

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	05.03.2015	<p align="center"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p align="center">Service Appeal No. 351/2013. Gul Zaman Versus Government of KPK through Chief Secretary, Civil Secretary, Peshawar etc.</p> <p align="center"><u>PIR BAKHSH SHAH.</u>- Appellant with counsel and Mr. Ziaullah, Government Pleader with Khursheed Khan, SO for the respondents present.</p> <p>2. The appellant Gul Zaman, filed the instant appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 r/w Section 10 of the Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000 against the order dated 19.6.2012 whereby the penalty of stoppage of two annual increments imposed upon the appellant and against the order dated 22.10.2012, communicated to the appellant on 10.1.2013 whereby his departmental appeal has been rejected.</p> <p>3. It was submitted by the learned counsel for the appellant that the impugned order of stoppage of two increments was passed on 19.6.2012 against which his departmental appeal was decided on 22.10.2012 whereas the appellant has been retired from service on 30.11.2012, on attaining age of superannuation, thus the penalty is not implementable. It was further submitted that the department had issued No Demand Certificate to the appellant on</p>

06.02.2013 meaning thereby that nothing is outstanding against the appellant and the question of financial irregularities would also not arise. So far renting out of the designated house to another teacher by the appellant is concerned, the learned counsel for the appellant stressed that no financial loss has been caused to the government and that steps taken by the appellant were for the best interest of the public property. While summing up his arguments, the learned counsel for the appellant submitted that the impugned order is not sustainable in the eyes of law as none of the charges has been proved against the appellant, therefore, the same may be set aside and the appeal allowed accordingly.

4. Conversely it was the contention of the learned Government Pleader that as the penalty order is not implemented, therefore, this appeal would not be maintainable on this score in which no relief can be granted to the appellant. It was further submitted that the appeal is not within time and that the same may be dismissed.

5. Arguments heard and record perused.

6. We have carefully perused the record and have heard the learned counsel for the parties. The following charges have been leveled against the appellant as per charge sheet available on the file:-

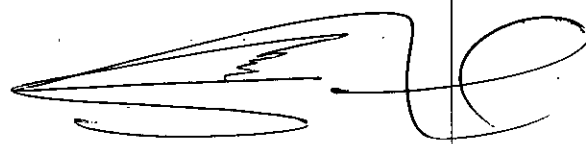
“Committed financial irregularities and miss-use of powers by allotting official residence of Principal to a subordinate teacher without approval of the Competent Authority”

The record does not specifically reveal that the loss happened to the government ex-chequer was due to the appellant. This being so, it is also important to note as asserted by the learned counsel for the appellant that the department had issued No Demand Certificate to the appellant after his retirement on 06.02.2013. It was not disputed that the appellant has been retired on 30.11.2012 after attaining the age of superannuation and in the event of refusal annual increment for the next year could not be actualized. Since the appellant has already attained the age of superannuation, therefore, the Tribunal take lenient view in the award of penalty to the appellant. As a consequence thereof the penalty of "Stoppage of two increments" is converted into "Censure".

7. In view of the above, the appeal is disposed of accordingly.

ANNOUNCED
05.03.2015.


(ABDUL LATIF)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

24.10.2014

Appellant in person and Mr. Muhammad Adeel Butt, AAG with Khursheed Khan, SO for the respondents present. The learned Member is on leave, therefore, case to come up for proceedings as before on 12.12.2014:


READER

12.12.2014

Clerk to counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Mosam Khan, AD for the respondents present. The Tribunal is incomplete. To come up for the same on 5.3.2015.


READER

351/13

28.2.2014

Appellant with counsel and Mr. Muhammad Jan, GP with Khursheed Khan, SO and Mosam Khan AD for the respondents present. The learned GP needs time. To come up for arguments on 9.4.2014.

MEMBER

MEMBER

9.4.2014.

Appellant with counsel and Mr. Muhammad Jan, GP with Khursheed Khan, SO and Sajjad Rashid, AD for the respondents present. The learned GP needs time to go through the record. To come up for arguments on 12.5.2014.

MEMBER

MEMBER

12.05.2014

Appellant with counsel and Mr. Muhammad Jan, GP with Sajjad Rashid, AD and Khursheed Khan, SO for the respondents present. Mr. Muhammad Aamir Nazir, learned Member of the Bench is on leave, therefore, arguments could not be heard. To come up for arguments on 30.6.2014.

MEMBER

MEMBER

30.6.2014

Appellant with counsel and Mr. Muhammad Jan, GP with Khursheed Khan, SO, Mosam Khan, AD for the respondents present. Counsel for the appellant requested for adjournment to go through the record. To come up for arguments on 24.10.2014.

MEMBER

MEMBER

2.12.2013

Appellant with counsel and Mr. Muhammad Adeel Butt AAG with Khursheed Khan, SO and Mosam Khan, AD for the respondents present. Mr. Sultan Mahmood Khattak, learned Member of the Bench is on leave, therefore, case to come up for arguments on 25.3.2014.

MEMBER

10.12.2013

Appellant in person and Mr. Muhammad Adeel Butt, AAG present. The appellant filed an application for early hearing on the ground mentioned therein. Application is allowed and case to come up for arguments on 15.1.2014 instead of 25.3.2014.

MEMBER

MEMBER

15.1.2014

Appellant with counsel and Mr. Muhammad Jan, GP with Khursheed Khan, SO and Mosam Khan, AD for the respondents present. The learned GP needs time. To come up for arguments on 13.2.2014.

MEMBER

13.2.2014

Appellant with counsel and Mr. Muhammad Jan, GP with Khursheed Khan, SO and Sajjad Rashid, AD for the respondents present. Due to shortage of time, arguments could not be heard. To come up for arguments on 28.2.2014.

MEMBER

MEMBER

Noted for
15.1.14
(Signature)

351/2013

30.8.2013

Counsel for the appellant and Mr. Muhammad Jan, GP present. Counsel for the appellant submitted an application for early hearing instead of 25.10.2013 on the ground that the matter pertains pension of the appellant. As such case to come up for rejoinder on 10.9.2013 instead of 25.10.2013. Notices be issued to the respondents.



MEMBER



MEMBER

10.09.2013

Clerk of counsel for the appellant and Mr. Khurshid Shah, SO with Mr. Muhammad Jan, GP for the respondents present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the Learned GP. To come up for arguments on

30.10.2013.


Member


Member

30.10.2013

Appellant with counsel, M/S Khurshid Khan, SO and Mosam Khan, AD with Mr. Muhammad Jan, GP for the respondents present. Arguments could not be heard ^{as} due to Learned Member, Mr. Sultan Mehmood Khattak is on tour to camp court D.I. Khan. To come up for arguments on 01.01.2014.


Member

7.11.2013

Appellant in person and Mr. Muhammad Jan GP present. Appellant submitted an application for early hearing. To come up for arguments on 2.12.2013 instead of 1.1.2014. Notices be issued to the respondents.


MEMBER

Appeal No. 351/2013.

Mr. Gul Zaman

3, 13.2.2013

Appellant deposited
security & process fee Rs 180/-
with file
with file

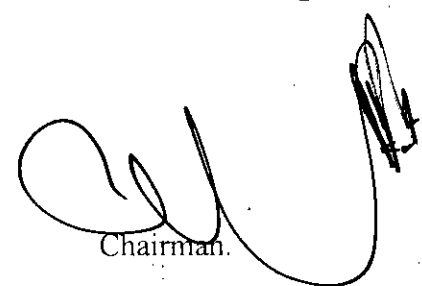
Counsel for the appellant present and heard.

Contended that he has actually impugned the orders dated 22.10.2012 and 19.6.2012 with the prayer to set aside the same. He further contended that the appellant has not been treated in accordance with the law/rules. Proper inquiry proceedings have not been adopted. The inquiry report was not supplied to the appellant. No opportunity of personal hearing was given to the appellant and he has been condemned unheard. The appellant has been awarded the impugned penalty of with-holding of two annual increments without specifying the period. The appellant preferred a departmental appeal on 15.8.2012 but the same has been rejected on 22.10.2012. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 17.5.2013 for submission of written reply.


Member.

4, 13.3.2013

This case be put before the Final Bench 1 for further proceedings.


Chairman.

17.5.2013

Appellant with counsel and Mr. Khurshid Khan, SO for respondents with Mr. Usman Ghani, Sr. GP present. To come up for written reply/comments on 9.7.13.


Chairman

09.7.2013

Appellant in person and Mr. Khurshid Khan, SO with Mr. Usman Ghani, Sr. GP for respondents present. Written reply on behalf of respondents received, copy whereof is handed over to the appellant for rejoinder on 25.10.2013.


Chairman

29.8.2013



Appellant with counsel present and moved application for transfer of the case to learned Bench-II on the ground that similar nature case is already pending before the said bench. The application bears no objections of the learned Sr. GP. Therefore, the appeal is transferred to learned Bench-II for further proceedings.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 351 /2013


S.No.	Date of order Proceedings	Order, or other proceedings with signature of judge or Magistrate
1	2	3
1	08/02/2013	<p>The appeal of Mr. Gul Zaman resubmitted today by Mr. M. Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	13-2-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>13-3-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Gul Zaman received today i.e. on 30/01/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days:-

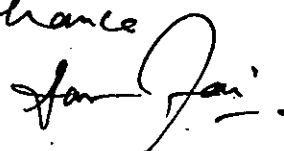
Copy of impugned order dated 19/6/2012 mentioned in the heading of appeal is not attached with the appeal which may be placed on it.

No. 234 /S.T,

Dt. 31/1 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

MR. M. ASIF YOUSAFZAI ADV. PESH.

Re-submitted after
compliance


BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 351 /2013

Gul Zaman

V/S

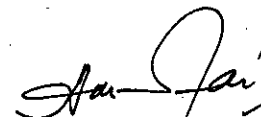
Government of KPK

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INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	---	01-04
2.	Copy of Appointment.	A	05
3.	Copy of Charge Sheet	B	06
4.	Statement of Allegations	C	07
5.	Copy of Order (19.06.2012)	D	08
6.	Copy of Appeal	E	09
7.	Copy of Rejection Order	F	10
8.	Copy of Statement of Occupation of the House.	G	11
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APPELLANT
Gul Zaman

THROUGH:


M. ASIF YOUSAFZAI
ADVOCATE

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

APPEAL NO. 357 /2013

A.W.F. Peshawar
No. 316
Date 30/11/13

Mr. Gul Zaman, Headmaster, GHS,
Hayatabad, Peshawar.

APPELLANT

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Secretary, Education Department (E&SE), Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.

RESPONDENTS

.....

**APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
READ WITH SECTION-10 OF THE RSO, 2000
AGAINST THE ORDER DATED 19.6.2012
WHEREBY THE PENALTY OF STOPPAGE OF 2
ANNUAL INCREMENTS IMPOSED UPON THE
APPELLANT AND AGAINST THE ORDER DATED
22.10.2012 COMMUNICATED TO THE
APPELLANT ON 10.01.2013 WHEREBY THE
DEPARTMENTAL APPEAL OF THE APPELLANT
HAS BEEN REJECTED FOR NO GOOD GROUNDS.**

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 22.10.2012 AND ORDER DATED 19.6.2012 MAY BE SET ASIDE AND THE APPELLANT'S INCREMENTS MAY BE RESTORED WITH ALL CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Re-submitted to
and filed.

8/2/13

R. SHEWETH;

1. That the appellant was transfer and posted as Headmaster, GHS, Hayatabad in the month of August, 2008. It is also worth to mention here that in the school premises there was a designated house for the Principal/ Headmaster of the school. Copy of Order is attached as Annexure-A.
2. That the appellant who was in BPS-17 belongs to local area of Achini, Peshawar, therefore, the appellant did not use that accommodation and allotted to another BPS-17 incharge Headmaster Mr. Tilawat shah to use the accommodation. However, it is pertinent to mention here that the house accommodation/Rent allowance was regularly deducted from the appellant as well as Tilawat Shah from monthly salaries and there were no loss occurred to the Government.
3. That on the basis of above, the appellant was charge sheeted for "Committed financial irregularities and misuse of power of allotting the official residence of Principal to the subordinate teacher without approval of the competent authority". However, the appellant filed reply to the charge sheet and denied all allegations. Copies of Order are attached as Annexure-B and C.
4. That then one sided enquiry was conducted on the basis of which show cause notice was issued to the appellant which was replied in time. However, it is added that no enquiry report was supplied to the appellant.
5. That on 19.6.2012 the penalty of stoppage of 2 annual increments imposed upon the appellant. The appellant forthwith after communication of order, filed departmental appeal to the appellant authority but the same was rejected on 22.10.2012 and the rejection order communicated to the appellant on 10.01.2013. Copies of the Order, Appeal and Rejection Order are attached as Annexure-D, E and F.
6. That now the appellant comes; to this august Tribunal on the following grounds amongst the other grounds:

GROUND:

- A) That the order dated 19.6.2012 and 22.10.2012 is against the law, facts, norms and justice and material on record, therefore, not tenable.
- B) That the appellant has been condemned unheard and no chance of defence was provided in the inquiry proceedings.
- C) That no chance of personal hearing was given to the appellant which is the violation of principle of natural justice.
- D) That no loss occurred to the government because house rent allowance was regularly deducted from the appellant as well as Tilawat Shah despite non occupation of the house by the appellant. Moreover, the said house has now been allowed to Mr. Mohammad Rafiq, Additional Director of the Education Department which is also the violation because the Headmaster was deprived from the accommodation but this illegality has not been noticed by the relevant authority and the appellant was given penalty at the time when he was going to retire from the service. Copy of Statement of Occupation of the House and retirement order are attached as G and H.
- E) That Section-5(1) (c) of the RSO 2000 has been violated while conducting the enquiry because the appellant was not allowed to cross examine the record or witnesses relied upon by the enquiry officer.
- F) That the penalty of stoppage of 2 annual increments imposed upon by the appellant vide order dated 19.6.2012 is legally impracticable because the appellant stood retired on 30.11.2012 on attaining the age of superannuation, thus the penalty order is nothing but to give huge financial loss to the appellant in his pension for all the time to come. Copy of Retirement Order is attached as Annexure-I.
- G) That no period has been specified while imposing the penalty of stoppage of 2 annual increments, thus very basic law on the point has been violated and the order is not sustainable in the eyes of law.
- H) That the final rejection order dated 22.10.2012 is also not a speaking order which is disclosed no reasons and as such the rejection order is also in-violation of Section-24(a) of the

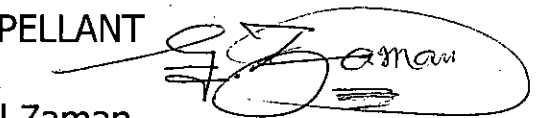
General Clauses Act as well as the Supreme Court's Judgment reported as 1991 SCMR page-2330.

- I) That the appellant has not been treated according to law and rules.
- J) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

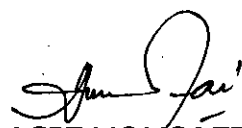
It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT

Gul Zaman

A handwritten signature in black ink, appearing to read 'Gul Zaman', enclosed within a hand-drawn oval border.

THROUGH:

A handwritten signature in black ink, appearing to read 'M. Asif Yousafzai', positioned above the printed name.

M. ASIF YOUSAFZAI
ADVOCATE



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the August 17, 2011

NOTIFICATION

NO. SO(S/M) E&SED/4-17/2011/Gul Zaman: The Competent Authority is pleased to appoint Mr. Musharraf Khan, Deputy Secretary (Admn), Establishment & Administration Department Govt. of Khyber Pakhtunkhwa as Inquiry Officer to conduct Inquiry against Mr. Gul Zaman, Headmaster (BS-17) GHS Hayatabad Peshawar being involved in financial irregularities and miss-use of powers by allotting official residence of Principal to a subordinate teacher without approval of the Competent Authority.


2. The Inquiry Officer shall submit recommendations/report to the Competent Authority within twenty five (25) days. (Copies of charge sheets & statement of allegations are enclosed).

SECRETARY

Endst: of even No. & Date

Copy forwarded to the:

1. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
2. Deputy Secretary (Admn) E&SE Department, Khyber Pakhtunkhwa.
3. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
- ✓ 4. Mr. Musharraf Khan, Deputy Secretary (Admn) Establishment & Administration Deptt.
5. Mr. Gul Zaman, Headmaster GHS Hayatabad, Peshawar.
6. Office order file.


SECTION OFFICER (SCHOOLS/MALE)

TESTED


CHARGE SHEET

B 6

I, Ghulam Dastgir Akhtar Chief Secretary, Khyber Pakhtunkhwa as Competent Authority hereby charge you, Mr. Gul Zaman, Headmaster (BS-17) GHS Hayatabad Peshawar as under:-

That you, while posted as Headmaster (BS-17) GHS Hayatabad Peshawar committed the following irregularity:

"Committed financial irregularities and miss-use of powers by allotting official residence of Principal to a subordinate teacher without approval of the Competent Authority".

- 2- By reasons of the above, you appear to be guilty of misconduct under section-3 of the NWFP Removal from Service (Special Powers) Ordinance 2000 and have rendered yourself liable to all or any of the penalties specified in section-3 of the Ordinance ibid.
- 3- You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer/Committee, as the case may be.
- 4- Your written defence, if any, should reach the Enquiry Officer/Committee, within specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
- 5- You are also required to intimate as to whether you desire to be heard in person.
- 6- Statement of allegations is enclosed.

Ghulam Dastgir Akhtar

(GHULAM DASTGIR AKHTAR)
CHIEF SECRETARY KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Mr. Gul Zaman, Headmaster (BS-17),
GHS Hayatabad Peshawar

ATTESTED

5/21

e
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DISCIPLINARY ACTION

I, Ghulam Dastgir Akhtar Chief Secretary, Khyber Pakhtunkhwa as Competent Authority am of the opinion that Mr. Gul Zaman, Headmaster (BS-17) GHS Hayatabad Peshawar has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of section 3 of the North-West Frontier Province Removal from Service (Special Powers) Ordinance, 2000:

"Committed financial irregularities and miss-use of powers by allotting official residence of Principal to a subordinate teacher without approval of the Competent Authority".


STATEMENT OF ALLEGATIONS

2- For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry Officer/Committee consisting of the following is constituted under section-5 of the Ordinance:

- i. Mr. Musharraf Khan DS Admn E&A DEPT.
- ii. _____
- iii. _____

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

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


(GHULAM DASTGIR AKHTAR)
CHIEF SECRETARY KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Mr. Gul Zaman, Headmaster (BS-17),
GHS Hayatabad Peshawar.

ATTESTED




GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the June 19, 2012

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NOTIFICATION

NO. SO(S/M)E&SED/4-17/2011/Gul Zaman HM (BS-17): WHEREAS Mr. Gul Zaman, Headmaster (BS-17) GHS Hayatabad Peshawar was proceeded against under the NWFP Removal from Service (Special Powers) Ordinance, 2000 for the charges mentioned in the charge sheet and statement of allegations.

2. **AND WHEREAS** Mr. Musharraf Khan, Deputy Secretary (Admn) Establishment & Administration Department was appointed as Inquiry Officer to conduct Inquiry against the accused officer, for the charges leveled against him in accordance with the rules.

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

4. **AND WHEREAS** a show cause notice was served upon Mr. Gul Zaman, Headmaster (BS-17) GHS Hayatabad Peshawar.

5. **AND WHEREAS** the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, inquiry report, explanation of the accused officer in response to the Show Cause Notice, is of the view that the charges against the accused officer have been proved.

6. **NOW, THEREFORE**, in exercise of the powers conferred under section-3 of NWFP, Removal from Service (Special Powers) Ordinance, 2000, the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) is pleased to impose minor penalty of "Stoppage of two increments" upon Mr. Gul Zaman, Headmaster (BS-17) GHS Hayatabad Peshawar.

Ends: of Even No. & Date:

SECRETARY

Copy forwarded to the: -

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- Executive District Officer, E&SE Peshawar.
- 4- District Accounts Officer, Peshawar.
- 5- Mr. Gul Zaman, Headmaster (BS-17) GHS Hayatabad Peshawar.
- 6- PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 7- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 8- Office order file.

(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)



Gov.
GOVERNMENT OF
KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

No. PA/DSA/Enquiry/2011/12820-27
Dated Peshawar the 24-08.2011

To

Mr. Gul Zaman,
Headmaster GHS Hayatabad,
Peshawar

Subject: - INQUIRY AGAINST MR. GUL ZAMAN, HEADMASHTER GHS HAYATABAD UNDER THE REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE, 2000.

Reference Elementary & Secondary Education Department notification No. SO(S/M)E&SED/4-17/2011/Gul Zaman dated August, 17, 2011 on the above noted subject and to state in light of the charge sheet attached with the above notification you are required to submit you written defense within seven days of the receipt of this letter positively so as to proceed further in the matter.

(MUSHARRAF KHAN)
INQUIRY OFFICER/
DEPUTY SECRETARY (ADMN)
ADMINISTRATION DEPARTMENT

Copy to:-

Section Officer (Schools/Male) Elementary & Secondary Education Department w/r to his notification referred above.

INQUIRY OFFICER

D 8

To,

The Chief Minister,
Khyber Pakhtun Khwa.

Subject:- Appeal to exonerate from the penalty of "stoppage of two increments."

Respected sir,

With humble submission it is stated that I have been imposed the penalty of "stoppage of two increments" by the Chief Secretary Khyber Pakhtun Khwa as a result of the inquiry conducted by Mr. Musharraf Khan, Deputy Secretary (admn) Administration Department.

It is submitted that I have clean record of 34 years service. I have done whatever I have been assigned, with due diligence, dedication and honesty. I have tried my level best to discharge my duties according to rules and regulations.

The allotment of Headmaster residence to one Mr Tilawat Shah, S.E.T (BS.17) of the said school was made in good faith with the intention to save the residence from being spoiled, the said teacher is incharge of my school and senior most gazetted officer who manages the school affairs in my absence. Proper deduction of house rent as per rule was made from his salary and no financial loss has been caused to public exchequer.

It is therefore appealed to exonerate me from the penalty of "stoppage of two increments" keeping in view my impending retirement on 30/11/2012, so that I may retire with dignity and honour.

I shall be very thankful to you for this action.

Date 15/8/2012

Yours faithfully (Gul Zaman) Headmaster (BS-17)
G.H.S Hayat Abad, Peshawar.

Head Master
G.H.S Hayatabad
Peshawar.

Send E+S E..
PL process
+ p.u.

A-H
30-8-12

CHIEF MINISTER
KHYBER PAKHTUNKHWA

ATTESTED



IMMEDIATE/ REGISTERED

E
9



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

No. SO (S/M) E&SED/4-17/2012/Gul Zaman HM/Appeal
Dated Peshawar the October 22, 2012

To

Mr. Gul Zaman
Head Master (BS-17),
Govt: High School,
Hayat Abad Peshawar

Subject: APPEAL AGAINST PENALTY IMPOSED ON MR. GUL ZAMAN HEAD
MASTER HEAD MASTER (BS-17), GOVT: HIGH SCHOOL, HAYAT
ABAD PESHAWAR.

I am directed to refer to your appeal dated 15-07-2012 on the subject
noted above and to inform you that the Competent Authority/ Chief Minister Khyber
Pakhtunkhwa has filed/ rejected your appeal having no valid grounds/ justifications.

(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)

NO 73 dt 10.1.13

*Forwarded in original to the concerned headmaster
for information.*

10/1/13
Head Master
G.H.S. Hayat Abad
Peshawar

F (10)

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KHYBER
PAKHTUNKHWA PESHAWAR.**

OCCUPATION OF RESIDENTIAL BUNGALOW.

In compliance with the allotment order of Residential Govt. Bungalow issued by the Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar vide Endst. No. 2944-48, dated 17.3.2011.

I hereby occupied the residential Govt. Bungalow at Govt. High School Hayatabad Peshawar to-day on 1/5/2011.

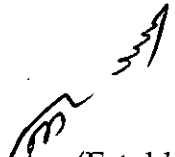
(Muhammad Rafique Khattak)
Additional Director (Establishment)
(E&SE), Khyber Pakhtunkhwa.

521-24
Endst. No. _____/F.No.44/Residential accommodation.

Dated Peshawar the 5/5/2011.

Copy forwarded to:

1. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Executive District Officer (E&SE) Peshawar.
4. Principal, GHS Hayatabad, Peshawar.


Additional Director (Establishment)
(E&SE), Khyber Pakhtunkhwa.

9 (11)

Deduction detail of school residency GHS Hayat Abad, Peshawar.

1. Deduction from Mr. Tilawat Shah SET (BPS-17) GHS Hayat Abad, Peshawar.

Period

- a) From December 2008 to May 2009 (6 Months)
- b) From January 2011 to April 2011 (4 Months)

Total Period = 10 Months

2- Deduction from Head Master Gul Zaman GHS Hayat Abad, Peshawar.

- a) From June 2009 to December 2010 (19 Months)

Net Total Period = 29 Months

Note:-

1) The Ex-Head Master Mr. Haq Nawaz vacated the school residency on 30-11-2008(A.N).

2) Now the school residency has been allotted to Mr. Rafiq Khatak Additional Director (Estab ;) E& S Education Khyber Pakhtunkhwa, by Directress E&S Education Khyber Pakhtunkhwa, Peshawar with my consensus and NOC.

The said Additional Director has occupied the mentioned residency on 01-05-2011.

3) Relevant Pay Rolls attached.



Head Master

GHS Hayat Abad, Peshawar.

A (12)

**GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Dated Peshawar the November 13, 2012

NOTIFICATION

NO.AO/E&SE/6-10/LPR/Peshawar/05. Sanction is hereby accorded to the encashment of leave in lieu of LPR for 180 days in respect of Mr. Gul Zaman, Headmaster (B-17), GHS Hayatabad Peshawar.

2. The District Accounts officer Peshawar has certified that leave encashment for 180 days is admissible to the officer concerned under the Revised leave Rules, 1981.

3. He shall stand retired from service w.e.f.30-11-2012 (AN) on attaining the age of superannuation.

Secretary to Govt. of Khyber
Pakhtunkhwa Elementary &
Secondary Edu: Department

Endst: Even NO. & Date.

Copy forwarded to:-

1. The Director Elementary & Secondary Education, Peshawar w/r to his letter No.12530/F.No.3/LPR dated 24-10-2012.
2. The District Accounts officer Peshawar.
3. The Section officer (Schools) (Male) Elementary & Secondary Education Department.
4. Mr. Gul Zaman, Headmaster (B-17), GHS Hayatabad Peshawar.

(MUHAMMAD YOUNAS)
SECTION OFFICER (ACCOUNTS)

ATTESTED

VAKALAT NAMA

NO. _____ /20

IN THE COURT OF Service Tribunal Peshawar

Gul Zaman

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Dept.

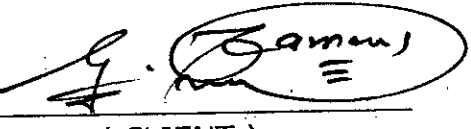
(Respondent)
(Defendant)

I/We Gul Zaman (Appellant)

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____ /20


(CLIENT)

ACCEPTED


M. ASIF YOUSAFZAI
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 351/2012

Gul Zaman, Ex- Headmaster, GHS Hayatabad,
Peshawar. ...

(Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary,
Peshawar and others. ... (Respondents)

APPLICATION FOR EARLY HEARING INSTEAD OF 25.10.2013.

RESPECTFULLY SHEWETH

1. That the above mentioned Service Appeal was fixed for submission of written reply on 9.7.2013, which was submitted by the representative of the respondents.
2. That next date was fixed as 25.10.2013 for submission of rejoinder.
3. That pension case of the appellant is pending since 1.12.2012 and the appellant is pressing hard for the same.


It is, therefore, requested that the date for submission of rejoinder may very kindly be fixed as early as possible instead of 25.10.2013 and oblige.


APPELLANT

Through


(MUHAMMAD ASIF YOUSAFZAI)
Advocate

*Place on file and put up
for consideration when number
of Members of Tribunal is increased
appropriately*


Chairman

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 351/2013.

Mr. Gul Zaman, Headmaster, GHS, Hayatabad, Peshawar.....Appellant
VERSUS

Secretary Elementary & Secondary Education Peshawar & others..... Respondents

Written reply/ Para wise comments for & on behalf of Respondents.

**Respectfully Sheweth,
Preliminary Objections:-**

1. The appellant has no cause of action/ locus standi.
2. The instant appeal is badly time barred.
3. The appellant has concealed the material facts from this Hon 'able Tribunal, hence liable to be dismissed.
4. The appellant has not come to this Hon 'able court with clean hands.
5. The appellant has filed the instant appeal just to pressurize the Respondents.
6. The present appeal is liable to be dismissed for non joinder/ misjoinder of necessary parties.
7. That appellant has filed the instant appeal on malafide motives.
8. The instant appeal is against the prevailing law and rules.
9. The appellant is estopped by his own conduct to file the instant appeal.
10. That the instant appeal is not maintainable in the present form and also in the present circumstances of the issue.

FACTS.

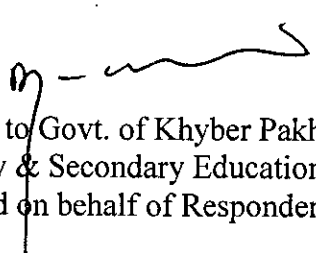
1. This para is related to the service record of the appellant and school premises, hence needs no comments.
2. Incorrect. The appellant admitted before the inquiry officer that the appellant has used the said official residence and has paid 09 month house rent from his pay in the Government treasury. The appellant also confessed that he allotted the same residence to a school teacher namely Mr. Tilawat Shah SET, while the appellant was not authorized for the said allotment.
3. Incorrect. According to the inquiry report the appellant was charge sheeted for, "Committed financial irregularities and misuse of power of allotting the official residence of Principal to a teacher without approval of Competent Authority", on his own level, so the appellant used the authority of his superior authorities which he required not to do so according to rules and law. The appellant admitted that some irregularity might be occurred but that was due to lack of knowledge and was not intentional. It would not be out of place to mention here, that ignorance of law is no defence. Hence the appellant was proved guilty of misuse of powers and irregularities/ embezzlement of school funds, as evident from the inquiry report (**Annexure-A**).

4. Incorrect. Impartial inquiry was conducted, show cause notice was issued, chance for defence was provided and all codal formalities were fulfilled. And the appellant was found/ proved guilty of charges leveled against him.
5. The stoppage of 02 increments, imposed upon the appellant and rejection of appeal dated: 22/10/2012, were in accordance to the law, rules on the subject, by the competent authorities.
6. Incorrect and denied. The appellant has no cause to come to this Honourable Tribunal on the following grounds amongst others.

ON GROUNDS.

- A. Incorrect and not admitted. The order dated: 19/06/2012 and 22/10/2012 is accordance to law, facts, justice and material on record, therefore tenable in the eye of law.
- B. Incorrect. The appellant was heard and proper chance of defence was provided during the inquiry proceedings. However, the appellant himself confessed/ admitted all the allegation leveled against him.
- C. Incorrect. The chance of personal hearing was given to the appellant, however, the appellant stated that he committed the alleged act due to ignorance of law and procedure.
- D. Incorrect. According to the inquiry report the appellant caused a loss to school funds.
- E. Incorrect. The inquiry officer while conducting the inquiry fulfilled all codal formalities.
- F. Incorrect and not admitted. The statement of the appellant in this para is devoid of any legal course, irrelevant against the law, rules on the subject as the penalty imposed on appellant is the result of proper inquiry which is not against the prevailing law and rules. Moreover, the penalty was imposed before the retirement of the appellant.
- G. Incorrect. The inquiry officer proposed minor penalty of stoppage of 02 increments for 03 years.
- H. Incorrect. The order of rejection is based on facts, law and sounds reason. The appeal of the appellant having no legal footing and justification, hence rightly rejected.
- I. Incorrect. The appellant has been treated according to law and rules.
- J. That the respondents seek the permission of this Honourable Tribunal to adduce more grounds and proofs at the time of hearing.

In view of the above made submissions, it is requested that Honourable Court may very graciously be pleased to dismiss the present appeal with cost in favour of the Respondents.


Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.
(For and on behalf of Respondents# 1 & 3)

CONFIDENTIAL



GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

No. PA/DSA/Enquiry/2011
Dated Peshawar the 22.12.2011

To

The Section Officer (Schools/Male),
Elementary & Secondary Education Deptt.,
Peshawar

Subject: - INQUIRY AGAINST MR. GUL ZAMAN, HEADMASTER GHS HAYATABAD UNDER THE REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE, 2000

Kindly refer to your Notification bearing No. SO (S/M)1E&SED/4-17/ 2011/Gul Zaman, dated 17th August, 2011 on the noted above

2. The requisite Inquiry Report alongwith relevant documents in respect of Mr. Gul Zaman, Headmaster, GHS, Hayatabad is sent herewith for further necessary action.

(MUSHARRAF KHAN)
DEPUTY SECRETARY (ADMN)/
(INQUIRY OFFICER)

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INQUIRY REPORT

AGAINST MR. GUL ZAMAN, HEAD MASTER GOVERNMENT HIGH SCHOOL HAYATABAD PESHAWAR UNDER KHYBER PAKHTUNKHWA CIVIL SERVANTS (EFFICIENCY & DISCIPLINE) RULES, 2011 (EX-RSO-2000).

The Chief Secretary Khyber Pakhtunkhwa was pleased to appoint the undersigned as Inquiry Officer in accordance with the provisions of the Ex-Removal from Service (Special Powers) Ordinance, 2000 (Now Efficiency & Discipline Rules, 2011) vide notification No. SO(S/M)E&SED/4-17/Gul Zaman dated August 17, 2011 to probe into the matter regarding the conduct of Mr. Gul Zaman-Head Master (BPS-17) GHS, Hayatabad Peshawar with reference to the following allegations:

That while posted as Head Master Government High School Hayatabad, Peshawar Mr. Gul Zaman,

“Committed financial irregularities and misuse of powers by allotting official residence of Principal to a subordinate teacher without approval of the Competent authority”.



Detail of proceedings, personal hearing, findings and recommendations of the subject inquiry are described below under the following headings:

PROCEEDINGS:

As per requirements of the inquiry, Mr. Gul zaman-Head Master was asked to submit his written statement in support of his defence in light of charge sheet leveled against him by the competent authority in the said inquiry to which he replied which can be perused at **Annex-I**. In his written defence Mr. Gul Zaman-Head Master is of the view that he has been serving as Headmaster Government High School Hayatabad with effect from 1st August, 2008 to date. During his stay in the said school he has tried his level best to discharge his duties in line with the Rules & Regulation and

established norms of his job description. Although no specific financial irregularity on his part has been mentioned/pen pointed in the Charge Sheet & Statement of Allegations served upon him, nevertheless he very humbly ventures to bring it to the kind notice of the competent authority that he made all out efforts to avoid deliberate financial irregularity/lapse. He is further of the view that being a human being at certain time some irregularity/lapse might be occurred on part but that was due to lack of procedural knowledge and not intentionally.

He further states that so far as allotment of official residence of Principal to a subordinate teacher is concerned, he is of the opinion that the very official accommodation was allotted to one Mr. Tilawat Shah (BPS-17)SET/In-charge of the school in good faith for the reasons that it was feared in the absence of tenant/dweller the maintenance and renovation of the very official residence would be spoiled one day. So in order to avoid the said house from deterioration the same was allotted to the said Teacher who was a senior most and Gazetted officer and also acted as In-charge of the school in the absence. House rent has been deducted from his pay in lieu of said allotment as evident from his attached pay roll copies.

In the end he beseeched to condone error/irregularity if committed by him un-deliberately due to unawareness from the rules and procedure.

Besides the written statement as above, Mr. Gul Zaman-Headmaster was also personally heard by the undersigned. During personal hearing session a lot of questions and cross questions took place. Mr. Gul Zaman explained the case in detail with provision of documentary proofs. He was of the view that he has not committed any financial irregularity. It is to point out that the said financial irregularity is not much clear from the charge sheet against the accused as there it is laid down that Mr. Gul Zaman Headmaster Govt High School "committed

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/

financial irregularities". The undersigned, being inquiry officer asked the accused that what are these financial irregularities against him. He pointed out that he has committed no financial irregularity except that there are charges against him that he has not deposited the house rent amount in the government treasury which he straight away denied and declared that he has deposited 29 months house rent amount (10 months from the salary of Mr. Tilawat Shah-SET and the rest 19 months from his pay) in the government treasury of the official residence of that of the Headmaster GHS Hayatabad and had allotted the said residence to another teacher of the same school Mr. Tilawat Shah SET (BPS-17). In support of his claim he showed the pay rolls of his own and those of Mr. Tilawat Shah which can be perused at **Annex-II**. He was of the opinion that since he was not living in the official residence of Head Master Government High School Hayatanad so in order to save the said house from degradation he allotted the house to Mr. Tilawat Shah SET (BPS-17) GHS Hayatabad. Besides, he has also remained in the said house for sometime and deposited regularly the house rent amount in the government treasury. Mr. Haq Nawaz the previous Head Master of GHS Hayatabad had vacated the said house on 30-11-2010 due to his transfer from GHS Hayatabad. Since he (Mr. Gul Zaman) had no intension of living in the said house and Mr. Tilawat Shah was in need of that and was second in command and also senior most teacher of the same school so he issued allotment order in respect of Mr. Tilawat Shah for living in the said official residence. Mr. Tilawat Shah has lived in the house for two intervals i.e. from December 2008 to May 2009 and from January 2011 to April 2011 on account of which house rent amount was regularly deducted from his pay which is also reflected from his pay rolls. As a whole he has lived for 10 months in the said house while he (Mr. Gul Zaman) has remained for 19 months in the said house and house rent amount was regularly deducted from his pay. As a proof he also showed his pay rolls which are attached with

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report. On 17-03-2011 the then Directress Elementary & Secondary education Government of Khyber Pakhtunkhwa issued allotment order of the said official residence in respect of Mr. Muhammad Rafiq Khattak who is working in the capacity of Deputy Director (Establishment) in the Directorate of E&SE (**Annex-III**) and Mr. Rafiq Khattak occupied the said residence on 05-05-2011 (**Annex-IV**). The undersigned asked whether the said allotment was made with his consent or otherwise to which the accused replied that he had already given NOC for the said allotment and the subject allotment took place with his consent. Now Mr. Rafiq Khattak is residing in that official accommodation.

Regarding financial irregularities on the part of Mr. Gul Zaman Head Master it is stated that after taking interview of some relevant people who opined that the overall track record of Mr. Gul Zaman Head Master is not fair and good and he is famous for financial irregularities and even embezzlement of school funds. He imposed heavy fines on students and then there is no where-about of the said funds. One Mr. Naeem who is accounts clerk of GHS Hayatabad strongly supported the above contentions.

During the inquiry proceedings the Ex-Head Master Mr. Haq Nawaz was also interviewed who openly blamed Mr. Gul Zaman of high level financially corrupt and notorious person for financial irregularities. In support of his blames he even took oath of Allah and said *Kalma* in front of the undersigned. Besides there are also reports that he sometimes uses force whenever someone speaks against him at any forum.

Besides, on direction of Secretary Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, a special audit of Mr. Gul Zaman-Head Master has also been carried out for the period from September 2008 to June 30, 2011 in the following financial

sectors. (Detailed Report of the subject audit may be perused vide **(Annex-V)**).

1. Irregular Expenditure on Account of Purchase/Repair.
2. Less Account of Rs. 1785/-into Pupil Funs Register.
3. Irregular/Doubtful Expenditure of Rs. 32,368/-out of P/Fund.
4. Irregular Expenditure out of P/Fund on account of Purchase of Perishable Items.
5. Irregular Expenditure on Account of Repair of Cycle.
6. Irregular Expenditure on account of Purchase of Stationary/Printing Charges.
7. Irregular Expenditure on account of Aid to Students out of P/Fund.
8. Irregular Expenditure on account of Medicines out of P/Fund.
9. Financial Irregularities in running of School Canteen etc.

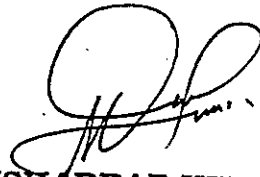
FINDINGS AND RECOMMENDATIONS:

Mr. Gul Zaman was required to allot the said official accommodation, which is lies within the premises of the Government High School Hayatabad and which is often used by concerned posted Head Master of the said School, after taking approval of the competent authority which he did not do and allotted the said house to Mr. Tilawat Shah SET on his own level so he used the authority of his superior authorities which he was required not to do so according to rules.

The misuse of power by allotting the official residence to someone other he was also involved in so many serious financial irregularities on account of which his special audit has been conducted by competent authority. These financial irregularities may also be termed as embezzlement to some extent if these are looked into serious and true aspect. A gezetted and responsible officer can not do such serious irregularities and they seem to be done deliberately and not by mistake.

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Above all the statement of the account officer of his own school speaks loudly of his financial misappropriation for which only he himself is responsible. All these things make his personality dubious regarding his financial stature to be one of the financially corrupt men of the society.

After thorough perusal and examination of the whole record, written defence and personal statement of Mr. Gul Zaman Head Master came to the conclusion that under Ex-RSO, 2000 (now Civil Servants (Efficiency & Discipline) Rules, 2011) minor penalty of stoppage of two increments for three years may be imposed upon Mr. Gul Zaman-Head Master, Government High School Hayatabad Peshawar. Besides, he should immediately be posted out from GHS Hayatabad Peshawar.



(MUSHARRAF KHAN)
Deputy Secretary (Admn)
Administration Department.
(Inquiry Officer)

Annex - I

①

16

OFFICE OF THE HEADMASTER

ENT HIGH SCHOOL HAYATABAD PESHAWAR.

No. _____ /Inquiry
Dated Peshawar the _____ /2011

To

Mr. Musharaf Khan
Inquiry Officer,
Deputy Secretary (Admn)
Administration Department.

Subject: - INQUIRY AGAINST MR. GUL ZAMAN, HEADMASTER GHS HAYATABAD UNDER REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE, 2000.

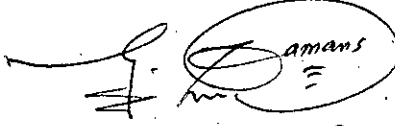
Memo,
Kindly refer to your letter No. PA/DSA/Enquiry/2011/2820-21 dated 24-08-2011 on the subject cited above.

I have the honor to submit my written defense in response to the Charge Sheet and Statement of Allegations as under for your kind perusal and favorable consideration please:-

1. The undersigned has been serving as Headmaster GHS Hayatabad with effect from ^{Aug 1st} Sept 2008 to date. During my stay in the said school I have tried my level best to discharge my duties in line with the Rules & Regulation and established norms of my job description. Although no specific financial irregularity on my part has been mentioned/pen pointed in the Charge Sheet & Statement of Allegations served upon me, nevertheless I very humbly venture to bring it into your kind notice that I made all out efforts to avoid deliberate financial irregularity/lapse. Being a human being at certain time some irregularity/lapse might be occurred on part but that was due to lack of procedural knowledge and not intentionally.
2. So far as allotment of official residence of Principal to a subordinate teacher is concerned, it is explained that the very official accommodation was allotted to one Mr. Talawat Shah (B-17) SET/In-charge of my school in good faith for the reasons that it was feared in the absence of tenant/dweller the maintenance and renovation of the very official residence would be spoiled one day. So in order to avoid the accommodation from deterioration the same was allotted to the said Teacher who was a senior most and Gazetted officer and also acted as In-charge of the school in my absence. House rent has been deducted from his pay in lieu of said allotment as evident from his pay roll (copy attached) for ready reference.

Concluding I beseech to your goodself to condone error/irregularity if committed by me un deliberately due to unawareness from the rules and procedure. I believe that to error is human and to forgive is God.

Looking forward for philanthropist gesture, please.


(GUL ZAMAN) 9217298 ✓
HEADMASTER GHS
HAYATABAD PESHAWAR.
Head Master 0391-9027843 ✓
G.H.S Hayatabad 0302-5981211 ✓
Peshawar.

(5) Annex-11

DDO: PESHAWAR HEAD MASTER S.H.S. NO. 00 PESHAWAR
Position: Gazetted

Section: 001 Section 2

0004163 GUL ZAHAN KHAN P A Y M E N T S	Prev Pers A M O U N T	No: 92 D E D U C T I O N S	HEAD MASTER A M O U N T	(00000717) Grade: 17 NTH: 2121471-2 LDA/TFUND	Buckle No: PRINCIPAL GPF: EDUPA000000	Gazetted/Non-Gazetted: C REPAID BALANCE
0091 Basic Pay	21,850.00	3501 Benevolent Fund	75.00-			105,000.00
0046 Personal Pay(Maxin C)	2,220.00	3511 Addl Group Insurance	25.00-			
1001 House Rent Allowance	4,432.00	3604 Group Insurance	230.00-			
1210 Convey Allowance 20	2,480.00	3640 Emp. Edu. Fund	12.00-			
1505 Charge Allowance	100.00	3607 Income Tax	373.00-			
1770 Spl. Additional allow	1,017.00					
1830 Special Relief All(2)	2,376.00					
1831 Adhoc Relief (2005)	2,326.00					
1864 Dearnes Allowance (2)	2,917.00					
5800 Adj. Personal Pay	750.00	3017 GPF Subscription - Rs	1,360.00-		1400RE TAX 4,067.15	1,426.00 2,977.20

PAYMENTS 43,218.00 DEDUCTIONS 2,095.00 NET PAY 41,123.00 01.09.2008 30.09.2008
Branch Code: 006015 SECRETARIAT BRANCH SECRETARIAT PESHAWAR Bank Limited SECRETARIAT PESHAWAR SECRETARIAT

00024732 SOLEMAN SHAH P A Y M E N T S	Prev Pers A M O U N T	No: 99790913202 D E D U C T I O N S	Desig: S.E.T. A M O U N T	(00001229) Grade: 16 NTH: LDA/TFUND	Buckle No: PRINCIPAL INCOME TAX 572.61 GPF: EDU 039315	Gazetted/Non-Gazetted: C REPAID BALANCE
0091 Basic Pay	15,930.00	3016 GPF Subscription - Rs	1,050.00-			404.00
1001 House Rent Allowance	2,727.00	3501 Benevolent Fund	75.00-			277,705.00
1210 Convey Allowance 20	2,480.00	3511 Addl Group Insurance	19.00-			
1560 Science Teaching All	200.00	3604 Group Insurance	173.00-			
1770 Spl. Additional allow	634.00	3640 Emp. Edu. Fund	8.00-			
1830 Special Relief All(2)	1,367.00	3607 Income Tax	51.00-			
1831 Adhoc Relief (2005)	1,367.00					
1864 Dearnes Allowance (2)	1,676.00					

PAYMENTS 26,381.00 DEDUCTIONS 1,376.00 NET PAY 25,005.00 01.09.2008 30.09.2008
Branch Code: 250321 UNIVERSITY TOWN Allied Bank Limited UNIVERSITY TOWN Acct. No: PLS00011007313-7

00038364 SHAFI ULLAH P A Y M E N T S	Prev Pers A M O U N T	No: 99991422157 D E D U C T I O N S	Desig: S.E.T. A M O U N T	(00001229) Grade: 16 NTH: 2527157-1 LDA/TFUND	Buckle No: PRINCIPAL INCOME TAX 626.39 GPF: EDU 022731	Gazetted/Non-Gazetted: C REPAID BALANCE
0091 Basic Pay	19,220.00	3609 Income Tax	53.00-			421.68
1770 Spl. Additional allow	776.00	3630 Water Charges	4.00-			97,085.00
1830 Special Relief All(2)	1,677.00	3640 Emp. Edu. Fund	8.00-			
1831 Adhoc Relief (2005)	1,677.00	3016 GPF Subscription - Rs	1,050.00-			
1864 Dearnes Allowance (2)	2,033.00	3501 Benevolent Fund	75.00-			
		3511 Addl Group Insurance	19.00-			
		3604 Group Insurance	173.00-			
		3620 Repoverg. of House All	961.00-			

PAYMENTS 25,383.00 DEDUCTIONS 2,343.00 NET PAY 23,040.00 01.09.2008 30.09.2008
Branch Code: 221113 HAYATABAD TOWN Habib Bank Limited HAYATABAD TOWN Acct. No: PLS0000005293-3

00044067 IFIKHAR KHATTAK P A Y M E N T S	Prev Pers A M O U N T	No: 99992094260 D E D U C T I O N S	Desig: S.E.T. A M O U N T	(00001229) Grade: 16 NTH: 0 LDA/TFUND	Buckle No: PRINCIPAL INCOME TAX 236.50 GPF: EDU2016793	Gazetted/Non-Gazetted: C REPAID BALANCE
0091 Basic Pay	8,880.00	3016 GPF Subscription - Rs	1,050.00-			210.12
1001 House Rent Allowance	2,727.00	3501 Benevolent Fund	75.00-			76,734.00
1210 Convey Allowance 20	2,480.00	3511 Addl Group Insurance	19.00-			
1560 Science Teaching All	200.00	3604 Group Insurance	173.00-			
1830 Special Relief All(2)	703.00	3640 Emp. Edu. Fund	8.00-			

PAYMENTS 14,980.00 DEDUCTIONS 1,315.00 NET PAY 13,665.00 01.09.2008 30.09.2008
Branch Code: 221113 HAYATABAD TOWN Habib Bank Limited HAYATABAD TOWN Acct. No: PLS0000005293-3

H/TY 001

9/2008

30

Annex -III

(4)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KHYBER PAKHTUN KHWA, PESHAWAR

EDUCATION, KHYBER PAKHTUN KHWA, PESHAWAR

NOTIFICATION.

The competent authority has been pleased to order the allotment of residential quarter in the premises of G.H.S. Hayatabad Peshawar to Mr Muhammad Rafique, Additional Director (Establishment) Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.

Note: 1. The recovery should be made from the officer under the existing rules.


Directress
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

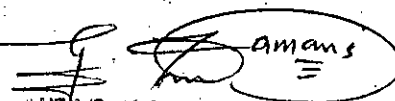
2944-48

Endst. No: _____/F.No.44/Residential Accomodation. Dt. Peshawar the 17/3/2011.

- Copy to the:
1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
 2. Executive District Officer (E&SE) Peshawar.
 3. Principal, G.H.S. Hayatabad, Peshawar.
 4. Mr Muhammad Rafique, Additional Director (Establishment) Elementary & Secondary Education, Khyber Pakhtunkhwa, Local Directorate.
 5. PA to Directress (E&SE) Khyber Pakhtunkhwa, Peshawar.

Note: The school residency of G.H.S. Hayat Abad Peshawar has been evacuated by Mr Tilawat Shah SET (B.P.S 17) on 30th April 2011 A.N.


17/3/2011
Deputy Director (Estt)
(E&SE), Khyber Pakhtunkhwa,
Peshawar.


HEAD MASTER
G.H.S. Hayat Abad
Peshawar.

Am  (3)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KHYBER
PAKHTUNKHWA PESHAWAR.

OCCUPATION OF RESIDENTIAL BUNGALOW.

In compliance with the allotment order of Residential Govt. Bungalow issued by the Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar vide Endst. No. 2944-48, dated 17.3.2011.

I hereby occupied the residential Govt. Bungalow at Govt. High School Hayatabad Peshawar to-day on 1/5/2011.

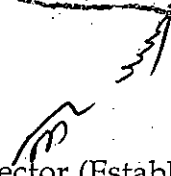
(Muhammad Rafique Khattak)
Additional Director (Establishment)
(E&SE), Khyber Pakhtunkhwa.

521-24
Endst. No. _____/F.No.44/Residential accommodation.

Dated Peshawar the 5/5/2011.

Copy forwarded to:

1. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Executive District Officer (E&SE) Peshawar.
4. Principal, GHS Hayatabad, Peshawar.


Additional Director (Establishment)
(E&SE), Khyber Pakhtunkhwa.



Head Master
G.H.S Hayatabad
Peshawar.

Annex-V

BOARDS OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR
 REPORT ON THE ACCOUNTS OF GHIS HAYAT ABAD DISTRICT PESHAWAR

Mr. Gul Zaman
 9/2008 to 30.6.2011

Name of Headmaster
 Period of Audit

INTRODUCTION

In the light of the orders of the Secretary to Govt. of Khyber Pakhtunkhwa (E&SE) Department Peshawar vide letter No. dated 30.6.2011, relating to the tenure of Mr. Gul Zaman HM. The proceedings of present audit are embodied in the following paragraphs:-

P-2 Cash book
 It was written upto date represented nil balance.

P-3 **IRREGULAR EXPENDITURE ON ACCOUNT OF PURCHASE/REPAIR.**
 During the course of audit of the local institution it was noticed that the following expenditures were made in the short-comings irregularities noted against each were noticed which should be explained & justified along with documentary proof.

Ch. No. & Dt.	Particulars	Amount	Observations
0081053 24.10.09	Repair of machinery	450/-	No demand from stock Incharge was produced. No APR of the dealer was produced to audit. Satisfactory work report of school committee was not obtained.
0081062 26.5.09	Purchase of Stationary	530/-	No demand from stock Incharge was produced. No APR of the dealer was produced to audit. No stock entry was shown to audit.
0081053 24.10.09	Purchase of Stationary	500/-	-do-
0081062 26.5.09	Repair of machinery	475/-	No demand from stock Incharge was produced. No APR of the dealer was produced to audit. Satisfactory work report of school committee was not obtained.
-do-	Repair of furniture	950/-	No demand from stock Incharge was produced. No APR of the dealer was produced to audit. Satisfactory work report of school committee was not produced to audit.

P-4 **LESS ACCOUNTAL OF RS. 1785/- IN TO PUPIL FUND REGISTER.**

During the course of audit it was noticed that the following amount was realized from the students on account of admission fee etc; but the amount was less accounted in the P/Fund register. Hence the amount in question may be recovered from the person at fault and accounted in P/Fund under intimation to this office.

Month	Class	Amount realized	Amount accounted	Less Accountal of
9/08	9th	P/Fund of 04 students. 200x4= 800/-	---	800/-
5/09	7th	Rs. 500/-	Rs. 200/-	300/-
12/09	8th	Rs. 600/-	Rs. 250/-	350/-
9/09	10 th -A	Rs. 2330/-	Rs. 2290/-	40/-
9/09	10 th -B	Rs. 2730/-	Rs. 2640/-	90/-
6/10	9 th -B	Rs. 670/-	Rs. 660/-	10/-
6/10	10th	Rs. 680/-	Rs. 485/-	1785/-
Total				

P-5 **IRREGULAR/ DOUBTFUL EXPENDITURE OF RS. 32268/- OUT OF P/FUND.**

During the course of audit it was noticed that in the month of September 2008, Ex-HM left Rs. 32050/- as cash in hand which was realized from the students as P/fund, by closing the said month with nil expenditure. The present DDO after taking over charge made cutting over writing in the totaling of said month had shown a sum of Rs. 32268/- expended on the following items which is highly doubtful on the above mentioned sole ground as well as grounds mentioned against each on the part of DEO.

Mr. Gul Zaman, Headmaster (BS-17),
 Government High School, Hayatabad, Peshawar.

Month	Particulars.	Fund.	Amount.	Observations.
7/08	Purchase of English & Urdu answer sheet for test of fresh candidates.	Exam:	3000/-	The new comer students usually bring answer sheet with themselves and Q/Paper has been recorded on black board. When the DM concerned was asked to produce a copy of printed Q/Paper as well as number of students appeared for test in 6 th class admission he failed to do so which clearly shows that the amount in question was mis-appropriated.
-do-	Printing of Q/Paper for test of fresh candidates.	-do-	3000/-	-do-
-do-	Purchase of Ball point.	-do-	90/-	-do-
-do-	Purchase of File Cover	-do-	72/-	-do-
-do-	White Paper.	-do-	350/-	-do-
-do-	Students Attendance Register	-do-	300/-	In the absence of demand, APR and stock entry the expenditure so made cannot be considered as valid & likely to be appropriated.
-do-	Teachers attendance register.	-do-	100/-	-do-
-do-	Water Set.	-do-	400/-	The expenditure is not only illegitimate but also no demand, APR & stock entry was shown which clearly reflected that the amount in question was mis-appropriated.
-do-	Chai Josh	-do-	330/-	The expenditure is not only illegitimate but also no demand, APR & stock entry was shown which clearly reflected that the amount in question was mis-appropriated.
-do-	Tea Set	-do-	500/-	The expenditure is not only illegitimate but also no demand, APR & stock entry was shown which clearly reflected that the amount in question was mis-appropriated.
-do-	Repair of Type Writer Machine.	-do-	600/-	The expenditure is not only illegitimate but also no demand, APR & stock entry was shown which clearly reflected that the amount in question was mis-appropriated.
-do-	Wall clock	Sports.	180/-	-do-
-do-	Brooms.	-do-	240/-	-do-
-do-	Tube Light	-do-	1500/-	-do-
-do-	Electric Wire	-do-	1200/-	-do-
-do-	Balti.	-do-	600/-	-do-
-do-	Repair of fans.	-do-	3000/-	-do-
-do-	Dust Bin.	-do-	1400/-	-do-
-do-	Phynile	-do-	360/-	-do-
-do-	Soap.	-do-	240/-	-do-
-do-	Aid to Poor students.	Poor.	3000/-	Application of students were not recommended by the Form Master. Application was written by DM on his own hand writing. Signature of the students on the body of said application seems fictitious/hogus. Aid was made to the students of 10 th class only which otherwise reflects that there was no poor student in rest of the classes.
-do-	Cloth for poor students	-do-	6000/-	-do-
-do-	Purchase of first aid medicines.	Medical	5000/-	Short quantity of medicines are purchased in every school to be used as first aid but purchase of such a huge quantity of medicines is doubtful. The doubtfulness of the said purchase has further been authenticated by not maintaining stock/ consumption account of said medicines which otherwise reflects that the amount in question was mis-appropriated.

Zaman, Headmaster (BS-17),
 ment High School, Hayatabad, Peshawar.

IRREGULAR EXPENDITURE ON ACCOUNT OF ILLEGITIMATE CHARGES

During the course of audit it was noticed that the following illegitimate items were purchased out of P/Fund

Month.	Amount.	particulars.
10/08	1000/-	Repair of Grass Cutter
-do-	1000/-	Gutter Safai
-do-	850/-	Purchase of Urea for plants.
-do-	360/-	Purchase of one Dozen Bulbs.
-do-	400/-	Four number office stamps.
-do-	1200/-	Canning of Chairs.
-do-	500/-	Purchase of Tharmas.
-do-	1000/-	Purchase of Gamlas.
-do-	800/-	Purchase of Tootia
-do-	600/-	Purchase of Steel Pipe.
-do-	2000/-	Purchase of Plastic Pipe.
-do-	300/-	Purchase of Belcha.
-do-	500/-	Purchase of Table Glass.
-do-	200/-	Purchase of Cloth for table.
-do-	400/-	Purchase of Locks (5 number)
-do-	200/-	Purchase of Typewriter Ribbon.
-do-	1200/-	Purchase of 02 Gallan Paints.
-do-	800/-	Purchase of 02 Calculators.
-do-	600/-	Purchase of 02 Staplers.
-do-	1000/-	Purchase of Stationary/ photo state charges.
-do-	1800/-	Purchase of 03 Gallan Paints.
-do-	200/-	Purchase of 02 number Brush.
-do-	400/-	Purchase of Tube for handcart.
11/08	1200/-	Purchase of Red colour paint for Gamlas.
-do-	600/-	Purchase of Plastic Lotas.
12/08	1000/-	Repair of main switch
-do-	900/-	Purchase of Daranti. Kurpa.
-do-	1200/-	Repair of Water pump.
-do-	300/-	Purchase of Cement.
-do-	300/-	Purchase of Totis.
-do-	480/-	Purchase of Rassi.
-do-	1000/-	Purchase of Flower Plants.
1/09	2000/-	Purchase of Purchase of Narangi Plants.
-do-	2000/-	Purchase of Rose Flower Plants.
-do-	500/-	Purchase of Purchase of Flower plants.
-do-	200/-	Purchase of Seed of flowers
-do-	560/-	Purchase of 08 number Locks.
-do-	440/-	Purchase of two number Bolts.
-do-	1000/-	Purchase of Electrical articles.
-do-	1800/-	Purchase of Sui Gas Choolha.
-do-	300/-	Purchase of Wall Clock.
-do-	1000/-	Monthly test.
2/09	2000/-	Repair of Water Pump
-do-	1800/-	Welding charges.
-do-	2400/-	Repair of Desks.
-do-	1100/-	Purchase of Charts.
-do-	1300/-	Purchase of pictures of Akabireen.
-do-	600/-	Repair of Grass Cutter.
-do-	450/-	Purchase of Scissor.
-do-	500/-	Purchase of Urea for Plants.
-do-	500/-	Repair of Exhaust machine.
-do-	200/-	Purchase of Table Stones.
-do-	1415/-	Purchase of Stationary.
4/09	240/-	Purchase of Brooms.
-do-	1800/-	Repair of Fans.
-do-	3000/-	Purchase of Glasses for class room windows.
-do-	600/-	Repair of Typewriter machine.

-do-	1000/-	Repair of Electricity meter.
-do-	1200/-	Repair of Electric Water Machine.
-do-	600/-	Purchase of Tube Lights.
-do-	1200/-	Repair of Main gate of the school.
-do-	500/-	Purchase of Acid for Toilet.
-do-	3000/-	Purchase of Water Cooler.
-do-	100/-	Purchase of Rabar Band.
-do-	500/-	Purchase of Spirit for Laboratory.
5/09	480/-	Purchase of 06 number locks.
-do-	2000/-	Purchase of Lime for two class rooms.
-do-	2000/-	Repair of Desks.
-do-	2000/-	Repair of Benches.
-do-	1200/-	Purchase of two box paints.
-do-	1000/-	Mazdoori of paint etc.
-do-	1000/-	Purchase of Pattis.
-do-	300/-	Labour charges of carpenter.
-do-	1200/-	Repair of two number exhaust machine.
-do-	400/-	Purchase of Dusters for black board.
-do-	500/-	Purchase of Chalk.
6/09	1000/-	Purchase of Electrical items.
-do-	1500/-	Purchase of sanitary articles.
-do-	1000/-	Purchase of Jali.
-do-	3000/-	Repair of Three number windows.
7/09	3000/-	Purchase of Plants.
8/09	520/-	Purchase of electrical items.
12/09	500/-	Purchase of seeds of plants.
-do-	360/-	Purchase of brooms.
-do-	300/-	Repair of Handcart.
-do-	400/-	Purchase of Locks.
-do-	360/-	Purchase of Electric items.
-do-	280/-	Purchase of Plugs.
-do-	720/-	Purchase of Sanitary items.
1/10	2000/-	Purchase of Flower Plants.
-do-	1000/-	Purchase of Urea for plants.
-do-	1200/-	Purchase of Gamlas/ plants. (40 number).
-do-	1000/-	Purchase of Electric items.
-do-	2050/-	Purchase of Destember.
-do-	500/-	Repair of Loud Speaker.
-do-	2500/-	Purchase of Plastic Pipe.
-do-	1100/-	Purchase of Paint for Gamlas.
-do-	500/-	Purchase of Glass
2/10	600/-	Purchase of Cement.
-do-	1000/-	Labour Charges.
-do-	2000/-	Repair work in Bath Room.
-do-	3000/-	Wood Work at office.
-do-	2000/-	Car Panter Labour charges.
-do-	2100/-	Purchase of 03 Gallan Paint.
-do-	240/-	Purchase of 02 number brush.
4/10	560/-	Repair of Grass Cutter Machine.
-do-	890/-	Repair of Main Gate Bolt.
-do-	1020/-	Purchase of Urea for plants.
-do-	950/-	Purchase of Water Set.
-do-	2100/-	Purchase of Dust Bin.
-do-	720/-	Purchase of 06 number locks.
-do-	1150/-	Repair of Water pump.
5/10	750/-	Repair of handcart.
-do-	425/-	Purchase of Scissor.
-do-	3000/-	Purchase of 05 number Water Cooler.
-do-	900/-	Purchase of Dust Bin (06 numbers)
-do-	200/-	Purchase of Duster Cloth.
-do-	720/-	Purchase of 24 number brooms.
-do-	160/-	Repair of Water pump.
-do-	600/-	Purchase of 06 number locks.
-do-	300/-	Sharping of Grass Cutter Machine.

-do-	1200/-	Repair of 02 Exhaust fans.
-do-	990/-	Purchase of 03 bags cement.
-do-	1500/-	Labour charges.
-do-	1050/-	Purchase of Gamlas.
6/10	3000/-	Repair of 06 fans.
-do-	1300/-	Repair of Loud Speaker.
-do-	543/-	Purchase of Tyre Tube for Handcard.
-do-	1200/-	Purchase of Tea Cups.
-do-	1325/-	Purchase of Sanitary items.
-do-	1475/-	Repair of Electric Water Cooler.
-do-	760/-	Purchase of 06 Tube Light.
-do-	198/-	Purchase of Plastic Glass.
-do-	1250/-	Purchase of Glass for table.
-do-	2500/-	Repair of Benches.
-do-	2500/-	Repair of Desks.
7/10	2500/-	Repair of Benches.
-do-	2500/-	Repair of Desks.
-do-	500/-	Purchase of Cloth for table.
-do-	1123/-	Purchase of Office table calendar.
-do-	240/-	Purchase of Glasses.
-do-	2980/-	Purchase of Glass for class room windows.
-do-	1230/-	Repair of Water pump.
-do-	980/-	Purchase of Urea for plants.
-do-	2900/-	Purchase of Wood for repair work.
-do-	600/-	Purchase of Paint.
-do-	105/-	Purchase of Brush.
8/10	900/-	Purchase of 30 Gamlas.
-do-	1200/-	Purchase of Paint for gamlas.
-do-	2995/-	Purchase of Plants.
-do-	3000/-	Purchase of Cloth for Pardas.
-do-	650/-	Purchase of Belcha.
-do-	3000/-	Purchase of bricks.
-do-	500/-	Purchase of Cement.
-do-	1800/-	Repair of 30 Chairs.
-do-	1300/-	Purchase of Paint for main gate.
-do-	500/-	Labour charges.
-do-	1500/-	Purchase of electric charges.
9/10	300/-	Purchase of Plastic Lotay.
-do-	1300/-	Purchase of Electric items.
-do-	1000/-	Purchase of Chalk.
-do-	360/-	Purchase of brooms.
-do-	800/-	Purchase of Tooti.
-do-	240/-	Purchase of Glasses.
10/10	900/-	Purchase of Pipe for Sui Gas.
-do-	1200/-	Repair of 02 exhaust fans.
-do-	660/-	Purchase of 02 bags cement.
-do-	1000/-	Labour charges.
-do-	600/-	Purchase of 03 Dust Bin.
-do-	400/-	Purchase of 04 locks.
-do-	3000/-	Purchase of 03 Plastic Mats.
-do-	1200/-	Purchase of 02 Gallan Paint.
-do-	1300/-	Labour charges of Toilet Cleaner.
-do-	1950/-	Repair of Computer.
11/10	300/-	Purchase of 02 Towels.
-do-	4000/-	Purchase of 04 Plastic Mats.
-do-	2610/-	Repair of Steel Reeling.
-do-	1000/-	Repair of Computer Scanner.
-do-	1200/-	Repair of Water pump.
1/11	2000/-	Purchase of Flower plants.
-do-	3000/-	Purchase of Spray for plants.
-do-	500/-	Repair of Grass Cutter machine.
-do-	2400/-	Repair of 04 fans.
-do-	1000/-	Purchase of electric board.
3/11	1500/-	Purchase of Telephone Set.

aman, Headmaster (BS-17),
nt High School, Hayatabad, Peshawar.

... AUTHORITY

-do-	460/-	Purchase of File Covers.
-do-	700/-	Purchase of Ink for Printer.
-do-	800/-	Purchase of 08 locks.
-do-	1600/-	Purchase of Energy Saver Bulbs.
-do-	900/-	Repair of Water Pump.
-do-	480/-	Purchase of 12 Brooms.
4/11	300/-	Purchase of Wapper.
-do-	260/-	Purchase of 02 Brush.
-do-	440/-	Purchase of 04 Bib Cock.
-do-	910/-	Purchase of 13 Work Books.
-do-	720/-	Purchase of Attendance Register.
-do-	360/-	Purchase of Copies for Monitors.
-do-	2000/-	Purchase of Chalk.
-do-	800/-	Purchase of Lime & Brush.
-do-	2400/-	Purchase of Paint.
-do-	1500/-	Labour charges of Pain/ Lime.
5/11	4500/-	Repair of 06 fans.
-do-	1900/-	Expenditure on PTC meeting.
-do-	2000/-	Expenditure on PTC Election.
-do-	2640/-	Purchase of Electric items.
-do-	720/-	Purchase of 08 Dust Bin.
-do-	1000/-	Labour charges of main gutter.
-do-	2920/-	Purchase of Gamlas.
6/11	3600/-	Purchase of Lasani for HM office.
-do-	400/-	Fare charges.
-do-	500/-	Labour charges of carpenter.
-do-	500/-	Expenditure on election office.
-do-	3000/-	Purchase of Plastic pipe.
Total.	251614/-	

- The audit objection on the purchase of above items are as under:-
P/ Funds are collected for the welfare of students i.e providing them facilities on the eve of examinations, sports activities, scout activities, aid to very poor students etc; but contrary to the above the HM/DDO concerned spent a sum of Rs. 251614/- leviously on the purchase of above items which are not allowed to be purchased out of P/ Funds.
- The above items were not taken on the stock register nor its consumption was shown in the audit which clearly reflects that the purchase is fictitious/ bogus and the amount was likely to be mis-appropriated.
- Only bill of the dealers on the cash Memo: of different shop keepers in support of the above purchase were available but surprisingly all the bills were of one & the same hand writing i.e the hand writing of HM concerned.
- There was not a single demand of the concerned for the purchase of above items was available on record nor any committee constituted for the survey of repair work.
- There was sufficient allocation under PTC fund to the HM and he can easily purchase/ repair the above out of PTC fund but the HM concerned best known by him choose the wrong funds for the purchase/ repair of above items.
- From the above observations its clearly reflects that the above items were not purchased separately huge amount of Rs. 251614/- was mis-appropriated.

P-6. IRREGULAR EXPENDITURE OUT OF P/FUND ON ACCOUNT OF PURCHASE OF PERISHABLE ITEMS.

During the course of audit it was noticed that the following perishable items were frequently purchased out of P/Fund for use of Headmaster concerned.

S.No.	Month.	Item purchased.	Amount.
1	10/2008.	Purchase of 02 Towels.	240/-
	10/08	Purchase of Phynile.	118/-
2	12/08	Purchase of Phynile.	360/-
3	1/09	Purchase of Towel/ Soap.	154/-
4	1/09	Purchase of Phynile.	360/-
5	-do-	Purchase of Office Spray.	150/-

6.	4/09	Purchase of Dettol Soap.	200/-
7.	-do-	Purchase of Phynile.	160/-
8.	5/09	-do-	240/-
9.	8/09	Purchase of Tissue Paper/ Soap.	240/-
10.	9/09	Purchase of Phynile.	160/-
11.	11/09	Purchase of Phynile.	180/-
12.	12/09	Purchase of Phynile.	160/-
13.	-do-	03 Dettol Soap.	120/-
14.	-do-	Air Fresher Spray.	100/-
15.	1/2010	-do-	180/-
16.	-do-	Purchase of Phynile.	180/-
17.	-do-	Purchase of 06 Soap.	240/-
18.	2/10	Purchase of Phynile.	180/-
19.	-do-	Purchase of Air Fresher Spray.	180/-
20.	4/10	Purchase of Phynile.	206/-
21.	-do-	Air Fresher Spray.	200/-
22.	-do-	Purchase of Dettol Soap.	109/-
23.	5/10	Purchase of Phynile.	200/-
24.	-do-	Dettol Soap.	100/-
25.	-do-	Air Fresher Spray.	300/-
26.	6/10	Purchase of 06 Lux Soap.	240/-
27.	-do-	Purchase of Phynile.	200/-
28.	-do-	Purchase of Dettol Soap.	100/-
29.	-do-	Purchase of Air Fresher Spray.	300/-
30.	7/10	Purchase of Phynile.	200/-
31.	-do-	Purchase of Dettol Soap.	100/-
32.	-do-	Purchase of Air Fresher Spray.	300/-
33.	-do-	Purchase of Spray (mosquitos)	400/-
34.	8/10	Purchase of Phynile.	200/-
35.	-do-	Purchase of Air Fresher Spray.	300/-
36.	-do-	Purchase of Dettol Soap.	100/-
37.	9/10	Purchase of Dettol Soap.	100/-
38.	-do-	Purchase of Air Fresher Spray.	300/-
39.	-do-	Purchase of Phynile.	200/-
40.	-do-	Purchase of Lux Soap.	120/-
41.	-do-	Purchase of Tissue Paper.	450/-
42.	10/10	Purchase of Dettol.	100/-
43.	-do-	Purchase of Air Fresher Spray.	300/-
44.	-do-	Purchase of Phynile.	200/-
45.	-do-	Purchase of Lux Soap.	120/-
46.	-do-	Purchase of Tissue Paper.	450/-
47.	11/10	Purchase of Air Fresher Spray.	320/-
48.	-do-	Purchase of Dettol.	100/-
49.	-do-	Purchase of Phynile.	200/-
50.	-do-	Purchase of Tissue Paper.	160/-
51.	11/10	Purchase of 2 Towels.	300/-
52.	-do-	Purchase of Tissue Paper.	160/-
53.	-do-	Purchase of Dettol.	100/-
54.	-do-	Purchase of Air Fresher Spray.	320/-
55.	-do-	Purchase of Phynile.	200/-
56.	12/10	Purchase of Phynile.	200/-
57.	-do-	Purchase of Air Fresher Spray.	160/-
58.	1/11	Purchase of Phynile & Air Fresher Spray.	360/-
59.	3/11	Purchase of 2 Towels.	600/-
60.	-do-	Purchase of Phynile.	200/-
61.	-do-	Purchase of Air Fresher Spray.	240/-
62.	-do-	Purchase of Lux Soap.	240/-
63.	4/11	Purchase of Phynile.	480/-
64.	-do-	Purchase of Air Fresher Spray.	240/-
65.	-do-	Purchase of Soap.	240/-
66.	-do-	Purchase of Spray of Mosquitos.	240/-
67.	5/11	Purchase of Phynile.	600/-
68.	-do-	Purchase of Air Fresher Spray.	360/-
69.	6/11	Purchase of Phynile.	600/-

Mr. Gul Zaman, Headmaster (BS-17),
Government High School, Hayatabad, Peshawar.

	Purchase of Air Fresher Spray..	360/-
	Purchase of 06 Soap..	240/-
Total		16857/-

- The audit objection on the purchase of perishable items are as under:-
1. Funds are collected for the welfare of students i.e providing them facilities on the eve of examinations, sports activities, scout activities, aid to very poor students etc; but contrary to that the HM/DDO concerned spent a sum of Rs. 16857/- on the purchase of above perishable items which are not allowed to be purchased out of P/Fund.
 2. The above items were not taken on the stock register nor its consumption was shown to the audit which clearly reflects that the purchase is fictitious/ bogus and the amount was likely to be misappropriated.
 3. Only bill of the dealers on the cash Memo of different shop keepers in support of the above purchase were available but surprisingly all the bills were of one & the same hand writing i.e the hand writing of HM concerned.

P-7. IRREGULAR EXPENDITURE ON ACCOUNT OF REPAIR OF CYCLE.

During the course of audit it was noticed that the following expenditure was made out of P/Fund on account of repair of school cycle.

S.No.	Month..	Amount.
1.	12/08	760/-
2.	12/09	1000/-
3.	6/10	987/-
	Total	2687/-

1. It has come to the knowledge of the audit that the school cycle is occupied by one school teacher for the last 4/5 years and he bring the said cycle to his home.
2. Only bill in support of expenditure was available on record.
3. No demand of any school official available on record for the repair of cycle.
4. Usually a committee has been constituted by the DDO to check the repair work and report to the DDO for clearance of bill/ payment to dealer but contrary to above no committee has been constituted for the purpose.
5. No history sheet was maintained by the DDO/HM.
6. The hand writing in fund register and bill available in support of expenditure was one and the same which created highly doubts on the part of DDO.
7. From the above it has clearly been reflected that the amount in question has been mis-appropriated by the DDO concerned.

P-8. IRREGULAR EXPENDITURE ON ACCOUNT OF PURCHASE OF STATIONARY/PRINTING CHARGES.

During the course of audit it was noticed that the following amounts were drawn from R/Fund on account of test for admission in class 6th & 9th. This practice has not been adopted by any institution throughout the province. The new comer students usually bring answer sheet with themselves and O/Paper has been recorded on black board. When the HM concerned was asked to produce a copy of printed O/Paper as well as number of students appeared for test in 6th/9th classes admission he failed to do so which clearly shows that the amount in question was mis-appropriated.

S.No.	Month..	Amount.
1.	3/09	6500/-
2.	4/10	11100/-
3.	Total	17600/-

P-9. IRREGULAR EXPENDITURE ON ACCOUNT OF AID TO STUDENTS OUT OF P/FUND.

During the course of audit it was noticed that the following amounts were drawn from P/Fund on account of aid to poor students.

S.No.	Month	Amount.	Observations.
1.	10/08	3000/-	Application of students were not recommended by the Exam. Master. Application was written by HM on this date.

			own hand writing. Signature of the students on the body of said application seems fictitious/bogus. Aid was made to the students of 10 th class only which otherwise reflects that there was no poor student in rest of the classes.
		3000/-	-do-
11/08		3000/-	-do-
4/09		1500/-	-do-
5/09		450/-	-do-
-do-		2000/-	
1/10		7250/-	
6	Total		
7			

P-10. IRREGULAR EXPENDITURE ON ACCOUNT OF PURCHASE OF MEDICINES OUT OF P/ FUND.

During the course of audit while checking the P/ fund record it was noticed that the following medicines were purchased out of P/ fund.

S.No.	Month	Amount.
		2260/-
1.	10/08	2480/-
2.	4/09	760/-
3.	5/09	1500/-
4.	4/10	1500/-
5.	5/10	532/-
6.	6/10	9032/-
7.	Total.	

- The audit observations are as under:-
1. Short quantity of medicines are purchased in every school to be used as first aid but purchase of such huge quantity of medicines is doubtful.
 2. The doubtfulness of the said purchase has further been authenticated by not maintaining stock consumption account of said medicines which otherwise reflects that the amount in question was appropriated.

P-11. SCHOOL CANTEEN.

During the course of audit it was noticed that a canteen is running in the premises of school and currently a sum of Rs. 3500/- has been received as monthly rent from the owner of the canteen. Audit noticed the following irregularities in the running of the said canteen.

1. No agreement deed on Judicial Stamp Paper has been obtained from the owner of the canteen regarding settlement of terms & conditions.
2. In the absence of agreement deed the rent of canteen amounting to Rs. 3500/- P/ fund has not been authenticated by the audit.
3. The Sui Gas of the school has been used by the canteen as there is no separate meter for canteen but bill has been paid by the HM through Govt. Budget & P/ fund.
4. The rent of canteen has been deposited into P/ fund instead of Govt. Treasury, hence the whole amount collected on account of rent of canteen may be calculated from the HM/ DDO and deposited into Govt. Treasury through challan under intimation to this office.

P-12. P/CAPTA FUND.

While checking the said fund record it was noticed that the following amounts were allocated to the school.

S.No.	Year.	Total budget	MPA fund.	Expenditure.	Balance.
		78021/-	---	78021/-	---
1.	2007-08	78021/-	---	74650/-	39819-4373-40182/-
2.	2008-09	74650/-	100000/-	134831/-	267437/-
3.	2009-10	74650/-	175000/-	---	---
4.	2010-11	52255/-	---	---	---

Mr. Gul Zaman, Headmaster (BS-17),
Government High School, Hayatabad, Peshawar.

Violated the rule of PTC fund

- 1. A committee comprising only four members i.e. Chairman Kabal Jan, Secretary HM and two other members has allegedly been constituted.
- 2. Except the HM no other member of the school staff has been incorporated in the committee.
- 3. Mr. Kabal Jan (Chairman) of the committee do not resides in Hayat Abad and reportedly a close friend of the HM.
- 4. The signatures of the Chairman recorded on PTC fund register and taken by the audit committee at the eve of internal audit do not tally to each other which otherwise reflects that the signatures of the Chairman recorded on PTC register are bogus.

5. As per instruction given at S.No. 12 in PTC fund

P-13. Fund Position on 30.6.2011.

S.No	Name of fund:	Amount
1	Sports	418/-
2	Examination	2909/-
3	Poor	2055/-
4	Medical	413/-
5	Scout	20338/-
6	R/C	748/-
	Total	123070/-

Amount in Bank. 123070/-
Cash in hand. Nil

Green
AUDIT CONDUCTED BY:-

6. Exp. _____
7. PTC stock register

Sd/-
Executive District Officer (S&L)

(MUSHARAF ALI)
ASSISTANT DIRECTOR (F&A)
ATTAULLAH JAN
SUPDT: (F&A) BRANCH
(ABDUL GHAFAR)
J/CLERK (F&A) BRANCH

Endst:No. _____

Dated Peshawar the _____

Copy of the above is forwarded to the:-
1. Section Officer

- 1. Executive District Officer(S&L) Peshawar.
- 2. Headmaster GHS Hayat Abad Peshawar with the remarks to submit detailed & convincing reply to the audit note in annotated form duly supported by documentary proof, within ten days of the receipt of audit note.

Deputy Director (F&A)
(E&SE) Khyber Pakhtunkhwa
Peshawar.

SECRETARY (S&L) (SIR AKHTAR)
KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Master (BS-17),
Hayatabad, Peshawar.

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

Service Appeal No.351/2013

Mr. Gul Zaman

V/S

Education Department

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-10) All objections raised by the respondents are incorrect. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

1. Admitted correct by the respondents, so no comments.
2. Incorrect, while Para-2 of the Appeal is correct. Moreover, as no loss occurred to the Government, therefore, the punishment is without any legal ground.
3. Partially admitted correct. However, it is added that no embezzlement has been pointed out and also loss to the government treasury. It is also pertinent to mention here that in the said accommodation, presently one Director Education is residing which is also in irregularity but no action has been taken against him.
4. Incorrect, while Para-4 of Appeal is correct.
5. Admitted correct by the respondents, so no comments.
6. Incorrect, the appellant has valid cause of action and his appeal is entertainable on the following grounds:

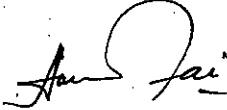
GROUND:

- A) Incorrect, while Para-A of appeal is correct.
- B) Incorrect. The appellant has been condemned unheard. Moreover, as there is no ill intention on the part of the appellant, therefore, he deposed truth and nothing else.
- C) Incorrect, while Para-C of appeal is correct.
- D) Incorrect and not replied according to the contents of Appeal, therefore, Para-D of the appeal is correct.
- E) Incorrect, while Para-E of appeal is correct.
- F) Incorrect, while Para-F of appeal is correct. No period has been fixed under the law and rules.
- G) Incorrect, while Para-G of appeal is correct.
- H) Incorrect, while Para-H of appeal is correct.
- I) Incorrect, while Para-I of appeal is correct.
- J) Legal.

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

APPELLANT
Gul Zaman

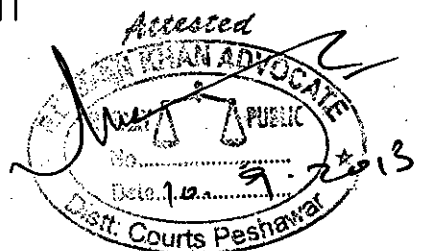
Through:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

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


DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 351/2012

Gul Zaman, Ex- Headmaster, GHS Hayatabad,
Peshawar. ...

(Appellant)


VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others.... (Respondents).
APPLICATION FOR EARLY HEARING INSTEAD OF 1.1.2014.

RESPECTFULLY SHEWETH

1. That the above mentioned Service Appeal was fixed for arguments on 30.10.2013, on which the Hon'ble Member Mr. Sultan Mahmood Khattak was on official tour to D.I.Khan.
2. That next date was fixed as 1.1.2014 for submission of arguments.
3. That pension case of the appellant is pending since 1.12.2012 and the appellant is pressing hard for the same.

It is, therefore, requested that the date for submission of rejoinder may very kindly be fixed as early as possible instead of 1.1.2014 and oblige.


APPELLANT
29/8/13

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 351/2013

Gul Zaman, Ex-Headmaster, GHS Hayatabad,
Peshawar.

... (Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary,
Peshawar and others. ... (Respondents)

APPLICATION FOR TRANSFER OF THE CASE TO HON'BLE
FINAL BENCH-II.

RESPECTFULLY SHEWETH

1. That the above mentioned appeal has been fixed for 25.10.2013.
2. That case of similar nature vide appeal No. 09/2011, "titled Shahab Hameed
Versus Chief Khyber Pakhtunkhwa" is pending adjudication before the Hon'ble
Final Bench-II.

It is, therefore, humbly prayed that on acceptance of the application, my
service appeal No. 351/2013 may very graciously be transferred to Hon'ble Final
Bench-II.

*No objection on
the subject of application*

[Signature]
29/10/12
S.S.G.P.

[Signature]

(GUL ZAMAN)
RETIRED HEADMASTER
GHS HAYATABAD, PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 351/2013

Gul Zaman

Versus

Secretary, E&SE KPK etc.

APPLICATION FOR EARLY HEARING INSTEAD OF 25.3.2014.

RESPECTFULLY SHEWETH

1. That the above mentioned Service Appeal was fixed for arguments on 2.12.2013. On the date fixed, one of the Hon'ble Members was on leave and arguments could not be heard.
2. That next date was fixed as 35.3.2014 for submission of arguments before the Final Bench-II.
3. That the appellant has been retired from service on the age of supperannuation and his pension case is still pending.

It is, therefore, requested that the date for submission of arguments may very kindly be fixed as early as possible instead of 25.3.2014 and oblige.

Dated. 9.12.13

(GUL ZAMAN)
APPELLANT



OFFICE OF THE DIRECTOR (E&SE) KHYBER PAKHTUNKHWA
PESHAWAR.



NO DEMAND CERTIFICATE.

In pursuance of Internal/ Final Audit Report and No Liability certificate issued by Executive District Officer (E&SE) Peshawar it is certified that nothing is outstanding against Mr. Gul Zaman Headmaster GHS Hayat Abad Peshawar retired from Government Service W.E.From 30.11.2012.

This certificate is issued for the purpose of pension and is without prejudice to any Government Claim that may subsequently be proved against the officer concerned through any disciplinary proceedings or civil suit.

**DIRECTOR ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA
PESHAWAR.**

Endst.No. 525-29 /P-7/Deptl:/GHS Hayat Abad Peshawar/ DD(F&A)

Dated Pesh: the 6/2 /2013

Copy forwarded to the:-

1. District Education Officer (male) Peshawar.
2. District Accounts Officer Peshawar.
3. Headmaster GHS Hayat Abad Peshawar.
4. D.A. Pension, Local Directorate.
5. PA to Director (E&SE) Khyber Pakhtunkhwa Peshawar.

11
6/2/13
DEPUTY DIRECTOR (F&A)
(E&SE) KHYBER PAKHTUNKHWA
PESHAWAR.

A.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 375 /ST

Dated 24 / 03 / 2015

To


The Secretary,
Education Department (E&SE)
Civil Secretariat, Peshawar.

Subject: - APPEAL NO. 351/2013 GUL ZAMAN VS CHIEF SECRETARY, CIVIL SECRETARIAT PESHAWAR AND OTHERS.

I am directed to forward herewith a certified copy of Judgement dated 05.03.2015 passed by this Tribunal on subject appeal for strict compliance.

Encl: As above

e/c


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

Ist Set



Deduction detail of school residency GHS Hayat Abad, Peshawar.

1. Deduction from Mr. Tilawat Shah SET (BPS-17) GHS Hayat Abad, Peshawar.

Period			
a) From December 2008 to May 2009	(6 Months)	$\times Rs\ 5257 =$	$Rs\ 31542$
b) From January 2011 to April 2011	(4 Months)	$\times Rs\ 5257 =$	$Rs\ 21028$

Total Period = 10 Months $\times Rs\ 5257 = Rs\ 52570/-$

2- Deduction from Head Master Gul Zaman GHS Hayat Abad, Peshawar.

a) From June 2009 to December 2010 (19 Months)	$\times Rs\ 5812 =$	$Rs\ 110428/-$
--	---------------------	----------------

Net Total Period = 29 Months $Rs\ 162998/-$

Note:-

(ایک لاکھ باسی تین ہزار نو سو اسی نو روپے)

1) The Ex-Head Master Mr. Haq Nawaz vacated the school residency on 30-11-2008(A.N).

2) Now the school residency has been allotted to Mr. Rafiq Khatak Additional Director (Estab ;) E& S Education Khyber PakhtunKhwa, by Directress E&S Education Khyber Pakhtunkhwa, Peshawar

The said Additional Director has occupied the mentioned residency on 01-05-2011.

3) Relevant Pay Rolls attached.

Head Master
GHS Hayat Abad, Peshawar.

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

Service Appeal No.351/2013

Mr. Gul Zaman V/S Education Department
.....

REJOINDER ON BEHALF OF APPELLANT
.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-10) All objections raised by the respondents are incorrect. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

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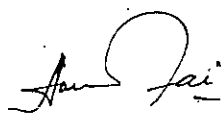
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APPELLANT
Gul Zaman

Through:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

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


DEPONENT

