

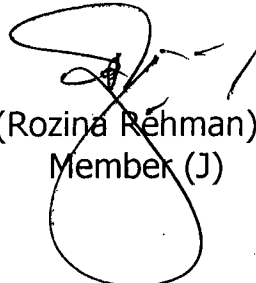
15.04.2021

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for reply/comments on 07.07.2022 before S.B.

RS-400
Appellant's Security & Process Fee

Amir ul Uloom
19/4/22


(Rozina Rehman)
Member (J)

07th July, 2022

Clerk to counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Learned AAG seeks further time to submit reply. Last opportunity is granted. To come up for reply/comments on 12.09.2022 before S.B.



(Kalim Arshad Khan)
Chairman

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

In Re S.A 567/2022

Aimal Khan

VERSUS

Government of Khyber Pakhtunkhwa & Others

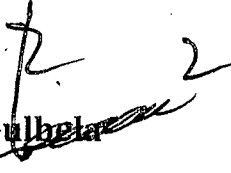
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Dated:13/04/2022


Appellant

Through


Javed Iqbal Gulbela
Advocate,
Supreme Court of Pakistan.

(1)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR**

In S.A _____/2022

Aimal Khan S/o Khawaja Muhammad Sayel, Assistant Professor BPS-18
at Gandaf College, Sawabi .

-----Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat Peshawar.
2. Secretary, Higher Education Department at Civil Secretariate Peshawar.

-----Respondents

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL ACT - 1974 AGAINST THE
IMPUGNED OFFICE NOTIFICATION NO. 50(C-1)11E/1-1-
/2021AIMAL-873-76 DATED 08-012-2021 OF THE
OFFICE OF THE SECRETARY HIGHER EDUCATION
DEPARTMENT KPK, WHEREBY THE MINOR PENALTY OF
WITHHOLDING THE TWO ANNUAL INCREMNET FOR
PERIOD OF TWO YEARS ON APPELLANT WAS IMPOSED
IN A CLASSICAL, CURSORY AND WHIMSICAL MANNER.**

Respectfully Sheweth,

1. That the Appellant is a naturally born bona-fide citizen of Islamic Republic of Pakistan and hails from a respectable family.
2. That after going through the mandatory required criteria & after being envisaged with ordeals and inquisitions of selection process the Appellant got inducted into the rolls of the prestigious Education Department of the province as Lecturer (BPS-17) back in the year 2006. (Copy of the Appointment Order annexed here as Annexure "A").
3. That since induction into service, the Appellant always remained pragmatic & dutiful follow, who never left any stone unturned in performance of his obligations bestowed upon the shoulders of the Appellant and for the same reason, the Appellant have always won felicitation and appreciation of his high ups at certain junctures.

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4. That thereafter the Appellant got accelerated promotions and is currently serving as the Assistant Professor BPS-18 in the Higher Education Department (**Copy of Promotion Letter is annexed as Annexure "B"**).
5. That before going to the main roots of the case and to vesificate out the case of the Appellant, it is pertinent to mention here that the sister of the Appellant is also an Associate Professor (Pakistan Studies) in the same Department, in-fact & unfortunately the sister of the Appellant who while being posted at Kohat was transferred, owing to the irrational and unprofessionally rude behavior of the principal.
6. That now because of the fiduciary relationship and instinct emotions, the Appellant had to help his sister to get her out of the turmojl but within the prescribed limits of the law.
7. That on the other hand, the Appellant was booked in frivolous, vexatious, and unwarranted Departmental proceedings, whereby the chargesheet/statement of allegation & show-cause notices were served upon the Appellant which altogether were wrong, illegal, and unwarranted. (**Copy of the statement of allegations, charge sheet & show-cause are annexed here as Annexure "C" D" & "E")**
8. The Appellant has never abused anyone nor has ever allege character assassination of anyone including principal in question. Moreover, the Appellant can never ever think of humiliating and derogating any person irrespective of any aspect of rivalry existent
9. That because of natural affection and the relation, the Appellant had tried his level best to wringed out his sister from the envisaged turmoil and that too in accordance with law, and above all neither the Govt. exchequer is affected, nor any other misconduct has ever committed by the Appellant.
10. That few days, the Appellant was served with the Impugned Office Notification Dated: 08/12/2021, which hit the Appellant like a bolt from blue, whereby the minor penalty of withholding of two annual increments for two years was imposed upon the Appellant in classical cursory and whimsical manner. (**Copy of the Impugned Notification Dated: 08/12/2021 is annexed here as Annexure "F"**)
11. That thereafter the Appellant preferred Departmental Appeal before the Worthy Chief Minister KPK, but the same was not decided in the

stipulated time. **(Copy of the Departmental Appeal is annexed here as Annexure "G")**

12. That from the above-mentioned narration, the grievances, that comes into existence, having no other adequate remedy available, and forum to be addressed at, the Appellant approaches this Hon'ble Tribunal, upon the following grounds, inter-alia;

Grounds

- A.** That the impugned Notification is wrong, illegal, unlawful, hence is liable to be set-aside.
- B.** That the Appellant did not violate any provision of law and is innocent and all the proceedings initiated against the Appellant, or the Penalty imposed is unwarranted and illegal hence liable to be set aside.
- C.** That the Appellant was not given any opportunity to cross-examine any witness and Impugned Order decided in negative against the Appellant.
- D.** That the Appellant has served over a decade and that too unblemished, without any complaint ever against the Appellant's course of duty or on any moral/ethical grounds has been filed.
- E.** **That** under the mandate of Article 4 of the Constitution, no one should be treated otherwise than in accordance with law, but here the case is volta-facie and a totally different yardstick has been used to treat the Appellant.
- F.** **That** the law and law courts of the land have always preferred and appreciated that rules are to be followed, and have always discouraged, depreciated, and deplored any variation from rules or its violation.
- G.** That the baseless allegations leveled against the Appellant is without verification from cybercrime or other competed authority, hence liable to be set aside.
- H.** **That** the Appellant has never degraded or disgraced the Principal in question, nor has raised any nefarious allegations against the same.
- I.** **That** the long-continued service of the Appellant, which depends on length of his service and equity, justifiably desires and requires that having rendered her prime youth and life in the services of the Respondents, the Appellant should not be exploited or hung in dark.


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J. That any other ground not raised here may graciously be allowed at the time of arguments.

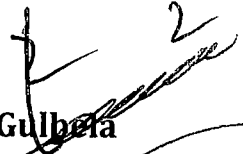
It is, therefore, most humbly prayed that on acceptance of the instant Service Appeal, the the Impugned Notification Dated 08/12/2021 of the Respondent may very graciously be declared as illegal & void & by doing so the minor penalty imposed upon the Appellant nay very graciously be set aside.

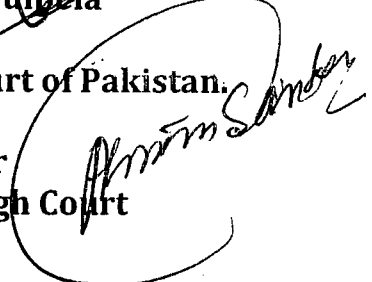
Any other relief not specifically asked for may graciously be extended in favor of appellant in circumstances of the case.

Dated: 13/04/2022


Appellant

Through


Javed Iqbal Gulbela
Advocate,
Supreme Court of Pakistan.


Ahsan Sardar
Advocate, High Court
Peshawar.

NOTE: -

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.


Advocate

(5)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

In Service Appeal No- _____/2022

Aimal Khan

Versus

Government of KPK & Others

AFFIDAVIT

I, Aimal Khan S/o Khawaja Muhammad Sayel Assistant Professor BPS-18 at Govt. Degree College, Gandaf (Gadoon) District Swabi, do hereby solemnly affirm & declare on oath that all contents of the instant Service Appeal are true & correct to the best of my knowledge and belief & nothing has been concealed from this Hon'ble Tribunal.




DEPONENT

CNIC# 17301-6157004-1

Cell# 0300-9022110

Identified By:


Javed Iqbal Gulbela
Advocate, Supreme Court,
of Pakistan.

6

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR**

In Re S.A _____/2022

Aimal Khan

VERSUS

Government of Khyber Pakhtunkhwa & Others

ADDRESSES OF PARTIES

APPELLANT

1. Aimal Khan S/o Khawaja Muhammad Sayel, Assistant Professor BPS-18 at Gandaf College, Sawabi .

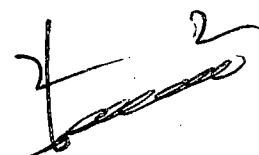
ADDRESSES OF RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat Peshawar.
2. Secretary, Higher Education Department at Civil Secretariate Peshawar.

Dated: 13/04/2022


Appellant

Through


**Javed Iqbal Gulbela
Advocate,
Supreme Court of Pakistan.**

(7)

Annⁿ Aⁿ

**GOVERNMENT OF NWFP
HIGHER EDUCATION, ARCHIVES & LIBRARIES
DEPARTMENT**



Dated Peshawar the 04/10/2006

NOTIFICATION

No.SO(EDUCATION-ID)2-5/2006. Consequent upon the recommendations of Departmental Selection Committee in Higher Education Department, the Competent Authority is pleased to appoint the following candidates as Lecturers Male in various subjects on Contract Basis as stop gap arrangement for a period of six months or till the availability of selectees of the NWFP Public Service Commission whichever is earlier and to post them in the colleges noted against each with the following adjustments: -

1.	Hafiz Farman Ullah S/O Gul shah Nawaz Khan Vill: P.O Isamil Khani Distt: Bannu	Arabic	Bannu Zone-IV (Merit)	GPGC Karak	Against Vacant Post
2.	Tauseef Jan S/O Zaheen Gul Vill: Samar Bagh Warsak Road Jumrud Khyber Agency	Arabic	Khyber Agency Zone-I	GDC Hangu	Against Vacant Post
3.	M. Abubakar S/O M. Yousaf Vill: Chowk Namak Mandi Moh. Shalikoban Muhammadi Dawa Khana Peshawar city	Arabic	Peshawar Zone-II	GDC Ghazni Khel	Against Vacant Post
4.	Inam Ullah S/O Minhaj Distt: Swat Tehsil Babozai Rahim abad SPS Colleege Sir Syed Hostel.	Arabic	Shangla Zone-III	GDC No.1 DI Khan	Against Vacant Post There is no vacancy B-17 in the Surrounding District
5.	Saeed Arif S/O Ghulam Nabi Gate No. 3 OTS Road Jungle Khel Kohat	Archaeology	Kohat Zone-IV (Merit)	GPGC Bannu	Against Vacant Post
6.	Mohammad Sohail Khan S/O Mohammad Qavi Vill& PO Khungi Bala Tehsil Timergara Distt: Dir	Archaeology	Dir Lower Zone-III	GDC No. 1 DI Khan	According to zonal allocation mentioned above the post is for zone-1 but there is no candidate in zone 01 & zone 02 hence candidate from zone 03 proposed.
7.	Zia-ur-Rehman S/O Aziz-ur - Rehman Kotka Feroze Surrani P.O Nizam Bazar Bannu	Biology	Bannu Zone-IV (Merit)	GPGC Bannu	Against Vacant Post
8.	M. Faran Alala Durrani S/O Iftikhar Durrani Room No. 24 Hostel No. 2 Quaid-e-Azam University Islamabad	Biology	Bannu Zone-IV (Merit)	GDC Ghazni Khel	Against Vacant Post
9.	Hafiz Ullah S/O Salah ud Din Micro Biology Depatt: Biological Faculty Quaid-e- Azam University Islamabad.	Biology	SWA Zone-I	GDC Katlang	Against Vacant Post
10.	Aziz Ullah S/O Arab Khan Deptt: of Plant Science Faculty of Bio: Sc:	Biology	Swabi Zone-II	GDC Toru (Mardan)	Against Vacant Post

**JAVED IQBAL & GULBEEN
Advocate
Supreme Court of Pakistan
(ASC # 5317)**

(8)

110	Abdullah Jan S/O Noor Mar Jan vill PO Palaski Tehsil & Distt: Karak	Maths	Karak Zone-IV	GDC Thall	Against Vacant Post
111	Naveed Ahmad S/O Sher Mula Jan Vill Zarki Nasrati Tehsil PO Takht-e-Nasrati	Maths	Karak Zone-IV	GDC Banda Daud Shah (Karak)	Against Vacant Post
112	Sajjad Mir S/O Abdul Qayyum II. No. 1390 Moh: Musazai PO Nawanshehr Abbottabad	Maths	Abbottabad Zone-V	GDC Kulachi	Against Vacant Post
113	Majid Khan S/O Saleem Khan Vill: Poru Dhoke Kailag Tehsil & Distt: Haripur	Maths	Haripur Zone-V	GDC Tank	Against Vacant Post
114	Mohammad Usman S/O Mohammad Muslim Vill & PO Nawansheher (Narrian) Abbottabad	Maths	Abbottabad Zone-V	GDC No. 2 DI Khan	Against Vacant Post
115	Anwar Shah S/O Mohd Nazir Shah C/O Farooq Book Bank new Madyan Road, Mongora Swat.	Pak. Studies	Swat Zone-III (Merit)	GDC Thana (Malakand Agency)	Against Vacant Post
116	Mohd. Naveed Khan S/O II. Sher Mohammad C/O Javed Medical Hall Chowk Qasaban Bannu city.	Pak. Studies	FR Bannu Zone-I (Merit)	GDC Sikandar Khel Bala (Bannu)	Against Vacant Post
117	Ehan Ullah S/O Fazal Badshah Haroon abad No 2 near Latif abad Pakkha Ghulam, Peshawar	Pak. Studies	Peshawar Zone-II (Merit)	GDC Katlang (Mardan)	Against Vacant Post
118	Sher Nawaz Khan S/O Jamal Khan Dawar Afridi Telecom Traders Haji Abdus Salam Market Basement Office Chowk Yadgar Peshawar.	Pak. Studies	NWA Zone-I	GPGC Kohat	Against Vacant Post
119	Asitullah S/O Madad Khan vill: Rashaki Banda PO & Tehsil Shabqadar & Distt: Charsadda.	Pak. Studies	Mohmand Agency Zone-I	GDC Zaroobi (Swabi)	Against Vacant Post
120	Waseem Ahmad Khan S/O Abdul Dayam, Vill: PO Kernal Sher Khan Killi Moh: Khader Khel Swabi.	Pak. Studies	Swabi Zone-II	GDC Yar Hussain (swabi)	Against Vacant Post
121	Amal Khan S/O Khwaja Mohd Sayel Vill: PO Deh Bahadar Peshawar.	Pak. Studies	Peshawar Zone-II	GPGC Swabi	Against Vacant Post
122	Iqbal-ud-Din S/O Fazal Rehman C/O Rafi Medical Store opp: DHQ Hospital Timergana Dir	Pak. Studies	Dir Zone-III	GDC Puran (Shangla)	Vice S. No. 3 below adjustment
123	Ayaz Mohd. S/O Khadi Khan C/O Haji Zer Hakim & Sons Dargai Bazaar Malakand Agency	Pak. Studies	Malakand Agency Zone-III	GDC Kabal (Swat)	Against Vacant Post
124	Allah Nawaz S/O Mohd Nawaz Street Allah Dad Faqir Moh: Sheikhan Wali Distt: Tank.	Pak. Studies	Tank Zone-IV	GDC Parova (DI Khan)	Against Vacant Post
125	Ilauddin S/O Mohd Ibrahim C/O Office of the Director PLI PMG Building Peshawar Region.	Pak. Studies	Lakki Marwat Zone-IV	GDC Ghori Wala (Bannu)	Against Vacant Post
126	Abdul Javed S/O Qazi Baidar Vill & PO Changi Bandi Tehsil & Distt: Haripur.	Pak. Studies	Haripur zone-V	GDC Takht-e-Nasrati	Vice S. No. 1 below adjustment
127	Shakir Khan S/O Anwar Khan C/O Idrees Teacher Moh: Markhel Vill: & PO Rajjar Distt: Charsadda	Pashto	Charsadda Zone-II (Merit)	GDC Tank	Against Vacant Post
128	Said Malik S/O Gul Malik Vill: Nari Tangi PO Tokakam Malakand Agency	Pashto	Malakand Agency Zone-III (Merit)	GDC Zaroobi	Against Vacant Post
129	Ali Mohd. Khan S/O Humayun Khan GHS Sharaki FR Kohat Vill: Tandli Bashkhal FR Kohat.	Pashto	FR Kohat Zone-I	GDC Totalai (Buner)	Against Vacant Post

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC #5317)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC #5317)



	Distt: Mansehra C/O H.Wali Dad & Sons Pak Traders Main Bazar Balakot.				
234	Imran Khan s/o Ahmad Jan, c/o Aftab Khan Store Mir Ali NW, Agency.	History-cum-Civics	NWA Zone-I	GPGC, Bannu	Against Vacant post
234	Falzi Shakoor s/o Sahibul Haq, Room No.44, Hostel University, Peshawar.	History-cum-Civics	Dir Zone-III	GDC, Thana	Against vacant post
235	Haleem Ullah Khan, s/o Nawaz Khan c/o Engr: Asadullah Khan, Principal Govt: Polytechnic Institute, Bannu Township.	History-cum-Civics	FR Bannu Zone -I	GDC Badabher, Peshawar	Against the vacant post.
236	Kalid Hussain s/o Daud Khan, Vill: &PO: Baghe Tehsil Takht Bhai, District Mardan.	History-cum-Civics	Mardan Zone-II	GPGC, Kohat.	Against the vacant post
237	Said-ur-Rehman s/o Mohammad Saeed, Village and Po: Haya Serai, Tehsil Balambat distt: Dir Lower.	History-cum-Civics	Dir Zone-III	GDC Thana	Against the vacant post.

The appointment of the above lecturers will be subject to the following terms and conditions:-

TERMS AND CONDITIONS.

- i. The appointment of the above candidates will be on contract basis for a period of six months or till the arrival of the selectees of the NWFP Public Service Commission, whichever is earlier.
- ii. They will get pay and allowances in BPS-17.
- iii. No TA/DA will be allowed for their first appointment.
- iv. Their appointments are subject to the production of Physical fitness from Standing Medical Board and verification of character and antecedents from Special Branch/Political Agents concerned.
- v. The appointment of the candidates mentioned in Para.1 above is subject to the condition that they bear the Domicile of NWFP.
- vi. If they want to terminate their contract before expiry of the same, they will have to serve one month's notice in advance failing which they will have to deposit one month's pay in lieu of such notice in the Govt. Treasury.
- vii. They shall not make any request for transfer from the college where they are posted. In case of such occurrence, their service shall straightway stand terminated.
- viii. They should join their post within 15-days of the issuance of this notification. The Director Higher Education NWFP Peshawar, should furnish a certificate to the effect that the candidates have joined the post or otherwise by 21st October, 2006.
- ix. The Principal of the college concerned shall check their original degrees and submit a report accordingly.
- x. They shall execute an agreement with the Government before taking over charge to be signed by the Director Higher Education NWFP, on behalf of the Government.
- xi. They should not be entitled to any pension or gratuity for the service rendered by them on contract basis.
- xii. Charge report in duplicate should be submitted to all concerned.
- xiii. Their service shall be terminated if they violate any provision of the term & conditions specified in the Agreement Bond.

SECRETARY TO GOVT.OF NWFP
HIGHER EDUCATION DEPARTMENT

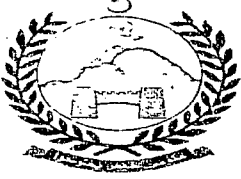
Enclst: Number & Date as above.

Copy of the above is forwarded to:-

- 1- Accountant General NWFP Peshawar.
- 2- Secretary to Chief Minister NWFP, Peshawar.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC #5317)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC #5317)



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Ann^o B - 11

**GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

Dated Peshawar the February 28, 2018.

NOTIFICATION

NO. SO(C-II)/HED/2-5/Promotion/2018. The competent authority, on the recommendations of the Provincial Selection Board, is pleased to promote the following male lecturers (BS-17) to the post of Assistant Professors (BS-18) on regular Basis with immediate effect. Consequently, the following postings/transfers are made:-

S.#	Name & Designation	From	To	Remarks
1	Mr. Amjad Ayaz Khan, Lecturer in English	GPGC, Bannu	GPGC, Bannu	AVP
2	Muhammad Shahid, Lecturer in Physics	GDC, No.1 D.I.Khan	GDC, No.1 D.I.Khan	AVP
3	Mr. Rafi-Ullah, Lecturer in Maths	GPGJC, Swat	GDC Khwazakhela, Swat	AVP
4	Mr. Khalid Rehman, Lecturer in Botany	GDC, K.D.A Kohat	GDC, K.D.A Kohat	AVP
5	Mr. Fazal Hadi, Lecturer in Economics	GPGJC, SWAT	GDC Khwazakhela, Swat	AVP
6	Mr. Javid Ali Khan, Lecturer in Chemistry	GDC, Samar Bagh	GDC, Samar Bagh	AVP
7	Mr. Hikmat Ullah Jan, Lecturer in Botany	GSSC, Peshawar	GDC, Hangu	AVP
8	Muhammad Nasir Noor, Lecturer in Statistics	GDC, Hayat Abad	GDC, Hayat Abad	AVP
9	Mr. Rafi Ullah, Lecturer in History	GDC, Hangu	GDC, Hangu	AVP
10	Mr. Faiz Ur Rehman, Lecturer in Physics	GDC, No.1 D.I.Khan	GDC, No.1 D.I.Khan	AVP
11	Mr. Tauseef Ahmad, Lecturer in Chemistry	GDC, Mandian	GPGC, Mandian Abbottabad	AVP
12	Mr. Imtiaz Khan, Lecturer in History	GDC, Thana	GDC Thana, Malakand	AVP
13	Mr. Mehmood Ul Hassan, Lecturer in English	GDC, Naguman	GDC Khan Kohi, Nowshera	AVP
14	Mr. Muhammad Ali, Lecturer in Statistics	GPGC, Charsadda	GPGC, Charsadda	AVP
15	Mr. Bakht Munir, Lecturer in Physics	GDC, Samar Bagh	GDC, Samar Bagh	AVP
16	Mr. Hazrat Ali, Lecturer in Political Science	GDC, Matta Swat	GDC, Matta Swat	AVP
17	Mr. Muhammad Essa, Lecturer in History	GDC, Babuzai Mardan	GDC, Babuzai Mardan	AVP
18	Mr. Ishfaq Ahmad Khan, Lecturer in History	DHE	GC, Peshawar	AVP

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC #5317)

175	Mr. Jamil Ahmad, Lecturer in Economics	GDC, Lund Khwar	GDC, Lund Khwar	AVP
176	Mr. Nadir Shah, Lecturer in Maths	GDC, Toru Mardan	GDC, Toru Mardan	AVP
177	Mr. Abidullah Khan, Lecturer in Islamiyat	GPGC, Bannu	GPGC, Bannu	AVP
178	Mr. Latif-Ur-Rehman, Lecturer in. Maths	GDC, Totalai Buner	GDC, Totalai Buner	AVP
179	Mr. Saif-Ur-Rehman, Lecturer in Statistics	GDC, Tajori	GDC, Tajori	AVP
180	Mr. Abdul Aziz, Lecturer in Chemistry	GDC Ahmadabad, Karak	GDC, Ahmadabad, Karak	AVP
181	Mr. Sharif Ullah, Lecturer in Economics	GDC, Tajori Lakki	GDC, Tajori Lakki	AVP
182	Mr. Aimal Khan, Lecturer in Pakistan Study	GSSC, Peshawar	GSSC, Peshawar	AVP
183	Muhammad Younas, Lecturer in Islamiyat	GDC, No.3 D.I.Khan	GDC, No.3 D.I.Khan	AVP
184	Mr. Sher Nawaz Khan, Lecturer in Pakistan Study	GDC, Bara Khyber Agency	at the disposal of FATA	
185	Mr. Anwar Shah, Lecturer in Pakistan Study	GPGJC, Swat	GDC Matta, Swat	AVP
186	Mr. Abdul Mateen Abbassi, Lecturer in English	GPGC, Haripur	GDC Oghi, Mansehra	AVP
187	Sayed Qayyum Khan, Lecturer in. Physics	GPGC, Dargai	GPGC, Dargai	AVP
188	Mr. Dawood Shah, Lecturer in English	GDC, Dir Upper	GDC, Dir Upper	AVP
189	Mr. Khalid Khan, Lecturer in. Statistics	GDC, Chaghar Matti, Peshawar	GDC, Mathra, Peshawar	AVP
190	Mr. Abidullah Jan, Lecturer in Maths	GDC, Latamber	GDC, Latamber	AVP
191	Mr. Zia Muhammad, Lecturer in Chemistry	GDC, No.1 D.I.Khan	GDC, No.1 D.I.Khan	AVP
192	Mr. Ayaz Muhammad, Lecturer in Pakistan Study	GDC, Dargai, Malakand	GDC, Dargai Malakand	AVP
193	Mr. Noor Hayat, Lecturer in. Maths	GDC, Landi Jalander	GDC, Landi Jalander	AVP
194	Mr. Naeem Khan, Lecturer in English	GDC, No.2 Mardan	GDC, Bakhshali, Mardan	AVP
195	Mr. Farhan Khan, Lecturer in Computer Sc.	GPGC, Dargai	GPGC, Dargai	AVP
196	Muhammad Mushtaq, Lecturer in Urdu	GPGC, Haripur	GDC, Havelian	AVP
197	Mr. Akhtar Gul, Lecturer in Urdu	GDC, B.D Shah	At the disposal of FATA	AVP
198	Mr. Gul Haidar, Lecturer in Urdu	GDC, Gandaf Swabi	GDC, Gandaf Swabi	AVP

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199	Mr. Farooq Shah, Lecturer in Islamiyat	GPGC, Timergara	GDC, Samar Bagh, Dir Lower	AVP
200	Mr. Naveed Ullah, Lecturer in Maths	GDC, Domail Bannu	GDC, Landi Jalander, Bannu	AVP
201	Muhammad Amjad Khan, Lecturer in Islamiyat	GDC, Mandian	GDC, Oghi Mansehra	AVP
202	Muhammad Navid Khan, Lecturer in Pakistan Study	GDC, No1 D.I.Khan	GDC, No1 D.I.Khan	AVP
203	Mr. Inayatullah Shah, Lecturer in Botany	GDC, No.2 Bannu	GDC, S.K Bala, Bannu	AVP
204	Mr. Sher Muhammad Khan, Lecturer in Chemistry	GDC, Daggar Buner	GDC, Daggar Buner	AVP
205	Mr. Asghar Khan, Lecturer in Maths	GPGC, Mardan	GDC Bakhshali, Mardan	AVP
206	Mr. Wahid Gul, Lecturer in Islamiyat	GDC, Landi Kotal	at the disposal of FATA	
207	Mr. Roohal Qayyum, Lecturer in Chemistry	GPGC, Matta Swat	GPGC, Matta Swat	AVP
208	Mr. Allah Nawaz, Lecturer in Pakistan Study	GDC, Tank	GDC, Tank	AVP
209	Mr. Ijaz Ullah Khan, Lecturer in Statistics	GDC, No.2 Bannu	GDC, No.2 Bannu	AVP
210	Mr. Rafiq Ahmad, Lecturer in Islamiyat	GDC, Daggar Buner	GDC, Daggar Buner	AVP
211	Syed Fakhar-E-Alam Shah, Lecturer in Statistics	GDC, Esak Khel	GDC, Ghazni Khel	AVP

2. The Officers on promotion shall remain on probation for a period of one year, in terms of section 6 (2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with rules 15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment Promotion & Transfer) rules 1989 and extendable for another year, if required, with specific order of competent authority within two months of expiry of the first year of probation period as specified in rule 15 (2) of rules ibid.

ADJUSTMENTS

212	Mr. Amjad Ali, Asst. Prof. of Chemistry	GDC, Takht Bhai	GDC Khairabad, Mardan	AVP
213	Mr. Rafi Ullah, Asst. Prof. of Statistics	GDC, Takht Bhai	GPGC, Mardan	AVP
214	Muhammad Ahmad Ali, Asst. Prof. of Zoology	GPGC Charsadda	GDC Mathra, Peshawar	AVP
215	Atta ullah, Asst. Prof. of Zoology	GDC, Dir upper	GDC Samar Bagh	AVP
216	Muddasir Shah Asst. Prof. of Maths	GDC Shabqaddar	GDC Tangi, Charsadda	AVP

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 6817)

DISCIPLINARY ACTION

(13)

Annⁿ Cⁿ

Dr. Hassan Noor, Chief Secretary, Khyber Pakhtunkhwa, is of the opinion that Mr. Aimal Khan, Assistant Professor of Pakistan Studies, Govt; Superior Science College, Peshawar has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 03 of the Khyber Pakhtunkhwa Govt Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i. That he jumped into the issue of his sister Roheela Sayal, Associate Professor of Pakistan Studies at Govt; Post Graduate College, Kohat in a very blunt and unethical way.
 - ii. That he posted a Social Media/ Facebook post against Prof. Jamila Khanum which is no doubt an awkward and clumsy attack of character assassination which goes like: "The Govt; of Khyber Pakhtunkhwa is requested to send such Principal to lunatic Asylum, if such idiot, mad and irresponsible lady _____" the very words used by him are offensive, insulting and derogatory, tantamount to character assassination and misconduct.
 - iii. That he unlawfully posted a post on Social Media/ Facebook which should be dealt with in accordance with prevention of Electronic crimes ACT, 2016.
2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under rule 10 (1) (a) of the ibid rules.
- i. Miss Fareha Paul (PCS @SG BS(20))
 - ii. Prof. Sharif Gul, Principal
3. The inquiry officer/ inquiry committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/ inquiry committee.

Hassan Noor
(Dr. Hassan Noor)
**CHIEF SECRETARY,
KHYBER PAKHTUNKHWA**

CHARGE SHEET


(14)

Ann "D"

Dr. Khan, Chief Secretary, Khyber Pakhtunkhwa, as
duly, hereby charge you, Mr. Ahmad Khan, Assistant Professor
Studies, Govt; Superior Science College, Peshawar as follows:

That you, while posted at Govt; Superior Science College, Peshawar
committed the following irregularities:-

- i. That you jumped into the issue of your sister Roheela Sayal, Associate Professor of Pakistan Studies at Govt; Post Graduate College, Kohat in a very blunt and unethical way.
 - ii. That you posted a Social Media/ Facebook post against Prof; Jamila Khanum which is no doubt an awkward and clumsy attack of character assassination which goes like: "The Govt; of Khyber Pakhtunkhwa is requested to send such Principal to lunatic Asylum, if such idiot, mad and irresponsible lady____" the very words used by you are offensive, insulting and derogatory, tantamount to character assassination and misconduct.
 - iii. That you unlawfully posted a post on Social Media/ Facebook which should be dealt with in accordance with prevention of Electronic crimes ACT, 2016.
2. By reason of the above, you appear to be guilty of misconduct under rule 03 of the Khyber Pakhtunkhwa, Peshawar Govt; Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 04 of the Rule 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 specific period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. A statement of allegations is enclosed.


(Dr. Nazim Inayat)

CHIEF SECRETARY,
KHYBER PAKHTUNKHWA

(15) ~~SECRET~~
SHOW CAUSE NOTICE

Amr E 12/27

I, Mehmood Khan, Chief Minister, Khyber Pakhtunkhwa as competent authority; under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Aimal Khan, Assistant Professor of Pakistan Studies (BS-18), Govt. Superior Science College, Peshawar, as follows: -

- i. That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you were given opportunity of hearing vide communication No.KPPSC/PS-Secretary/010926-30 dated 20th October, 2020; and
- 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:

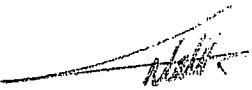
- a. **Guilty of inefficiency**
- b. **Guilty of misconduct**

2. As a result, thereof, I, as Competent Authority have tentatively decided to impose upon you the penalty of Withholding of two months salary under Rule-4 of the said rules.

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

4. If no reply to this notice is received with seven (07) days or not more than 15 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 enquiry committee is enclosed.


(Mehmood Khan)
CHIEF MINISTER
KHYBER PAKHTUNKHWA

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Amir F 150



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT
CIVIL SECRETARIAT

Date the Peshawar 08.12.2021

Notification

NO. SO(C-D)HE/1-1.2021/Aimal Khan/ whereas the officer was proceeded under the Khyber Pakhtunkhwa, Govt: Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations dated 02.10.2020, and the following penalty was imposed tentatively.

S.No	Name & Designation	Penalty Imposed
01	Mr. Aimal Khan, Assistant Professor (BS-18) of Pak Studies, GSSC Peshawar, now working in GDC Gandaf, Swabi	"Withholding of two annual increments for two years".

2. And whereas an inquiry committee comprising Miss. Farzha Paul, (PCS, SG-BS-20) and Prof. Shafiq Gul, Principal (BS-20) Govt: Superior Science College, Peshawar was constituted to conduct inquiry into the allegations.

3. And whereas the inquiry committee after having examined the charges, evidence on record and explanation of the accused officer, submitted report.

4. Now, therefore, the Competent Authority after having considered the charges, evidence on record, the explanation/reply of the accused to the show cause notice and after affording the opportunity of personal hearing to the accused while exercising the powers conferred upon him under Rule 4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose minor Penalty of "Withholding of two annual increments for two years", on Mr. Aimal Khan, Assistant Professor (BS-18), Govt Degree College, Gandaf, Swabi

SECRETARY
Higher Education Department

Endst: No & Date Even.

Copy forwarded to the:

1. Director, Higher Education Khyber Pakhtunkhwa.
2. Principal, Govt: Degree College, Gandaf, Swabi.
3. District Accounts Officer, Swabi.
4. Officers concerned.
5. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department.
6. Master file.

10/12/2021
M (2)

(Riaz)

Section officer (colleges-I)

RECEIVED

13 DEC 2021

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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To,

07/01/22
Office of the PSCM
Diary No. *2022*
Dated *07-01-22*
[REDACTED] (17) *Amir G*

The Worthy,
Chief Minister
Khyber Pakhtunkhwa

MODE:

THROUGH PROPER CHANNEL


Subject:-

DEPARTMENTAL APPEAL AGAINST THE
IMPUGNED OFFICE NOTIFICATION NO.
SO(C-1)11E/1-1.2021/ AIMAL KHAN/873-
76 DATED 08.12.2021 OF THE OFFICE OF
THE SECRETARY HIGHER EDUCATION
DEPARTMENT KHYBER PAKHTUNKHWA,
WHEREBY THE APPELLANT WAS IMPOSED
MINOR PENALTY OF WITHHOLDING OF
TWO ANNUAL INCREMENT FOR PERIOD OF
TWO YEARS, IN A CLASSICAL CURSORY AND
WHIMSICAL MANNER.

Respected Sir!

With utmost obeisance & due deference, the Appellant very humbly solicits the instant Departmental Appeal to your good self office against the impugned order dated 08.12.2021 to the following effect.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

-  (10)
1. That the appellant is the naturally born bonafide citizen of Islamic Republic of Pakistan and hails from a respectable family.
 2. That after going through the mandatory required criteria and after being envisaged with the odeal and inquisitions of selection process, the appellant got inducted onto the rolls of the prestigious Education Department of the Province as Lecturer (BPS-17) years back.
 3. That since induction into service, the appellant always remained a pragmatic and dutiful fellow, who never left a stone unturned in performance of the obligations bestowed upon the shoulders of the appellant and for the same very reason, the appellant have always won felicitation and appreciation of his high ups at certain junctions.
 4. That for the same very reason, the appellant got accelerated promotions and is currently serving as assistant professor BPS-18 in the higher education department.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

5. That one sister of the appellant is also an associate professor (Pak-Studies) in the same department infact and unfortunately the sister of the appellant who while posted to Kohat wherein the rigid and rude behavior of college and because of that ill-well and behavior situation a foul atmosphere got created, resulting in initiation of departmental proceedings against the appellants sister.
6. That now because of fiduciary relationship and natural have and affection the appellant have and his sister to get her out of the turmoil but within the limits as prescribed by the law.
7. That on the other hand the appellant was booked in an alleged departmental proceedings whereby charge sheet, show cause notices and departmental the, appellant, which altogether were wrong, illegal and unwarranted ones.
8. That the appellant have never abused anyone or has casual the alleged character assassination of anyone including the

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5517)

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principal in question. Moreover the appellant can never ever think of humiliating law at all.

9. That because of natural love and affection, towards her sister the appellant has tread his level best wringed out his sister from the envisaged turmoil and that too withier the limits prescribed by the law and above all neither the government exchequer is affected nor any other misconduct has been committed by the appellant so now efficiency and disciplinary rules for civil servant 2011 are invoked which are not attracted.

10. That few days back, the undersigned was served the impugned office notification No. SO(C-1)HE/1-1.2021/Aimal Khan/ 873-76 dated 08.12.2021, which hit the appellant like a bolt from the blue, whereby minor penalty of withholding of two annual increments for two years was imposed upon the appellant a classical, cursory and whimsical manner.

11. That the appellant has not violated any provision of law and is an innocent soul and all the proceedings initiated against the appellant or the penalty imposed is

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC# 5317)

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unwarranted and illegal hence is liable to be set aside.

It is, therefore, most humbly prayed that on acceptance of the instant Departmental Appeal. Representation, the impugned office order SO(C-1)11E/1-1.2021/ AIMAL KHAN/873-76 DATED 08.12.2021 of the office of Secretary Higher Education may very graciously be set aside and by doing the penalty so imposed upon the appellant may kindly be recalled.

The appellant also beseeches and implores for personal hearing as well.

Dated:07/01/2022

Your Sincerely


AIMAL KHAN

(Assistant Professor)

Handwritten notes:
Handwritten notes
Handwritten notes
Handwritten notes

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC# 5317)