshera

(6)

A Annex B

**ENQUIRY REPORT AGAINST MR.WAJID ALI SHAH QARI(BPS-12),
MR.MUHAMMAD ASIF CT(BPS-14), MR.HAIDER ALI J/CLERK AND
MR.SHAMSUL HADI BISHTI,GHS PAHARI KATTI KHEL NOWSHERA.**

In the light of Notification Endst: No.512/F.No.546/A-15/TT Dated 05-11-2011, DCO Nowshera office order No.10/DCO/EA/NSR 14710-12 Dated 17-11-2011 which was refused by the undersigned vide this institution No.458-59 Dated 25-11-2011 but the Director E&SE Deptt: KPK issued the re-directive for the conduction of the enquiry vide No.1583dated 15/12/2011 and subsequent reminder No.4210 dated 31/01/2012.

BRIEF HISTORY OF THE CASE:

The enquiry was the result of the complaint made by Mr.Noor Jamal Khan Principal, GHS Badrashi also the DDO of GHS Pahari Katti Khel Nowshera. In the complaint 04 officials of the institution have been nominated with the different charges leveled against each. Brief history of every individual official is as under please.

1- **MR.WAJID ALI SHAH QARI.**

Mr.Wajid Ali Shah Qari was transferred to GHS Pahari Katti Khel Nowshera VideNo.1921-25 dated 31-08-2010 and he is drawing salary regularly, but only relieving chit issued by Head Master,GMS Aman Kot Nsr available on the record while no service book, proper transfer order,LPC and Apptt:order etc are exists in the institution.

2. **MR.MUHAMMAD ASIF CT.**

Mr. Muhammad Asif CT was transferred from GMS Kana Khel to GHS Pahari Katti Khel vide endstt No.2646-48 dated 30-12-2010. When DDO visited the school and enquired about the apptt order and service book etc of the teacher concerned, the teacher concerned tender his resignation which is now not available on the record of DDO E&SE Deptt: Nowshera, neither the process of acceptance of resignation is available on the record.

3,4. **MR. SHAMSUL HADI BEHSITI AND MR.HAIDER ALI J/C**

Both the above mentioned officials are now performing their duties regularly. Therefore the Department is hereby requested to monitor and supervise their performance through District management.

Procedure:

The main enquiry is against the two teachers i.e. Wajid Ali Shah Qari And Muhammad Asif C.T of GHS PKK. The undersigned in the light of the redirective Of the Director E&SE Deptt: Khyber Pakhtunkhwa visited the school on 24.12.2011 and served the questionnaire to the accused on 07-01-2012, but before the handing over of questionnaires photo copies of the service books of both the teachers in written obtained but no apptt order etc are available with the teachers as per their statements that due to the heavy flood in District Nowshera the same were destroyed. The above noted

(7)

reasons arise the new questions that whether the appts are legal or illegal. The collection of documentary proof for the conduction of impartial enquiry take lot of time, that the areas of service claimed by the teachers before their transfers to the said schools are flood affected area and there is simple nature of excuse with every person that the record is missing during the flood in July 29, 2010.

FACTUAL POSITION.

As per service book Mr. Wajid Ali Shah Qari was appointed as a chowkidar in GPS Pir Sabbaq vide EDO S&L Nowshera endst No.8733-37/Apptt, Class-IV Dated 24-10-05. He was shown as a Qari w.e.f. 31-08-2007 in BPS-07 at GMS Kurvi NSR, Vide EDO S&L No.9432-40 dated 31-08-2007. He was awarded BPS-12 w.e.f. 1-9-2007 and Onward by DO(M) E&SE Nowshera in the service book without mentioning any cogent Reasons. As per service book he was transferred to GMS Aman Kot on 30-06-2010 and to GHS Pahari Katti Khel on 31-08-2010 (photo copy of the service book is Annex-) The above noted dates etc are also confirmed by the teacher concerned in the reply of the questionnaire while going through the record and the cross examination collected from the different schools especially GPS Khat Killi No.2 the original story of the case is totally different. The official was appointed as Chowkidar in the Education Deptt. and later on transferred to the Circle Office at GPS Khat Killi No.2 as a Naib Qasid and he was given the charge of the post on 22-10-2007 (copy of charge report, office order of transfer and relieving chit are attached as Annex-).

As per attendance register of GPS No.2 Khat Killi, he performed his duty as a Naib Qasid Upto June-2008 (Statement of Mr. Taj Wali Khan H/Teacher of GPS No.2 Khat Killi Attached alongwith photo copy of the attendance register.

CONCLUSION.

Keeping in view of the above documentary proofs available on the record, the Appointment of Mr. Wajid Ali Shah as Qari is bogus and illegal, the same is also verified By the Ex-EDO S&L Nowshera Mr. Mushtaq Ahmad that no Qari has been recruited Through the advertisement during his tenure as EDO S&L Nowshera.

2-MUHAMMAD ASIF C.T.

FACTUAL POSITION.

As per service book, photo copy provided by the teacher concerned he was appointed as a CT Teacher on 17-02-2007 vide EDO S&L Nowshera No.4321-27 dated 17-02-2007 in BPS-09 on contract basis in GMS Kana Khel NSR. He was allowed BPS-14 on 1.12.09 In spite of the facts that the teacher concerned passed the BA Exam: in 3rd division from The University of Peshawar in 2004 under Roll No.35574. He was later on transferred To GHS Pahari Katti Khel on 30-12-2010. During the time of Inspection by MR. Noor Jamal Khan Principal, GHS Badrashi as a DDO to GHS Pahari Katti Khel No service documents i.e Apptt order, Service Book etc: was available on the Record. During his verification/interrogation the teacher concerned submitted his Resignation to the DDO which was further forwarded to the EDO E&SE NSR office for necessary action vide No. ___ dated 06-10-2011 but up till now the decision regarding His resignation is pending, while on the other hand the teacher concerned is performing his duties and drawing salary regularly. The undersigned visited to the school on 24-12-2011 for the mentioned tasks and to collect the record to prove that either the

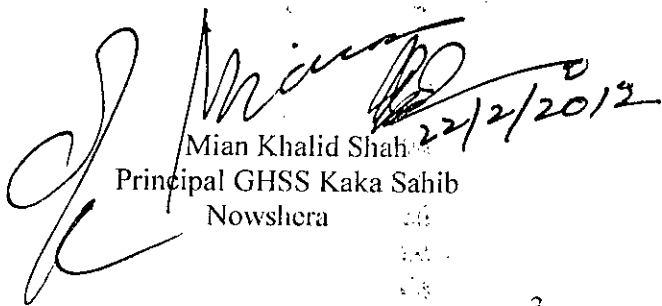
appointments made by the competent authority or otherwise that why the teacher concerned Submitted the resignation to the DDO and later on requested for the withdrawn of his Resignation. The teacher was asked to provide the Service Book, Copy of the Apptt order And transfer order and pay slips prior to the flood in District Nowshera i.e before July -2010. On the basis of the written statement of the teachers that due to the heavy flood in District Nowshera, some record is not available with the teacher i.e Apptt:order. He was Also handed over the questionnaire on 07-01-2012 to provide the detail reply..On the Cross examination of available record to match the same with the service book of the Teacher concerned, it has been observed that three pages of Apptt order No.3821-92 Dated 31-01-2007 of the CT Teachers was issued by the EDO E&SE Nowshera and The name of the teacher concerned is not included in the same order (copy attached). According to his reply to the questionnaire at S.No.12 he made the appeal for non Enclosure of his name in the list separate apptt order was issued by the EDO E&SE NSR On 17-02-2007 and he taken over the charge at GMS Kana Khel NSR and later on he was Posted in the DO Office in 2008. He was again ordered for duties in the same school in September 2010. According to the statement provided in written by the HM, GMS Kana Khel he was transferred to the same school on 01-09-2010 vide order No.482 dated 30-08-2010 by the DO(M) E&SE NSR (copy attached) and performed his duties up to 01-01-2011. He was transferred and relieved from duties to GHS Pehar Katti Khel on 01-01-2011 in the light of EDO E&SE NSR office transfer order No.2646-48 dated 30-12-2010. The HM,GMS Kana Khel further confirmed in written statement that except For the period w.e.from 01-09-2010 to 01-01-2011 the teacher concerned was not on the Strength of this institution in any stage and neither he taken over the charge in the said Institution.

CONCLUSION.

Inspite of the verbal and written request, the teacher concerned failed to provide the copy Of Apptt order to verify that the apptt order was issued by the competent authority (EDO S&L NSR) after obtaining proper codal formalities. The statement of HM,GMS Kana Khel clarify the actual position that the teacher concerned was recruited through the Transfer method in September-2010 and non production of pay slips prior to the flood in July-2010 further verified that this apptt is totally bogus and illegal without observing all The codal formalities.

RECOMMENDATIONS FOR S/NO -1 AND- 2

- 1- For Mr. Wajid Ali Shah Qari and Mr. Muhammad Asif CT of GHS Pahari Katti Khel is required to be conducted, that both the appointments are bogus. In order to fix the responsibility on the Officers/Officials involved in this bungling.
- 2- Necessary action for termination of both the teachers is required to be issued by the competent authority.


 Mian Khalid Shah
 Principal GHSS Kaka Sahib
 Nowshera

(9)

Annex D

OFFICE OF THE EDO E&SE NOWSHERA

To,

Mr. Muhammad Asif CT

No. 482

Dated: 30-8-2010

Subject: ADJUSTMENT

Memo:

Mr. Muhammad Asif CT (You) are hereby adjusted and directed to report to the head master GMS Kana Khel for duty with immediate effect i.e. 01-09-2010.


District Officer (M)
E&ES Nowshera

Copy to:

1. Headmaster GMS Kana Khel for information & necessary action.
2. Accountant/Office File

تعدادی حالت ہے کہ میں مٹھی خیال لہذا CT گورنمنٹ میں اسکول

کا ناظرہ سیکرہ میں $\frac{4}{95}$ سے ڈیوٹی سہرا انجام دے رہا ہوں۔

لہذا آف Ex-CT اس اسکول میں مورہ $\frac{9}{240}$ سے $\frac{1}{2011}$ تک CT لہذا

پر تفتیش تھی۔ لہذا آف اللہ محمد آرڈر نمبر 484 مورہ $\frac{2}{240}$ 30

کہ بنیاد پر اس اسکول میں تفتیش ہوئی تھی۔

مذکورہ بالا بیان ب اسکول ریکارڈوں کی روشنی میں دے رہا ہوں۔

Heath Master
Govt. Middle School,
Mana Khel Nowshera

مورہ $\frac{1}{2014}$ 7

سوالنامہ از محمد آصف آ. آ. آ.
H.S.S. زیارت کا صاحب، نوپترہ
بیان خلقی

پورا نام :

ولدیت :

تاریخ پیدائش :

تاریخ آغاز ملازمت :

عہدہ :

سکول :

سوال نمبر 1 : آپ بحیثیت C.T گورنمنٹ وڈل سکول
کنہ خیل میں کب چارج لیا تھا۔ کاپی مہیا کریں
نیز آپ نے کب تک E.M.S کنہ خیل میں ملازمت کی ؟
سوال نمبر 2 : آپ کی اصل سرورس کب کہاں ہے۔ کاپی مہیا کریں۔
سوال نمبر 3 : آپ E.M.S کنہ خیل سے کب E.H.S بہاری لٹی خیل
تبدیل ہوئے ؟

سوال نمبر 4 : آپ کی اصل سرورس کب کہاں ہے ؟ کاپی مہیا کریں۔
سوال نمبر 5 : آپ نے C.T پوسٹ کے لئے درخواست کب اور کہاں دی ؟
سوال نمبر 6 : سکریننگ ٹسٹ میں آپ کی پوزیشن کیا تھی ؟
سوال نمبر 7 : C.T پوسٹ کے لئے انٹرویو کب اور کہاں دیا ؟
سوال نمبر 8 : Tentative اور فائنل میٹر ٹسٹ میں آپ کی
پوزیشن کیا تھی ؟

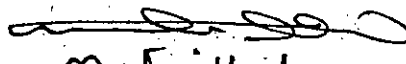
سوال نمبر 9 : بحیثیت C.T آپ کا تقریر نام انفرادی تھا یا اجتماعی
کاپی مہیا کریں۔

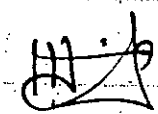
سوال نمبر 10: آپ نے BA کا امتحان کب اور کہاں سے پاس کیا اور BA میں آپ کا ڈویژن کیا ہے۔ کاپی چھپا کریں سوال 11: میڈیکل سرٹیفکیٹ کب اور کس ہسپتال سے بنوایا تھا کاپی چھپا کریں۔

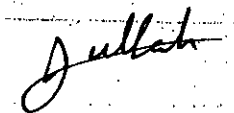
سوال 12: آپ کو Pay Release سرٹیفکیٹ کس افسر نے دیا تھا اور کب دیا تھا؟

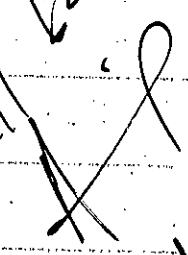
سوال 13: کیا یہ درست ہے کہ آپ نے اپنی ملازمت سے استعفیٰ دیا تھا۔ استعفیٰ کی وجوہات بیان کریں۔

سوال 14: آپ نے اپنی پہلی تنخواہ بحیثیت سی ڈی کب اور کس سکول سے وصول کی؟

1) 
Makiullah
Principal / Enquiry officer

2) 
Muhammad Naem principal LHS Jehangir

3) 
Jullah
Incharge of
office representative
office of the D.E.O U4/ NR

Received
and will be

14/4/2014

NOTIFICATION

As recommended by the District Selection Board / Departmental Promotion Committee, the competent authority is pleased to appoint the following candidates as CT (Male/Female) and DM (Female) in BPS-09 plus usual allowances, in Schools & Literacy Department Nowshera, on Contract basis with effect from 01-02-2007, and posted to the Vacant Posts mentioned against their names, on the following terms and conditions:-

- Your services will be governed under the Government of NWFP Contract Policy 2003, amended thereafter,
- Your services can be terminated on one month notice or one month salary in lieu thereof.
- You will avail the benefit of Contributory Provident Fund (CPF) through 5% contribution of minimum of your pay and 5% contribution to be made by the Government.
- You will not contribute to GPF and shall not be entitled for pension and gratuity benefits thereof.

CT OPEN MERIT (FEMALE)				
S.#	Name & F / Name	Batch	Score	Remarks
1	Rehnaz Gul D/O Gul Hussain		67.28	Jica Model School Jalozai
2	Waheeda Begum D/O-Musa Khan		65.14	GGHS Khaishgi Payan
3	Shahzia Begum D/O Ihsan ullah		64.43	GGMS Marhati Banda
4	Waheeda Akbar D/O Muhammad Asghar		64.41	GGHS Jalozai
5	Sadiqa Bano D/O Sharif Hussain		61.96	GGMS Jaba Tar
6	Haleema Begum D/O Nasrullah Jan		61.42	GGMS Spin Khak
7	Amreena D/O Mir Ahmad Shah		61.21	GGMS Habib ullah Jehangira.
CT BATCH WISE (FEMALE)				
8	Rozina D/O Muhammad Yousaf	25.12.93	43.7	GGMS Jaba Tar
9	Syeda Zakia D/O S. Muhammad Ab: M	29.05.94	48.13	GGMS Inzari
10	Shahnaz Kosar, D/O Gul Akbar Shah	29.05.94	46.89	Jica Model School Jalozai.
11	Farhat Tabasum D/O Ghulam Mustafa	09.09.95	43.02	GGMS Palosai
12	Saima Mukhtar D/O Mukhtiar Ahmad	27.02.98	54.78	GGMS Adam Zai
13	Nadia Nisar D/O Nisar Ahmad	27.2.98	54.37	GGMS Shah Kot
14	Tabassum Perveen D/O Ab: Hamid	27.2.98	47	GGMS Pir Sabaq
15	Safia Begum D/O Iqbal Ahmad	30.4.98	46.49	GGHS Manki Sharif
16	Farzana Nisar D/O Francis Javed	21.12.98	36.05	GGMS Marhati Banda
17	Nazia Nasreen D/O Mirza Khan	15.2.99	47.92	GGMS Mandori
18	Irum Gul D/O Malik Gul Khan	31.3.99	53.66	GGMS Spin Khak
19	Nigar Shaheen D/O Muhammad Sher	6.4.99	40.19	GGHS Nizam Par
20	Asma Sharif D/O Muhammad Sharif	11.5.99	59.23	GGHS kotli Kalan
21	Nafees Akhtar D/O Shahbaz Khan	11.5.99	53.57	GGMS kahi
22	Nosheen Majeed D/O Ab: Majeed	11.5.99	49.23	GGMS Ali Baig

Attested
ASST. DISTT. OFFICER (F)
E&SE Deptt.
Distt. NOWSHERA.

31/1/07

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22

23	SemaB Bostan D/O Bostan Khan	30.9.99	57.5	GGMS Hisar Tang
24	Asfia Tehzeeb D/O Muhammad Akram	30.9.99	55.93	GGMS Hisar Tang
25	Bibi Asmat Niaz D/O Mir Safaid Shah	30.9.99	55.63	GGMS Chishmai
26	Fareeza Begum D/O Idrees Shah	30.11.99	57.76	GGMS kahi
2 % DISABLE				
27	Haleema Sadia D/O Sardar Ali	6.5.04	49.48	GGMS Ali Baig
CT OPEN MERIT (MALE)				
28	Mtikhar Shah S/O Nawab Shah		66.39	GHS Jaroba
29	Pakhre Alam S/O Farhad Khan		65.35	GHS Kotli
30	Tanveer Usman S/O Usman Ghani		65.22	GHS Jabbi
31	Munsif Ali S/O Gul Khan		64.61	GHS Sadu Khel
32	Muhammad Tahir S/O Shah Sawar Khan		63.86	GHS Khawrai
33	Zafar Ali Shah S/O Redan Shah		63.84	GMS Aziz Abad
34	Muhammad Sami S/O Muhammad Amin		63.2	GMS Manahi
CT BATCH WISE (MALE)				
35	Said Anwar S/O Liban Gul	14.3.91	42.01	GHS Khawrai
36	Farman ullah S/O Muhammad Nawaz	2.4.91	42.23	GHS Nizam Pur
37	Gul Nazir S/O Ab: Samad	22.10.91	46.4	GHS Manki Sharif
38	Ali Akbar S/O Muhammad Hussain	7.4.93	46.07	GHS Kotli
39	Sajjad Khan S/O Khna Zada	7.4.93	44.35	GHS Mughalki
40	Imdad ullah S/O Hikmat Shah	7.4.93	44.18	GHS Ziarat Ka Ka Sahib
41	Zar wali Khan S/O Moeen Khan	29.5.94	50.69	GHS Maroba
42	Tilawat Khan S/O Amir Nawaz	29.5.94	50.34	GMS Bara Banda
43	Abdul Aziz S/O Lal Said	29.5.94	49.91	GMS Sadu Khel
44	Ijaz un Nabi S/O Ahmad Gul	29.5.94	48.59	GHS Maroba
45	Inayat-ullah S/O Nasrullah	29.5.94	48.56	GHS Nizam Pur
46	Badshah Gul S/O Huma Gul	29.5.94	47.73	GHS Khaisari
47	Shams ur Rehman S/O Wisal Khan	29.5.94	45.3	GHS Zara Miana
48	Abdul Wahid S/O Ab: Maqsood	29.5.94	45.09	GHS Mali Khel
49	Nisar Muhammad S/O Rustam Khan	29.5.94	44.05	GMS Bahader Khel
50	Rab Nawaz S/O Atlas Khan	29.5.94	41.45	GHS Pahari Kati Khel
51	Fazal Amin S/O Muhammad Amin	10.7.94	49.95	GMS Bahader Khel
52	Sami ul Haq S/O Abdus Sadiq	27.11.94	47.76	GMS Jugrai
53	Abu zar Maqsood S/O Ahmad Khan	9.1.95	57.44	GMS Jugrai
2 % DISABLE				
54	Fida Muhammad S/O Raj Muhammad	31.3.01	62.02	GMS Garu
DM OPEN MERIT (FEMALE)				
55	Neelam Zeb D/O Masal Khan	5.5.03	55.14	GGMS Jaba Tar
56	Kalsoom Begum D/O Said Karam	25.4.00	53.27	GGHS Kotli Kalan
57	Nasira Bano D/O Muhammad Arif	31.3.01	49.45	GGMS Nawan Killi
58	Shahzina D/O Fazal Zada	31.3.02	49.35	GGMS Hassan Khel
DM BATCH WISE (MALE) (FEMALE)				
59	Sadia Afridi D/O Afridi Khan	25.4.00	45.88	GGMS Gul Dehri
60	Saiqa Zafar D/O Zafar Ahmad Shah	13.3.01	47.14	GGMS Adam Zai
61	Seema Bibi D/O Aman Ullah	31.3.02	44.99	GGMS Hisar Tang ✓
62	Uzma Bibi D/O Mian Bakhtiar	1.5.03	47.77	GGMS Kahi
63	Safia Anwar D/O Mian Anwar Shah	5.5.03	45.03	GGMS Nodeh

A. Mehtab
 ASST. DIST. OFFICER (F)
 E&SE Dept.
 Dist. NOWSHERA.

31/1/07

(17/9)


1. The teachers / officials at SNO 1,3,6,9,10,14,15,20,25,28,29,32 to 51 and 54 are regular Govt: employees therefore , they are hereby appointed on regular basis. The above terms and conditions will not apply to their services.
2. The DDO will release / draw their monthly salaries after verification of their documents from the concerned Board / University.
3. All the above teachers are directed to join their new posts within 15 days of the issuance of this appointment order, otherwise their appointment order will be considered as cancelled.

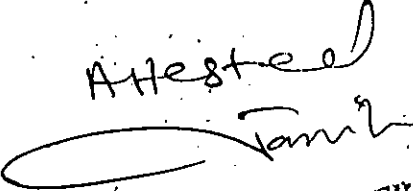
(Mushtaq Ahmad)
 Executive Distt: Officer
 Schools & literacy Deptt: Nowshera.

Endst: Even No. & date.

Copy forwarded for information & necessary action to:-

1. The Secretary Schools & Literacy Department, Govt: of NWFP Peshawar.
2. Distt: Nazim Nowshera.
3. The Director Schools & Literacy Department, NWFP Peshawar.
4. Distt: Coordination Officer Nowshera.
5. The District Officer (M & F), Schools & Literacy Department Nowshera.
6. Dy: Distt Officer (M & F) Distt: Nowshera.
7. The District Accounts Officer, Nowshera.
8. Principal / Headmaster. concerned.
9. Office copy.


 31/11/07
 Executive Distt: Officer
 Schools & literacy Deptt: Nowshera.


 ASSTT. DISTT. OFFICER (F)
 E&SE Deptt.
 Distt. NOWSHERA.

جوابات سوال نمبر ۳ - قاری واجد علی شاہ گورنمنٹ صحافی سکول ٹرہہ

نام و ولدیت: سید واجد علی شاہ ولد مبارک شاہ

پتہ: گاؤں کراوی تحصیل جسی ضلع نوشہرہ

تاریخ پیدائش: 10-3-1987

تاریخ آغاز ملازمت: 01-11-2005

عہدہ: Class - IV

سکول: گورنمنٹ پرائمری سکول پیر سباق

سوال نمبر 1 = دفتر کار بھارت سے معلوم ہوگا۔ مجھے نہیں معلوم

نمبر 2 = سرورس بنگ میں درج ہوگی۔

نمبر 3 = وجہ آرڈر کرنے والے آئینہ ہی بتا سکتے ہیں۔ میں حکم کہ تعمیل کر چکا ہوں۔

نمبر 4 = سرورس بنگ میں درج ہوگی

نمبر 5 = فوری طور پر کار کے مطابق EDO آفس میں دی گئی

نمبر 6 = یہ ریکارڈ دفتر سے معلوم کیا جائے۔

نمبر 7 = گورنمنٹ صحافی سکول نمبر 1 نوشہرہ صدر

نمبر 8 = دفتر کار بھارت میں میرے پاس نہیں ہے

نمبر 9 = گورنمنٹ صحافی سکول نمبر 1 نوشہرہ

نمبر 10 = دفتر کار بھارت سے معلوم کیے۔

نمبر 11 = سرورس بنگ میں درج ہوگی۔

نمبر 12 = ڈسٹرکٹ ہیڈ کوارٹر ہسپتال نوشہرہ سے جو کہ دفتر میں جمع کیا تھا۔

نمبر 13 = اصل سرورس بنگ کے متعلق دفتر سے معلوم کریں۔ غالباً وہ سیلاب کی نذر ہو چکا ہے۔

قریباً = یہ سوال دفتر سے کرنا چاہیے۔ میرے خیال

میں اس وقت عدل میں چند پوسٹیں کھلیں۔ جس کے

لئے اس وقت کا بکٹ بکٹ دیکھنا چاہیے۔

شکر یہ

طیب

سید واصل شاہ قاری گورنمنٹ ہائی سکول مریہ (نوشہرہ)

15/4/2014

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1220/2014

Muhammad Asif

VS

Education Deptt:

.....
REJOINDER ON BEHALF OF APPELLANT

.....
RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-7) 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 Incorrect. The appellant joined the education department as CT on 17.2.2007. Moreover he was not appointed on fake and bogus order on CT post, but he was appointed by the competent authority after observing all codal formalities, however his service record was damaged due to flood. Therefore the appellant should not be punished for no fault on his part. Moreover the Provincial Inspection Team initiated inquiry against the 73 employees of Education Deptt: in District Nowshera, but Muhammad Asif and Syed Wajid Ali Shah were terminated by the EDO Nowshera before the inquiry report of the Provincial Inspection Team, while others are still serving in the Education Deptt: and also receiving their salaries.
- 2 Incorrect. While para 2 of the appeal is correct.

- 3 Admitted correct by the respondents as the fresh service record of the appellant is in the custody of the department.
- 4 Admitted correct by the respondents as the fresh service record of the appellant is in the custody of the department.
- 5 First portion of para 5 of the appeal is admitted correct hence no comments, however in the reply of the appellant, the appellant clear all the position of his appointment as CT. The rest of the portion of para 5 of the appeal is incorrect as the appellant was appointed by the competent authority after observing all the codal formalities.
- 6 Incorrect. One sided inquiry was conducted against the appellant and no opportunity of defence was provide to the appellant, even then the appellant was held responsible by the inquiry officer, however no penalty was proposed for the appellant in his report.
- 7 Admitted correct by the respondent that show cause notice was served to the appellant, however in his reply he clear all the situation and denied all allegations therein.
- 8 Admitted correct by the respondents that major penalty was imposed the appellant however without giving any chance of defence.
- 9 No comments endorsed by the department which means that para 9 of the appeal is correct.
- 10 Incorrect. The appellant has good cause of action to file the instant appeal.

GROUNDS:

- A) Incorrect. The order dated 8.7.20014 is not according to law and policy.

- B) Incorrect. The appellant was not provided full opportunity to defend himself and was not treated according to law.
- C) Incorrect. No opportunity was provided to the appellant to defend himself
- D) Incorrect. While para D of the appeal is correct.
- E) Incorrect. The appellant was not provided full opportunity of personal defence according to law.
- F) Incorrect. While para F of the appeal is correct.
- G) Incorrect. The penalty of removal from service is very harsh and not according to law and facts.
- H) Incorrect. While para H of the appeal is correct.
- I) Incorrect. While para I of the appeal is correct.
- J) Incorrect. The appointment order of the appellant was not fake/bogus as the appellant was appointed by the component authority after observing all the codal formalities.
- K) Incorrect. The appellant was not treated according to law and rules.
- L) Legal.

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

APPELLANT
Muhammad Asif

Through:

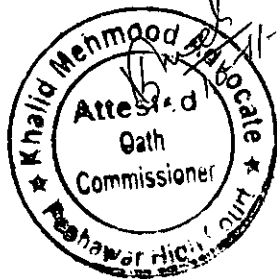

(M. ASIF YOUSAFZAI)
&


(TAIMUR ALI KHAN)
ADVOCATES, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of ^{appeal &} rejoinder are true and correct to the best of my knowledge and belief.


DEPONENT



Before KP Service Tribunal, Peshawar



Service Appeal No 1220/2014

M. Asif

vs

Education Deptt

Put up to the worthy chair-man
with appeal.

Fix on

02/2/2022

Application for Early hearing

31/2/2022

Recd 28/01/2022

R/sheweths-

That the above noted case/APP
is pending before this Honble tribunal for
Arguments.

That similar nature Appeal 938/2015 (M Zubair
vs Education) is fixed today for Arguments, but
in this Service appeal next date is fixed 10/2/2022

Therefore humbly requested that on
acceptance of this application the above
mention appeal may be fixed for Argument
today.
Through Uzma Syed



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No: 1096 /ST

Dated: 18/05 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

The Director E&SE,
Government of Khyber Pakhtunkhwa,
Peshawar .

Subject: JUDGMENT IN APPEAL NO. 1220/2014, MR. ASIF.

I am directed to forward herewith a certified copy of Judgement dated 02.02.2022 passed by this Tribunal on the above subject for compliance please.

Encl: As above



REGISTRAR

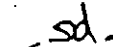
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

Endst; No 1242225 dated 21/09/2012.

Copy for Information to :

1. Liaqat Ali Secretary Provincial Inspection Team
Block No .15 attached Depatt; Complex Khyber road
Peshawar Cantt;
2. Secretary to Govt; of Khyber Pakhtunkhwa E/S Education.
3. PSO to Chief Secretary Govt; of Khyber Pakhtunkhwa Peshawar.
4. Section Officer (G) E/S Education Govt; of Khyber Pakhtunkhwa Peshawar.
5. Section Officer (Cabinet) Establishment and administration Deptt; Peshawar.
6. Section Officer (E-V) Establishment Deptt; Govt; of Khyber Pakhtunkhwa Peshawar.
7. PS to Chairman Provincial Inspection Team Khyber Pakhtunkhwa Peshawar.


Executive District Officer
E/S Education Nowshera.


Executive District Officer
E/S Education Nowshera.



**District Education Officer
(Male) Nowshera**

PHNo. 0923-9220228
Fax No. 0923-9220228
E-mail deomalensr@gmail.com

Notification.

Under the provision of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2018 (Khyber Pakhtunkhwa Act No.1 of 2018), & in pursuance of the Secretary in Govt. Khyber Pakhtunkhwa, E&SE Department Notification No. SO(S/F)E&SED/3-2/2018/SITT/Contract dated 16-02-2018, Services of the following Drawing Master (DMs) appointed on adhoc basis on Contract, are hereby regularized in BPS-15, on the same posts in Teaching Cadre on the terms and condition given below with effect from the date of their appointments on the (D.M) posts:-

Drawing Master (DM)

Sr	RollNo	Name	Address	Total Marks (out of 200)	School	Appointment Order No. and dated	Extension order No. and dated if any
01	2830031	Haroon-Ur-Rasheed (M. Com)	Moh. Metha Khel Khitab Killa Distt. Nowshera	113.1	GMS Jungri	No. 678-85 dated 09/05/2014	No. 8227-80 dated 08/01/2017
02	2830080	Kateem Ullah (MA Isl)	Moh. Piron Kheshti Payan Distt. Nowshera	104.53	GM Piron Payan Nowshera	No. 678-85 dated 09/05/2014	No. 8227-80 dated 08/01/2017
03	571200086	Fabeem (B Huq BA, DM)	Near Ghs Kheshti Bela Moh Duran Abad Post Office Kheshti Payan	107.1	GHS Khaisari	No. 1841-69/ dated 25/04/2016.	No. 7202-08/ dated 11/01/2017
04	571200075	Muhammad Jawad Ali Msc (Comp; Sc.), DM	Banda Nabi Mahallah Hassan Khel Post Office Dagoni Banda Pabli Nsr	98.59	GHS Kahi	No. 1841-69 Dated 25/04/2016.	No. 7202-08/ dated 11/01/2017
05	5712000132	Muhammad Masaud Khan (M.A, DM)	Village Adn Post Office Mohib Banda Nowshera	103.16	GHS Mali Khel Bela	No. 8863-87 Dated 13/05/2017.	Nil
06	5712000147	Sahail Ahmad (M.A, DM)	Mahallah Tancherd Abad Jalluzai Tehsil Pabli	111.1	GHS Amangarh	No. 8863-87 Dated 13/05/2017.	Nil
07	5712000141	Dilroza Khan (M.A, DM)	Caro Of Zafar Iqbal Head Master GMS Shaidu Nowshera	109.57	GHS Mian Essa	No. 8863-87 Dated 13/05/2017.	Nil
8	5712000117	Muhammad Sher (M.A, DM)	Village Garoo Post Office Nizampur Nowshera	105.35	GHS Nizampur	No. 8863-87 Dated 13/05/2017.	Nil
9	5712000110	Shodman Ali (Msc, DM)	Village Misri Banda Post Office Akora Khattak	104.63	GHS Shaidu	No. 8863-87 Dated 13/05/2017.	Nil
10	5712000142	Hussan Dad (M.A, DM)	Village Pirpai Post Office Pir Pai Nowshera	103.02	GMS Sadu Khel	No. 8863-87 Dated 13/05/2017.	Nil
11	5712000135	Muhammad Saif (M.A, DM)	Lali Khel Kharsar Sehrai Korona Kheshti Bela	101.96	GMS Arif Abad	No. 8863-87 Dated 13/05/2017.	Nil
12	5712000158	Taskeen Shah (M.A, DM)	Post Office Azakel Payan Nowshera	101.33	GMS Palosi Payan	No. 8863-87 Dated 13/05/2017.	Nil
13	5712000130	Umior Hayat (M.A, DM)	Village Kheshti Bela Mhira Kohain Pal P.O Kheshti Payan Nowshera	101.28	GCMHS Akora Khattak	No. 8863-87 Dated 13/05/2017.	Nil

Nowshera Male Regularization order NIS DM Adhoc

14	5712000165	Abdur Rahman MBA (Finance) & DM	Village Khushgi Nala Nsr	100.93	GMS Sadiq Abad	No.8863-87 Dated 13/05/2017	Nil
15	5712000161	Asfand Yar Khan (M.A, DM)	Office Akbar Pur Tehsil Pabbi District Nowshera	100.63	GHS Kadrash	No.8863-87 Dated 13/05/2017	Nil
16	5712000107	Muhammad Arif (M.A, DM)	Village And Post Office Akbar Pur, Nowshera	100.55	GMS Tangi Khaitak	No.8863-87 Dated 13/05/2017	Nil
17	5712000123	Zar Ali Khan (M.A, DM)	Moh Zaman Abad New Daqi Khel District Nowshera	97.9	GMS Baimi Ghoreeb	No.8863-8 Dated 13/05/2017	Nil
18	5712000097	Abdul Ali Khan	Mahallah Malakan Village And Post Office Turu Jabba	99.06	GHS Dara-ayoni	No.10576-86 dated 30/06/2017	Nil
19	5712000109	Muhammad Asif Akhtar M.A/M.Ed/DM	Village Bahi Post Office Turu Jabba Nowshera	97.48	GHS Garu	No. 15452- 65 Dated 10/10/2017	Nil

2% DISABLE QUOTA (Drawing Master)

Sr	Roll No	Name	Address	Total Marks (out of 200)	School	Appointment order No and dated	Extension order No and dated/any
01	571200083	Saif Ullah	Vill: Ali Bagh P.O. Turu Jabba	84.02	Ajub Bagh (Pashtron Garhi)	No. 15452-65 Dated 10/10/2017	Nil

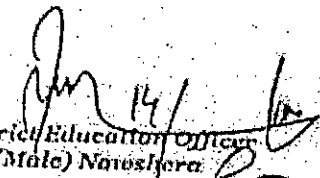
Terms & Conditions:

- Their services shall be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973, the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011, and such rules & regulations as may be issued from time to time by the Government.
- Their pay shall be released subject to verification of academic documents/testimonials from the concerned Board/University by the District Education Officer.
- Their services shall be considered regular and they shall be eligible for pension/deduction of GP Fund in terms of the Khyber Pakhtunkhwa Civil Servants Act, 1973 as amended in 2013.
- They shall possess the same qualification and experience required for a regular post.
- Their services are liable to termination on one month notice from either side, in case of resignation without notice, their one month pay/allowances shall be forfeited to the Government.
- They shall have not resign from their services or terminated from services on account of misconduct, inefficiency or any other ground before the commencement of this Act.
- Their regularization shall not affect the promotion quota of existing holders of posts in respective service cadre.
- They shall rank junior to all other employees belonging to the same cadre who are in service on regular basis on the commencement of this Act and shall also rank junior to such other persons if any, who, in pursuance of the recommendation of the Khyber Pakhtunkhwa Public Service Commission made before the commencement of this Act are to be appointed to the cadre, irrespective of their actual date of appointment.
- Their seniority shall be determined on the basis of their continuous service in cadre, provided that if the date of continuous service in case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

(Fayaz Hussain)
District Education Officer
(Male) Nowshera

Encls: No. 4620-29/ DEO (M) NSR/Estab. Secy// Regularization /DM (Adhoc) /Dated Nowshera the 14/03/2018.

- Copy forwarded for information and necessary action to the:-
- PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department
 - Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar
 - Deputy District Education Officer (M) Nowshera.
 - District Accounts Officer Concerned
 - Principal/Headmaster GHSS/GHS/GMS Concerned.
 - District Monitoring Officer Nowshera.
 - EMIS Local Office.
 - Cashier Local Officer
 - Official Concerned.
 - M/File


 District Education Officer
 (Male) Nowshera
 05/03/2018

36	Marya Bibi TT	GGMS Pabi	As mentioned column No 4 at serial No 1	Medical Certificate
✓ 37	M. Asif CT	GHS Phari Kati Khail	As mentioned column No 4 at serial No 1	Information all ready provided at S.No 17
38	Shabina Gul TT	GGMS Bara Bhanda	As mentioned column No 4 at serial No 1	Appointment Order Service Book Charge Report
39	Lal Badshah JC	Office of the DO(F)	As mentioned column No 4 at serial No 1	Appointment Order Medical Certificate Service-Book

7-2017

✓ 18	Wajid Ali Qari	Ghs Phari Kati Khel	As mentioned colum No 4 at serial No 1	Service book —
19	Sharif PST	Not available in Nowshera		
20	AT			
21	Shamim Akhtar PST	GGPS Shahkot	As mentioned colum No 4 at serial No 1	Medical certificate Charge report
22	Sohail Ahmad class iv	GGHSS Pir Pai	As mentioned colum No 4 at serial No 1	Appointment order Medical
23	Naeem Khan Mali GHS Nowshera	GHS Nol NSR Cantt	As mentioned colum No 4 at serial No 1	Appointment order



OFFICE OF THE
EXECUTIVE DISTRICT OFFICER, (ELEM. & SECY: EDUCATION)
NOWSHERA
(Office Phones# 0923-9220228, Fax# 0923-9220228)

No. 12418-21 /EDO/NSR/2012/
Dated 12.09 /2012

To

The (1) District Officer(M+F)
(2) Dy: District Officer(M+F)
Local Office Nowshera

Sub: ENQUIRY REGARDING MISMANGAMENT & IRREGULARITYIES IN THE OFFICE OF THE EDO (E&SE) NOWSHERA.

Memo:

Reference provincial inspection team No 963/INSP/14/PIT/2011 Dated 04/09/2012 (Copy attached) on the subject cited above, you are hereby directed to submit detail report along with all relevant documents in R/O of the officials as per list attached, /already communicated to your office vide this office letter No 9706-9 dated 16-7-2012, 11493 dated: 23/08/2012, 11494 dated: 23/08/2012, 11495 dated: 23/08/2012, on the following format as desired by the honourable Liaqat Ali Secretary PIT Vide his good office letter cited above.

2

Confidential

ENQUIRY REPORT

Subject:- DISCIPLINARY ACTION AGAINST EMPLOYEES OF THE EDUCATION DEPARTMENT, DISTRICT NOWSHERA

I have been appointed as Enquiry Officer in the captioned case by the Competent Authority vide Notification No.SO(S/M)F&SED/4-17/2013, Hasanat Gul, ex-EDO Nowshera and others dated 26/6/2013 (Annex-I) to conduct enquiry against the following officers / officials in the charges leveled against them in the charge sheets & statements of allegations dated 23/6/2013 duly served upon them:-

- | | |
|---|-----------------------------|
| 1) Mr. Hasanat Gul. | ex-DEO (B-19) Nowshera |
| 2) Mr. Ihtisham-ur-Raq. | SDEO (M) (B-17) Nowshera |
| 3) Mst. Nasim Akhtar. | ex-SDEO (F) (B-17) Nowshera |
| 4) Mr. Farshad, Accountant (B-14) | Office of SDEO (F) Nowshera |
| 5) Mr. Khurshid, Senior Clerk (B-09) | Office of DEO (M) Nowshera |
| 6) Mr. Fazal Wahid, Senior Clerk (B-09) | Office of DEO (M) Nowshera |
| 7) Mr. Lal Badshah, Junior Clerk (B-07) | Office of DEO (F) Nowshera |
| 8) Mr. Gul Wali, Senior Clerk (B-09) | Office of SDEO (M) Nowshera |
| 9) Mr. Jan Mohammad Senior Clerk (B-09) | Office of SDEO (M) Nowshera |

2. Proceedings:

The undersigned remained awfully busy in the Administrative affairs of his Department as an Administrative Secretary and therefore could not proceeded the case day to day. However, being a very complicated case and absence of relevant record due to devastating effects of flood of July 2010 in Nowshera, the undersigned tried his best to dig out the real facts of the case from different sources. In this connection, the undersigned carried out a number of detailed visits to the offices of DEO (M) and DEO(F) Nowshera, perused the record therein, interviewed certain relevant officers / officials of the District and collected some of relevant record pertaining to the case.

On 7/12/2013 in the office of Administrator Auzaf, Peshawar, all the accused officers / officials were provided an opportunity of personal hearing. Their hand written statements were also obtained. The PIT report was also thoroughly examined and

their observations/findings were evaluated. All the relevant record, evidences and proofs so collected were perused objectively for reaching to a factual, vivid and unambiguous conclusion.

3. Findings:

The allegations against each officer / officials have been examined, scrutinized and analyzed in light of the charges mentioned in the charge sheets & statements of allegation, replies of the accused officers / officials thereto, office record of the relevant cases mentioned therein and the arguments put forth by each during the course of personal hearing. The enquiry report of PIT was also thoroughly studied. Resultantly, the undersigned reached to the findings submitted below in case of each accused officer / official separately: -

(A) Mr. Hasanat Gul, ex-EDO (E&SE) Nowshera:-

Allegations in the charge sheet (Annex-II):-

“Committed irregularities by making irregular appointments of PST (Male/Female), Arabic Teachers, Theology Teachers, Class-IV, irregular promotions of Class-IV to the post of PST, irregular promotion of Naib Qasids to Junior Clerks, released pay of provisionally appointed CT/PET/DM/AT/TT (Male/Female) without verification of their documents whose record is not available in the office, not implemented recommendations of departmental enquiry against Mst. Rena AT, Mst. Laila Gul TT and Noor Badshah Sweeper, intentionally avoided to provide record of irregular employees to PIT after a lapse of more than one year.”

Findings: -

As per record obtained during the process of enquiry proceedings, Mr. Hasanat Gul has been incumbent of the post of EDO (E&SE)/DEO (M) Nowshera for two terms ranging from 20/10/2009 to 8/10/2010 and 15/10/2011 to 30/4/2013 during which he made numerous appointments against the posts mentioned below:-

a. During his 1st Tenure, he made the following appointments in 2010

9/4/2010

(i)	CT (Male) open merit @ 25%=	5
(ii)	CT (Male) Batch wise @75%=	15
(iii)	CT (Male) Agro Tech Batch wise=	5

(vi)	CT (Male) Deceased sons=	1
(v)	CT (Male) Disabled persons @2%=	1
(vi)	CT (Male) Earthquake @ 5%=	1
	Total:-	<u>28</u>

9/4/2010

(i)	CT (Female) merit @ 25%=	7
(ii)	CT (Female) Batch wise @ 75%=	21
(iii)	CT (Female) (Home Economics) Batch wise @ 75%=	1
(iv)	CT (Female) disabled @ 2%=	1
	Total:-	<u>30</u>

9/4/2010

(i)	PET (Male) merit @ 25%=	3
(ii)	PET (Male) Batch wise @ 75%=	9
	Total:-	<u>12</u>

9/4/2010

(i)	DM (Male) merit @ 25%=	4
(ii)	DM (Male) Batch wise @ 75%=	13
(iii)	DM (Male) Earthquake@5%=	1
	Total:-	<u>18</u>

9/4/2010

(i)	DM (Female) merit @ 25%=	1
(ii)	DM (Female) Batch wise @ 75%=	15
	Total:-	<u>16</u>

9/4/2010

(i)	PST (Female) merit @ 25%=	31
(ii)	PST (Female) disable @ 2%=	2
(iii)	PST (Female) minority @ 5%=	1
(iv)	PST (Female) union council wise@ 75%=	91
	Total:-	<u>125</u>

9/4/2010

(i)	AT (Male)=	7
(ii)	AT (Female)=	42
(iii)	TT (Male)=	23
(iv)	TT (Female) =	17
	Total:-	<u>49</u>

Grand total:28+30+12+18+16+125+49= 278

9

(b) In his 2nd Tenure the following appointments were made by him in 2012:-

25/5/2012

(i) CT (Male)=	15
(ii) CT disabled 2%=	1
(iii) CT (Female)=	11
(iv) CT (Female) disable =	1
Total:-	<u>28</u>

25/5/2012

(i) DM (Male)=	13
(ii) DM (Female)=	6
Total:-	<u>19</u>

25/5/2012

(i) PET (Male)=	5
(ii) PET (Female)=	8
Total:-	<u>13</u>

25/5/2012

(i) Qari (Male)=	26
(ii) Qari (Male)disabled 2%=	1
(iii) Qari (Female)=	8
Total:-	<u>35</u>

25/5/2012

(i) AT (Male)=	11
(ii) AT (Female)=	16
(iii) TT (Male)=	13
(iv) TT (Female) =	14
Total:-	<u>54</u>

25/5/2012

(i) CT (Male) Batch wise=	23
(ii) CT (Female) Batch wise=	16
(iii) DM (Male) Batch wise=	1
(iv) PET (Male) Batch wise=	1
Total:-	<u>41</u>

25/5/2013

(i) PST (Male) General=	111
(ii) PST (Male) disable @ 2%=	2
(iii) PST (Female) general=	138
(iv) PST (Female) @ 2 %disable=	1
Total:-	<u>252</u>

25/5/2013

(i)	TT to AT promotion (Male) =	3
(ii)	Qari to TT (Female) =	<u>1</u>
	Total:-	<u>4</u>
	Grand total 28+19+13+35+54+41+252+4=	<u>446</u>

Total Appointments:-

(1)	2010 =	278
(2)	2012 =	<u>446</u>
	Total:-	<u>724</u>

As may be perused from the above details, all the posts were duly advertised in Daily Mashriq on 23/11/2008 and 18/5/2011 (Annex-III&IV). Meeting of DSC / DPC were held in both the recruitment / promotion proceedings on 11/2/2010 (Annex-V) and 12/5/2011 (Annex-VI) respectively and selection / clearance were made according to the service rules (Annex-VII). The EDO (E&SE) Nowshera accordingly issued notifications for appointments of the selected candidates on 9/4/2010 (Annex-VIII/1-3) and on 25/5/2012 (Annex-IX/1-5). The EDO also constituted a committee of 3 members (Annex-X) for verification of documents of the appointed candidates. He, while issuing the appointment orders, inter-alia recorded one of the condition in each notification for verification of the documents (highlighted in each notification) before release of pay by the DAO Nowshera. As such no irregular appointments were made by Mr. Hasanat Gul, ex-EDO (E&SE) Nowshera as all the codal formalities were fulfilled as stated by him in the reply to the charge sheet (Annex-XI) and his statement at the time of personal hearing (Annex-XII) and thoroughly checked by the undersigned as enumerated in the preceding paras.

However, the following lapses were committed by him during his incumbency period as EDO (E&SE) Nowshera:-

- (a) (i) During his first incumbency period from 20/10/2009 to 8/10/2010, he failed to keep record of the verification of documents which he could not produced. However in this regard his excuse of damage of record in the floods of 2010 is acceptable, which can also be authenticated from various letters / communications of DCO Nowshera to EDO (E&SE) Nowshera, (Annex-XIII) DCO letter to Secretary Finance (Annex-XIV), office

order of EDO (E&SE) Nowshera (Annex-XV), letter of principal, Govt High School No.2 Nowshera (Annex-XVI). As such keeping in view his otherwise efficient and regular performance in selection / appointing process, this lapse can be ignored as all other formalities of (i) Advertisement (ii) DSC meeting and (iii) Notification as per the recommendation of the DSC and verification of documents of the candidates were fulfilled.

(ii) He appointed one Mr. Ahmad Gul as Chowkidar (B-1) in GPS Shah Kot on 5/9/2009 (Annex-XVII) and subsequently promoted him as Pesh Imam (B-05) in Govt Mosque Primary School, Muslim Town, Nowshera Cantt: on 15/3/2010 (Annex-XVIII). Availability of the post is reflected in the regular budget of the department but no rules for the said post exists. Mr. Ahmad Gul is qualification wise Matric and PTC as such he was eligible to be appointed as PST (B-09) but he was probably not sure to be succeeded in merit for PST. He therefore tried for the post of Pesh Imam (B-05). despite the fact that he has no religious knowledge which is normally required for the post of Pesh Imam. Without the rules for appointment against the post of Pesh Imam and without existing of any provision for promotion of a Chowkidar to the post in question, Mr. Hasanat Gul promoted Mr. Ahmad Gul just after a short service of only 6 months & 10 days as Chowkidar. How a Chowkidar can be promoted to such a post without some specific religious knowledge? It is one of a drastic irregularity on his part.

(b)(i) During his 2nd incumbency, he showed laxity and ignorance in keeping first hand knowledge of occurrence, events and actions under his administrative control in that in an Enquiry case against one Noor Badshah, Muslim sweeper, the Enquiry Officer namely Mr. Khalid Shah, principal GHS Ziarat Kaka Sahib regretted to conduct enquiry on his domestic grounds and requested vide letter No.435 dated 17/10/2011 to the EDO (E&SE) Nowshera to appoint another Enquiry Officer in the case. This letter was written to him on 17/10/2011 (Annex-XVIII/2) i.e on

- the 3rd day of his 2nd incumbency of the post of EDO (E&SE) Nowshera but he failed to do the needful and even till the date of personal hearing with the undersigned, he remained ignorant of this whole situation that the enquiry had not been assigned to any other Enquiry Officer and the poor employee is serving without getting his salary as his pay has been stopped.
- (ii) DO (F) NSR informed him on 5/6/2012 about the stoppage of pay of Laila Gul TT in September 2011 against whom an enquiry was pending. The DO(F) NSR inter-alia stated in her letter of 5/6/2012 (Annex-XIX/1-4) that as soon as the findings are received necessary action will be taken in light of the findings but Mr. Hasanat Gul failed to keep himself abreast of the further progress of that case till the last day of his incumbency as DEO (i.e till 30/4/2013). This also shows his administrative inefficiency. Despite hectic struggle, the undersigned could not dig out the present position of that Enquiry against Mst Laila Gul except that she was proceeded on maternity leave and as a result of overstay / willful absence, her pay was stopped. However, in a list submitted by Mr. Hasanat Gul to the PIT (Annex-XX) indicated that Mst Laila Gul stands retired w.e.f 1/9/2011. Probably she had been removed from service as a result of willful absence, but due to non existence of any record of her service documents, it cannot be ascertained. However, he was required to dig out record of this case which has been noticed by the PIT & the Competent Authority.

From the aforesaid details about the charges leveled against Mr. Hasanat Gul, the irregular appointments of CT, PST, PET, DM, AT, & TT do not prove and as such he may be absolved of the said charges. However, in case of his ignorance from the enquiry proceedings against Mst Laila Gul, TT and Mr. Noor Badshah, Muslim sweeper he is guilty of administrative negligence for which he is required to be censured. Besides, the only serious irregularity committed by him and proved without a glimpse of doubt is the promotion of Mr. Ahmad Gul, Chowkidar (B-01) as Pesh Imam (B-05) only after 6 months 10 days of his service on the basis of his educational qualification of SSC and PTC. As such, this irregularity on his part is substantiated for which he is liable to be

penalized with a major penalty of "Demotion to the lower post" and Mr. Ahmad Gul, Pesh Imam be "reverted" to his original post of Chowkidar with immediate effect.

(B) Mr. Jan Mohammad, Senior clerk (B-09) DEO (M) NSR.

The allegations as conveyed to him in the charge sheet and statement of allegation served upon him on 23/6/2013 are as under (Annex-XXI/1):-

"Supported Mr. Hasanat Gul, ex-DEO Nowshera in making irregular appointment of PST (Male/Female), Arabic Teacher, Theology Teachers, Class-IV, irregular promotions of Class-IV to the post of PST, Irregular promotion of Naib Qasids to junior clerks, released pay of provisionally appointed CT/PET/DM/AT/TT (Male/Female) without verification of their documents whose record is not available in the office, not implemented recommendations of departmental inquiry against Mst. Rena AT, Mst. Laila Gul and Noor Badshah Sweeper, intentionally avoided to provide record of irregular employees to PIT after a lapse of more than one year."

The aforesaid charges, reply of the accused to the charge sheet and statement of allegations (Annex-XXI/2), the documents provided by him and his verbal as well as written statement before the undersigned on 7/12/2013 in the personal hearing process have been thoroughly examined. Since neither any irregularity in appointment of CT, PET, DM, AT, TT and PST (Male & Female) and junior clerks in Nowshera District during both the incumbencies of Mr. Hasanat Gul, EDO (E&SE) Nowshera proved nor Mr. Jan Mohammad was posted with him as senior clerk, as such no charge of supporting the EDO (E&SE) Nowshera in irregular appointments and non implementation of enquiry reports in respect of Rena AT, Laila Gul, TT and Noor Badshah, Muslim sweeper prove against Mr. Jan Mohammad as he was posted as senior clerk with SDEO (M) Nowshera who had assigned the following duties to him since 2008 till his departure for Govt High School Kheskhi payan, Nowshera (Annex-XXII/1-2).

- (1) Rent cases of G.P Schools.
- (2) Audit Notes.
- (3) Advance paras
- (4) Draft paras & attending meeting of PAC/DAC alongwith the SDEO concerned.

As such no charge leveled against the accused senior clerk in the charge sheet and statement of allegations could be established. As such he is deserved to be exonerated from all the charges with which he had no relevancy.

(C) MST. NASIM AKHTAR, EX-SDEO (F) B-17 NOWSHERA

The above named lady officer has been charged for the following allegations in the charge sheet and statement of allegations served upon her on 23/6/2013 (Annex-XXIII/1):-

"Found guilty for drawl of undue arrears and release of pay of Mst. Amina PST, Mst. Zarhaba PST, Mr. Noor Badshah Sweeper and Mst. Mihnaz CT whose appointment were irregular."

The accused lady officer in her reply to the charge sheet (Annex-XXIII/2) stated that she being SDEO(F) Nowshera dealt with primary schools only and as such the matters pertaining to the employees of middle or High Schools (F) were not in her domain. So she has never remained concerned with the service matters of Mst. Mehnaz Gul, CT (Female) and Mr. Noor Badshah, Sweeper. Only the cases of Mst. Amina & Mst Zarhaba, PSTs come within her purview but she proclaimed that she has never processed the pay & arrears claims of teachers without observing all codal formalities. The appointing authority and the competent authority for clearance of the verification of documents was EDO (E&SE) and she (the accused officer) never done anything without clearance of the competent authority.

The accused lady officer submitted copies of certain letters / communications of DCO Nowshera to EDO (E&SE) Nowshera, (Annex-XIII) DCO letter to Secretary Finance (Annex-XIV), office order of EDO (E&SE) Nowshera (Annex-XV), letter of principal, Govt High School No.2 Nowshera (Annex-XVI/1) which revealed that the office record of the Education Department was completely spoiled in July 2010 floods and as such it is about impossible to verify the service record of these employees.

Besides, two affidavit statements of Mst. Amina & Mst Zarhaba, PSTs both residents of village Kurway, Teh&District Nowshera wherein they have stated that the July 2010 floods had also devastating effects in their village due to which their domestic luggage were destroyed which also include their personal papers (Annex-XXIV-1-2).

The said statements are also authenticated by the Union Council Nazim of the area concerned. According to the list of appointment of 73 employees in various capacities submitted to the PIT and scrutinized by the PIT, Mst Amina and Zarhaba, PST were appointed as such on 17/2/2007. Without ascertaining the said record, it cannot be decided with certainty that their appointment was irregular or against the codal formalities. The employees appointed by the EDO (E&SE) Nowshera w.e.f 17/2/2007, the SDEO (F) cannot be held guilty of any illegality in releasing their pay & allowances. As such, the allegations leveled against Mst Nasim Akhtar, ex-SDEO (F) Nowshera are not based on some proved facts but these were presumptive and suspected due to the non-availability of their record / service books, which is true in respect of hundreds of employees who cannot be termed as fake, bogus or appointed in deviation of the codal formalities.

As such, the charges against Mst. Nasim Akhtar, ex-SDEO(F) Nowshera cannot be substantiated. However, she remained SDEO (F) Nowshera from 2005 to 2011 but during this longest service as such, she was unaware of the Govt orders regarding preparation and maintaining two copies of the service books and personal files one for recording in the office and the other copy thereof should be in possession of the employee concerned which will be updated periodically (on yearly or 3 yearly basis). It has not been done in District Nowshera, Education Department, otherwise it would be very easy to restore the entire service record of all the genuine employees and such a drastic ambiguous situation of non-availability of record would not be confronted.

So although the plea of the two PSTs namely Mst. Amina nd Zarhaba about spoiling of their service record in July 2010 floods cannot be refuted in absence of any solid proof and existence of bitter facts and ground reality, but all the employees of Education Deptt: Nowshera are not residents of the flood areas. Had the Govt orders to the effect of two copies of service books be implemented in letter & spirit, that Deptt: would not face this complex and ambiguous situation.

Any how, although Mst. Nasim Akhtar ex-SDEO (F) Nowshera is not guilty of any irregularity alleged in the charge sheet against her but she cannot be absolved of her ignorance of the Govt orders about preparation of double copies of service books and negligence of her benofide duties in this respect.

The undersigned therefore recommends imposition of a minor penalty of "Censure" on Mst Nasim Akhtar ex-SDEO(F) Nowshera.

(D) Mr. Farshad, Accountant

Mr. Farshad Accountant, who has been posted in the office of ex-SDEO(F) Nowshera with Mst Nasim Akhtar. He has been alleged for the following charges (Annex-XXV):-

"Found guilty for drawl of undue arrears and release of pay of Mst. Amina PST, Mst. Zarhaba PST, Mr. Noor Badshah Sweeper and Mst. Mihnaz CT whose appointments were irregular".

As responded to the charge sheet (Annex-XXVI), the accused official stated that since he was posted with Mst Nasim Akhtar, ex-SDEO (F) Nowshera, the charge against him are the same as leveled against the above named officer. The analytical discourse put forth in the preceding paras against S.No(C) are true mutatus motandum in respect of this accused. The charges leveled against him could not proved as the very appointment of the two PST teachers Mst Amina & Zarbaha cannot be proved as fake or irregular. The SDEO (F) and her assisting accountant Mr. Farshad have not released pay of the two PSTs without clearance of the EDO (E&SE). Besides, it is not proved that these two appointments are irregular. As for the cases of Mst Mihnaz CT and Noor Badshah, sweeper are concerned, the same come within the ambit of DO(F) for Middle & High Schools whereas Mst. Nasim Akhtar ex-SDO(F) and Mr. Farshad, accountant were dealing Primary Schools only.

Although the charges leveled against Mr. Farshad, Accountant cannot be proved, yet he has a long service in the EDO (E&ES) office against various posts and he could advise and assist the SDEO (F) to prepare double copies of service books and update both the copies periodically one for office record and the other for possession of the employee concerned. It is an ignorance and negligence on the part of both the SDEO(F) and her Assistanting Accountant.

The undersigned therefore recommends that Mr. Farshad may also be awarded a minor penalty of "Censure" for this negligence on his part.

(E) Mr. Ihtisham ul Haq, SDEO(M) Nowshera

The above named officer has been charged for the following alleged irregularities in the charge sheet served upon him on 23/06/2013 (Annex-XXVII).

"Involved himself in the commitment of irregular and unlawful appointments/drawl of undue arrears in respect of Mr. Muhammad Ali AT, Safiullah Chowkidar and Jehangir Khan Chowkidar".

The accused officer in his reply to the charge sheet (Annex- Annex-XXVIII) stated that as SDEO (M) Nowshera since 2008 till date, he had been dealing with Primary Schools only whereas Mr. Mohammad Ali, AT is employee of the middle school cadre and as such does not come within the purview of SDEO (M). He further stated that the two Chawkidars namely M/S Safiullah and Jehangir Khan were appointed by the then EDO (E&SE) Nowshera on fixed pay on 5/4/2007 and 15/12/97 respectively (Annex-XXIX/1-2). They were later on regularized under the Govt orders in 2008 (Annex-XXX). The EDO (E&SE) Nowshera was competent to appoint class-IV employees on fixed pay which was subsequently converted into graded pay on regular basis as stated above. So there was no irregularity in the aforesaid appointments. Besides, they have been drawing salaries of their posts since the dates of their appointments on 5/4/2007 and 15/12/1997 respectively whereas, according to the reply of the accused officer, he and his assisting Senior Clerk Mr. Gul Wali are working against the said posts of SDEO(M) & Senior Clerk respectively since 2008 (Annex-XXXI).

The allegations against the accused officer not proved. The undersigned therefore recommends the exoneration of Mr. Ihtisham ul Haq, SDEO(M) Nowshera.

(F) Mr. Gul Wali, Senior Clerk, SDEO(M)

The above named accused senior clerk has been charged with the following allegations as per charge sheet and statements of allegations served upon him on 23/6/2013 (Annex-XXXII):-

"Involved yourself in the commitment of irregular and unlawful appointments/drawl of undue arrears in respect of Mr. Muhammad Ali AT, Safiullah Chowkidar and Jehangir Chowkidar".

The accused official in his reply to the charge sheet and statements of allegations (Annex-XXXIII) has stated that he had been working in the office of SDEO (M) Nowshera since 2008 till date. That office is dealing only with Primary Schools whereas the case of Mr. Mohammad Ali, AT pertains to the Middle School and as such does not come within their domain of duty. The services of M/S Safiullah and Jehangir Khan, Chowkidar, however, come within the sphere of their duty. The accused official has further stated that he has been working in the office of SDEO(M) since 2008 whereas Mr. Jehangir Khan was recruited as Chowkidar on fixed pay w.e.f 15/12/1997 and Mr. Safiullah on 5/4/2007 (i.e before their incumbency period).

However, the accused official stated that both the class-IV employees were appointed by the then EDO(E&SE) Nowshera on fixed pay from the aforesaid dates. The Govt of Khyber Pakhtunkhwa has subsequently regularized the fixed pay appointments of class-IV employees and the said two Chowkidars alongwith others fixed pay employees were regularized in 2008. As such, no irregularity or bogosity exists in appointments of both of these employees.

The plea of the accused official has been examined / scrutinized and found that his stand point is correct and he has done no wrong as alleged against him. No charges proves against him, the undersigned therefore recommends for his "exoneration".

(G) Mr. Khurshid Khan, Senior Clerk DEO (M) Nowshera

(H) Mr. Fazal-e-Wahid, Senior Clerk DEO (M) Nowshera

The above named accused officials have been charged for the allegations communicated to them in the charge sheet & statement of allegations on 23/6/2013 (Annex-XXXIV/1-2):-

"Supported Mr. Inhan-ud-Din, ex-EDO Nowshera in the commitment of irregular and unlawful appointments/drawl of undue arrears in respect of Mst. Laila Gul TT, Mst. Anila Tehseen CT, Mr. Iftikhar Ahmad DM and Mr. Anwar Zeb CT".

In their replies to the charge sheet (Annex-XXXV/1-2) the accused officials have stated that they had been working in the office of DO (Male) Nowshera and as such they have no links with service matters of female employees. Thus the unlawful appointments

/ drawl of undue arrears (if any) in cases of female employees do not come within their sphere of duty. Moreover, since Mr. Iftikhar Ahmad, DM pertains to the High School establishment for which the principal concerned is the DDO and such, the accused officials stated that they have also no relevancy with the service matters of Mr. Iftikhar Ahmad DM, only the case of Mr. Anwar Zeb CT comes within their domain.

However, regarding the services of Mr. Anwar Zeb, CT, the accused officials in their replies to the charge sheet in a joint statement submitted by them before the undersigned at the time of personal hearing on 7/12/2013 (Annex-XXXVI), they have stated that Mr. Anwar Zeb was firstly appointed as Chowkidar on 22/5/2007 (Annex-XXXVII) and later on promoted / adjusted as CT w.e.f 31/7/2009 (Annex-XXXVII). However, they refuted any action on their part in releasing of his pay against CT post.

The undersigned after going through the report of the PIT and certain documents put forth by the EDO (E&SE) Nowshera office, it was come to know that, Mr. Inhanud Din, while working as EDO (E&SE) Nowshera, he promoted / adjusted one Mr. Anwar Zeb, Chowkidar against the CT post (B-09) w.e.f 31/7/2009 whereas he had been initially appointed as Chowkidar (B-01) on 22/5/2007. It is worth mentioning that:-

- (1) There is no provision of promotion/adjustment of a class-IV employee in the relevant rules for the CT posts (Annex-VII). As such, promotion of Mr. Anwar Zeb, Chowkidar (B-01) to the post of CT (B-09) was irregular and against the rules.
- (2) This adjustment was done on 31/7/2009 whereas the posts of various categories, including CT (M), were duly advertised on 23/11/2008 (Annex-III) and the meeting of Departmental Selection Committee was held on 11/2/2010 (Annex-V). The date of adjustment of the so called promotion of Mr. Anwar Zeb Chowkidar i.e 31/7/2009 comes in between the dates of advertisements and meeting of DSC. As such, this promotion / adjustment was not only illegal but a willful tricky action on the part of Mr. Inhan ud Din, ex-EDO (E&SE) Nowshera now retired w.e.f 9/10/2010.

The undersigned is therefore, of the opinion that this action on the part of Mr Inhan ud Din respecting Anwar Zeb Chowkidar is analogous to that of Mr. Hasanat Gul in case of Mr. Ahmad Gul wherein it was deemed appropriate by the undersigned to recommend to the Competent Authority, "The demotion of Mr. Hasanat Gul to a lower Post / Grade and reversion of Mr. Ahmad Gul from Pesh Imam (B-05) to Chowkidar. The undersigned would therefore, recommend the same action in case of Mr. Inhan ud Din ex-EDO (E&SE) Nowshera and Mr. Anwar Zeb, ex-Chowkidar and now the, so called CT.

However, Mr Inhan ud Din has since been retired from service on 9/10/2010, no action in this behalf can be taken against him under FR-54A (Annex-XXXVIII) except recovery of loss incurred to the Govt exchequer which according to the undersigned has not occurred. However, it is recommended that the irregular promotee to the CT post namely Mr. Anwar Zeb may be reverted to his original post of Chowkidar (B-1) with immediate effect. Since he is educationally qualified for the post of CT and has rendered duty of the post, so the question of recovery of pay from him does not arise as wages paid for the work done (regular or irregular) cannot be forfeited. He will therefore require to be reverted to his original post of Chowkidar with immediate effect.

Besides, the undersigned cannot agree with the accused officials namely M/S Khurshid & Fazal Wahid Senior Clerks that they had been posted with DEO (M) Nowshera and the release of pay & allowances come within their sphere of duty but they remained unaware about any such release in respect of Mr. Anwar Zeb. However, from action taken by the ex-EDO, it appears that this was an action of favoritism on the part of EDO, so the accused officials although have some role but could not resist before their seniors for obvious reasons in connection with preparation of source for release of pay in respect of Mr. Anwar Zeb, no matter how much little that role might be.

The undersigned therefore, recommends imposition of a minor penalty of "withholding of one increment for one year" on M/S Khurshid and Fazal-e-Wahid Senior Clerks.

(1) Mr. Lal Bad Shah, Junior Clerk

Mr. Lal Bad Shah, Junior Clerk has been held responsible for the following charges mentioned in the charge sheet and statement of allegations dated 23/6/2013 (Annex-XXXIX):-

"Were involved in drawl of undue arrears and release of pay of Mst. Laila Gul, TT, Mr. Ifikhar Ahmad DM, Mr. Anwar Zeb CT, Mst. Amina PST, Mst. Zarhaba PST, Mr. Noor Badshah Sweeper and Mst. Mihnaz CT whose appointments were irregular".

The accused official in his reply to the charge sheet / statement of allegations (Annex-XL) has stated that he had been working in the office of DEO (F) Nowshera and as such not concerned with the service matters of M/S Ifikhar Ahmad DM, Anwar Zeb, CT who pertain to DEO(M) and Mst Amina and Mst. Zarhaba, PSTs concerns with SDEO(F) dealing with primary schools. In this connection also, the accused official states that he has no concern.

He, however, admits that the service matters of Mst. Laila Gul, TT, Mst. Mehnaz, CT and Mr. Noor Badshah relate to his sphere of duty in this connection, he has stated that:-

- (i) Mst. Laila Gul, TT had proceeded on maternity leave for 6/9/2011 to 5/12/2011 (Annex-XIX/1-4) but overstayed unduly. Her pay was stopped by the DO(F) in September 2011 and subsequently she has now been sacked out of service so no question of release of any illegal pay and allowances arises in her case.
- (ii) Mst. Mehnaz had been appointed as CT (B-09) by the DEO (E&SE) w.e.f 31/5/2010 (Annex-XLI) and subsequently elevated to the post of SST(B-16) on the recommendations of Public Service Commission. Now, she is SST (B-16) in Govt Girls Middle School Pashtoon Garhi, w.e.f 4/6/2012 (Annex-XLII). No irregularity could be found in her appointment as CT due to absence of office record as a result of devastating floods of July 2010.

As for the case of Mr. Noor Badshah, Muslim Sweeper in concerned, he was appointed by the ex-EDO (E&SE) Nowshera (Mr. Inhan ud Din) against the vacant post in Govt Girls Middle School Koterpan w.e.f 30/9/2009 (Annex-XLIII) but detailed for duty in the office of EDO (E&SE) and subsequently sent to Govt Girls Primary School Adamzai on detailment basis (Annex-XLIV). The accused official stated that a Junior Clerk has nothing to do with the detailment of an employee as no charge in the pay and allowances are required to be submitted to the Accounts Officer, so he has no concern with the detailment of Mr. Noor Badshah. His appointment is not irregular. The irregularity is only his detailment to other place.

The undersigned therefore is of the opinion that Mr. Lal Badshah, Junior Clerk of the office of DO(F) is although not directly responsible in any illegality committed in the appointment of Mst Mehnaz or Laila Gul as well as Mr. Noor Badshah, yet he is responsible for non provision of relevant record in respect of these employees.

The undersigned therefore recommends him for imposition of a minor penalty of one increment for one year. Since the appointment of Mr. Noor Shah was not illegal but his detailment was against the law which was done by the EDO (E&SE) Nowshera and the Sweeper has no power to refuse the orders of his higher authorities. His pay may therefore be released.

4. Conclusions

Keeping in view the findings reported above, it is concluded that:-

- (a) (i) Mr. Hasanat Gul, ex-EDO (E&SE) Nowshera has carried out two mass appointments processes during his two tenures strictly in accordance with rules and prescribed procedure.
- (ii) However, he was guilty of ignorance and negligence and inefficient administration in enquiry cases against Mst. Laila Gul TT and Mr. Noor Badshah, Muslim Sweeper.
- (iii) He has however, committed an illegality in case of promotion of one Mr. Ahmad Gul, Chowkidar (B-1) to the post of Pesh Imam (B-05).

(b) Mr. Jan Muhammad, Senior Clerk Office of SDEO (M) Nowshera

The allegations against Mr. Jan Mohammad could not substantiated as during 2008 till date, he was associated with SDEO(M) Nowshera who has assigned him the following duties (Annex-XXII/1-2):-

- (1) Rent cases of G.P Schools.
- (2) Audit Notes.
- (3) Advance paras
- (4) Draft paras & attending meeting of PAC/DAC alongwith the SDEO concerned.

So neither he was associated with Mr. Hasanat Gul. ex-EDO (E&SE) Nowshera nor has any concern with service matters.

(C) Mst Nasim Akhtar, ex-SDEO (F) Nowshera

Although the charges against her mentioned in the charge sheet served upon her have not proved, yet she was found utterly ignorant of the orders of the Govt about double copies of Service Books in case of each employee one for office record and other for the personal record of the employee concerned. Both the copies be updated periodically. Thus any such situation as faced by the Education Deptt: in Nowshera could be avoided. But Mst Nasim Akhtar was not aware of this Govt procedure.

(D) Mr. Farshad Ali, Accountant (B-14) Office of the SDEO (F) Nowshera

As in case of his incharge officer Mst Nasim Akhtar, Mr. Farshad Ali has also not found guilty of the charges leveled against him, yet he is also responsible for the ignorance of the Govt procedure about double copies of the service Books.

(E) Mr. Ihtisham ul Haque, SDEO(M) Nowshera.

(F) Mr. Gul Wali, Senior Clerk, office of. SDEO (M) Nowshera

As per findings submitted in the precedings paras, these two accused officer / official have not been found guilty as no charge against them could be proved as mentioned in the findings against their names.

(G) Mr. khurshid, Senior Clerk Office of EDO (E&SE) Nowshera

(H) Mr. Fazal -e- Wahid, Senior Clerk Office of EDO (E&SE) Nowshera

The charges mentioned in the charge sheet against the above named two accused officials could not be established beyond any doubt, yet the undersigned could hardly convinced himself to absolve these two accused officials from the charge of release of pay in respect of one Mr. Anwar Zeb as no body except the dealing account clerks prepare and submit the source of pay to the Account Office. However, it can be considered that they were not in a position to straight away refuse to prepare any such source when their higher officer desired so, as under the prevailing environment in Govt Depts: the culture of resisting the orders of higher-ups has become very difficult if not impossible.

(I) Mr. Lal Badshah, Junior Clerk, Office of DEO (F) Nowshera

The undersigned concluded from the findings in respect of this accused official that he is not guilty of the charges leveled against him as explained in the findings, yet he is guilty of non producing of record in respect of Mst. Laila Gul, TT, Mehnaz, CT now SST and Mr. Noor Badshah, Muslim Sweeper.

5. Recommendations

In light of the record produced before him through various sources, the findings reached to and the conclusions drawn by the undersigned. It is recommended to the Competent Authority that:-

(A) Imposition of the following penalties on the accused officers / officials as mentioned against each:-

- (1) Mr. Hasanat Gul, ex-EDO (E&SE) Nowshera Demotion to a lower post/grade with immediate effect.
- (2) Mr. khurshid, Senior Clerk Office of EDO (E&SE) Nowshera Withholding of one increment for one year.
- (3) Mr. Fazal-e-Wahid, Senior Clerk, Office of EDO (E&SE) Nowshera Withholding of one increment for one year.
- (4) Mr. Lal Badshah, Junior Clerk, DEO (F) Nowshera Withholding of one increment for one year.
- (5) Mst Nasim Akhtar, ex-SDEO(F) Nowshera "Censure"
- (6) Mr. Farshad Ali, Accountant (B-14) Office of SDEO (F) Nowshera "Censure"
- (7) Mr. Ihtisham ul Haq, SDEO (M) Nowshera To be exonerated
- (8) Mr. Gul Wali, Senior Clerk, Office of SDEO (M) Nowshera To be exonerated
- (9) Mr. Jan Mohammad, Senior Clerk, Office of SDEO (M) Nowshera To be exonerated

(B) Besides, the above, the undersigned also recommends the reversion of the following employees to their lower posts with immediate effect:-

(i) Mr. Anwar Zeb,

[CT (B-09) may be reverted to his original post of Chowkidar (B-01).

(ii) Mr. Ahmad Gul,

[Pesh Imam (B-05) may be reverted to his original post of Chowkidar (B-01)

(C) It is also recommended that the salaries of the employees stopped due to the instant enquiry proceedings may be released.



(Mohammad Younis Javed)
Enquiry Officer

Dated: 23/12/2013

6. GENERAL RECOMMENDATIONS

Before submitting the Enquiry Report, the undersigned would like to submit the following recommendations with the request that copies of the same may be furnished to the Director of Education (E&SE) Peshawar and all DEOs (Male & Female) in 25 Districts of Khyber Pakhtunkhwa as well as to all principals of Higher /High Schools in the province for their guidance in future:-

- (1) No appointment should be made unless all the codal formalities of advertisement, meeting of Departmental Selection Committee, merit list of the selected candidates are fulfilled:-
- (2) One of the Condition in the appointment letters of the selectees be inserted to the effect that unless the appointing authority or a scrutiny committee constituted by it, may certify through an office order that the testimonials of the appointees have duly been got verified from the respective Boards / Universities, pay of the appointees will not be released by respective Account offices.
- (3) All the establishment sections / offices should prepare two copies of the Service Books of the employees concerned and placed them in a K.C, so that all the relevant documents (i.e advertisement of the post) appointment order, Medical fitness certificate, posting order and subsequent orders relating to posting / transfer or promotion etc) could be placed in the file immediate after the Service Book. One copy of the Service Book should be placed in the office in safe custody of the dealing officials and the duplicate copy thereof be handed over to the employee with the advice to keep it in his safe custody and get the same updated periodically (preferably on yearly basis) from his concerned office so that complete double record could be ascertained and avoid any complications in unwanted / unhappy situations in future.
- (4) It is a common practice of the Departmental Authorities that they stop pay & Allowances of the employees through one stroke of pen when found guilty of any misconduct or otherwise. This normally cause undue financial sufferings for the families of the accused employees, whereas stoppage of pay is not provided under any law for the time being in force. At the most, the accused officer / official can