

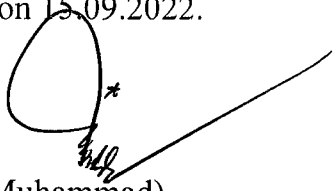
14.07.2022

Miss Habiba, Advocate for the appellant present.
Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 15.09.2022.

Rs-900/-
Appellant Deposited
Security & Process Fee

A. M. J. I. K.
19/7/22




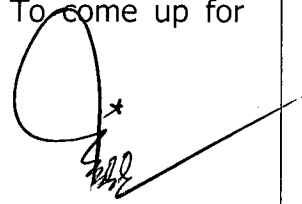

(Mian Muhammad)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 7871/2021 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/12/2021	<p>The appeal of Mr. Abdur Rashid resubmitted today by Mr. Javed Iqbal Gulbela Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	09.02.2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>09/02/22</u>.</p> <p> CHAIRMAN</p>
	25.04.2022	<p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 25.04.2022 for the same as before.</p> <p> Reader</p>
		<p>Junior to counsel for the appellant present.</p> <p>Former requests for adjournment on the ground that learned senior counsel is indisposed today. Adjourned. To come up for preliminary hearing on 14.07.2022 before S.B.</p> <p> (MIAN MUHAMMAD) MEMBER(E)</p>

The appeal of Mr. Abdur Rashid, Deputy Director (Sports), Higher Education, Khyber Pakhtunkhwa received today i.e. on 09.12.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Checklist is not attached with the appeal.
2. Appeal has not been flagged/marked with annexure marks.
3. Page No. 20, 21, 22, 23, 24, 25, 26, 38, 39, 40, 46, 47, 48, 49 and 50 attached with the appeal are illegible which may be replaced by legible/better one.
4. Nine more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

5- Reply to show cause mentioned in forac of the grounds of appeal is not attached with the appeal which may be placed at.

No. 2453 /S.T,

Dt. 09/12 /2021

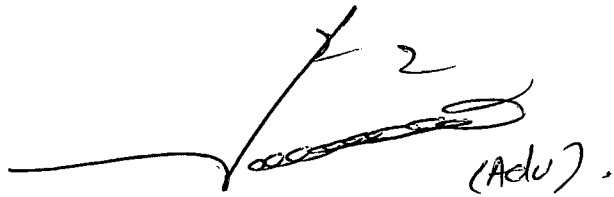

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Javed Iqbal Gulbela Adv. Pesh.

Respected Sir,

All the objections has been removed.
Moreover, the Show-Cause notice is already
Annexed as Ann & Dg E at page 14-16.

15-12-2021.


(Adv).

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

In Re S.A. 7871 /2021

Abdur Rashid

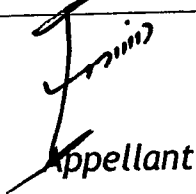
VERSUS

Government of Khyber Pakhtunkhwa and Others

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S#	Description of Documents	Annex	Pages
1.	Grounds of Appeal with affidavit		1-8
2.	Addresses of Parties.		9
3.	Copy of impugned Notification No. SO(C-II)/HED/2-6/2019/ 2156-59 Dated: 29-06-2021 of the Office of the Secretary, Higher Education Department Khyber Pakhtunkhwa Peshawar	"A"	10
4.	Copy of Departmental Appeal and impugned Notification No. SO(C-II)/HED/2-6/2019/3810-13 Dated: 25-10-2021 communicated to Appellant on 09-11-2021	"B & C"	11-13
5.	Copies of Show Cause Notice and its reply	"D & E"	14-16
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Dated: 09-12-2021


Appellant

Through


JAVED IQBAL GULBELA
Advocate Supreme Court of
Pakistan.

Off Add: 1-B Al-Nimrah Centre, Govt College Chowk Peshawar

(1)

BEFORE THE HO'NBLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8023
Dated 09/12/2021

In Re S.A _____/2021

Abdur Rashid, Deputy Director (sports), Higher Education, Khyber Pakhtunkhwa.

----- **Appellant**

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. Secretary Higher Education, Archives & Libraries Department, Khyber Pakhtunkhwa Peshawar.
5. Additional Secretary (Dev), Higher Education Department, Khyber Pakhtunkhwa Peshawar.
6. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
7. Deputy Director (IT), HEMIS Cell, Higher Education Department, Khyber Pakhtunkhwa, Peshawar.

----- **Respondents**

Appeal U/S 4 Of The Khyber Pakhtunkhwa
Service Tribunal Act 1974 Against The Impugned
Office Notification No. SO(C-II)/HED/2-
6/2019/2156-59 Dated: 29-06-2021 Of The
Office Of The Secretary, Higher Education
Department KHYBER PAKHTUNKHWA Peshawar,
Whereby The Appellant Was Awarded Minor
Penalty Of "Withholding Two Annual Increments
For One Year" And Against The Impugned
Notification No: SO(C-II)/HED/2-6/2019/3810-13
Dated: 25-10-2021 Communicated To Appellant

Filed to-day
Registrar
09/12/21

On 09-11-2021 of The Office Of The Secretary To
Government Of KHYBER PAKHTUNKHWA, Higher
Education Department, Peshawar, Whereby The
Departmental Appeal Of The Appellant Was
Turned Down 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 district Charsadda.
2. That after going through mandatorily required criteria, and after being envisaged with the ordeals and inquisition of selection process, the Appellant got inducted onto the rolls of the prestigious services of higher education Khyber Pakhtunkhwa as a Lecturer, years back.
3. That thereafter the Appellant took charge & with his most sincere and pragmatic way, performed his duties with full zest and devotion & never left any stone unturned in performance of his duties and have always won felicitations and appreciations of his High-up at certain junctures due to his Mantle whetted skills, punctuality and behavior. And it is the reason that the Appellant was posted as Deputy Director (sports), Higher Education KHYBER PAKHTUNKHWA.
4. That before parting with the facts of the instant case and to make and vesicate out a case for the Appellant, it would equally be important to mention here that the respondents department advertised posts of "Teaching Assistant" and test was schedule through EATA; And thereafter Scrutiny Committee was constituted comprised on "Principals & Professors", whereas the Appellant was assign the services 'in case of any requirement/need to the committee' for the smooth compilation of merits list. The committee compiled

the Provisional and final merit list and uploaded the same on EATA website, thereafter complete final merit list was handed over to Director, Higher Education Khyber Pakhtunkhwa Peshawar. And the Establishment Male Section on receiving final merit list prepared the proposals for Male Candidate and submitted the same by Deputy Director Establishment (Male) to Secretary, Higher Education Department Khyber Pakhtunkhwa Peshawar which was processed and notified by the Department. It is pertinent to mention here that one "Majid Khan" was leftover from appointment, which he has challenge in writ petition in Hon'ble High Court, Peshawar. It is of equal importance to mention here that Majid Khan has neither object on the merit list nor on the position assign to him in the merit list. Beside the above mention committee another committee with nomenclature of "Grievances Redressal committee" was constituted due to complications aroused in the 1st appointment order, comprising on the following.

- (i) Special secretary higher educationChairman.
- (ii) Deputy secretary Admin.....Member.
- (iii) Deputy Director Establishment (Male).....Member.
- (iv) Deputy Director Establishment (Female)....Member.
- (v) Deputy Secretary Colleges.....Member.

And the Appellant was neither 'The Appointing Authority' nor the member of 'Grievances Redressal committee', even than he was malafidely booked for the case of Majid Khan; And was awarded minor penalty of "**Withholding Two Annual Increments for one year**" vide impugned Notification No. SO(C-II)/HED/2-6/2019/ 2156-59 Dated: 29-06-2021 of the Office of the Secretary, Higher Education Department KHYBER PAKHTUNKHWA Peshawar, which is illegal, unlawful and void ab-initio and liable to be set aside.(Copy of impugned Notification No. SO(C-II)/HED/2-6/2019/2156-59 Dated: 29-06-2021 of the Office of the

4

Secretary, Higher Education Department Khyber Pakhtunkhwa Peshawar as Annexure "A").

5. That feeling aggrieved from impugned impugned Notification No. SO(C-II)/HED/2-6/2019/2156-59 Dated: 29-06-2021 of the Office of the Secretary, Higher Education Department Khyber Pakhtunkhwa Peshawar moved Departmental Review / Appeal to the Worthy Chief Minister, KHYBER PAKHTUNKHWA, which was turned down vide impugned impugned Notification No. SO(C-II)/HED/2-6/2019/3810-13 Dated: 25-10-2021 communicated to Appellant on 09-11-2021 of the Office of the Secretary to Government of Khyber Pakhtunkhwa, Higher Education Department, Peshawar (Copy of Departmental Review/ Appeal and impugned Notification No. SO(C-II)/HED/2-6/2019/3810-13 Dated: 25-10-2021 communicated to Appellant on 09-11-2021 are annexed herewith as Annexure "B & C" respectively).

6. That feeling aggrieved from the both impugned above Notifications the Appellant approaches this Hon'ble Tribunal for setting aside of both impugned Notifications upon the following grounds, inter-alia:

GROUND:

- A. That both the impugned Notifications are wrong, illegal, unlawful, void hence the same is liable to be set aside.
- B. That the act of the respondents in so called circumstances is purely baseless, unlawful, void ab-initio, coram-non-judice and is not warranted by the law.
- C. That the Appellant was served with a Show Cause Notice, to which the appellant submitted true and detailed reply, but even than he malafidely penalized for committing no

wrong/offence, Hence both the impugned Notifications are illegal and unlawful, therefore subject to be turn down.(Copies of Show Cause Notice and its reply is annexed as annexure "D & E")

D. That no proper Departmental inquiry against the Appellant was ever conducted, nor was given any opportunity to be heard personally, to defend, clear his position, hence was deprived of his right to be heard, which is against the principles of natural justice and law.(Copy of impugned inquiry is annexed as annexure "F & F/1")

E. That neither proper statement of allegation has been prepared nor properly served upon the Appellant, therefore the impugned Notifications are illegal and not warranted under the law. (Copy of statement of allegation is annexed as Annexure "G")

F. That neither proper charge sheet has been prepared in accordance with law nor serve in accordance with law, hence the impugned notifications are not maintainable in the eye of law and liable to be set aside. (Copy of Charge Sheet is annexed as Annexure "H")

G. That no opportunity of cross examining any witness was ever extended to the Appellant, hence main ingredients are missing in case of the Appellant.

H. That the impugned Notifications of penalty and of the Appellate Authority order are unlawful, illegal and liable to be cancelled because the Respondent's utterly violated the service law, rules, regulations and policy of the Government for Civil servants while passing the impugned dismissal order.

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- I. That no final show-cause notice has been served upon the Appellant, therefore both the impugned notifications of the Respondents are void and ultra-vires.
- J. That neither the Appellant was the appointing authority nor member of the "Grievance Redressal Committee", even then, the Appellant was malafidely booked for the case of "Majid Khan" Candidate for "Teaching Assistant", and then penalized too for that; which is not warranted under the law; hence both the impugned Notifications are illegal, unlawful, void ab-initio and liable to be set aside.
- K. That neither Majid Khan objected on the merit list nor on his position assigned to him in the merit list for the post of "Teaching Assistant", But even then the Respondent Department take illegal action against the Appellant in shape of both impugned Notification, which are not warranted under the law.
- L. That under the mandate of Article 4 of the Constitution, no one should be treated otherwise than in an accordance with law, wherein Article 25 postulates that alike are to be treated alike, but here a different discriminative approach has been used to treat the Appellant.
- M. That discrimination in any form is highly abominable and bete-noire and is always checked down in derisorous manner by the Superior Courts of the land. Reason behind checking it down and chucking it away is to ensure equality and equal treatment of its citizens and to remove any sense of discrimination.
- N. That the law and law courts of the land have always preferred and encouraged that rules and policies are to be

(7)

followed and have always discouraged, deplored, and depreciated any variation from the rules or policies.

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

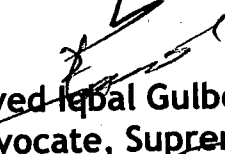
It is, therefore, most humbly prayed that on acceptance of the instant Service Appeal, the impugned Office Notification No. SO(C-II)/HED/2-6/2019/ 2156-59 Dated: 29-06-2021 of the Office of the Secretary, Higher Education Department Khyber Pakhtunkhwa Peshawar, and the impugned Notification No: SO(C-II)/HED/2-6/2019/3810-13 Dated: 25-10-2021 communicated to Appellant on 09-11-2021 of the Office of the Secretary to Government of Khyber Pakhtunkhwa, Higher Education Department, Peshawar, may very graciously be declared illegal, unlawful, void ab-initio and be set aside, and by doing so, the impugned penalty imposed upon the Appellant may also be lifted up.

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

Dated:09-12-2021

Appellant 

Through

Javed Iqbal Gulbela
Advocate, Supreme Court of
Pakistan 

Saghir Iqbal Gulbela 

Ahsan Sardar

&

Tahir Khan
Advocates High Court Peshawar.

NOTE:-

No such like appeal has earlier been filed by me before this Hon'ble Tribunal, prior to this one.


Advocate.

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

In S.A. _____/2021

Abdul Rashid

VERSUS

Government of KPK & Others

AFFIDAVIT

I, Abdul Rashid S/o Muhammad Anwar R/o Mohallah
Pai Khel, Umar Zai, Tehsil & District Charsadda, do
hereby solemnly affirm & declare on oath that all
content of the instant Service Appeal, are true &
correct to the best of my knowledge & belief and
nothing has been concealed or misstated from this
Hon'ble Tribunal.

Abdul Rashid
08-12-2021
DEPONENT

CNIC: 17101-0310770-7

Cell No:

Identified By

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



Shafig-U-R-Rehman Shabab
09-12-2021

9

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

In Re S.A _____/2021

Abdur Rashid

VERSUS

Government of Khyber Pakhtunkhwa and Others

ADDRESSES OF PARTIES

APPELLANT.

Abdur Rashid, Deputy Director (sports), Higher Education, Khyber Pakhtunkhwa.

RESPONDENTS:

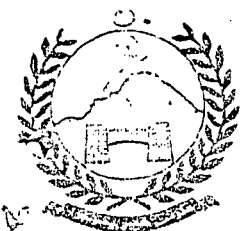
1. Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. Secretary Higher Education, Archives & Libraries Department, Khyber Pakhtunkhwa Peshawar.
5. Additional Secretary (Dev), Higher Education Department, Khyber Pakhtunkhwa Peshawar.
6. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
7. Deputy Director (IT), HEMIS Cell, Higher Education Department, Khyber Pakhtunkhwa, Peshawar

Dated: 09/12/2021

Appellant

Through


JAVED IQBAL GULBELA
Advocate Supreme Court of
Pakistan



(10)
**GOVT. OF KHYBER PAKHTUNKHWA
 HIGHER EDUCATION, ARCHIVES &
 LIBRARIES DEPARTMENT**

[Handwritten Signature]

Dated Peshawar the 29th June, 2021

Annexure "A"

NOTIFICATION

No.SO(C-II)/HED/2-6/2019. WHEREAS Mr. Abdur Rashid, Lecturer in HPE (BS-17), currently working as Deputy Director (Sports) Directorate of Higher Education was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the Charge Sheet and Statement of Allegations.

2. **AND WHEREAS** the Competent Authority appointed Mr. Kalim Ullah Baloch, (PMS BS-19) Additional Secretary, as Inquiry Officer to conduct inquiry against the accused officer for the charges leveled against him in accordance with the Law/Rules.

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

4. **AND WHEREAS** the Competent Authority served the accused officer with Show Cause Notice for tentatively proposing imposition of minor penalty of **"Withholding two annual increments for one year"**.

5. **AND WHEREAS** the Competent Authority, upon receipt of the reply to show cause notice submitted by the accused officer, under Rule-15 of the Rules ibid, appointed Mr. Muhammad Israr, Secretary Agriculture Department, to afford him the opportunity of personal hearing on his behalf.

6. **AND WHEREAS** the Inquiry Officer after having examined the charges, evidence on record and explanation of the accused officer has recommended that the officer has committed the act of omission and irresponsibility by depriving a meritorious candidate from appointment.

7. **NOW THEREFORE**, the Competent Authority after having considered the charges, evidence on record, report of the inquiry officer, and in exercise of powers under Rule-14(3) of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 has been pleased to confirm the minor penalty of **"Withholding two annual increments for one year"** of Mr. Abdur Rashid, Lecturer in HPE (BS-17), currently working as Deputy Director (Sports) Directorate of Higher Education.

SECRETARY, HIGHER EDUCATION DEPARTMENT

ENDST: NO. & DATE EVEN.

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
- ✓ 2. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Director-IT, HEMIS Cell, Higher Education Department.
4. Mr. Abdur Rashid, Lecturer in HPE (BS-17), currently working as Deputy Director (Sports), Directorate of Higher Education.
5. PS to Secretary Higher Education Department.
6. Master File.

Director's Office

2015

283

AD (E)
 2/2/21

(HAYAT UR REHMAN)
 SECTION OFFICER (COLLEGES-II)

re
 29.06.21

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

To,



The Honourable Chief Minister,
Khyber Pakhtunkhwa.

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Annexure - B

Through: Proper Channel

SUBJECT: REVIEW APPEAL AGAINST THE IMPOSITION OF MINOR PENALTY OF
"WITHHOLDING TWO ANNUAL INCREMENTS FOR ONE YEAR"

Respected Sir,

It is humbly submitted in your kind honour that I am serving as Assistant Professor of Health and Physical Education and working as Deputy Director (Sports) at Directorate of Higher Education Khyber Pakhtunkhwa. Disciplinary proceedings were being initiated against me in the leftover case of Mr. Majid Khan (candidate for appointment of Teaching Assistant) who were being leftover from appointment as Teaching Assistant. In the instant case a minor penalty of "withholding of two annual increments for one year" has been imposed upon me vide Higher Education Department Notification No. SO(C-II) HED/2-6/2019/2156-59 dated: 29th June, 2021. (Annex-A/I)

In this regard it is worthwhile to mention that I was working as Deputy Director Sports while the issue of leftover of Mr. Majid Khan (a meritorious candidate from appointment as Teaching Assistant) pertains to Male Establishment Branch of Directorate of Higher Education. Being the sole job of Establishment Branch all the proposals of Male candidates for the appointment of Teaching Assistants were being compiled by the Deputy Director Establishment Male Branch while for the appointment of female candidates by Deputy Director Establishment Female Branch. There is no consonance of Establishment related matters with the sports branch. Both sections vary in their job description as well as in its service delivery.

There were two aspects of the case, one is related to the merit determination and the other pertains to its appointment.

• **Scrutinization of merit order:**

Merit compilation has been carried out by the scrutiny committee comprising of Principals and Professors. The committee started their job and the Director Higher Education assigned my services to the committee that in case of any requirement/need for the smooth compilation of merit I will work with the committee. The committee compiled the provisional and final merit list and uploaded the same on EATA website subsequently. After completion of final merit list, it was handed over to Director, Higher Education for appointment process. The candidate concerned (Majid Khan) has no problem with his merit order. His grievances pertains to his appointment that he has been leftover in the process of appointment.

• **Appointment Process:**

After finalization of merit list the Establishment Male section prepared the proposals for the appointment of Male Teaching Assistants and the same was submitted by Deputy Director Establishment (Male) vide letter no. 24444/CA-II/Estt: Branch/A-12/Teaching Assistant, Dated Peshawar the 20-10-2014, to Secretary Higher Education which was processed and notified by the Department accordingly. (Annex-A)

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

• **Grievances Redressal Committee**

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Due to the various complications aroused in the 1st order issued for the appointment of Teaching Assistants, a Grievances Redressal Committee comprising of the following officers were being constituted to go through the appeals of various applicants in various meetings held under the Chairmanship of Special Secretary Higher Education. **Annex-B**

- Special Secretary Higher Education: Chairman
- Deputy Secretary Admin Member
- Deputy Director Establishment (Male) Member
- Deputy Director Establishment (Female) Member
- Deputy Secretary Colleges Member

• **Other Proposals Submitted to Higher Education Department by Deputy Director Establishment:**

As a matter of job description all proposals for the appointments of teaching assistants were submitted by Deputy Director Establishment to Secretary Higher Education which was considered accordingly. The details of some of the proposals for the appointments of teaching assistants are as follows.

- i. Proposal of Naseemullah S/O Noshawan, Islamiyat, 04-02-2015 **Annex-C**
- ii. Proposal of 70 candidates along with 03 adjustments, vide letter no. 6006/CA-VII/Estt: Branch/A-167, Dated.06-03-2015 **Annex-D**
- iii. Proposal of Abdus Samad, Biology, Bannu, 13-04-2015 **Annex-E**
- iv. Proposal of Rahat Subhan, Statistics, 10-06-2015 **Annex-F**
- v. Proposal of Zafar Ali and others 19-06-2015 **Annex-G**
- vi. Proposal of 32 candidates 15-07-2015 **Annex-H**
- vii. Proposal of Majid Khan and other 15 candidates, 17-10-2016, **Annex-I**

Sir, as evident from the above mentioned documentary proofs all the process of proposing the candidates amongst the final merit list of teaching assistant was the sole responsibility of Deputy Director Establishment Male section. It was neither my domain nor my prerogative.

All the record pertains to Establishment branch and lying in the custody of Establishment section under the supervision of Deputy Director Establishment. Even for the purpose of the inquiry proceedings I as Deputy Director Sports myself requested to borrow the record pertains to the appointment process of Teaching Assistants from the Establishment section only for three days. **Annex-J**

Humble Submission

Keeping in view the aforementioned facts it is humbly prayed that the above mentioned notification whereby the minor penalty of "withholding of two annual increments for one year" imposed upon me may graciously be set aside to prevail justice, please.

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

ABDUR RASHID
Lecturer in HPE Working as Deputy Director Sports
Directorate of Higher Education Khyber Pakhtunkhwa



13

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

Dated Peshawar the 25th October, 2021

Annexure - 'C'

NOTIFICATION

/3210-13

No.SO(C-II)/HED/2-6/2019. WHEREAS Mr. Abdur Rashid, Lecturer in HPE (BS-17), currently working as Deputy Director (Sports) Directorate of Higher Education was proceeded under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011.

2. **AND WHEREAS** the Inquiry Officer after having examined the charges, evidence on record and explanation of the accused officer has recommended that the officer has committed the act of omission and irresponsibility by depriving a meritorious candidate from appointment.

3. **AND WHEREAS** the Competent Authority after having considered the charges, evidence on record, report of the inquiry officer, and in exercise of powers under Rule-14(3) of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 has been imposed the minor penalty of "Withholding of two annual increments for one year" upon Mr. Abdur Rashid, Lecturer in HPE (BS-17), currently working as Deputy Director (Sports) Directorate of Higher Education.

4. **NOW THEREFORE**, the Appellate Authority after having considered the appeal of the penalized officer, and in exercise of the powers under Rule 17(2) of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 is pleased to uphold minor penalty of "withholding of two annual increments for one year" and regret the appeal of Mr. Abdur Rashid, Lecturer in HPE (BS-17), currently working as Deputy Director (Sports) Directorate of Higher Education.

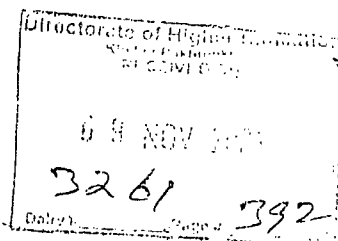
-Sd-

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

ENDST: NO. & DATE EVEN.

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Director-IT, HEMIS Cell, Higher Education Department.
- ✓ 4. Mr. Muhammad Bashir, Assistant Professor (BS-18)/Deputy Director (Estt:), Directorate of Higher Education.
5. PS to Secretary Higher Education Department.
6. Master File.



 25/10/21
SECTION OFFICER (COLLEGES-II)

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

14

Amended "D"

SHOW CAUSE NOTICE

1. Mahmood Khan, Chief Minister Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Abdur Rashid, Lecturer (HPE), currently working as Deputy Director (Sports), Higher Education, Khyber Pakhtunkhwa, as follow:-

- i. That consequent upon the completion of inquiry conducted against you by Inquiry officer, for which you were given opportunity of hearing.
- ii. On going through the findings of the Inquiry Officer, the material on record and other connected papers including your defence before the Inquiry officer.

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

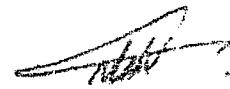
(b) guilty of misconduct

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of withholding of under rule 4 of the said rules.
*(02) two annual increments
for one (01) year.*

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

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the inquiry officer is enclosed.



(Mahmood Khan)
CHIEF MINISTER,
KHYBER PAKHTUNKHWA

Mr. Abdur Rashid, Lecturer in HPE (BS-17),
Currently working as Deputy Director (sports),
Directorate of Higher Education

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

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Annexure - 'E'

To,
The Honourable Secretary,
Agriculture, Govt. of Khyber Pakhtunkhwa

Subject: WRITTEN STATEMENT DURING PERSONAL HEARING DISCIPLINARY PROCEEDINGS AGAINST MR. ABDUR RASHID, LECTURER IN HPE, WORKING AS DEPUTY DIRECTOR (SPORTS) DIRECTORATE OF HIGHER EDUCATION KHYBER PAKHTUNKHWA

Respected Sir,

Reference your office letter No. SOG(AD)/1-6/Misc/2020-21, dated.17-05-2021, on the subject cited above I, submit my written reply for the purpose of personal hearing in case of Mr. Majid Khan (Teaching Assistant).

There were two aspects of the case, one is related to the merit determination and the other pertains to its appointment.

• **Scrutinization of merit order:**

Merit compilation has been carried out by the scrutiny committee comprising of Principals and Professors. The committee started their job and the Director Higher Education assigned my services to the committee that in case of any requirement/need for the smooth compilation of merit I will work with the committee. The committee compiled the provisional and final merit list and uploaded the same on EATA website subsequently. After completion of final merit list, it was handed over to Director, Higher Education for appointment process. The candidate concerned (Majid Khan) has no problem with his merit order. His grievance pertains to his appointment that he has been leftover in the process of appointment.

• **Appointment Process:**

After receiving the final merit list the Establishment Male section prepared the proposals for Male candidates and the same was submitted by Deputy Director Establishment (Male) vide letter no. 24444/CA-II/Estt: Branch/A-12/Teaching Assistant, Dated Peshawar the 20-10-2014, to Secretary Higher Education for appointment which was processed and notified by the Department. (Annex-A)

• **Grievances Redressal Committee**

Due to the complications aroused in the 1st appointment order a Grievances Redressal Committee were being constituted comprising of the following Officers. Annex-B

- | | |
|--|----------|
| ○ Special Secretary Higher Education: | Chairman |
| ○ Deputy Secretary Admin | Member |
| ○ Deputy Director Establishment (Male) | Member |
| ○ Deputy Director Establishment (Female) | Member |
| ○ Deputy Secretary Colleges | Member |

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 6347)

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28-05-2021.

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JB

• **Other Proposals Submitted to Higher Education Department by Deputy Director Establishment:**

Other Proposals were submitted for the appointments of teaching assistants by Deputy Director Establishment are as follows.

- i. Proposal of Naseemullah S/O Noshewan, Islamiyat, 04-02-2015 **Annex-C**
- ii. Proposal of 70 candidates along with 03 adjustments, vide letter no. 6006/CA-VII/Estt: Branch/A-167, Dated.06-03-2015 **Annex-D**
- iii. Proposal of Abdus Samad, Biology, Bannu, 13-04-2015 **Annex-E**
- iv. Proposal of Rahat Subhan, Statistics, 10-06-2015 **Annex-F**
- v. Proposal of Zafar Ali and others 19-06-2015 **Annex-G**
- vi. Proposal of 32 candidates 15-07-2015 **Annex-H**
- vii. Proposal of Majid Khan and other 15 candidates, 17-10-2016, **Annex-I**

Sir, as evident from the subject of your letter and above mentioned factual position I was working as Deputy Director Sports while the issue of Majid Khan (candidate for the appointment of teaching assistant) is related to Establishment Branch. All the process of proposing or not proposing a candidate amongst the final merit list of teaching assistant was the responsibility of Establishment Section. It was neither my domain nor my prerogative. All the record pertains to Establishment branch and lying in the establishment section. Even for the purpose of this inquiry I myself requested to borrow the record from the Establishment section being an officer of the same Directorate. **Annex-J**

Humble Submission

Keeping in view the aforementioned facts, the mental, psychological and physical torture in the whole proceeding of inquiries for the sack of none; I may please be exonerated, please.

28-05-2021
Abdur Rashid

Lecturer in HPE Working as Deputy Director Sports
Directorate of Higher Education Khyber Pakhtunkhwa

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

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ENQUIRY REPORT

Annex - "F"

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BACKGROUND:-

The undersigned was nominated as Inquiry Officer by the Competent Authority to hold a Fact Finding Inquiry regarding No reply to the application submitted in case of Teaching Assistant dated 06.09.2016 in respect of Mr. Majid Khan S/O Sharif Khan and submit report in this regard (Annex-A).

History of the case reveals that the test for the post of Teaching Assistants was conducted on 27-06-2014 and the applicant, Mr. Majid Khan S/O Sharif Khan, secured 6th position in the merit list of Teaching Assistants in the subject of Chemistry in District Mardan. Candidates upto Serial No. 8 from the merit list of the subject of Chemistry were appointed, leaving behind the present applicant at serial number 6 which is a clear violation of merit. Since then, Mr. Majid Khan has been visiting the directorate and the administrative department but in vain. The Directorate of Higher Education vide letter No. 27495/CA-II/Estt. Branch/A-12/Teaching Assistant/Mardan dated 17-10-2016 admitted that his name has been mistakenly left (Annex-B). The applicant was then informed that the Provincial Government has stopped further appointments from the list and, therefore, your request cannot be considered (Annex-C).

PROCEEDINGS:-

1- The undersigned called Mr. Majid Khan S/O Sharif Khan on 09-07-2018 to appear in person and to furnish written statement in this regard. In compliance, Mr. Majid Khan furnished his written statement on 09-07-2018 wherein he narrated his sad story and informed that being disappointed from the Department, he has now knocked the doors of the court (Annex-D).

2- The undersigned also called Mr. Abdur Rashid, Deputy Director (Sports) Directorate of Higher Education twice who was closely associated with the appointment of teaching assistants for discussion. He provided some documents relevant to the instant case. His main argument was that the applicant was left mistakenly and that later on his name was forwarded to the administrative department for notification but the later refused to appoint further from the old list. The fact has been admitted by the Deputy Director (Establishment) in his letter at (Annex-B).

Finding and Recommendations:

- i. The plea of the complainant that he deserved to be appointed as Teaching Assistant is correct.
- ii. The Directorate of Higher Education did not forward his name for appointment as Teaching Assistant to the administrative

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Advocate
Supreme Court of Pakistan
(ASC # 5317)

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- department and instead forwarded the proposals of candidates appearing at serial number 7 & 8. Thus merit was violated.
- III. The C-II section failed to examine the case and to ask reasons of leaving the candidate at serial number 6 while appointing the candidates at serial number 7 & 8. It seems that if the section was working under the administrative control of the Directorate at that time.
- IV. Even when the matter was reported on 17.10.2016, the section failed to initiate case for probing the matter and to bring it into the notice of the higher authorities for correction.
- V. The plea of the directorate that the name of the complainant was later on forwarded to the department for appointment is also not convincing because the list they handed over during the enquiry proceedings is unsigned and the name of the complainant appears at serial number 15 and that too without any special remarks that he had been left and that two persons low in merit had already been appointed (Annex-E). The list was provided without any covering letter as no such letter is available in the files. The directorate even did not bother to write a separate letter to highlight the issue so that it could be resolved.
- VI. It may be pointed out that the Teaching Assistants have now been regularized under an Act of the provincial assembly. The complainant has a right to be appointed as Teaching Assistant. In the changed scenario, however, opinion of Law and Establishment Department is required as to whether he can be appointed at this belated stage and if yes then as a Teaching Assistant or a lecturer because his other colleagues now officiate as lecturers. Moreover, the case has already been taken up with the Establishment Department but without any results. It may be pointed out that the complainant has now taken up the issue to the court and adverse decision against the government is evident on face of the available record.
- VII. It is evident from what has been stated above that the instant issue is resulted from the collective failure of both the directorate and C-II section. There seems connivance between the officers at the directorate and the administrative department for violating the merit for ulterior motives. The case was mainly dealt by Mr. Abdur Rashid, Deputy Director (Sports) as he was custodian of the merit list and the Deputy Director (Establishment), Mr Bashir Khan, who was communicating with the Administrative Department for issuing appointment orders and SO C-II at the administrative department

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(ASC # 5317)

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**GOVERNMENT OF KHYBER PAKHTUNKHWA HEALTH
DEPARTMENT**

No. AS(D)/HD/1-1/Inquiry /2019
Peshawar, the 09th January, 2019

To

The Secretary
Government of Khyber Pakhtunkhwa
Higher Education, Achieves & Libraries Department.

Subject:-

**DISCIPLINARY PROCEEDING AGAINST MUHAMMAD
BASHIR, ASSISTANT PROFESSOR (B-18) CURRENTLY
WORKING AS DEPUTY DIRECTOR (ESTT) AND MR ABDUR
RASHID, LECTURER (HPE), WORKING AS DEPUTY DIRECTOR
(SPORTS) HIGHER EDUCATION, KHYBER PAKHTUNKHWA.**

Dear Sir,

Please refer to Section Officer (C-II), Government of Khyber Pakhtunkhwa Higher Education Department letter No. SO(C-II)/HED/2-6/2019/Majid Khan/TA/5638-39 dated 11.11.2019 on the subjected noted above. The Inquiry Report of Officers of Higher Education Department is enclosed herewith for further necessary action.

(KALIM ULLAH BALOCH)

ADDITIONAL SECRETARY (DEV)

Endost: of even No. and Date:

Copy of the above is forwarded to the:

1. Directorate, Higher Education, Khyber Pakhtunkhwa
2. Section Officer (C-II), Higher Education Department Khyber Pakhtunkhwa.
3. PA to Secretary (Colleges), Higher Education Department, Khyber Pakhtunkhwa.

ADDITIONAL SECRETARY (DEV)

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INQUIRY REPORT

SUBJECT: DISCIPLINARY PROCEEDINGS AGAINST MUHAMMAD BASHEER, ASSISTANT PROFESSOR (BPS-18) CURRENTLY WORKING AS DEPUTY DIRECTOR (ESST) AND MR. ABDUR RASHID, LECTURER (HPE) WORKING AS DEPUTY DIRECTOR (SPORTS) HIGHER EDUCATION, KHYBER PAKHTUNKHWA

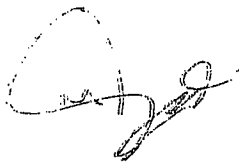
BACKGROUND

As per letter dated 11/11/2019, (ANNEX-A) Hon'ble Chief Secretary Khyber Pakhtunkhwa has nominated the undersigned as an enquiry officer for conducting formal inquiry against Mr. Muhammad Bashir, Assistant Professor (BPS-18) currently working as Deputy Director (Establishment) Directorate of Higher Education Department and Mr. Abdur Rashid, lecturer (HPE) (BPS-17) working as Deputy Director (Sports) Higher Education, Khyber Pakhtunkhwa. Copies of statement of allegations and charge sheet in respect of both accused were found attached (ANNEX-A). In this case fact finding enquiry (ANNEX-B) was earlier conducted by Mr. Muhammad Ayeaz Khan DS (ADMN), Higher Education Department.

A brief background is that Higher Education department advertised posts of Teaching Assistants and a test was conducted on 27-06-2014 by ETEA. One applicant named Mr. Majid Khan s/o Sharif Khan, secured 6th position in the merit list of Teaching Assistants in the subject of Chemistry in District Mandan. Candidates upto serial No. 3 from the merit list in the subject of Chemistry, District Mandan were appointed while Mr. Majid Khan at serial No. 6th was left/ not appointed. Mr. Majid Khan visited Higher Education Department / Directorate of Higher Education Department many times. At last Higher Education Department informed him that provincial Government has stopped further appointments and his request cannot be entertained at this stage. Being aggrieved by this reply, he filed a writ petition in Peshawar High Court and won the case. Higher Education department went into CPLA against him which is still pending in the August Supreme Court of Pakistan. Mr. Majid Khan has not been appointed up till now while those who were appointed have been regularized. Higher Education Department conducted fact finding inquiry which became the basis of this enquiry. Hence this enquiry.

PROCEEDINGS

Charge sheet and statement of allegations were forwarded to the accused Mr. Muhammad Bashir, Assistant Professor (BPS-18) currently working as Deputy Director (Establishment) Directorate of Higher Education Department and Mr. Abdur Rashid lecturer (HPE) (BPS-17), working as Deputy Director (Sports) Higher Education, Khyber Pakhtunkhwa with the direction to appear before the inquiry officer on 26/11/2019 at 2.00PM along with their verbal/written circumstantial evidence in their defense through letter dated 14/11/2019 (ANNEX-C).



Page 1 of 6

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

Subject:- DISCIPLINARY PROCEEDING AGAINST MUHAMMAD BASHIR ASSISTANT PROFESSOR (BPS-18) CURRENTLY WORKING AS DEPUTY DIRECTORY (ESST) AND MR. ABDUR RASHID, LECTURER (HPE) WORKING AS DEPUTY DIRECTOR (SPORTS) HIGHER EDUCATION KHYBER PAKHTUNKHWA

BACKGROUND

As per letter dated 11.11.2019, (ANNEXE-A) Hon'ble Chief Secretary Khyber Pakhtunkhwa has nominated as an inquiry officer for conducting formal inquiry against Mr. Muhammad Bashir, Assistant Professor (BPS-18) currently working as Deputy Director (Establishment) Directorate of Higher Education Department and Mr. Abdur Rashid lecture (HPE) (BPS-17) working as Deputy Director (Sports) Higher Education Khyber Pakhtunkhwa Copies of statement of allegation charge sheet in respect of both accused were found attached (ANNEX-A). In this case fact finding enquiry (ANNEX-B) was earlier conducted by Mr. Muhammad Ayaz Khan DS (ADMN) Higher Education Department.

A brief background in that Higher Education department advertised posts of teaching Assistants and a test was conducted on 27.06.2014 by ETEA. One applicant named Mr. Majid Khan S/o Sharif Khan, second 6th position in the merit first of Teaching Assistant in the subject of Chemistry and District Mardan candidates upto serial No.8 from the merit list in the subject of chemistry District Mardan were appointed while Mr. Majid Khan at serial No.6th was left/ not appointment Mr. Majid Khan visited Higher Education Department / Directorate of Higher Education Department many times. At last Higher Education Department inform him that provincial Government has stopped further appointments and his request cannot be entertained at this stage. Being aggrieved by this reply, he filed a writ petition in Peshawar High Court and won the case. Higher Education department went into CPLA against him which is still pending in the August Supreme Court of Pakistan. Mr. Majid Khan has not been appointed upto now while those who were appointed have been regularized Higher Education Department conducted fact finding inquiry which become the basis of this enquiry. Hence this enquiry.

PROCEEDINGS

Charge sheet and statement of allegation were forwarded to the accused Mr. Muhammad Bashir, Assistant Professor (BPS-18) currently working as Deputy Director (Establishment) Directorate of Higher Education Department and Mr. Abdur Rashid lecturer (HPE) (BPS-17) working as Deputy Director (Sports) Higher Education Khyber Pakhtunkhwa with the direction to appear before the inquiry officer on 26.11.2019 at 2:00PM alongwith their verbal/written circumstantial evidence in their defense through letter dated 14.11.2019 (ANNEX-C).

On 26/11/2019, Mr. Muhammad Bashir and Mr. Abdur Rashid appeared before inquiry officer. Both of them submitted their written reply / statements. The statement of Mr. Muhammad Bashir is at (ANNEX-D) and written reply of Mr. Abdur Rashid is at (ANNEX-E). Later on accused Abdur Rashid submitted another written reply (ANNEX-F). Gist of their statements is as follows:-

#	Charge	Gist of reply of Muhammad Bashir (Accused)	Gist of reply of Mr. Abd-ur-Rashid (Accused)
I.	That he intentionally did not forward the name of deserving candidate, Mr. Majid Khan S/O Shauq Khan to Administrative Department for appointment as Teaching Assistant for his ulterior motives.	He was not holding the post of Dy. Director as he took charge on 09.05.2015 and test for said posts was held on 23.01.2014.	His job was to compile merit list not to forward proposal for appointment.
II.	That He violated the merit by forwarding the names of candidate despite being low in merit for appointment as Teaching Assistant to Administrative Department, leaving behind the meritorious candidates on the basis of favouritism.	As per record he was not assigned any responsibility regarding proposal and for this stance Dy. Director Sport was the Focal Person.	Majid Khan did not lodge any complaint against his merit order, while sending proposals was not his duty.
III.	That he being custodian of the merit list concealed the factual position and misled the Administrative Department, which is a gross misconduct.	He was not given an opportunity of his defense by the fact finding inquiry officer.	A copy of duly signed final merit list was submitted in the office of Secretary Higher Education and Directorate of Higher Education.
IV.	That he has created embarrassment and brought bad name to the Department by depriving a deserving candidate from his right and consequent unnecessary litigation.	He proposed name of the complainant (Mr. Majid Khan) in light of his appeal to Higher Education Department for appointment, but was rejected.	The merit list was maintained in a transparent manner and earn good name for the department.

During the proceeding of inquiry important documents were found not available. For example Notification of Grievances Redressal Committee, Minutes of meetings and the appointments notification wherein the aggrieved complainant (Majid Khan) was left and other two candidates below him in the merit list were appointed. The said notification was issued by Section Officer (C-III) of Higher Education department. Section Officer (C-III) Higher Education Department was directed to appear before enquiry officer along with complete relevant record (ANNEX-F).



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On 26.11.2019 Mr. Muhammad Rashid and Mr. Abdul Rashid appeared before inquiry officer. Both of them submitted their written reply / statement. The statement of Mr. Bashir is a (ANNEX-D) and written reply of Mr. Abdur Rashid is an (ANNEX-E) latter on accused Abdur Rashid submitted another written reply (ANNEX-E.II) Gust of their statement is as follows:-

S#	Charge	Gist of reply of Muhammad Basheer Accused	Gist of reply Mr. Abd-ur-Rashid (Accused)
I	That he intentionally did not forward the name of deserving candidate Mr. Majid Khan S/o Sharif Khan to Administrative Department for appointment as Teaching Assistant for his ulterior motives.	He was not holding the post of Dy. Director as he book charge on 09.05.2015 and test for said posts was held on 23.01.2014.	His job was to complete merit list not to forwarded proposed for appointment.
II	That He violated the merit by forwarding the names of candidate despite being low in merit for appointment as Teaching Assistant Administrative Department leaving behind the meritorious candidates on the basis of favoritism.	As per record was not assigned any responsibility regarding proposal and for this stance Dy. Director Sport was the Focal Person.	Majid Khan did not lodge any complaint against his merit order, while sending proposal was not his duty.
III	That he being custodian of the merit list concealed the actual position and misled the Administrative Department, which is a gross misconduct.	He was not given an opportunity of his decision by the fact finding inquiry officer.	A copy of duly signed final merit list was submitted in the office of Secretary Higher Education and Directorate of Higher education.
IV	That he has created embarrassment and brought bad name to the Department by deprived a deserving candidates from his right and consequence unnecessary litigation.	He proposed name of the complainant (Mr. Majid Khan) in light of his appeal to Higher Education Department for appointment, but was approved	The merit list was maintained in a transparent manner and can good name for the department.

During the proceeding of inquiry important documents were found not available. For example Notification of Grievances Redressal Committee, Minutes of meetings and the appointments notification wherein the aggrieved complainant (Majid Khan) was left and other two candidates below him in the merit were appointed. The said notification was issued by Sanction Officer (C-II) of Higher Education Department. Section Officer (C-II) Higher Education Department was directed to appear before enquiry officer along with complete relevant record (ANNEX-P).

On 3rd December 2019 Section Officer (C-II) and both accused appeared before undersigned along with record. Notification of grievance redressal committee (ANNEX-G) was produced but supporting file of the notification was not produced. Accordingly they were directed to appear again on 13th December 2019 along with complete record.

On 13th December 2019 appointment notification of candidates at serial No. 7 and 8 (ANNEX-H), was produced but minutes of grievance redressal committee meeting in which candidates at Serial No 7 and 8 were recommended, were not made available. Section Officer (C-II) Higher Education Department was again directed to appear before undersigned on 19th December 2019 along with supporting documents.

On 19/12/2019 both of the accused appeared before undersigned. Note sheet of approval of list/proposal wherein candidates at serial No. 7 and 8 were proposed for appointment was also produced (ANNEX-I). Written statement of witness, Mr. Anjad Ali Senior Clerk Directorate of Higher Education Department was recorded (ANNEX-J). He was also cross examined. Mr. Anjad Ali senior clerk Directorate of Higher Education Department stated that list/proposal excluding candidate at serial No. 6 (Majid Khan) and including names of candidates at serial No. 7 and 8 and was given to him by Abdu- Rashid (accused) for approval, which he processed. Minutes of meeting of grievance redressal committee, in which candidate at serial No. 7 and 8 were recommended for selection, was again not produced to the undersigned and accordingly they were directed to produce said minutes in next hearing.

On 01/01/2020 Mr. Tahir Khan Section Officer (C-II) Higher Education Department submitted written certificate/statement (ANNEX-K), stating that relevant record was not traced in relevant sections although these documents were thoroughly searched by Mr. Abid Hussain, ex-record keeper with help of Mr. Sawood Akhtar, junior clerk/ present record keeper. Statement of Mr. Abid Hussain, ex-record keeper is at (ANNEX-L). As per record of Directorate of Higher Education one meeting of Grievance Redressal Committee was held on 10/12/2014. The minutes of this meeting are available at (ANNEX-M). It was decided in this meeting that in future all proposals for the appointment of Teaching Assistants will be forwarded by Directorate of Higher Education. The second meeting of Grievance Redressal Committee was held on 27-02-2015. The minutes, attendance sheet etc of this meeting were also not produced to the Inquiry Officer.

Comments on the reply of accused, Bathir Ahmad

Charge No. 1

Here the charge is that he intentionally did not forward the name of a deserving candidate Mr. Majid Khan. The accused replied that he was not holding the post of Deputy Director. He says he took charge of Deputy Director on 09-05-2015. The reply of accused is not satisfactory because this incident of violation of merit happened in the notification dated 02-12-2015 during his tenure. Moreover, he signed and forwarded the proposal/list wherein applicant Mr. Majid Khan was left and two other candidates below him were recommended. Copy of Note sheet is available in the record.

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

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On 3rd December 2019 Section Officer (C-II) and both accused appeared before undersigned along with record Notification of grievance redressal committee (ANNEX-G) was produced but supporting file of the Notification was produced. Accordingly they were directed to appear on 13th December 2019 along with complete record.

On 13th December 2019 appointed notification of candidates at serial No.7 and 8 (ANNEX-H), was produced but minutes of grievance redressal committee meeting in which candidates at Serial No.7 and 8 were recommended, were not made available, Section Officer (C-II) Higher Department was again directed to appear before undersigned on 19th December 2019 along with supporting documents.

On 19/12/2019 both of the accused appeared before undersigned. Note sheet of approval of list/proposal wherein candidates at Serial No.7 and 8 were proposed for appointment was also produced (ANNEX-II). Written statement of witness, Mr. Amjad Ali Senior Clerk Directorate of Higher Education Department was recorded (ANNEX-J). He was also cross examined. Mr. Amjad Ali Senior Clerk Directorate of Higher Education Department stated that list/proposal excluding candidates at serial No.6 (Majid Khan) and including names of candidates at Serial No.7 and 8 and was given to him by Abdu-Rashid (Accused) for approval, which he processed. Minutes of meeting of grievance redressal committee, in which candidates at serial No.7 and 8 were recommended for selection, was again not produced to the undersigned and accordingly they were directed to produce said minutes in next hearing.

On 01/01/2020 Mr. Tahir Khan Section Officer (C-II) Higher Education Department solemnized written certificate/statement (ANNEX-K), stating that relevant record was not traced in relevant sections although these documents were thoroughly searched by Mr. Abid Hussain, ex-record keeper with help of Mr. Sawood Akhtar junior clerk/present record keeper. Statement of Mr. Abid Hussain, ex-record keeper is at (ANNEX-L). As per record of Directorate of Higher Education one meeting of Grievance Redressal Committee was held on 10/12/2014. The minutes of this meeting are available at (ANNEX-M). It was decided in this meeting that in future all proposals for the appointment of Teaching Assistants will be forwarded by Directorate of Higher Education. The second meeting of Grievance Redressal Committee was held on 27.02.2015. The minutes, attendance sheet etc of this meeting were also not produced to the Inquiry Officer.

Comments of the reply of accused Bashir Ahmad.

Charge No.1.

Here the charge is that he intentionally did not forward the name of a deserving candidate Mr. Majid Khan. The accused replied that he was not holding the post of Deputy Director. He says he took charge of Deputy Directorate on 09.05.2015. The reply of accused is not satisfactory because this incident of violation of merit happened in the notification dated 02.12.2015 during his tenure. Moreover, he signed forwarded the proposal/list wherein applicant Mr. Majid Khan was left and two other candidates below him were recommended. (Copy of Note sheet is available in the record)

(Annex-I). By virtue of his post as Deputy Director Establishment, it was his duty to ensure that each and every candidate included in the proposal/list, do meet requirement of merit as per merit list, which he badly failed.

Charge No. 2

Here the charge is that he forwarded names of candidate who were low in merit. The accused reply that he was not assigned any responsibility and Deputy Director Sports was the focal person. The reply is not satisfactory. Here it is immaterial whosoever gave him this proposal/list to further process it. He forwarded the said proposal to Director Higher Education which was approved by Director and sent to Secretary Higher Education Department. This error or omission was neither connected by him nor by Director Higher Education and nor by Secretary Higher Education Department officer. Apparently all dealing hands are responsible for this act of omission or error.

Charge No. 3

Charge is that he concealed the factual position and misled the Administrative Department. The accused reply is that he was not given an opportunity of his defence in the fact finding inquiry. Here the reply is irrelevant. But during this inquiry the accused was given ample opportunity for his defence. He was heard patiently five times. He could not deny the Note sheet with his signature wherein he forwarded the proposal/list to Director Higher Education Department for approval.

Charge No. 4

The charge is that he created embarrassment for the Department by depriving a deserving candidate from his right and consequent unnecessary litigations. The reply of the accused is that he forwarded the complainant request which was regretted by the Administrative Department. Here again his reply is irrelevant.

Comments on the reply of accused, Abdul-Rashid

Charge No. 1

Here the charge is that he intentionally did not forward the name of a deserving candidate Mr. Majid Khan. The reply of the accused is that he compiled the merit list and it was not his job to forward proposals for appointment to the Administrative Department. This reply is not satisfactory. As it transpired during the proceedings that the accused (Abdul Rashid) designation was Deputy Director Sports but he was also dealing with the issues of Teaching Assistants appointment at Directorate level. The same viewpoint was also endorsed by one witness Mr. Anjjud Khan, senior clerk Directorate of Higher Education Department who stated in his written statement that proposal/list where a deserving candidate Mr. Majid Khan was left and two other candidate below him in merit list were proposed and sent by accused Mr. Abdul Rashid, which he (Anjjud Senior Clerk) processed and put up. In the Note part, there is no signature of accused (Abdul-Rashid). The other accused Mr. Bashraer Ahmad signed the note part and sent it to Director

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Advocate
Supreme Court of Pakistan
(ASC # 5317)

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(Annex-I) by virtue of his post as Deputy Director Establishment, it was his duty to ensure that each and every candidates included in the proposal/list, do sheet requirement of merit of merit as per merit list, which he badly failed.

Charge No.2

Here the charge is that he forwarded names of candidates who low in merit. The accused reply that he was not assigned any responsibility and Deputy Director Sports was the total person. The reply is not satisfactory. Here it is inunerial whatsoever gave him this proposal/list to further process it. He forwarded the said proposal to Director Higher Education which was approved by Director and sent to Secretary Higher Education Department. This city or omission was neither corrected by him nor by Director Higher Education and nor by Secretary Higher Education Department office. Apparently all dealing hands are responsible for this act of omission or eror.

Charge No.3

Charge is that be concealed the factual and misled the Administrative Department. The accused reply is that he was not given an opportunity of this defence in the fact finding inquiry. Here the reply is irrelevant. But during this inquiry the accused was given ample opportunity for his defence. He was heard patiently five times. He could not deny the Notice sheet with his signature wherein he forwarded the proposal/list to Directorate Higher Education Department for approval.

Charge No.4

The charge is that he created embarrassment for the Department by depriving a deserving candidates from the right and consequent unnecessary litigations. The reply of the accused is that he forwarded the complainant request which was regretted by the Administrative Department. Here again his reply is irrelevant.

Comments of the reply of accused, Abd-Rashid.

Charge No.1

Here the charge is that he intentionally did not forward the name of a deserving candidate Mr. Majid Khan. The reply of the accused is that he compiled the merit list and it was not his job to forward proposals for appointment to the Administrative Department. This reply is not satisfactory. As it transpired during the proceedings: that the accused (Abdu Rashid) designation was Deputy Director Sports but he was also dealing with the issues of Teaching Assistants appointment at Directorate level. The same viewpoint was also candidate by one witness Mr. Amjd Khan, senior clerk Directorate of higher Education Department who stated in his written statement that proposal/list where a deserving candidate Mr. Amjid Khan was left and two other candidates below him in merit list were proposed was sent by accused Mr. Abdr Rashid, which he (Amjid Senior Clerk) processed and pur up. In the Note part, there is no signature of accused (Abida-Rashid) The other accused Mr. Basheer Ahmad signature the note part and sent it to Director

Higher Education Department (Annex-VIII). Whoever finalized this proposal / list, one thing is clear that accused Abdu Rashid was surely included in the process of preparation of this proposal / list.

Charge No. 2

Here the charge is that he forwarded names of candidate who were low in merit. The reply of accused is that complainant did not question his order in the merit list. While sending proposals for appointment was not his duty. (Comments may please be seen as in Charge No. 1)

Charge No. 3

The charge is that he concealed the factual position and misled the Administrative Department. The reply of accused is that a duly signed copy of final merit list was submitted in the office of Secretary Higher Education. It was also displayed on ETEA website. The reply seems correct as merit list was not something secret or confidential. It was well published on ETEA Website. It was a public document. Anyone can check it. But unfortunately its proper implementation / execution could not be made in this case.

Charge No. 4

The charge is that he created embarrassment for the Department by depriving a deserving candidate from his right and consequent unnecessary litigations. The reply and comments may be seen as mentioned in charge No. 1 above, please.

FINDINGS

- 1. On the basis of merit list of test conducted on 27-06-2014, by ETEA, total five appointment orders were issued, on different dates, from 30-10-2014 to 02-12-2015 by the Higher Education Department. In all these appointment orders total 1187 candidates were appointed as Teaching Assistants. This case relate to an appointment order dated 02-12-2015, wherein 32 candidates were appointed.
- 2. During inquiry proceedings the main focus remained on the appointment order dated 2-12-2015 wherein, Mr. Majid Khan (Merit position 6th) was left and candidates at merit position 7th & 8th below him were recommended / appointed, and later on regularized.
- 3. Grievances Redressal Committee was notified on 5th November, 2014 to redress all issues about Teaching Assistants. It was headed by Special Secretary, Higher Education Department.
- 4. Minutes of grievance redressal committee where in candidates at Serial No 7 and 8 were recommended and Mr. Majid Khan a deserving candidate at S.No. 6, was left, are missing and in this regard Section Officer (C-II), Higher Education Department, his staff and directorate of Higher Education were directed to furnish these documents but they failed.
- 5. As per witness Mr. Anjad Ali, senior clerk Directorate of Higher Education Department, a proposal/list excluding candidate at serial No. 6 (Majid Khan) and including names of candidates at serial No. 7 and 8 and was given to him for approval of Director Higher Education Department by the accused Mr. Abdu Rashid.

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Higher Education Department (Annex-VIII). Whatsoever finalized this proposal / list, one thing is clear that accused Abdu Rashid was surely included in the process of preparation of this proposal/list.

Charge No.2

Here the charge is that the forwarded names of candidates who were low in merit. The reply of accused is that complained did not question his order in the merit list. While sending proposal for appointment was not his duty. (Comments may please be seen as in Charge No.1).

Charge No.3

The charge is that he con..... the factual position and misled the Administrative Department. The reply of accused is that a duly signed copy of final merit list was submitted in the office of Secretary Higher Education. It was also displayed on ETEA website. The reply seems correct as merit list was not something secret or confidential. It was well published on ETEA Website. It was a public document. Anyone can check it. But unfortunately its proper implementation Execution could not be made in this case.

Charge No.4

The charge is that he created embarrassment for the Department by depriving a deserving candidates from his right and consequent necessary litigations. The reply and comments may be seen as mentioned in charge No.1 above, please.

FINDINGS

On the bases of merit list of best conducted on 27.06.2014, by ETEA, total five appointment orders were issued, on different dates, from 30.10.2014 to 02.12.2015 by the Higher Education Department. In all these appointment orders total 1187 candidates were appointed as Teaching Assistants. This case relate to an appointment order dated 02.12.2015, wherein 32 candidates were appointed.

During inquiry proceedings the main focus remained on the appointment order dated 02-12-2015 wherein. Mr. Majid Khan (Merit position 6th) was left and candidates as merit position 7th & 8th below him were recommended / appointed, and later on regularized.

Grievances Redressal Committee was notified on 5th November, 2014 to redress all issues about Teaching Assistants. It was headed by Special Secretary, Higher Education Department.

Minutes of grievance redressal committee where in candidates at Serial No.7 and 8 were recommended and Mr. Majid Khan deserving candidates at S.No.6, was left, are missing and in this regard Section Officer (C-II), Higher Education Department, his staff and directorate of Higher Education were directed to furnish these comments but they failed.

As per witness Mr. Amjad Ali, Senior Clerk Directorate of Higher Education Department, a proposal/list excluding candidates at serial No.6 (Majid Khan) and including names of candidates at serial No.7 to 8 and was given to him for approval of Director Higher Education Department by the accused Mr. Addu Rashid.

His written statement is at (ANNEX-N). It means Mr. Abdu Rashid was dealing with the appointment related issues of Teaching Assistants.

- 6) The list / proposal of candidates was forwarded to Director Higher Education for approval by accused Deputy Director Higher Education Muhammad Bashir on 14-07-2015 (ANNEX-E) without ensuring as to whether this list / proposal is in accordance with merit list or otherwise.
- 7) No corruption or malafide was found on the part of both accused.
- 8) It may be an act of error, omission, laxity or inefficiency.
- 9) Its outcome/ result is that a deserving candidate (Mr. Majid Khan) has suffered a lot and he is still suffering and wandering from pillar to post.

CONCLUSION

Charges against accused Muhammad Bashir

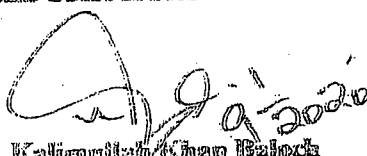
Charge No. 1	Partially proved
Charge No. 2	Partially proved
Charge No. 3	Partially proved
Charge No. 4	Partially proved

Charges against accused Abdu Rashid

Charge No. 1	Partially proved
Charge No. 2	Partially proved
Charge No. 3	Partially proved
Charge No. 4	Partially proved

Recommendation:

- 1) Secretary Higher Education Department may like to further probe that as to how and why the important official record, minutes of meeting, note part, attendance sheet, approvals, final recommendations and decision are missing regarding the appointment Notification No. SOC-III/2-6-2015/HED/Teaching Assistant dated 02-12-2015 in his office.
- 2) The Competent Authority may like to provisionally appoint a deserving candidate Mr. Majid Khan s/o Shanif Khan District Mardan as Teaching Assistant in his subject Chemistry in compliance with Peshawar High Court Judgment Order in writ petition No. 4280-P 2017 (ANNEX-O) subject to final decision by August Supreme Court of Pakistan in CPLA.


 Kalimullah Khan Baboch
 Additional Secretary PMS(BS-19)/
 (Inquiry Officer)

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His written statement is at (ANNEX-N). It means Mr. Abdu Rashid was dealing with the appointment related issues of Teaching Assistants.

- 6) The list / proposal of candidates was forwarded to Director Higher Education for approval by accused Deputy Director/ Higher Education Muhammad Bashir on 14-07-2015 (ANNEX-I) without cussing as in whether this list/proposal is in accordance with merit list or otherwise.
- 7) No Corruption or malafide was found on the part of both accused.
- 8) It may be an act of error, omission, lastly or inefficiency.
- 8) Its outcome / result is that a deserving candidate (Mr. Majid Khan) has suffered a lot and hi is still suffering and wandering from pillar topost.

CONCLUSION.

Charge against accused Muhammad Bashir.

Charge NO.1	Partially proved.
Charge NO.2	Partially proved.
Charge NO.3	Partially proved.
Charge NO.4	Partially proved.

Charge against accused Abdu Rashid.

Charge NO.1	Partially proved.
Charge NO.2	Partially proved.
Charge NO.3	Partially proved.
Charge NO.4	Partially proved.

Recommendation:

- 1) Secretary Higher Education Department may like to further probe that as to how and why the important official record, minutes of meeting, note part, attendance sheet, approvals, final recommendations and decision are missing regarding the appointment Notification No. SOC-II/2-6-2015/HETY/Teaching Assistant dated 02.12.2015 in his office.
- 2) The competent Authority may like to provincially appoint a deserving candidate Mr. Majid Khan S/o Sharif Khan District Mardan as Teaching Assistant in his subject Chemistry in compliances with Peshawar High Court Judgment Order in writ petition No. 4280-P/ 2017 (ANNEX-O) subject to final decision by August Court of Pakistan in CPLA.

Kalimulla Khan Baloch
Additional Secretary PMS/ BPS-19/
(Inquiry Officer)

DISCIPLINARY ACTION

Annexure - G

I, Muhammad Salim, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Abdur Rashid, lecturer (HPE) (BS-17), while posted as Deputy Director (Sports) Higher Education, Khyber Pakhtunkhwa 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 intentionally did not forward the name of deserving candidate, Mr. Majid Khan S/o Sharif Khan to Administrative Department for appointment as Teaching Assistant for his ulterior motives.
 - ii. That he violated the merit by forwarding the names of candidate despite being low in merit for appointment as Teaching Assistant to Administrative Department, leaving behind the meritorious candidates on the basis of favoritism.
 - iii. That he being custodian of the merit list concealed the factual position and misled the Administrative Department, which is a gross misconduct.
 - iv. That he has created embarrassment and brought bad name to the Department by depriving a deserving candidate from his right and consequent unnecessary litigation.
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. Mr. Khatimullah AS LG ERD
- ii. _____

- 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.

Muhammad Salim
 (MUHAMMAD SALIM)
 CHIEF SECRETARY,
 KHYBER PAKHTUNKHWA


28

Annexure "H"

CHARGE SHEET

I, Muhammad Salim, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Abdur Rashid, lecturer (HPE), Directorate of Higher Education as follows:

- That you, while posted as Deputy Director (Sports) Higher Education, Khyber Pakhtunkhwa committed the following irregularities:-
- i. That you did not forward the name of deserving candidate, Mr. Majid Khan S/o Sharif Khan to Administrative Department for appointment as Teaching Assistant intentionally for your ulterior motives.
 - ii. That you violated the merit by forwarding the names of candidate being low in merit for appointment as Teaching Assistant to Administrative Department, leaving behind the meritorious candidates on the basis of favoritism.
 - iii. That you being custodian of the merit list concealed the factual position and misled the Administrative Department, which is a gross misconduct.
 - iv. That you created embarrassment and brought bad name to the Department by depriving a deserving candidate from his right and resultantly pushed the Govt; into unnecessary litigation.
2. By reason of the above, you appear to be guilty of inefficiency and misconduct under rule 03 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 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.
 7. 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.
 8. Intimate whether you desire to be heard in person.
 9. A statement of allegations is enclosed.


(MUHAMMAD SALIM)
CHIEF SECRETARY,
KHYBER PAKHTUNKHWA

D

29

Annexure - 'I'



DIRECTORATE OF HIGHER EDUCATION
KHYBER PUKHTUNKHWA, KHYBER ROAD PESHAWAR
Telephone No.091-9211025-9210217-9210242 Fax-921021

No. 6006 /CA-VII/Estt: Branch/A-167/

Dated 6/13 /2015

To
The Special Secretary
Govt: Khyber Pakhtunkhwa
Higher Education Deptt.

Subject: - PROPOSAL OF TEACHING ASSISTANT, MALE & FEMALE.

Dear Sir,

I am directed refer to the subject cited above and to enclose herewith proposals of teaching assistant Male & Female as discussed in the meeting held on 27.2.2015 for further necessary action. please.

97 C
BY: M. B. M. Khan
DIRECTOR (ESTABLISHMENT)

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

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List Of Vacancies Of Teaching Assistant In Various Colleges Of Khyber Pakhtunkhwa

MALE

53.21
replaced 5.5.2010

S.No	Name Of Candidate	Subject			Proposed At	Remarks
1	Ahmad Farooq Khan S/O Anwar Khan, Moh Tepu P.O Bakshi Pul Vill Nasafa Payan Tehs & Distt Peshawar	English <i>Police</i>	Peshawar <i>NSP</i>	45.69/13	GC Peshawar	AVP
2	Gulzar Ali S/O Sarfaraz Khan, Azeem Khan Pull P.O Sheikh Abad Distt & Tehs Charsadda	English	Charsadda	50.22/07	GC Peshawar	AVP
3	Umar Zeb S/O Ikhranj, Vill Sardar Garhi P.O Tarnab Firm Tehs & Distt Peshawar.	Law	Peshawar	51.95/03	GC Peshawar	AVP
4	Waqar Ali S/O Khan Sahib, P.O Box 752 Post Mall University Of Peshawar.	Physics			GC Peshawar	AVP
5	Adnan Ullah S/O Rehman Jan, Village Zafar Kalay, Tehsil & P/O Tangi, Distt. Charsadda	Computer Sceince	Peshawar	56.26	GC Peshawar	AVP
6	Syed Sajjad Ali Shah S/O Syed Hakeem Shal., Wapda House Sharni Road Hasan Garhi Moh Khan Abad Peshawar.	English	Mohmand Agency	49.47/08	GSSC Peshawar	AVP
7	Miraj Ud Din S/O Shaukat Ali, House No. 24 University Campus, Peshawar	Economics	Peshawar	56.61/04	GDC Chaghar Mati	AVP
8	Fakhre Alam S/O Rehman Jan, Village Zafar Kalay, Tehsil & P/O Tangi, Distt. Charsadda	Chemistry	Peshawar	58.29/06	GDC Badber Peshawar	AVP
9		English	Charsadda	49.47/09	GDC Badber Peshawar	AVP

(3)

10	Muhammad Shahid Khan S/O Inayat Khan. Haji Feroz Khan Kalli Ray Mahal P.O Pir Saddo Tehs Takht Bhai Dist Mardan.	English	Mardan	50.52/15	GDC Pabbi	AVP
11	Waqas Ali S/O Ali Rahman. Center Jamal Garhi Marsood Kalay Mardan Tehs Katlang	Pak Study	Mardan	53.53/5	GDC Khan Kohi (NSR)	S.No 2 is selected as SS. S.No 3 is over aged by 3 years 2 months
12	Muhammad Zahoor S/O Muhammad Ismail. Mohallah Babakhel Village And Post Office Parang. The & District Charsadda	Economics	Charsadda	53.74/05	GPGC Charsadda	AVP
13	Javid Iqbal S/O Taj Muhammad. Mohallah Chamman Abad Village Gharebabad Uc Me Iii Tehsil Shabqadar District Charsadda	Chemistry	Charsadda	57.61/03	GDC Shabqadar	Avp
14	Muhammad Zahir S/O Saif Ul Malook. Vill Sardar Killi P.O Saroshah Tehs Takht Bhai Dist Mardan	Urdu	Mardan	46.69/13	GPGC Mardan	Avp
15	Hazrat Bilal S/O Pervaiz Khan. Dist Mardan Tehs Takhtbai P/O Lundkwar Vill Jhanga Mardan	Pol: Science	Mardan	54.92/05	GDC Ghari Kapora Mardan	Avp
16	Asad Ullah S/O Noor Gul. Vill Mehtar Ghundai P.O Khadi Kalley Tehs Takhtbhai Dist Mardan	Chemistry	Mardan	57.48/02	GDC Toru Mardan	Avp
17	Muhammad Adil S/O Gulzar Muhamame. Dheri Likpani Tehs Katland Dist Mardan	Islamiat	Mardan	53.36/10	GDC Bakhshali Mardan	Avp
18	Farman Ali S/O Jamshed Khan. Village Kalooshah. P.O Fazal Abad. Tehsil Takht	English	Mardan	50.96/14	GDC Katlang Mardan	AVP

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Supreme Court of Pakistan
(ASC # 5317)

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19	Bhai District Mardan. Zafar Ullah S/O Karimullah. Vill Bari Kab P.O Kata Khat Tehs & Dist Mardan	Urdu	Mardan	46.14/14	GDC Katlang Mardan	AVP
20	Muhammad Adil S/O Gulzar Muhamamd. Dheri Likpani Tehs Katland Dist Mardan	Islamiat	Mardan	53.36/10	GDC Katlang Mardan	AVP
21	Munsif Aman S/O Malik Aman. Moh Kamal Khel Vill Asthu Sharif Tehs Razarh Dist Swabi	Pak: Study	Swabi	50.48/03	GDC Lahor Swabi	Vice Against S.No.2 of Adjustment below
22	Muhammad Wasif Khan S/O Muhammad Yousaf. Vill Sheikh Yousaf. P.O Ibrahim Khan Tehs & Dist Mardan	Chemistry	Mardan	55.62/05	GDC Zarabi Swabi	AVP
23	Jansher Khan S/O Jamshaid Khan. Moh Bahar Khel Vill & P.O Marghuz Tehs & Dist Swabi	Economics	Swabi	60.64/03	GDC Kotha Swabi	AVP
24	Mian Mukarrum Shah S/O Mian Tahir Shah Vill Dobian Tehs Lahore Dist Swabi.	Pol: Science	Swabi	58.04/02	GDC Kotha Swabi	AVP
25	Arshad Khan S/O Ghafoor Khan Moh Sherkhan Vill & P.O Pabaini Tehs & Dist Swabi	History/Civics	Swabi	50.43/02	GDC Gandaf Gadoon	AVP
26	Pir Zada S/O Umar Zada Qurtaba Uni. Phase 3 Hayatabad	Computer Science	Dir Lower	56.00/05	GPGC Timaegara Dir (L)	AVP
27	Jamil Khan S/O Taj Muhammad Khan R/O Muhammad Patay Po Koooper The Dargai. Dist Malakand	English	Bajawar Agency	50.56/05	GDC Samar Bagh Dir (L.)	AVP
28	Aftab Alam S/O Muhammad Diyar.	Biology	Dir Lower	58.45/02	GDC Samar Bagh Dir (L)	AVP

29	Jango.P.O Tazagram Adenzai Dir Lower Ijaz Ahmad S/O Shabir Khan. Hostel No 1 Room No 38 University Of Peshawar	Environmental Science	Chitral	57.61/01	GDC Gualabad Dir (I.)	AVP
30	Ibrar Muhammad S/O Haider Khan Sra Sha. Darora Tehs & Distt Dir (U).	Zoology	Dir (U)	61.75/01	GDC Dir (U)	AVP
31	Javed Ahmad S/O Mehrab Hussan Vill.Kaldam. Teh.Drosh Chitral.	Physics	Chitral	56.00/01	GDC Chitral	عقبت Against Serial No. 01 Below Adjustment
32	Ikramullah S/O Immad Ud Din Vill & P/O Biyar Tehs Kalkot Distt Dir Upper.	Urdu	Dir (U)	53.68/01	GDC Wari Dir (U)	Avp
33	Jamshid Sarwar S/O Ghulam Sarwar. Qurtaba College K-3 Ph-3 Hayatabad.	Biology	Chitral	51.00/02	GDC Chitral	Avp
34	Sajjad Ur Rahman S/O Fazal Rahman . Vill. Gogdara (Miangan) P O Tariqabad Swat	Chemistry	Swat	54.81/07	GPGJC Swat	Avp
35	Farman Ullah S/O Dawa Khan Vill. Rangmala P.O Piran Batkhehla Malakand	English	Malakand	51.64/04	GDC Chamla Buner	Avp
36	Naseem Ullah S/O Nowsherawan. Vill. Karapa Tehs & P/O Daggat Distt Buner	Islamiat	Buner	52.84/05	GDC Chamla Buner	Avp
37	Ghulam Saddique S/O Karim Ullah. Saadat Medical Store .Malik Azhar Plaza Main Bazar Sohan Islamabad.	Maths	Malakand	54.22/06	GDC Jowar Buner	Avp
38	Fakhr Ud Din S/O Halawat Khan. Jamaranda P/O Kosht Tehs. Mastuj Distt Chitral	Maths	Chitral	56.17/03	GDC Alpuri	Avp
39	Kifayat Ullah S/O Muhammad Ishfaq Vill & P/O Chawga The	Islamiat	Shangla	53.59/02	GDC Chakassar Shangla	Avp

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40	Poran Shangla Akhtar Hussain S/O Parwanat Khan, vill. & Sirsinai kabul swat.	Islamiat	Swat	59.72/02	GDC Batkhela	AVP
41	Khalil Ur Rehman S/O Shams Ur Rehman. E-283 Kanju Township swat.	Islamiat	Swat	57.71/03	GDC Agra Mkd	AVP
42	Faiz Ur-Rehman S O Abdul Tawab, C O Abul Wahab Near Govt Commerce College Masjid Mangal Bibi Po RTC Kohat	Computer Science	Kohat	50.76/02	GPGC Kohat	AVP k c/sai The Principal has not allowed as no marks marks date = The subject of last year
43	Zia Ullah Khan S/O Nobat Khan Serai Nurang Hospital Road Ihsan Medical Store Vill Mangala Distt Lakki Marwat.	IIPE	Lakki Marwat	50.73/03	GDC Lachi Kohat	AVP
44	Taj Muhammad S/O Sharaf Khan Qaum Rabia Khel Tapa Payo Khel Sarmela Po Safal Dara Teshil Ismail Zai Aurakzai Agency	Urdu	Orakzai Agency	48.98/02	GDC Hangu	AVP
45	Shams-U-Zaman S O Lal Hanan. C O Gde. Latamber Karak.	English	Karak	51.55/08	GDC Hangu	AVP
46	Ataf Ur Rehman S O Gul Rahman Vill Khass Kuch Banda Po, Tehsil. Distt Karak.	Physics	Karak	52.61/06	GDC Thall	AVP
47	Mehran-U-Din S/O Ghulam Mohi U Din. Vill & Po Latamber Karak.	Bio-Technology	Karak	55.07/01	GDC Karak	AVP The subject of last candidate in Botany was deleted by 4 years
48	Abdul Wahab S/O Shahbaz Khan, Madina Enterprises Tehsil Road Po Tehsil & Karak.	Arabic	Karak	55.73/02	GDC Latamber Karak	AVP The Principal says that Arabic is not needed to his college.
49	Muhammad Wajid Khan S/O Muhammad Roshan Khan. C O M. Roshan Book	English	Bannu	56.26/09	GDC No.1 Dikhan	AVP

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

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	Seller Chowk Bazar Bannu.				
50	Inam Ali Shah S/O Gulla Khan Ada Mir Abbad Manda Bannu	Biology	Bannu	53.41/05	GDC No.1 Dikhan AVP
51	Abdul Samad Khan S/O Mahmood Khan Saib Khan Tughal Khel Po Syed Tughal Kehl The. & Distt Bannu	Biology	Bannu	53.40/6	GDC Paharpur Dikhan AVP
52	Hamidullah S/O Mir Qalam Khan. Kotka Haji Faizullah Vill Haramatala Po Serai Gambeela Teh. & Distt Lakki Marwat	Islamiat	Lakki Marwat	56.51/04	GDC Paharpur Dikhan AVP
53	Zahid Javed S/O Haq Nawaz Gilani Town Main St No 2 H. No 14 D I Khan	History/Civics	D.I.Khan	53.09/02	GDC Paharpur Dikhan AVP
54	Muhammad Abid S/O H.Muhammad Hussain. Shama General Store Main Bazar Pharpur D I Khan	Computer Science	D.I.Khan	50.29/06	GDC Paharpur Dikhan AVP
55	Rahmat Ullah S/O Haji Laalu Khan. Vill Thathal P/O Mandhra Kalan Di Khan	Pak: Study	D.I.Khan	49.55/06	GDC Paniala Dikhan AVP
56	Muhammad Tufail S/O Qaim Shah Moh Misal Abad Near Sciee Mondy Risal Pur Feroz Hotel Nowshera	Geography	Nowshera	56.51/03	GDC Paniala Dikhan AVP
57	Saad Ullah Khan S/O Laal Khan. C/O Faheem Ullah Bsi Department Uet Peshawar.	English	Bannu	56.03/10	GDC Shah Issa Bilot Sharif DIKhan AVP
58	Anwar Kamal S.O Muhammad Iqbal Khan Vill Po Distt Lakki Marwat Moh Sardar Town Istation Anwar Kamal S/O M Iqbal.	Urdu	Lakki Marwat	45.86/03	GDC Shah Issa Bilot Sharif DIKhan AVP

59	Irfanullah S/O Muhammad Saleem, Vill Ali Khan Khel Po Wanda Shahab Khel Teh. & Distt Lakki Marwat	Islamiat	Lakki Marwat	56.31/05	GDC Shah Issa Bilot Sharif DIKhan	AVP
60	Fariq Aziz Khan S/O Lalok Nawaz Khan Vill Kakki Khas Po Kakki Distt Bannu	Botany	Bannu	51.98/05	GDC Tank	No candidate in the subject of Botany has been proposed
61	Wahid Ullah S/O Gul Rauf Khan Serai Naurang Computer Center 3rd Floor Riaz Plaza Gt Road Serai Naurang.	Computer Science	Lakki Marwat	54.99/03	GDC Tank	AVP cancel in the subject
62	Sami Ullah S/O Muhammad Jan Moh Sher Ali Khel Vill Zangi Khel Tehsil & Distt Lakki Marwat	Economics	Lakki Marwat	54.18/03	GDC Amma Khel. Tank	AVP
63	Habib Ur Rehman S O Shaukat Ali, Vill Vanda Zalo Po Darra Pezo Tank	Law	Tank	50.26/02	GDC Amma Khel. Tank	Vice Against S.No.3 of Adjustment below
64	Muhammad Faisal S O Allah Dad Khan Idress Shop Near Board Office Tank Road Abbotabad	Law	Abbottabad	45.71/01	GPGC Haripur	AVP
65	Asad Javed Khan S O Muhammad Farid Khan Gulsari, Kotbala U C Talhata, Balakot Mansehra	Pak Study	Mansehra	54.37/03	GDC Ghazi	AVP
66	Zeeshan Khan Jadoon S/O Saleem Khan Jadoon, Mughal H.No 1685 Allama Iqbal Town Po Ayub Medical College Abbotabad	Electronics	Abbottabad	61.81/01	GPGC Mandian A/Abad	AVP
67	Wajid Ali S/O Muhammad Irshad, H.No 113 Sobra City Tarbela Dam Ghazi Haripure.	Statistics	Abbottabad	49.56/03	GPGC Mandian A/Abad	AVP
68	Muhammad Qasim S/O	Maths	Abbottabad	54.79/06	GPGC	AVP

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	Abdul Waheed, Modern Watch Compny Sarafa Bazar Abbotabad				Mansehra	
69	Kausar Ghani S/O Ghani Ullah, Villand P.O: Khan Pur, Hari Pur	Chemistry	Haripur	54.07/03	GDC Darband Mansehra	AVP
70	Adeel Ahmed S/O Muhammad Zaheer Flat No 10 Zafar Manzil Iqbal Road Suply Abbotabad	Physics	Abbottabad	53.44/5	GDC Darband Mansehra	AVP

Adjustment.

01	Fazal Hadi S/O Abdul Hadi GDC Chitral	Physics	Chitral	54.10/04	GDC Warai Dir (U)	AVP
02	Imranullah S O Abdul Jabbar, GDC Lahor, Swabi.	Pak: Study	Mardan		GDC Ghari Kapora Mardan	AVP
03	Sami-Ul-Haq S/O Sado Khan GDC Ama Khel	Law	Lakki Marwat		GDC, Dikhan No.1	AVP

38

Annexure - J



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR**

No. 9582 Phone # 091-9210242, 9211025/Fax # 9210215
CA-II Estt: Branch: A-12 Teaching Assistant: General

Dated Peshawar the 13/4/2015

To

The Special Secretary
Govt; of Khyber Pakhtunkhwa
Higher Education Department Peshawar.

SUBJECT REQUEST FOR APPOINTMENT AS TEACHING ASSISTANT.

Dear Sir,

I am directed to enclose herewith a copy of letter No. PS/SA to CM/T&TE/1-9/Higher Edu:/2014 dated 06.03.2015 received from PS to Special Assistant to Chief Minister for Transport, Mass, Transit & Tech: Edu: Khyber Pakhtunkhwa on the subject cited above for necessary action with the remarks that Mr. Abdus Samad S/O Shir Gul Khan resident of District Bannu has been proposed for appointment as Teaching Assistant in the subject of Biology at Govt; Degree College, Paharpur (D.I.Khan) vide this office letter No. 6006 dated 06.03.2015, please.

Yours Faithfully

M. Bashir
(Mohammad Bashir)

BY: DIRECTOR (ESTABLISHMENT)

Endst, No. 9583

Copy of the above is forwarded to the PS to Special Assistant to Chief Minister for Transport, Mass, Transit & Tech: Edu: Khyber Pakhtunkhwa with reference to his letter No. referred above.

M. Bashir
BY: DIRECTOR (ESTABLISHMENT)

Better Copy-38

**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA, KHYBER ROAD
PESHAWAR.**

Phone# 091-9210242, 9211025/Fax # 9210215
No. 9582 CA# Ext Branch A 12 Town home Assistant General
Dated Peshawar 13/4/2015

To

The Special Secretary
Govt, of Khyber Pakhtunkhwa
Higher Education Department Peshawar.

Subject:- **REQUEST FOR APPOINTMENT AS TEACHING ASSISTANT**

Dear Sir,

I am directed to enclose herewith a copy of letter No. PS/SA to CM/T&TE/1-9/Higher Edu:2014 dated 06.03.2015 received from PS to Special Assistant to Chief Minister for Transport, Mass, Transit & Tech Edu: Khyber Pakhtunkhwa on the subject cited above for necessary action with the remarks that Mr. Abdus Samad S/o Shir Gul Khan resident of District Bannue has been proposed for appointment as Teaching Assistant in the subject of Biology at Govt. Degree College, Paharpur (D.I.Khan) vide this office letter No. 6006 dated 06.03.2015, please.

Yours Faithfully

(Mohammad Bashir)

DY: DIRECTOR (ESTABLISHMENT)

Endst No.:

Copy of the above is forwarded to the PS: to Special Assistant to Chief Minister for Transport, Mass, Transit & Tech Edu: Khyber Pakhtunkhwa with reference to his letter No. referred above.

Yours Faithfully

(Mohammad Bashir)

DY: DIRECTOR (ESTABLISHMENT)

39

Ann - "J/E"



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR**

Phone # 091-9210242, 9211025/Fax # 9210215

No. 14514 / CI-II / Estt. Branch / A-12 / Teaching Assistant, Buner

Dated Peshawar the 10/6 / 2015

To

The Special Secretary
Govt; of Khyber Pakhtunkhwa
Higher Education Department Peshawar.

SUBJECT

APPOINTMENT AS TEACHING ASSISTANT.

Dear Sir,

I am directed to enclose herewith a copy of D.O letter No. PS/ SA/CM/LF&C/4-3/2014 dated 07.01.2015 received from the Special Assistant to Chief Minister for Live Stock, Fisheries and Cooperatives Khyber Pakhtunkhwa on the subject cited above which is self-explanatory wherein he stated that one Mr. Kifayatullah was appointed as Teaching Assistant at Govt; Degree College, Chamla (Buner) but he didn't join the post due to his selection against the post of Subject Specialist and requested that Mr. Rahat Subhan may be appointed as Teaching Assistant at Govt; Degree College, Chamla (Buner) in his place being next candidate.

A post of Teaching Assistant in the subject of Statistics is lying vacant at the said College, please.

97C
DY: DIRECTOR (ESTABLISHMENT)

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

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Better Copy-39

**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKWHA, KHYBER ROAD
PESHAWAR.**

Phone# 091-9210242, 9211025/Fax # 9210215
No. 14514 CA# Ext Branch A 12 Town home Assistant Buner
Dated Peshawar 10/06/2015

To

The Special Secretary
Govt, of Khyber Pakhtunkhwa
Higher Education Department Peshawar.

Subject:- **APPOINTMENT AS TEACHING ASSISTANT.**

Dear Sir,

I am directed to enclose herewith a copy of D.O letter No. PS/ SA/ CM/ LF&C/4-3/2014 dated 07.01.2015 received from the Special Assistant to Chief Minister for live Stock. Fisheries and Cooperative Khyber Pakhtunkhwa on the subject cited above with is self-explanatory wherein he stated that one Mr. Kifayatullah was appointed as Teaching Assistant at Govt. Degree College, Chamla (Buner) but he didn't join the post due to his selection against the post of Subject Specialist and requested that Mr. Rahat Subhan may be appointed as Teaching Assistant at Govt. Degree College, Chamla (Buner) in this place being next candidates.

A post of Teaching Assistant in the subject of Stablishment.
lying vacant at the said College, please.

DY: DIRECTOR (ESTABLISHMENT)



40

Ann - J/II

**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR**

Phone # 091-9210212, 9211025/Fax # 9210215
No. 1583/11-11 Estt. Branch 1-12 Teaching Assistant (General) /

Dated Peshawar the 18/6/2015

To

The Special Secretary
Govt; of Khyber Pakhtunkhwa
Higher Education Department Peshawar.

SUBJECT GRIEVANCES AGAINST THE RECRUITMENT FOR THE
POST TEACHING ASSISTANT.

Dear Sir,

I am directed to refer to your remarks recorded on the enclosed application in respect of Mr. Zafar Ali requesting therein for appointment as Teaching Assistant in the subject of Political Science for necessary action with the remarks that at present there is no vacant post of Teaching Assistant at Govt; Degree College, Jowar (Buner) against which the above candidate can be adjusted.

It is pertinent to mention here that a Teaching Assistant in the subject of Political Science at Govt; Degree College, Yar Hussain (Swabi) has tendered resignation. The merit position of the following candidates in the subject of Political Science including Mr. Zafar Ali may be perused and one of the candidate be adjusted against the said post of Teaching Assistant at Govt; Degree College, Yar Hussain (Swabi), please.

S.NO.	NAME	DISTRICT	MERIT POSITION	PERCENTAGE
1	Zafar Ali	Buner	2 nd	50.24
2	Shah Nawaz	Shangha	1 st	54.96
3	Haq Nawaz	Mardan	3 rd	53.72
4	Zai Kital	Mardan	6 th	54.91
5	Faraz Ali	Swabi	3 rd	53.6

Yours Faithfully,

Mohammad Bashir
(Mohammad Bashir)

7/6 DY: DIRECTOR (ESTABLISHMENT)

Better Copy-40

**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKWHA, KHYBER ROAD
PESHAWAR.**

Phone# 091-9210242, 9211025/Fax # 9210215
No. 15934 CA# Ext Branch A 12 Town home Assistant Buner
Dated Peshawar 13/4/2015

To

The Special Secretary
Govt, of Khyber Pakhtunkhwa
Higher Education Department Peshawar.

Subject:- **GRIEVANCES AGAINST THE RECRUITMENT FOR THE POST
TEACHING ASSISTANT**

Dear Sir,

I am directed to refer to your remarks recorded on the enclosed application in respect of Mr. Zafar Ali requested therein for appointment as Teaching Assistant in the subject of Political Science for Teaching Assistant at Govt: Degree College Jowar (Buner) against which the above condition can be adjusted.

It is pertinent to mention here that at Teaching Assistant at the subject of Political Science at Govt: Degree College, Yar Hussain Serene has tendered resignation. The merit position of the following candidates subject of Political Science including Mr. Zafar Ali may be perused and end of the candidates be adjusted against the said post of Teaching Assistant at Govt: Degree College, Yar Hussain (Swabi), please.

S.NO.	NAME	DISTRICT	MERIT POSITION	PERCENTAGE
1.	Zafar Ali	Buner	2	-----
2.	Shah Nawaz	Shangla	1	54.
3.	Haq Nawz	Malakand	---	-----
4.	Zal Khal	Mardan	----	54.91
5.	Faraz Ali	Swabi	3 rd	53.6

Yours Faithfully

DY: DIRECTOR (ESTABLISHMENT)

H

41

OA

Annexure - K

AHors

**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR**

19

No. 19271 / CA-III/ Estt: Branch/A-12/ General File T.A.
Phone # 091-9210242, 9211025/Fax # 9210215

Dated Peshawar the 15 / 7 / 2015

To

The Special Secretary
Govt; of Khyber Pakhtunkhwa
Higher Education Department Peshawar.

SUBJECT POSTING PROPOSAL OF TEACHING ASSISTANT.
Dear Sir,

I am directed to refer to the subject cited above and to send the proposal of Teaching Assistant as discussed in the meeting held on 14.07.2015 under the Chairmanship of Special Secretary Khyber Pakhtunkhwa for further necessary action, please.

Yours Faithfully,

(Mohammad Bashir)

BY: DIRECTOR (ESTABLISHMENT)

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

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

44

08

17 24	Haroon Ur Rashid S/O Mohammad Khan, Vill & PO Bogara(Rangeen Khel) The. Takht Nasrati Karak.	Physics	Karak	08/51.21	Govt College Peshawar	AVP
18	Fakhre Alam S/O Rehman Jan, Village Zafar Kalay, Tehsil & P/O Tangi, Distt. Charsadda	English	Charsadda	09/49.47	Govt College Peshawar	AVP Over Age by 1 month
19	Abdul Kafeel Shah S/O Mubarak Shah, Kafeel Shah Domicile Naguman Peshawar, P.O Nahaqi Peshawar.	English	Charsadda	10/49.43	Govt College Peshawar	AVP Over Age by 8 days
20 56	Hasham Khan S/O Mir Alam Khan, Deheray Ghazi Mera Turangzay District & Tehsil Charsadda.	Economics	Charsadda	06/53.56	GDC Abdul Ali Khan Utmanzai	AVP
21	Lajbar Khan S/O Khan Wali, Wazir Bagh Road Govt. Superior Science College Gulababad Shah Mir Shop Peshawar City	Urdu	Mohmand Agency	04/49.00	GDC Shabqadar (Charsadda)	AVP
22 12	Taseer Ullah S/O Shahbaz Noor, CMI Computer Acadmey Algadi Road Haji Nawaz Market 1st Flour Main City Karak.	History/Civics	Karak	02/46.903	GDC Ahmad Abad	AVP
23 56	Muhammad Imran S/O Noor Shah Jan, Moh Isak Chutra Vill & P/O High School Dab Karak.	English	Karak	02/58.03	GDC Ahmad Abad	AVP
24	Saud Ur Rehman S/O Zaffar Ali Khan, Javed Educational And Informational Center Tanchi Bazar Bannu.	History/Civics	F.R Bannu	02/58.06	GPGC Bannu	AVP

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

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45

25 ✓ ub-30	Asir Jameel S/O Amjad Ali Khan, Po Nar Jaffar The & Distt Bannu.	Islamiyat	Bannu	01/59.90	GDC S.K Bala Bannu	AVP
26 ✓	Mirza Ali Khan S/O Zarbat Khan, Vill Tori Khel The & District Bannu.	English	F.R Bannu	11/55.58	GDC Landi Jhalandar Bannu	AVP
27 ✓ 55	Wahid Khan S/O Mir Daraz Khan II. No E-7 C & W Colony Bannu.	English	Bannu	12/55.40	GDC Ghori Wala Bannu	AVP
28 ✓ 8	Muhammad Sibtain S/O Haq Nawaz, Mitha Pur Khurd Po Rangpur Shomali The. Paharpur D I Khan.	Islamiat	D.I.Khan	01/53.00	GDC Parova D.I.Khan	AVP (Age relaxation)
29 ✓ 55	Muhammad Banaris S/O Mir Zaman, Vill: Darra Shohal, Balakot, Mansehra	Pak Study	Mansehra	04/52.20	GPGC Haripur	AVP
30	Abid Hussain S/O Abdul Mateen, C/O Khani Zaman Karyana Store, Rustam Bazar, Mansehra.	Statistics	Mansehra	04/49.58	GPGC Mansehra	AVP
31	Muhammad Imran S/O Shahzaman, Vill and P.O: College Doraha, Moh: Chishti abad, Mansehra.	Statistics	Mansehra	03/53.04	GDC Lssan Nawab	AVP
32 ✓ X	Tasawar Hussain S/O Sarwar Hussain, Modern School System. Near Inor Hospital, Mansehra Road, Mandian Abbottabad.	English	Mansehra	04/52.02	GDC Darband Mansehra	AVP

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

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46

24

**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA, Ammen - "K/I"
KHYBER ROAD PESHAWAR**

No. 27495 Phone # 091-9210242, 9211025/Fax # 9211803
CA-II Estd. Branch Asst/Teaching Asst
Dated Peshawar 17/10 /2016

To

The Secretary
Govt; of Khyber Pakhtunkhwa,
Higher Education Department Peshawar.

SUBJECT NON CONSIDERATION OF MY CASE AMONGST
MERITORIOUS CANDIDATES IN NOTIFICATION
(2ND DECEMBER, 2015).

Dear Sir,

I am directed to refer to your office letter No. SO (Colleges II) /HED/2-6/TA/731 dated 06.09.2016 on the subject cited above and to state that Mr. Majid Khan S/O Sharif Khan domiciled of District Mardan falls at S. No. 06 in the merit list of Teaching Assistant in the subject of Chemistry while appointment in the subject of Chemistry has been made upto S.No. 05. The name of the above-mentioned candidate was mistakenly left from the appointment of Teaching Assistant. But the candidate didn't appeal at the right time. Before issuing the appointment order of Teaching Assistant vide Notification No. SO (Colleges-II)/2-6/2015/HED/Teaching Assistant dated 02.12.2015, a proposal for appointment of Teaching Assistant was prepared and the name of the above candidate was included for appointment at S. No. 15, but the Provincial Government stopped further appointments of Teaching Assistant vide letter No. SO (Colleges-II)/HED/2-6/ Teaching Assistant-2015-448; dated 06.04.2016. Copy enclosed for ready reference, please

Yours Faithfully,

M. Bahi
14/10/16
(Muhammad Bahi)

DY: DIRECTOR (ESTABLISHMENT)

01/10
JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKWHA, KHYBER ROAD
PESHAWAR.

Phone# 091-9210242, 9211025/Fax # 9210215
No. 27495 CA# Ext Branch A 12 Town home Assistant Malakand
Dated Peshawar 17/10/2015

To

The Special Secretary
Govt, of Khyber Pakhtunkhwa
Higher Education Department Peshawar.

Subject:- **NON CONSIDERATION OF CASE AMONGST MERITORIOUS
CANDIDATES IN NOTIFICATION (2ND DECEMBER, 2015).**

Dear Sir,

I am directed to refer to your office letter No. SO (Colleges-II)/HED/2-6/TA/731 dated 06.09.2016 on the subject cited above and to state that Mr. Majid Khan S/o Sharif Khan domiciled of District Mardan falls of S. No.06 in the merit list of Teaching Assistant in subject of Chemistry while appointment in the subject of Chemistry has been made upto S.No. 05 the name of the above-mentioned candidates was mistakenly left The appointment of Teaching Assistant. But the candidates didn't appeal at the Eight time. Before issuing the appointment order in Teaching Assistant vide notification No. SO (Colleges-II)/2-6/2015/HED/ Teaching Assistant dated 02.12.2015, a proposal for appointment of Teaching Assistant was prepared and the name of the above candidates was included for appointment as S.No. 15, but the Provincial Government stopped further appointments of leading Assistant vide letter No. SO (Colleges-II)/HED/2-6/ Teaching Assistant 20...../448, dated 06.04.2016. Copy enclosed for ready reference, please.

Yours Faithfully

(Muhammad Bashir)

DY: DIRECTOR (ESTABLISHMENT)

47

03

6

PROPOSAL OF TEACHING ASSISTANT IN VARIOUS COLLEGES OF KHYBER PAKHTUNKHWA dated 30.11.2015.

S. NO.	NAME OF CANDIDATE	SUBJECT	DOMICILE	MERIT POSITION	PROPOSED AT	REMARKS
	Mr. Suleman S/O Salah ud Din, H No. C/3 Staff Colony, GDC, Kohat Road Peshawar	Pol: Science	Bannu	08/54.21	GPGC, Bannu	AVP
	Mr. Maaz Qazi S/O Qazi Raza ud Din Street No. 2, Latabad Ring Road Katang Chowk Peshawar.	Chemistry	Peshawar	07/57.07	GC Peshawar	AVP
	Mr. Mohammad Kamran S/O Islam Sher, Village Shakarpura Shagai Koroonia P.O Nahaqi Tehsil & District Peshawar	Chemistry	Peshawar	08/56.72	GC, Peshawar	AVP
	Mr. Majeedullah S/O Mohammad Tahir, Village & P.O Madyan Kozkalay Bahrain Swat.	Pol: Science	Swat	03/46.21	GPGC S. Sharn (Swat)	AVP
	Mr. Fidaullah Khan S/O Mohammad Ayub Khan, Kalangei Kakki P.O Kakki District Bannu.	Urdu	Bannu	06/51.59	GPGC Bannu	AVP
	Mr. Haq Nawaz S/O Abou Jameed, Village P.O Inana Mohallah Dhanda Malakand.	Pol: Science	Malakand	03/53.72	GDC, Pate (Malakand)	AVP
	Mr. Jamil Khan S/O Mohammad Karim, Gombakar Colony P.O Hathyan Tehsil Takht Bhai Mardan	History/ Civics	Mardan	03/51.17	GDC, Katang (Mardan)	AVP
	Mr. Mohammad Tariq S/O Umar Gul Khawaja Khel, Chankam Peshawar	English	Peshawar	12/46.69	GC Peshawar	AVP
	Mr. Mohammad Ishaq S/O Gul Mir, Village Umar Abad P.O Umar Abad Tehsil Takht Bhai Mardan	Botany	Mardan	04/53.83	GDC Katang (Mardan)	AVP
	Mr. Liaqat Ali S/O Wahab Gul, Mohallah Koz Kalay Village Baghatada near GHSS Baghatada Mardan.	English	Mardan	09/53.95	GPGC Mardan	AVP
	Mr. Shamis ud Din S/O Akbar Rasheed, Mira Sedan PMA Kakool Abbottabad	Urdu	Abbottabad	03/44.72	GPGC Mardan (Abbottabad)	AVP
	Mr. Riz Ahmad S/O Aman Shah, Mohallah Haleemza, Village Shabqadar Tehsil & P.O Shabqadar District Charsadda	Zoology	Charsadda	01/55.08	GDC Abdul Ali Khan (Charsadda)	AVP
13.	Mr. Irfan Khan S/O Mumtaz Khan, Postal colony Kohat Road Doura Road Tor Baba Peshawar	Urdu	Peshawar	04/49.99	GC, Peshawar	AVP

48

53

Mr. Waqas Ali S/O Ali ur
Rehman, Umar Abad
Tehsil Takht Bhai
(Mardan).

Pak:
Studies

Nowshera

53.53

GDC Khan
Kohi
(Nowshera)

AVP

67

15. Mr. Majid Khan S/O
Sharif Khan Kot
Daulatzaï Mohallah
Awinan P.O Ghari
Kapura (Mardan).

Chemistry

Mardan

55.34

GPCC
Mardan

AVP

49

02

Annex - "L"

Certificate of Handing over / Taking over

Certified that 25 + 35 = 43 (Forty three) files related to teaching assistant has been handed over to Mansoor Khan (AD Esll) today on 30-12-2019, 10:00 am.

30-12-2019

Abdul Rashid Anwar
AD Sports

Received
30-12-19
AD (E)

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

Better Copy-49

CERTIFICATE BY HANDING OVER / TAKING OVER

Certified that 05 + 38 = 43 (Forty Three) files related to teaching Accounts has been handed over to Mansoor Khan (AD Esst) today on 30.12.2019, 10:00 Am.

Abdur Rashid

AA Spirits

Received

30.12.2019

AD (E)

50

Ann - $\frac{L}{I}$

CERTIFICATE

Certified that I received 59 files & 5 files

to Assistant Director Estt, Directorate of Higher Education

on 26-12-2019, as handed over to him on 24-12-2019.

26-12-2019
ABDUL RAHMAN ANWAR

DD. SPORTS

Received

26-12-2019
MANSOOR KHAN
ASSISTANT DIRECTOR ESTT

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

Better Copy-50

Certificate

Certified that I received 38 files & 5 files is Assistant Director Estt:
Directorate of Higher Education on 26.12.2019, as handed over to
him on 24.12.2019,

26.12.2019

Abdur Rashid Anwar

DD Sports

Received

26.12.19,

MANSOOR KHAN

ASSISTANT DIRECTOR ESTT:

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

7871

SB

APPEAL No. of 20²¹

Abdur Rashid

Appellant/Petitioner

Versus

Govt of KPK through Chief Secy Peshawar.

RESPONDENT(S)

Respondent (S)

Additional Secy (Dev), Higher
Department of KPK Peshawar.

Notice to Appellant/Petitioner

Education

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 15/09/2022 at

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Reply

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

[Handwritten scribbles and signatures]

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No..... 7871 of 20 ^{SB} 21

Abdur Rashid

Appellant/Petitioner

Versus

Govt of KPK through Chief Secy Peshawar

RESPONDENT(S)

Notice to Appellant/Petitioner Respondent (4) Secy Higher Education, Archives & Libraries Department KPK Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 15/09/2022 at 9:00 am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For reply

(Handwritten signatures and scribbles)

ue
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No. 7871 of 2021.

Abdur Rashid

Appellant/Petitioner

Versus

Govt of KPK through Chief Secy Peshawar.

RESPONDENT(S)

Respondent (3)

Accountant General KPK Peshawar.

Notice to Appellant/Petitioner

[Handwritten Signature]

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 15/09/2022 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Early

[Handwritten notes and signatures]

[Handwritten signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

SB

No.

7871

21

APPEAL No..... of 20

Abdur Rashid

Apellant/Petitioner

Versus

Govt of KPK through Chief Secy Peshawar.

RESPONDENT(S)

Respondent (1)

Govt of KPK through Chief Secy Peshawar.

Notice to Apellant/Petitioner

Secy

Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/~~exam~~/arguments/order before this Tribunal on 15/09/2022 at

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Regy
[Handwritten signatures and initials]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

وکالت نامہ

بعدالت: ضد۔ سر اسٹریٹس مونیٹری

عبدالرشید بنام صوفی رفیق

مخانب رسیدت دعویٰ سر اسٹریٹس مونیٹری

تاریخ 2021 - 12 - 9۔ 17/12-11-BC

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی کے لیے جاوید اقبال گل بیلہ ایڈووکیٹ سپریم کورٹ آف پاکستان جسزہ دروزی اور دیگر افراد کے ہاں

کو بدیں شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا کو دیا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر دالت کرونگا، اگر پیشی پر من مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کوکل پر داختم صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب کو عرضی دعویٰ و جواب دعویٰ اور درخواست جرائے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد وراثی و راضی نامہ فیصلہ پر خلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخ ڈگری یا کطرفہ درخواست حکم امتناعی یا قرنی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا کی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر دہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کرونگا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سندر ہے۔

موزخہ 2021 - 12 - 9۔ مضمون مختار نامہ من لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted by


کمالہ علیہ السلام
 (اس کی تصویر)