

20.12.2019

Learned counsel for the appellant present. Mr. Riaz Paindakheil learned Assistant Advocate General present.

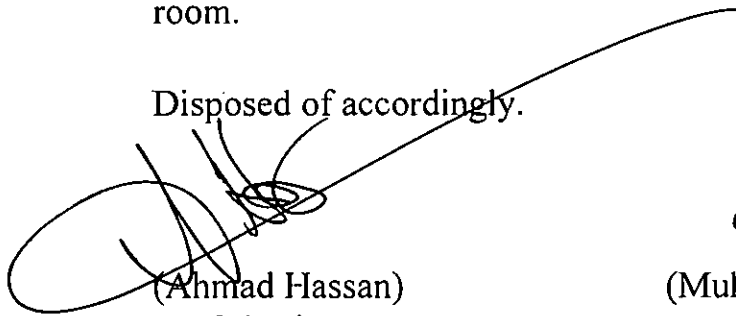
Appellant (SCT) has filed the present service appeal against the order dated 23.11.2015 whereby he was awarded minor penalty of stoppage of two annual increments for two years and against the order dated 13.09.2018 through which his departmental appeal/review was rejected.

Arguments of Learned counsel for the appellant and learned AAG heard. File perused.

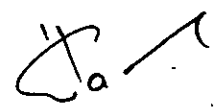
During the course of arguments, learned counsel for the appellant submitted copy of common judgment dated 08.05.2019 passed in Service Appeal No.509/2016 filed by Mussawar Jan, whereupon it came to surface that service appeals of accused officials Taj Ali & others, allegedly involved in the same scam, have already been decided by this Tribunal vide common judgment mentioned above. It is unfortunate that the appellant has not opted to argue the present service appeal alongwith service appeals of accused officials allegedly involved in the same scam.

Having found the appellant Aurangzeb similarly placed person, his service appeal is also disposed of in terms of common judgment dated 08.05.2019 passed in service appeal No.509/2016 and accordingly the respondents are directed to also conduct de-novo inquiry against the appellant Aurangzeb. Parties are left to bear their own costs. File be consigned to the record room.

Disposed of accordingly.



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

23.10.2019

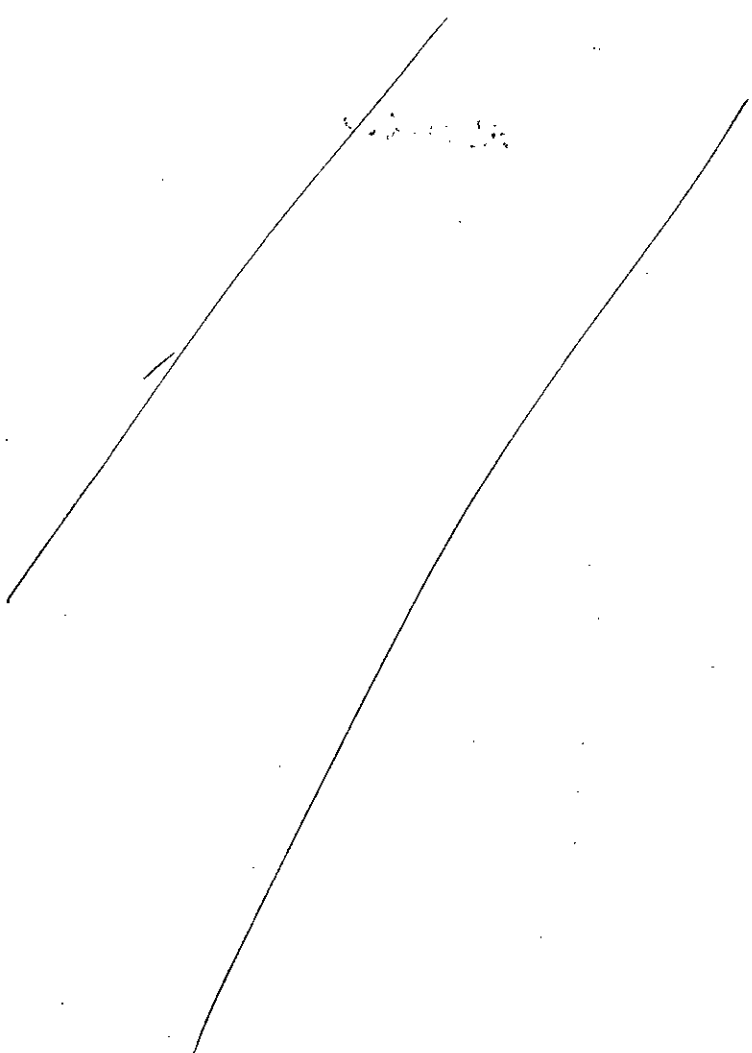
Counsel for the appellant present. Learned Additional Advocate General present.

Learned Additional AG requests for adjournment due to non-availability of learned Assistant Advocate General to whom the instant matter is ^{assigned} ~~referred~~ on behalf of respondents.

Adjourned to 20.12.2019 before the D.B


Member


Chairman



17.04.2019

None present on behalf of the appellant. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Arshed Ali, ADO for the respondents present. Adjourned to 12.06.2019 for rejoinder and arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

12.06.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present.

Learned counsel for the appellant requests for adjournment in order to further prepare the brief.


Adjourned to 30.07.2019 before the D.B.


Member


Chairman

30.07.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Zia Ullah learned Deputy District Attorney present. Appellant and his counsel be put to notice for 23.10.2019. Adjourn. To come up for arguments on the date fixed before D.B.


Member


Member

1383/18

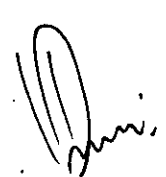
03.12.2018

Counsel for the appellant present.

Learned counsel for the appellant states that minor penalty of stoppage of two increments for two years was awarded to the appellant on 23.11.2015. The findings were based on enquiry report wherein the name of appellant did not even exist in the list of officer to be proceeded against. However, in the concluding paras a presumptive role of facilitator of one Taj Ali was attributed to appellant for gaining access to the Media resulting in publishing of leaked award list maintained at BISE Peshawar.

Appellant Deposited
Security & Process Fee

For what has been provided on record and in the memorandum of appeal, the instant appeal merits admission for regular hearing. Admit. The appellant is directed to deposit security and process fee within 10 days. Notices be issued to the respondents for submission of written reply/comments on 28.01.2019 before S.B.


Chairman

28.01.2019



Appellant in person present Mr. Kabirullah Khattak, Additional AG alongwith Mr. Arshed Ali, ADO for the respondents present. Written reply on behalf of respondents submitted. The appeal is assigned to D.B-II for rejoinder and arguments for 17.04.2019.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1383/2018

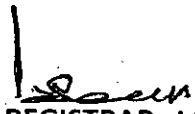
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/11/2018	<p>The appeal of Mr. Aurang Zeb resubmitted today by Mr. Abdullah Qazi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 9/11/18</p>
2-	17-11-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>3-12-18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Aurang Zeb SCT Govt. Shaheed Abdullah Ghani High School Landi Arbab Peshawar received today i.e. on 12.10.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.


- ✓1- Address of respondent no. 4 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- ✓2- In the memo of appeal places have been left blank which may be filled up.
- ✓3- Annexures of the appeal may be attested.
- ✓4- Approved file cover is not used.
- ✓5- Three more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

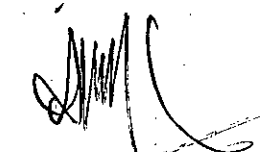
No. 2091 /S.T,

Dt. 12/10 /2018.


REGISTRAR 12/10/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Abdullah Qazi Adv. Peshawar.

Sir -
Plan extended the time, so
that the objection could be removed

26/10/2018.

(15) days time further extended.
Sir -
Resubmitted after fulfilling
& removing all the objections

27/10/18.

Handwritten scribbles at the top of the page.

Handwritten text, possibly a title or header, including a large stylized initial 'H'.

Main body of handwritten text, appearing to be a list or notes, with several lines of cursive script.

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

Appeal No. 1383/2018

Aurang Zeb SCT

.....Appellant


VERSUS

Chief Minister & others

.....Respondents

INDEX

S.No	Description of Documents	Annex	Pages
1.	Ground of Appeal		1-4
2.	Addresses of Parties		5
3.	Copy of show cause notice with covering letter	A	6-7
4.	Copy of the reply	B	8-9
5.	Copy of the impugned order dated 23.11.2015	C	10
6.	Copy of Departmental Appeal	D	11
7.	Copy of impugned order dated 13.09.2018.	E	12.
8.	Copy of inquiry report	F	13-22
9.	Wakalat Nama		23


Appellant

Through


Abullah Qazi
&


Jan Muhammad
Advocates, Peshawar

Date: 12-10.2018

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

Khyber Pakhtunkhwa
Service Tribunal

Appeal No. 1383/2018

Diary No. 1529

Dated 12-10-2018

**Aurang Zeb SCT R/o Govt Shaheed Abdullah Ghani High School
Landi Arbab Peshawar**

.....Appellant

VERSUS

1. Chief Minister / Controlling Authority through Principal Secretary Civil Secretariat Peshawar.
2. Govt; of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Peshawar.
3. Secretary Elementary & Secondary Education Civil Secretariat Peshawar
4. Section Officer (B/TRG) Block A Civil Secretariat Peshawar. *Elementary & Secondary Education Deptt. Peshawar.*
5. Director Elementary & Secondary Education, near GHS No. 1 Peshawar.
6. District Education Officer Male, Elementary & Secondary Education near GHS No. 1 Peshawar.

.....Respondents

Filed to-day

Registrar
12/10/18

Re-submitted to -day
and filed.

Registrar
9/11/18

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 RED WITH RULE 19 OF THE E&D RULES 2011 AGAINST THE ORDER DATED 23.11.2015 PASSED BY RESPONDENT NO. 01 WHEREBY THE APPELLANT WAS AWARDED MINOR PENALTY OF STOPPAGE OF TWO ANNUAL INCREMENTS FOR TWO YEARS AGAINST WHICH THE APPELLANT FILED DEPARTMENTAL APPEAL ON 16-01-16 WHICH WAS REJECTED VIDE THE ORDER DATED 13.09.2018.

Prayer In Appeal:-

On acceptance of the instant appeal, both the impugned orders dated 23.11.2015 & 13.09.2018 passed by respondent No. 01 may be set-aside / varied / cancelled with all consequential benefits and the arrears may be pleased be ordered to be paid to the appellant.

Respectfully Sheweth:-

Brief facts to the instant appeal are as under: -

1. That the appellant having initially been appointed C.T on 19.10.1985 and keeping in view his unblemished, clear and transparent record was promoted to his present post of SET and his performing his duties as such at Government Abdullah Ghani High School Landi Arbab Peshawar.
2. That the appellant, throughout his whole service, has satisfactory performed his duties to the entire satisfaction of his superiors.
3. That the appellant was served show cause notice dated 02.07.2015 vide the letter NO. SO(B/T) ENSE/5-4/2018/BISE Peshawar / Leakage Inquiry Dated 13.07.2015. (Copy of show cause notice & covering letter are attached as Annexure A)
4. That being innocent and clean hand the appellant submitted his supply to show cause notice and the whole situation was explained through his reply. (Copy of the reply is attached as Annexure B)
5. That as the appellant had cleared his position before the inquiry committee, too, the appellant was waiting for his

exoneration from the charges level against him, that on 07.01.2016, the appellant received the impugned order dated 23.11.2015 whereby the minor penalty of stoppage of two annual increments for two years was imposed on the appellant for no fault or Mens Rea on the part of the appellant. (Copy of the order dated 23.11.2015 is attached as Annexure C)

6. That the appellant filed the departmental review / appeal before the appellant authority and was expected that his ordeal / grievance would be heard / addressed but to the bad luck of the appellant the review / appeal against the order dated 23.11.2015 has been rejected by the controlling authority vide order / letter bearing No. SO(B/T) ENSE/5-4/2018/BISE Peshawar / Leakage Inquiry Dated 13.09.2018. which was received to the appellant on 17/9/2018. (Copy is attached as Annexure

D/E

7. That aggrieved from both the impugned order the appellant is filing the instant appeal before this Hon'ble Tribunal on the following grounds amongst others: -

GROUND:-

- A. That both the impugned order are against law rules, regulations facts and circumstances hence liable to be set-aside.
- B. That the appellant has been punished for the alleged guilt in which the appellant has no role at all.

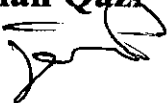
- C. That the allegation against the appellant are wrong, baseless and is the result of presumption.
- D. That the impugned orders are the results of misunderstanding as the appellant has never been associated in any kind of illegal acts / with the incidents that took place and even do not think of playing the role of a middle man as alleged.
- E. That the acts of respondents is illegal, unjustified without lawful authority, hence not tenable.
- F. That the petitioner has not been treated in accordance with law, rules and regulation.
- G. That the respondents are not justified to make deduction from the salary/ monthly pay of the appellant as there is no fault on the part of the appellant throughout his service record.
- H. That the appellant seek permission to advance other grounds/ points before this Hon'ble Tribunal at the time of hearing.

It is therefore most humbly prayed that on acceptance of the instant appeal, both the impugned orders dated 23.11.2015 & 13.09.2018 passed by respondent No. 01 may be set-aside *Kamran* varied with all back benefits and the arrears may be pleased be ordered to be paid to the appellant.


Appellant

Through


Abullah Qazi
&


Jan Muhammad
Advocates, Peshawar

Date: 31.05.2018

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

Appeal No. _____/2018

Ourang Zeb SCTAppellant

VERSUS

Chief Minister & othersRespondents

ADDRESSES OF PARTIES

APPELLANT

Ourang Zeb SCT R/o Govt Shaheed Abdullah Ghani High School
Landi Arbab Peshawar

RESPONDENTS

1. Chief Minister / Controlling Authority through Principal Secretary Civil Secretariat Peshawar.
2. Govt; of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Peshawar.
3. Secretary Elementary & Secondary Education Civil Secretariat Peshawar
4. Section Officer (B/TRG) Block A Civil Secretariat Peshawar.
5. Director Elementary & Secondary Education, near GHS No. 1 Peshawar.
6. District Education Officer Male, Elementary & Secondary Education near GHS No. 1 Peshawar.

Through

Appellant

Abullah Qazi

&

Jan Muhammad

Advocates, Peshawar

Date: 31.05.2018

Annex A 65

REGISTERED



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

Block "A" Civil Secretariat Peshawar.

No.SO(B/T)E&SE/5-4/2015/BISE Peshawar/Inquiry
Dated Peshawar, the 13-07-2015.

To

Mr. Aurangzeb,
CT GHS Landi Arbab Peshawar.

Subject:- **SHOW CAUSE NOTICE.**

I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice wherein the Controlling Authority (Chief Minister, Khyber Pakhtunkhwa) has tentatively decided to impose upon you the minor penalty of "**Stoppage of two increments for two years**" under Rule-4 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

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

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

4. Copy of the inquiry report is enclosed herewith.

Encl: (As above)


(GAU HAR ALI)
SECTION OFFICER (B/T)

Endst: of even No. date.

Copy is forwarded for information to:-

1. Chairman, BISE Peshawar.
2. Director E&SE, Peshawar.
3. District Education Officer (Male) E&SE Peshawar.
4. P.S to Secretary E&SE Department.

SECTION OFFICER (B/T)

7 A/1

SHOW CAUSE NOTICE

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Aurangzeb CT, GHS Landi Arbab Peshawar as follows:-

That consequent upon the completion of inquiry conducted against you by the inquiry officer, you have been found guilty by playing middleman role, in communicating the confidential data of award lists to the press, due to which the instant incident of leakage of award list took place.

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

Misconduct.

- 2- As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of "Stoppage of two annual increments for two years" under rule 4 of the said rules.
- 3- You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
- 4- If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
- 5- A copy of findings of the inquiry officer is enclosed.

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

02/07/15

Mr. Aurangzeb CT, GHS Landi Arbab Peshawar.

Attested
[Signature]

محمد عتبہ صاحب سیکشن آف انسپکشن
ایڈمنسٹریٹو سیکشن آف انسپکشن

عشر ال ادہ درخواست نمبر 30/BIT/E 33E/5-4/2015 BISE Peshawar dated: 16/07/15
Show Cause notice

جناب عالی! خود بخود نذر ایشی کفیلر اللہ سے کہ آپ صاحبان کا ارسال کردہ فیڈ بک
بالد سر اسلمہ میں سائل کو 27 جولائی 2015 کو وصول ہوا جس کا جواب پیش خدمت ہے
جناب عالی! میں حلفاً اقرار کرتا ہوں کہ میں سائل نے نذر شدہ تقریباً سیزرہ
سولہ سال کے دوران لے دے جو بورڈ میں کسی قسم کی خدمات انجام نہیں دی ہیں لیکن
میں سائل نے نہ ہی امتحانی ڈیوٹیاں سر انجام دی ہیں اور نہ ہی ہر طرح کی خدمات کی ذمہ داری
دیکھنے کی ہے۔

جناب عالی! میں سائل نے یہ بات پہلے ہی تسلیم کی ہے اور اب بھی کرتا ہے کہ تاریخ علی
میں سائل کیساتھ ایک ہی سکول میں دو سال ہوئے تھے جو عمارت عظیم تھیں لیکن فیڈ بک
جناب عالی! 17/07/15 کو اور نام شریف میں الیٹ کے طور پر سے شائع ہونے
والی خبر سے دو تین روز قبل تاریخ علی صاحب نے من سائل کو فون کیا کہ آپ باہر
نسبتی جیسٹ جوب کو ریگسٹر کر لیں 17 جنوری 2015 سے ملنا ہے کیونکہ آجے روز نامہ
ریگسٹر میں ایک خبر دینی ہے۔

مجھ سے من سائل کو اس بات کا علم نہیں تھا کہ تاریخ علی صاحب اخبار کو کس قسم اور
کس نوعیت کی خبر دینا چاہتے تھے۔ لہذا میں سائل نے شرفی روایات اور خصوصاً بچوں
روایات کی روشنی میں اپنے بہادر نسبتی جیسٹ جوب کو فون کیا کہ وہ تاریخ علی صاحب
کیساتھ مل کر ہے۔

جناب عالی! تاریخ علی صاحب جیسٹ جوب کیساتھ مل کر ریگسٹر کر لیں اور ایک دفعہ پتہ
تو جیسٹ جوب دفتر میں موجود نہیں تھے۔ کھر وہی پر تاریخ علی صاحب کی معلومات ریگسٹر کر لیں
تو کھر عین زانم کیساتھ ہوئی جو من سائل کو جیسٹ جوب کے رشتہ دار کی حیثیت سے
جانتا ہے لیکن چونکہ زانم صاحب ریگسٹر کر لیں اور میں بطور کھر میں کام کرتا ہے اس
لیے وہ تاریخ علی صاحب کی کوئی مدد نہ کر سکے۔ اگر آپ صاحبان ان باتوں سے مطمئن
ریگسٹر کر لیں اور کھر عین زانم صاحب سے کوئی فریڈم 3591132-3302 پر رابطہ کریں
تو صدارت امور کمالی واقعہ ہو جائے گی اور آپ صاحبان کو تمام حقائق کا پتہ چل جائے گا
جناب عالی! میں سائل کو اس بات کا علم نہیں کہ تاریخ علی صاحب نے کھر عین

attested
[Signature]

ذرا آج سے روزنامہ مشرق میں مذکورہ لیورڈسٹ کی جگہ شکار سے
فرگرف ایکسپریس ٹی وی کے جیسٹیشن ایسا ہے۔ روزنامہ مشرق میں منظر
کیسا تو شکار صافی نہ تھی اور نہ اب ہے۔ مجھے لیورڈسٹ کی لیورڈسٹ سے مجھے کیا دلچسپی
پہرے تھی اور میرا لیورڈسٹ سے کیا لینا دینا تھا جو اس سے کیا کر لیا گیا غرضت
کے رفتار کے چکر لگتا تھا۔

جناب عالی! میں سائل تو انہی طور پر آجیکے روز بہ روز پیش ہو رہا ہے اور
مجھے صفائی کا موقعہ دیا گیا ہے لہذا آج صبحان مجھے دینے کے تو میں سائل بہتر کر رہا
رہی ہے گناہی ثابت کر رہا ہے گا۔
لہذا آج صبحان سے گزارش کیجاتی ہے کہ سائل کی بے گناہی کو مدنظر رکھتے ہوئے
اس کے لیے تجویز کردہ سزا (2 سال کے Imprisonment کا بندوبست) کا عدم خراج
فرمائیں۔

ایک دفعہ ہائی کورٹ میں سائل آج صبحان کا بے حد ممنون و مشکور ہوگا۔
عین نوازش ہوگی۔

الرفیق
2007

آج کا تاریخ فرغان اور تفریب
کوڈنٹ ہائی سکول لڈی ارباب لڈی

اللہ

Amir



Annex 10

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**
Block "A" Civil Secretariat Peshawar.

Dated Peshawar the, 23-11-2015

NOTIFICATION

NO.SO(B/T)E&SED/5-4/2015/BISE Peshawar. WHEREAS Mr. Aurangzeb, CT GHS Landi Arbab, Peshawar, was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the Show Cause Notice.

2. AND WHEREAS Mr. Muhammad Hamayun, Secretary Agriculture Department was appointed as Inquiry Officer to conduct Inquiry against the accused officer, for the charges leveled against him in accordance with the rules.

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

4. AND WHEREAS a Show Cause Notice was served upon Aurangzeb, CT GHS Landi Arbab, Peshawar, which was communicated to the accused on 13-07-2015.

5. AND WHEREAS the Chief Minister/ Controlling Authority Khyber Pakhtunkhwa has been pleased to grant personal hearing to Mr. Aurangzeb, CT GHS Landi Arbab, Peshawar.

6. AND WHEREAS the accused officer Mr. Aurangzeb, CT GHS Landi Arbab, Peshawar was called for personal hearing on 14-10-2015.

7. AND WHEREAS the Chief Minister/ Controlling Authority after having considered the charges and evidence on record, inquiry report, explanation of the accused officer in response to the Show Cause Notice, is of the view that the charges against the accused officer have been proved.

8. NOW, THEREFORE, in exercise of the powers conferred under Rule-14 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the Chief Minister Controlling Authority Khyber Pakhtunkhwa is pleased to impose minor penalty of "Stoppage of two increments for two years" upon Mr. Aurangzeb, CT GHS Landi Arbab, Peshawar of the charges levelled against him.

SECRETARY

Endst: of Even No. & Date:

Copy forwarded to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Chairman, BISE Peshawar.
3. Director, E&SE Peshawar.
4. District Education Officer (Male) Peshawar.
5. P.S to Chief Minister, Khyber Pakhtunkhwa.
6. P.S to Secretary E&SE Department.
7. Officer concerned.


(FAZAL HUSSAIN)
SECTION OFFICER (BOARD/TRG)



حکومت پنجاب، وزیر اعلیٰ سپرنٹنڈنٹ ایجوکیشن محکمہ برائے امور تعلیم پختونخواہ لہذا

عنوان: ایس اے برائے قاعدہ ترقی سیرا میں شیڈ دو سالہ ترقی (Stoppage of two years increments)

جناب عالی! حویدانہ ترقی برائے کھوار اڈہ کے مسائل کو مورخہ 13 جولائی 2015ء کو جناب سیکشن آفیسر برائے ایجوکیشن ایئر سیکٹری ایجوکیشن پختونخواہ کی جانب سے SC(6/1) E8 SE/5-4/2015 BISE PESH کے تحت شوکار نوٹس ارسال ہوئے تھے۔

مسائل مذکورہ شوکار نوٹس کا 30 جولائی 2015ء کو تحریری جواب داخل کیا گیا اور پھر انڈسٹری کونسل کے روبرو پیش ہو کر ایسی بگناہی بیان کی تھی لیکن اب 7 جنوری 2016ء کو مذکورہ انڈسٹری کونسل کی طرف سے 23 نومبر 2015ء کو جاری کردہ سر اسلہ مسائل کو ردعمل خواہش میں مسائل کو دو سالہ ترقی کی بندش کی سیرا سنائی گئی ہے۔

جناب عالی! مسائل حصر وقوع نہ ہو کر ایسی بگناہی بیان کر چکے ہیں بندہ ایسی بگناہی واضح بھی کر چکا ہے لیکن حکم نہیں اتنی ضمانت کے باوجود مسائل کو تازہ نگاہ کی سیرا کیوں دی جا رہی ہے۔

جناب عالی! مسائل کو سنائی گئی سیرا اسی کے ساتھ سر اسر ظلم و زیادتی سے جسٹس جج سے مسائل کو تازگی سیرا کے ساتھ منجانب سے۔

جناب عالی! مسائل آپ سیدھے سے پرزور ایس اے کے ساتھ کہ اس کے کسی پر لکھ تالی فرماتے ہوئے اس کی سیرا کا عدم فرمان کے الحکامات صادر فرمائی تاکہ الحکام کے ساتھ پورے یونٹ کے ساتھ ساتھ مسائل کی پیرائے نی کا از الہ بھی ہو جائے اس لفظ عدالت کے لئے مسائل آپ صہبان قاب حد عنوان دستور موجود نوٹس۔ جلد دستاویزات وغیرہ درخواست پڑاؤ کے ساتھ منسلک ہیں۔

عین گزارش ہوگی

14/01/2016

آپ کا تالیخ رفان اور تزیب
سی سی
گورنمنٹ شہید شہید اللہ خاں حالی سکول
گڑھی اریاب پشاور

Cepp NO: 0301-8975570

attested

Signature

Annex E 12

REGISTERED



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

Block "A" Civil Secretariat Peshawar.

No.SO(B&T)E&SE/5-4/2018/BISE Peshawar/Leakage Enquiry
Dated Peshawar, the 13-09-2018.

To

Mr. Aurangzeb (SCT),
Govt. Shaheed Abdullah Ghani High School,
Landi Arbab, Peshawar.

Subject:- APPEAL AGAINST NOTIFICATION ORDER NO. SO(B/T)E&SED/ 5-4/2015/BISE PESHAWAR DATED (23-11-2015) WHEREBY THE APPELLANT HAS BEEN AWARDED THE MINOR PENALTY OF STOPPAGE OF TWO INCREMENTS FOR TWO YEARS.

I am directed to refer to your Review Appeal dated 14-01-2016 on the subject cited above and to state that the Chief Minister Khyber Pakhtunkhwa being the Controlling Authority has *rejected* your review appeal having no valid grounds.

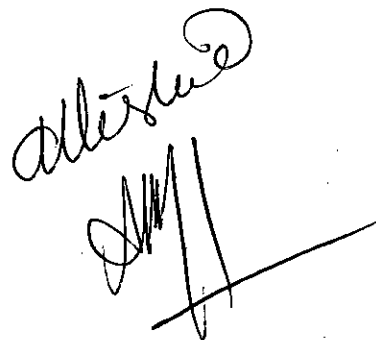

(LAL SAEED KHATTAK)
SECTION OFFICER (B&Trg)

Endst: of even No. date.

Copy is forwarded for information to:-

1. Chairman, BISE Peshawar.
2. Section Officer (Lit-1) E&SE Department.
3. P.S to Secretary E&SE Department.


SECTION OFFICER (B&Trg)



119 Annex F

13



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVE
DEPARTMENT

NO.SOG(AD)/1-6/Misc/2014-15
Dated Peshawar, the March 10, 2015

To
The Secretary to Government of Khyber Pakhtunkhwa,
Elementary and Secondary Education Department.

SUBJECT: NOTIFICATION/ENQUIRY REPORT.

Dear Sir,

I am directed to refer to your Department Notification No: SO(B/T)E&SE/5-8/2014/BISE.Peshawar dated: 10-12-2014, and to enclose herewith the enquiry report, entrusted to Mr. Muhammad Humayun (PAS BS-21), Secretary, Agriculture, Livestock and Cooperative Department, Khyber Pakhtunkhwa for further necessary action, please.

Encl: As above.

Pages: 01-61

Yours faithfully,

(MUHAMMAD TAHIR)
SECTION OFFICER (ADMN:)

Attache
AMM
SSC

Endst: No. & date as above.

Copy forwarded to:-

1. P.S to Secretary, Agriculture, Livestock and Cooperative Department, Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (ADMN:)

Pl. process carefully + thoroughly.

SA
B. P. P. P.

16/3/15

11/3/2015
755
3 6

DS-T 10.5m
12/3/15

Diary No. 830
Dated 16/3/15
Deputy Secretary (I)

14 82

INQUIRY AGAINST OFFICERS OF
BISE, PESHAWAR.

CONDUCTED BY

attested
SMH

MUHAMMAD HUMAYUN (PAS BS-21)
SECRETARY,
GOVERNMENT OF KHYBER PAKHTUNKHWA,
AGRICULTURE, LIVESTOCK AND COOPERATIVE
DEPARTMENT.

Pages: 01 to 61

ENQUIRY REPORT REGARDING LEAKAGE OF AWARD LIST OF INTERMEDIATE EXAMINATION 2014 (BISE, PESHAWAR AS APPEARED IN THE DAILY "MASHRIQ" AND "EXPRESS" DATED 23-07-2014.

The competent authority has been pleased to appoint the undersigned as Inquiry Officer conduct enquiry under E&D Rules 2011 against the following accused officers vide Notification SO(B/T)E&SE/5-4/2014/BISE Peshawar dated 10-12-2014 (Annex-I).

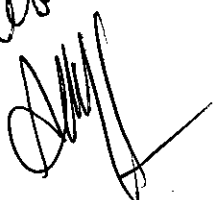
- i. Mr. Mussawar Jan, Controller BISE Peshawar.
- ii. Mr. Hakeem Ullah, Secretary BISE Peshawar.
- iii. Professor Irfan Ullah, Coordinator.
- iv. Mr. Shafiq Ahmad, Secrecy Officer.
- v. Mr. Mukhtiar Khan, Superintendent.
- vi. Mr. Babar Khan, CT Teacher GHSS No. 2 Peshawar Cantt.
- vii. Mr. Ghulam Sarwar, Instructor BS-18 RITE Peshawar.
- viii. Mr. Taj Ali Khan SST, GHSS Nasir Bagh Road, Peshawar.

2. All the accused officers were contacted telephonically to furnish their written defense replies to the Charge Sheets served upon them. After submission of their written replies to the charge sheets alongwith relevant documents, they were provided the opportunity of personal hearing on 30-01-2015. Each and every accused officer was cross examined and heard in person. departmental representative Mr. Azam Khan, Deputy Secretary – II, Elementary and Secondary Education Department was also present on the date of hearing to assist the undersigned.

3. The charges and replies to the Charge Sheets and statements of allegations of the accused officers (Annex-II) are given briefly in annotated form as under:-

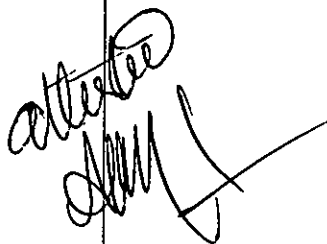
S. No.	Charges	Gist from replies of the accused officers
1.	<p><u>Mr. Mussawar Jan Controller BISE, Peshawar.</u> The Award Lists of Physics Part-II, Chemistry Part-II and English Part-II of Jinnah College for Women, Peshawar (Intermediate Annual Examination 2014) have been leaked from the Secrecy Section of BISE, Peshawar on account of your negligence as appeared in the Daily Mashriq on 23-07-2014.</p>	<p>In order to assist the Controller of Examination, Irfanullah, Associate Professor Govt. Degree College Badabir was accordingly appointed as Coordinator and Chairman of Board for the HSSC Annual Exam 2014. Coordinator plays an important role in correspondence among the different sections of Board like dispatch, marking and Computer cell. He coordinates and supervises the process of evaluation of scripts, i.e. right from coding, marking, double scrutiny and finalization of result. During this period the examination material including Award Lists remained in his custody, which is handed over to the Secrecy Officer or Superintendent after declaration of the result. It is evident from statement of Mr. Babar Khan, CT Teacher GHSS No. 2, Peshawar Cantt. the award lists were leaked out four days before the declaration of result during that time when I was on duty at Lahore from 19-07-2014 to 22-07-2014 for the purpose of printing of the gazette and returned to Peshawar on 23-07-2014 in the early hours, hence it shows/confirms that the award lists were leaked out from the custody of the Coordinator.</p>

		not from the Controller. Moreover, the Chairman Board in his own investigations collected the mobile and found that Mr. Taj Ali Khan, SET, GHS, Peshawar acted as scrutinizer during the said exam was the real culprit who had mobile contact with which reveals that the said award lists remained under custody during the process of checking. Mr. Taj Ali had not got copies of these award lists only but handed over these to the Media for defaming the Controller and the institution for his own vested interest (Annex - III).
2.	<p><u>Mr. Hakimullah Secretary BISE, Peshawar.</u></p> <p>There are great differences between the Secretary and the Controller of Examination which has weakened the administration of the two offices which were fully exploited by some vested interest. The administration of the Board did not cooperate with the Controller leading to an attack on the Computer Cell and you have transferred the Secrecy Staff without consulting and obtaining prior approval of the Controller.</p>	All postings in Board are in variably done with the approval of Chairman BISE and no malafide intent part of the administration is involved. Chairman competent authority to make all such orders and there is no need to get prior approval of the Controller. It is pertinent to mention that majority of the staff members posted in Secrecy were old and were posted in Secrecy before my posting as Secretary BISE, Peshawar. During my posting as Secretary, the posting/transfers of two persons were ordered with the approval of Chairman. i.e. Mr. Shafiq Ahmad Assistant Secretary (B-1) was posted as Secrecy Officer in place of Mr. Fazle Akbar to his retirement on 26-06-2014 and Aurangzeb Nadeem replaced with Jehanzeb N/Q in Inter Secrecy (Annex - IV).
3.	<p><u>Irfanullah, Associate Professor of Statistics, Govt. College, Badabir, Peshawar.</u></p> <p>The Award Lists of Physics Part-II, Chemistry Part-II and English Part-II of Jinnah College for Women, Peshawar (Intermediate Annual Examination 2014) have been leaked from the Secrecy Section of BISE, Peshawar on account of your negligence as appeared in the Daily Mashriq on 23-07-2014.</p>	I have been working in BISE Peshawar since 2008. I worked as Coordinator in BISE, Peshawar in HSSC Examinations, 2010, 2013 and 2014 but I never involved in this incident to occur. The award lists in question have been leaked while in my custody. The leakage was reported one day before the announcement of result. At this stage the award lists were kept open to 4 Scrutineers appointed by the Controller for checking/comparing with the computer print out. The scrutineer has an access to the award lists for reporting the errors/misprint. History shows that someone from the Board has committed the crime through scrutiny for their vested interest (Annex - V).
4.	<p><u>Shafiq Ahmad Secrecy Officer BISE, Peshawar</u></p> <p>The Award Lists of Physics Part-II, Chemistry Part-II and English Part-II of Jinnah College for Women, Peshawar (Intermediate Annual Examination 2014) have been</p>	The Coordinator is responsible to keep the award lists secret in his custody till the declaration of result. The Secrecy Officer is not concerned with the award lists which are handed over to Secrecy staff for declaration of result (Annex - VI).

Attested


L

	leaked from the Secrecy Section of BISE, Peshawar on account of your negligence as appeared in the Daily Mashriq on 23-07-2014.	
5.	<p><u>Mukhtiar Khan Superintendent BISE, Peshawar.</u></p> <p>The Award Lists of Physics Part-II, Chemistry Pat-II and English Part-II of Jinnah College for Women, Peshawar (Intermediate Annual Examination 2014) have been leaked from the Secrecy Section of BISE, Peshawar on account of your negligence as appeared in the Daily Mashriq on 23-07-2014.</p>	All the record of dispatch, Award Lists and result sheets are under the custody of Coordinator from the date of marking till the declaration of result and then after handed over to secrecy staff (Annex – VII).
6.	<p><u>Babar Khan CT Teacher, GHSS No. 2, Peshawar Cantt.</u></p> <p>The Award Lists of Physics Part-II, Chemistry Pat-II & English Part-II of Jinnah College for Women, Peshawar (Intermediate Annual Examination 2014) have been leaked from the Secrecy Section of BISE, Peshawar on account of your negligence as appeared in the Daily Mashriq on 23-07-2014.</p>	Four days before the incident regarding leakage of Award lists by publishing in the Daily Newspaper, I came to know through Mr. Ghulam Sarwar that Mr. Taj Ali Khan wants to hand over some secret materials of Board to media for publication. I prohibited them from such practice but on 23-07-2014, the same published in Newspapers. I had no proof about it but the same is based only on verbal hearing and discussion held between me and Ghulam Sarwar (Annex – VIII).
7.	<p><u>Ghulam Sarwar Instructor RITE Peshawar</u></p> <p>The Award Lists of Physics Part-II, Chemistry Pat-II and English Part-II of Jinnah College for Women, Peshawar (Intermediate Annual Examination 2014) have been leaked from the Secrecy Section of BISE, Peshawar on account of your negligence as appeared in the Daily Mashriq on 23-07-2014.</p>	I have neither visited the Board nor performed any Examination duty of Board for the last 3/4 years. Mr. Babar Khan who is my neighbor and was appointed in the Board for work of dispatch, scrutiny and preparation of result has included my name in the incident occurred on 23-07-2014. When I saw Mr. Babar Khan offering Salat in the Masjid regularly for a few days; I asked him whether duty of Examination has been over/finished. He said that no but the Controller has relieved him of the duty with remarks that there was a complaint against him that his son was appeared in Class 9 th Examination and forfeited his remuneration for the work done in Secrecy. After declaration of result, he told me about the incident. He told me that he had requested Mr. Taj Ali Khan and Mr. Waqar Khan S.S for increasing the marks of his son. Probably they would have disclosed it to the Controller. I asked him that on one hand his son had appeared in the FSc Part-II Examination and on the other hand he was performing the dispatch duty of FSc Annual Examination 2014 in Board's Secrecy which was a great mistake/crime, indiscipline and contrary to the rules of Board. After

attested


h

04

18

70

		<p>Salat-e-Zuhar one day before the declaration of result. Mr. Babar Khan told me that the result, Award lists of Jinnah College for Women, Peshawar, had been published in the Daily Mashriq and the Daily Jang which were coded by him. I was brought to the Board on 24:00 p.m on 25-07-2014 and was appeared before the Enquiry Committee headed by Noorullah Wazir. I submitted a written statement. I was locked in a room till 25/7/2014 (Annex - IX).</p>
8.	<p><u>Mr. Taj Ali Khan SST, GHSS Nasir Bagh Road, Peshawar</u></p> <p>The Award Lists of Physics Part-II, Chemistry Part-II and English Part-II of Jinnah College for Women, Peshawar (Intermediate Annual Examination 2014) have been leaked from the Secrecy Section of BISE, Peshawar on account of your negligence as appeared in the Daily Mashriq on 23-07-2014.</p>	<p>Both I and Mr. Babar Khan were working in the Secrecy of 9th class dispatch of SSC Annual Exam 2014. I was involved in the preparation of result from 15-03-2014 to 25-05-2014. At the time of preparation of result, Mr. Babar Khan asked me to increase the marks of his son Afaq Babar of 9th class under Roll No. 32487 from 476 to 500. I disclosed it to the Controller. He directed me to do the same but I refused it. Besides Mr. Babar Khan changed the marks of his another son Ravaid Babar under Roll No. 66026 in the Intermediate Annual Examination 2014 in absence of Mr. Irfanullah Khan, Coordinator. I disclosed it to the Coordinator, Controller and Chairman of Board. They told me that I was behind Babar Khan. When it came into the knowledge of other employees of Board and teachers; the Controller relieved Mr. Babar Khan of his duty in Secrecy of Board on the first week of June, 2014. By this, Mr. Babar Khan threatened me for revenge. When the award lists were published on 23-07-2014, Mr. Babar Khan gave a written statement to Controller Examination on account of taking revenge from me. The Board authority has also got a written statement against me from Mr. Aurangzeb C.T, G Landi Arbab, Peshawar. Therefore, Chairman BISE lodged an FIR against me and took oath on Holy Quran. Then Chairman told me that pictures and mobile record data are also available with them. I was kept in the Board till 2400 hours on 25/7/2014 (Annex - X).</p>

4. FINDINGS

- i. Each and every accused officer/official was given full liberty and ample opportunity to offer their defense. They were also provided the opportunity of personal hearing and cross examination and submission of their written statements.
- ii. Consequent upon examining the entire relevant record of the case, fact finding enquiry report, defense of the accused officers/official, replies to the charge sheets and arguments made by accused persons including the personal hearing, the following facts were noticed:

Attested
[Signature]

[Signature]

05

19

- a. The incident is not only a case of inefficiency but also a case of gross negligence a irresponsible management on the part of Chairman and Controller of Examinations of the Board regarding preparation and declaration of result of SSC and Intermediate Examinations.
- b. The incident also shows lack of effective internal check against irregularities, waste and fraud on the part of the Board.
- c. In the system of Board Examinations, the Coordinator plays an important and very crucial role. The Coordinator is overall responsible and supervising officer of all Head Examiners, Scrutinizers & Dispatch Officers. The scrutiny of Award Lists is made under the supervision of the Coordinator in a large spacious room to accommodate all the scrutinizers. The award lists remain in possession of the Coordinator till the declaration of result after which these lists are handed over to the Secrecy Section of the Board.
- d. The Controller appoints Coordinator, Dispatch Officers, Head Examiners and Scrutinizers with the approval of Chairman, BISE.
- e. The incident shows that the Board had not adopted appropriate and ample Security measures to avoid leakage of the results before official declaration.
- f. Strange enough, the record provided by one of the accuseds shows that the Controller of Examinations has issued DMC to Rovaid Babar under Roll No. 7273 of Intermediate (Annual) Examination 2013 – Pre – Medical (Part – I) indicating total obtained marks as 414 (Annex - I) while issuing combined DMC of Part – I and II to Rovaid Babar under Roll No. 6602 of Intermediate (Annual) Examination 2014 – Pre – Medical (Part – II) (Annex-XII) which shows total obtained marks in Part – I as 454 instead of 414. There is a difference of 40 marks increased by the Secrecy Section of Board which clearly is a great irregularity on the part of the Head of the Institution including his subordinates.
- g. It was also found that the incident took place due to the fact that the Board is appointing the same Coordinator and Scrutinizing Staff for the last so many years. This creates close relationship with each other which could be misused in such offices. Moreover the incident occurred due to the fact that Mr. Babar Khan was assigning the duty of dispatch, scrutiny and preparation of results of HSSC (A) Examinations 2013 & 2014 and SSC (A) Examinations 2012 & 2014 in the Secrecy Section and his two sons appeared in the SSC and HSSC Examinations 2013 and 2014. He was declared disqualified at the time when the fact was disclosed to everyone including the majority of teachers and employees of Board.
- h. The BISE Peshawar on its own retrieved the mobile data of Taj Ali Khan SST. Data of July 22, 2014, a day before publication of news about the leakage of award lists, reveals communication between three persons: Taj Ali, Aurangzeb teacher and Mr. Zahid, a media reporter. Mobile data of discussion dated July 22, 2014 amongst Aurangzeb, Taj Ali and Mr. Zahid is reproduced below (Annex – XIII) :-
 - i. Taj Ali gives him a call on 10:53 a.m (morning) duration 137 seconds.
 - ii. Aurangzeb makes a call to Zahid at 10:56 a.m (morning) duration 83 seconds.
 - iii. Aurangzeb makes a call to Zahid at 16:43 p.m (after noon) duration 39 seconds.
 - iv. Taj Ali sends an SMS to Aurangzeb at 16:50 pm (after noon).
 - v. Aurangzeb makes a call to Zahid at 16:51 p.m (after noon) duration 20 seconds.
 - vi. Aurangzeb makes a call to Taj Ali at 17:04 (evening). He talks for 28 seconds (Taj Ali is at this time is at Adnan Mansion G.T Road).

attested
MPL

-05- 20 - -

i. Mr. Mussawar Jan Controller BISE, Peshawar.

As per Board's Calendar, under Rule - 3 of Schedule of First Regulations of Boards, the Controller of Examinations shall make arrangements for the conduct of all examinations of the Board and shall conduct official correspondence of the Board relating to the examinations. The award lists were leaked out four days before the declaration of result and during the period of this incident, the Controller was on official duty at Lahore from 19-07-2014 to 22-07-2014. Although the events and records shows that the Controller is not involved in the leakage of award lists but it was his responsibility to entrust the charge of his duty to someone for supervision and look after the preparation of results during the periods of his absence from duty. Beside this adoption of security measures to avoid leakage of results before the declaration of result was also the responsibility of the Controller which he could not do before leaving the station. Moreover, the record shows that the same staffs i.e. Coordinator, Dispatch Officers, Head Examiners and Scrutinizers are appointed for the last so many years on the recommendation of Controller of examination. This practice seems doubtful as these people become closed to each other have got easy access to the award list and result sheets. In order to avoid inordinate/undue circumstances, this is the responsibility of Controller to keep watch and check the antecedents of each and every officer before appointment for the purpose of examination and secrecy work. Moreover, it is also pertinent to mention here that the son of teacher (Mr. Baber Khan) who was appointed in the Secrecy Section for preparation of result got enhanced 40 marks of his son fraudulently and the Controller is responsible for this grav crime.

Charge not proved.

j. Mr. Hakimullah Secretary BISE, Peshawar.

As per power and duties of Secretary under Rule - 2 of Schedule of First Regulations of Boards of Board's Calendar, the Secretary shall conduct the official correspondence of Board except correspondence relating to conduct of Examinations. The Secretary transferred and posted Mr. Shafiq Ahmed as Secrecy Officer with approval of the Controller Examination which was an irregularity on the part of Secretary who has already been repatriated to his parent department, hence no further action is required to be taken against him except that in future such sensitive assignment shall not be entrusted to him.

Charge not proved.

k. Irfanullah, Associate Professor of Statistics, Govt. College, Badabir, Peshawar (Coordinator)

As per Board's Calendars, the Coordinator is responsible to keep all the records, dispatch, award lists and result sheets under his own custody till the declaration of result. The award lists have been leaked out four days before the declaration of result. The record shows that Coordinator is not directly involved in leakage of award lists but the incident place due to his carelessness & negligence, whereas he has been suspended by the Chairm Board. Although there is no solid evidence that proves his direct involvement in the leakage of award lists but being a custodian of the award lists, he cannot be absolved from responsibility of such grave crime. He is required to be disqualified from the duty of Board in future.

Charge not proved.

attested
SMH

07

21

~~89~~

l. Shafiq Ahmad, Secrecy Officer BISE, Peshawar

The duty of Secrecy Officer is to supervise the staff posted in Secrecy and to assist the Controller of Examination in managing examinations. The responsibility/work of Secrecy Staff starts after the announcement of result and the award lists were leaked out four days before the declaration of result. However, the access of Secrecy Staff to the award lists and result sheets is possible, therefore, the leakage of award lists could be happened due to carelessness of Secrecy Staff. Hence the officer is required to be posted out from the Secrecy Section Board.

Charge not proved.

m. Mukhtiar Khan, Superintendent BISE, Peshawar.

The duty of Secrecy Superintendent is to supervise the staff posted in Secrecy and check the envelopes, verify DMCs, process the cases of retotalling marks, papers cancellation and payment of bills of marking staff. The responsibility/work of Secrecy Staff start after announcement of result and the award lists were leaked out four days before the declaration of result. However, the access of Secrecy Staff to the award lists and result sheets is possible therefore, the leakage of award lists could be happened due to carelessness of Secrecy Staff. Hence the officer is required to be posted out from the Secrecy Section of Board.

Charge not proved.

n. Babar Khan CT Teacher, GHSS No. 2, Peshawar Cantt.

Mr. Babar Khan was working in the Secrecy Section of Board while his two sons have been appeared in the SSC & HSSC Exams 2013 and 2014 which was against the Board's rule: he concealed this fact from the Board inspite of the fact that he has signed an affidavit in respect as per Board's rules. He should not have involved in a fraudulently submitted affidavit. Therefore, he has committed a great crime and fraud by misusing his position. He also involved in increasing marks of his son from 414 to 454 (i.e. increase of 40 marks).

Charge not proved.

o. Ghulam Sarwar Instructor RITE Peshawar

As per his statement, he has not been assigned any duty of scrutiny and examination for the last 03 years. Hence he is not involved in the leakage of award lists.

Charge not proved.

p. Mr. Taj Ali Khan SST, GHSS Nasar Bagh Road, Peshawar

According to mobile telephonic data, Mr. Taj Ali gave a call to Aurangzeb in the morning at 10:53. He talked for 137 seconds. Exactly after 3 minutes, at 10:56 Aurangzeb contacts him. He talked for 83 seconds. In the afternoon at 16:43 (after noon), Aurangzeb again contacted Taj Ali. He talked for 39 seconds. Then exactly after 7 minutes, at 16:50 (afternoon) Taj Ali sent a message to Aurangzeb. In response, after 1 minute, Aurangzeb talked to Taj Ali (afternoon). Interestingly during the morning conversation with Aurangzeb, Taj Ali's location was Hayatabad, his residence. But during afternoon communication between Aurangzeb and

attested
[Signature]

[Signature]

08

90

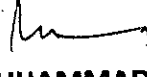
22

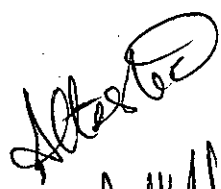
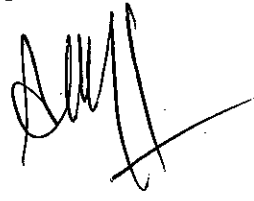
Taj Ali's location was shifted to G.T Road, which is clear from the data in Taj Ali (mobile data) record. When Aurangzeb gave him the last call at 17:04 (evening) his location was at the same G.T Road in the mobile data. After perusing the data a group of four officers of BISE Peshawar including Chairman arranged a meeting with Aurangzeb at Nodh Payan High School. The meeting took place on 4 August 2014 (6:38 p.m). During talk, Aurangzeb confirmed that he helped Taj Ali's access to Express newspaper on July 22, 2014.

Although, there is no record of any direct contact of Mr. Taj Ali with media person (Zahid), however, the above mentioned telephonic conversation by Taj Ali & Aurangzeb and Aurangzeb & Zahid shows that Taj Ali used Aurangzeb as a facilitator to gain access to media man (Zahid) and through this connection, the award list was leaked out to the press which caused great embarrassment to the Provincial Government.

Charge proved.

The Competent Authority/Chief Minister, Khyber Pakhtunkhwa may like to pass orders as deemed appropriate.


(MUHAMMAD HUMAYUN)
Secretary to Govt. of Khyber Pakhtunkhwa,
Agriculture, Live Stock and Coop Department
Inquiry Officer

موردہ
مقدمہ
دعویٰ
جرم

ادوات

2، پنجاب
بنام

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بہلا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

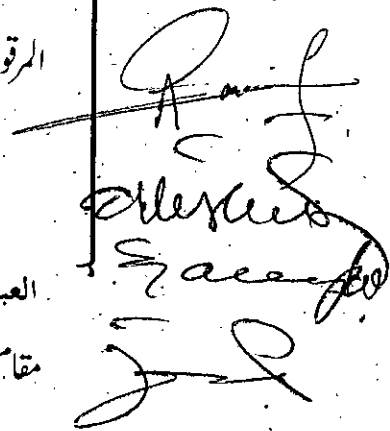
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداخت منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

2018

ماہ اکتوبر

المرقوم 5





العہدہ

کے لئے منظور ہے۔

مقام

Aurangzeb SCT

V/S

Director (E &SE) & others

REPLY ON BEHALF OF RESPONDENTS.

Respectively Sheweth:

The Respondents submit bellow:

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of action /locus standi.
2. That the Appellant has concealed material facts from this Hon,ble Tribunal.
3. That the Appellant has been estopped by his own conduct to file the instant appeal before this Hon'ble Tribunal.
4. That the instant Appeal is badly time barred.
5. That the instant Appeal is not maintainable in its present form.
6. That the instant Appeal is bad for mis- joinder and non- joinder for the necessary parties.
7. That the Appellant has not come with clean hands to this Hon'ble Tribunal.
8. That the instant Appeal is barred by law.
9. That the Appellant does not fall within the ambit of aggrieved person.

ON FACTS.

1. That Para No.1 pertains to record.
2. That Para No.2 is incorrect, misleading and against the facts and the Appellant committed misconduct and as the result the competent authority stop 02 Annual Increments for 02 years.
3. That in reply to Para No.3, it is submitted that the Appellant committed misconduct, therefore, the Respondent Department proceeded him under the (E & D) rules.
4. That in reply to Para No.4, it is submitted that the Appellant was given full liberty and ample opportunity of personal hearing, and Crosse examination after submission of written statement but the Appellant was found guilty and chargers were proved against the Appellant.
5. That in reply to Para No.5, it is submitted that the Appellant did not prove himself innocent before the inquiry committee, so the competent authority imposed upon him the minor penalty of stoppage 02 Annual Increments for 02 years.

(Copy of inquiry report "Page No.5" is attached as Annex: A.)

6. That reply to Para No.6 has been given in the above Para.
7. That Para No.7 is incorrect, misleading and against the facts. The Appellant has no cause of action to file the instant appeal.

GROUNDS

38

- A. That Ground-A is incorrect and misleading. The Respondent Department fulfilled all the codal formalities under the (E & D) rules.
- B. That Ground-B is also incorrect and misleading. The Respondent imposed the said penalties on the appellant according to law and rules.
- C. That Ground -C incorrect. The Appellant was found guilty.
- D. That Ground-D incorrect. The Appellant was found guilty and he violated the existing law and rules.
- E. That Ground-E is incorrect and misleading. The act of respondent is according to law and rules.
- F. That Ground -F is incorrect and misleading. The Appellant has been treated according to law and rules.
- G. That Ground-G is incorrect the Appellant was found guilty because he committed misconduct.
- H. That respondents also seek leave of this Hon'ble Tribunal to present case law and to raise additional grounds at the time of arguments.

It is therefore, very humbly prayed that on acceptance of this reply, the instant appeal may very kindly be dismissed with cost.


District Education Officer
(Male) Peshawar


Section Officer, (B/T)
(E &SE) KPK Peshawar


Director,
(E &SE) KPK Peshawar


Secretary,
(E &SE) KPK Peshawar

(For behalf of Respondent no 106293)

Chief Secretary,
Govt: of Khyber Pakhtunkhwa Peshawar

Chief Minister,
Khyber Pakhtunkhwa

38

82

INQUIRY AGAINST OFFICERS OF
BISE, PESHAWAR.

CONDUCTED BY

MUHAMMAD HUMAYUN (PAS BS-21)
SECRETARY,
GOVERNMENT OF KHYBER PAKHTUNKHWA,
AGRICULTURE, LIVESTOCK AND COOPERATIVE
DEPARTMENT.

Pages 01 to 61

		<p>Salat-e-Zuhar one day before the declaration of result Mr. Babar Khan told me that the result, Roll Numbers and Award lists of Jinnah College for Women, Peshawar have been published in the Daily Mashriq and Daily Express which were coded by him. I was brought to the Board at 4:00 p.m on 25-07-2014 and was appeared before the Enquiry Committee headed by Noorullah Wazir and gave written statement. I was locked in a room till 11:00 PM (Annex - IX).</p>
8.	<p><u>Mr. Taj Ali Khan SST, GHSS Nasir Bagh Road, Peshawar</u></p> <p>The Award Lists of Physics Part-II, Chemistry Part-II and English Part-II of Jinnah College for Women, Peshawar (Intermediate Annual Examination 2014) have been leaked from the Secrecy Section of BISE, Peshawar on account of your negligence as appeared in the Daily Mashriq on 23-07-2014.</p>	<p>Both I and Mr. Babar Khan were working in the Board Secrecy of 9th class dispatch of SSC Annual Exam 2014 in preparation of result from 15-03-2014 to 25-05-2014. At the time of preparation of result, Mr. Babar Khan asked me to increase the marks of his son Afaq Babar of 9th class under Roll No. 32487 from 476 to 500. I disclosed it to the Controller. He directed me to do the same but refused it. Besides Mr. Babar Khan changed the marks of his another son Rovaid Babar under Roll No. 66026 in FS Annual Examination 2014 in absence of Mr. Irfanullah Coordinator. I disclosed it to the Coordinator, Controller and Chairman of Board. They told me that I was kept behind Babar Khan. When it came into the knowledge of other employees of Board and teachers; the Controller relieved Mr. Babar Khan of his duty in Secrecy of Board in the first week of June, 2014. By this, Mr. Babar Khan threatened me for revenge. When the award lists were published on 23-07-2014, Mr. Babar Khan gave false statement to Controller Examination on account of taking revenge from me. The Board authority has also got wrong statement against me from Mr. Aurangzeb C.T, G.H. Landi Arbab, Peshawar. Therefore, Chairman BISE lodged an FIR against me and took oath on Holy Quran. Then the Chairman told me that pictures and mobile recording data are also available with them. I was kept in the Board till 2400 hours on 25/7/2014 (Annex - X).</p>

4. FINDINGS

- i. Each and every accused officer/official was given full liberty and ample opportunity to offer the defense. They were also provided the opportunity of personal hearing and cross examination after submission of their written statements.
- ii. Consequent upon examining the entire relevant record of the case, fact finding enquiry report and defense of the accused officers/official, replies to the charge sheets and arguments made by the accused persons including the personal hearing, the following facts were noticed:

d

- a. The incident is not only a case of inefficiency but also a case of gross negligence and irresponsible management on the part of Chairman and Controller of Examinations of the Board regarding preparation and declaration of result of SSC and Intermediate Examinations.
- b. The incident also shows lack of effective internal check against irregularities, waste and fraud in the Board.
- c. In the system of Board Examinations, the Coordinator plays an important and very crucial role. The Coordinator is overall responsible and supervising officer of all Head Examinations, scrutinizers & Dispatch Officers. The scrutiny of Award Lists is made under the supervision of the Coordinator in a large spacious room to accommodate all the scrutinizers. The award lists remain in possession of the Coordinator till the declaration of result after which these lists are handed over to the Secrecy Section of the Board.
- d. The Controller appoints Coordinator, Dispatch Officers, Head Examiners and Scrutinizers with the approval of Chairman, BISE.
- e. The incident shows that the Board had not adopted appropriate and ample Security measures to avoid leakage of the results before official declaration.
- f. Strange enough, the record provided by one of the accuseds shows that the Controller of Examination has issued DMC to Rovaib Babar under Roll No. 7273 of Intermediate (Annual) Examination 2013 – Pre – Medical (Part – I) indicating total obtained marks as 414 (Annex – XI). while issuing combined DMC of Part – I and II to Rovaib Babar under Roll No. 66026 of Intermediate (Annual) Examination 2014 – Pre – Medical (Part – II) (Annex-XII) which shows total obtained marks in Part – I as 454 instead of 414. There is a difference of 40 marks increased by the Secrecy Section of Board which clearly is a great irregularity on the part of Head of the Institution including his subordinates.
- g. It was also found that the incident took place due to the fact that the Board is appointing the same Coordinator and Scrutinizing Staff for the last so many years. This creates close relations with each other which could be misused in such offices. Moreover the incident occurred due to the fact that Mr. Babar Khan was assigning the duty of dispatch, scrutiny and preparation of results of HSSC (A) Examinations 2013 & 2014 and SSC (A) Examinations 2012 & 2014 in the Secrecy Section and his two sons appeared in the SSC and HSSC Examinations 2013 and 2014. He was declared disqualified at the time when the fact was disclosed to everyone including majority of teachers and employees of Board.
- h. The BISE Peshawar on its own retrieved the mobile data of Taj Ali Khan SST. Data of July 22, 2014, a day before publication of news about the leakage of award lists, reveal a communication between three persons: Taj Ali, Aurangzeb teacher and Mr. Zahid, Express media reporter. Mobile data of discussion dated July 22, 2014 amongst Aurangzeb, Taj Ali & Zahid is reproduced below (Annex – XIII) :-
- i. Taj Ali gives him a call on 10:53 a.m (morning) duration 137 seconds.
 - ii. Aurangzeb makes a call to Zahid at 10:56 a.m (morning) duration 83 seconds.
 - iii. Aurangzeb makes a call to Zahid at 16:43 p.m (after noon) duration 39 seconds.
 - iv. Taj Ali sends an SMS to Aurangzeb at 16:50 pm (after noon).
 - v. Aurangzeb makes a call to Zahid at 16:51 p.m (after noon) duration 20 seconds.
 - vi. Aurangzeb makes a call to Taj Ali at 17:04 (evening). He talks for 28 seconds (Taj Ali location at this time is at Adnan Mansion G.T Road).

Mr. Mussawar Jan Controller BISE, Peshawar.

As per Board's Calendar, under Rule – 3 of Schedule of First Regulations of Boards, the Controller of Examinations shall make arrangements for the conduct of all examinations of the Board and shall conduct official correspondence of the Board relating to the examinations. The award lists were leaked out four days before the declaration of result and during the period of this incident, the Controller was on official duty at Lahore from 19-07-2014 to 22-07-2014. Although the events and records show that the Controller is not involved in the leakage of award lists but it was his responsibility to entrust the charge of his duty to someone for supervision and look after the preparation of results during the periods of his absence from duty. Beside this adoption of security measures to avoid leakage of results before the declaration of result was also the responsibility of the Controller which he could not do before leaving the station. Moreover, the record shows that the same staffs i.e. Coordinator, Dispat Officers, Head Examiners and Scrutinizers are appointed for the last so many years on the recommendation of Controller of examination. This practice seems doubtful as these people become closed to each other have got easy access to the award list and result sheets. In order to avoid inordinate/undue circumstances, this is the responsibility of Controller to keep watch and check the antecedents of each and every officer before appointment for the purpose of examination and secrecy work. Moreover, it is also pertinent to mention here that the son of a teacher (Mr. Baber Khan) who was appointed in the Secrecy Section for preparation of results got enhanced 40 marks of his son fraudulently and the Controller is responsible for this grave crime.

Charge not proved.

j. Mr. Hakimullah Secretary BISE, Peshawar.

As per power and duties of Secretary under Rule – 2 of Schedule of First Regulations of Boards of Board's Calendar, the Secretary shall conduct the official correspondence of the Board except correspondence relating to conduct of Examinations. The Secretary transferred and posted Mr. Shafiq Ahmed as Secrecy Officer with ^{olc} approval of the Controller of Examination which was an irregularity on the part of Secretary who has already been repatriated to his parent department, hence no further action is required to be taken against him except that in future such sensitive assignment shall not be entrusted to him.

Charge not proved.

k. Irfanullah, Associate Professor of Statistics, Govt. College, Badabir, Peshawar (Coordinator)

As per Board's Calendars, the Coordinator is responsible to keep all the records, dispatch, award lists and result sheets under his own custody till the declaration of result. The award lists have been leaked out four days before the declaration of result. The record shows that Coordinator is not directly involved in leakage of award lists but the incident took place due to his carelessness & negligence, whereas he has been suspended by the Chairman Board. Although there is no solid evidence that proves his direct involvement in the leakage of award lists but being a custodian of the award lists, he cannot be absolved from his responsibility of such grave crime. He is required to be disqualified from the duty of Board in future.

Charge not proved.

07

89 (28)

l. Shafiq Ahmad, Secrecy Officer BISE, Peshawar

The duty of Secrecy Officer is to supervise the staff posted in Secrecy and to assist the Controller of Examination in managing examinations. The responsibility/work of Secrecy Staff starts after the announcement of result and the award lists were leaked out four days before the declaration of result. However, the access of Secrecy Staff to the award lists and result sheets is possible, therefore, the leakage of award lists could be happened due to carelessness of Secrecy Staff. Hence the officer is required to be posted out from the Secrecy Section of Board.

Charge not proved.

m. Mukhtiar Khan, Superintendent BISE, Peshawar.

The duty of Secrecy Superintendent is to supervise the staff posted in Secrecy and to check the envelopes, verify DMCs, process the cases of retotalling marks, papers cancellation and payment of bills of marking staff. The responsibility/work of Secrecy Staff start after the announcement of result and the award lists were leaked out four days before the declaration of result. However, the access of Secrecy Staff to the award lists and result sheets is possible, therefore, the leakage of award lists could be happened due to carelessness of Secrecy Staff. Hence the officer is required to be posted out from the Secrecy Section of Board.

Charge not proved.

n. Babar Khan CT Teacher, GHSS No. 2, Peshawar Cantt.

Mr. Babar Khan was working in the Secrecy Section of Board while his two sons have been appeared in the SSC & HSSC Exams 2013 and 2014 which was against the Board's rules. He concealed this fact from the Board inspite of the fact that he has signed an affidavit in this respect as per Board's rules. He should not have involved in a fraudulently submission of affidavit. Therefore, he has committed a great crime and fraud by misusing his position. He is also involved in increasing marks of his son from 414 to 454 (i.e. increase of 40 marks).

Charge not proved.

o. Ghulam Sarwar Instructor RITE Peshawar

As per his statement, he has not been assigned any duty of scrutiny and examination etc for the last 03 years. Hence he is not involved in the leakage of award lists.

Charge not proved.

p. Mr. Taj Ali Khan SST, GHSS Nasar Bagh Road, Peshawar

According to mobile telephonic data, Mr. Taj Ali gave a call to Aurangzeb in the morning at 10:53. He talked for 137 seconds. Exactly after 3 minutes, at 10:56 Aurangzeb contacts Zahid. He talked for 83 seconds. In the afternoon at 16:43 (after noon), Aurangzeb again contacted Zahid. He talked for 39 seconds. Then exactly after 7 minutes, at 16:50 (afternoon) Taj Ali sent a message to Aurangzeb. In response, after 1 minute, Aurangzeb talked to Zahid at 16:51 (after noon). Interestingly during the morning conversation with Aurangzeb, Taj Ali location was at Hayatabad, his residence. But during afternoon communication between Aurangzeb and Taj Ali,

L

08

90


(27)

Taj Ali's location was shifted to G.T Road, which is clear from the data in Taj Ali (mobile data record). When Aurangzeb gave him the last call at 17:04 (evening) his location was at the same G.T Road in the mobile data. After perusing the data a group of four officers of BISE Peshawar including Chairman arranged a meeting with Aurangzeb at Nodh Payan High School. The meeting took place on 4 August 2014 (6:38 p.m). During talk, Aurangzeb confirmed that he helped Taj Ali's access to Express newspaper on July 22, 2014.

Although, there is no record of any direct contact of Mr. Taj Ali with media person (Mr Zahid), however, the above mentioned telephonic conversation by Taj Ali & Aurangzeb and by Aurangzeb & Zahid shows that Taj Ali used Aurangzeb as a facilitator to gain access to media man (Zahid) and through this connection, the award list was leaked out to the press which caused great embarrassment to the Provincial Government.

Charge proved.

The Competent Authority/Chief Minister, Khyber Pakhtunkhwa may like to pass orders as deemed appropriate.


(MUHAMMAD HUMAYUN)
Secretary to Govt. of Khyber Pakhtunkhwa,
Agriculture, Live Stock and Coop Department/
Inquiry Officer

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 38 /ST

Dated 8-1- 2020

To


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

Subject: -

JUDGMENT IN APPEAL NO. 1383/2018, MR. AURANG ZEB.

I am directed to forward herewith a certified copy of Judgement dated 10.12.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.