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BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.

Service Appeal No. \_\_\_\_\_ of 2018

Muhammad Shahab S/o Muhammad Kamal R/o Kandy  
Ghar Appellant Miangan, Suriza Appellant Payan  
Peshawar

... .. Appellant

VERSUS

*Governor*

- 1) The ~~Govt of~~ Khyber Pakhtunkhwa through Chief  
Secretary Khyber Pakhtunkhwa Peshawar.
- 2) The Chairman Khyber Pakhtunkhwa Public Service  
Commission, Fort Road, Peshawar Cantt.
- 3) The Secretary Khyber Pakhtunkhwa Public Service  
Commission, Fort Road, Peshawar Cantt

... .. Respondents

APPEAL UNDER SECTION 4 OF KHYBER  
PAKHTUNKHWA, SERVICE TRIBUNAL  
ACT 1974, R/W RULE - 19 OF E&D RULES  
2011 AGAINST THE ORDER DATED  
29/12/2017 VIDE WHICH THE PENALTY OF  
COMPULSORY RETIREMENT FROM  
SERVICE WAS IMPOSED UPON THE  
APPELLANT.

Prayer in Appeal:

On acceptance of the instant appeal the  
impugned order dated 29/12/2017 may please  
be set aside/ varied and the respondents may  
please be directed to reinstate the appellant  
in the service with all back benefits.

preliminary inquiry report dated 02/06/2015 are annexed as Annexure "D&E" respectively).

- 8) That surprisingly without conducting any regular inquiry the appellant was served with show cause notice dated 22/07/2015 communicated to the appellant on 24/07/2015, wherein the major penalty of removal from service proposed to be imposed upon the appellant. The appellant duly replied to the show cause and refuted the allegations mentioned there in.
- 9) That competent authority without considering defence /reply of the appellant awarded /imposed major penalty of removal of service, upon the appellant vide order dated 15/01/2016.
- 10) That the appellant submitted review /representation against the above order of his removal from service which was rejected vide order dated 18/04/2016. That order was impugned before this Hon'ble tribunal through service appeal bearing No. 513/2016 which was accepted and the appellant was reinstated in service vide

Respectfully Sheweth;

The appellant respectfully submits as under: -

- 1) That appellant was an employee of Agriculture Department and due to the restructuring policy of the Government the services of the appellant were placed at the disposal of surplus pool.
- 2) That appellant was absorbed in Khyber Pakhtunkhwa Public Service Commission as UDC/ Junior Clerk in 2003 but keeping in view the professional skill in the field of Computer Operating appellant was deputed to work on the post of Key Punch Operator (KPO) in the Computer Section of the commission.
- 3) That keeping in view the good performance and spotless service career of appellant, appellant was promoted to the post of UDC (Senior Clerk) on 02/12/2014 but continued to work as Key Punch Operator in the Computer Section. Then appellant was promoted to the post of Assistant BPS-14 on 02/01/2013. (Copy of promotion order is annexed as Annexure "A").
- 4) That in the year 2010 the commission conducted exam /interview against the 245 posts of Assistant District Officers BPS-16, in the

order /judgment dated 11/04/2017, with condition of de-nova inquiry. (Copy of the judgment/order dated 11/04/2017 is annexed as Annexure "F").

- 11) That the appellant submitted / presented the judgment of this Hon'ble Tribunal to the respondents on 02/05/2017 and as such, in compliance with the order of this Hon'ble Tribunal the appellant was reinstated vide order bearing No.69684 dated 11/07/2017 and the appellant submitted his arrival report on 14/07/2017. (Copy of arrival report is annexed as Annexure "G").
- 12) That as per directions of this Honourable Tribunal a denovo proceedings/inquiry were initiated/ conducted, <sup>but</sup> in violation of the law, rules and regulations, therefore, the inquiry report is totally wrong, baseless, and against the facts and circumstances of the case. (Copy of the so called proceedings are attached as annexure "H".
- 13) That on the basis of that inquiry show cause notice was issued to appellant which was responded through a written reply. It is further submitted that vide order dated 29/12/2017 the appellant has been retired from service

(6)

compulsorily. (Copies of show cause notice, reply and impugned order are annexed as Annexure "I, J and K").

- 14) That the appellant filed a review petition/ departmental appeal against the impugned order dated 29/12/2017, which has not been responded to by the respondents and hence after expiry of the statutory period, the appellant approaches this Hon'ble Tribunal on the following grounds amongst others: (Copy of review petition is annexed as Annexure "L")

**Grounds:**

- A) That the impugned order is illegal, unjust, against the law, rules and regulations and facts and liable to be set aside /varied and thus the appellant is entitled for reinstatement into his service with all back benefits.
- B) That the appellant has not been treated in accordance with law, and his rights secured and guaranteed under the law have been violated.
- C) That no proper procedure has been followed before awarding the major punishment to the

appellant, the appellant has not been served with any charge sheet, statement of allegation, properly nor any proper regular inquiry has been conducted, thus the whole proceedings are defective in the eye of law and the order based on such defective proceedings is liable to be set aside.

- D) That the appellant has not been given proper opportunity of personal hearing before the imposition of major penalty of compulsory retirement upon him, hence he has been condemned unheard.
- E) That the appellant has not been given opportunity to defend himself against the charges.
- F) That no regular inquiry as required under the law has been conducted, even in the preliminary inquiry the appellant has not been associated properly with the proceedings, statements of witnesses if any have not been taken in his presence nor the appellant has been allowed opportunity to cross examine those who may have deposed against him. The recommendation of inquiry committee is based on mere surmises and conjecture.

- G) That the charges leveled against the appellant were neither probed nor proved albeit the appellant has been awarded the major penalty.
- H) That the inquiry officer has acted illegally and in violation of law by claiming to have proved the charges without any proof or evidence.
- I) That eligibility of the candidates is determined/decided by the member concerned and files are moved by the dealing Assistant through the Supdt: and the Deputy Secretary concerned. As the appellant was doing only typing work, therefore, the appellant was not responsible for the job performed by the dealing Assistant and Supdt:. The appellant has performed his duties as KPO /Typist with full concentration and zeal.
- J) That none of the members of the commission including preliminary inquiry members were part of selection of ADOs in the year 2010-11 when interviews of ADOs were conducted, interview result and recommendation finalized with the approval of the then full commission. Then a past and closed transaction finalized with the approval of the commission, cannot be

termed as gross irregularities, without recording statement of the then members.

- K) That the impugned order has no legal footing as the same has been passed in derogation and sheer violation of the dictates of judgment dated 11/04/2017 of this Hon'ble Tribunal and therefore, the impugned order is liable to be set aside on this score alone.
- L) That the procedure adopted by the respondents till imposition of penalty of compulsory retirement upon the appellant was not in consonance with the provision of E&D Rules 2011, hence the penalty of compulsory retirement imposed upon the appellant is illegal, unlawful and against the law, rules, regulation, facts and circumstances, thus liable to be set aside /cancelled and the appellant is entitled to be reinstated in service with all back benefits.
- M) That appellant was performing the duties as Typist / KPO, at that time and as per practice of the office, which was later on regularized vide office Letter dated 06/05/2013. The job / duty of the appellant was just to type DFAs and print the papers given / assigned to



appellant, so appellant have no concern with the allegations leveled against him and as such he could not be held responsible for mistakes / irregularities if any occurred in the selection process of ADOs.

- N) That the inquiry has not been conducted in accordance with law and rules, rather have been initiated / conducted in slip short manner meaning thereby that some vested hands were bent upon to get appellant removed from services.
- O) That the appellant have 26/27 years of unblemished of service career / record as there is not a single adverse entry /remarks in the ACRs of the appellant, this fact is also evident from the fact that appellant have been promoted from time to time and has been cleared from the charged of bad reputation too.
- P) That the so called de-nova inquiry has been conducted in derogation of the judgment of

*this Hon'ble Tribunal and thus the impugned order of compulsory retirement of the appellant is liable to be set aside on this score alone.*

- Q) *That the appellant is jobless since his illegal compulsory retirement.*
- R) *That without prejudice to the forgoing ground it is humbly submitted that the punishment awarded to appellant is too harsh and does not commensurate to the alleged guilt of negligence / discriminatory as one of the colleague has been exonerated in de-novo inquiry against whom the same charges were leveled.*
- S) *That any other ground will be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.*

*It is, therefore, most humbly prayed that acceptance of the instant appeal the impugned order dated 29/12/2017 of compulsory retirement of the appellant may please be set aside/ varied and the respondents may please directed to reinstate the appellant in the service with all back benefits.*

*Any other relief which this Hon'ble Tribunal deemed proper may please be granted in favour of the appellant.*

*Dated 30/04/2018*

*Appellant*

*Through*

*Abdullah Qazi*

*&*

*Jan Muhammad  
Advocates Peshawar*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.

Service Appeal No. \_\_\_\_\_ of 2018

Muhammad Shahab ..... Appellant

VERSUS

The Govt of Khyber Pakhtunkhwa through Chief  
 Secretary Khyber Pakhtunkhwa Peshawar and others  
 ..... Respondents

AFFIDAVIT

I, Muhammad Shahab S/o Muhammad Kamal R/o  
 Kandy Ghar Appellant Miangan, Suriza Appellant  
 Payan Peshawar do hereby solemnly affirm and declare  
 on oath that the contents of this appeal are true and  
 correct to the best of the knowledge and belief and  
 nothing has been concealed from this Hon'ble Court.

DEPONENT



16 JM

Anex - A

**KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION**

**OFFICE ORDER**

Consequent upon recommendations of the Departmental Promotion Committee, the competent authority is pleased to promote the following officials of the Khyber Pakhtunkhwa Public Service Commission to the posts noted against each.

S.No.	Name of official and BPS	Promotion/appointment
1.	Mr. Shah Zamin Senior Clerk (BPS-09)	Promoted as Assistant (BPS-14) on regular basis
2.	Mr. Muhammad Shahab Senior Clerk (BPS-09)	Promoted as Assistant (BPS-14) on regular basis
3.	Mr. Raza Muhammad Senior Clerk (BPS-09)	Promoted as Assistant (BPS-14) on acting charge basis

The officials at S.No.1 and 2 shall be on probation for one year. Consequent upon their promotion and appointment of Miss Sajida Perveen as Assistant (BPS-14), the following postings/transfers are hereby made in the public interest, with immediate effect.

S.No.	Name of official	From	To
1.	Mr. Shah Zamin (BPS-14)	Assistant Examination Branch	Posted in Examination Branch
2.	Mr. Muhammad Shahab (BPS-14)	Assistant Computer Cell	Recruitment Branch (Vice Sr. No.5)
3.	Mr. Raza Muhammad (BPS-14)	Assistant Computer Cell	He shall perform duty in the computer cell till further orders.
4.	Miss Sajida Perveen (BPS-14)	Assistant Administration Branch	Recruitment Branch (Hikmat Bangash Supdt.) (Vice Sr.No.7)
5.	Mr. Midrar ullah (BPS-14)	Assistant Recruitment Branch	Recruitment Branch (Vice Sr.No.6)
6.	Mr. Shahid Iqbal (BPS-14)	Assistant Recruitment Branch	Litigation Branch
7.	Mr. Alam Zeb (BPS-14)	Assistant Recruitment Branch (Hikmat Bangash Supdt.)	Recruitment Branch (Anu Hyas Supdt.)

--Sd/--  
SECRETARY  
PSC

Date: 02/01/2013

No. KPK/PSC/Admn/GJ-353 111185-100

- Copy to:-
1. Accountant General, Khyber Pakhtunkhwa Peshawar.
  2. Director Recruitment, Khyber Pakhtunkhwa PSC
  3. Director Examination, Khyber Pakhtunkhwa PSC
  4. Accounts Officer, Khyber Pakhtunkhwa PSC.
  5. Programmer, Khyber Pakhtunkhwa PSC.
  6. PS to Chairman, Khyber Pakhtunkhwa PSC
  7. PS to Member-I, Khyber Pakhtunkhwa PSC
  8. Cashier, Khyber Pakhtunkhwa PSC
  9. Official concerned.
  10. Documents.

11.04.2013  
16.02.2013  
11/13

2/1/13  
2/1/13

محضور جناب چیئر مین پبلک سروس کمیشن خیبر پختونخوا ایشاور

(17) D

عاقب اللہ خان ولد رفیع اللہ خان، توہم سوائی، ساکنہ قلعہ تھال بالا، بدھ ٹاؤن، ڈاکا ٹیڈ، تحصیل ضلع ماہڑہ  
سوال نمبر 0300-5633356, 0345-9544498

ANNEX B

(1) شفیق الرحمن ولد عبدالرحمن، ساکنہ گاؤں سوباز خورو، ڈاکا ٹیڈ لسان نواب، اپر تاول، ضلع ماہڑہ

شناختی کارڈ نمبر: 3-13503-0623012

(2) محمد اجمل ولد جمال الدین، ساکنہ گاؤں نسل، ڈاکا ٹیڈ شیر گڑھ، اپر تاول، تحصیل ادلی، ضلع ماہڑہ

شناختی کارڈ نمبر: 7-13504-9212536

(3) سرفراز خان ولد شہاب الدین، ساکنہ اپر تاول، ضلع ماہڑہ

بمقام عثمان خزل، ٹور، نزد شیل فلنگ سٹیشن، قلعہ ڈب، ماہڑہ

عنوان: زون 3 کے رہائشی مذکورہ بالا تینوں مسئلہ علیہم کا ADO کی پوسٹوں پر پبلک سروس کمیشن کی ملی بھگت سے

زون 5 کے کوٹہ میں غیر قانونی تعیناتی

جناب عالی! درخواست عرض ذیل ہے۔

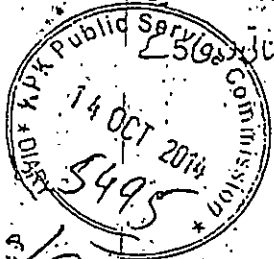
(1) ایک سال قبل عاقب اللہ نے مورخہ 30-06-2010 کو اسٹینڈ ڈسٹرکٹ آفیسر (ADO)، گرڈ 16، بجگہ تعلیم کیلئے

انٹرویو وغیرہ میں پاس ہو کر کل نمبرات 58 (انٹرویو 38 + دیگر 20) یعنی 58/38 نمبرات حاصل کئے۔

(درخواست ہڈا کے ساتھ لف صفحہ نمبر 24، سیریل نمبر 281 ملاحظہ کریں)

مگر تینوں مسئلہ علیہم کی پبلک سروس کمیشن کے ساتھ باہمی بھگت اور ساز باز کے نتیجے میں مسائل کی تعیناتی (59) کے

کوٹہ میں نہ ہو سکی۔



(2) ایشوار 05/2009 میں A.D.O کی کل 241 اسائیز کی تفصیل درج ذیل ہے۔۔۔

Merit=61, Zone 1=40, Zone 2=40, Zone 3=40, Zone 4=30, Zone 5=30

(درخواست ہڈا کے ساتھ لف صفحہ نمبر 29 اور صفحہ نمبر 30 ملاحظہ کریں)

محمد اقبال  
Fullal

(3) حیران کن طور پر زون 5 کے رہائشی صرف اور صرف اٹھائیس (28) امیدواران تعینات کئے گئے۔ 14-10-2014

محمد اقبال

- (4) یہ کہ تینوں مسؤل علیہم نے بھرتی کیلئے "بھرتی فارم" کے ساتھ اپنا ذریعہ سائنس جو کہ ریکارڈ کے لحاظ سے زون 3 کا ہے ہے پیش کیا تھا۔ لیکن زانی مناد کی خاطر غلط بیانی کرتے ہوئے "بھرتی فارم" میں اپنے آپ کو زون 5 کے رہائشی ظاہر کیا۔
- (5) پبلک سروس کمیشن نے تینوں مسؤل علیہم کے ذریعہ سائنس ڈیکھنے کے باوجود "بھرتی فارم" میں لکھے گئے زون 5 پر کوئی اعتراض نہ کیا تا کہ تینوں مسؤل علیہم کی تعیناتی زون 5 کے کوڈ میں ہو سکے۔
- (6) تینوں مسؤل علیہم اور پبلک سروس کمیشن کا یہ نسل مسائل سمیت دیگر باسیان زون 5 کی شدید حق تلفی کا باعث بنا ہے۔
- (7) مسؤل علیہ نمبر 3 سر فراز خان کے کل حاصل کردہ نمبر 59 (انٹرویو 35 + دیگر 24) یعنی 59/35 ہیں۔ اگر مسؤل علیہ نمبر 3 سر فراز خان کو زون 5 کے کوڈ سے نکال دیا جائے تو کم نمبروں کی وجہ سے زون 3 کے کوڈ میں اس کی تعیناتی نہیں ہو سکتی اور وہ فارغ ہو جائے گا۔
- (8) تینوں مسؤل علیہم اور پبلک سروس کمیشن کے خلاف ایک مقدمہ W.P.No.357/11 عنوان "جہانزیب خان بنام پبلک سروس کمیشن" پشاور ہائی کورٹ ایٹ آباد شیخ میں زیر سماعت ہے جس کی آئندہ سماعت مورخہ 11-11-2014 مقرر ہے۔ (درخواست خذا کے ساتھ لف صفحہ نمبر 13 تا صفحہ نمبر 19 اور صفحہ نمبر 28 ملاحظہ کریں)
- (9) سائل ثناء تب اللہ کی C.M.No.42-A /12 بوساطت محمد شعیب خان ایڈووکیٹ مورخہ 25-04-2013 ہے۔ (درخواست خذا کے ساتھ لف صفحہ نمبر 05 تا صفحہ نمبر 08 ملاحظہ کریں) مندرجہ بالا مقدمہ میں منظور شدہ ہے۔
- (10) سائل کی C.M. No. 42-A /12 ہائی کورٹ کی مورخہ 25-04-2013 کی آرڈر شیٹ کے ذریعے مذکورہ بالا مقدمے کا حصہ ہے۔ (درخواست خذا کے ساتھ لف صفحہ نمبر 08 ملاحظہ کریں)
- (11) سائل مورخہ 25-04-2013 سے مذکورہ مقدمہ W.P.No.357/11 میں مدعا علیہ نمبر 12 پر موجود ہے۔ (درخواست خذا کے ساتھ لف صفحہ نمبر 13، سیریل نمبر 12 ملاحظہ کریں)
- (12) مسؤل علیہ نمبر 01 شفیق الرحمن اور مسؤل علیہ نمبر 02 عمرا حمل نے مذکورہ مقدمہ W.P.No.357/11 میں بیان حلفیوں دی ہیں کہ وہ اپر تادل زون 3 کے رہائشی ہیں۔ بیان حلفیوں اس درخواست کے ساتھ لف ہیں۔ (درخواست خذا کے ساتھ لف صفحہ نمبر 01، صفحہ نمبر 02 اور صفحہ نمبر 03، صفحہ نمبر 04 ملاحظہ کریں)
- (13) مندرجہ بالا مقدمہ کے مورخہ 25-09-2014 کے آرڈر شیٹ میں اسٹنٹ ایڈووکیٹ جنرل نعیم عباسی کو ہائی کورٹ کی جانب سے ہدایت کی گئی ہے کہ وہ مسؤل علیہ نمبر 01 اور مسؤل علیہ نمبر 02 کی بیان حلفیوں پبلک سروس کمیشن کو ارسال کرنے تا کہ کمیشن ان تینوں مسؤل علیہم کو زون 5 کے کوڈ سے نکال دے۔ (درخواست خذا کے ساتھ لف صفحہ نمبر 12 ملاحظہ کریں)

14-10-14

Handwritten signature

14) زون 5 کا آخری منتخب شدہ امیدوار رب نواز ولد گل داد خان، میریل نمبر 279، حاصل کردہ نمبر 58/38، تاریخ پیدائش 15-04-1973 ہے۔

(درخواست خدا کے ساتھ لف صفحہ نمبر 20، میریل نمبر 09 اور صفحہ نمبر 24، میریل نمبر 279 ملاحظہ کریں)

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15) سائل زون 5 کی میرٹ لسٹ میں باقی ماندہ امیدواران میں "Top of the List" ہے، یعنی سائل، میریل نمبر 281، حاصل کردہ نمبر 58/38، تاریخ پیدائش 14-04-1974 ہے۔

(درخواست خدا کے ساتھ لف صفحہ نمبر 24، میریل نمبر 281 ملاحظہ کریں)

16) چونکہ سائل زون 5 کی میرٹ لسٹ میں باقی ماندہ امیدواران میں "Top of the List" ہے، اسلئے اگر ان تینوں

مسئول علیہم کو زون 5 کے گوشہ سے نکال دیا جائے تو سائل کی تعیناتی ADO کی پوسٹ پر ہو جائے گی۔

17) اگر درخواست خدا پر پندرہ (15) دنوں تک کوئی عمل نہ کیا گیا تو سائل تینوں مسئول علیہم کے علاوہ پبلک سروس کمیشن کے

خلاف بھی اپنی کرپشن اور صوبائی تختہ کو درخواستیں دینے پر مجبور ہو جائے گا۔

لہذا استدعا ہے کہ مندرجہ بالا حقائق کو مد نظر رکھتے ہوئے پبلک سروس کمیشن، ڈائریکٹوریٹ آف ایلیمنٹری اینڈ ایگزیکٹو سروسز، خیبر پختونخوا پشاور کو تینوں مسئول علیہم کی پیشگی "Recommendation" واپس لے لے۔ اور تینوں مسئول علیہم کی جگہ میرٹ لسٹ سے سائل سمیت زون 5 کے رہائشیان کی تعیناتی کی جائے اور ظلم کے مرتکب ذمہ داروں کو تدارقہ سزا دی جائے۔

الرقوم: 14-10-2014

*Abdul Fattah*

ثاقب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکنہ محلہ تینوال بالا، بھدہ ٹاؤن، ڈاکخانہ بھدہ، تحصیل دسملہ ماہرہ

شناختی کارڈ نمبر: 9-0383006-03503

سومائل نمبر 0345-9544498، 0300-5633356



*Atiq*



جناب چیئرمین پبلک سروس کمیشن جی پورہ چٹوڑو ایشیا اور

15

تاقب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکن محلہ تھوال بالا، بھہ ٹاؤن، ڈاکخانہ بھہ، تحصیل ولسلہ ضلع مانسہرہ

موبائل نمبر: 0300-5633356, 0345-9544498

15

بنام

سید محمود الحسن ولد سید سرور شاہ، ساکن ٹھکانہ آبادہ زون 5



ADO کی میرٹ لسٹ میں مسئول علیہ کے نام کی میرٹ آرڈر نمبر 211 اور میرٹ

عنوان

آرڈر نمبر 276 پر یعنی دو دفعہ موجودگی۔

جناب عالی! درخواست عرض ذیل ہے۔

(1) یہ کہ سائل تاقب اللہ نے مورخہ 30-06-2010 کو اسٹنٹ ڈسٹرکٹ آفیسر (ADO)، گریڈ-16، محکمہ تعلیم کے لئے انٹرویو وغیرہ میں پاس ہو کر کل نمبرات 58 (انٹرویو 38 + دیگر 20) یعنی 58/38 نمبر حاصل کئے۔

مگر مسئول علیہ کی میرٹ لسٹ میں دو دفعہ موجودگی سے سائل کی تہناتی نہ ہوگی۔

(2) اشتہار 05/2009 میں A.D.O کی کل 1241 جگہوں کی تفصیل درج ذیل ہے۔

Merit=61; Zone 1=40, Zone 2=40, Zone 3=40, Zone 4=30, Zone 5=30

(درخواست ملذا کے ساتھ لف صفحہ نمبر 1 اور صفحہ نمبر 2 ملاحظہ کریں)

(3) زون 5 کا آخری منتخب شدہ امیدوار رب نواز ولد گل داد خان، میرٹ نمبر 279، حاصل کردہ نمبر 58/38،

تاریخ پیدائش 15-04-1973 ہے۔

سید بلال حسین  
27-10-2014

(Signature)

19

(4) مسائل زدوں 5 کی میرٹ لسٹ میں باقی ماندہ امیدواران میں "Top of the List" ہے۔ یعنی ساگر  
میرٹ نمبر 281، حاصل کردہ نمبر 58/38 تاریخ پیدائش 14-04-1974 ہے۔

(5) یہ کہ A.D.O کی میرٹ لسٹ میں سید محمود الحسن ولد سید سرور شاہ، ساکنہ ایبٹ آباد، زون 5 کا نام  
میرٹ آرڈر نمبر 211 پر بھی موجود ہے اور میرٹ آرڈر نمبر 276 پر بھی موجود ہے۔

21

(6) چونکہ مسائل زدوں 5 کی میرٹ لسٹ میں باقی ماندہ امیدواران میں "Top of the List" اس لئے  
سید محمود الحسن ولد سید سرور شاہ کا نام میرٹ آرڈر میں دو دفعہ کے بجائے ایک دفعہ لکھنے سے مسائل کی تعیناتی ADO  
کی پوسٹ پر یقینی طور پر ہو جائے گی۔

لہذا استدعا ہے کہ سید محمود الحسن ولد سید سرور شاہ کا نام میرٹ لسٹ میں دو دفعہ کے بجائے ایک دفعہ لکھ کر مسائل  
ثاقب اللہ کی تعیناتی ADO کی پوسٹ پر کی جائے۔

الرقوم: 27-10-2014

ثاقب اللہ

ثاقب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکنہ محلہ تتوال بالا، بٹہ ٹاؤن، ڈاکخانہ بٹہ، تحصیل وچ، ضلع ہارسہ

شناختی کارڈ نمبر: 9-0383006-13503

موبائل نمبر: 0345-9544498, 0300-5633356



Attest  
to



KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

OFFICE ORDER

The Competent Authority is pleased to constitute a Committee comprising of the following officers of the Khyber Pakhtunkhwa Public Service Commission to probe into alleged irregularities committed in the recruitment of Assistant District Officer (Male) (BPS-16) advertised vide Advertisement No. 05/2009:-

S#	Name	Designation
1.	Prof. Dr. Sarah Safdar	Member-I.
2.	Prof. Dr. Muhammad Farooq Swali	Member-VII
3.	Mr. Ghulam Dastagir Ahmad	Director Recruitment

TORs of the Committee are as under:-

(I) To examine the complaint of Mr. Saqibullah (Complainant) regarding recommendations of three candidates against the post of Assistant Director (Male) (BPS-16) Advertisement No. 05/2009.

(II) Summon all the three candidates/recommendee's along with the complainant and hear/interrogate them in detail.

(III) To probe into the alleged involvement of three candidates with Commissions staff and fix responsibility of making wrong recommendations by the Commission's staff, if any.

(IV) To examine the fact as to whether after a lapse of about four years, the Commission can entertain such applications / complaints and make re-allocation in the subject and recommend other candidates from the list or otherwise.

2. If answer to point IV of TORs are in affirmative, then make reallocation in subject and if there is no fault on the part of candidate, they may be adjusted against the posts reserved for Zone-III; wrongly recommended to the Government for appointment against the seats reserved for Zone-V. Moreover, fresh allocation/ recommendations of candidates belonging to Zone-III and V be made accordingly.

3. The Committee shall submit its report before 15<sup>th</sup> April 2015.

Sd/-  
CHAIRMAN  
PSC

No. KP/PSC/Admn/GF-319/

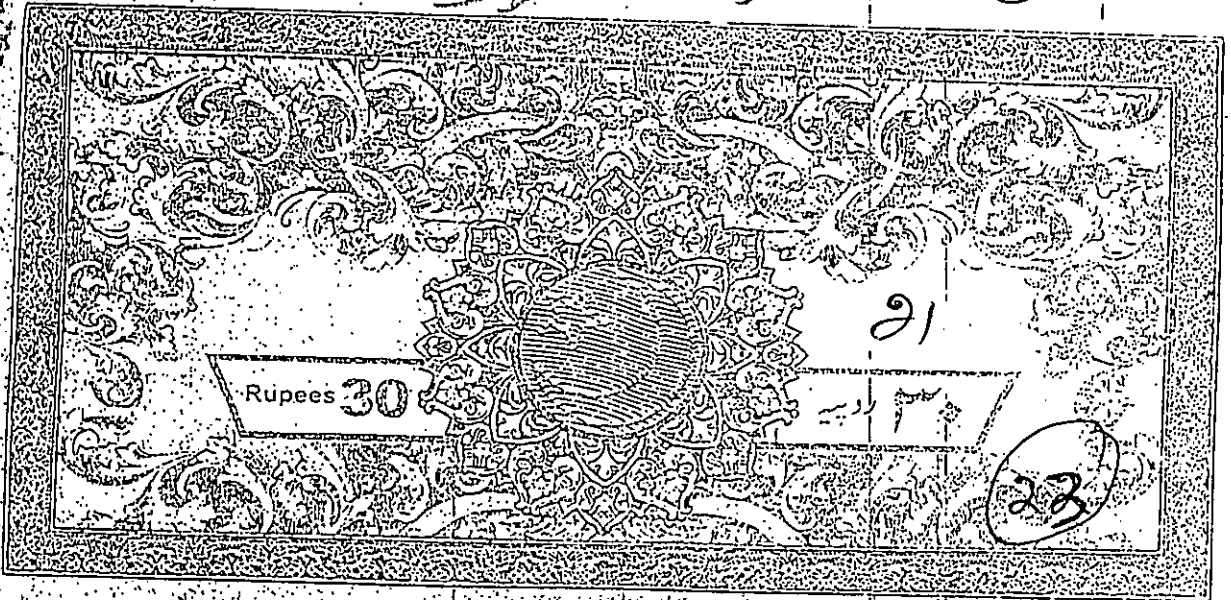
012440-45

Dated: 10/03/2015

Copy to:-

- 1. PS to Chairman, Khyber Pakhtunkhwa PSC.
- 2. PS to Member-I, Khyber Pakhtunkhwa PSC.
- 3. PS to Member-VII, Khyber Pakhtunkhwa PSC.
- 4. Director Recruitment, Khyber Pakhtunkhwa PSC.
- 5. Secretary, Government of Khyber Pakhtunkhwa.
- 6. Other officers as may be required.

*Handwritten signature and initials*

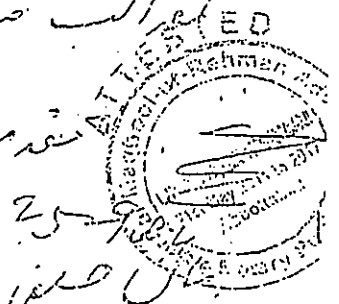


دو قلم اسناد مالتی 30/2 - 30/6 روپے

ANNEX - D

محکمات حساب سیکرٹری کی کورٹ ایٹ آباد سچ

سیریل نمبر CM 357  
2011



سید محمد افضل ولد جمال الدین ساکن عمیل، ڈاکھانہ

پتھر گڑھ تحصیل اوکاڑہ ضلع مانیرہ۔ صرفاً بیانی پر یہ کہ

(1) یہ کہ اگر کوئی رقم مطالبہ ڈویژنل ضلع مانیرہ عہدہ ایئر سٹاؤل سے

کیا کہ درست ہے! (2) ایسے زونل ایئر کیشن کے متعلق پہلے سروس کیشن سے

ظہر پر عہدہ کر سکتا ہے

(3) یہ کہ اگر سٹیپنڈیو کے مطابق ADO کے کل = 241

پہ سٹیپنڈیوں سے مرث = 161 زون 3 = 40 و زون 5 = 30

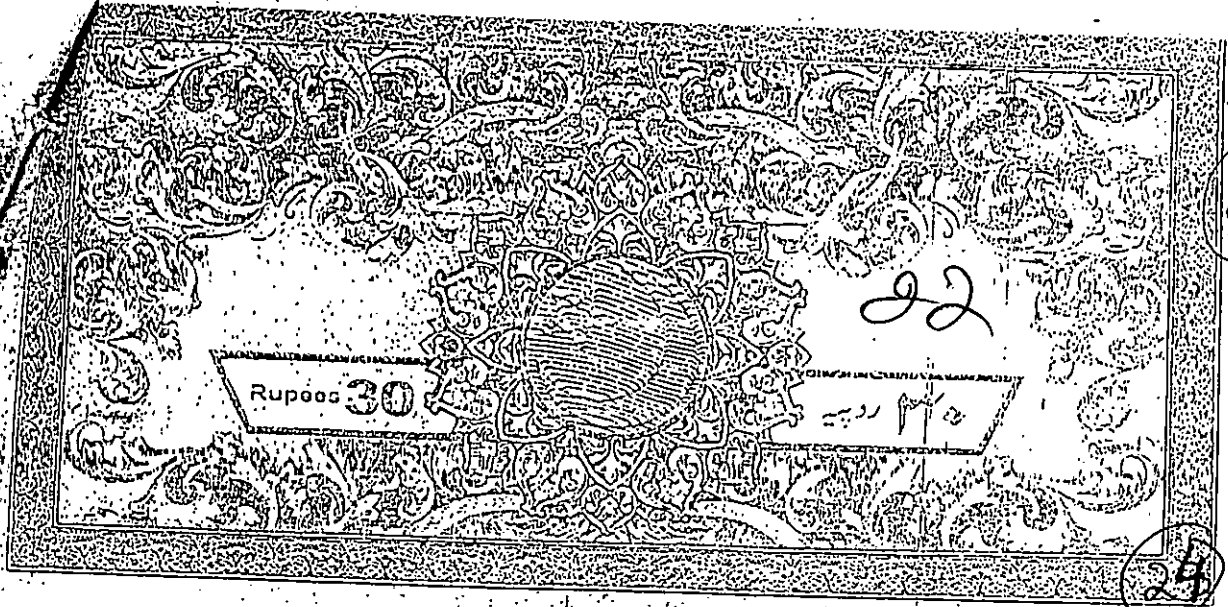
دی گئی تھیں۔ یہ کہ ضلع سٹیپنڈی کے مطابق مرث سٹیپنڈی

نمبر 30 ہے جس میں سٹیپنڈی کا معاملہ زون 3 = 40 اور زون

5 کا کیا ہے۔ اس سٹیپنڈی کے مطابق من قدر سے پہلے زون

NI 11111

1977

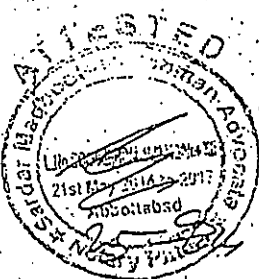


(2) ۱  
 ۳ کے ۶ اور زون ۵ کے ۶ افراد منتخب ہوئے ہیں۔  
 ۲ کے ۳ اور زون ۳ کے ۳ افراد منتخب ہوئے ہیں۔  
 والا فرد ضیاء الرحمن نے  $\frac{56}{35}$  نمبر حاصل کیے اور زون ۱ کے  
 محمود الحسن نے  $\frac{58}{38}$  نمبر حاصل کیے۔

(4) یہ تمام سروے ٹریٹ لیٹ سے متعلق اوپن ٹریٹ میں ہیں۔  
 اور اسکے علاوہ سروس زون ۳ و ۵ جی میں ہیں۔  
 جائے سے متعلق منتخب ہوں۔

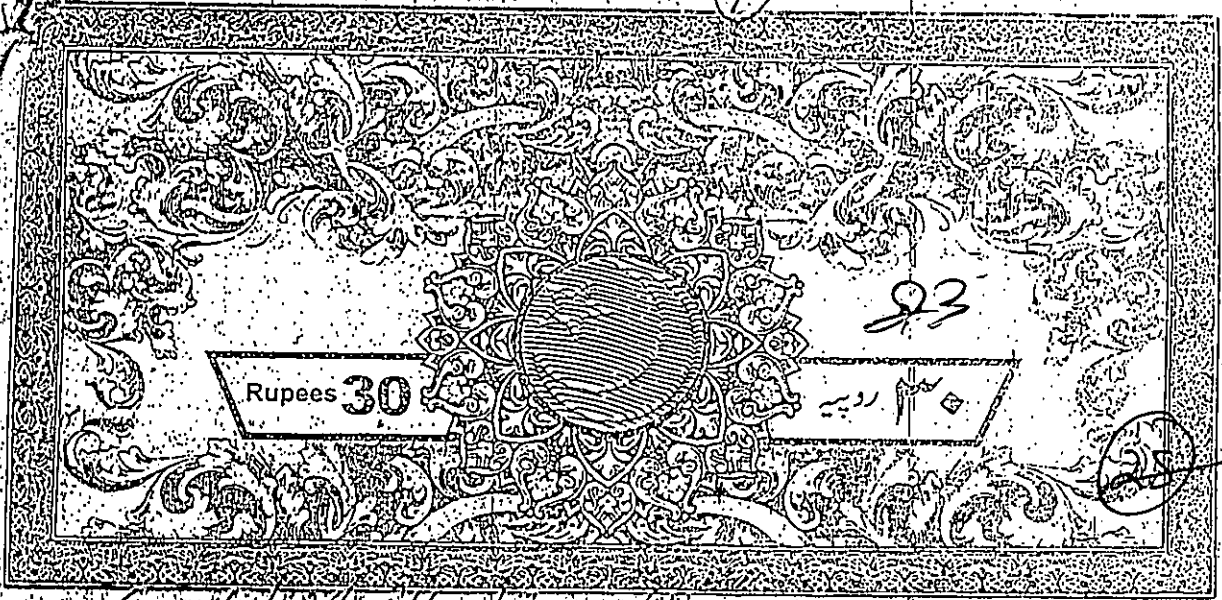
حلقہ سرگودھا بیان صفحہ درست اور صحیح ہے۔  
 بیان صحیح ہے۔  
 ۲۵/۵  
 ۱۹

13504-9212536-7



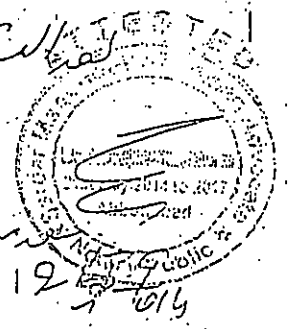
محمد احمل سندھو

Attestation of Accounts  
 Attested by the Chairman, Accounts  
 Date: 21/05/2016  
 Serial No: 13504-9212536-7  
 Fee Received: Rs. 2000/-  
 Sign:



دو دنہ ماہنامہ "آباد" کے

گورنمنٹ جناب سجاد پاشا کورٹ ایٹ آباد بیچ ایٹ آباد  
چانریب خان بنام بینک سروس کمپنی



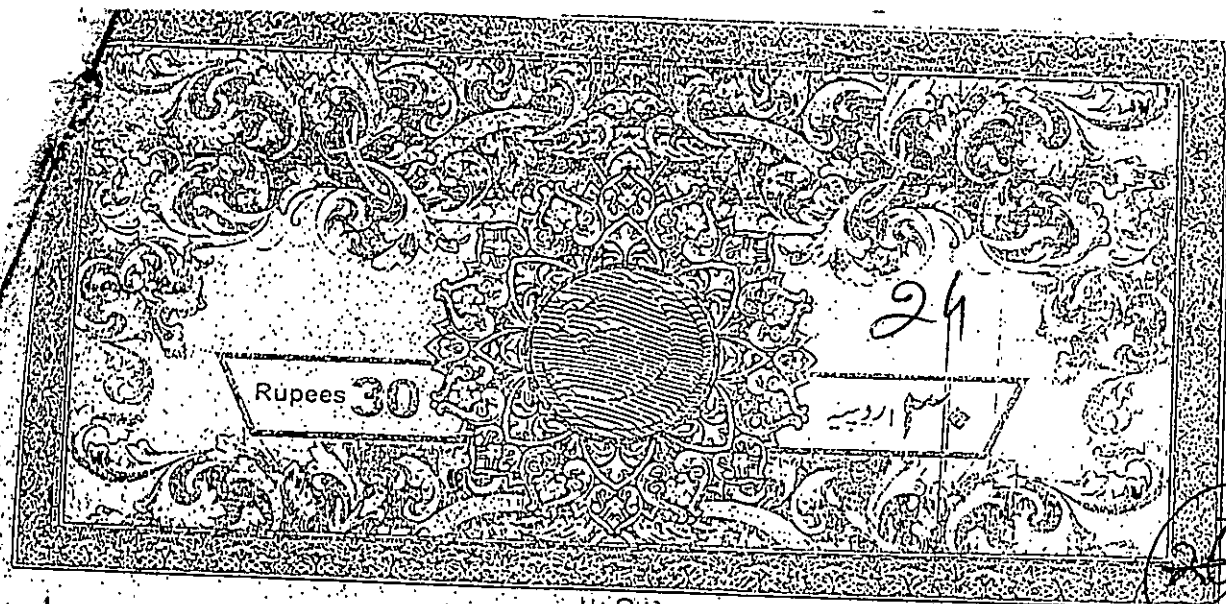
357/- 3 سیریل نمبر  
2011 19

بیان حلقہ: محمد شفیع الرحمان ولد عبد الرحمان ساکن سوہانڈ خورد  
P.O. ساں نور قبیل ضلع مانیرہ. حلقہ نمبر 101 پورن کہ مقدمہ نمبر 101  
یہ (1) جو ایڈریس میں قدر کا لکھا گیا ہے وہ درست ہے اور ڈومیسائل  
میں ایسی نہ ملے کہ ایڈریس متبادل ضلع مانیرہ کا ہے۔

(2) البتہ ڈونل ایلو کیٹی کے متعلق بینک سروس کمپنی ضمانت سیز لٹور  
پر کر سکتا ہے۔

(3) یہ کہ رہنما رہنبر  $\frac{5}{2009}$  کے مطابق ADDs کی کل = 241 پوسٹوں  
میں سے حدیث = 61 زون 3 = 40 و زون 5 = 30 دہائی ٹی ٹی  
سائل کی سلیکشن مطابق حدیث لیٹ سیریل نمبر 54 پر ہے جس  
میں من قدر کے حاصل کردہ نہرات  $\frac{64}{40}$  اور زون 5 لکھا گیا ہے۔  
اس حدیث لیٹ کے مطابق من سائل سے پے زون 3 کے 10 اور زون  
کے 5 افراد منتخب ہوئے ہیں۔ مزید یہ کہ اس حدیث لیٹ کے

(P # 2 Cont) 10/11/11



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Handwritten mark in a circle, possibly a signature or initials.

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(2)

مطابق فیصلہ سے زون 3 میں آپ فری ٹینٹ پیونے والا فرد ہے اور  
نہ 56 پر حاصل کیا اور زون 5 کے محمود الحسن نے 58 پر حاصل کیے  
35  
یہ کہ سرور کے مرثیت سے من مائل اور من صریح میں من آتا ہے اور  
ایک علاوہ سرور زون 3 میں من مائل شمار کیا جائے گی من صریح  
کے مطابق ٹینٹ پیونے۔

بعد طرہت مال بیان صلہ عدا درست اور صحیح ہے۔  
ان صلہ کے لئے اس کے لئے ہے۔ اس کے لئے 5/14

13503-0623012-3

شفیق الرحمن مدنی



Abdul Hamid Khan  
Position: Member Council of Abbottabad.  
L.No. 15/2012  
Received on: 20/05/2012  
Serial No. 15  
Fee Received Rs. 15  
Sign. [Signature]

Handwritten signature or mark at the bottom left.

Muhammad Shaleh

(27)

(25)

-01

How long you have been serving in the Commission  
Which post did you join initially and what post  
you were promoted subsequently?  
Referring to 2010-ADO's interviews which post  
you were working, in ~~what~~ capacity and in

What were your responsibilities as Computer D,  
- Where did you get/enter <sup>all</sup> the information from, while  
making the D/Sheets? details

Which place did you normally sit in to enter  
Office whole data in Mr. Masood's Office,  
where the Computer was placed?

How long did you work in Mr. Masood's office  
preparing eligibility details, D/Sheets and the  
at the end?

Aliya



28

28

پسندیدہ پوسٹل آفیسر سے 2005ء میں نامزد کیا گیا۔  
 P.S. میں بحیثیت جوئر ٹولز آفیسر۔ بعد میں سٹیٹ ٹولز آفیسر کے طور پر  
 سٹیٹ میں نامزد کیا گیا۔ اور اس کے بعد اسٹینڈرڈ میٹریل جوڈرٹ آفیسر کے طور پر

پسندیدہ پوسٹل آفیسر سے 2005ء میں نامزد کیا گیا۔  
 P.S. میں بحیثیت جوئر ٹولز آفیسر۔ بعد میں سٹیٹ ٹولز آفیسر کے طور پر  
 سٹیٹ میں نامزد کیا گیا۔ اور اس کے بعد اسٹینڈرڈ میٹریل جوڈرٹ آفیسر کے طور پر

پسندیدہ پوسٹل آفیسر سے 2005ء میں نامزد کیا گیا۔  
 P.S. میں بحیثیت جوئر ٹولز آفیسر۔ بعد میں سٹیٹ ٹولز آفیسر کے طور پر  
 سٹیٹ میں نامزد کیا گیا۔ اور اس کے بعد اسٹینڈرڈ میٹریل جوڈرٹ آفیسر کے طور پر

پسندیدہ پوسٹل آفیسر سے 2005ء میں نامزد کیا گیا۔  
 P.S. میں بحیثیت جوئر ٹولز آفیسر۔ بعد میں سٹیٹ ٹولز آفیسر کے طور پر  
 سٹیٹ میں نامزد کیا گیا۔ اور اس کے بعد اسٹینڈرڈ میٹریل جوڈرٹ آفیسر کے طور پر

پسندیدہ پوسٹل آفیسر سے 2005ء میں نامزد کیا گیا۔  
 P.S. میں بحیثیت جوئر ٹولز آفیسر۔ بعد میں سٹیٹ ٹولز آفیسر کے طور پر  
 سٹیٹ میں نامزد کیا گیا۔ اور اس کے بعد اسٹینڈرڈ میٹریل جوڈرٹ آفیسر کے طور پر

پسندیدہ پوسٹل آفیسر سے 2005ء میں نامزد کیا گیا۔  
 P.S. میں بحیثیت جوئر ٹولز آفیسر۔ بعد میں سٹیٹ ٹولز آفیسر کے طور پر  
 سٹیٹ میں نامزد کیا گیا۔ اور اس کے بعد اسٹینڈرڈ میٹریل جوڈرٹ آفیسر کے طور پر

6/4/15

Ally

x Muhammad Shaha

29

27

11

11

Did you carefully and correctly transfer the data from the application forms as checked and rechecked it? Saves

Do you agree that computer prints the ~~data~~ <sup>data</sup> as it ~~is~~ <sup>is</sup> entered in it? in the same format

3. How it comes that ~~these~~ <sup>these</sup> candidates have written ~~in~~ <sup>their</sup> Zone-3, but it is found ~~at~~ <sup>that</sup> in the D/Sheet A sheet and result sheet Zone-3 has been ~~of~~ <sup>of</sup> Zone-5? (Candidates were: Mr. Shafiqul Mr. Surfaraz and Mr. Ajmal).

4. What was the normal procedure in preparing the result and who normally would check it?

5. Whenever Mr. Rustom would return the document checking, did he normally suggest corrections?

When he would return the document after correction, did you normally ~~confirm~~ <sup>confirm</sup> the correction with application form? recheck

Alfa

فردمانی سے فرڈ کی لڑائی تھی (30) صحیح لہجے اور ای جینڈ میں لائی

اگر میں فرڈ سے لڑتا ہوں تو جینڈ لیلے دیا ہے تو جینڈ

جینڈ میں جینڈ آؤٹ ہو گا۔ اس میں کوئی رد و بدل نہیں ہوگی

جینڈ میں جینڈ آؤٹ ہو گا۔ اس میں کوئی رد و بدل نہیں ہوگی

اسے زون 3 کی جینڈ آؤٹ آگیا ہے اور میں جینڈ میں جینڈ

جینڈ آؤٹ آگیا اور وہ اس میں جینڈ آؤٹ آگیا ہے

جینڈ میں جینڈ آؤٹ آگیا ہے اور وہ اس میں جینڈ آؤٹ آگیا ہے

جینڈ میں جینڈ آؤٹ آگیا ہے اور وہ اس میں جینڈ آؤٹ آگیا ہے

جینڈ میں جینڈ آؤٹ آگیا ہے اور وہ اس میں جینڈ آؤٹ آگیا ہے

جینڈ میں جینڈ آؤٹ آگیا ہے اور وہ اس میں جینڈ آؤٹ آگیا ہے

جینڈ میں جینڈ آؤٹ آگیا ہے اور وہ اس میں جینڈ آؤٹ آگیا ہے

جینڈ میں جینڈ آؤٹ آگیا ہے اور وہ اس میں جینڈ آؤٹ آگیا ہے

Handwritten signature or mark at the bottom of the page.

Muhammed Shab

(29) (30) (31) (32) (33) (34)

When the D/Sheets were used twice, if yes then why when you gave the print for the second time were there any changes incorporated into the D/Sheet

- 3. Who prepared the result, where and whose presence
- 4. Where did you get the result from for preparation merit list?
- 5. Was the result fair?
- 6. How it happened that Mr. Mahmoodul Hasan's result were prepared twice?
- 7. Who checked the result?
- 8. When you both checked the result, how the drafting
- 9. Mr. Sajib, the petitioner, used to see Mr. Masood before interview at the Commission, have you the Mr. Sajib?

Atte

Exp A سے تھا۔ آمد آمد میں یہ معلقہ لیا گیا۔  
Exp B سے تھا۔ آمد آمد میں یہ معلقہ لیا گیا۔  
Exp C سے تھا۔ آمد آمد میں یہ معلقہ لیا گیا۔  
Exp D سے تھا۔ آمد آمد میں یہ معلقہ لیا گیا۔  
Exp E سے تھا۔ آمد آمد میں یہ معلقہ لیا گیا۔

تو عزیز لگاؤ سلیپر کا برنٹ اور دوبارہ ادا تھا۔  
39

وہ الٹو کرتے وقت اس میں کوئی change نہیں ہوئے۔

اس میں یہ معلقہ سلیپر کے چھوٹے لکڑے میں بنا تھا۔

اس میں نے عزیز لگاؤ سلیپر شپ سے بنا تھا۔ صحیح رزلٹ تھا۔

یہ لکڑے کا انگریزی دو دفعہ ہوا ہے اس بار میں نے لگاؤ سلیپر

لکڑے میں دو دفعہ امر لگاؤ سلیپر اس بار میں نے لگاؤ سلیپر

رزلٹ چھوٹے وقت نام ترتیب سے نہیں تھے تیسرے ہیں چھوٹے۔

سورہ چھوٹے جہاں آئے تھے آمد اس میں Candidates بھی چھوٹے تھے

نیا کو میں نہیں جانتا ہوں۔ آمد اس لکڑے میں چھوٹے جہاں سورہ

آرتھ تھا۔ اسٹریڈ لگاؤ سلیپر Candidates سورہ چھوٹے لکڑے میں

تھے چھوٹے رزلٹ چھوٹے جہاں آئے تھے۔ تو اس وقت لکڑے میں کوئی نہیں

رزلٹ میں آمد سورہ چھوٹے جہاں آئے تھے۔

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Muhammad Saqib

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14

Do you know that Mr. Saqib handed over a 1/2 degree to Mr. Mesood Zaman?

You have completed ten years here, do you know some employees here who accepted bribes from the candidates?

What could be the possible reason that Mr. Zaman relied more than the Assistant Superintendent of the Section/Branch.

Your statement shows that any changes in the merit list, eligibility details and the result sheet, you were not aware involved in it?

Working as Computer Operator, if you did make any changes in these documents who then did it? Who is responsible for all these changes?

Algeed

مستور جلد کے ساتھ (34) میں کوئی علم نہیں تھا

میں سے آگے ہے۔ کہ PS میں لوگ دیکھتے ہیں

اگر آپ میں خود ایسی قابلیت نہ تو آپ

مستور جلد کو تہہ ہوگا کہ اسے شہداء اعتماد لیوں لیا تھا کہ سارا

میں اس بات کی گواہی دینا ہوں کہ ایئر ڈیو کا عدالت اسڈنٹ شہداء  
ڈیو اسڈنٹ شہداء میں سے کوئی تسلیم نہیں کی ہے

تسلیم کا ذمہ دار ہے

ایئر ڈیو کا عدالت میں تسلیم کا ذمہ دار میں نہیں ہوں جو تمام  
شہداء اسٹم جہد دینا تھا وہ میں کرنا تھا۔ مستور جلد میں کوئی  
ہی ہے

5/4/15

محمد شہد

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سوالد بردہ مشفق الرحمن سہزادہ اہل (38) (33)

آپ کسی عہدہ پر ترقی ہوئے اور آپ کس عہدہ پر کام کر رہے ہیں؟

آپ کا تعلق کس زون سے ہے؟  
آپ نے application میں کونسا زون لکھا / mention کیا تھا۔

جب آپ کی سہلیکشن زون جی کے جگہ 5 پر ہوئی تو آپ لوگوں کے کوئی اعتراض کون ہیں کیا؟

آپ کو کچھ معلوم ہوا کہ آپ کی سہلیکشن غلط زون پر ہوئی ہے؟

کیا آپ Petitioners نام اللہ اور چائزب کو جانتے ہیں!

کیا آپ بھارت دفتر میں کسی بندے کو دائی طور پر مقرر ہے؟

کیا کسی نے آپ سے یہ کہا ہے کہ آپ لوگ (کوئی اور) کسی کے سامنے بہت نہیں؟

ATTESTED

Javed

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22-4-05

صرف

شراعت

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اس سے پہلے میں آڈیو اسٹیپ  
کسٹریکٹ ہوا تھا اور اب بطور ASDF کا

کرا رہا ہوں (پہلے عمل کھلیڑہہ چالیڑہہ)

2) میں نے اس سے تعلق رکھنے والے چالیڑہہ سے

3) اس میں بھی رڈن و درخواست کارم میں

میں رڈن و بی بی بھی تھا اور اس کے ساتھ  
ڈیہ سے مل بھی لگایا ہوا تھا

4) اس پر میں قویہ میں دے سکا  
(جہاں زب نام کے تحت ایک شخص نے عدالت

میں میں لگایا ہوا ہے اور اس کے لئے میں

اس بارے میں بہت عمل

5) عدالت زیادہ عدالت میں ان سے ملنے

پہلی تھی اس سے پہلے نہ تو تالیف اللہ سے

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03449532188

MSD

22/04/05

MSD

M. Ahmad ASDEO

MSD

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MSD

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27/4/15  
 (36) (38) (70) (98) (107) (112)

سین ADT/SET برقی جو! (MC) - ADECO (MC) کی اسٹاک کا نام اور فراہمی

تین لکھ سے زائد روپے - 3 سے 2

یہ دو لکھ نام میں دونوں کا نام تھا -

تیسرا نام ہے جسے میں نے نہیں دیکھا ہے۔ اس کا نام ہے / سہری  
 کیا اس دن کی میں اس کی عدالت سے اس کا نام دیکھ گیا ہے  
 یہ عدالت عدالت سے ہے جس کا نام ہے / عدالت سے  
 اس کا نام ہے / عدالت سے اس کا نام ہے / عدالت سے  
 عدالت سے

ماہنامہ اللہ اور قلم، جو اس سے جانتا ہوں تو وہ اس کا  
 نام نہ رکھتا تھا، شروع میں اس کا نام تو وہی ہے  
 اس کا نام ہے / عدالت سے اس کا نام ہے / عدالت سے  
 اس کا نام ہے / عدالت سے اس کا نام ہے / عدالت سے

MC SIX

سین کوئی - اس کا نام ہے / عدالت سے اس کا نام ہے / عدالت سے  
 اس کا نام ہے / عدالت سے اس کا نام ہے / عدالت سے

سین کوئی  
 1339 1817 2018

سین کوئی

اپریل 2013

عین الزمان

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(39)

(29)

(71)

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میں آج پوسٹ پر گھبرا ہوا تھا۔ اور ا۔ ریلور ASDEO کے نام سے ہے۔  
میں اسے خدمات کے نام سے رہا ہوں۔

میرا تعلق ریلوے اور عدالت کے ساتھ ہے۔

میں نے اسے درخواست نام میں بھی ریلوے ہی لکھا تھا۔

جب میرا appointment ہوئے تو اس میں ریلوے ہی لکھا تھا لیکن چونکہ میرا تعلق عدالت کا ہے تو میں یہ بھی لکھا تھا کہ میرے ریلوے کے نام سے ہے۔

مجھے اسے Selection کے عمل ریلوے میں ہونے کا یہ اس وقت خبر نہ تھی اور یہ سیکورٹ سروس ہے اس لیے آباد کی حالت سے مجھے کوئی مسئلہ نہ رہا۔ اور میں ہاؤسنگ کے نام سے اس نے میرا selection کر لیا تھا۔

مقامی طور پر اس نے جب اس کا Recommended کر دیا تو اس وقت سے حالت ہوئی۔ اور ہاؤسنگ کے نام سے اس نے میرا selection کر لیا۔ اس لیے اس نے اس کے نام سے اس کا selection کر لیا۔

کنوینشن

(38)

(40)

2015

اپریل 2015

(28)

(22)

(11)

شفیق الرحمان

(39)

(17)

آئی۔ اے۔ ایس۔ میں کمیشن آفس کے کسی بندے کو  
دائن طور پر نہیں جانتا۔

viii - - میں صاحب - مجھے کمیشن آفس سے کسی بھی بندے  
نے انکو آٹری کمیشن کے سامنے جانے سے منع نہیں کیا۔

20/4/15

شفیق الرحمان

Cell # 03449715865

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*Arshad E*

*31* *E*

ENQUIRY REPORT

Subject: - PRELIMINARY ENQUIRY TO PROBE INTO THE IRREGULARITIES COMMITTED IN MALE ASSISTANT DISTRICT OFFICERS (BPS-16)

*31*

*Arshad E*

The Chairman KP PSC constituted a committee comprising the following vide Office Order No. KP/ PSC/ Admn/GF-319/012440-45 dated 10.03.2015 (Annex-I): -

*E*

1. Prof. Dr Sarah Safdar Member-I, PSC.
2. Prof. Dr Muhammad Farooq Swati Member-VII, PSC.
3. Mr Ghulam Dastagir Ahmed Director Recruitment, PSC.

2. The Committee is required to examine the complaint of Mr Saqibullah (Complainant) regarding alleged wrong recommendations of three candidates from Zone-5 against the post of Male Assistant District Officer (BPS-16) to summon and hear all the three recommendees, to probe into the alleged involvement of the three candidates with Commissions staff and fix responsibility and to examine as to whether after a lapse of about four years, the Commission can entertain such applications/complaints and make reallocation and fresh recommendations or otherwise.

3. First meeting of the Committee was held on 11.03.2015. Syed Ilyas Shah Deputy Director II was asked to produce applications forms of the three candidates alongwith application of the complainant Mr Saqibullah and complete record of recruitment of ADO BPS-16 advertised in Advertisement No. 5/2009.

4. In the 2<sup>nd</sup> meeting of the Committee held on 16.03.2015, the applications of the three candidates namely Mr Muhammad Ajmal S/O Jamal ud Din, Mr Sarfaraz S/O Shahabud Din and Mr Shafiq ur Rehman S/O Abdur Rehman and other record were thoroughly checked and the Committee found the following: -

- i. In the applications forms / departmental permissions, all the three candidates have clearly mentioned their zone as "Zone-3" but in the descriptive sheets prepared by the concerned officer/ officials for interview, the zone of the three candidates has been reflected as Zone-5 (Annex-II, III, IV).
- ii. The applications of Mr Ajmal and Mr Sarfaraz were signed only by Mr Rustam Khan the then Superintendent and no orders of eligibility of the Member were obtained.
- iii. Application of Mr Shafiq ur Rehman is signed by Mr Amir Ilyas the then Assistant and Mr Masood Zaman the then Deputy

*Arshad E*

(16) (42) (8) (32) (40)

5. Next meeting of the Committee was held on 24.03.2015. Statement Mr Masood Zaman DS, Mr Rustam Khan the then Supdt, Mr Amir Ilyas the then dealing Assistant, Mr Muhammad Shahab the then Sr Clerk/ KPO, Mr Muhammad Sajjad Qureshi the then Supdt were recorded. Statement of the three recommendees were also recorded whereas Mr Saqib Ullah did not attend the enquiry proceedings.

STATEMENT OF MR MASOOD ZAMAN THE THEN DEPUTY SECRETARY:-

6. In his statement at Annex-VI, Mr Masood Zaman has stated that his job description is file work, scrutiny of applications, preparation of result and supervision of his Branches. Eligibility of candidates is done by the Assistant, then by the Supdts and is sent to the DS for onwards submission to Director/ Member. Descriptive sheet is prepared by the dealing Assistant. He submits the same to the Supdt. The Supdt submit the same for countersignature to the DS. No file move up without my signature except when I am on leave. On conclusion of interview, the Director or the DS takes the result from Member, makes the calculations, prepare the merit list and allocation is made as per vacancies. The result is signed from dealing Assistant to the Director.

7. During the interviews it was decided that experience may be counted from B.Ed and not BA. There were five panels of interview. The Members had directed that after conclusion of the running interviews, scrutiny may be carried out and the experience be counted after B.Ed. They prepared fresh descriptive sheets as per orders and were handed over to the Members concerned. Due to load of work, he could not sign every descriptive. Before conveying the result, the Chairman had constituted a checking committee. The committee had taken the result and all the original applications of selected candidates. After checking the same, the result and applications were returned.

8. The three candidates in question belonged to District Mansehra (UDA). They were inadvertently considered in Mansehra Zone-5, instead of Mansehra (UDA) Zone-3. The descriptive was not changed but only zone 5 was mistakenly recorded instead of Zone-3. As per orders of the Chairman that the DS concerned will prepare the result, therefore, I with the help of Mr Shahab computer operator prepared the result.

9. He stated that he knows Mr Saqib for the last 3-4 years. He met with Mr Saqib for the last time in the office of Director some 2-3 months ago. When I was DS and the result was prepared, he had given me a cheque of Rs. 750,000/- with the request to select him for the post. Photocopy of the said cheque is still with him for proving myself innocent. Mr Saqib had also offered him a Hotel at Abbottabad but he refused him. Mr Saqib had met with him through Mr Muhammad Sajjad Qureshi during the currency of interviews. He has not cashed the cheque till date because he does not takes bribe. The copy has been kept only for record.

*(Signature)*

(73) (4) (37) (41)  
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STATEMENT OF MR RUSTAM KHAN THE THEN SUPDT: (NOW RETIRED):-

10. In his statement at Annex-VIII, Mr Rustam Khan has stated that scrutiny of application forms is done by Assistant and is submitted to the Supdt and the process completes after approval of Member whereas descriptive sheet for interview is prepared by Assistant, checked by Supdt and rechecked and countersigned by the Deputy Secretary. We checked everything from application form and then signed the note. Descriptive Sheets of Mr Sarfaraz and Mr Ajmal bear my signature whereas descriptive sheet of Mr Shafiqur Rehman has been signed by Mr Amir Ilyas and Mr Masood Zaman. Experience was first taken from Bachelor Degree. When it was decided to take the experience from B.Ed, the descriptive sheets were prepared by Mr Shahab in the Office of Mr Masood Zaman DS. Mr Masood called him and told that Members are asking for revised descriptive. Please signed the descriptive. Therefore, Mr Shahab printed the descriptive and he signed the same. Some descriptive sheets were signed by Mr Masood alone, some descriptive sheets were given to me for signature, some to Mr Amir Ilyas and some descriptive sheets were unsigned. Result was prepared only by Mr Masood Zaman and Mr Shahab but was signed by Mr Masood and no one else were involved. The recommendations were also sent by Mr Masood. He stated on oath that he neither know the four candidates nor has even seen them.

STATEMENT OF MR AMIR ILYAS SUPDT: -

11. In his statement (Annex-VIII), Mr Muhammad Amir Ilyas the then Assistant has stated that he used to make scrutiny of applications and prepare the descriptive sheets and then submit the same to the Supdt who after checking submit the same to the DS. Submission of applications to panels was done by Mr Masood Zaman. He signed the descriptive sheets which he himself prepared. He has carefully mentioned the correct zones of candidates in descriptive. Though he has signed the revised descriptive sheet, but the applications were lying in the Office of Mr Masood Zaman therefore, he could not check the same with application. Eligibility is done by the Member through a channel. It is possible that approval of the authority in some cases has inadvertently not be obtained. He knows Mr Ajmal, Sarfaraz and Shafiq and does not know Mr Saqibullah. Result is prepared under supervision of Director and he himself sign it. Result has neither been prepared by him nor signed. They may be called so that the case becomes clear. During interviews, he was not pressurized by any Member/ Officer.

STATEMENT OF MR MUHAMMAD SAJJAD QUREHI SUPDT:-

12. In his statement at Annex- IX, Mr Muhammad Sajjad Supdt has stated that He knows Mr Saqibullah who was referred to him by Mr Majid Khan, a Headmaster at Mansehra. He had to enquire about interviews for the post of ADO, therefore, he was sent by someone else and he did not remember that he took him or sent him to the Office of Mr Masood Zaman DS. He does not know any dealing between Saqibullah and Mr Masood Zaman because neither he met him again nor Mr Masood.

Majid  
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(44) (42) (S) (34)

say something about him. He came to know about this thing about 02 months ago when the matter became known to most of the persons in the office that some dealing of cheque has taken place between Mr Masood and Mr. Saqibullah. As far as I remember, he did not receive call for interview. Mr. Masood should not take the cheque but he took the same and kept it with him.

STATEMENT OF MR MUHAMMAD SHAHAB ASSISTANT

13. Mr Muhammad Shahab Assistant Recruitment Wing has admitted in his statement at Annex-X that at that time he was Senior Clerk attached with Mr Masood Zaman and was typing descriptive of candidates for 05 panels of interview. The branch Assistant used to provide him application forms of the candidates and he prepared the same from application forms. He used to sit in the Office of Mr Masood Zaman DS and do the work. He had done all the entries after checking, and used to give the same printing without alteration. He used to make entries and gave the same to the Assistant / Supdt. who after checking return the same to him for correction or otherwise. He does not know that the wrong entry of the zone of Mr Shafiq, Sarfaraz and Ajmal was committed by him or the Supdt. / Assistant. Result was prepared by him from descriptive in the Office of Mr Masood Zaman which was correct. He does not know how a candidate was twice interviewed. Visitors used to come to the Office of DS including candidates but he does not know Mr Saqib. He also does not know about the cheque given by Mr Saqib to Mr Masood.

MR SAQIB ULLAH, CANDIDATE

14. Mr Saqib Ullah the complainant was issued a letter dated 03.04.2015 to attached the enquiry proceedings (Annex-Xii) and was telephonically contacted by Syed Ilyas Shah Deputy Director but he refused to come the Commission's Office. Another letter dated 24.04.2015 was issued was issued to Mr Saqib to attend the enquiry proceedings on 17.04.2015 (Annex-Xiii) but he again refused to attend the proceedings. After that on several occasions it was tried to contact him telephonically but his phone was powered off.

STATEMENTS OF MR SARFARAZ KHAN, MR SHAFIQR REHMAN AND MR MUHAMMAD AJMAL

15. Mr Sarfaraz Khan, Mr Shafiq ure Rehman and Mr Muhammad Ajmal were also called for personal hearing on 22.04.2015. Their statement were recorded (Annex-Xiii XIV & XV). According to their statement no fault lied on their part as they had clearly mentioned their zones (Zone-3) in their applications. They did not conceal anything from

Saqib

(45) (43) (16) (35)

FINDINGS:-

16. From the foregoing the enquiry committee came to the following conclusion: -

- i) A number of gross irregularities have been committed by the staff upto the DS in the process of selection of candidates for the posts of ADOs BPS-16 in Elementary and Secondary Education Department, All of them know the legal procedures as reflected in their statements but the procedures were not followed in this case for ulterior motives.
- ii) No care was taken into account in the eligibility of candidates. Candidates were made eligible for interview simply with the signature of the Dealing Assistant or Supdt or DS and approval of the competent authority i.e. Member was not obtained. Moreover, proper checking of zones of the three candidates namely Mr Sarfaraz, Mr Ajmal and Mr Shafiqur Rehman was not made for which Mr Masood Zaman DS, Mr Rustam Khan the then Supdt., Mr Amir Ilyas the then Assistant and Mr Muhammad Shahab the then KPO are equally responsible for the gross irregularities.
- iii) Due to the extremely careless attitude of the concerned staff, one candidate was twice interviewed and was twice recommended.
- iv) The acceptance of cheque amounting to Rs.750,000/- in bribe by Mr Masood Zaman Deputy Secretary from Mr Saqib in return of selecting him for the post of ADO has been proved beyond doubt.
- v) Though Mr Muhammad Sajjad Qureshi accepts that he took Mr Saqib to the Office Mr Masood Zaman for enquiry but it is not possible for a candidate to offer bribe directed to an unknown officer. There is an active role of Mr Muhammad Sajjad Qureshi in the offer of bribe by Mr Saqib to Mr Masood.
- vi) All the officers/ officials involved in this case also enjoy bad reputation in the Office.

RECOMMENDATIONS:-

17. The Committee, recommends that: -
- i) Mr Masood Zaman Deputy Secretary may be dismissed from service.
  - ii) Mr Amir Ilyas Superintendent, Mr Muhammad Sajjad Qureshi Supdt and Mr Muhammad Shahab Assistant may be removed from service. Show cause notices may be issued to the officials under Rule 5 (a) of the E&D Rules 2011.
- A. I. Q.

- 48      99      36
- iii) As Mr Rustam Khan the then Supdt; has now retired from service. In his case, opinion of the Establishment Department may be obtained as to what punitive actions can be taken against him after his retirement.
- iv) Mr Saqib Ullah may be disqualified from applying to the Commission for ever and his case be referred to the Elementary and Secondary Education Department for taking punitive action against him under the rules, No. 7407/100, 19.4.14.
- v) In pursuance of the Supreme Court Decision dated 19.4.14 (Annex-XXI) that if a candidate is mistakenly recommended by the Commission without any fault on his part then he will not be disturbed while proceedings will be initiated against the officials concerned. Since there is no fault on the part of the recommended candidates, namely Mr Shafiq ur Rehman, Mr Sarfaraz and Mr Ajmal Khan therefore, their recommendations may not be disturbed and the case of readjustment/ reallocation may not be processed after a lapse of almost five years of the recommendations.

(Ghulam Dastagir Ahmed)  
Director Recruitment  
Member of the I.C.

(Prof: Dr Muhammad Farooq Swati)  
Member PSC  
Member of the I.C.

(Prof: Dr Sarrah Safdar)  
Member PSC  
Chairperson of I.C.

*Aslam*

Annex - F

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Appeal No. 424 /2016

E.P.S. Tribunal  
Diary No. 396  
Dated 20/4/2016

Mr. Muhammad Sajjad Qureshi Ex-Superintendent  
KPK Public Service Commission, Peshawar.....Appellant

**VERSUS**

1. The Governor through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. The Secretary Establishment Govt: of Khyber Pakhtunkhwa Peshawar.
3. The Chairman Khyber Pakhtunkhwa Public Service Commission Peshawar.
4. The Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar

.....Respondents

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 READWITH RULE - 19 OF E&D RULES, 2011 AGAINST THE ORDER DATED 15.1.2016 WHEREBY THE PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED UPON THE APPELLANT AND AGAINST THE ORDER DATED 18.04.2016 WHEREBY THE REVIEW PETITION OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS**

Filed to  
Registrar 20.4.16

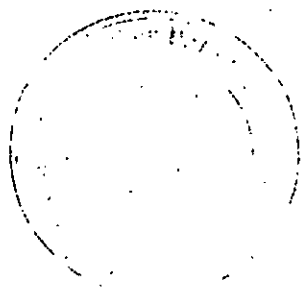
ATTESTED  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar

481 46

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

SERVICE APPEAL NO. 424/2016

Date of institution ... 20.04.2016  
Date of judgment ... 11.04.2017



Muhammad Sajjad Qureshi Ex-Superintendent,  
Khyber Pakhtunkhwa Public Service Commission, Peshawar.

... (Appellant)

VERSUS

1. The Governor through Chief Secretary Khyber Pakhtunkhwa.
2. Secretary Establishment Govt: of Khyber Pakhtunkhwa Peshawar.
3. The Chairman Khyber Pakhtunkhwa Public Service Commission Peshawar.
4. The Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar.

... (Respondents)

**ATTESTED**

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 READ WITH RULE-19 OF E&D RULES, 2011 AGAINST THE ORDER DATED 15.01.2016 WHEREBY THE PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED UPON THE APPELLANT AND AGAINST THE ORDER DATED 18.04.2016 WHEREBY THE REVIEW PETITION OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

Khyber Pakhtunkhwa Service Tribunal, Peshawar

Mr. Muhammad Asif Yousafzai, Advocate.  
Mr. Ziaullah, Government Pleader

.. For appellant.  
.. For respondents.

MR. AHMAD HASSAN  
MR. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (EXECUTIVE)  
.. MEMBER (JUDICIAL)

JUDGMENT

AHMAD HASSAN, MEMBER: Muhammad Sajjad Qureshi, Ex-Superintendent hereinafter referred to as appellant, through the instant appeal under section-4 of Khyber Pakhtunkhwa Service Tribunal Act 1974 read with Rule-19 of E&D Rules, 2011 against the order dated 15.01.2016 whereby penalty of removal from service was imposed upon him and against the order dated 18.04.2016, whereby review petition of the appellant was rejected, hence the instant service appeal on 20.04.2016.

2. Brief facts of the case giving rise to the instant appeal are that the appellant was appointed as Assistant in the Khyber Pakhtunkhwa Public Service Commission on 26.01.1996. Thereafter promoted to the post of Superintendent (BPS-17) in 2007. That the Public Service Commission advertized 241 posts of Assistant District Officer (ADO BPS-16) in Elementary and Secondary Education vide Advertisement No. 05/2009. Interviews for the said posts were

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held in 2010. Some complaints of irregularities were received and a fact finding inquiry was ordered to probe the issue and fix responsibility for lapses, if any. Result was declared and complainant was not selected due to low merit position. There-after disciplinary proceedings under Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules-2011 were initiated against the appellant, & others, which culminated in his removal from service. The appellant preferred departmental appeal, which was rejected on 18.04.2016, hence the instant service appeal.

3. Learned counsel for the appellant argued that after a lapse of about four years. in October 2014, Mr. Saqibullah, submitted two written complaints to the Chairman Khyber Pakhtunkhwa Public Service Commission on 14.10.2014 and 27.10.2014 pointing out some discrepancies in zonal allocation in the selection of ADOs. That the Chairman Public Service Commission (respondent No.3) constituted an inquiry committee to conduct a fact finding inquiry with well defined (TORs) to ascertain veracity of allegations leveled by the complainant and fixing responsibility for lapses, if any. Recommendations made by the enquiry committee were not in in-tandem with the assigned TORs and were without solid evidence against the appellant. Statement of the complainant was not recorded by the enquiry committee. Inquiry was conducted in questionnaire form in violation of superior courts judgments. Mr. Saqibullah and Mr. Masood Zaman did not lodge any complainant regarding involvement of the appellant in this case. As direct show cause notice was served on the appellant in contravention of Sub-Rule(a) of Rule-7, read with Rule-5 (i) (a)... of the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011, where it is clearly mentioned reasons will have to be recorded for dispensing with regular enquiry. It is a well settled principle that in case of imposing of major penalty upon a Civil Servant regular enquiry shall have to be conducted by serving Charge Sheet, Statement of Allegations, recording statement of witnesses and opportunity to the accused to cross examine witnesses, if any, but in this case these formalities were not fulfilled. The appellant was also not afforded opportunity of personal hearing by the Competent Authority being a basic requirement of the rules. Though show cause notice was served by the Governor Khyber Pakhtunkhwa, but the removal order was signed by the Chairman Public Service Commission having no authority under the rules. The appellant has twenty years service at his credit and on acceptance of this appeal the impugned order dated 15.01.2016 and dated 18.04.2016 may be set aside the appellant may be reinstated into service with all back benefits.

4. Learned Government Pleader in his rebuttal invited attention to para-1 of the show cause notice, wherein reasons were recorded for dispensing with regular enquiry, as such show cause notice was served in pursuance of Rule-5(1)-A of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules-2011. Reliance was laid on 2005 SCMR 1802, wherein the Supreme Court held that inquiry in questionnaire was permissible under the rules.

ATTESTED

Khyber Pakhtunkhwa  
Public Service Commission  
Peshawar

(50) (48)

He further contended that all codal formalities were fulfilled and the appellant has rightly been removed from service. He requested that appeal being devoid on any merit be dismissed.

5. We have heard arguments of learned counsel for the appellant and learned Government Pleader for the respondents and have gone through the record available on file.

6. After having gone through the record, it transpired that the enquiry committee constituted to carry out fact finding enquiry went beyond the limits of assigned TORs and made recommendations not covered by their mandate. Statement of the complainant was not recorded during the course of above inquiry. The inquiry committee recommended imposition major penalty of removal from service against on the appellant being not part of its assigned mandate and that too without any solid evidence. In Para-16 (v) the inquiry committee talked about nexus between Mr. Sajjad Qureshi, Mr. Saqibullah and Mr. Masood Zaman but failed to bring any solid evidence in black and white to prove the charge. Perhaps their assessment was based on inference drawn on the basis of intuition/super natural power possessed by them. The appellant never worked in the recruitment branch dealing with aforementioned appointments. In the absence of concrete documentary evidence charge of bad reputation leveled against the appellant and others appeared to the figment of imagination of the inquiry committee. Neither Mr. Saqibullah nor Mr. Masood Zaman, Deputy Secretary gave statements regarding involvement of the appellant in this case. As provided in Rule 5(i)(a) Read with Rule-7 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules-2011, the competent authority failed to record reasons for dispensing with regular enquiry and serving direct show cause notice on the appellant and others. In this case major penalty of removal from service was imposed on the appellant and others without holding regular enquiry by serving the Charge Sheet, Statement of Allegations, recording statements of witnesses, providing opportunity of cross examination to the appellant, personal hearing etc. As such numerous judgments of superior courts were violated. Hence, proper opportunity of defense and fair trial was not afforded to the appellant. Charges mentioned in the Show Cause Notice were altogether different from those mentioned in the removal order. It was Mr. Masood Zaman, Deputy Secretary, while recording his statement during the fact finding voluntarily informed that complainant gave him a cheque of Rs. 750000/- to be considered for appointment. Photocopy was still in his possession, but he did not encash it being not a corrupt person. It is not only a sufficient proof about innocence of Deputy Secretary, but also proves moral courage to speak the truth. Mr. Sajjad Qureshi also flatly refused about any dealing between complainant Deputy Secretary. He only took the complainant to the office of Deputy Secretary to inquire about the date of interview. complainant did not appear for interview on 09.03.2000, so it was rescheduled on 30.06.2010. That result of entire batch was declared on 03.02.2011, but cheque was given to Deputy Secretary on 01.08.2011, six months after the declaration of result. Similarly the appellant referred Mr. Saqibullah to Deputy Secretary in

ATTACHED

Chief Executive Officer  
Khyber Pakhtunkhwa  
Government Servants  
Disciplinary Tribunal  
Peshawar

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June, 2010, while cheque was given on 01.08.2011 after fourteen months. According to the statement of the Bank Manager, the said account was closed in 2003, while account holder died on 29.11.2006. Departmental appeal of the appellant was disposed of vide order dated 18.04.2016 without assigning reasons, hence, Sec-24-A of the General Clauses Act, 1897 was violated. In the fact finding enquiry, the appellant was not held responsible for the charges leveled against him.

8. In view of the fore-going, we are constrained to accept the instant appeal by setting aside the impugned order dated 15.01.2016 and 18.04.2016 and appellant is reinstated into service from the date of removal from service and direct to the respondents to conduct *de-novo* enquiry strictly in accordance with law and rules within a period of three months from the date of receipt of this judgment. Appellant may be fully associated with the inquiry proceedings. All formalities given in the rules must be observed. If the respondents failed to conduct the *de-novo* enquiry within the stipulated period, the appellant shall be deemed to have been reinstated in service from the date of removal from service. Issue of back benefits shall be subject to final outcome of the *de-novo* inquiry.

9. Our this single judgment will also dispose of in the same manner appeals No. 513/16 titled Muhammad Shahab, No. 514/2016 titled Masood Zaman and No. 524/2016, titled Amir Ilyas where common question of law and facts are involved.

*Edt. Ahmad Hassan,*

*Member*

A/11

*Edt. M. Amrin Khan Kundi,*

*Member*

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation ..... 28-4-12  
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Date of Creation ..... 28-4-12  
Date of Entry ..... 28-4-12



ANNEX - G -

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To,

The Secretary,  
Khyber Pakhtunkhwa,  
Public Service Commission.

14 JUL 2017  
5026

Subject: Arrival Report:

In compliance of this office letter No. 69684 dated: 11/07/2017.  
In am hereby submitting arrival report to resume my official duty today on  
14/07/2017 at 08:30 AM, and obliged.

Thanks

Yours Obediently

(Muhammad Shahab)  
Assistant

14/7/2017

Dated: 14/07/2017



**KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION**

**CHARGE SHEET**

1. I, Iqbal Zafar Jhagra, Governor Khyber Pakhtunkhwa as competent authority, hereby charge you, Mr. Muhammad Shahab Assistant (BPS-16), Khyber Pakhtunkhwa PSC as follows:-

That while posted as Senior Clerk (BPS-14) in the office of Khyber Pakhtunkhwa Public Service Commission committed the following irregularities:-

- (a) That you committed gross irregularities in the process of selection of candidates for the posts of ADOs (Male) BPS-16 in Elementary & Secondary Education Department.
- (b) That you did not follow legal procedures in the selection process of ADOs for ulterior motives.
- (c) That you did not take care in the eligibility of the candidates. Candidates were declared eligible for interview with the approval of the dealing Assistant or Superintendent or Deputy Secretary and order of the competent authority was not obtained.
- (d) That you did not properly check documents / Zones of three candidates namely Mr. Muhammad Ajmal S/O Jamal Uddin, Mr. Sarfaraz Khan S/O Shahab Uddin and Mr. Shafiq-ur-Rehman S/O Abdur Rehman and they were recommended against the seats reserved for Zone-V, although they had clearly mentioned / attached domiciles of Zone-III with their application forms. By doing so, three candidates hailing from Zone-V were deprived from their legitimate right of selection.
- (e) That due to your careless and lethargic attitude, one candidate was interviewed twice and his name was twice reflected in the merit list.
- (f) That you also enjoy bad reputation in the office.

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

3. You are therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Officer/Enquiry Committee, as the case may be.

4. Your written defence, if any should reach the Enquiry Officer/Enquiry Committee within the specified period, failing which it shall be presumed that you have no defence to put 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.

(IQBAL ZAFAR JHAGRA)  
GOVERNOR KHYBER PAKHTUNKHWA  
(COMPETENT AUTHORITY)

(58) (52)

To,

1. Mr. Hifz Ur Rehman, Member PSC
2. Mr. Manzor Ul Haq, Member PSC  
(Enquiry Officers)

Subject: REPLY TO ALLEGATIONS MENTIONED IN THE CHARGE SHEET

Sir,

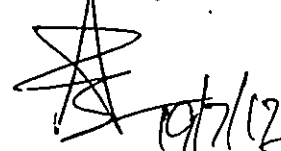
With reference to your Charge Sheet Notice conveyed vide PSC letter No.63372-75 dated 07.07.2017 which I received on 12.07.2017. My reply to the Charge Sheet/ Statement of Allegation is as under:-

ALLEGATIONS IN THE CHARGE SHEET / SOA

- a. Submitted that I performed my duties as Senior Clerk cum Key Punch Operator at that time with Mr Masood Zaman the then Deputy Secretary and performed the typing work of the Branch under him.
  - b. I was Senior Clerk / Key Punch Operator, and only typing work with Mr. Masood Zaman DS, was my duty, which performed satisfactory.
  - c. Eligibility of the candidates is determined/ decided by the Member concerned and the files are moved by the Dealing Assistant through the Supdt: and the DS concerned. My task was to type work. I fully concentrated on my duties only typing work and in this case no typing error, omission, mistake, or my blunder is on my behalf.
  - d. Though the descriptive of the three candidates namely Mr. Muhammad Ajmal S/O Jamal ud Din, Mr. Sarfaraz Khan S/O Shahab ud Din and Mr Shafiq ur Rehman S/O Abdur Rehman were typed by the undersigned from approved application cover. Assistant / Supdt: and DS concerned had the responsibility of scrutiny/eligibility, according to notification No. DR 54/2013 dated 06.05.2013 (copy Annexure A)
  - e. Calling of candidates twice for interview was not my job. Assistant/ Supdt: and DS were concerned.
  - f. I do not enjoy any bad reputation during 12 years unblemished service record and my ACR's are free of adverse remarks or any such remarks relating to bad reputation.
- 3 Keeping in view the above reply/ clarification, I earnestly request to kindly exonerate from the charges leveled against me and obliged.

19 JUL 2017  
OFFICE OF THE DEPUTY SECRETARY  
PSC  
5201  
o/c

Yours obediently



(Muhammad Shahab)  
Assistant: Rectt:

Dated 19.7.2017

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### DISCIPLINARY ACTION

1. I, Iqbal Zafar Jhagra Governor Khyber Pakhtunkhwa as Competent Authority am of the opinion that Mr. Muhammad Shahab Assistant (BPS-16) Khyber Pakhtunkhwa PSC, has rendered himself liable to be proceeded against as he committed the following act/omission within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

### STATEMENT OF ALLEGATIONS

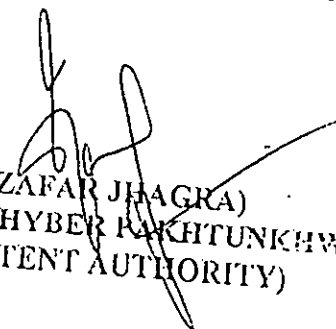
- (a) That he committed gross irregularities in the process of selection of candidates for the posts of ADOs (Male) BPS-16 in Elementary & Secondary Education Department.
- (b) That he did not follow legal procedures in the selection process of ADOs for ulterior motives.
- (c) That he did not take care in the eligibility of the candidates. Candidates were declared eligible for interview with the approval of the dealing Assistant or Superintendent or Deputy Secretary and order of the competent authority was not obtained.
- (d) That he did not properly check documents / Zones of-three candidates namely Mr. Muhammad Ajmal S/O Jamal Uddin, Mr. Sarfaraz Khan S/O Shahab Uddin and Mr. Shafiq-ur-Rehman S/O Abdur Rehman and they were recommended against the seats reserved for Zone-V, although they had clearly mentioned / attached domiciles of Zone-III with their application forms. By doing so, three candidates hailing from Zone-V were deprived from their legitimate right of selection.
- (e) That due to his careless and lethargic attitude, one candidate was interviewed twice and his name was twice reflected in the merit list.
- (f) That he also enjoy bad reputation in the office.

2. For the purpose of Enquiry against the said accused with reference to the above allegations, an Enquiry Officer/Enquiry Committee consisting of the following is constituted under Rule 10(a) of the ibid rules.

- i. Mr. Hitz ur Rehman Member Psc
- ii. Mr. Manzoor ul-Haq Psc

3. The Enquiry Officer/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 thirty (30) days of the receipt of this order, recommendations as to the punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the Department shall join the proceeding on the date, time and place fixed by the Enquiry Officer/Enquiry Committee.

  
(IQBAL ZAFAR JHAGRA)  
GOVERNOR KHYBER PAKHTUNKHWA  
(COMPETENT AUTHORITY)

No.KP/PSC/Admn/GF-526/ 63372-75

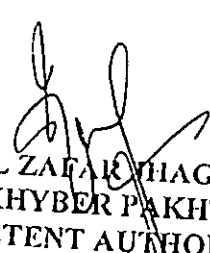
Dated 07-07-2017

A copy of above is forwarded to:-

1. Mr. Hijzur-Rehman and Manjoor-ul-Haq for initiating proceedings against the accused under the provision of the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Rules, 2011.

2. Mr. Javed Anwar Secretary, Khyber Pakhtunkhwa Public Service Commission, with directions to assist the Enquiry Officer/Enquiry Committee during the enquiry proceeding and provide the relevant record.

3. Mr. Muhammad Shahab Assistant, Khyber Pakhtunkhwa Public Service Commission with the directions to appear before Enquiry Officer/Enquiry Committee, on the date, time and place fixed by Enquiry Officer/Enquiry Committee, for the purpose of enquiry proceedings.

  
(IQBAL ZAFAR BHAGRA)  
GOVERNOR KHYBER PAKHTUNKHWA  
(COMPETENT AUTHORITY)

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REPORT IN THE INQUIRY AGAINST MR. MUHAMMAD ZAMAN ASSISTANT DIRECTOR PUBLIC SERVICE COMMISSION KHYBER PAKHTUNKHWA AND OTHERS.

- 1- Brief facts leading to this inquiry are that in the year 2009 Khyber Pakhtunkhwa Public Service Commission herein referred to as commission advertised 241 posts of Assistant District Officers BPS-16 on receipt of requisition from Elementary & Secondary Education Department herein referred to as department. On conclusion of the selection process the commission recommended the appointment of successful candidates to the department. Some complaints were received regarding misplacement of three candidates from Zone – III into Zone – V and their selection. These complaints were magnified with institution of writ petition. As a result of these complaints and litigation the commission carried out a fact finding inquiry which concluded that Mr. Muhammad Zaman Assistant Director BPS-17, Mr. Muhammad Sajjad Qureshi Superintendent BPS-17, Mr. Aamir Ilyas Assistant BPS-16 and Mr. Muhammad Shahab Assistant BPS-16 all employed in commission were responsible for omissions and commission leading to misallocation and consequent / reflections on the selection process in litigation in complaints. During the course of inquiry it was found that one Mr. Saqib Ullah, a candidate from Zone – V had been meeting some employees and had maneuvered tempering in official documents and taking his interview marks from 35 to 38. On the basis of the facts finding inquiry, these employees were served with show cause notices and major penalty of dismissal and removal from service on January 15, 2016. The impugned these orders in service appeal before the service tribunal. On April 11, 2017 the Tribunal reinstated the respondents officials and directed a de-novo inquiry. As a result this inquiry was commissioned.
- 2- Charges in allegations respondents are charge in the following manners:
  - a) Common Charges against respondents namely Muhammad Zaman, Mr. Aamir Ilyas, Mr. Muhammad Shahab relate to the commission of gross irregularities in the process of selection of candidate for the post of ADO's in the department, carelessness in checking of eligibility of candidates and declaring their eligibility with approval of the competent authority, misallocation of Mr. Muhammad Ajmal, Mr. Sarfraz Khan and Mr. Shafique ur Rehman to Zone – V instead of Zone – III to which they belonged, reflection of one candidate on two different serial numbers in the merit list and carrying bad reputation.
  - b) Individually Mr. Muhammad Zaman also charged to have received a cheque amounting to Rs. 7, 50, 000/- from Mr. Saqib Ullah Son of Rafi Ullah as illegal gratification for assisting him in selection as ADO and
  - c) Individually Mr. Muhammad Sajjad Qureshi is charged to have taken Mr. Saqib Ullah to Mr. Masood Zaman into have played active role in the offer of bribe by him to Masood Zaman.
- 3- On receipt of the case, all respondents were summoned and provided adequate opportunity to submit their written statements and details of other evidence. Written statement of all respondents are Annexure A,B,C and D.

REPORT IN THE ENQUIRY AGAINST MR. MASOOD ZAMAN, ASSISTANT DIRECTOR,  
PUBLIC SERVICE COMMISSION KHYBER PAKHTUNKHWA AND OTHERS

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1) Brief Facts: Brief facts leading to this enquiry are that in the year 2009, Khyber Pakhtunkhwa Public Service Commission (here-in-after referred to as Commission) advertised 241 posts of Assistant District Officers (BPS-16) on receipt of requisition from Elementary and Secondary Education Department (here-in-after referred to as Department). On conclusion of selection process, the Commission recommended the appointment of successful candidates to the Department. Some complaints were received regarding misplacement of three candidates from Zone-3 into Zone-5 and their selection. These complaints were magnified with institution of writ petitions. As a result of these complaints and litigation, the Commission carried out a fact finding enquiry which concluded that Mr. Masood Zaman, Assistant Director (BPS-17), Mr. Mohammad Sajjad Qureshi, Superintendent (BPS-17), Mr. Amir Ilyas, Assistant (BPS-16) and Mr. Mohammad Shahab, Assistant (BPS-16) all employed in Khyber Pakhtunkhwa Public Service Commission were responsible for omissions and commissions leading to the misallocation and consequent oblique reflections on the selection process in litigation and complaints. During the course of enquiry it was found that one Mr. Saqibullah, a candidate from Zone-5, had been meeting some employees and had maneuvered tampering in official documents and picking up interview marks from 35 to 38. On the basis of the fact finding enquiry, these employees were served with Show Cause notices and awarded major penalty of dismissal and removal from service on January 15, 2016. They impugned these orders in service appeals before the Service Tribunal. On April 11, 2017, the Tribunal reinstated the respondent officials and directed a de-novo enquiry. As a result this enquiry was commissioned.

2) Charges and Allegations: Respondents are charged in the following manner:

- a. Common charges against respondents namely Mr. Masood Zaman, Mr. Amir Ilyas, and Mr. Mohammad Shahab, relate to the commission of gross irregularities in the process of selection of candidates for the posts of Assistant District Officers in the Department, carelessness in checking of eligibility of candidates and declaring their eligibility without approval of the Competent Authority, misallocation of Mr. Mohammad Ajmal, Mr. Srafaraz Khan and Mr. Shafiq ur Rahman to Zone-5 in stead of Zone-3 to which they belonged, reflection of one candidate on two different serial numbers in the merit list and carrying bad reputation;
- b. Individually Mr. Masood Zaman is also charged to have received a cheque amounting to Rs. 750,000 from Mr. Saqibullah S/O Rafiullah as illegal gratification for assisting him in selection as Assistant District Officer; and
- c. Individually Mr. Mohammad Sajjad Qureshi is charged to have taken Mr. Saqibullah to Mr. Masood Zaman and to have played active role in the offer of bribe by him to Mr. Masood Zaman.

3) Proceedings of Enquiry: On receipt of the case, all respondents were summoned and provided adequate opportunity to submit their written statements and details of other evidence. Written statements of all respondents are at Annexure "A", "B", "C" and "D".

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Record relevant to the inquiry was requisitioned and perused. All respondents were heard in person and in detail.

4- Findings of inquiry: The inquiry in hand pertains to the record of selection process for the post of ADO in the department. As such all elements of the charges have been looked through the record and details provided by respondents in their statements. Respondents were also confronted with record and their corresponding averments were heard and duly considered. Keeping in view the record, written statements and personal hearing of the respondents the following facts stand established.

- a) Misallocation of three candidates: Mr. Muhammad Ajmat Son of Jamal ud Din, Mr. Sarfraz Khan Son of Shahab ud Din and Mr. Shafiq ur Rehman Son of Abdur Rehman belonging to Zone – III were reflected in Zone – V and subsequently selected on seats reserved for Zone – V. This fact is proved from record maintained in the commission Mr. Masood Zaman then posted as Deputy Secretary, Mr. Aamir Ilyas and Muhammad Shahab, (Assistants) constituted the staff responsible for scrutiny of applications preparation of descriptive roles and placement of candidates in their respective Zones. They are responsible for his misallocation and wrong selection. This matter was taken Peshawar High Court in Writ Petition No.357-A of 2011 titled "Jehanzeb Khan VS Public Service Commission and others" including those selected due to misallocation. This case was decided on May 30<sup>th</sup> 2016 and orders of the High Court contained details regarding this misallocation and a directive issued to the commission to examine the case of Jehanzeb (Petitioner) in view of consensus between the commission and the petitioner. Orders in the writ petition are annexed "E". The factum of misallocation and subsequent selection of these candidates on seats reserved for Zone – v is proved and nonelse but the three respondents are responsible for this irregularity and misallocation which had generated and otherwise avoidable chain reaction. Three candidates genuinely hailing from Zone – V were deprived of their selection chances. Likewise three candidates who should have been selected on seats reserved for Zone-III were selected due to deletion of the above three candidates from this Zone. In addition to the case instituted by Mr. Jehanzeb, the matter also echoed in another writ petition No.898-A/2014 titled "Mr. Saqib Ullah VS Public Service Commission and others".
- b) Receipt and retention of cross cheque of Rs.75,000/- drawn in the name of Mr. Masood Zaman in his written statement. Mr. Masood Zaman has given the following narration of this incident:
- "Charge of acceptance the cheque, as a bribe is far from reality. In fact Mr. Saqib Ullah had offered me a cheque of Rs.7,50,000/- as advance on 01/08/2011 for selecting him for the post of ADO. Since I am not in the habit of accepting any bribe from candidates throughout my 32 years unblemished record of career. I plainly refused to accept the cheque and asked him to take it back and leave my office immediately. As some members had called me for a official work I went to his office Mr. Saqib Ullah left the cheque on my table covered in an envelop and left office before my return I tried my best to find him and return the cheque "



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Record relevant to the enquiry was requisitioned and perused. All respondents were heard in person and in detail.

4) Findings of Enquiry: The enquiry in hand pertains to the record of selection process for the posts of Assistant District Officers in the Department. As such all elements of the charges have been looked through the record and details provided by respondents in their statements. Respondents were also confronted with record and their corresponding averments were heard and duly considered. Keeping in view the record, written statements and personal hearing of the respondents, the following facts stand established:

a. Misallocation of Three Candidates: Mr. Mohammad Ajmal S/O Jamal-ud-Din, Mr. Safaraz Khan S/O Shahab-ud-Din and Mr. Shafiq ur Rahman S/O Abd-ur-Rahman belonging to Zone-3 were reflected in Zone-5 and subsequently selected on seats reserved for Zone-5. This fact is proved from record maintained in the Commission. Mr. Masood Zaman, then posted as Deputy Secretary, Mr. Anur Ilyas, and Mr. Mohammad Shahab (Assistants) constituted the staff responsible for scrutiny of applications, preparation of descriptive rolls and placement of candidates in their respective zones. They are responsible for this misallocation and wrong selection. This matter was taken to Peshawar High Court in Writ Petition # 357A of 2011 titled "Jehanzeb Khan Versus Public Service Commission and Others" including those selected due to misallocation. This case was decided on May 30, 2016 and orders of the High Court contain details regarding this misallocation and a directive issued to the Commission to examine the case of Jehanzeb (Petitioner) in view of consensus between the Commission and the petitioner. Orders in the Writ Petition are at Annexure "E". The factum of misallocation and subsequent selection of these candidates on seats reserved for Zone-5 is proved and none else but the three respondents are responsible for this irregularity and misallocation which had generated an otherwise avoidable chain reaction. Three candidates genuinely hailing from Zone-5 were deprived of their selection chances. Likewise three candidates who should not have been selected on seats reserved for Zone-3 were selected due to deletion of the above three candidates from this zone. In addition to the case instituted by Mr. Jehanzeb, the matter also echoed in another Writ Petition # 898A of 2014 titled Mr. Saqibullah Khan Versus Public Service Commission and others.

b. Receipt and retention of Crossed Cheque for Rs.750,000 drawn in the name of Mr. Masood Zaman: In his written statement, Mr. Masood Zaman has given the following narration of this incident

*"...The charge of acceptance the cheque as a bribe is far from reality. In fact, Mr. Saqibullah had offered me a cheque of Rs 750,000 as bribe on 01-08-2011 for selecting him for the post of ADO. Since I am not in habit of accepting any bribe from candidates throughout my 32 years unblemished record of my career, I plainly refused to accept the cheque and asked him to take it back and leave my office immediately. As some Member had called me for an official work I went to his office. Mr. Saqibullah left the cheque on my table covered in an envelope and left office before my return. I tried my best to find him and return the cheque.*

but all in vain. I still understand that he has given this cheque to me with unethical and bad designs so as to keep me under pressure and defame me because the result had already announced on 04/02/2011 and no one could recommend him after announcement of result. I understood his ploy and as such destroyed the original cheque and kept a photostat copy of the said cheque so as to prove my innocence....the cheque was issued on 01/08/2011 whereas the result....was displayed on 03/02/2011 and conveyed to the Department on 04/02/2011....I personally inquired and came to know that the cheque was not that of Saqibullah account but belong to someone Hafiz Munibullah and more astonishingly the said account is closed from 2003 and the account holder has already died on 29/06/2006...the allegations are totally incorrect, wrong and baseless, rather based on malafide. I have not accepted the cheque."

The above narration clearly establishes some facts which include:

- a) That Mr. Saqibullah had visited Masood Zaman (respondent) and offered illegal gratification and had left a cheque on his table;
- b) Respondent is an experienced officer and should have understood the consequences of a cheque crossed in his name and left in his office by a failed candidate;
- c) That the respondent never reported this incident to anyone till the constitution of the fact finding enquiry;
- d) That the respondent retained the cheque despite the fact that he had an opportunity to dispatch it back to Saqibullah on his address given in his candidacy application;
- e) That the respondent even did not feel it necessary to find out the actual details of the cheque and account despite the institution of Writ Petitions and complaints till an enquiry was ordered;
- f) The respondent could not justify his prolonged silence on this incident despite the fact that he had ample opportunities to apprise his superiors and frame Saqibullah for offering illegal gratification; and
- g) The allegation to the extent that he had received and retained a cheque from Saqibullh stands established in view of his own admission and this issue requires no further substantiation.

Handwritten notes: 15/20, 2/8, 7/8

e) The Role of Mr. Mohammad Sajjad Querishi: This respondent is charged to have taken Mr. Saqibullah to Mr. Masood Zaman after which he offered illegal gratification to him. On this count the respondent has offered this version:

".... As far as I remember, during 2010, while interviews of ADOs were in process a candidate namely Saqibullah of District Mansehra came to my office through reference of an acquaintance Mr. Majid Khan, Head Master at District Mansehra to inquire about his interview date for the post of ADO due to non receipt of interview letter. Since I was not working in the respective

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branch and not dealing with ADOs as such I as a routine matter either referred or took him to the office of concerned officer namely Masood Zaman..... I only neither referred or took the candidate to the office of Masood zaman for inquiring about interview date in 2010... Thereafter, the said candidate never came to my office nor met me nor Masood Zaman said something about him due to which I had no knowledge if some dealing etc had done between them. However I came to know about this when Masood Zaman opened this secret before the highups after lapse of about four years in 2015 and the matter became known to all in the office."

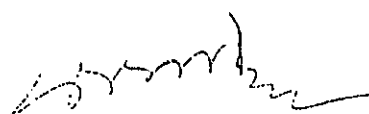
After receipt of this version, Mr. Masood Zaman and Mr. Mohammad Sajjad Querishi were heard together. The former acknowledged that Mr. Qureshi had taken Mr. Saqibullah to his office in 2010 when the interviews were in progress and he wanted rescheduling of his interview. After this the said Saqibullah visited his office on two other occasions i.e once in February, 2011 when the result was announced and then in August, 2011 when he left the cheque on his table. He plainly stated that on both these occasions, Mr. Sajjad Querishi did not accompany him. In view of these facts, there is no evidence to suggest that Mr. Sajjad Querishi has played any role in the offer of illegal gratification or facilitation in this regard:

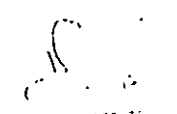
- دستور  
2/8  
2/8
- d) Allegations of Bad Reputation: While enquiring into this charge, the committee could not find any proof on the bad reputation of the accused from the record of the commission. It has no evidence to substantiate this allegation.
- e) Allegation Regarding Reflection of One Candidate at Two Different Serial Numbers: This charge pertains to the interview of Syed Mehmood-ul-Hasan S/O Syed Sarwar Shah whose name appeared on two different serial numbers in the merit list. The record reveals that the name appeared on two different serial numbers. This is once again collective responsibility of Mr. Masood Zaman, Mr. Amir Ilyas, and Mr. Mohammad Shahab as members of the staff responsible for scrutiny of applications and preparation of papers for interview. This issue was unsuccessfully exploited by Mr. Saqibullah Khan for his adjustment in the merit list. The record reveals that the name appeared at two different serial numbers but this reflection has not resulted in any kind of loss to any other candidate. In ultimate recommendations, the anomaly was corrected when he was recommended against one position. The Commission has reported these facts to the High Court while submitting para-wise comments in writ petition instituted by Saqibullah Parawise comments are at Annex-"F".
- 5) Conclusions of the Enquiry: Based on the above details the following recommendations are made:
- a. Respondents Mr. Masood Zaman, then posted as Deputy Secretary, Mr. Amir Ilyas, and Mr. Mohammad Shahab (Assistants) are guilty of negligence leading to misallocation of three candidates and their selection against vacancies reserved for Zone-5 instead of Zone-3 to which they belonged. All the three respondents are also responsible for duplication of the name of Mr. Mehmood-ul-Hasan at two different serial numbers:

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- b. Respondent Mr. Masood Zaman is found guilty of receiving and retaining a cheque amounting to Rs. 750,000 from Mr. Saqibullah a candidate for the position of Assistant District Officer;
  - c. The allegation of carrying bad reputation could not be established against any of the respondents; and
  - d. Respondent Mr. Mohammad Sajjad Querishi could not be connected with any irregularity, connivance or facilitation.
- 6) Recommendations of the Enquiry: The Enquiry Committee recommends following actions:
- a. Respondent Mr. Masood Zaman may be awarded the punishment of Compulsory Retirement from Service for his role in misallocation of three candidates from one zone to another zone, their sequential wrong selection, duplication of the name of one candidate at two different serial numbers and receipt of a cheque from a failed candidate;
  - b. Respondents Mr. Amir Hyas and Mr. Mohammad Shahab may be awarded the punishment of Compulsory Retirement from Service for their role in misallocation of three candidates from one zone to another zone, their sequential wrong selection and duplication of the name of one candidate at two different serial numbers;
  - c. All the respondents may be exonerated from the charge of carrying bad reputation as it could not be substantiated from the record of the Commission; and
  - d. Respondents Mr. Mohammad Sajjad Querishi may be exonerated from all charges as he could not be connected with any of the allegations mentioned in (a) and (b) above.

  
Manzoor-ul-Haq  
Member

  
Huzefa Kadir  
Member 7/2

Dated: 7<sup>th</sup> August, 2017

P.H 27-12-2017

CR. 29.12-2017



Annex — i — (62)

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

SHOW CAUSE

M

I, Iqbal Zafar Jhagra, Governor Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 do hereby serve you Mr. Muhammad Shahab Assistant (BPS-16), with Show Cause Notice:-

1. (i) that consequent upon the completion of inquiry conducted against you by the Inquiry Committee comprising Mr. Hifz-ur-Rehman and Mr. Manzoor-ul-Haq Members PSC for which you were given opportunity of personal hearing and recording of your written statement.
- (ii) on going through the findings and recommendations of the Inquiry Committee, the material on record and other connected papers including your defence before the inquiry committee;

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

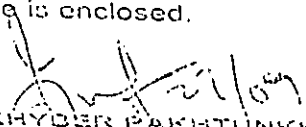
- (a) Gross irregularities have been committed by you in the process of selection of candidates for the posts of ADOs (Male) BPS-16 in Elementary & Secondary Education Department.
- (b) Legal procedures were not followed in the selection process of ADOs for ulterior motives.
- (c) No care was taken into account in the eligibility of the candidates. Candidates were declared eligible for interview with the approval of the dealing Assistant or Superintendent or Deputy Secretary and order of the competent authority was not obtained.
- (d) Documents / Zones of three candidates namely Mr. Muhammad Ajmal S/O Jamal Uddin, Mr. Sarfaraz Khan S/O Shahab Uddin and Mr. Shafiq-ur-Rehman S/O Abdur Rehman were not properly checked and they were recommended against the seats reserved for Zone-V, although they had clearly mentioned / attached domiciles of Zone-III with their application forms. By doing so, three candidates hailing from Zone-V were deprived from their legitimate right of selection.
- (e) Due to negligence and careless attitude, name of one candidate was reflected twice in the merit list.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of suspension under Rule 4(1)(b)(ii) of the said rules.

3. 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.

4. If no reply to this notice is received within fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the Inquiry Committee is enclosed.

  
GOVERNOR KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

Annex - J -

(627) / A

The Honorable Governor,  
Khyber Pakhtunkhwa Peshawar.

Through: PROPER CHANNEL

SUBJECT: REPLY OF SHOW CAUSE NOTICE

MR/Sir,

With due respect it is most humbly submitted that in reply to Show Cause Notice conveyed vide PSC letter No.KP/PSC/Admn/GF-521/159328 dated 09.10.2017, I place the following facts / submissions before your good-self for kind perusal and consideration in order to reach at a just and fair conclusion which speaks volume and crystal clear proof of my innocence in the allegations.

All the charges / allegations leveled against me in the Show Cause Notice are not based on facts and I deny the same on the ground that the Enquiry Committee in its report has wrongly involved and entangled me in the case taking stance that during 2010, I was working as Assistant in the respective branch dealing with Assistant District Officers (BPS-16) in E&SE Department and held me responsible for omissions, commissions in the scrutiny of applications and preparations of paper for interviews of ADOs (Copy of enquiry report is attached as Annexure-I) whereas at that specific period I was working/posted as TYPIST in the respective branch. I had no concern with the rest of recruitment process of ADOs except typing work. Therefore, all the allegations leveled against me in the showcase noticed were not a part of my assigned duty as typist. It is pertinent to mention here that I was promoted to the post of Assistant on 02.01.2013. copy of my promotion order is attached as (Annexure-II) for your kind perusal.

In view of the above mentioned facts and grounds it is respectfully requested that I may kindly be exonerated from the allegations leveled in the Show Cause Notice as I was working in the respective branch as TYPIST and had no role with the rest of recruitment process except typing work. I wish to be heard in person so as to prove my innocence.

Yours Obediently,

(MUHAMMAD SHAHAB)  
Assistant, PSC



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Amman - K.

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

NOTIFICATION

WHEREAS, Mr. Muhammad Shahab, Assistant PSC (BPS-16) was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for committing gross irregularities in the selection process to fill the vacant posts of Assistant District Officers (Male) (BPS-16) in Elementary and Secondary Education Department, Khyber Pakhtunkhwa; and

WHEREAS, in compliance of Khyber Pakhtunkhwa Service Tribunal judgment dated 11.04.2017, a *de-novo* enquiry was conducted by the Inquiry Committee, comprising Mr. Hifz-ur-Rehman and Mr. Manzoor-ul-Haq Members Khyber Pakhtunkhwa Public Service Commission; and

WHEREAS, the Inquiry Committee after having examined the charges, evidence on record and explanation of the accused official, submitted its report recommending imposition of major penalty of compulsory retirement; and

WHEREAS, Show Cause Notice was accordingly served upon the accused official under sub rule 4 (a) of Rule-14 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 communicating the decision regarding imposition of the tentative penalty of compulsory retirement; and

WHEREAS, the accused official was provided an opportunity of personal hearing before the Competent Authority on 27.12.2017 for his defence. The accused official however, failed to produce any new ground / evidence in his defence; Now

THEREFORE, the Competent Authority, in exercise of powers conferred under sub rule 5(ii) of Rule-14 is pleased to impose the major penalty of Compulsory Retirement on him as provided under Rule 4(1)(b)(ii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

No.KP/PSC/Admn/GF-521/

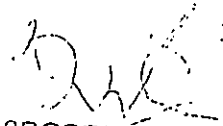
01475

GOVERNOR  
KHYBER PAKHTUNKHWA

Dated: 29-12-2017

Copy forwarded to:-

1. Secretary to Governor Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa Peshawar.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. PS to Secretary Establishment, Khyber Pakhtunkhwa.
6. Mr. Muhammad Shahab Assistant, Khyber Pakhtunkhwa PSC.
7. Personal file of official concerned.
8. Office Order file.

  
SECRETARY

Annex - <sup>64</sup> L

The Hon'ble Governor  
Khyber Pakhtunkhwa,  
Peshawar

Subject: REVIEW / REPRESENTATION /  
DEPARTMENTAL APPEAL AGAINST  
THE ORDER DATED 15/01/2016.

Respected Sir,

29/12/2017

With great reverence and humble submission, it is stated: -

- 1) That I was an employee of Agriculture Department and due to the restructuring policy of the government, my services were placed at the disposal of surplus pool, established for such kind of employees.
- 2) That I was absorbed in Khyber Pakhtunkhwa Public Service Commission as UDC/Junior Clerk in 2003 but keeping in view of my professional skill in the field of Computer Operating I was deputed to work on the post of Key Punch Operator (KPO) in the Computer Section of the commission.
- 3) That keeping in view my performance and spotless service career, I was promoted to the post of UDC (Senior Clerk) on 02/12/2014 but still I continued to work as Key Punch Operator in the Computer Section, then I was promoted to the



post of Assistant on 02/01/2013. (Copy is annexed herewith).

- 4) That in April 2015 I was informed that an inquiry committee has been constituted to probe into the alleged irregularities in the selection process of ADOs in education department.
- 5) That the appellant appeared before the said inquiry committee and fully explained his position who also admitted in principal that at that time, the appellant was performing his duties as "KPO".
- 6) That besides the above clarification /explanation, I was served with a show cause notice, which was properly replied.
- 7) That although, I had no role in the whole alleged irregularities i.e. process of checking and scrutiny of the candidate's form, I was shocked to know that I have been removed from service vide order dated 15/01/2016.
- 8) That I submitted a review /departmental appeal against the above order of removal from service, and then filed service appeal before the Hon'ble Khyber Pakhtunkhwa Service Tribunal. That my appeal was accepted and I was reinstated in

service vide order /judgment dated 11/04/2017, with a condition of De-novo inquiry.

- 9) That the so-called De-novo inquiry has conducted, the report of which is totally wrong and baseless and against the facts as besides other things I have been stated shown, to have been working as Assistant, instead that I was performing my duties as KPO/Typist, at that time.
- 10) That on the basis of that inquiry show cause notice was issued to me which was responded through a written reply. (Copy is attached herewith) and vide order dated 29/12/2017 I have been compulsorily retired from service.
- 11) That I was performing my duties as Typist / KPO, at that time and as per practice of the office (which was later on regularized Office Letter dated 06/05/2013) my job / duty was just to type DFAs and print the papers given / assigned to me, so I have no concern with the allegations leveled against me.

It is, pertinent to mention here that the checking /scrutiny of the candidate's forms were the job /duty of the Assistant and Superintendent of the Section. (Copy of the Office order is annexed herewith).

- 12) That I have been compulsorily retired from service on wrong presumptions / findings of the inquiry committee and not been treated justly and fairly, rather have been discriminated as one of my colleague against whom the same allegations were laying, have been exonerated of the charges.
- 13) That the so-called findings and recommendations of the inquiry are baseless and discriminatory.
- 14) That I have a 26/27 years of un-blemished services career / record, as there is not a single entry /remarks in my annual confidential reports, this fact is also evident from the fact that I have been promoted from time to time.
- 15) That the inquiry has not been conducted in according with law and rules, rather have been initiated / conducted in hurry meaning thereby that some vested hands were bent upon to get me removed from services as the charge sheet was issued to on 07/07/2017 before my formal reinstatement vide Notification dated 11/07/2017.
- 16) That the impugned order is passed in sheer violation of rules and regulations, without observing the codal formalities and therefore, liable to be reviewed/ modified and I may please be reinstated in service with all back benefits.

- 17) That without prejudice to the forgoing ground it is humbly submitted that the punishment awarded to me is too harsh and does not commensurate to the alleged guilt of negligence / discriminatory as one of my colleague has been exonerated in de-novo inquiry against whom the same charges were leveled.
- 18) That I may please be provided a chance of personal hearing, so that I could be able to explain my position.

It is, therefore, humbly prayed that on acceptance of this departmental appeal, my order of compulsorily retirement issued vide order dated 29/12/2017 may kindly be reviewed / modified and cancelled and I may be reinstated in service with all back benefits.

Dated (23/01/2018)

Appellant

Muhammad Shahab  
S/o Muhammad Kamal  
R/o Kandy Ghari Miangan  
Surizai Payan Peshawar



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KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

OFFICE ORDER

In order to regulate and streamline the internal working of the Recruitment Wing regarding processing and disposal of cases, the following instructions are hereby issued for strict compliance: -

1. On receipt of requisition, the dealing Assistant will examine it in accordance with regulation 3 of the Khyber Pakhtunkhwa Public Service Commission Regulations, 2003 and submit it alongwith record of service rules and previous zonal allocation of seats within a week as per Regulation 4 of Khyber Pakhtunkhwa Public Service Commission Regulations.
2. After clearance of the requisition and obtaining orders of the member concerned, the draft advertisement will be put up to the Deputy Secretary by the dealing Assistant within three days as per Regulation 4 through the Superintendent concerned and all the three will sign it and will forward it to the quarter concerned for inclusion in the consolidated advertisement.
3. As provided under regulation 8 (c) (d) (e), the dealing Assistant will be responsible for receipt, checking and sorting of application forms relating to his subjects. All the applications and files will remain in charge of the dealing Assistant and he will be held responsible for safe custody thereof.
4. After receipt of application forms from the Diary Branch, the dealing Assistant and the Branch Clerk will immediately separate all the applications subject wise and will identify the number of applications in each subject by putting serial number on each application. A consolidated statement showing the number of posts and applications shall be submitted to Deputy Secretary within a week time as per Regulation 8 (e) for the purpose of shortlisting.
5. After receipt of order for short listing, the dealing Assistant will hand over the applications for the post(s) in which screening or ability test are fixed, to the Computer / IT Section for entry. Cases recommended for direct interview should immediately be scrutinized without waiting for interview programme. All the rejected candidates shall be informed immediately through registered post so that they are enabled to submit their representations, if any, for review of rejection orders well in time as per Regulation 13.
6. While putting the applications forms in covers, the Branch Clerk will keep the sequence of papers in the following order:-
  - (i). All certificates or Degree from Metric onwards.
  - (ii). All Detailed Marks Certificate, from Metric onwards.
  - (iii). National Identity Card and Domicile.
  - (iv). Experience Certificates.
  - (v). Others.

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7. On each certificates of experience plus minus of the period of experience should be recorded and on the last certificate total period of experience must be recorded by the dealing Assistant for convenience in determination of eligibility and experience marks.
8. While scrutinizing the applications, the dealing Assistant will scrupulously check age, qualification, domicile and experience etc. in the light of advertisement. Initial scrutiny will be carried out by the Assistant, the dealing Superintendent and the Deputy Secretary will counter check the scrutinized applications and forward them to the Director for obtaining order of the Member concerned. Scrutiny must be completed before scheduling of interviews.
9. After receipt of test result from Examination Wing, the dealing Assistant will submit the result for fixation of target. Sorting and checking of application of qualified candidates will be the responsibility of the dealing Assistant and Clerk. They will record test marks with target on application of each candidate. The section will thus scrutinize and process the applications of qualified candidates accordingly.
10. All Assistants and Superintendents shall submit the list of ripe cases for scheduling of interview programme to Deputy Secretary-I upto 3<sup>rd</sup> of each month. The Deputy Secretary-I will prepare the interview programme upto 5<sup>th</sup> and put up to the Director Recruitment for obtaining approval of the worthy Chairman. The interview program should be issued by the first week of every month as per Regulation 28(b).
11. Test and interview call letters will be sent under signature of the dealing Superintendent. The Superintendent will thoroughly check address and other particulars in the call letters and will be responsible for timely and error free dispatch of the letters as per Regulation 28(a).
12. For interview, the dealing Assistant will put up letter of advisors to the Deputy Secretary concerned for signature and shall be issued at least a week before the date of interview as per Regulation 31(3). However the dealing Assistant or Superintendent will Contact the advisors telephonically to ensure their attendance on the interview panels.
- ✓ 13. Descriptive sheet for interview shall be prepared and checked by the dealing Assistant under his signature. The Superintendent and Deputy Secretary will counter check it and sign it.
- ✓ 14. The dealing Assistant or Superintendent will attend the interview panel and will check attendance of the candidates and their deficiencies, if any. However the Superintendent or Deputy Secretary concerned will attend and satisfy the panel for any mistake / problem occurring during the interview.
- ✓ 15. Interview result shall be prepared and checked by the dealing Assistant, Superintendent and Deputy Secretary under supervision of the Director Recruitment. After approval of the result by the Commission, the branch shall submit the recommendation letter on the same day to the Director Recruitment for conveying the recommendation to the concerned department as per Regulation 35(1).

(...)

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16. Similarly the recommended candidates shall also be informed through proforma letters under signature of the Deputy Secretary concerned and those candidates who are not recommended shall be informed under signature of the superintendent concerned as per Regulation 35(1).
17. Every dealing Assistant shall maintain a register, as per specimen at Annex-I, wherein complete information from receipt of requisition till final recommendations shall be recorded. Before submitting the requisition to the member concerned for orders, he will ensure entry thereof in the concerned register. The dealing Assistant will be responsible for proper maintenance of the register with regard to his subjects.
18. A quarterly review report of all requisitions and their present status shall be put up by the branch Assistant and Superintendent to the Member concerned through Deputy Secretary/Director Recruitment for perusal.

No. DR-54/2013

Sd/-  
CHAIRMAN, PSC

Dated: 06.05.2013.

Copy to: -

1. The Secretary, PSC.
2. The Director Examination, PSC.
3. The Senior Psychologist, PSC.
4. Deputy Secretary-I, II, III and IV, PSC.
5. Computer Programmer.
6. Account Officer, PSC.
7. Admin Officer, PSC.
8. Private Secretary to Chairman, PSC.
9. All Private Secretaries to Members, PSC.
10. All Superintendents, Recruitment Wing, PSC.
11. All Assistants, Recruitment Wing, PSC.
12. All Senior Clerks, Recruitment Wing, PSC.
13. All Computer Operators, Recruitment Wing, PSC.
14. All Junior Clerks, PSC.
15. Office Order file.

*[Signature]*  
DIRECTOR RECRUITMENT  
P.S.C.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 639/2018


Muhammad Shahab, Ex Assistant, KP PSC..... Appellant.

**VERSUS**

Govt of KP through Chief Secretary & others ..... Respondents.

I N D E X

S.NO.	PARTICULARS	ANNEXURE	PAGE NO
1.	Parawise Comments of the Commission		1-10 ✓
2.	Affidavit		11 ✓
3.	Copy of Charge Sheet with statement of allegations	A ✓	12-18 ✓
4.	Copy of Complaints to Chairman	B, C ✓	19-22 ✓
5.	Copy of PSC Recommendation Letter with Better Copy	D ✓	23-32 ✓
6.	Copy of Advocate General letter to Law Department	E ✓	33-36 ✓
7.	Copy of Male Assistant District Officer Merit List with Better Copy	F, G ✓	37-56 ✓
8.	Copy of petitioner's Review / Representation Departmental Appeal	H ✓	57-60 ✓
9.	Copy of Petitioner Appeal No. 513/2016 in Service Tribunal Peshawar	I ✓	61-66 ✓
10.	Copy of Service Tribunal Judgment dated 11.04.2017	J ✓	67-71 ✓

  
Assistant Director  
Khyber Pakhtunkhwa  
Public Service Commission Peshawar  
✓ (Respondent)



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 639/2018

Muhammad Shahab, Ex Assistant, KP PSC..... Appellant.

VERSUS

Govt of KP through Chief Secretary & others ..... Respondents.

JOINT PARA-WISE COMMENTS OF (RESPONDENT NO. 01 to 03)

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

1. That appellant has got no cause of action and / or locus standi to file the instant service appeal.
2. That the allegations of the appellant are baseless and misleading.
3. Appellant is not an 'aggrieved person' under the law. He has not approached this honorable Tribunal with clean hands.
4. That no discrimination / injustice have been done to the appellant.
5. That the appeal is not based on facts and is unjustified and illegal demand against the lawful authority of the Commission.
6. That the service appeal is bad in the eyes of Law.
7. That the Service appeal is an embodiment of falsehood and misrepresentation / concealment of material facts. It is based on gross mis-statement, hence bad in law and facts both.
8. That the appellant is estopped by his own act and / or character. He filed the present service appeal dishonestly, by design / scheme and after thought not only to malign the Commission but to get sympathy /dogged this honorable Tribunal.
9. That all the acts of the replying respondents are in line with the norms and principles of natural justice.
10. That the compulsory retirement from service of the appellant is based on the proper procedure of law and that too on the directions of this honorable tribunal vide order dated 11.04.2017.

**ON FACTS**

1. No comments. Pertains to record.
2. The appellant was adjusted and absorbed as Junior Clerk in the Khyber Pakhtunkhwa Public Service Commission. The Junior Clerks are supposed to perform typing work. From the date of his absorption in the Commission he enjoys bad reputation.
3. The appellant was promoted to the post of Senior Clerk and Assistant on the basis of his seniority.
4. No comments.
5. Pertains to record.
6. Incorrect. It was noticed that officials of the Commission were also involved. They provided documents to unauthorized persons without obtaining approval of the competent authority for personal gain. As per findings of the Enquiry Report, the appellant is involved in illegal and corrupt practices. His service career is full of offences and consequential punishments. He had been issued warnings and explanations from time to time (Annex- A).
7. Incorrect. Both the complaints were submitted by Mr. Saqibullah on 14.10.2014 **(Annex B & C)**. Selection process was finalized on 04.02.2011. His complaints were on the basis of documents provided by the officials/officers involved in this case. On the basis of unattested documents a time barred case was reopened through Writ Petition. The Khyber Pakhtunkhwa Public Service Commission advertised 241 posts of Assistant District Officer (BPS-16) vide Advertisement No. 05/2009 Serial No. 07 on 04.06.2009. After conducting interviews with effect from 03.12.2009 to 25.08.2010, recommendations were sent to Secretary Elementary & Secondary Education Department vide letter No. KPPSC/SR-1/1078 dated 04.02.2011 **(Annex-D)**. After a lapse of four years when the case attained finality, the one Saqibullah offered bribe amounting to rupees 7,50,000/- in the shape of crossed cheque bearing No. 63301 dated 01.08.2011 and obtained documents which are meant for official use only. On the basis of these

documents he filed Writ Petition No. 898-A/2014 in Peshawar High Court Abbottabad Bench with a malafide and dishonest intension. Since documents meant for official record were produced with Writ Petition No. 898-A/2014, therefore it was decided that an enquiry may be got conducted to point out as to who provided these documents without permission of the Competent Authority and how a time barred case has been reopened after a lapse of four years. Before submission of comments in the Peshawar High Court Abbottabad Bench, an enquiry was conducted in order to meet the ends of justice. The Khyber Pakhtunkhwa Public Service Commission can't afford such illegal activities hence strict disciplinary action was initiated against four officials involved in it. All the documents which are for official use were provided to Mr. Saqibullah without obtaining approval of Chairman, Khyber Pakhtunkhwa Public Service Commission. The Chairman Khyber Pakhtunkhwa Public Service Commission constituted a committee comprising the following vide Office Order No. KP/PSC/Admn/GF-319/012440-45 dated 10.03.2015 :

- i. Prof. Dr Sarah Safdar, The Then Member-I, PSC
- ii. Prof. Dr Muhammad Farooq Swati, The Then Member-VII, PSC
- iii. Mr. Ghulam Dastagir Ahmed, Director Recruitment, PSC

The Committee was required to examine the complaint of Mr. Saqibullah (Complainant) regarding alleged wrong recommendations of three candidates from Zone-5 against the post of (Male) Assistant District Officer (BPS-16), to summon and hear all the three recommendees, to probe into the alleged involvement of the three candidates with Commissions' Staff and fix responsibility and to examine as to whether after a lapse of about four years, the Commission can entertain such applications/ complaints and make reallocation and fresh recommendations or otherwise. The enquiry committee came to the following conclusion:

- i) A number of gross irregularities have been committed by the staff up to the Deputy Secretary in the process of selection of candidates for the

posts of ADOs (BPS-16) in Elementary and Secondary Education Department. All of them know the legal procedures as reflected in their statements but the procedures were not followed in this case for ulterior motives and personal gain.

- ii) No care was taken in account in the eligibility of candidates. Candidates were made eligible for interview simply with the signature of the Dealing Assistant or Superintendent or Deputy Secretary. Approval of the competent authority i.e. Member, Public Service Commission was not obtained. Moreover, proper checking of zones of the three candidates namely Sarfaraz, Ajmal and Shafiqur Rehman was not made for which Masood Zaman Deputy Secretary, Rustam Khan the then Superintendent, Amir Ilyas the then Assistant and **Muhammad Shahab the then Key Punch Operator** are equally responsible for gross irregularities.
- iii) Due to the extremely careless attitude of the concerned staff, one candidate was twice interviewed and his name was twice included in the Merit list.
- iv) **The acceptance of cheque amounting to Rs. 750,000/- as bribe by Masood Zaman, Deputy Secretary from Saqibullah in return of selecting him for the post of ADO has been proved beyond doubts.**
- v) Though Muhammad Sajjad Qureshi accepts he took Saqibullah to the office of Masood Zaman for collecting some information. It is however, quite obvious that it is not possible for a candidate to offer bribe directly to an unknown officer. Thus the active role of Muhammad Sajjad Qureshi in the offer of bribe by Saqib Ullah to Masood Zaman was quite clear.
- vi) All the officers/officials involved in this case also enjoy bad reputation in the office.

The Committee recommended that:

- i. Mr. Masood Zaman, Deputy Secretary may be dismissed from service.

- ii. Mr. Amir Ilyas Superintendent, Mr. Muhammad Sajjad Qureshi Superintendent and Mr. Muhammad Shahab Assistant may be removed from service. Show cause notices may be issued to the officials under Rule 5(a) of the E&D Rules 2011.
- iii. As Rustam Khan the then Superintendent; has now retired from service. In his case, opinion of the Establishment Department may be obtained as to what punitive actions can be taken against him after his retirement.
- iv. Mr. Saqibullah may be disqualified from applying to the Commission for ever and his case be referred to the Elementary and Secondary Education Department for taking punitive action against him under the rules.
- v. In pursuance of the Supreme Court Judgment No. 7407/AG dated 19.04.2014 that if candidate is mistakenly recommended by the Commission without any fault on his part then he will not be disturbed while proceedings will be initiated against the officials concerned. Since there is no fault on the part of the recommended candidates namely Shafiqur Rehman, Sarfaraz and Ajmal Khan therefore, their recommendations may not be disturbed and the case of readjustment/ reallocation may not be processed after the lapse of almost five years of recommendations. (Annex-E)

Name of **Mr. Syed Mahmood ul Hassan S/O Syed Sarwar Shah** was reflected in the list and called for interview twice. His name was reflected in the merit list at serial number **211 & 276 (Annex-F & G)**. It was noticed by senior officers and rectified otherwise it might have created embarrassing situation for the Commission. Candidates names and particulars given below in their application forms have clearly recorded Zone-III. Mr. Muhammad Shahab, Senior Clerk and other accused have included them against Zone-V.

S.NO	Name and father's name	Zone recorded in application form	Recommended against
1.	Muhammad Ajmal S/O Jamal Ud Din	Zone-III	Zone-V

2.	Shafiq ur Rehman S/O Abdur Rehman	Zone-III	Zone-V
3.	Sarfaraz Khan S/O Shahab ud Din	Zone-III	Zone-V

It was gross irregularity. Candidates from Zone-III have been recommended against quota reserved for Zone-V. This gross negligence was for personal gain which can't be ignored. Therefore, the appellant was removed from service in light of the recommendation of the Inquiry Committee.

8. Incorrect. The inquiry committee after fulfilling all codal formalities recommended the appellant for major punishment (Copy of Charge Sheet, Statement of allegations, Inquiry report and final Showcause notice and Reply are at **Annex A, B, C, D & E**).
9. Incorrect. The appellant was removed from service after fulfilling all the norms of justice.
10. That the review petition of the appellant being devoid of merits was rightly turned down. The orders of this honorable tribunal were also complied with in letter and spirit (copy of original Departmental Appeal, Appeal and orders are at **Annex H, I and J**)
11. No comments.
12. Incorrect. The worthy Governor Khyber Pakhtunkhwa was pleased to award the punishment of compulsory retirement from service upon Mr. Masood Zaman for his role in misallocation of three candidates from one zone to another zone, their sequential wrong selection and duplication of the name of one candidate at two different serial numbers. All the respondents were exonerated from the charge of carrying bad reputation as it could not be substantiated. Accused Mohammad Sajjad Qureshi was however exonerated from all charges as he could not be connected with any of the allegations mentioned.

#### GROUND.

- A. Incorrect. The order and entire procedure adopted by the inquiry committee is in accordance with the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) Rules, 2011 hence legal, just, impartial and based on facts and

circumstances. Involvement of appellant in corrupt practices was proved beyond any shadow of doubt. The Khyber Pakhtunkhwa Public Service Commission being constitutional body cannot afford and allow such illegal practices.

- B.** Incorrect. The departmental Inquiry Committee comprising the senior most Members and reputable officer was established under the lawful authority. The Inquiry Committee submitted its impartial findings whereby the illegal act, malafide intention and misconduct of the appellant was proved and established beyond any doubt.
- C.** Incorrect. The appellant is compulsorily retired from service after fulfillment of all necessary codal formalities. He is liable to be taken to task for his misdeeds and serious misconduct. Otherwise confidence of general public in the Public Service Commission will be shaken. The entire record was provided for personal gain. Approval of the competent authority was not obtained. Similarly approval of the Member incharge was also not obtained.
- D.** Incorrect. The guilt of the appellant was proved beyond reasonable doubts by the inquiry committee. Under the Khyber Pakhtunkhwa Government Servants Efficiency and Discipline rules 2011 Show Cause notice can be served directly. Appellant was provided opportunity of personal hearing by the competent authority. Subsequently major penalty of compulsory retirement from service was imposed, being the most lenient punishment with full pensionary benefits.
- E.** Incorrect. All the norms of justice and fairplay have been followed in the case of the appellant. The inquiry committee has acted in accordance with law and provided each and every opportunity to the appellant to prove his innocence but he failed to do so. He was also provided an opportunity of personal hearing by the competent authority. The appellant had not objected and also submitted reply to the Show Cause Notice thus availing himself with a fair chance to defend his stance properly.
- F.** Incorrect. The Commission constituted enquiry to probe into the involvement of other officers/officials in the instant case, and as a result of Enquiry Report the

appellant was awarded the penalty of compulsorily retirement from service. The gross irregularity committed by the appellant was proved beyond any doubt was enough to prove his compulsory retirement from service. The appellant has been removed from service after observing all the codal formalities and legally valid procedures as per approval of the Governor Khyber Pakhtunkhwa being Competent authority. The service career of appellant is full of offences and consequential punishments. He was retired from service compulsorily vide office order dated 29.12.2017. He had been issued warnings and explanations from time to time. Orders passed by Chairman Public Service Commission / Governor, Khyber Pakhtunkhwa are liable to be maintained being legal and in accordance with law and facts. The Instant appeal is without legal footings whereby an illegal demand has been made against the lawful authority. The orders passed by the Respondents are legal, based on law and facts hence liable to be maintained. Since, the service record and conduct of the delinquent appellant has been thoroughly examined and allegations leveled against him stand proved beyond any doubt, therefore, the instant appeal may be dismissed being without merit. The respondents also seek leave of this Honorable Tribunal to raise additional grounds at the time of arguments. Retention of person involved in corrupt practices shall shake trust of general public in Khyber Pakhtunkhwa Public Service Commission.

- G. Incorrect. All norms of justice stand observed in letter and spirit.
- H. Incorrect. Guilt of the appellant was proved beyond reasonable doubts.
- I. Incorrect. Compulsory retirement from service of the appellant is in the best interests of the prestige of the Khyber Pakhtunkhwa Public Service Commission. The appellant exercised unrestrained authority and approval of the member in-charge was not obtained. Cases were decided by the Assistant, Superintendent and Deputy Secretary. Name of a candidate was included twice in the Merit list. He was called twice for interview. Zones of the candidates were altered and replaced to give others undue benefits because of secret complicity.



- J. Incorrect. The inquiry committee is competent to recommend imposition of minor/major penalty. The appellant has been compulsorily retired from service after fulfillment of all norms of justice allowing him the benefit of pension facilities.
- K. Incorrect. The appellant has been involved in the irregularities as per findings of the Enquiry Report. All officers/officials involved in the instant case have mutual connivance while committing irregularities.
- L. Incorrect. The appellant failed to prove his innocence before the Inquiry Committee and competent authority.
- M. Incorrect. The appellant has been treated in accordance with law and rules. Case has been decided on the basis of documentary proof and record.
- N. Incorrect. There is sufficient documentary proof on the basis of which major penalty has been imposed. No short cut procedure has been adopted rather the appellant has been compulsorily retired after fulfilling all codal formalities. Under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, Show Cause Notice stands properly served and opportunity of personal hearing provided by the Inquiry Committee as well as appointing Competent authority i.e. Governor Khyber Pakhtunkhwa.
- O. Incorrect. No irregularity has been committed by the Commission. The appellant enjoys bad reputation. He still commits crimes / cheating candidates giving impression as so called employee of Khyber Pakhtunkhwa Public Service Commission. His service career is full of offences and consequential punishments. He had been issued warnings and explanations from time to time.
- P. Incorrect. The Khyber Pakhtunkhwa Public Service Commission cannot afford such like corrupt practices otherwise trust of general public shall be shaken.
- Q. Incorrect. The appellant has rightly been compulsorily retired from service.
- R. Incorrect. No discrimination / injustice has been done to the appellant.
- S. Incorrect. The appellant being guilty may not be allowed to raise other grounds at the time of arguments.

It is therefore humbly prayed that on acceptance of this reply/submission made herein above the instant appeal being void may kindly be dismissed.



CHIEF SECRETARY  
KHYBER PAKHTUNKHWA  
PESHAWAR  
(RESPONDENT NO.01)



CHAIRMAN  
KHYBER PAKHTUNKHWA  
PUBLIC SERVICE COMMISSION  
PESHAWAR  
(RESPONDENT NO.02)



SECRETARY  
KHYBER PAKHTUNKHWA  
PUBLIC SERVICE COMMISSION  
PESHAWAR  
(RESPONDENT NO.03)

**AFFIDAVIT**

Stated on oath that the contents of this Para wise comments are true and correct & nothing has been concealed from this Honorable tribunal.

**DEPONENTS**

**CHIEF SECRETARY  
KHYBER PAKHTUNKHWA  
PESHAWAR  
(RESPONDENT NO.01)**



**CHAIRMAN  
KHYBER PAKHTUNKHWA  
PUBLIC SERVICE COMMISSION  
PESHAWAR  
(RESPONDENT NO.02)**



**SECRETARY  
KHYBER PAKHTUNKHWA  
PUBLIC SERVICE COMMISSION  
PESHAWAR  
(RESPONDENT NO.03)**



**NWFP PUBLIC SERVICE COMMISSION, PESHAWAR**

**CHARGE SHEET**

12

Annex-A

I, Javed Anwar Secretary NWFP Public Service Commission, as competent authority, hereby charge you, **Mr Muhammad Shahab** as follows: -

That you, while posted as Junior Clerk in Computer Section, NWFP PSC NWFP Public Service Commission committed the following irregularities: -

- a. You do not seem interested in Govt. job. You are running a parallel business of computer drafting and designing at Mohallah Jangi and using Govt. equipment and Office time for your personal private business.
- b. Entertain guests in the computer cell despite several requests not to do so and allow entry of irrelevant individuals to the Computer Cell.

2. By reasons of the above, you appear to be guilty of misconduct under Section-3 of the NWFP (Removal from Service) Special Powers Ordinance, 2000 and have rendered yourself liable to all or any of the penalties specified in Section-3 of the Ordinance *ibid*.

3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Officer/ Committee, as the case may be.

4. Your written defence, if any, should reach the Enquiry Officer/ Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case *exparte* action shall follow against you.

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

6. A statement of allegations is enclosed.

  
SECRETARY  
Competent Authority



13

**NWFP PUBLIC SERVICE COMMISSION, PESHAWAR**

**DISCIPLINARY ACTION**

I, Javed Anwar Secretary, NWFP Public Service Commission, as competent authority, am of the opinion that **Mr Muhammad Shahab Junior Clerk** has rendered himself liable to be proceeded against as he committed the following acts/ omissions within the meaning of Section 3 of the NWFP Removal from Service (Special Powers) Ordinance, 2000: -

**STATEMENT OF ALLEGATIONS**

- c. He does not seem interested in Govt. job. You are running a parallel business of computer drafting and designing at Mohallah Jangi and using Govt. equipment and Office time for his personal/ private business.
- d. Entertain guests in the computer cell despite several requests not to do so and allow entry of irrelevant individuals to the Computer Cell.

For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an enquiry Committee consisting of the following is constituted under Section 5 of the Ordinance: -

- i) Mrs Asad Bano Assistant Psychologist, NWFP PSC
- ii) \_\_\_\_\_

The Enquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

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.

SECRETARY  
Competent Authority

No. 10110-Admn/2004  
Copy of the above is forwarded to: -

Dated 29/04/2004

1. The Committee for initiating proceedings against the accused under the provisions of the NWFP Removal from Service (Special Powers) Ordinance, 2000.
2. Mr Muhammad Shahab Junior Clerk, with the directions to appear before the Inquiry Committee, on the date, time and place fixed by the Committee, for the purposes of the inquiry proceedings.
3. Supdt: Admn, with the request to detail a departmental representative well conversant with the facts of th case alongwith relevant record to assist the Inquiry Committee during the inquiry proceedings.

SECRETARY  
Competent Authority

Telephone No: 091-9212962



From:  
Secretary,  
Public Service Commission,  
Peshawar.

**KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION**  
2 Fort Road Peshawar Cantt.

14

No. 158432

Date: 7/10/11

To

Mr. Muhammad Shoaib,  
Senior Clerk (BPS- 09), Khyber Pakhtunkhwa PSC.

Subject: - **WARNING**

Reference to application form No-163048 dated 16/06/2010, the candidate namely **Mr. Noorullah S/O Yousaf-ur-Rehman** hailing from Zone-3 (Chitral) had applied for the post of **Male Assistant Professor in Political Science** vide Advt: No-04/2010, S.No-10. His application was placed in the bundle of Lecturer applications in the same advertisement. Before disposal of bundle to the concerned branch they should checked properly. In case of error it should be removed immediately so that the candidate may not suffer. Your this attitude toward official duty cannot be tolerated.

You are therefore, **Sternly Warned** to be careful in future and prove yourself to be a good and well disciplined staff member; otherwise strict disciplinary action will be taken against you under the Removal from service (Special Powers), ordinance 2000.

  
SECRETARY  
PSC

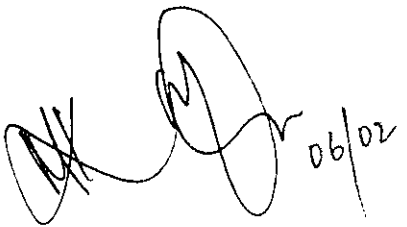
  
7/10/11

NOTE

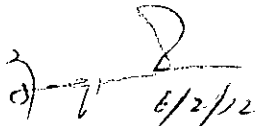
It has been observed regularly that some of the staff members of Computer Section are coming late to the office they have been warned by the Officer in charge as far as the timing of the office is concern but due to lack of interest and private commitments they are unable to perform their duty and it will adversely affect the workload of the computer section So I inform the Officer to take firm action against them and replace the following officer from computer section.

- 1. M Shahab (Clerk)
- 2. M Raza (Clerk)
- 3. Nasir Khan (Naib Qasid)

Supdt Admin

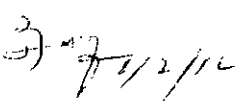
  
Programmer PSC 06/02

Report of the computer programmer is submitted for reaction plz

  
6/2/12

Secy/PSC  
more change sent.

E-A A/o put up on 6/2 file

  
7/2/12



16

**KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION**

**CHARGE SHEET.**

I, Atta-Ur-Rehman Secretary Khyber Pakhtunkhwa Public Service Commission as competent authority, hereby charge you, Mr: Muhammad Shahab S/Clerk (BPS-09), Khyber Pakhtunkhwa Public Service Commission as follows: -

That you, while posted as Senior Clerk (BPS-09), Khyber Pakhtunkhwa Public Service Commission in Computer Section committed the following irregularities: -

- A. You avail leave frequently without prior permission from the competent authority.
- B. You do not take interest in the official duty.
- C. Inefficient.
- D. Misconduct.

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

3. You are therefore, required to submit your written defence within seven (07) days of the receipt of this charge sheet to the Enquiry Officer.

4. Your written defence, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case Ex-parte action shall follow against you.

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

6. A statement of allegations is enclosed.

(ATTA-UR-REHMAN)  
SECRETARY  
(COMPETENT AUTHORITY)

16/2/12





**KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION**

**DISCIPLINARY ACTION**

1. I, Atta-ur-Rehman Secretary, Khyber Pakhtunkhwa Public Service Commission as Competent Authority am of the opinion that **Mr. Muhammad Shahab S/Clerk (BPS-09)**, Khyber Pakhtunkhwa PSC, has rendered himself liable to be proceeded against as he committed the following acts / omissions within the meaning of section-3 of the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Rules, 2011:-

**STATEMENT OF ALLEGATIONS.**

- A. He avail leave frequently without prior permission from the competent authority.
- B. He does not take interest in the official duty.
- C. Inefficient.
- D. Misconduct.
2. For the purpose of enquiry against the said accused with reference to the above allegations, inquiry committee consisting of the following is constituted under Rules-10 of the Rules ibid:-
- i. **Mr. Fazal Badshah, Deputy Secretary-I Recruitment Branch, PSC.**
3. The Inquiry Officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty (30) days of the receipt of this order, recommendations as to the punishment or other appropriate action against the accused.
4. The accused official and a well conversant representative of the department shall join the proceeding on the date, time and place fixed by the inquiry officer.

  
(ATTA-UR-REHMAN)  
SECRETARY  
(COMPETENT AUTHORITY)



Telephone No: 091-9212962



**KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION**  
2 Fort Road Peshawar Cantt.

From:  
Secretary,  
Public Service Commission,  
Peshawar.

No. KP/PSC/Admn/GF-405/ -76

Date: 18/7/15

To

1. Mr. Muhammad Shahab Assistant Recruitment Branch PSC.
2. Mr. Raees Computer Operator (IT Project) Recruitment Branch PSC.
3. Mr. Feroz Khan Naib Qasid, Recruitment Branch PSC.

Subject: **EXPLANATION**

It has been reported by the Director Recruitment PSC that you do not observe official timings and come late. Non observing of the office timings and coming late to the office tantamounts to misconduct/negligence of official duty which renders the Govt. Employees to be proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011.

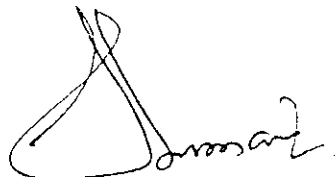
2. You are therefore, called upon to explain the reason of late coming as to why you should not be proceeded against under the rules ibid.


3. Your written reply must reach to the undersigned within three days of the receipt of this letter failing which ex-parte action will be taken against you and your case will be decided on merit.

SECRETARY  
PSC

Copy to:

1. The Director Recruitment, Khyber Pakhtunkhwa PSC.
2. The Deputy Director-I, Khyber Pakhtunkhwa PSC.
3. PS to Chairman, Khyber Pakhtunkhwa PSC.
4. Personal files of the officials concerned.

  
SECRETARY  
PSC

  
13/67

بکھنور جناب چیئر مین پبلک سروس کمیشن خیبر پختونخوا ایشاور

Annex-B

ناقب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکنہ محلہ تنہاں بالا، بھٹہ ٹاؤن، ڈاکخانہ بھٹہ، تحصیل ضلع ماسہرہ  
موبائل نمبر 0300-5633356, 0345-9544498

Annex B

- (۱) شفیع الرحمن ولد عبدالرحمن، سکنہ گاؤں سوہاڑو، ڈاکخانہ لسان نواب، اپرتاول، ضلع ماسہرہ  
شناختی کارڈ نمبر: 3-0623012-062303
- (۲) محمد اجمل ولد جمال الدین، ساکنہ گاؤں نسل، ڈاکخانہ شیر گڑھ، اپرتاول، تحصیل اوگی، ضلع ماسہرہ  
شناختی کارڈ نمبر: 7-9212536-13504
- (۳) سر فراز خان ولد شہاب الدین، ساکنہ اپرتاول، ضلع ماسہرہ  
سرفت عثمان جنرل ہٹور، نزد شیل فلنگ سٹیشن، محلہ ڈب، ماسہرہ

عنوان :- زون 3 کے رہائشی مذکورہ بالا تینوں مسنون علیہم کا ADO کی پوسٹوں پر پبلک سروس کمیشن کی ملی بھگت سے  
زون 5 کے کوڈ میں غیر قانونی تعیناتی

جناب عالی! درخواست عرض ذیل ہے۔

(1) یہ کہ سائل ناقب اللہ نے مورخہ 30-06-2010 کو اسٹینڈ ڈسٹرکٹ آفیسر (ADO)، گرڈ-16، بحکامہ تعلیم کیلئے  
انٹرویو وغیرہ میں پاس ہو کر کل نمبرات 58 (انٹرویو 38 + دیگر 20) پین 58/38 نمبر حاصل کئے۔  
(درخواست ہلڈا کے ساتھ لف صفحہ نمبر 24، سیریل نمبر 281 ملاحظہ کریں)

مگر تینوں مسنون علیہم کی پبلک سروس کمیشن کے ساتھ باہمی ملی بھگت اور سار باز کے نتیجے میں سائل کی تعیناتی کوڈ 59 کے  
کوڈ میں ہو گئی۔

(2) اختصار 05/2009 میں A.D.O کی کل 1241 سائیڈوں کی تفصیل درج ذیل ہے:-

Merit=61, Zone 1=40, Zone 2=40, Zone 3=40, Zone 4=30, Zone 5=30  
(درخواست ہلڈا کے ساتھ لف صفحہ نمبر 29 اور صفحہ نمبر 30 ملاحظہ کریں)

(3) حیران کن طور پر زون 5 کے رہائشی صرف اور صرف اٹھائیس (28) امیدواران تعینات کئے گئے۔



محمد اسحاق  
14-10-2014

- (4) یہ کہ تینوں مسٹول علیہم نے بھرتی کیلئے "بھرتی فارم" کے ساتھ اپنا ذمہ سائل جو کہ ریکارڈ کے لحاظ سے زون 3 کا بنانا ہے پیش کیا تھا۔ لیکن ذاتی مفاد کی خاطر غلط بیانی کرتے ہوئے "بھرتی فارم" میں اپنے آپ کو زون 5 کے رہائشی ٹائٹل کیا۔
- (5) پبلک سروس کمیشن نے تینوں مسٹول علیہم کے ذمہ سائل دیکھنے کے باوجود "بھرتی فارم" میں لکھے گئے زون 5 پر کوئی اعتراض نہ کیا تاکہ تینوں مسٹول علیہم کی تعیناتی زون 5 کے کوٹہ میں ہو سکے۔
- (6) تینوں مسٹول علیہم اور پبلک سروس کمیشن کا یہ نفل سائل سمیت دیگر باسیان زون 5 کی شدید حق تلفی کا باعث بنا ہے۔
- (7) مسٹول علیہ نمبر 3 سرفراز خان کے کل حاصل کردہ نمبر 59 (انٹرویو 35 + دیگر 24) یعنی 59/35 ہیں۔ اگر مسٹول علیہ نمبر 3 سرفراز خان کو زون 5 کے کوٹہ سے نکال دیا جائے تو کم نمبروں کی وجہ سے زون 3 کے کوٹے میں اس کی تعیناتی نہیں ہو سکتی اور وہ فارغ ہو جائے گا۔
- (8) تینوں مسٹول علیہم اور پبلک سروس کمیشن کے خلاف ایک مقدمہ W.P.No.357/11 عنوان "جہانزیب خان بنام پبلک سروس کمیشن" پشاور ہائی کورٹ ایبٹ آباد سٹیج میں زیر سماعت ہے جس کی آئندہ سماعت مورخہ 11-11-2014 مقرر ہے۔ (درخواست ہذا کے ساتھ لف صفحہ نمبر 13 تا صفحہ نمبر 19 اور صفحہ نمبر 28 ملاحظہ کریں)
- (9) سائل اثنا تب اللہ کی C.M.No.42-A /12 بوساطت محمد شعیب خان ایڈووکیٹ مورخہ 25-04-2013 سے مندرجہ بالا مقدمہ میں منظور شدہ ہے۔ (درخواست ہذا کے ساتھ لف صفحہ نمبر 05 تا صفحہ نمبر 08 ملاحظہ کریں)
- (10) سائل کی C.M. No. 42-A /12 ہائی کورٹ کی مورخہ 25-04-2013 کی آرڈر شیٹ کے ذریعے مذکورہ بالا مقدمے کا حصہ ہے۔ (درخواست ہذا کے ساتھ لف صفحہ نمبر 08 ملاحظہ کریں)
- (11) سائل مورخہ 25-04-2013 سے مذکورہ مقدمہ W.P.No.357/11 میں مدعا علیہ نمبر 12 پر موجود ہے۔ (درخواست ہذا کے ساتھ لف صفحہ نمبر 13، سیریل نمبر 12 ملاحظہ کریں)
- (12) مسٹول ایماہ نمبر 01 شفیق الرحمن اور مسٹول علیہ نمبر 02 محمد اجمل نے مذکورہ مقدمہ W.P.No.357/11 میں بیان حلفیہاں دی ہیں کہ وہ اپر تادل زون 3 کے رہائشی ہیں۔ بیان حلفیہاں اس درخواست کے ساتھ لف ہیں۔ (درخواست ہذا کے ساتھ لف صفحہ نمبر 01، صفحہ نمبر 02 اور صفحہ نمبر 03، صفحہ نمبر 04 ملاحظہ کریں)
- (13) مندرجہ بالا مقدمہ کے مورخہ 25-09-2014 کے آرڈر شیٹ میں اسٹینٹ ایڈووکیٹ جنرل نعیم عباسی کو ہائی کورٹ کی جانب سے ہدایت کی گئی ہے کہ وہ مسٹول علیہ نمبر 01 اور مسٹول علیہ نمبر 02 کی بیان حلفیہاں پبلک سروس کمیشن کو ارسال کر دے تاکہ کمیشن ان تینوں مسٹول علیہم کو زون 5 کے کوٹے سے نکال دے۔ (درخواست ہذا کے ساتھ لف صفحہ نمبر 12 ملاحظہ کریں)

ملک سید  
14-10-2014

جنور جناب چیرمین پبلک سروس میٹن چیر پختو سکو اپشاور

Annex - C

ثاقب اللہ نمان ولد رفیع اللہ نمان قوم واتی ساکنہ محلہ تھوال بالا، بھٹا ڈاک، ڈاکخانہ، تحصیل ضلع مانسہرہ

موبائل نمبر: 0300-5633356, 0345-9544498

بنام



سید محمود الحسن ولد سید سرور شاہ، ساکنہ ایٹ آباد، زون 5

عنوان: ADO کی میرٹ لسٹ میں مسئول علیہ کے نام کی میرٹ آرڈر نمبر 211 اور میرٹ

آرڈر نمبر 276 پر یعنی دو دفعہ موجودگی۔

جناب عالی! درخواست عرض ذیل ہے۔

(1) یہ کہ ساکنہ ثاقب اللہ نے مورخہ 30-06-2010 کو اسٹنٹ ڈسٹرکٹ آفیسر (ADO)، گریڈ-16، محکمہ تعلیم کے لئے انٹرویو وغیرہ میں پاس ہو کر کل نمبرات 58 (انٹرویو 38+ دیگر 20) یعنی 58/38 نمبر حاصل کئے۔

مگر مسئول علیہ کی میرٹ لسٹ میں دو دفعہ موجودگی سے ساکنہ کی تہناتی نہ ہو سکی۔

(2) اشتہار 05/2009 میں A.D.O کی کل 1241 سائیموں کی تفصیل درج ذیل ہے۔

Merit=61, Zone 1=40, Zone 2=40, Zone 3=40, Zone 4=30, Zone 5=30

(درخواست اہل اس کے ساتھ لف صفحہ نمبر 1 اور صفحہ نمبر 2 ملاحظہ کریں)

(3) زون 5 کا آخری منتخب شدہ امیدوار رب نواز ولد گل داد خان، سیریل نمبر 279، حاصل کردہ نمبر 58/38،

Handwritten signature and date: 7-10-2014

تاریخ پیدائش 15-04-1973 ہے۔

(4) مسائل زون 5 کی میرٹ لسٹ میں باقی ماندہ امیدواران میں "Top of the List" ہے۔ یعنی مسائل 281 نمبر حاصل کردہ نمبر 58/38 تاریخ پیدائش 14-04-1974 ہے۔

75 یہ کہ A.D.O کی میرٹ لسٹ میں سید محمود الحسن ولد سید سرور شاہ، ساکنہ ایبٹ آباد، زون 5 کا نام میرٹ آرڈر نمبر 211 پر بھی موجود ہے اور میرٹ آرڈر نمبر 276 پر بھی موجود ہے۔

(6) چونکہ مسائل زون 5 کی میرٹ لسٹ میں باقی ماندہ امیدواران میں "Top of the List" اس لئے سید محمود الحسن ولد سید سرور شاہ کا نام میرٹ آرڈر میں دو دفعہ کے بجائے ایک دفعہ لکھنے سے مسائل کی تعیناتی ADO کی پوسٹ پر یقینی طور پر ہو جائے گی۔

لہذا استدعا ہے کہ سید محمود الحسن ولد سید سرور شاہ کا نام میرٹ لسٹ میں دو دفعہ کے بجائے ایک دفعہ لکھ کر مسائل ثاقب اللہ کی تعیناتی ADO کی پوسٹ پر کی جائے۔

المرقوم: 27-10-2014

*Handwritten signature*

ثاقب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکنہ محلہ تیتوال بالا، بھہہ ٹاؤن، ڈاکخانہ بھہہ، تحصیل وین ضلع مانسہرہ  
شناختی کارڈ نمبر: 9-0383006-13503  
موبائل نمبر: 0300-5633356, 0345-9544498





**OFFICE OF ADVOCATE GENERAL, KHYBER PAKHTUNKHWA, PESHAWAR**

No. 7407/AG

Dated Peshawar, the 19/4/2014

Address: High Court building, Peshawar  
Tel. No. 091-9210119

Exchange No. 9213833  
Fax No. 091-9210270

To,

The Secretary to Government of Khyber Pakhtunkhwa,  
Law Parliamentary Affairs and Human Rights Department,  
Peshawar

Subject: LEGAL OPINION REGARDING WITHDRAWAL OF  
RECOMMENDATION MADE IN THE YEAR 2008 FOR THE POST OF  
LECTURER ELECTRONICS.

This is with reference to your Memo No. SO(OP-I)/LD/5-4/2012-VOL/  
I/7576-80 dated 14<sup>th</sup> April 2014 regarding the subject matter.

While endorsing the opinion of my Additional Advocate General (Wiqar Ahmad) Khyber  
Pakhtunkhwa Peshawar (copy enclosed) the earlier view of august Supreme Court of  
Pakistan has been detailed. I would like to add further to it as under :-

The latest view of the Hon'ble Supreme Court in such like matters are that  
if the employee has gained by way of mis-representation or fraud in such case  
employee can be proceeded against at any time but if the fault lies with the authority in  
processing his documents, the authority shall be held responsible for their acts but he  
employee cannot be proceeded against, as no fault can be attributed to the person who  
has been employed for non-compliance of procedure for appointment by the competent  
authority.

My above opinion is based on the following reported Judgments of the  
Hon'ble Supreme Court :-

1. 2011-SCMR-1581
2. 2007-SCMR-1835
3. 1996-SCMR-413
4. 2004-SCMR-303

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The consistent view of the Hon'ble Supreme Court is that:-

"If prescribed procedure was not followed by the concerned authority the civil servant could not be blamed for what was to be performed and done by the competent authority"

"Competent authority should be held responsible and liable for the lapses on their part"

The earlier and the latest view on the subject matter by the Hon'ble Supreme Court of Pakistan in the subject matter has been referred herein above. The rule of applicability is that the latest Judgment of the Supreme Court shall be followed.

-sd-

(Abdul Latif Yousafzai)  
Advocate General  
Khyber Pakhtunkhwa  
Peshawar

Endst No. 7407/AG

The Secretary, Khyber Pakhtunkhwa Public Service Commission,  
Peshawar

-sd-

Advocate General  
Khyber Pakhtunkhwa  
Peshawar



Annexure "F" & "G"

3

Merit Order	Total Marks	D/O Birth	Name with Father's Name	District/Zone
1	70/45	01.09.73	Waqar Khan S/O Sifat ulah	Peshawar/2 M
2	69/45	05.06.67	Ghulam Habib S/O Muhammad Wali	Moh.Agy/1 O
3	69/45	15.03.70	Mehboob Ilahi S/O Rahmat Ilahi	Chitral/3 O
4	69/45	03.02.76	Muhammad Farooq S/O Gul Ramian	Karak/4 M
5	68/45	08.04.70	Abdul Qayyum Khan S/O haji Lal Khan	Abbottabad/5 O
6	68/45	22.11.73	Muhammad Zahid Khan S/O Sher Zaman	Nowshera/2 O
7	68/45	01.01.78	Shams ul-Islam Niaz S/O Niaz Muhammad	Charsadda/2 M
8	68/40	10.05.70	Sharafat Khan S/O Muhammad Aslam Khan	Abbottabad/5 M
9	67/45	01.12.67	Mahmood Iqbal S/O Khairati Khan	D.I.Khan/4 O
10	67/45	15.05.69	Humayun Khan S/O Muslim Khan	Charsadda/2 O
11	67/45	16.04.76	Muhammad Irshad S/O Niaz Fatid	FR.Bannu/1 O
12	67/43	01.03.73	Muhammad Anwr S/O Hazrat Umar	Mardan/2 O
13	67/40	19.03.70	Zia Ullah S/O Zikria Khan	Peshawar/2 M
14	67/38	06.05.68	Muhammad Ishfaq Khan S/O Muhammad Husain Khan	Abbottabad/5 O
15	66/43	15.11.74	Shams ul Rehman S/O Malik ur Rehman	Mansehra/5 O
16	66/45	25.12.69	Iftikhar Ahmad S/O Mumtaz Ahmad	Abbottabad/5 M
17	66/45	21.05.72	Ghulam Sarwar S/O Ghulam Yahya	MKD/3 O
18	66/45	19.07.72	Muhammad Zubair S/O Sabz Ali Shah	Charsadda/2 O
19	66/45	06.01.76	Fazle Khuda S/O Wanis Khan	Mardan/2 M
20	66/45	23.02.76	Muhammad Rahman Shah S/O Gul Rahman Shah	Bannu/4 O
21	66/43	22.03.71	Muhammad Sohail Khan S/O Mir Jaffar Khan	Nowshera/2 O
22	66/40	08.09.70	Fazal Wahab S/O Ahmad Gul	Buner/3 O
23	66/40	10.04.75	Muhammad Naseem S/O Husnul Maab	Swat/3 O
24	66/38	05.01.62	Ali Haider S/O Bahadar Khan	Dir/3 O
25	66/38	18.12.63	Muhammad Raza Shah S/O Muhammad Hanif	Dir/3 M
26	65/45	10.04.73	Muhammad Islam S/O Fateh ul-Mulk Khan	Dir/3 M
27	65/45	03.01.77	Dil Nawaz Khan S/O Dashat Mir	Karak/4 O

1

2

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Attested  
Chao

Subject:- MERIT LIST OF MALE ASSISTANT DISTRICT OFFICER (E-16) ADVTT: NO.05/2009  
S.NO. 7

Annexure

(4)

Merit Order	Total Marks	D/O Birth	Name with Father's Name	District/Zone
1.	70/45	01.09.73	Waqar Khan S/O Sifat Ullah	Peshawar/2 M
2.	69/45	05.06.67	Ghulam Habib S/O Muhammad Wali	Moh.Agy/1 O
3.	69/45	15.03.70	Mehboob Ilahi S/O Rahmat Ilahi	Chitral/3 O
4.	69/45	03.02.76	Muhammad Farooq S/O Gul Raman	Karak/4 M
5.	68/45	08.04.70	Abdul Qayyum Khan S/O Haji Lal Khan	Abbottabad/5 O
6.	68/45	22.11.73	Muhammad Zahid Khan S/O Sher Zaman	Nowshera/2 O
7.	68/45	01.01.78	Shams ul Islam Niaz S/O Niaz Muhammad	Charsadda/2 M
8.	68/40	10.05.70	Sharafat Khan S/O Muhammad Aslam Khan	Abbottabad/5 M
9.	67/45	01.12.67	Mahmood Iqbal S/O Khairati Khan	D.I. Khan/4 O
10.	67/45	15.05.69	Humayun Khan S/O Muslim Khan	Charsadda/2 O
11.	67/45	16.04.76	Muhamamd Irshad S/O Niaz Farid	FR. Bannu/1 O
12.	67/43	01.03.73	Muhammad Anwar S/O Hazrat Umar	Mardan/2 O
13.	67/40	19.03.70	Zia Ullah S/O Zikria Khan	Peshawar/2 M
14.	67/38	06.05.68	Muhammad Ishfaq Khan S/O Muhammad Hussain Khan	Abbottabad/5 O
15.	66/43	15.11.74	Shams ur Rehman S/O Malik ur Rehman	Mansehra/5 O
16.	66/45	25.12.69	Iftikhar Ahmad S/O Mumtaz Ahmad	Abbottabad/5 M
17.	66/45	21.05.72	Ghulam Sarwar S/O Ghulam Yahya	MKD/3 O
18.	66/45	19.07.72	Muhammad Zubair S/O Sabz Ali Shah	Charsadda/2 O
19.	66/45	06.01.76	Fazle Khuda S/O Waris Khan	Mardan/2 M
20.	66/45	23.02.76	Muhammad Rahman Shah S/O Gul Rahman Shah	Bannu/4 O
21.	66/43	22.03.71	Muhammad Sohail Khan S/O Mir Jaffar Khan	Nowshera/2 O
22.	66/40	08.09.70	Fazal Wahab S/O Ahmad Gul	Buner/3 O
23.	66/40	10.04.75	Muhammad Naseem S/O Husnul Maab	Swat/3 O
24.	66/38	05.01.62	Ali Haider S/O Bahadar Khan	Dir/3 O
25.	66/38	18.12.63	Muhammad Raza Shah S/O Muhammad Hanif	Dir/3 M
26.	65/45	10.04.73	Muhammad Islam S/O Fateh ul Mulk Khan	Dir/3 M
27.	65/45	03.01.77	Dil Nawaz Khan S/O Dashat Mir	Karak/4 O
28.	65/45	15.04.77	Fida Muhammad S/O Firdous Khan	G.Swabi/3 O

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29.	64/45	14.04.78	Muhammad Aftab S/O Masal Khan	Nowshera/2
30.	65/45	15.02.79	Hayat Khan S/O Nazeef Khan	Charsadda/2
31.	65/43	02.01.69	<b>Muhammad Ajmal S/O Jamal ud Din</b>	Mansehra/5
32.	65/40	01.01.67	Salih Muhammad S/O Shad Muhammad	Swabi/2
33.	65/40	16.01.68	Waheed Ullah Shah S/O Mazhar Ali Shah	Bannu/4
34.	65/40	02.11.73	Abdul Malik S/O Muhammad Anwar	Khy. Agy/1
35.	65/40	28.02.76	Khalid Naeem S/O Malik Muhammad Amir	D.I Khan/4
36.	65/38	03.08.69	Abdul Khalid S/O Muhammad Ramzan	D.I Khan/4
37.	65/38	05.03.70	Gul Faraz S/O Shahid Khan	Karak/4
38.	65/38	11.01.71	Abdul Rehman Rashid S/O Inayat Ullah Jan	L. Marwat/4
39.	65/38	06.03.71	Abdul Wahab S/O Abdul Ghfoor	Swabi/2
40.	65/38	08.02.73	Imtiaz Khan S/O Taj Bareen	Nowshera/2
41.	65/38	28.04.78	Abdussamad Jan S/O Sultan Ahmad	Peshawar/2
42.	64/45	12.04.74	Hamid Ullah S/O Khan Zaman	L. Marwat/1
43.	64/45	01.11.74	Muhammad Abid S/O Fazli Khaliq	Swabi/2
44.	64/45	27.12.74	Muhammad Azam S/O Bad Shah Islam	MKD/3
45.	64/45	06.09.76	Raees Khan S/O Johar Gul	Khy. Agy/1
46.	64/45	03.04.79	Adil Muhammad S/O Ghani Muhammad	Swabi/2
47.	64/45	15.04.79	Shah Jehan Khan S/O H. Aslam Khan	Peshawar/2
48.	64/43	02.04.72	Love Dan S/O Amin Jan	Baj. Agy/1
49.	64/43	15.04.73	Amir Badshah S/O Tamash Gul	Mardan/2
50.	64/42	02.02.73	Muhammad Hamayun S/O Salam Gul	Karak/4
51.	64/40	01.04.70	Muslim Khan S/O Anwar Khan	Baj. Agy/4
52.	64/40	05.03.71	Niaz Wali Khan S/O Muhammad Yousaf	Swabi/2
53.	64/40	25.04.72	Muhammad Saleem S/O Abdul Haleem	Nowshera/2
54.	64/40	12.04.73	<b>Shafiq ur Rehman S/O Abdur Rehman</b>	Mansehra/5
55.	64/40	17.08.74	Ahmad Ullah S/O Nasr Ullah	Charsadda/2
56.	64/38	13.02.66	Rais ur Rehman S/O Noor ur Rehman	Mansehra/5
57.	64/38	01.03.69	Muhammad Saeed ur Rehman S/O Abdul Hadi	Haripur/5
58.	64/38	25.07.69	Muhammad Zarif S/O Nawaz Ali	D.I Khan/4
59.	64/38	21.04.70	Muhammad Saeed S/O Muhammad Shafiq	Swat/3
60.	64/38	28.03.71	Muhammad Tariq S/O Noor Ali Khan	Bannu/4
61.	64/38	02.06.74	Hamid Rasool S/O Abdur Rasool	Bannu/4

62.	64/38	15.09.75	Hafiz Arshad Ali S/O Muhammad sherin	Mardan/2
63.	64/35	01.01.68	Ashraf Ali S/O Abdullah Khan	FR. Bannu/4
64.	63/45	03.01.74	Qadir Shah S/O Sahib Shab	L. Marwat/4
65.	63/45	22.02.74	Muhammad Arshad S/O Wadud Ur Rehman	Peshawar/2
66.	63/45	14.03.74	Irshad Khan S/O Khushal Khan	Peshawar/2
67.	63/45	01.02.76	Syed Ataullah Shah S/O Syed Muzarab Shah	Moh. Agy/1
68.	63/45	01.02.77	Shahzad Nadeem S/O Khurshid Ahmad	Chitral/3
69.	63/40	05.09.64	Habib ur Rehman S/O Badshah Khan	L. Marwat/4
70.	63/40	01.01.70	Abdul Samad S/O Muhammad Miskeen	<b>Mansehra/5</b>
71.	63/40	25.05.72	Chanzeb S/O Zardad Khan	<b>Abbottabad/5</b>
72.	63/40	01.04.73	Raja Babu Jahangir S/O Raja Sultan Mubarik	<b>Mansehra/5</b>
73.	63/40	16.04.74	Qaiser Khan S/O Muhammad Nawaz Khan	FR Bannu/1
74.	63/38	10.02.68	Sharaf ud Din S/O Gul Nadir Khan	Chitral/3
75.	63/38	08.04.68	Imtiaz Khan S/O Gul Zaman Khan	Dir/3
76.	63/38	01.01.69	Muhammad Khitab S/O Gulab	Dir/3
77.	63/38	10.04.70	Bakht Zada S/O Mashan Gul	Dir/3
78.	63/38	15.07.72	Zia ur Rehman S/O Said Rehman	Peshawar/2
79.	63/38	01.01.73	Ihtisham ul Haq S/O Fazal Haq	Malakand/3
80.	63/38	06.10.73	Rahim Khan S/O Hussain Khan	Peshawar/2
81.	63/35	18.04.70	Muhammad Saleem S/O Ghulam Sarwar	D.I Khan/4
82.	63/35	11.09.72	Sikandar Irfan S/O Faizullah Khan	D.I Khan/4
83.	63/35	08.03.74	Abdul Hafeez S/O Abdul Rashid	D.I Khan/4
84.	63/33	10.04.70	Shah Jehan S/O Gul Rahim Khan	Buner/3
85.	62/45	14.05.68	Ishtiaq Ahmed Khan S/O Muhammad Akram Khan	<b>Abbottabad/5</b>
86.	62/45	03.04.78	Mati Ullah Khan S/O Darawez Khan	FR Bannu/1
87.	62/43	30.04.73	Shabbir Ahmad S/O Qazi Fazli Hanan	Charsadda/2
88.	62/43	01.01.77	Jamshed Khan S/O Mehnood Khan	Swabi/2
89.	62/42	08.03.72	Riaz Khan S/O Mir Zali Khan	Bannu/4
90.	62/40	15.04.70	Rajab Ali S/O Mir Qadam Khan	SW.Agy/1
91.	62/40	14.05.72	Muhammad Tahir S/O Habib Jan	Dir/3
92.	62/40	01.01.75	Farman Ullah S/O Aman Ullah	Peshawar/2
93.	62/40	15.03.75	Syed Ikram S/O Syed Mutamed Khan	Mardan/2
94.	62/40	18.07.77	Muhammad Azam Khan S/O Gul Khan	FR. Bannu/1

95.	62/40	04.04.78	Hameed ur Rehman S/O Saeed ur Rehman	Peshawar/2
96.	62/38	07.01.67	Saeed Mehmood S/O Hazrat Mehmood	Buner/3
97.	62/38	10.04.67	Fazali Qadir S/O Ali Asghar	Haripur/5
98.	62/38	15.03.69	Fahim Jan S/O Alif Khan	Peshawar/2
99.	62/38	10.04.69	Aurangzeb S/O Paidad Khan	Shangla/3
100.	62/38	07.09.69	Asad Ullah Shah S/O Nawab Ai Shah	Bannu/4
101.	62/38	14.03.71	Abdul Waheed S/O Abdul Qadir	Abbottabad/5
102.	62/38	07.04.71	Altaf Hussain S/O Nasrullah Khan	Malakand/3
103.	62/38	05.04.71	Muhammad Alam Din S/O Muhamamd Iqbal Din	ER.Bannu/1
104.	62/38	01.09.71	Saleh Bad Shah S/O Lal Bad Shah	L.Marwat/4
105.	62/38	18.11.71	Nasir Iqbal S/O Sakhi Marjan	Karak/4
106.	62/38	07.05.72	Akbar Ghani S/O Fatih Muhammad	Dir/3
107.	62/38	03.03.73	Muhammad Azeem Khan S/O Nawab Khan	NW.Agy/1
108.	62/38	20.11.73	Sikandar Hayat S/O Sadiq Ullah	Swabi/2
109.	62/38	22.02.76	Muhammad Noor Sultan S/O Dilawar Khan	D.I Khan/4
110.	62/38	06.06.79	Khawaja S/O Zarin Khan	Dir/3
111.	62/38	11.08.79	Wisal Muhammad S/O Dost Muhammad	Charsadda/2
112.	62/35	01.04.64	Nisar Ahmad S/O Paimda Gul	Baj.Agy/1
113.	62/35	20.11.64	Muhammad Iqbal S/O Baz Mula	Dir/3
114.	62/35	02.03.65	Zaheer Uddin S/O Muhammad Saeed	Dir/3
115.	62/35	05.04.78	Hafiz Fazal e Akbar S/O Gohar	Swabi/2
116.	61/45	15.05.71	Mir Samad Khan S/O Hakeem Khan	Battagram/3
117.	61/45	29.09.75	Muhammad Ishtiaq S/O Muhammad Latif	Peshawar/2
118.	61/45	25.05.76	Muhammad Naeem S/O Mumtaz Khan	Karak/4
119.	61/42	20.11.71	Syed Anwar Ali Shah S/O Syed Mehmood Shah	Moh.Agy/1
120.	61/40	01.02.67	Shah Zar Khan S/O Hafte Khan	SW.Agy/1
121.	61/40	01.03.70	Muhammad Sharif S/O Sher Khan	Kurm.Agy/1
122.	61/40	16.03.71	Abdul Qayyum Khan S/O Abdul Hanan	Bannu/4
123.	61/40	14.08.71	Ihsan Ullah S/O Amar Sher	Moh.Agy/1
124.	61/40	10.12.73	Habibullah S/O Muhammad Iqbal	Peshawar/2
125.	61/40	14.04.75	Muhammad Hayat Khan S/O Masal Khan	Nowshera/2
126.	61/40	01.04.78	Sultan Muhammad S/O Ali Akbar	Mardan/2
127.	61/40	23.06.78	Muhammad Isahaq S/O Muhammad	MKD/3

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129.	61/38	14.01.73	Muhammad Hussain S/O Mir Abbas Khan	Karak/4
130.	61/38	05.10.64	Muhammad Asif Khan S/O Muhammad Akram Khan	Abbottabad/5
131.	61/38	06.03.65	Ataullah Shah S/O Ubaid Shah	G. Swabi/3
132.	61/38	08.03.65	Said Zamin Shah S/O Aqlmin Shah	Malakand /3
133.	61/38	18.03.66	Umer Farooq S/O Bahramand	Buner/3
134.	61/38	01.05.66	Syed Ihsan Ullah Shah S/O Syed Lal Badshah	Peshawar/2
135.	61/38	12.10.66	Imtiaz Ali S/O Haji Hayat Gul	Peshawar/2
136.	61/38	21.08.67	Suhbat Ullah S/O Rehmat Ullah	S.W. Agy/1
137.	61/38	04.03.68	Iftikhar Ali Khan S/O Zarif Khan	Mardan/2
138.	61/38	09.05.68	Peer Muhammad Khan S/O Nadar Khan	Dir/3
139.	61/38	04.10.69	Sakin Shah S/O Muhib Ali Shah	Peshawar/2
140.	61/38	02.04.70	Iran Gul S/O Naseer Khan	Tank/4
141.	61/38	20.12.70	Mushtaq Ahmed S/O Gul Zar Ahmed	Peshawar/2
142.	61/38	21.01.71	Inam Ullah S/O Taj Muhammad	Peshawar/2
143.	61/38	14.08.72	Fida Muhammad S/O Zareen Muhammad	Moh.Agy/1
144.	61/38	04.01.74	Tahir Ahmed Khan S/O Rab Nawaz Khan	L. Marwat/4
145.	61/38	07.03.74	Riaz Hussain S/O Taj Muhammad	Peshawar/2
146.	61/38	03.02.75	Zahir Qamar S/O Shamsul Qamar	Peshawar/2
147.	61/38	20.02.76	Irfan Ali S/O Gouhar Ali	Charsadda/2
148.	61/38	16.11.76	Ajeeb Ullah S/O Saif Ullah	Dir/3
149.	61/38	04.01.77	Wali ur Rehman S/O Fojun Khan	Battagram/3
150.	61/38	09.05.77	S. Irshad Ali S/O Ali Afsar	Abbottabad/5
151.	61/35	01.03.65	Said Bad Shah S/O Ali Ahmed	Swabi/2
152.	61/35	01.01.67	Hafiz Muhammad Ziaullah S/O Ajab Gul	Kohat/4
153.	61/35	06.04.68	Abdul Haleem S/O Yameen	Shangla/3
154.	61/35	19.03.69	Syed Anwar Shah S/O Syed Mardan Shah	Mansehra/5
155.	61/35	05.01.70	Rohullah Jan S/O Misbah ud Din	Mardan/2
156.	61/35	01.09.70	Asmat Ullah S/O Atta Muhammad	D.I Khan/4
157.	61/35	12.12.70	Nasruminullah S/O Khan Ullah	Nowshera/2
158.	61/35	12.02.71	Abdullah Khan S/O Zar Ghon Shah	Karak/4
159.	61/35	24.12.71	Arshad Mehmood S/O Ghulam Nabi	Abbottabad/5
160.	61/35	10.01.72	Muhammad Irfan S/O Mian Fazal I Dayan	Nowshera/2
161.	61/35	15.04.72	Wazir Zada S/O Sahib Zada	Mardan/2

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162.	61/35	10.09.73	Munib ur Rehman S/O Abdul Ghafoor	Abbottabad/5
163.	61/35	26.10.73	Hikmatullah S/O Ali Muhammad	L.Marwat /4
164.	60/40	08.08.70	Sajjad Rashid S/O Abdur Rashid	Peshawar/2
165.	60/40	04.06.72	Noor Ajab Khan S/O Noor Muhammad Khan	Karak/4
166.	60/40	27.04.74	Bismillah Jan S/O Abdul Ghaffar	Peshawar/2
167.	60/40	06.06.74	Muhammad Sadiq S/O Muhammad Kamal	Mardan/2
168.	60/40	15.01.75	Hashim Khan S/O Muhammad Nawaz Khan	L. Marwat/4
169.	60/40	10.11.76	Muhammad Ashfaq Elahi S/O Farman Elahi	Peshawar/2
170.	60/40	03.04.77	Sajjad Ahmed S/O Qazi Fazli Hanan	Charsadda/2
171.	60/38	14.04.66	Khalil ur Rehman S/O Hastam Khan	Peshawar/2
172.	60/38	24.11.67	Wajihuddin S/O Fazal Mabood Jan	Dir/3
173.	60/38	02.01.69	Haya Said S/O Mian Said	MKD/3
174.	60/38	01.02.69	Sarmast Khan S/O Mir Rehman	Moh. Agy/1
175.	60/38	25.03.69	Aman ul Mulk Shah S/O Said Ali Shah	Buner/3
176.	60/38	18.08.69	Muhammad Tahir S/O Sawal Faqir	Dir/3
177.	60/38	15.05.70	S. Sakawat Ali Shah S/O S. Chiragh Shah	Peshawar/2
178.	60/38	01.01.71	Nasrullah Khan S/O Nadar Khan	Dir/3
179.	60/38	02.02.71	Janas Khan S/O Lal Rahim	Charsadda/2
180.	60/38	06.02.71	Zahir ur Rehman S/O Mir Hussain	Hangu/4
181.	60/38	02.01.72	Noor Muhammad S/O Said Muhammad	Baj, Agy/1
182.	60/38	07.03.72	Mukhtiar Khan S/O Ismail Khan	Mardan/2
183.	60/38	01.05.72	Muhammad Sayyar Khan S/O Muhammad Ullah	Peshawar/2
184.	60/38	25.05.72	Shafiq ur Rehman S/O Zia ul Haq	Abbottabad/5
185.	60/38	16.02.73	Zakir Hussain S/O Hussain Gul	MKD/3
186.	60/38	27.03.73	Yousaf Shah S/O Abdur Rahim	Nowshera/2
187.	60/38	03.04.73	Zahir Shah S/O Sardar Khan	Peshawar/2
188.	60/38	30.04.74	Sajid Ullah S/O Zahir Shah	Moh.Agy/1
189.	60/38	03.07.74	Mahtab Shah S/O Muzammil Shah	Peshawar/2
190.	60/38	04.01.75	Muhammad Sheraz S/O Naseeb Gul	Karak/4
191.	60/38	01.04.75	Said Zahid S/O Faiz Mehmood	Buner/3
192.	60/38	06.04.75	Khalid Khan S/O Khan Bahadar	Mardan/2
193.	60/38	12.04.75	Kirammat Ullah S/O Sattar Zaman	FR. Bannu/1
194.	60/38	05.01.76	Muhammad Afsar S/O Hassan Zeb	Swabi/2
195.	60/38	15.05.77	Hamood ur Rehman S/O Maqbool ur Rehman	Peshawar/2

196.	60/38	20.11.77	Taj Alam S/O Sher Alam	FR. Bannu/1
197.	60/38	16.06.81	Abdul Karim S/O Jehangir Khan	Peshawar/2
198.	60/35	17.10.61	Miftahuddin S/O Akbar Khan	Chitral/3
199.	60/35	05.03.68	Haq Nawaz S/O Ahmad Khan	Battagram/3
200.	60/35	15.06.68	Abid Hussain S/O Hussain Ghulam	Kuram.Agy/1
✓ 201.	60/35	15.02.70	Muhammad Ishtiaq S/O Muhammad Ayyub	<b>Mansehra/5</b>
202.	60/35	03.04.70	Ishfaq Rasool Safi S/O Ghulam Rasool Safi	Moh.Agy/1
203.	60/35	14.04.71	Muhammad Arif S/O Muhammad Junaid Khan	Swabi/2
204.	60/35	12.04.73	Zamir Ahmed Khan S/O Ahmed Nawaz Khan	D.I Khan/4
205.	60/35	16.05.73	Shakeel Ahmed S/O Muhammad Ahmad	D.I Khan/4
206.	60/35	06.01.74	Muhammad Saleem S/O Muhammad Azeem Khan	Peshawar/2
207.	60/35	25.12.74	Zafar Khan S/O Munawar Khan	<b>Abbottabad/5</b>
208.	60/35	15.04.75	Jehangeer Khan S/O Shah Jehan	Peshawar/2
209.	60/35	19.11.75	Nisar Muhammad S/O Bahadar Khan	L. Marwat/4
210.	60/35	10.12.75	Zafar Iqbal S/O Amir Badshah	Peshawar/2
211.	60/35	18.06.77	<b>Syed Mehmood ul Hassan S/O Syed Sarwar Shah</b>	Abbottabad/5
212.	60/35	18.06.77	Khams ul Haq S/O Mian Habib Jan	Peshawar/2
✓ 213.	60/33	20.06.67	Waseem Fazal S/O Fazal ur Rehman	<b>Abbottabad/5</b>
✓ 214.	60/33	01.01.68	Muhammad Tanveer S/O Faqeer Muhammad	<b>Abbottabad/5</b>
215.	60/33	01.09.68	Tahir Shah S/O Qadar Shah	Mardan/2
216.	60/33	08.05.72	Races Khan S/O Sher Zaman Khan	MKD/3
217.	60/30	13.03.67	Shams ur Rehman S/O Hafiz Abdul Hadi	Hangu/4
218.	59/40	11.03.71	Syed Fazle Amin S/O Mir Hatam Shah	Charsadda/2
219.	59/40	11.05.72	Sahib Kamal S/O Haji Fazal Zaman	Nowshera/2
220.	59/40	04.10.72	Saeed Ahmed S/O Haji Dilber Khan	Shangla/3
221.	59/40	10.06.73	Tariq Ahmed S/O Fazli Rashid	Dir/3
222.	59/40	26.07.73	Muhammad Arshad Sharif S/O Sharif Khan	Kohat/4
223.	59/40	01.04.74	Ulfat Ali S/O Daftar Shah	SW.Agy/1
224.	59/40	01.01.76	Qasim Ali Khan S/O Mumtaz Ali Khan	Peshawar/2
225.	59/40	03.01.79	Muhammad Kamran S/O Laiq Shaour	Karak/4
226.	59/40	06.03.79	Abdus Sattar Ali Shah S/O Gul Afzal Ali Shah	Bannu/4
227.	59/38	05.01.65	Muhammad Ibrahim Siddiq ul Haq S/O Abdul Hameed	Charsadda/2
228.	59/38	10.03.70	Fazli Malik S/O Abdul Hadi	Mardan/2



229.	59/38	25.04.70	Abdullah Khan S/O Sadin Khan	Kuram.Agy/1
230.	59/38	01.05.70	Saeed Gul S/O Fati Gul	Dir/3
231.	59/38	18.03.72	Noor ul Hadi S/O Abdul Hakeem	Swabi/2
232.	59/38	06.04.72	Hamid Ullah S/O Ihsan Ullah	Buner/3
233.	59/38	12.05.72	Shaukat Zaman S/O Shahi Zaman	Mardan/2
234.	59/38	26.09.72	Kifayat Khan S/O Syed Khan	Peshawar/2
235.	59/38	01.10.72	Fazli Wahid S/O Abdul Wahid	G.Swabi/3
236.	59/38	25.02.73	Muhammad Irshad S/O Abdul Kafi	Peshawar/2
237.	59/38	18.03.73	Javed Iqbal S/O Ghulam Qadar	Baj.Agy/1
238.	59/38	20.04.73	Malak Khan S/O Shahzad Khan	SW.Agy/1
239.	59/38	03.12.73	Sattar Khan S/O Mir Alam Khan	Bannu/4
240.	59/38	01.02.74	Zafar Ali Khan S/O Fakhar Uddin	Charsadda/2
241.	59/38	05.04.74	Naveed Ahmed S/O Muhammad Farid Khan	Manshra/5
242.	59/38	12.04.74	Jan Muhammad S/O Jafar Khan	Charsadda/2
243.	59/38	06.06.71	Noor Zaman S/O Noor Khan	Tank/4
244.	59/38	08.02.75	Niaz Khan S/O Gul Rahim	Peshawar/2
245.	59/38	12.04.75	Rahat Khan S/O Lal Rahman	MKD/3
246.	59/38	02.04.76	Aziz Khan S/O Anwar Khan	Peshawar/2
247.	59/38	23.04.76	Jamshaid Iqbal S/O Sahib Gul	Swabi/2
248.	59/38	15.06.77	Rahman Ullah S/O Muhammad Hussain	Dir/3
249.	59/35	10.11.64	Umar Rahman S/O Masal Khan	Dir/3
250.	59/35	02.06.65	Muhammad Tahir S/O Sayed Muhammad	Bannu/4
251.	59/35	04.03.66	Iqbal Hussain S/O Latif Khan	Nowshera/2
252.	59/35	02.02.67	Muhammad Nasir ud Din S/O Muhammad Din Jan	Dir/3
253.	59/35	09.02.67	Zahid Gul S/O Itbar Gul	MKD/3
254.	59/35	14.12.67	<b>Sarfaraz Khan S/O Shahab uddin</b>	Mansehra/5 Zone
255.	59/35	15.03.68	Anwar Zeb S/O Khan Gul	Swat/3
256.	59/35	17.09.68	Muhammad Ayaz Khan S/O Muhammad Sherin Khan	Mardan/2
257.	59/35	06.04.69	Muhammad Iqbal S/O Badshah Gul	Shangla/3
258.	59/35	12.02.70	Shams ur Rehman S/O Amir Palay Khan	Karak/4
259.	59/35	12.03.70	Shahab Din S/O Fazal Manan	NW.Agy/1
260.	59/35	04.08.70	Zakirullah S/O Rahimullah	Charsadda/2
261.	59/35	05.01.71	Bashir Ahmed S/O Shah Mozay	Battagram/3

262.	59/35	01.03.72	Moheb ur Rehman S/O Muhammad Luqman	NWA/1
263.	59/35	01.07.72	Sajid Ahmed S/O Abdur Rauf	Peshawar/2
264.	59/35	12.04.73	Muhammad Amir S/O Saad Ullah Jan	Nowshera/2
265.	59/35	01.01.74	Barkatullah S/O Shah Gulab	Dir/3
266.	59/35	08.03.74	Sanaullah S/O Muhammad Sher Khan	FR. Bannu/1
267.	59/35	01.02.75	Sami ur Rahman S/O Siraj ur Rehman	Mardan/2
268.	59/35	03.04.75	Muhammad Zahir Shah S/O Ghulam Qadir	Dir/3
269.	59/35	03.03.78	Riaz Ahmed S/O Sher Ahmed	Chitral/3
270.	59/35	01.02.79	Hafiz Maqbool Khan S/O Khair Ullah Khan	Bannu/4
271.	59/33	01.04.68	Dilawar Khan S/O Sahib Jamal	Karak/4
272.	59/33	01.08.72	Shamroz Khan S/O Nairoz Khan	Swat/3
273.	58/45	01.01.74	Nadeem S/O Abdul Qayyum	Mansehra/5
274.	58/40	05.03.77	Miraj Ahmed Khan S/O Ibadat Khan	Chitral/3
275.	58/38	29.10.65	Ghulam Jilani S/O Darwaish	Mansehra/5
276.	58/38	20.03.70	Syed Mehmood ul Hassan S/O Syed Sarwar Shah	Abbottabad/5
277.	58/38	04.03.71	Aziz Khan S/O Abdul Gafoor	Mardan/2
278.	58/38	01.01.73	Abdul Wali Khan S/O Mehboob Wali Khan	Chitral/3
279.	58/38	15.04.73	Rab Nawaz S/O Gul Dad Khan	Abbottabad/5
280.	58/38	15.07.73	Bashir Ahmed S/O Mir Muhammad	Mardan/2
281.	58/38	14.04.74	Saqib Ullah S/O Rafi Ullah	Mansehra/5
282.	58/38	16.04.74	Jehan Zeb Ali S/O Fariq Khan	Moh. Agy/1
283.	58/38	03.05.76	Anzar Ali S/O Zahir Shah	Haripur/5
284.	58/38	11.11.76	Sung e Faris S/O Malook	Moh. Agy/1
285.	58/38	14.02.77	Muhammad Tufail S/O Qazi Gul Muhammad	Peshawar/2
286.	58/38	10.05.77	Anwar Adil S/O Saif ur Rehman	Mardan/2
287.	58/38	10.09.77	Muhammad Ejaz S/O Mir Sahib Khan	S. W. Agy/1
288.	58/38	02.01.78	Muhammad Shah Zeb Gul S/O Bad Shah Gul	
289.	58/38	03.01.78	Muhammad Usman S/O Muhammad Yahya	Swabi/2
290.	58/38	03.02.79	Sajid ur Rehman S/O Sher Bahadar	Karak/4
291.	58/38	03.01.80	Aqal Wazir S/O Gul Nazir	FR. Lakki/1
292.	58/35	10.11.65	Zia ur Rehman S/O Anayat ur Rehman	Chitral/3
293.	58/35	01.09.66	Muhammad Asif Iqbal Khan S/O Muhammad Iqbal Khan	Nowshera/2
294.	58/35	10.02.68	Bacha Jan S/O Gul Rehman	Charsadda/2

295.	58/35	24.06.68	Jehanzeb Khan S/O Zardad Khan	Abbottabad/5
296.	58/35	23.09.68	Muhammad Idris S/O Jehan Bakht	Dir/3
297.	58/35	02.12.69	Muhammad Sohail S/O Muhammad Zaman	Charsadda/2
298.	58/35	01.01.70	Niaz Gul S/O Haya Gul	Swabi/2
299.	58/35	01.05.70	<b>Babar S/O Gul Muhammad</b>	<b>Mansehra/5</b>
300.	58/35	01.08.71	Sher Ali S/O Umar Din	Mardan/2
301.	58/35	02.12.71	Shad Muhammad S/O Abdul Wahab	Battagram/3
302.	58/35	02.02.72	Waheed Ullah S/O Hajat Pur	Karak/4
303.	58/35	20.02.72	Zafar Usman S/O Usman ud Din	Nowshera/2
304.	58/35	22.02.72	Noor ul Ameen S/O Fazeelat ur Rehman	Charsadda/2
305.	58/35	12.05.72	Arshad Jamal S/O Muhammad Jamal	Mardan/2
306.	58/35	23.05.72	Muhammad Saeed Khan S/O Muhammad Jalal	Charsadda/2
307.	58/35	01.09.72	Jamil Ahmad S/O Maqbool Ahmad	D.I. Khan/4
308.	58/35	01.12.73	Khadim Hussain S/O Mushtaq Ahmad	D.I. Khan/4
309.	58/35	09.02.74	Hayt Muhammad S/O Sahib Wali	Dir/3
310.	58/35	01.04.74	Muhammad Jehanzeb Khan S/O Sultan Yousaf	Peshawar/2
311.	58/35	09.01.75	Sardar Hussain S/O Sher Hussain	Buner/3
312.	58/35	07.04.75	Maruf Khan S/O Akhya Jan	FR. Bannu/1
313.	58/35	10.06.76	Muhammad Sharif S/O Gul Shaip Khan	Karak/4
314.	58/35	22.06.76	Muhammad Zahid Akbar Khan S/O Khyber Khan	Dir/3
315.	58/35	03.03.77	Bashir Muhammad S/O Sahib Ghani	Dir/3
316.	58/35	09.09.77	Saeed Khan S/O Ziarat Khan	G. Swabi/3
317.	58/35	03.02.78	Naqeeb Ullah S/O Mashoor Khan	S.W. Agy/1
318.	58/35	15.01.80	Shakeel Ahmad S/O Ahmad Khan	Tank/4
319.	58/33	05.09.68	Abdullah Jan S/O Abdul Mateen	Peshawar/2
320.	58/33	27.03.69	Akhtar Hussain S/O Ghulam Hussain	Peshawar/2
321.	58/33	01.04.70	Ijaz Khan S/O Mumtaz Khan	Bannu/4
322.	58/33	01.05.70	Said Amin Shah S/O Mutalib Shah	Swabi/2
323.	58/33	13.05.70	Shams ul Hadi S/O Mufassar Khan	Battagram/3
324.	58/33	21.02.71	Mushtaq Ahmed S/O Mir Afzal Khan	Mansehra/5
325.	58/33	01.02.72	Muhammad Shaoib Khan S/O Muhammad Awal Yaz Khan	FR. Bannu/1
326.	58/33	01.04.73	Luqman Azam S/O Rais Khan	Karak/4.
327.	58/33	20.03.76	Muhammad Sami Ullah S/O Muhammad Zahir Shah	Dir/3
328.	5/30	10.10.66	Atta ur Rehman Qureshi S/O	Charsadda/2

The Hon'ble Governor,  
Khyber Pakhtunkhwa  
Peshawar

Subject: REVIEW / REPRESENTATION /  
DEPARTMENTAL APPEAL AGAINST  
THE ORDER DATED 15/01/2016.

Respected Sir,

Appellant submits as under;

- 1- That the appellant was an employee of Agriculture Department and due to the restructuring of the said department, the service of the appellant was placed at the disposal of surplus pool, established for such kind of employees.
- 2- That the appellant was absorbed in Khyber Pakhtunkhwa Service Commission as LDC / Junior Clerk in 2003 but keeping in view the professional skill of the appellant in the field of Computer Operating, the appellant was deputed to work on the post of Key Punch Operator (KPO) in the Computer Section of the commission.
- 3- That keeping in view the good performance and spotless service career, the appellant was promoted to the post of UDC (Senior Clerk) on 02/12/2004 but still the appellant continued to work as Key Punch Operator in the Computer Section. The appellant was further promoted to the post of Assistant on 02/01/2013.
- 4- That in April 2015, the appellant was informed that there is a so-called Inquiry Committee has




(587) (27)

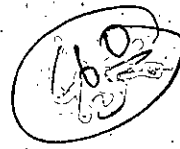
been constituted to probe into the alleged irregularities in the selection process of ADOs in education department.

- 5- That the appellant appeared before the said Inquiry Committee and fully explained his position who also admitted in principal that at that time, the appellant was performing his duties as "KPC".
- 6- That besides the above clarification/ explanation, the appellant was served with a Show Cause Notice communicated vide Letter dated 22/07/2015 which was properly replied.
- 7- That although there is no active role of the appellant in the whole alleged irregularities but the appellant was shocked to receive the order dated 15/01/2016 vide which the appellant has been removed from service.
- 8- That being aggrieved from the said impugned order dated 15/01/2016, the appellant approaches your good self through the instant Recd. / representation / departmental appeal on the following grounds amongst others:

GROUNDS:

- A) That the impugned removal order dated 15/01/2016 is void ab-initio, illegal, without lawful authority and nullity in the eyes of law.

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- B) That the appellant has been awarded major punishment without observing the codal formalities.
- C) That the appellant was admittedly performing his duties as KPO "Key Punch Operator" and the job of the appellant was just to type and print the papers given / assigned to him, so the appellant have no concern with the alleged occurrence/allegation leveled against him.
- D) That no charge sheet or statement of allegations was ever served upon the appellant.
- E) That copy of the Inquiry Report was never provided to the appellant so the appellant was deprived from the right to explain his position keeping in view the so-called findings and recommendations of the said inquiry report.
- F) That the appellant has an unblemished service career / record of about 25 years and there is not a single adverse entry / remarks in the annual confidential reports of the appellant. This fact is clearly evident as the appellant was promoted from time to time.
- G) That without prejudice to the foregoing grounds, the punishment awarded to the appellant is too harsh and does not commensurate to the alleged guilt of the appellant.



- H) That the impugned order has been passed without observing the codal formalities.
- I) That the inquiry has not been conducted in accordance with law and rules applicable thereto.
- J) That no final Show Cause Notice was served upon the appellant before issuance of the impugned order.
- K) That the impugned order is passed in sheer violation of the rules and regulations pertaining to the matter and therefore, liable to be struck down on this score alone.
- L) That the appellant may please be provided a chance of personal hearing to explain his position.

It is, therefore, most humbly prayed that the impugned removal order dated 15/01/2016 may kindly be set aside and the and the appellant be reinstated in service with all back benefits.

Dated 27/01/2016

Muhammad Shahab  
S/o Muhammad Kamal  
R/o Kandai Garhi Miagan  
Village Surizai Payan  
Tehsil & District Peshawar.

Amendment I (61)

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

Appeal No. 513/2016

*Muhammad Shahab* Ex. Ex-Assistant, Khyber Pakhtunkhwa Public  
Service Commission Peshawar.

(Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Chief Secretary, Civil  
Secretariat Peshawar and others.

(Respondents)

**I N D E X**

S.No	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Memo of Appeal		1-5
2.	Affidavit		6-7
3.	Copies of Complaints	A	8
4.	Copy of order dated 10.03.2015	B	8-12
5.	Copies of the statements and inquiry report dated 02.06.2015	C & D	13-36
6.	Copies of show cause notice dated 22.07.2015 and reply to the show cause notice	E & F	37-40
7.	Copy of the order dated 15.01.2016	G	41
8.	Copies of the review petition dated 27.01.2016 and rejection order dated 18.04.2016,	H & I	42-45
9.	Copy of the letter dated 27.03.2014	J	46
10.	Wakalatnama		

Appellant

Through

**IJAZ ANWAR**  
Advocates Peshawar  
&

**SAJID AMIN**  
Advocates Peshawar



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BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Appeal No. \_\_\_\_\_/2016

*Muhammad Shahab* Ex. Ex-Assistant, Khyber Pakhtunkhwa Public Service Commission.

*(Appellant)*

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. Chairman Khyber Pakhtunkhwa Public Service Commission Fort Road Peshawar Cantt.
3. Secretary Khyber Pakhtunkhwa Public Service Commission Fort Road Peshawar Cantt.

*(Respondents)*

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Office Order dated 15.01.2016, whereby the appellant has been awarded the major penalty of Removal from Service, against which his review petition dated 27.01.2016 has also been rejected vide order dated 18.04.2016.

Prayer in Appeal:

On acceptance of this appeal the impugned orders dated 15.01.2016 and 18.04.2016, may please be set-aside and the appellant be reinstated into service with all back wages and benefits of service.

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Respectfully Submitted:

1. That the appellant was initially appointed in the Agriculture Department as junior Clerk, however, due the restructuring of the Agriculture Department the appellant was placed in surplus pool.

*No Comments*

2. That later the Appellant was adjusted and absorbed in the Khyber Pakhtunkhwa Public Service Commission (hereinafter to be referred as the Commission) as Junior Clerk in 2003, but keeping in view his professional skills in the field of Computer Operating, the appellant was deputed to work on the post of Key Punch Operator (KPO) in the Computer Section of the Commission.

3. That keeping in view the good performance and spotless service career, the appellant was promoted to the post of Senior Clerk on 02.12.2004, however he worked as KPO Computer Section. Lastly the appellant promoted to the post of Assistant on 02.01.2013.

4. That it is pertinent to mention here that ever since his appointment the appellant has performed his duties as assigned with zeal and devotion and there was no complaint whatsoever regarding his performance.

5. That in the year 2010, the Commission conducted interviews against 241 posts of Assistant District Officer (BPS-16) in the Elementary and Secondary Education Department and interview result of the selected candidates was announced on 03.02.2011.

6. That after four years, in the year 2014, one of the candidates namely Mr. Saqibullah hailing from District Mansehra Zone 5, who could not be selected due to low merit, submitted two complaints in the Commission office alleging some irregularities in zonal adjustments in the selection of said Assistant District Officers. *(Copies of Complaints are attached as annexure A)*

7. That, resultantly, the Respondent No. 3 constituted a fact finding Inquiry Committee, vide order dated 10.03.2015, to probe into the alleged irregularities committed in the recruitment process of the said Assistant District Officers (Male) BPS-16 and to fix responsibilities for the said irregularities. *(Copy of order dated 10.03.2015 is attached as Annexure B)*

8. That the inquiry Committee after conducting inquiry, submitted its report dated 02.06.2015, wherein certain recommendations were made. Quite illegally the inquiry committee while exceeding its mandate also recommended the appellant for major penalty of removal from service. *(Copies of the statements of the Officials and preliminary inquiry report dated 02.06.2015 are attached as Annexure C & D)*

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9. That surprisingly without conducting any regular inquiry, the appellant was served with a show cause notice dated 22.07.2015 communicated to the appellant on 24.07.2015, wherein the major penalty of removal from service was proposed to be imposed upon the appellant. The appellant duly replied to the show cause and refuted the allegations mentioned therein. The reply to the show cause notice may kindly be considered as an integral part of the instant appeal. *(Copies of show cause notice dated 22.07.2015 and reply to the show cause notice are attached as Annexure E & F)*
10. That the competent authority without considering his defense reply, awarded the appellant the major penalty of **Removal from Service** vide order dated 15.01.2016. *(Copy of the order dated 15.01.2016, is attached as Annexure G)*
11. That aggrieved from the order dated 15.01.2016, the appellant duly submitted his review petition dated 27.01.2016, however, the review petition of the appellant has also been rejected vide order dated 18.04.2016, copy of the order was however communicated to the appellant on 25.04.2016. *(Copies of the review petition dated 27.01.2016 and rejection order dated 18.04.2016, are attached as Annexure H & I)*
12. That the impugned orders dated 15.01.2016 and 18.04.2016 are illegal, unlawful, without lawful authority, against the law and facts, hence liable to be set aside on the following grounds;

**GROUND OF SERVICE APPEAL:**

- A. That the appellant has not been treated in accordance with law, and his right secured and guaranteed under the law have been violated.
- B. That no proper procedure has been followed before awarding the major punishment to the appellant, the appellant has not been served with any charge sheet or statement of allegation, nor any regular inquiry has been conducted, thus the whole proceedings are defective in the eye of law and the order based on such defective proceedings is liable to be set aside.
- C. That the appellant has not been given proper opportunity of personal hearing before his removal from service hence he has been condemned unheard.
- D. That no charge sheet or statement of allegations has been served upon the appellant, hence the appellant has not been given opportunity to defend himself against the charges.

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- E. That no regular inquiry as required under the Law has been conducted, even in the preliminary inquiry the appellant has not been associated properly with the proceeding, statements of witnesses if any have not been taken in his presence nor the appellant has been allowed opportunity to cross examine those who may have deposed against him. The recommendations of the inquiry committee are based on mere surmises and conjunctures.
- F. That the charges levelled against the appellant were neither probed nor proved albeit the appellant has been awarded the major penalty.
- G. That the Inquiry Officer has acted illegally and in violation of law by claiming to have proved the charges without any proof or evidence.
- H. That the preliminary inquiry committee was only supposed to fix the responsibility if any on the concerned, however it has acted illegally and exceeded its mandate by recommending the appellant for major penalty of removal from service. Moreover the recommendations so made by the preliminary inquiry committee are also the violation of the instructions contained in letter dated 26.03.2014. **(Copy of the letter dated 26.03.2014, is attached as Annexure J)**
- I. That the copy of the inquiry report has never been provided to the appellant which is mandatory under law in case of awarding major penalty.
- J. That the inquiry committee recommended the appellant of removal from service and as such acted beyond its domain (TOR) without any evidence in support of allegations and conclusively proving same.
- K. That at the relevant time the appellant was performing his duties as Senior Clerk cum Key Punch Operator and as such he could not be held responsible for mistakes/ irregularity if any, occurred in the selection process of ADOs, because Assistant, Superintendent and deputy Secretary should have checked zones before signature. The checking and scrutiny of the interviewed ADO's paper were to be done by the concerned Assistant, superintendents and the DS. Therefore the appellant could not be held for any irregularity.
- L. That the eligibility of the candidates is determined / decided by the member concerned and the files are moved by the dealing Assistant through the superintendent and Deputy Secretary concerned. As the appellant was doing only typing work therefore he could not be held responsible for the job performed by the dealing Assistant and the superintendent.

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- M. That it is pertinent to mention here that neither Mr. Saqib Ullah (Complainant) nor any of the four candidates recommended for appointment were examined during the inquiry regarding involvement of the appellant in the alleged irregularities.
- N. That adopting shorter procedure in the instant case was uncalled for and illegal the charges were never admitted by the appellant hence the issuance of show cause notice has prejudice his case and in-fact he was condemned unheard.
- O. That the matter in hand required a full fledge regular inquiry, for the proof or other wise of the charges, in the absence of regular inquiry major penalty can not be imposed.
- P. That the appellant has at his credit bright and spotless service career of about seven years, the penalty imposed upon him is too harsh and liable to be set aside.
- Q. That the appellant is jobless since his illegal removal from service.
- R. That the appellant seeks the permission of this Honourable Tribunal to rely on additional grounds at the hearing of this appeal.

*It is therefore prayed that on acceptance of this appeal the impugned orders dated 15.01.2016 and 18.04.2016, may please be set-aside and the appellant be reinstated into service with all back and consequential benefits.*

Appellant  
Through

**IJAZ ANWAR**  
Advocate, Peshawar  
&

**SAJID AMIN**  
Advocates Peshawar.

513/2016

Amended  
Khyber Pakhtunkhwa  
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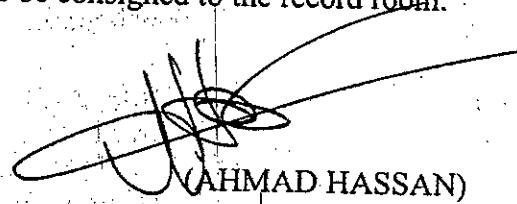
11.04.2017

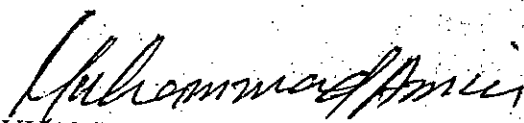
Appellant with counsel and Muhammad Saeed, AD (Lit.)  
alongwith Mr. Ziaullah, Government Pleader for the respondents  
present.

Vide our detailed judgment of to-day in the connected  
service appeal No. 424/2016 titled "Muhammad Sajjad Qureshi-  
vs- The Governor through Chief Secretary Khyber Pakhtunkhwa,  
Peshawar and others", this appeal is also decided as per detailed  
judgment referred above. File be consigned to the record room.

ANNOUNCED

11.04.2017

  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)

MEMBER

Certified true copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 05-05-17  
Number of Vols 800  
Copy Fee 6-  
Urgent -  
Total 6-  
Name of Clerk AM  
Date of Completion 08-05-17  
Date of Delivery of 08-05-17