

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**AT CAMP COURT ABBOTTABAD**

Service Appeal No. 1104/2018

Date of Institution: 05.09.2018

Date of Decision: 18.02.2021

Qismat Khan S/O Muzammil Khan, presently serving as Vice Principal Special Education Complex Abbottabad (BPS-19); Department of Zakat, Ushr, Social Welfare, Special Education & Women Empowerment. ... (Appellant)

**VERSUS**

Chief Minister, Government of Khyber Pakhtunkhwa, Peshawar and Six others. ... (Respondents)

Mr. Siraj Hussain  
Advocate

... For Appellant

Mr. Noor Zaman Khattak,  
Deputy District Attorney

... For Respondents

MRS. ROZINA REHMAN  
MR. ATIQ UR REHMAN WAZIR

... MEMBER (J)  
... MEMBER (E)

**JUDGMENT: -**

**Mr. ATIQ UR REHMAN WAZIR:** - Brief facts of the case are that the appellant while serving as Principal/Superintendent Government Institute for Blind/Deaf School Abbottabad, was proceeded against, alongwith four other employees on the issue of theft of an official vehicle and Show Cause Notice duly served upon the appellant, wherein major penalty of reduction to a lower pay scale for two years as well as recovery of Rs. 140,000/ was tentatively decided to be imposed upon the appellant. The competent authority while imposing such penalty reduced its quantum into minor penalty of censure and recovery of one third of the total amount. Feeling aggrieved, the appellant filed departmental appeal, which was processed at the level of respondents but the minor penalty of censure and recovery of Rs. 140,000/ was maintained, against

which the appellant filed the instant service appeal with prayers that impugned orders dated 19-04-2018 and 30-11-2018 may be set aside.

02. Written reply/comments were submitted by respondents.

03. Arguments heard and record perused.

04. Learned counsel for the appellant contended that the appellant was transferred as Principal/Superintendent to the institute on 08-07-2015 and soon after taking charge, requested the concerned authorities for grant of permission to shift the school to some suitable location being deficient in certain facilities. Inter alia, the building had no parking facility, hence the official vehicles were being parked at another under construction building in the vicinity, but the authorities turned deaf ear over the issue. That as was apprehended, one of the official vehicle bearing registration No. A 1062 model 1986 was stolen from that building on 25-10-2016. FIR to this effect was registered in the concerned police station, but no efforts were made for recovery of the said vehicle, rather disciplinary proceedings were initiated against the appellant as well as two Chowkidar and a driver. Learned counsel for the appellant added that as per findings of the inquiry report, the actual factor for the said incidence was selection of unsuitable building with no parking facility, for which the appellant was not responsible, as he has already informed the authorities well in time. Learned counsel for the appellant contended that finding of the inquiry report clearly spells that the appellant was not responsible for such loss occurred to the institute. Learned counsel for the appellant further contended that two Chowkidars and a driver, who were supposed to be responsible for such loss, were exonerated from the charges, while the appellant was put to task inspite of the fact that he was declared innocent by the inquiry officer and there is no such recommendation in the inquiry/report for imposition of major punishment on the appellant. That such an act on part of the respondents was highly arbitrary. Learned counsel for the appellant argued that no record or any evidence

is available to substantiate the so-called allegations including the act/omission of inefficiency & misconduct baselessly attributed to the appellant. That as is evident from record, the inquiry report declared other factors responsible for the loss/theft and recommended no penalty for the appellant, whereas the Show Cause Notice proposed major penalty of reduction to lower pay scale for two years and recovery of Rs. 140,000/, but the competent authority reduced the tentative major penalty into minor penalty of censure and one third of the above mentioned amount. Learned counsel for the appellant pointed out that the appellant filed revision petition before the competent authority but the same penalty was maintained, which is illegal, unconstitutional, against law and rule. Learned counsel for the appellant prayed that the appellant was not involved in any manner with the occurrence of theft of the said government vehicle nor he was charged for the same, hence both the impugned orders dated 09-04-2018 and 30-11-2018, which has been passed in sheer violation of law, may be set aside.

05. Learned District Attorney appeared on behalf of official respondents contended that a proper inquiry was conducted against the appellant and others, the appellant was charge sheeted and show cause notice served upon him, to which he responded accordingly. Learned District Attorney contended that the appellant was afforded opportunity of personal hearing and after fulfilling all the codal formalities, the appellant was awarded penalty as per law and rule. Learned District Attorney, however conceded to the fact that there was no parking facility in the said school and it was one of the main factors behind theft of the said vehicle, which was beyond control of the appellant. Learned District Attorney did not press opposing contentions of the appellant.


06. We have heard learned counsel for the parties and perused the record. Record reveals that the appellant after taking over charge of the said school, taken up the issue of shifting of such school to any other locality, as it was beyond control of the appellant to shift the school by himself. Findings of the inquiry report suggested multiple factors responsible for theft of the said vehicle, prime of whom was hiring of building without

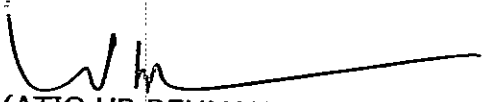
parking facility, which was declared the main factor behind theft of the said vehicle. It was also noted that parking arrangement of the stolen vehicle in an unsafe place existed well before incumbency of the appellant and which continued unabated during tenure of the appellant, as there was no other option available for him. Record reveals that there was only one driver looking after two vehicle as well as providing pick and drop facility to the handicapped students. Only one Chowkidar was available, who was supposed to look after the main building and the other Chowkidar was on long leave, which shows that the said school was lacking in basic facilities, which were beyond control of the appellant. The inquiry report encompass and divide responsibilities among vigilance committee, Director Social Welfare and Deputy Commissioner Office with least responsibility assigned to the appellant, but record is silent as to whether any action was taken against other stakeholders or not. It was also noted that the respondents instead of searching the vehicle, adopted an easy way by initiating action against the staff and that too in a sketchy manner, as the charges/allegations against the accused government functionaries are the same and general in nature and not specific as otherwise required for them being holder of different categories of posting/positions. Moreover, the stolen vehicle having completed more than 30 years of service was not worth retention given the depreciation factor. As such, it should have been declared condemned and disposed earlier. In a situation, where no parking facility was available in the building and the ancillary staff was deficient, the appellant agitated the issue well before the occurrence before the competent authority, which made his case strong in shifting the burden to the competent authority, but the competent authority instead of realizing their own responsibilities, only fulfilled the codal formalities and initiated proceedings in a customary manner, which essentially was required to be focused on recovery of the vehicle and which is not recovered till date. We did not find any clue to lead us to the conclusion that the penalty imposed upon the appellant was justified, rather recommendations of the inquiry officer mainly emphasized upon bringing

improvement in overall structure of the institute and this might be one of the factor that the competent authority reduced major penalty into minor penalty of censure and recovery of the amount, which too is not justifiable, as being superintendent of the institute, he already brought the issue into the notice of the competent authority time and again well before the said incidence and it was beyond control of the appellant to shift the school to some other locality or to hire an additional Chowkidar for the purpose. We have also noticed that other co-accused were exonerated of the charges for the reasons of deficient facilities, but the appellant was left with the stigma, which was not warranted.

07. In view of the situation, the instant appeal is accepted and the impugned orders dated 19-04-2018 and 30-11-2018 are set aside. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
18.02.2021

  
(ROZINA REHMAN)  
MEMBER (J)  
Camp Court, Abbottabad

  
(ATIQ UR REHMAN WAZIR)  
MEMBER (E)  
Camp Court, Abbottabad

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**AT CAMP COURT ABBOTTABAD**

Service Appeal No. 1104/2018

Date of Institution: 05.09.2018

Date of Decision: 18.02.2021

Qismat Khan S/O Muzammil Khan, presently serving as Vice Principal Special Education Complex Abbottabad (BPS-19), Department of Zakat, Ushr, Social Welfare, Special Education & Women Empowerment. ... (Appellant)

**VERSUS**

Chief Minister, Government of Khyber Pakhtunkhwa, Peshawar and Six others. ... (Respondents)

Mr. Siraj Hussain  
Advocate ... For Appellant

Mr. Noor Zaman Khattak,  
Deputy District Attorney ... For Respondents

MRS. ROZINA REHMAN ... MEMBER (J)  
MR. ATIQ UR REHMAN WAZIR ... MEMBER (E)

JUDGMENT: -

**Mr. ATIQ UR REHMAN WAZIR:** - Brief facts of the case are that the appellant while serving as Principal/Superintendent Government Institute for Blind/Deaf School Abbottabad, was proceeded against, alongwith four other employees on the issue of theft of an official vehicle and Show Cause Notice duly served upon the appellant, wherein major penalty of reduction to a lower pay scale for two years as well as recovery of Rs. 140,000/ was tentatively decided to be imposed upon the appellant. The competent authority while imposing such penalty reduced its quantum into minor penalty of censure and recovery of one third of the total amount. Feeling aggrieved, the appellant filed departmental appeal, which was processed at the level of respondents but the minor penalty of censure and recovery of Rs. 140,000/ was maintained, against

which the appellant filed the instant service appeal with prayers that impugned orders dated 19-04-2018 and 30-11-2018 may be set aside.

02. Written reply/comments were submitted by respondents.

03. Arguments heard and record perused.

04. Learned counsel for the appellant contended that the appellant was transferred as Principal/Superintendent to the institute on 08-07-2015 and soon after taking charge, requested the concerned authorities for grant of permission to shift the school to some suitable location being deficient in certain facilities. Inter alia, the building had no parking facility, hence the official vehicles were being parked at another under construction building in the vicinity, but the authorities turned deaf ear over the issue. That as was apprehended, one of the official vehicle bearing registration No. A 1062 model 1986 was stolen from that building on 25-10-2016. FIR to this effect was registered in the concerned police station, but no efforts were made for recovery of the said vehicle, rather disciplinary proceedings were initiated against the appellant as well as two Chowkidar and a driver. Learned counsel for the appellant added that as per findings of the inquiry report, the actual factor for the said incidence was selection of unsuitable building with no parking facility, for which the appellant was not responsible, as he has already informed the authorities well in time. Learned counsel for the appellant contended that finding of the inquiry report clearly spells that the appellant was not responsible for such loss occurred to the institute. Learned counsel for the appellant further contended that two Chowkidars and a driver, who were supposed to be responsible for such loss, were exonerated from the charges, while the appellant was put to task inspite of the fact that he was declared innocent by the inquiry officer and there is no such recommendation in the inquiry report for imposition of major penalty upon the appellant. That such an act on part of the respondents was discriminatory. Learned counsel for the appellant argued that no record or any evidence

is available to substantiate the so-called allegations including the act/omission of inefficiency & misconduct baselessly attributed to the appellant. That as is evident from record, the inquiry report declared other factors responsible for the loss/theft and recommended no penalty for the appellant, whereas the Show Cause Notice proposed major penalty of reduction to lower pay scale for two years and recovery of Rs. 140,000/, but the competent authority reduced the tentative major penalty into minor penalty of censure and one third of the above mentioned amount. Learned counsel for the appellant pointed out that the appellant filed revision petition before the competent authority but the same penalty was maintained, which is illegal, unconstitutional, against law and rule. Learned counsel for the appellant prayed that the appellant was not involved in any manner with the occurrence of theft of the said government vehicle nor he was charged for the same, hence both the impugned orders dated 09-04-2018 and 30-11-2018, which has been passed in sheer violation of law, may be set aside.

05. Learned District Attorney appeared on behalf of official respondents contended that a proper inquiry was conducted against the appellant and others, the appellant was charge sheeted and show cause notice served upon him, to which he responded accordingly. Learned District Attorney contended that the appellant was afforded opportunity of personal hearing and after fulfilling all the codal formalities, the appellant was awarded penalty as per law and rule. Learned District Attorney, however conceded to the fact that there was no parking facility in the said school and it was one of the main factors behind theft of the said vehicle, which was beyond control of the appellant. Learned District Attorney did not press opposing contentions of the appellant.

06. We have heard learned counsel for the parties and perused the record. Record reveals that the appellant after taking over charge of the said school, taken up the issue of shifting of such school to any other locality, as it was beyond control of the appellant to shift the school by himself. Findings of the inquiry report suggested multiple factors responsible for theft of the said vehicle, prime of whom was hiring of building without



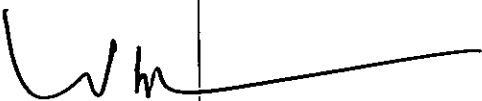
parking facility, which was declared the main factor behind theft of the said vehicle. It was also noted that parking arrangement of the stolen vehicle in an unsafe place existed well before incumbency of the appellant and which continued unabated during tenure of the appellant, as there was no other option available for him. Record reveals that there was only one driver looking after two vehicle as well as providing pick and drop facility to the handicapped students. Only one Chowkidar was available, who was supposed to look after the main building and the other Chowkidar was on long leave, which shows that the said school was lacking in basic facilities, which were beyond control of the appellant. The inquiry report encompass and divide responsibilities among vigilance committee, Director Social Welfare and Deputy Commissioner Office with least responsibility assigned to the appellant, but record is silent as to whether any action was taken against other stakeholders or not. It was also noted that the respondents instead of searching the vehicle, adopted an easy way by initiating action against the staff and that too in a sketchy manner, as the charges/allegations against the accused government functionaries are the same and general in nature and not specific as otherwise required for them being holder of different categories of posting/positions. Moreover, the stolen vehicle having completed more than 30 years of service was not worth retention given the depreciation factor. As such, it should have been declared condemned and disposed earlier. In a situation, where no parking facility was available in the building and the ancillary staff was deficient, the appellant agitated the issue well before the occurrence before the competent authority, which made his case strong in shifting the burden to the competent authority, but the competent authority instead of realizing their own responsibilities, only fulfilled the codal formalities and initiated proceedings in a customary manner, which essentially was required to be focused on recovery of the vehicle and which is not recovered till date. We did not find any clue to lead us to the conclusion that the penalty imposed upon the appellant was justified, rather recommendations of the inquiry officer mainly emphasized upon bringing

improvement in overall structure of the institute and this might be one of the factor that the competent authority reduced major penalty into minor penalty of censure and recovery of the amount, which too is not justifiable, as being superintendent of the institute, he already brought the issue into the notice of the competent authority time and again well before the said incidence and it was beyond control of the appellant to shift the school to some other locality or to hire an additional Chowkidar for the purpose. We have also noticed that other co-accused were exonerated of the charges for the reasons of deficient facilities, but the appellant was left with the stigma, which was not warranted.

07. In view of the situation, the instant appeal is accepted and the impugned orders dated 19-04-2018 and 30-11-2018 are set aside. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
18.02.2021

  
(ROZINA REHMAN)  
MEMBER (J)  
Camp Court, Abbottabad

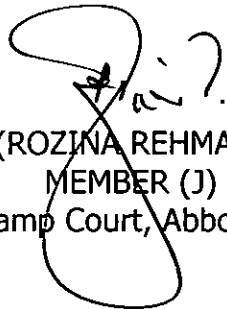
  
(ATIQ UR REHMAN WAZIR)  
MEMBER (E)  
Camp Court, Abbottabad

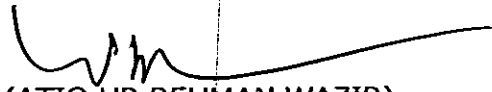
18.02.2021

Learned counsel for the appellant and Mr. Noor Zaman Khattak,  
learned District Attorney for respondents present.

Vide detailed judgment of today of this Tribunal placed on file, the  
instant appeal is accepted and the impugned orders dated 19-04-2018  
and 30-11-2018 are set aside. Parties are left to bear their own costs. File  
be consigned to record room.

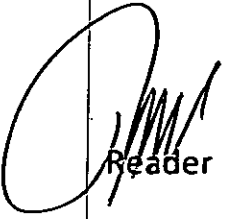
ANNOUNCED  
18.02.2021

  
(ROZINA REHMAN)  
MEMBER (J)  
Camp Court, Abbottabad

  
(ATIQ UR REHMAN WAZIR)  
MEMBER (E)  
Camp Court, Abbottabad

24.03.2020


Due to covid ,19 case to come up for the same on 17.09.2020 at camp court abbottabad.

  
Reader

17.09.2020

Appellant has not forth come at the moment i.e 11:44 A.M. Mr. Usman Ghani, District Attorney is present.

Neither written reply on behalf of respondents submitted nor any representative on their behalf is present therefore, notices be issued to them for submission of written reply/comments. File to come up for written reply/comments on 18.11.2020 before S.B at Camp Court, Abbottabad. Notice be also issued to appellant as well as his respective counsel for the date fixed.



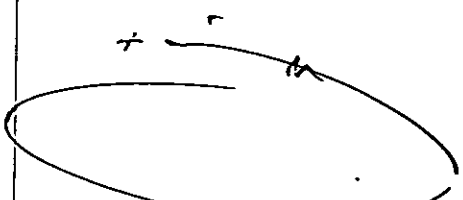
(MUHAMMAD JAMAL KHAN)  
MEMBER  
CAMP COURT ABBOTTABAD

18.11.2020

Appellant is present in person. Mr. Usman Ghani, District Attorney and Miss. Saira Mushtaq, Social Welfare Officer, on behalf of official respondents No. 1, 2, 4 & 5 are also present.

Appellant submitted application for exempting the reply of respondents No. 6 & 7 being unnecessary. Application is placed on record.

Written reply on behalf of respondents No. 1, 2, 4 & 5 has already been submitted, therefore, file to come up for rejoinder and arguments on 20.01.2021 before D.B at Camp Court, Abbottabad.



(MUHAMMAD JAMAL KHAN)  
MEMBER  
CAMP COURT ABBOTTABAD

19.12.2019

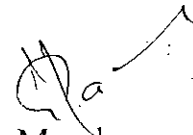
Appellant in person and Mr. Zia Ullah, Deputy District Attorney alongwith Mr. Saadat Ali, Storekeeper on behalf of respondent No. 5 present. Representative of respondent No. 5 requested for further time to file written reply. Neither written reply on behalf of respondents No. 1 to 4, 6 & 7 submitted nor their representatives are present therefore, notices be issued to respondents No. 1 to 4, 6 & 7 with the direction to direct the representatives to attend the court and submit written reply on the next date positively. Last chance is granted to all the respondents for submission of written reply. Case to come up for written reply/comments on 22.01.2020 before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

22.01.2020

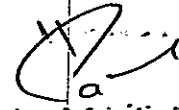
Appellant in person present. Nabi Gul Superintendent and Saadat Ali representatives of respondents No.1, 2, 4 & 5 present and submitted reply on behalf of the said respondents. Muhammad Hanif Senior Auditor representative of respondents No. 6 & 7 present and seeks time to furnish reply. Adjourn. To come up for reply on 19.02.2020 before S.B at Camp Court Abbottabad.



Member  
Camp Court, A/Abad

19.08.2019

Learned counsel for the appellant present. Written reply on behalf of respondents No.3, 4, 6 & 7 still awaited. Yasir Iqbal Accounts Officer for respondents No. 6 & 7 present and seeks time to furnish written reply. No one present on behalf of respondents No.3 & 4. Notice be issued to respondents No.3 & 4 with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on behalf of respondents No.3, 4, 6 & 7 on 21.10.2019 before S.B at Camp Court Abbottabad.



Member

Camp Court A/Abad

21.10.2019

Appellant present in person. Mr. Usman Ghani District Attorney present. Mst. Saira Mushtaq, Social Welfare Officer for the respondents No. 2, 4 & 5 present and requested for time. No one is present for respondents No. 3, 6 and 7. Fresh notices be issued to them. Adjourn. To come up for written reply/comments on 18.11.2019 before S.B at Camp Court, Abbottabad.



Member

Camp court, A/Abad

18.11.2019

Appellant in person present. Mr. Usman Ghani learned District Attorney present. Saira Mushtaq (respondent No.5) present and seeks time to furnish written reply/comments. Nabi Gul Superintendent representative of respondent No.2 absent. Respondents No.1 to 4, 6 & 7 as well as absent representative of respondent No.2 be put to notice for submission of reply. Adjourn. To come up for written reply/comments on 19.12.2019 before S.B at Camp Court, Abbottabad.




Member

Camp Court, A/Abad


22.05.2019

Appellant in person and Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Written replies on behalf of respondents No. 2 & 5 have already been submitted. Neither written replies on behalf of respondents No. 3, 4, 6 & 7 submitted nor their representative present therefore, notice be issued to respondents No. 3, 4, 6 & 7 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on behalf of respondents No. 3, 4, 6 & 7 on 11.07.2019 before S.B at Camp Court Abbottabad.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad


11.07.2019

Counsel for the appellant present. Mr. Yasir Iqbal, Assistant Account Officer on behalf of respondents No. 6 & 7 alongwith Mr. Muhammad Bilal, Deputy District Attorney for the respondents present and requested for adjournment for filing of written reply. Written reply on behalf of respondents No. 2 & 5 already submitted. Representative of respondents No. 3 & 4 absent therefore, notice be issued to the respondents No. 3 & 4 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Case to come up for written reply/comments on behalf of respondents No. 3, 4, 6 & 7 on 19.08.2019 before S.B at Camp Court Abbottabad.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad


21.03.2019.

Appellant in person present. Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith M/S Nabi Gul, Superintendent for respondent No. 2, Arsalan Ahmad, Assistant Manager Admin for respondent No. 3 and Muhammad Adil, Focal person for respondents No. 4 & 5 present. Written replies on behalf of respondents No. 2 & 3 submitted. Representative of respondents No. 4 & 5 seeks further adjournment for filing of written reply. None present on behalf of respondents No. 6 & 7 therefore notice be issued to them with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on behalf of respondents No. 4 to 7 on 16.04.2019 before S.B at Camp Court Abbottabad. The restraint order shall continue till the next date.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

16.04.2019

Counsel for the ~~Appellant~~ present. Mr. Muhammad Bilal, DDA for respondents present. Written reply on behalf of respondent no. 5 submitted which is placed on file. Case to come up for written reply/comments on behalf of respondents no. 4, 6 and 7 on 22.05.2019 before S.B at camp court Abbottabad.

  
(Ahmad Hassan)  
Member  
Camp Court A/Abad



15.01.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant has filed the present amended appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the order dated 19.04.2018 whereby he was awarded minor penalty of censure and recovery of Rs.1,40,000/- from the appellant alongwith two (02) Chowkidars equally. The appellant has also challenged the order dated 30.11.2018 whereby the Review Authority while exonerating Mr. Shah Nawaz Workshop Attendant and Mr. Ghulam Rasool Chowkidar from the charges retained the penalty of censure alongwith recovery of Rs. 1,40,000/-upon the appellant.

Points urged need consideration. The present appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 08.02.2019 before S.B at camp court Abbottabad.


Appellant Deposited  
Security & Process Fee

  
Member

Camp Court A/Abad

18.02.2019

Counsel for the appellant present. Mr. Muhammad Bilal Khan, Deputy District Attorney for the respondents present. Representative of the department is not present therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned to 21.03.2019 for written reply/comments before S.B at Camp Court Abbottabad. In the meanwhile recovery shall not be made from the appellant till the next date.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

A. No. 1104/2018, Aismat Khan vs Govt

28.12.2018


Mr. Siraj Hussain Advocat for appellant present.

At the outset learned counsel for the appellant produced a copy of order dated 30.11.2018 passed in Review Petition by the Competent Authority and stated that under the law the Departmental/Competent Authority could not have proceeded after submission of appeal before this Tribunal which was done on 05.09.2018.

In view of the above fact the appellants requests for permission to submit an amended service appeal. May do so within a fortnight.

91/11/18  
There is an application for suspension of operation of impugned order dated 19.04.2018. Notice of application be given to the respondents for the date fixed. In the meanwhile and till next date the operation of impugned order shall remain suspended.


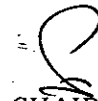
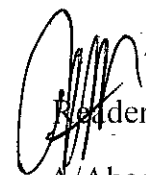
Adjourned to 15.01.2019 before S.B at camp court, Abbottabad.

  
Chairman  
Camp court, A/Abad

**Form- A**  
**FORM OF ORDER SHEET**

Court of \_\_\_\_\_

Case No. 1104/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/09/2018	<p>The appeal of Mr. Qismat Khan presented today by Mr. Siraj Hussain Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 5/9/18</p>
2-	10-9-18	<p>This case is entrusted to touring S. Bench at A.Abad. for preliminary hearing to be put up there on <u>16-11-18</u></p> <p style="text-align: right;"> CHAIRMAN</p>
16.11.2018		<p>Clerk to Counsel for the appellant present. Due to retirement of the Hon'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Abbottabad has been cancelled. To come up for the same on <del>26.02</del> 2019 at camp court Abbottabad.</p> <p style="text-align: right;"> Reader A/Abad</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

Service Appeal # 1104 /2018

Qismat Khan, Vice Principal Special Education Complex Abbottabad (BPS-19), Department of Zakat, Ushr, Social Welfare, Special Education & Women Empowerment, Government of K.P.K. .... APPELLANT

VERSUS

Chief Minister, Govt. of Khyber Pakhtunkhwa, Peshawar and Others.

.....RESPONDENTS

*Put up to the court with relevant papers*  
*9/11/19*  
Amended Service Appeal

INDEX

Sr.	Description	Page No.	Annexure
1	Service Appeal along with affidavit	1 - 10	
2	Application for suspension of impugned order along with affidavit	11 - 12	
3	Copy of the transfer order dated 08/07/2015 to GIB ATD.	13	A
4	Copy of the notification No. DS(SW)/SWD/1-1/2017, Dated 20/06/2017 / qua holding of an inquiry with appointment of inquiry officer.	14	B
5	Copy of Statement of Allegations	15 - 16	C
6	Copy of Charge Sheet	17 - 18	D
7	Copy of the reply in defense by the appellant during inquiry	19 - 65	E
8	Copy of the transfer order of the appellant dated 03/02/2017, to present posting	66 - 67	F
9	Copy of the inquiry report	68 - 83	G
10	Copy of the Show Cause notice dated 18/12/2017	84 - 85	H
11	Copy of the Reply to Show Cause Dated 04/01/2018	86 - 91	I
12	Copy of the impugned final order dated 19/04/2018 vide notification No. SO-VI/SWD/6-38/PF	91 - 93	J
13	Copy of Departmental Review petition along with courier receipt	94 - 98	K
14	Wakalatnama	99	
15	Copy of the notification no. 4151-64 dated 30/11/2018(order over review)	100-101	L

..... Appellant

Through

*Siraj Hussain*  
SIRAJ HUSSAIN

Dated: 22/03/2019

Advocates High Court, Abbottabad.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

1104/18

Service Appeal # 1104 /2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 42

Dated 8-1-2019

**Qismat Khan** S/O Muzammil Khan, presently serving as Vice Principal Special Education Complex Abbottabad (BPS-19), Department of Zakat, Ushr, Social Welfare, Special Education & Women Empowerment, Government of K.P.K.

APPELLANT

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. \_\_\_\_\_

Dated \_\_\_\_\_

VERSUS

- ① Chief Minister, Govt. of Khyber Pakhtunkhwa, Peshawar.
- ② Government of Khyber Pakhtunkhwa through Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department, Government of K.P, Peshawar.
- ③ = 3. Syed Kamal Shah, Inquiry Officer (PCS SG BS 20) E&A Department Govt. of K.P, Peshawar.
- ④ < 4. Director Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department, Government of K.P.K, Peshawar.
- ④ ~ 5. District Officer, Social Welfare, Special Education Department, Abbottabad.
- ⑤ 6. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- ⑥ 7. District Accounts Officer, Abbottabad.

RESPONDENTS

AMENDED SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AS AMENDED UP TO DATE READ TOGETHER WITH OTHER RELEVANT PROVISIONS OF K.P GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULES 2011, AGAINST THE

IMPUGNED ORDER VIDE NOTIFICATION NO. SO-VI/SWD/6-38/PF, DATED 19/04/2018 AND NOTIFICATION NO. 4151-64 DATED 30/11/2018 (ORDER OVER REVIEW) AS PASSED BY THE RESPONDENT # 1 & 2, ILLEGALLY IMPOSING UPON THE PRESENT APPELLANT, THE PENALTY OF 'CENSURE' ALONG WITH RECOVERY OF AMOUNT.

---

**PRAYER:** ON ACCEPTANCE OF INSTANT SERVICE APPEAL, both THE IMPUGNED ORDERs IBID MAY GRACIOUSLY BE SET-ASIDE, DECLARING THE SAME INTER ALIA AS ILLEGAL, UNCONSTITUTIONAL, UNTENABLE, AGAINST THE LAW & FACTS, AGAINST & IN VIOLATION TO THE RELEVANT SERVICE RULES, REGULATIONS & POLICY GOVERNING THE SERVICE OF THE APPELLANT, DISCRIMINATORY, ARBITRARY, UNJUSTIFIABLE, VINDICTIVE, IN ABUSE AND MISUSE OF THE AUTHORITY AND VOID AB-INITIO. ANY OTHER RELIEF DEEMED APPROPRIATE MAY ALSO BE GRANTED IN FAVOR OF THE APPELLANT.

---

Respectfully Sheweth:

Brief facts leading to the present service appeal are as under:

1. That the appellant is currently rendering his services as Vice Principal Special Education Complex Abbottabad (BPS-19), in Department of Zakat,

Ushr, Social Welfare, Special Education & Women Empowerment,  
Government of K.P.K.

2. That prior to the present posting, the appellant was posted as Superintendent Govt. Institute for Blind, Deaf School Abbottabad w.e.f. July 2015. (Copy of the transfer order dated 08/07/2015 is attached herewith as annexure A).
3. That on 20/06/2017, vide notification No. DS(SW)/SWD/1-1/2017, The respondent # 2, over a matter regarding theft of a Govt. Vehicle, initiated an inquiry through inquiry officer/ respondent # 3, against 4 govt. servants including the present appellant, who was served with Statement of Allegations and Charge Sheet in this context. (Copy of the notification No. DS(SW)/SWD/1-1/2017, Dated 20/06/2017 / holding of an inquiry with appointment of inquiry officer is appended herewith as annexure B, While the Statement of Allegations and Charge Sheet against the appellant are attached as annexure C & D respectively).
4. That a detailed, cogent and convincing reply, along with sufficient documentary record was submitted by the present appellant in defense before the said inquiry (copy of the reply in defense is attached herewith as annexure E) while the same may kindly be considered as integral part of instant appeal.
5. That vide office order dated 03/02/2017, the appellant was transferred from the concerned GIB Abbottabad to the present posting as Vice Principal Special Education Complex Abbottabad. (Copy of the transfer order dated 03/02/2017 is attached herewith as annexure F )

6. That the said inquiry was finalized by the respondent No. 3 who submitted his inquiry report, containing the findings, conclusion & recommendations to the concerned office, (Copy of the inquiry report is appended herewith as annex G).
7. That contrary to the said inquiry report, the respondent issued a Show Cause Notice vide letter No. DS(SW)/SWD/1-1/2017-18/3946-49 Dated 18/12/2017 received by the appellant on 22/12/2017, wherein a major penalty of reduction to lower pay scale for 2 years along with recovery of Rs. 140,000/ was tentatively decided to be imposed. (Copy of the Show Cause notice dated 18/12/2017, issued against the appellant is attached herewith as annexure H)
8. That the appellant duly & within time, replied to the so-called Show Cause Notice (Copy of the Reply is attached as annexure I ) while the same may kindly be considered as an integral part of the instant appeal.
9. That even after furnishing sufficient defense in written reply & personal hearing, yet against the law & circumstances, an illegal order has passed by the respondent No. 1 on 19/04/2018 vide a notification No. SO-VI/SWD/6-38/PF/. Only reducing the penalty into 'CENSURE' along with recovery of amount 1/3 of Rs. 140,000/ under Rule 4 of E&D Rules 2011. (Copy of the impugned final order dated 19/04/2018 vide notification No. SO-VI/SWD/6-38/PF/ is attached herewith as annexure J ).
10. That the present appellant preferred the departmental review before the competent forum which was decided in relevant time rather after the institution of the instant service appeal # 1104/2018, the respondent without



hearing the appellant and against the law/rules, passed another illegal order over the said review petition vide notification no. 4151-64 dated 30/11/2018, which was allowed to be incorporated as impugned order through instant amendment vide order dated 21/12/2018.(Copy of the departmental review petition along with courier receipt and notification no. 4151-64 dated 30/11/2018(order over review) is attached herewith as annexure K & L respectively)

11. That feeling extremely aggrieved from the impugned orders *ibid*, the appellant assails the same, *inter-alia*, on the following grounds:

**GROUND:**

- a. That the impugned orders are altogether illegal, unconstitutional, against the law, record & circumstances, against the relevant service/ rules, regulations & policy governing the service of the appellant, discriminatory, arbitrary, based on malafide, unjustifiable, vindictive, in abuse and misuse of the authority hence untenable, void *ab-initio* and liable to be set aside.
- b. That the appellant neither steal, nor involved in any manner with the occurrence of theft of the said government vehicle nor he is charged for the same, thus no direct or indirect involvement of accused / appellant is established from the entire record of the case.

- c. That all the allegations & charges leveled against the accused appellant remained unproved rather disproved through the preceding proceedings initiated by the respondents, hence the penalty so imposed is without any justification/ reason and is an absolute violation of the law & miscarriage of justice.
- d. That, as even recognized in the inquiry report, the actual factor responsible for the said theft/ loss of the stolen vehicle, was *the selection of an unsuitable building for Govt. Institute, with no such parking space for any vehicle at all*, which as a matter of fact & record, was hired prior to the posting of the appellant, for which he cannot be held responsible.
- e. That clearly floating on record are the bonafide efforts of the appellant, who soon after taking the charge of GIB ATD, requested the concerned authorities to sanction the shifting of that institute to some suitable & adequate place, as even pointed out by the D.C Atd, upon his to the GIB. Despite the said practical efforts, no meaningful action was taken by the concerned quarters for such an indispensable need, leading to the incident of theft.
- f. That much evident from the record, the appellant even issued directions to the concerned subordinate staff for the safety & security to avoid any such like incident.

- g. That by pick & choose, the directly responsible accused were exonerated from the charges while with no guilt, involvement or any primarily responsibility of guarding the govt. vehicle, the present appellant was *put to the cross*.
- h. That no record or any evidence is available to substantiate the so called allegations including the act/ omissions of "*inefficiency & misconduct*", baselessly attributed to the present appellant.
- i. That non applicable provision of the E&D Rules, by no stretch could be invoked in the circumstances.
- j. That firstly "*The Government Staff Vehicles (Use & Maintenance) Rules 1997*" are not *mutatis mutandis* applicable to the present case and secondly, as per the same rules such responsibility is placed upon the Vigilance Committee for implementation of the rules & other practical purposes. The inquiry report, duly disclose the factum of absence & inactions of that committee on ground.
- k. That even otherwise, logically the implementation of the rules *ibid*, is always subject to the availability of a parking space inside or attached to the Govt. building, where the vehicle is to be attended/ look after for all the time. In the present case, as due to the extreme unsuitability of the already hired premises

for GIB, coupled with the insufficiency of staff, the said vehicle was used to be parked at sufficient distance in a under-construction building at road side, as the govt. building was neither had any parking facility in it nor it had any passage/road for the vehicle to be driven in.

- l. That as deciphered in the inquiry report, the unfortunate vehicle model 1986, was no in-fact an asset rather a liability which (as per the report ibid) should have been declared condemned, whereas recovering its 10 times more price from the present appellant is nothing but injustice.
- m. That instead proceeding as per the law to get the stolen vehicle recovered from the actual culprits, the respondents opted for an easy escape to turn the cannons towards the innocent appellant, in order to conceal their own inefficiency & unlawful conduct.
- n. That the appellant has a unblemished service career, with not a single incident of misconduct etc, while the impugned order amounts to disregard, such excellent duties performed by him for the helpless people, throughout.
- o. That the impugned order has been passed in sheer abuse of the authority and in absolute violation of the law, which deserves to be struck down for the rescue the innocent appellant.

- p. That not sufficient time & opportunity was provided to the appellant for personal hearing whereas the defense furnished by him is not duly considered.
- q. That the order of respondent over the review vide notification no. 4151-64 dated 30/11/2018, has also rendered against the appellant unheard, discriminatory, without authority & against the law, whereas the same was not decided within relevant time rather after the institution of instant appeal, the same was malafidely given over the matter which was already sub-judice before the competent forum. The said order is also conflicting with one already passed by the same authority.
- r. That some other grounds would be urged at the time of hearing with due leave from the bench, while the content of annexure E & I attached herewith, is to be treated as the integral part of this appeal, which are left unrepeated for convenience.
- s. That the instant appeal is well within the time and the honorable tribunal has got exclusive jurisdiction to adjudicate the subject matter. Moreover the instant amendment was permitted by the honorable tribunal vide its order dated 21/12/2018.

It is therefore most humbly prayed that on acceptance of instant service appeal, both the impugned orders may graciously be set-aside, declaring the same inter alia as illegal, unconstitutional, untenable, against the law & facts, against & in violation to the relevant service rules, regulations & policy governing the service of the appellant, discriminatory, arbitrary, unjustifiable, vindictive, in abuse and misuse of the authority and void ab-initio. Any other relief deemed appropriate may also be granted in favor of the appellant.

 APPELLANT

Through:



SIRAJ HUSSAIN

Dated: 02/02/2019

Advocate High Court, Abbottabad.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

**Qismat Khan** , Vice Principal Special Education Complex Abbottabad (BPS-19), Department of Zakat, Ushr, Social Welfare, Special Education & Women Empowerment, Government of K.P.K.

..... APPELLANT

VERSUS

Chief Minister, Govt. of Khyber Pakhtunkhwa, Peshawar and Others.

.....RESPONDENTS

Amended Service Appeal

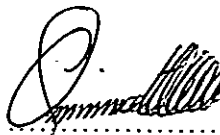
AFFIDAVIT

I, **Qismat Khan** , Vice Principal Special Education Complex Abbottabad (BPS-19), Department of Zakat, Ushr, Social Welfare, Special Education & Women Empowerment, Government of K.P.K. do hereby solemnly affirm and declared on oath that the contents of the foregoing amended Service Appeal are true and correct to the best, of his knowledge & believe and nothing material has been suppressed therein from this honorable court. Moreover, no similar appeal in subject matter has ever been filed or decided previously by any competent court.

Identified by:

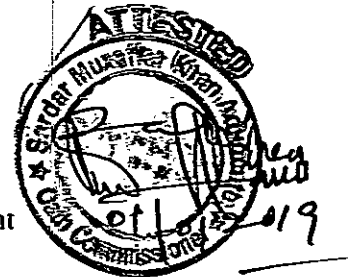
SIRAJ HUSSAIN

Advocate High Court.



..... Deponent

Qismat Khan



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Qismat Khan , Vice Principal Special Education Complex Abbottabad (BPS-19), Department of Zakat, Ushr, Social Welfare, Special Education & Women Empowerment, Government of K.P.K.

..... APPELLANT

VERSUS

Chief Minister, Govt. of Khyber Pakhtunkhwa, Peshawar and Others.

..... RESPONDENTS

Amended Service Appeal

**APPLICATION: FOR SUSPENSION OF OPERATION OF IMPUGNED ORDER VIDE NOTIFICATION NO. SO-VI/SWD/6-38/PF, DATED 19/04/2018 AND NOTIFICATION NO. 4151-64 DATED 30/11/2018 (ORDER OVER REVIEW) AS PASSED BY THE RESPONDENT # 1 & 2, ILLEGALLY IMPOSING UPON THE PRESENT APPELLANT, THE PENALTY OF 'CENSURE' ALONG WITH RECOVERY OF AMOUNT, WITH DIRECTIONS TO THE RESPONDENTS, REFRAINING THEM FROM DEDUCTING THE IMPOSED AMOUNT FROM THE SALARY OF THE APPELLANT, TILL THE DISPOSAL OF TITLED APPEAL.**

Respectfully Sir:

1. That the titled appeal is being filed before this honorable tribunal, the contents of this application may please be read as integral part of the same.



- 2. That the appellant has brought a good prima facie, arguable case who also carries balance of convenience in his favor.
  
- 3. That if the operation of impugned order is not suspended the applicant/ appellant would suffer the irreparable loss and the purpose of filing accompanying appeal would be defeated.

..... APPELLANT

Through:



Dated: 22/12/2018

SIRAJ HUSSAIN

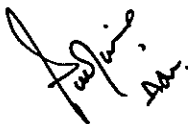
Advocate High Court

Abbottabad.

**AFFIDAVIT**

I, Qismat Khan , Vice Principal Special Education Complex Abbottabad (BPS-19), Department of Zakat, Ushr, Social Welfare, Special Education & Women Empowerment, Government of K.P.K.do hereby solemnly affirm and declared on oath that the contents of the foregoing Application are true and correct to the best, of his knowledge & believe and nothing material has been suppressed therein from this honorable court.

Identified by:

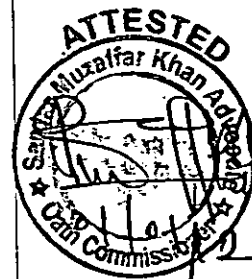


SIRAJ HUSSAIN

Advocate High Court.



..... Deponent



Qismat Khan



Mary No. 9200

100

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION  
AND WOMEN EMPOWERMENT DEPARTMENT

Dated: Peshawar the 30<sup>th</sup> November, 2018

NOTIFICATION: /4151-64

ANNEX: L

No. SO-VI/SWD/6-38/PFI. WHEREAS Mr. Qismat Khan, Principal/Superintendent Incharge (BPS-19), Mr. Zakir, Driver (BPS- 6), Mr. Shahnawaz, Workshop Attendant (BPS-04) and Mr. Ghulam Rasool, Chowkidar (BPS-04), Govt Institute for the Blind, Abbottabad were proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 in an enquiry i.e. "missing official vehicle bearing Reg. No. A-1062 Toyota Hiace Model, 1986 on account of their involvement in charges leveled against them as per charge sheets and statement of allegations.

2. AND WHEREAS Mr. Syed Kamran Shah, (PCS SG BS-20) OSD, E&A, Department, Government of Khyber Pakhtunkhwa was appointed as Enquiry Officer to conduct enquiry against the accused officer / officials.

3. AND WHEREAS the Enquiry Officer after having examined the charges evidences on record and explanations of the accused officer/officials, submitted his report.

4. AND WHEREAS the competent authority, after having considered the charges, evidence on record, explanations of the accused officer / officials and exercising his power under Rule-14 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, has been pleased to impose minor penalty of "Censure" upon the accused officer. Mr. Qismat Khan and the amount to the tune of Rs.140,000 may be recovered from him alongwith the two Chowdkidars equally.

5. AND WHEREAS pursuant to that, the accused officer / officials submitted their review applications to the Chief Minister, Khyber Pakhtunkhwa under Rule-17(1) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011

6. NOW THEREFORE, the competent authority after having considered the review applications of the accused officer / officials, defence offered by the accused officer / officials and exercising his power under Rule-17(2) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, has been pleased to exonerate Mr. Shahnawaz, Workshop Attendant and Mr. Ghulam Rasool, Chowkidar from the charges and retain the penalty of "Censure alongwith recovery of of Rs.140,000" upon Mr. Qismat Khan, the then Principal/Superintendent Incharge, Govt Institute for the Blind, Abbottabad, with immediate effect.

-sd-

Secretary to Govt: of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special Education &  
Women Empowerment Department

P.S to Chief Secretary  
Govt: of Khyber Pakhtunkhwa

Continued on back page

Sy S.W

SOVIAT

SS.W  
12.18

OS(A)

11/12/18

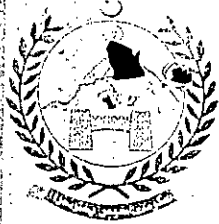
CS

Endst No. and Date even:

Copy forwarded for information and necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Secretary to Govt of Khyber Pakhtunkhwa, Finance Department.
3. Director Social Welfare for further necessary action as per rule.
4. Director, Special Education Complex Hayatabad, Peshawar.
5. District Account Officer, Abbottabad.
6. District Officer, SW, SE & WED, Abbottabad.
7. Principle Govt. institute for the Blind, Abbottabad.
8. Officer Concerned.
9. PS to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Senior Minister for Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa.
11. PS to Secretary SW, SE, WED, Khyber Pakhtunkhwa.
12. Mr. Ghulam Rasool, Chowkidar, Govt Institute for the Blind, Abbottabad.
13. Mr. Shahnawaz, Workshop Attendant, Govt Institute for the Blind, Abbottabad.
14. Personal Files.

  
Section Officer-VI



GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF SOCIAL WELFARE, SPECIAL EDUCATION  
& WOMEN EMPOWERMENT, KHYBER PAKHTUNKHWA,  
OPP: ISLAMIA COLLEGE GATE, JAMRUD ROAD, PESHAWAR


No.DSW/B&A/4-45/ 1999  
DATED PESHAWAR THE 31-10-18 2018

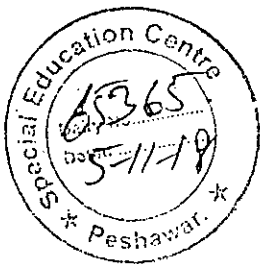
101

To, ✓  
The Director  
Spl: Edu: Complex Hayatabad Peshawar

SUBJECT: NOTIFICATION

I am directed to enclose herewith a notification bearing No. SO-VI/SWD/6-38/PF/5636-47 dated 19.4.2018 on the subject noted above and to request you to deposit Rs. 10,000/- with equal share of two Chowkidar concerned and submit the same to this Directorate immediately.

  
ASST: DIRECTOR (B&A)  
SOCIAL WELFARE, SPL: EDUCATION &  
WOMEN EMPOWERMENT, KHYBER PAKHTUNKHWA



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Service Appeal # 1104/2018

**Qismat Khan**, Vice Principal Special Education Complex Abbottabad (BPS-19), Department of Zakat, Ushr, Social Welfare, Special Education & Women Empowerment, Government of K.P.K.

..... APPELLANT

**VERSUS**

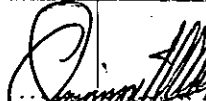
Chief Minister, Govt. of Khyber Pakhtunkhwa, Peshawar and Others.

..... RESPONDENTS

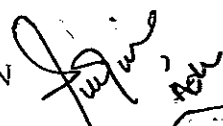
Service Appeal

**I N D E X**

Sr.	Description	Page No.	Annexure
1	Service Appeal along with affidavit	1 - 10	
2	Application for suspension of impugned order along with affidavit	11 - 12	
3	Copy of the transfer order dated 08/07/2015 to GIB ATD.	13	A
4	Copy of the notification No. DS(SW)/SWD/1-1/2017, Dated 20/06/2017 / qua holding of an inquiry with appointment of inquiry officer.	14	B
5	Copy of Statement of Allegations	15 - 16	C
6	Copy of Charge Sheet	17 - 18	D
7	Copy of the reply in defense by the appellant during inquiry	19 - 65	E
8	Copy of the transfer order of the appellant dated 03/02/2017, to present posting	66 - 67	F
9	Copy of the inquiry report	68 - 83	G
10	Copy of the Show Cause notice dated 18/12/2017	84 - 85	H
11	Copy of the Reply to Show Cause Dated 04/01/2018	86 - 91	I
12	Copy of the impugned final order dated 19/04/2018 vide notification No. SO-VI/SWD/6-38/PF	91 - 93	J
13	Copy of Departmental Review petition along with courier receipt	94 - 98	K
14	Wakalatnama	99	

  
Appellant

Through

SIRAJ HUSSAIN 

Advocates High Court, Abbottabad.

Dated: 20/08/2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Service Appeal # 1104 /2018

**Qismat Khan** S/O Muzammil Khan, presently serving as Vice Principal Special Education Complex Abbottabad (BPS-19), Department of Zakat, Ushr, Social Welfare, Special Education & Women Empowerment, Government of K.P.K.

..... APPELLANT  
Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1399

Dated 05/9/2018 ;

VERSUS

- (
1. Chief Minister, Govt. of Khyber Pakhtunkhwa, Peshawar.)
  2. Government of Khyber Pakhtunkhwa through Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department, Government of K.P, Peshawar.
  3. Syed Kamal Shah, Inquiry Officer (PCS SG BS 20) E&A Department Govt. of K.P, Peshawar.
  4. Director Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department, Government of K.P.K, Peshawar.
  5. District Officer, Social Welfare, Special Education Department, Abbottabad.
  6. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
  7. District Accounts Officer, Abbottabad.

.....RESPONDENTS

Filed to-day

Registration

5/9/18

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AS AMENDED UP TO DATE READ TOGETHER WITH OTHER RELEVANT PROVISIONS OF K.P GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULES 2011, AGAINST THE

IMPUGNED ORDER VIDE NOTIFICATION No. SO-VI/SWD/6-38/PF, DATED 19/04/2018 AS PASSED BY THE RESPONDENT # 1 & 2, ILLEGALLY IMPOSING UPON THE PRESENT APPELLANT, THE PENALTY OF 'CENSURE' ALONG WITH RECOVERY OF AMOUNT.

---

**PRAYER:** ON ACCEPTANCE OF INSTANT SERVICE APPEAL, THE IMPUGNED ORDER IBID MAY GRACIOUSLY BE SET-ASIDE, DECLARING THE SAME INTER ALIA AS ILLEGAL, UNCONSTITUTIONAL, UNTENABLE, AGAINST THE LAW & FACTS, AGAINST & IN VIOLATION TO THE RELEVANT SERVICE RULES, REGULATIONS & POLICY GOVERNING THE SERVICE OF THE APPELLANT, DISCRIMINATORY, ARBITRARY, UNJUSTIFIABLE, VINDICTIVE, IN ABUSE AND MISUSE OF THE AUTHORITY AND VOID AB-INITIO. ANY OTHER RELIEF DEEMED APPROPRIATE MAY ALSO BE GRANTED IN FAVOR OF THE APPELLANT.

---

Respectfully Sheweth:

Brief facts leading to the present service appeal are as under:

1. That the appellant is currently rendering his services as Vice Principal, Special Education Complex Abbottabad (BPS-19), in Department of Zila Ushr, Social Welfare, Special Education & Women Empowerment, Government of K.P.K.

2. That prior to the present posting, the appellant was posted as Superintendent Govt. Institute for Blind, Deaf School Abbottabad w.e.f. July 2015. (Copy of the transfer order dated 08/07/2015 is attached herewith as annexure A).
3. That on 20/06/2017, vide notification No. DS(SW)/SWD/1-1/2017, The respondent # 2, over a matter regarding theft of a Govt. Vehicle, initiated an inquiry through inquiry officer/ respondent # 3, against 4 govt. servants including the present appellant, who was served with Statement of Allegations and Charge Sheet in this context. (Copy of the notification No. DS(SW)/SWD/1-1/2017, Dated 20/06/2017 / holding of an inquiry with appointment of inquiry officer is appended herewith as annexure B, While the Statement of Allegations and Charge Sheet against the appellant are attached as annexure C & D respectively).
4. That a detailed, cogent and convincing reply, along with sufficient documentary record was submitted by the present appellant in defense before the said inquiry (copy of the reply in defense is attached herewith as annexure E) while the same may kindly be considered as integral part of instant appeal.
5. That vide office order dated 03/02/2017, the appellant was transferred from the concerned GIB Abbottabad to the present posting as Vice Principal Special Education Complex Abbottabad. (Copy of the transfer order dated 03/02/2017 is attached herewith as annexure F )
6. That the said inquiry was finalized by the respondent No. 3 who submitted his inquiry report, containing the findings, conclusion & recommendations



to the concerned office,(Copy of the inquiry report is appended herewith as annex G).

7. That contrary to the said inquiry report, the respondent issued a Show Cause Notice vide letter No. DS(SW)/SWD/1-1/2017-18/3946-49 Dated 18/12/2017 received by the appellant on 22/12/2017, wherein a major penalty of reduction to lower pay scale for 2 years along with recovery of Rs. 140,000/ was tentatively decided to be imposed. (Copy of the Show Cause notice dated 18/12/2017, issued against the appellant is attached herewith as annexure H)
8. That the appellant duly & within time, replied to the so-called Show Cause Notice (Copy of the Reply is attached as annexure I ) while the same may kindly be considered as an integral part of the instant appeal.
9. That even after furnishing sufficient defense in written reply & personal hearing, yet against the law & circumstances, an illegal order has passed by the respondent No. 1 on 19/04/2018 vide a notification No. SO-VI/SWD/6-38/PF/. Only reducing the penalty into 'CENSURE' along with recovery of amount 1/3 of Rs. 140,000/ under Rule 4 of E&D Rules 2011. (Copy of the impugned final order dated 19/04/2018 vide notification No. SO-VI/SWD/6-38/PF/ is attached herewith as annexure J ).
10. That the present appellant preferred the departmental review before the competent forum which has not been decided till date.(Copy of the departmental review petition along with courier receipt is attached herewith as annexure K)
11. That feeling extremely aggrieved from the impugned order ibid, the appellant assails the same, inter-alia, on the following grounds:

**GROUNDS:**

- a. That the impugned order vide notification No. SO-VI/SWD/6-38/PF/ dated 19/04/2018 is altogether illegal, unconstitutional, against the law, record & circumstances, against the relevant service/ rules, regulations & policy governing the service of the appellant, discriminatory, arbitrary, based on malafide, unjustifiable, vindictive, in abuse and misuse of the authority hence untenable, void ab-initio and liable to be set aside.
- b. That the appellant neither steal , nor involved in any manner with the occurrence of theft of the said government vehicle nor he is charged for the same, thus no direct or indirect involvement of accused / appellant is established from the entire record of the case.
- c. That all the allegations & charges leveled against the accused appellant remained unproved rather disproved through the preceding proceedings initiated by the respondents, hence the penalty so imposed is without any justification/ reason and is an absolute violation of the law & miscarriage of justice.
- d. That, as even recognized in the inquiry report, the **actual factor responsible** for the said theft/ loss of the stolen vehicle, was *the selection of an unsuitable building for Govt. Institute*, with no such parking space for any vehicle at all, which as a matter of

fact & record, was hired prior to the posting of the appellant, for which he cannot be held responsible.

- e. That clearly floating on record are the bonafide efforts of the appellant, who soon after taking the charge of GIB ATD, requested the concerned authorities to sanction the shifting of that institute to some suitable & adequate place, as even pointed out by the D.C Atd, upon his to the GIB. Despite the said practical efforts, no meaningful action was taken by the concerned quarters for such an indispensable need, leading to the incident of theft.
- f. That much evident from the record, the appellant even issued directions to the concerned subordinate staff for the safety & security to avoid any such like incident.
- g. That by pick & choose, the directly responsible accused were exonerated from the charges while with no guilt, involvement or any primarily responsibility of guarding the govt. vehicle, the present appellant was *put to the cross*.
- h. That no record or any evidence is available to substantiate the so called allegations including the act/ omissions of "*inefficiency & misconduct*", baselessly attributed to the present appellant.

- i. That non applicable provision of the E&D Rules, by no stretch could be invoked in the circumstances.
- j. That firstly "*The Government Staff Vehicles (Use & Maintenance) Rules 1997*" are not *mutatis mutandis* applicable to the present case and secondly, as per the same rules such responsibility is placed upon the Vigilance Committee for implementation of the rules & other practical purposes. The inquiry report, duly disclose the factum of absence & inactions of that committee on ground.
- k. That even otherwise, logically the implementation of the rules *ibid*, is always subject to the availability of a parking space inside or attached to the Govt. building, where the vehicle is to be attended/ look after for all the time. In the present case, as due to the extreme unsuitability of the already hired premises for GIB, coupled with the insufficiency of staff, the said vehicle was used to be parked at sufficient distance in a under-construction building at road side, as the govt. building was neither had any parking facility in it nor it had any passage/road for the vehicle to be driven in.
- l. That as deciphered in the inquiry report, the unfortunate vehicle model 1986, was no in-fact an asset rather a liability which (as per the report *ibid*) should have been declared

condemned, whereas recovering its 10 times more price from the present appellant is nothing but injustice.

- m. That instead proceeding as per the law to get the stolen vehicle recovered from the actual culprits, the respondents opted for an easy escape to turn the cannons towards the innocent appellant, in order to conceal their own inefficiency & unlawful conduct.
- n. That the appellant has a unblemished service career, with not a single incident of misconduct etc, while the impugned order amounts to disregard, such excellent duties performed by him for the helpless people, throughout.
- o. That the impugned order has been passed in sheer abuse of the authority and in absolute violation of the law, which deserves to be struck down for the rescue the innocent appellant.
- p. That not sufficient time & opportunity was provided to the appellant for personal hearing whereas the defense furnished by him is not duly considered.
- q. That some other grounds would be urged at the time of hearing with due leave from the bench, while the content of annexure E & I attached herewith, is to be treated as the integral part of this appeal, which are left unrepeated for convenience.

- r. That the instant appeal is well within the time and the honorable tribunal has got exclusive jurisdiction to adjudicate the subject matter.

It is therefore most humbly prayed that on acceptance of instant service appeal, the impugned order may graciously be set-aside, declaring the same inter alia as illegal, unconstitutional, untenable, against the law & facts, against & in violation to the relevant service rules, regulations & policy governing the service of the appellant, discriminatory, arbitrary, unjustifiable, vindictive, in abuse and misuse of the authority and void ab-initio. Any other relief deemed appropriate may also be granted in favor of the appellant.

*Dismission*

..... APPELLANT

Through:

*Siraj Hussain*  
*Adv.*

SIRAJ HUSSAIN

Advocate High Court, Abbottabad.

<sup>20</sup>  
Dated: 08/09/2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

**Qismat Khan** , Vice Principal Special Education Complex Abbottabad (BPS-19), Department of Zakat, Ushr, Social Welfare, Special Education & Women Empowerment, Government of K.P.K.

..... APPELLANT

**VERSUS**


Chief Minister, Govt. of Khyber Pakhtunkhwa, Peshawar and Others.

.....RESPONDENTS

Service Appeal


AFFIDAVIT

I, **Qismat Khan** , Vice Principal Special Education Complex Abbottabad (BPS-19), Department of Zakat, Ushr, Social Welfare, Special Education & Women Empowerment, Government of K.P.K. do hereby solemnly affirm and declared on oath that the contents of the foregoing Service Appeal are true and correct to the best, of his knowledge & believe and nothing material has been suppressed therein from this honorable court. Moreover, no similar appeal in subject matter has ever been filed or decided previously by any competent court.

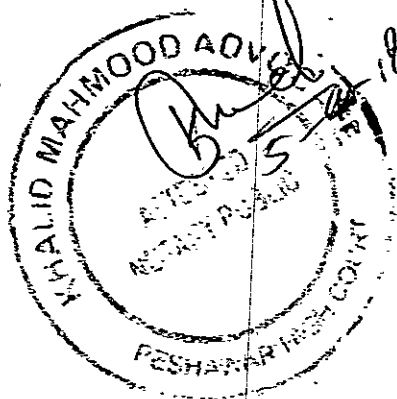
  
Identified by:

SIRAJ HUSSAIN

Advocate High Court.

  
..... Deponent

Qismat Khan



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Qismat Khan , Vice Principal Special Education Complex Abbottabad (BPS-19), Department of Zakat, Ushr, Social Welfare, Special Education & Women Empowerment, Government of K.P.K.

..... APPELLANT

VERSUS

Chief Minister, Govt. of Khyber Pakhtunkhwa, Peshawar and Others.

.....RESPONDENTS

Service Appeal

**APPLICATION: FOR SUSPENSION OF OPERATION OF IMPUGNED ORDER VIDE NOTIFICATION NO. SO-VI/SWD/6-38/PF, DATED 19/04/2018 AS PASSED BY THE RESPONDENT # 1 & 2, ILLEGALLY IMPOSING UPON THE PRESENT APPELLANT, THE PENALTY OF 'CENSURE' ALONG WITH RECOVERY OF AMOUNT, WITH DIRECTIONS TO THE RESPONDENTS, REFRAINING THEM FROM DEDUCTING THE IMPOSED AMOUNT FROM THE SALARY OF THE APPELLANT, TILL THE DISPOSAL OF TITLED APPEAL.**

Respectfully Sir:

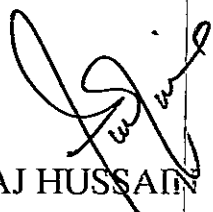
1. That the titled appeal is being filed before this honorable tribunal, the contents of this application may please be read as integral part of the same.
2. That the appellant has brought a good prima facie, arguable case who also carries balance of convenience in his favor.



3. That if the operation of impugned order is not suspended the applicant/ appellants would suffer the irreparable loss and the purpose of filing accompanying appeal would be defeated.

  
..... APPELLANT

Through:

 Ash

Dated: 20/08/2018

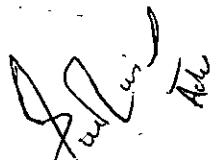
SIRAJ HUSSAIN

Advocate High Court

Abbottabad.


**AFFIDAVIT**

I, **Qismat Khan**, Vice Principal Special Education Complex Abbottabad (BPS-19), Department of Zakat, Ushr, Social Welfare, Special Education & Women Empowerment, Government of K.P.K.do hereby solemnly affirm and declared on oath that the contents of the foregoing Application are true and correct to the best, of his knowledge & believe and nothing material has been suppressed therein from this honorable court.

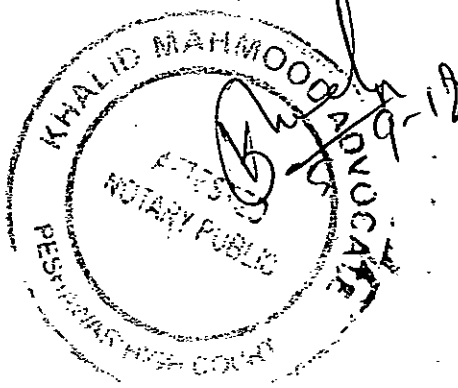
  
Identified by:

SIRAJ HUSSAIN

Advocate High Court.

  
..... Deponent

Qismat Khan





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION &  
WOMEN EMPOWERMENT DEPARTMENT

13

ANNEX:  
A

NOTIFICATION

Dated Peshawar the 8<sup>th</sup> July, 2015.

No. SO-II(SWD)-52/2014/PCS-5-1. The following posting/transfer of the officers of this department are hereby ordered in the best public interest with immediate effect:-

S.No.	Name of Officer	From	To	Remarks
1.	Mr. Mohammad Bilal	Assistant Director (Lit.) (BPS-17) Directorate of Social Welfare.	Superintendent Welfare Home Kohat	Against vacant post relieving S.No.2 of the additional charge.
2.	Mr. Mohammad Khalid	Rehabilitation Officer (BPS-17), Drug Addict Center Kohat.	Vice & No. 1.	Mr. Jaffar Shahi D.O. Kohat shall hold the additional charge of Rehabilitation Officer, Drug Addict Center Kohat.
3.	Mr. Qismat Khan	Principal MR&PH Center D.I.Khan.	Superintendent GIR, Deaf School, Abbottabad.	Against the vacant post.

2. The aforesaid officers are hereby directed to assume the charge immediately.

Sd-  
SECRETARY  
to Govt. of Khyber Pakhtunkhwa,  
Zakat, Ushr, Social Welfare, Special Education  
& Women Empowerment Department.

Endst: of Even No. & Date.

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa.
3. The District Officer Social Welfare, Kohat, D.I.Khan & Abbottabad.
4. The District Account Officer, Kohat, D.I.Khan & Abbottabad.
5. P.S. to Special Assistant to Chief Minister, Khyber Pakhtunkhwa for Social Welfare, Special Education & Women Empowerment.
6. P.S. to Secretary to Govt. of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department.
7. Officers Concerned.
8. Personal Files of the Officers Concerned.

Izar Gul Khan  
Section Officer-II

attested



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION  
& WOMEN EMPOWERMENT DEPARTMENT**

Dated: Peshawar the 20<sup>th</sup> June, 2017.

**NOTIFICATION:**

**No. DS(SW)/SWD/1-1/2017** <sup>2969-16</sup>

The competent authority has been pleased to appoint with immediate effect Syed Kamran Shah (PCS SG BS-20), Awaiting for posting in E&A Department as Inquiry Officer to conduct Inquiry against the following officer/officials of Government Institute for Blind, District Abbottabad, Khyber Pakhtunkhwa, for the charges mentioned in the Charge Sheet and Statement of Allegations:-

- i. Mr. Qismat Khan, Principal/Superintendent, (BPS-19).
- ii. Mr. Zakir, Driver (BPS-06).
- iii. Mr. Shah Nawaz, Workshop Attendant, (BPS-04).
- iv. Mr. Ghullam Rasool, Chowkidar (BPS-04).

2. The Inquiry Officer shall submit report to this department within the stipulated period of thirty (30) days in terms of E&D Rules, 2011 for further orders of the competent authority. (Copies of Charge Sheet and Statement of Allegations are enclosed).

-sd-

**Secretary to Govt. of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special Education  
& Women Empowerment Department**

**Endst: of Even No. & Date:**

Copy forwarded for information & necessary action to: -

- 1. Syed Kamran Shah (PCS SG BS-20), Awaiting for posting in E&A Department. (Copies of Charge Sheet and Statement of Allegations are enclosed).
- 2. Director, Social Welfare, with the request to nominate Departmental Representative and direct him to coordinate with the Inquiry Officer as well as the accused.
- 3. Mr. Qismat Khan, Principal/Superintendent, Incharge (BPS-19), Mr. Zakir, Driver (BPS-06), Mr. Shah Nawaz, Workshop Attendant, (BPS-04) and Mr. Ghulam Rasool, Chowkidar (BPS-04), Govt: Institute for Blind, District Abbottabad, (Copies of Charge Sheet and Statement of Allegations are enclosed). They are directed to submit replies to the Inquiry Officer as per Charge Sheets and Statement of Allegations.
- 4. PSO To Chief Minister's Secretariat, Peshawar, Khyber Pakhtunkhwa.
- 5. PSO To Chief Secretary, Khyber Pakhtunkhwa.
- 6. PS to Senior Minister for Social Welfare, Khyber Pakhtunkhwa.
- 7. PS to Secretary to Govt of Khyber Pakhtunkhwa, Establishment, Department, Peshawar.
- 8. PS to Secretary, SW, SE & WED, Khyber Pakhtunkhwa.

attested  
[Signature]

[Signature]  
Section Officer-VI



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION  
& WOMEN EMPOWERMENT DEPARTMENT

ANNEX: C

DISCIPLINARY ACTION

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa, as competent authority, am of the opinion that Mr. Qismat Khan, Principal/Superintendent Incharge (BPS-19) Govt. Institute for Blind Abbottabad has rendered himself liable to be proceeded against, as he has committed the following acts/omissions within the meaning of Rule 03 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.

STATEMENT OF ALLEGATION

- a) That the vehicle bearing Registration No. A-1062 Toyota Hiace Model 1986 was allotted for utilization in Govt. Institute for Blind Abbottabad; and as Incharge of the Govt. Institute for Blind Abbottabad, he was responsible to properly look after the vehicle so allotted for utilization in the said institute as required under the Motor Vehicle (Use & Maintenance) Rules 1997 and other instructions issued from time to time;
- b) That as per the Motor Vehicle (Use & Maintenance) Rules 1997, it is obligatory that a Govt. vehicle will not be left un attended; and as Incharge of the Govt. Institute for Blind Abbottabad, he failed to comply with the instructions as referred to above which led to the loss / theft of the aforementioned government vehicle.

02. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following is constituted under rule 10 (I) (a) of the ibid rules.

(I) Steed Kamran Shah PCS SG(B-20)

(II) \_\_\_\_\_

(III) \_\_\_\_\_

*attested*  
*[Signature]*



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION  
& WOMEN EMPOWERMENT DEPARTMENT**

03. The inquiry Officer / Inquiry Committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity for hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

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

*Pervez Khattak*  
**(PERVEZ KHATTAK)**  
CHIEF MINISTER  
KHYBER PAKHTUNKHWA

Qismat Khan, Principal/Superintendent Incharge.  
Government Institute for Blind Abbottabad.

*attested*  
*[Signature]*



17

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION  
& WOMEN EMPOWERMENT DEPARTMENT**

**CHARGE SHEET**

**ANNEX: D**


I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Qismat Khan, Superintendent, Govt. Institute for Blind District Abbottabad as follows:-

That you, while posted as Principal / Superintendent Incharge (BPS-19), government Institute for Blind, Abbottabad committed the following irregularities:

- a) That the vehicle bearing Registration No. A-1062 Toyota Hiace Model 1986 was allotted for utilization in Govt. Institute for Blind Abbottabad; and as Incharge of the Govt. Institute for Blind Abbottabad, you were responsible to properly look after the vehicle so allotted for utilization in the said institute as required under the Motor Vehicle (Use & Maintenance) Rules 1997 and other instructions issued from time to time;
- b) That as per the Motor Vehicle (Use & Maintenance) Rules 1997, it is obligatory that a Govt. vehicle will not be left un attended; and as incharge of the Govt. Institute for Blind Abbottabad, you failed to comply with the instructions as referred to above which led to the loss / theft of the aforementioned government vehicle.

02. By reason of the above, you appear to be guilty of misconduct under rule 03 of Khyber Pakhtunkhwa Government (Efficiency & Discipline Rules 2011) and have rendered yourself liable to all or any penalties specified in Rules 04 of the rules ibid.

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

attested  


04. Your written defence, if any, should reach the Inquiry Officer/Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

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

06. A statement of allegations is enclosed.

*Pervez Khattak*  
(PERVEZ KHATTAK)  
CHIEF MINISTER  
KHYBER PAKHTUNKHWA

Qismat Khan, Superintendent  
Govt. Institute for Blind Abbottabad.

*attached*  
*[Signature]*

⑤

**ANNEX: E**

To

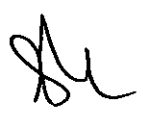
**The Honorable  
Syed Kamran Shah Inquiry Officer (PCS-SG BS-20) E & A  
Department Govt Of KPK Peshawar**

Kindly refer to notification vide , DS(SW)/SWD/1-1/2017 2909-16 Secretary to Government of Khyber Pakhtunkhwa Zakat, Usher, Social Welfare, Special Education & Women Empowerment Department dated 20-06-2017.

Pertaining to charge sheet under the rules (Use & Maintenance 1997).

The reply in defense of the undersigned is as under.

1. It is stated that the official vehicle Toyota Hiace Registration No, A-1062 Model 1986 of Government institute for the Blind Abbottabad has been stolen by unknown accused persons in the midnight of 24/25-10-2016 near the premises of rented building Govt Institute for The Blind Abbottabad.
2. The existing building was hired/acquired for rent purposes by Ex-Superintendent "Sahib Zada Sham-ur-Rehman" of Government Institute for the Blind Abbottabad on dated 01-11-2014 @ Rs 80,000/- per month having with the no facilities of vehicle parking within the boundary walls (Copy of agreement signed with building owner. Attached ANX No:1). Since, hired building on dated 01-11-2014 the official vehicle was used to park near premises of existing rented building without having gate under the under construction building of social welfare, special education and women empowerment department Govt of Khyber PakhtunKhwa, where other private vehicles were also used to park along with the vehicle of contractor of under construction building. When I have assumed the charge as superintendant Government Institute for the Blind Abbottabad, the undersigned has observed that the Govt Vehicle is being parked unsecure due to non availability of Garage/Porch. For this purpose the undersigned has been called upon a meeting with the contractor of the under construction building. It has been proposed that I want to arranged a gate to secure the Govt vehicle. But the contractor has shown his disagreement with the comments and stated that the building is under

attested 



②

2

construction and has not been properly handed over to the Govt Department. Moreover he has been mentioned that his laborers working day and night and raw material of the building is being used. Due to these reasons the gate will be a hurdle in construction measures.

3. The present building of Government Institute for the Blind Abbottabad has been hired without prior approval of the competent authority and without fulfilling the coddle formalities of hiring of Govt Buildings which is mentioning as under.

Reference letter No, DO/SW/Atd/GIB-1439-4/Atd dated 28-08-2013.

The Distt Officer Social Welfare has directed the Ex- Superintendent GIB Abbottabad to locate/identify another suitable building which meet the requirement of special children. (Copy Attached ANX02)

In response of the above letter the Ex- Superintendent GIB Abbottabad reply vide letter no. GIB/Atd/Building 4476 dated 30-08-2013 mentioning that 3 buildings have been sorted out but due to non availability of advance/security we cannot hire and shift the building at present (Copy Attached ANX 03).

Reference Distt Officer Social Welfare Abbottabad letter no. DO/SW/Atd/GIB 2798-2800 dated 20-11-2013. The Distt Officer SW Atd has requested to Director SW, SE Peshawar that the Ex- Superintendent has identified a building located at supply bazaar Mansehra road Abbottabad and assessed for a rent of office building @ Rs 80,000/- pm (Copy Attached ANX No 04)

In response of DO SW Atd request for rent of building sanction Assistant Director (B & A) SW Special Education Directorate Peshawar No, DSW/B&A/4-45/1884 dated 10-12-2013 has returned the same with remarks that the following documents may be provided for further proceedings.

- i. Rate of rent of previous building
- ii. Clearance certificate from Excise & Taxation Department
- iii. Copy of order/instruction of High Ups to change the location.
- iv. Budget copy of current financial years 2013-14. (Copy Attached ANX No

05)

Hevkt  


In response of the Assistant Director (B & A) SW-SE Peshawar the Ex-Superintendent GIB has directly forwarded reply to the director SW, SE Peshawar mentioning that the building is situated in jurisdiction of cantonment board area so there is no need of clearance certificate from the excise & taxation department. (Copy Attached ANX No. 06)

In response of Distt Officer SW Atd vide letter no. DO/SW/WH/Atd 4098-49 dated 12-01-2015 on the subject sanction for rent of office building. The director SW, SE Peshawar vide letter no. DSW/AD/B&A/4-45/9554-56 dated 03-03-2015. In which the director SW, SE mentioned that the case has been examined in light of finance department letter no. SO(A/CS/FD/2-5/93 dated 14-05-96 and the following observations & discrepancies has been noted.

Para No. 3 of the reference letter. The Director SW, SE Peshawar has observed that now another building @ Rs. 80,000/- pm has been hired by the Ex-Superintendent GIB Abbottabad at his own sweet will in violation of finance department KPK without prior approval of competent authority. By executing the agreement deed @ 80,000/- pm financial commitment has been made with owner in violation of rules.

In para no. 4 of the same letter it has been mentioned that as per new rate of the rent there is a difference of Rs. 57,000/- pm and Rs. 6,84,000/- per annum which will be extra financial liabilities to Govt Exchequer. In the light of the above, the Ex-Superintendent Atd has violated the under reference financial policy and has accepted the new building on exorbitant rate. More over the honorable Director SW, SE Peshawar has directed the Distt Officer SW Atd to ask the Ex-Superintendent concerned to explain the reason and justify the unlawful act. (Copy Attached ANX No. 07)

According to instructions/observations of the Director SW, SE Peshawar in reference to the above letter. The DO, SW, SE Atd vide letter no. DO/SW/ATD GIB 6005,6006 dated Atd 05-03-2014, has directed Ex-Superintendent GIB Atd to

explain the reasons of shifting and hiring of building @ 80,000/-pm for GIB Atd without prior approval of competent authority. Copy attached 08

In response of the above DO,SW,SE Abbottabad letter. The Ex-Superintendent GIB has submitted his reply which is self explanatory. Copy Attached ANX No. 06

(8) (08)

Dear Sir, due to the above mentioned facts it is clear and evident that the undersigned was not involved in shifting the new building of GIB Abbottabad. The GIB building was shifted on 01-11-2014 and undersigned has assumed the charge as Superintendent GIB Abbottabad on 15-07-2015, Nine months later after shifting the building of GIB Atd to General Bus Stand Opposite Shell Petrol Pump Abbottabad.


Sir, as the under signed has been charge sheet vide no. DS/SW/SWD/1-1/2017-2909-16, under (Use & Maintenance) -1997 of Govt staff vehicle rules.

Under rule 8 (1) (b) The Distt Vigilance Committee has constituted of the following five members comprising.

- |             |   |
|-------------|---|
| 1. Chairman | Deputy Commissioner.                    |
| 2. Member   | SDM.                                    |
| 3. Member   | SDPO HQ (Traffic ).                     |
| 4. Member   | Secretary Regional Transport Authority. |
| 5. Member   | Distt Account Officer.                  |

Rule 8 (IV) says that all the vehicles at the disposal of the divisional officers will be monitored by the committee of Distt Head Quarter of the concerned divisions.

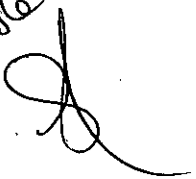
Rule 8 (VI) (a) says that the vigilance committee constituted under rules 8 (II) of these rules shall make surprise visits to all the offices under their jurisdiction and check the parking of vehicles after office hours in their respective venues.

attested  


According to above mentioned rules (Use & Maintenance) of Govt Vehicle Rules 1997, and the nominated vigilance committee of the above mentioned members, In this context the under signed prayed that during my service tenure being a superintendent at GIB Abbottabad w-e-f from 15-07-2015 to 09-02-2017 no such surprise visits made by the vigilance committee of district Abbottabad, Being having the responsibility to check the parking of official vehicle after office hours in their respective venues. It would be appropriate that if the said committee paid a surprise visit to the GIB Abbottabad and advice to the undersigned to avoid such mishap of the Govt Vehicle. (Copy Of Rules 1997, (Use & Maintenance) is attached ANX No. 10)

At the time of incident, i.e stolen/missing official, vehicle No. A1062. Model 1986 in the midnight of 24/25-10-2016 both chowkidars namely Mr. Ghulam Rasool (Permanent Chowkidar) and Mr. Shahnawaz (Workshop Attendant) helper with chowkidar were present on their duties. Both the Chowkidars have been many times directed to be careful in safety and security measures regarding the Govt premises and all other Assets including Official Vehicle, but unfortunately the official vehicle has been stolen by unknown accused persons. (Copy of order book attached 15-08-2016 ANX No. 10)

The undersigned assumed the charge as Superintendent Govt Institute for the Blind Abbottabad on dated 15-07-2016. Since assumption the charge as Superintendent the undersigned leave no stone unturned regarding safety, security and welfare of GIB Abbottabad which are mentioning one by one.

attested  


(6)

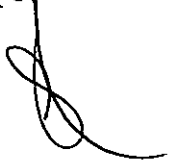
(4)

1. Before the incident occur, on dated 17-18/10/2016, Mr. Ghulam Rasool Chowkidar of institute was absent from his duties with out any intimation. The undersigned has taken an action against him and deducted his Special Allowance from his pay of October, 2016 @ Rs 887/= per month. In reaction of pay deduction, Mr. Ghulam Rasool Chowkidar made a complaint to undersigned in reference with deduction to Special Allowance from his pay. After some verbal instruction the undersigned has taken him towards the parked vehicle on the spot and directed him that safety/security of that vehicle is a part of his duties. Due to negligence from duties, the undersigned thus deducted his pay so, that he cautious in future. (Copy of source deduction is attached) Anx- No. 03/112
2. On dated 26/04/2016, Six (06) months before the incident happened, the undersigned has submitted a comprehensive request through proper channel vide letter No. GIB/ATD/2245-47 to Distt: Government for permission to shift the Government Institute for the Blind Abbottabad to a suitable building located at Main Kakul Road, Abbottabad with the provision of all facilities along with boarding facility of Visually Handicapped Children. But unfortunately the request could not be entertained by the Distt: Government. If the undersigned would allow shifting the Government Institute for the Blind Abbottabad to the above mentioned located building at Main Kakul Road, Abbottabad, the incident of stolen/missing vehicle would not be happened. ( copy attached self explanatory) Anx- No. 03/113
3. With reference to Security measures, on dated 05/5/2016 vide letter No. GIB/ATD/Personal/5251-53 the undersigned, contacted the owner of the building through the above mentioned official letter, to enhance full proof security i.e to uplift boundary walls up to 08 fit (Eight fit) maximum and also make arrangements of concertina wire over the boundary walls. Copy attached) Anx-No. 03/114

In response of the above mentioned official letter, reply of owner of the

Cont.....P/3.....

attested



(2)

building received to the office of the undersigned which is self explanatory.

(Copy attached) Anx- No. 06. **15**

4. On dated 26/10/2016 a report regarding stolen/missing vehicle letter No. GIB/ATD/M-2 vehicle/5391-92 was submitted by the undersigned to District Officer, Social Welfare, Spl: Edu: & Women Empowerment Deptt: Abbottabad for onward transmission to quarter concerned, which is self explanatory (Copy attached) Anx- No. 07. **16**
5. On dated 27/10/2016 a letter regarding fresh proceeding vide No. GIB/ATD/M-2/Vehicle/5401-02 on stolen/missing vehicle has submitted to District Officer, Social Welfare, Spl: Edu: Abbottabad for onward transmission to quarter concerned, which is self explanatory (Copy attached) Anx- No. 08. **17**
6. A report was also submitted to the Excise and Taxation Officer, motor Registration Authority Abbottabad for sorting out the stolen/missing vehicle vide letter No. GIB/ATD/Vehicle/5410-12 dated 01/11/2016 (Copy attached) Anx- No. 09. **18**
7. On dated 14/11/2016 vide letter No. GIB/ATD/Building/5422-24, Once again a request for shifting rented building of Government Institute for the Blind Abbottabad to another suitable building was submitted through proper channel to Distt: Government but no response has yet been received. (Copy attached) Anx- No. 10. **19**
8. FIR No. 1012 under Section PPC406/34 dated 25/10/2016 pertaining with stolen official vehicle has been lodged in the Cantt Police Station Abbottabad, by "Driver" namely Zakir of this institute which was totally based on false statement. The complainant recorded that on dated 24/10/2016 at 3:00 P.M he handed over the vehicle to Principal Qismat Khan i.e. undersigned in the custody of two chowkidars namely Mr. Ghulam Rasool S/O unknown and Mr. Shah Nawaz S/O unknown and both the choewkidars embezzled the official vehicle. While at the same time and day the undersigned was present in a meeting at the office of the

attached  
8

(6)

District Officer, Social Welfare, Spl: Edu: & Women empowerment Deptt: Abbottabad. (Copy of FIR along with attendance Certificate of undersigned issued by D.O, Social Welfare, Spl: Edu: & Women Empowerment Deptt: Abbottabad office is attached for reference) Anx- ~~No 20~~

9. After lodging the above FIR the complainant, Mr. Zakir, Driver of the institute refused the FIR Statement and stated that neither the complainant accused the Principal Qismat Khan nor the two chowkidars namely Mr. Ghulam Rasool S/O unknown and Mr. Shah Nawaz S/O unknown, but he accused unknown persons who stolen the official vehicle.
10. Further more, for correction of FIR the complainant Driver Mr. Zakir, submitted a supplementary statement ( AFFIDEVIT) on stamp papers of Rs. 100/= along with the application of the undersigned to SP, investigation Abbottabad for supplementary investigation on dated 01/12/2016 to with draw the names, of Principal Qismat Khan and both chowkidars from FIR 1012 under section PPC 406/34 dated 25/10/2016 (Copies attached, which are self explanatory) Anx- No., 12. 21
11. Both the chowkidars namely, Mr. Ghulam Rasool S/O Maqisood-ur-Rehman and Mr. Shah Nawaz S/O Muhammad Riaz applied for interim BBA in the honorable Court of Additional Session Judge I Abbottabad which was accepted. ((Copy attached) Anx- No. 13. 22)
12. On dated 06/12/2016, through the instant pre arrest bail in case FIR No. 1012 dated 25/10/2016 u/s 406/34 PPC/PS Cantt Abbottabad, complainant Mr. Zakir "Driver Government Institute for the Blind Abbottabad appeared before the honourable Court and Stated at the bar that the accused/petitioners namely Mr. Ghulam Rasool S/O Maqisood-ur-Rehman and Mr. Shah Nawaz S/O Muhammad Riaz Chowkidar are not involved in the commission of offence as the vehicle in question was stolen away by some unknown accused. So he has got no objection if BBA of the

Cont.....P/5.....

attached  


Accused/petitioners are confirmed. Thus BBA of the both the accused petitioners is confirmed by the honorable court. (Copy of court order is attached ANX No. 23)

Keeping in view of the above narrated facts in the lights of rules and regulations the undersigned prayed that the allegations/charge sheet of the undersigned are not based on facts, and all this mishap has been accrued due to hiring of unsuitable, unsecure, unsafely and unlawful rented building where there is no vehicle parking area hired by the Ex-Superintendent GIB Abbottabad.

It is therefore requested that the above mentioned charges in the charge sheet may kindly be dropped/relaxed in favor of the undersigned pleased.

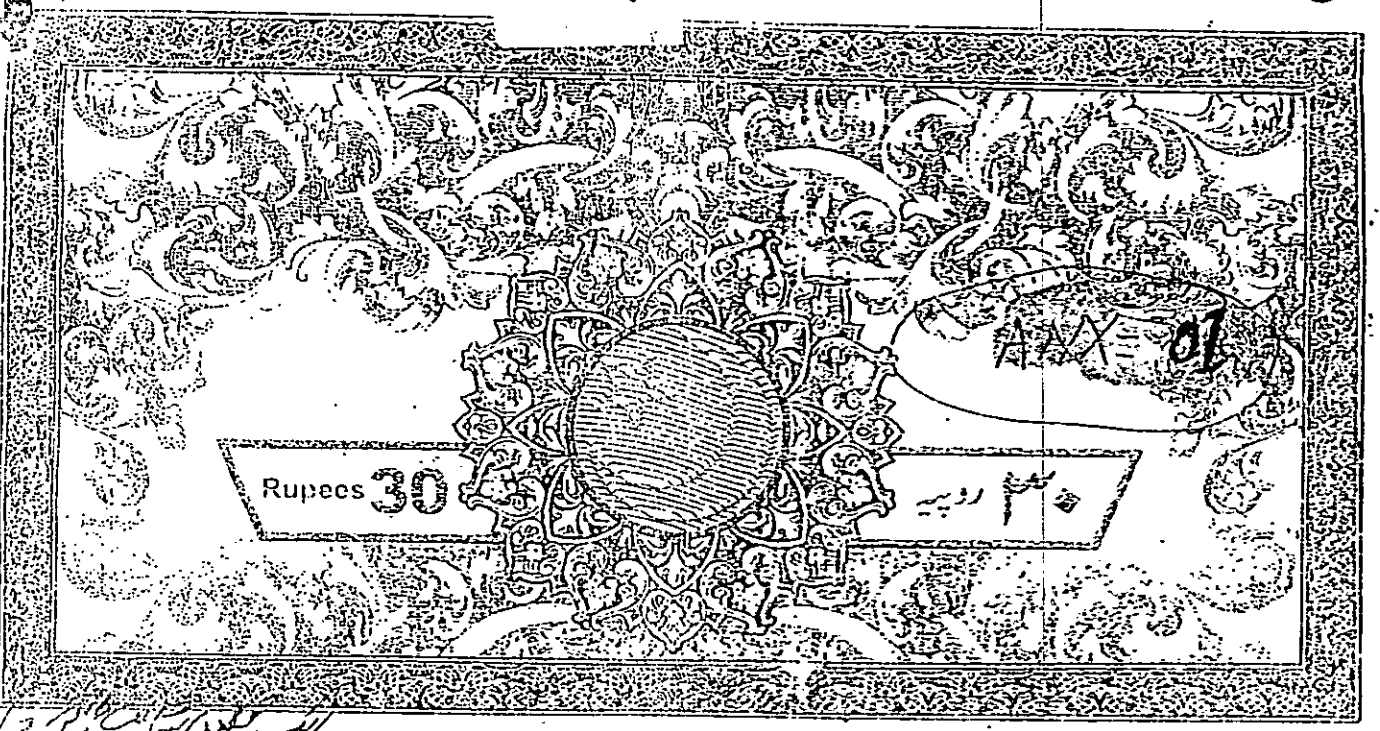
Your's Sincerely,



QISMAT KHAN  
Principal/Superintendent BPS-19  
Govt: Institute for Blind  
Abbottabad

attested  

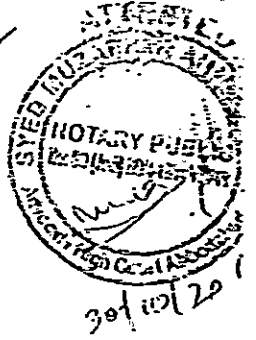


ایک گندہ ساجیہ لکھنؤ ۲۰/۱۰/۲۰۱۴

انوار آباد - گزریہ داروں مکان  
ماہانہ خود کاشتکاری کے لئے زمین کے لئے  
میں کاشتکاری کے لئے زمین کے لئے  
میں کاشتکاری کے لئے زمین کے لئے

انوار آباد میں کاشتکاری کے لئے زمین کے لئے  
میں کاشتکاری کے لئے زمین کے لئے  
میں کاشتکاری کے لئے زمین کے لئے  
میں کاشتکاری کے لئے زمین کے لئے  
میں کاشتکاری کے لئے زمین کے لئے  
میں کاشتکاری کے لئے زمین کے لئے  
میں کاشتکاری کے لئے زمین کے لئے  
میں کاشتکاری کے لئے زمین کے لئے  
میں کاشتکاری کے لئے زمین کے لئے  
میں کاشتکاری کے لئے زمین کے لئے



No: 259  
MUHAMMAD FARVEZ  
DEED WRITER  
ABBOTTABAD

30/10/2014  
30/10/2014  
30/10/2014

attested

ANX-02

GOVERNMENT OF KHYBER PAKHTUNKHWA  
OFFICE OF THE DISTRICT OFFICER  
SOCIAL WELFARE, SPECIAL EDUCATION  
& WOMEN EMPOWERMENT DEPARTMENT  
ABBOTTABAD

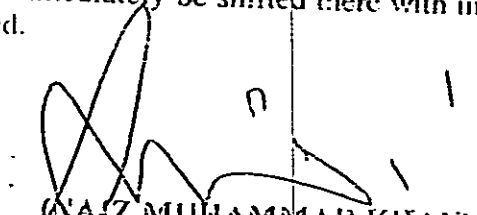
NO DO/SW/ATD/GIB/ 1439-41 Dated Abbottabad The 28/8/2013.

The Superintendent  
Government Institute for the Blind  
Abbottabad

Subject SHIFTING OF GOVERNMENT BLIND INSTITUTE TO THE  
SUITABLE BUILDING

I am directed to refer to the subject noted above and to say that it has been noticed by the higher authorities that the present building of the Government Blind Institute Abbottabad is not suitable and not even up to the standard for special children.


You are therefore, directed to locate/identify another building which would meet the requirements of special children and immediately be shifted there with in one month positively under intimation to all concerned.

  
(NAZ MUHAMMAD KHAN)  
DISTRICT OFFICER

Enclos: No & Dated as Above.

Copy to

1. ~~PS to Secretary, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa, Peshawar for information.~~
2. ~~PS to Additional Secretary, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa, Peshawar with reference to telephonic instruction dated 08-08-2013.~~

attested  


//  
DISTRICT OFFICER

ANY-03

OFFICE OF THE SUPERINTENDENT  
GOVERNMENT INSTITUTE FOR THE BLIND  
ABBOTTABAD.

No. GIB/Atd/Building/ 4476Dated, A. Abad the: 30/02/2013.

To


The District Officer,  
Social Welfare, Special Education &  
Women Empowerment Department,  
Abbottabad.

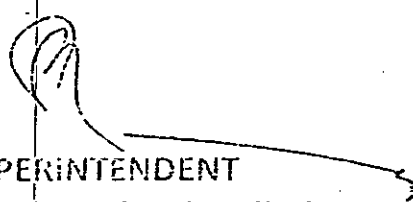
Subject: - **SHIFTING OF GOVERNMENT BLIND INSTITUTE TO  
THE SUITABLE BUILDING.**

Reference to your office letter No. DO/SW/ATD/GIB/1439-41  
Dated 28/08/2013 on the subject noted above.

In this regard the following steps have been taken so far.

1. The Directorate of Social Welfare as well as this District Administration Abbottabad has been asked on various occasions to complete the construction of Blind/ Deaf school building which is under construction by ERRA. But the work progress on the said building is very slow which has already been brought to the notice of higher authority.
2. In the meantime the undersigned is in constant searching for a suitable building so far three buildings have been identified but the rent deed has not been executed due to non availability of advance/security.
3. At the end of summer season the tourist would leave the Abbottabad station then the under signed would be in a position to locate and shift building to a suitable place.

*attested*  


  
SUPERINTENDENT  
Govt: Institute for the Blind  
Abbottabad.

ANX-04

GOVERNMENT OF KHYBER PAKHTUNKHWA  
OFFICE OF THE DISTRICT OFFICER  
SOCIAL WELFARE, SPECIAL EDUCATION  
& WOMEN EMPOWERMENT DEPARTMENT  
ABBOTTABAD

NO DO/SW/ATD/GIB/ 2298-2800 Dated Abbottabad The 24/11-2013.

To The Director  
Social Welfare, Special Education  
& Women Empowerment Department  
Khyber Pakhtunkhwa Peshawar

Subject SHIFTING OF GOVERNMENT BLIND INSTITUTE TO THE  
SUITABLE BUILDING

Your kind attention is invited to the subject noted above and to say that it has been noticed by the higher authorities that the present building of the Government-Blind Institute Abbottabad is not suitable and not even up to the standard for special children. Hence, the Superintendent, Government Institute for the Blind was directed to locate/identify another building, which would meet the requirements of special children and immediately be shifted there.

Now the Superintendent, Government Institute for the Blind has identified a building located at Supply Bazar, Manshra Road, District Abbottabad and assessed for Rs. 80000/- per month. (Assessment Certificate along with the letter No GIB/Atd/Building/4555 Dated 19-11-2013 is attached)

You are therefore, requested to kindly grant necessary sanction along with budget for rent and approval to the shifting of the Institute concerned to the newly identified building.

11  
(NIAZ MUHAMMAD KHAN)  
DISTRICT OFFICER

Endost; No & Dated as Above.

Copy to

1. PS to Secretary, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa, Peshawar for information.
2. The Superintendent Govt; Institute for the Blind Abbottabad with reference to his letter No GIB/Atd/Building/4555 Dated, Abbottabad 19-11-2013

attached

  
DISTRICT OFFICER

ANX-05



GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF SOCIAL WELFARE, SPECIAL EDUCATION  
& WOMEN EMPOWERMENT, KHYBER PAKHTUNKHWA,  
OPP: ISLAMIA COLLEGE GATE, JAMRUD ROAD, PESHAWAR.

No.DSW/B&A/4-45/1884

DATED PESHAWAR THE 10/12-2013

To,

The District Officer,  
Social Welfare, Special Education &  
Women Empowerment Department,  
District Abbottabad.

Subject: - ~~SHIFTING OF GOVERNMENT BLIND INSTITUTE TO THE SUITABLE BUILDING.~~

Reference your office letter No.DO/SW/IATD/GIB/2798-2803 dt 20-11-2013 on the subject noted above.

~~The application request is hereby returned with the following remarks~~

- ~~i. Request of location to be shifted to~~
- ~~ii. Creation of suitable building from Social & Education Department.~~
- ~~iii. Approval of high ups to change the location.~~
- ~~iv. Budget approval of Govt. dt 20-11-13~~

You are therefore advised to furnish the above mentioned documents proceed further in the matter.

*attested*  
*Supplemental*  
*27/12 AEA*  
*Mr. Dawlat Khan*  
*for District Officer*  
*10/12/13*

*[Signature]*  
 ASSISTANT DIRECTOR (B&A)  
 SOCIAL WELFARE, SPL. EDUCATION &  
 WOMEN EMPOWERMENT, KHYBER PAKHTUNKHWA

3475  
16/12/13

*P.S. do the*  
*[Signature]*  
*[Signature]*

ANX-06

OFFICE OF THE SUPERINTENDENT  
GOVERNMENT INSTITUTE FOR THE BLIND  
ABBOTTABAD.

No. GIB/Atd/Building/ 4568Dated, A. Abad the:- 12/12/2013.

To

The Director,  
Social Welfare, Special Education &  
Women Empowerment Department,  
Peshawar.

Subject:-

~~SHEPHERD GOVT. INSTITUTE FOR THE BLIND  
GOVT. SHEPHERD BUILDING.~~

Kindly reference to our letter No. DO/SW/ATD/GIB/2798-2800 dated 20/11/2013 issued by the District Officer Social Welfare, Special Education A. Abad on the subject cited above.

It is stated that this office has already sent the Rent Assessment Certificate issued by the C&W-Department, Map and Agreement Bond. In this regard the directorate has asked to furnish the Rent Assessment Certificate of the Present building and certificate of Excise & Taxation Department.

In this regard the Rent Assessment Certificate is being sent where as the building falls ~~within the jurisdiction of the cantonment.~~ There fore no certificate of the Excise & Taxation is required. The case is resubmitted for sanction please.

attested  
[Signature]

[Signature]

SUPERINTENDENT  
Govt: Institute for the Blind  
Abbottabad.

GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF SOCIAL WELFARE, SPECIAL EDUCATION  
& WOMEN EMPOWERMENT, KHYBER PAKHTUNKHWA  
EMP. TRAINING COLLEGE GATE, JAMRUD ROAD, PESHAWAR.  
No DSW/AD/BSA/14-45/49-54-56  
DATED PESHAWAR THE 3-3-2015

The District Officer,  
Social Welfare, Special Education &  
Women Empowerment Department,  
District Abbottabad.

SANCTION FOR RENT OF OFFICE BUILDING

reference your letter No. DO/SW/WH/AID/4048-49 dated 12-01-2015 on the subject noted.

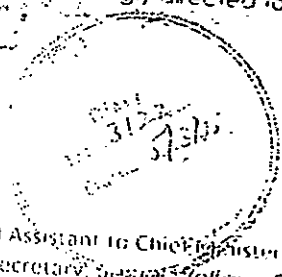
The case has been examined in light of Finance Department letter No SO(A/c)/FD/2-5/93 dated 14-5-1995 and the following observations/discrepancies have been noted.

1. A building owned by Mr. Yasin Kamal S/O Muhammad Rehman situated at Chinar Road  
Makmal Bendi Abbottabad was hired for use as GIB Abbottabad @ 23000/- P/M as per Rent  
Agreement Certificate of C&W Department Abbottabad, w.e.f 1-3-2013 as per agreement  
made & executed with the owner.  
2. According to the Finance Department letter under reference, Agreement was required to be  
executed for 3 years whereas the said agreement deed with the owner was not specified for  
3 years. Resultantly, the rule was violated. Sanction was accorded for Rs. 92000/- @ Rs.23000/-  
P/M for the period from 1st July, 2014 to 31-10-2014 (Four Months) for the current financial year

3. Now another Building @ 80000/- P.M. has been hired by the Superintendent GIB Abbottabad  
of his own Sweet will in violation of Finance Department KP without prior approval of the  
competent Authority. By executing the Agreement deed @ Rs. 30000/- financial Commitment  
has been made with the owner in violation of Rules.  
4. As per new rate of rent, there is a difference of Rs. 57000/- P/M and Rs. 684000/- per annum  
which will be extra financial liability to Govt. exchequer.

In view of the above, the Superintendent, GIB has violated the under reference financial policy and has  
occupied the new building on exorbitant rate and the DO has also forwarded his request for sanction without  
proper examination and scrutiny of the case.

You are accordingly directed to ask the Superintendent concerned to explain the reasons and  
justify the unlawful act.



*[Signature]*  
DIRECTOR

SOCIAL WELFARE, SPECIAL EDUCATION &  
WOMEN EMPOWERMENT, KHYBER PAKHTUNKHWA

Copy to:  
Special Assistant to Chief Minister  
PS to Secretary, Social Welfare, Special Education & Women Empowerment Department

DIRECTOR

*[Handwritten signature]*

GOVERNMENT OF KHYBER PAKHTUNKHWA  
OFFICE OF THE DISTRICT OFFICER  
SOCIAL WELFARE, SPECIAL EDUCATION  
& WOMEN EMPOWERMENT DEPARTMENT  
ABBOTTABAD

ANX-08

35

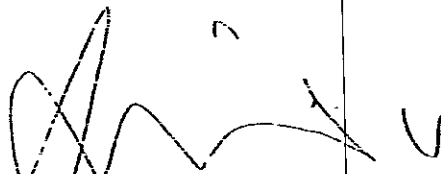
NO. DSW/AD/DIGIB/ *605/606* Dated Abbottabad The *5/3/2014*

To  
The Superintendent  
Government Institute for the Blind  
Abbottabad

Subject SANCTION FOR RENT OF OFFICE BUILDING

Reference to the subject noted above.

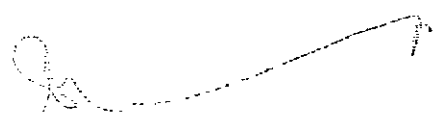
Enclosed please find herewith letter No DSW/AD/B&A/4-15/9954-56 dated 03-07-2015 received from Director Social Welfare Department Khyber Pakhtunkhwa Peshawar, which is self-explanatory with the remarks to explain the reason of shifting and hiring of building @ RS. 80000/- PM for Government Institute for the Blind Abbottabad with out prior approval of the competent authority.


  
(MUZ MUHAMMAD KHAN)  
DISTRICT OFFICE

Enclosed as stated as above.

Copy 1

To: The Director, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa, Peshawar to his letter No DSW/AD/B&A/4-15/9954-56 dated 03-07-2015 for information please.

*Selam*  
*20/1/2015*  
*Muz Muhammad Khan*  
  
DISTRICT OFFICE

*attested*  




ANX-09

**OFFICE OF THE SUPERINTENDENT  
GOVERNMENT INSTITUTE FOR THE BLIND  
ABBOTTABAD.**

No GIB/Atd; /Rent/ 4895-96Dated Abbottabad the 11/03/2015

To

The District Officer,  
Social Welfare, Spl: Edu,  
& Women Empowerment Department,  
Abbottabad.

Subject: - SANCTION FOR RENT OF BUILDING

Reference to your office letter No. DO/SW/ATD/GIB/6005-6006  
Dated 05/03/2015 on the subject cited above.

It is stated that during visit of Additional Secretary, Social Welfare,  
Spl: Edu: & Women Empowerment Department and telephonic instruction dated 28-  
08-2013 had shown displeasure, over the building of GIB Abbottabad and directed to  
locate/Identify another building which could meet the requirements of the institute  
and hostel. (Copy attached) it is further stated that in the light of the directive of  
Additional Secretary, The District Officer, Social Welfare, Abbottabad has already  
sent a letter No. DO/SW/ATD/GIB/2798-2800 dated 20/11/2013 to Directorate with  
the request to grant necessary sanction along with budget for rent and approval to the  
shifting of the Institution to newly identified building (copy attached).

The Additional Deputy Commissioner had also directed for the shifting  
of building (Copy attached)

It is therefore requested that sanction may please be granted as the  
budget is already available.

Encl: No. &amp; Date as above.

Copy to:-

The Director, Social Welfare, Spl Edu:, & Women Empowerment  
Department, Peshawar w/r to your office letter No. DSW/AD/B&A/4-45/9954-56  
dated 03/03/2015 for information and n/action please.

*R*  
SUPERINTENDENT  
Govt: Institute for the Blind  
A b b o t t a b a d .

*R*  
SUPERINTENDENT  
Govt: Institute for the Blind  
A b b o t t a b a d .

attached  
*J*

Anexor

37

~~GOVERNMENT OF KHYBER PAKHTUNKHWA SERVICES AND GENERAL  
ADMINISTRATION DEPARTMENT~~

~~Dated Peshawar the 15/3/1997~~

~~NO: SO (GNPS & GAD) 97 - The Government of Khyber Pakhtunkhwa is pleased to make the following rules regarding the use and maintenance of Government Staff vehicles, namely:~~

~~The Government Staff Vehicles (Use and Maintenance) Rules 1997~~

1. Short title;- These rules may be called the <sup>3</sup>[Khyber Pakhtunkhwa] Government Staff Vehicles (Use and Maintenance) Rules 1997.
2. Definitions;- In these rules, unless the contents otherwise require, the following expressions shall have the meanings here by respectively assigned to them, that is to say:-
  - a) "Department" means an Administrative Department of the Civil secretariat <sup>4</sup>(Khyber Pakhtunkhwa) or an attached department or a Regional or any other office of the Government which has been provided with the Government vehicle.
  - b) "Vigilance Committee" means a Committee constituted to monitor and control the miss-use of Government vehicle under rule 8 of these rules.
  - c) "Officer" means a form appended to these rules.
  - d) "Government Vehicle" or "Vehicles" means any type of motor vehicle provided by the Government for official use by a department and includes staff cars, jeeps, jeepsters, pickups, vans wagons etc.
  - e) "Officer incharge" means an officer nominated by the head of a department to be incharge of a Government vehicle or vehicles under Rules 3.
3. The head of the Department shall nominate an officer of the Department to be incharge of the Government vehicle or vehicles.
4. notwithstanding anything contained in rule 3, the general control of a Government vehicle shall vest in the head of the Department.
5. Every Government vehicle shall, immediately on its purchase, be registered in favour of the Officer Incharge by designation.

<sup>1</sup> Sub by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>2</sup> Sub by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>3</sup> Sub by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>4</sup> Sub by the Khyber Pakhtunkhwa Act No. IV of 2011.

attested  
[Signature]

6. a. There shall be a total restriction on displaying plates on Govt. Vehicles indicating the status/ ranks of the occupants. All the Official vehicles will have simple Green number plates only indicating the registration number.

b. According to Govt. of Pakistan, Ministry of Interior Notification No. 8/4/97-Public, dated the 27<sup>th</sup> February 1997, only the following persons shall be entitled to fly the Pakistan flages on their vehicles when the dignitaries themselves are seated:-

- i. President of Pakistan.
- ii. Prime Minister of Pakistan.
- iii. Chairman, Senate of Pakistan.
- iv. Speaker of the National Assembly of Pakistan.
- v. Chief Justice of Supreme Court of Pakistan.
- vi. Chief Justice of High Courts.
- vii. Governors of the Provinces.
- viii. Chief Ministers of the Provinces.

7. (i) Government Vehicles shall ordinarily be used for Government duty only.

(ii) Use of Government Vehicles for the following purposes may be considered as use for Government duty.

- a. Journey from residence to office or any other place of duty, and back, outside the normal office hours, if undertaken in the interest of office work.
- b. Journey from office to residence performed after working in the office for not less than two hours beyond the normal office hours.
- c. Journey between office and place of temporary residence by an officer on tour.
- d. Journey to attend any diplomatic or official function whether from office or residence, and
- e. Journey performed by the Chief Secretary and Administrative Secretaries to the Government of <sup>5</sup>[Khyber Pakhtunkhwa] from residence to office and vice versa.

(iii) Government vehicles may, under special circumstances and with the prior approval of the Head of the Department be used for private purposes on payment of charges at the rate of Rs. 1.25/- per Kilo Meter or portion thereof.

(iv) The money realized on account of hire charges under sub rule (iii) shall be credited to Government account under the respective heads.

~~(b) There shall be VIGILANCE COMMITTEES at provincial, Divisional and District level to monitor the official transport system and to control the use of the Government vehicles.~~


(ii) the Composition of the VIGILANCE COMMITTEES at various levels is as under:-

<sup>5</sup> Sub by the Khyber Pakhtunkhwa Act No. IV of 2011.

attested  


ANX-10

- f. There shall be a pool of vehicles at provincial level in the S&GAD and no other department will maintain a pool of vehicles in their respective departments without the authorization of provincial vigilance Committee.
- g. There shall be a pool of vehicles of all the Govt. departments at district level in each district under the direct supervision of Chairman District Vigilance Committee.
9. (i) All the Government Officers irrespective of their ranks/status shall be entitled to use only one vehicle for official duty.
- (ii) Sub-rule (i) of rule 9 shall apply to all those officers who were entitled to use more than one vehicle under Provincial Transport Committee Report 1987, of the S&GAD.
- (iii) The Officers of Provincial Government, who are holding charge of more than one department/ organization and are in possession of more than one vehicle, by virtue of their offices/ posts etc. will not be entitled to use the additional Vehicles.
10. The Head of the Department shall specify the Officers or categories of officers who shall normally be entitled for the use of Government vehicles.
11. (i) A Government Vehicle shall not be driven except by a driver specially appointed by the Department for the purpose.
- (ii) <sup>or</sup> Nonetheless, in case of non-availability of driver or in cases of emergencies, the concerned officer shall be allowed to drive the vehicle provided he is in possession of valid driving license.
12. (i) There shall be maintained, in respect of every Government Vehicle, a log book in form "A" wherein shall be entered the Journeys performed by a Government Vehicle, copy as Annex: A.
- (ii) The Log Book maintained under sub rule (i) shall remain in the custody of the driver incharge of the vehicle and shall be examined and signed by the Officer Incharge every day at the time the driver is relieved from duty.
13. (i) The Civil Secretariat vehicles shall remain parked, after officer hours, within the premises of Secretariat in the parking places of their respective departments or at any other suitable place, as determined, for the vehicles which are otherwise not permitted to enter the Secretariat premises and the gates staff shall not allow them exit without a written slip from the competent authority.
- (ii) a. The Vehicles of attached Department, their subordinate officers, other Government Offices including autonomous bodies and semi-autonomous bodies shall remain parked after office hours, within the premises of their respective offices.

attested  


ANN: 10

- (ii) PROVINCIAL VIGILANCE COMMITTEE: 5
  - 1. Chairman Secretary S&GAD.
  - 2. Member Additional Secretary Finance Dept.
  - 3. Member Deputy Secretary Finance Dept. & Dept. H.G. Traffic.
  - 4. Member A.I.G. Traffic.
  - 5. Member Section Officer (Transport), S&GAD.
  - 6. Member Secretary Provincial Transport Authority.

- (iii) DISTRICT VIGILANCE COMMITTEE: 5
  - 1. Chairman Deputy Commissioner.
  - 2. Member SDM.
  - 3. Member SDPO H.Q. Traffic.
  - 4. Member Secretary Regional Transport Authority.
  - 5. Member District Accounts Officer.

(iii) The Jurisdiction of Provincial Vigilance Committee shall be in respect of the province, including Civil Secretariat and all attached departments of Government.

(iv) All the vehicles at the disposal of divisional level officers will be monitored by the committee of district head quarters of the concerned division.

(v) The Jurisdiction of the District Vigilance Committee will be in the respective Division. District of the Committee as well as the vehicle of Divisional Headquarters will fall under the Jurisdiction of the Vigilance Committee of the respective District of the Divisional Headquarters.

(vi) a. The Vigilance Committee constituted under rule 8 (ii) of these rules shall make surprise visits to all the offices under their Jurisdiction and check the parking of vehicles after office hours in their respective vehicles.

b. The Vigilance Committee shall report to the Government on the Government vehicles for utilization of such vehicles by the Government.

c. All the Vigilance Committees shall be required to submit report of their performance during the 1st week of each month to be monitored by Secretary S&GAD for perusal of the competent authority.

d. The Provincial Vigilance Committee will supervise the performance of Divisional Districts Vigilance Committees.

e. Meetings of Provincial and District Vigilance Committee will be conducted at regular intervals.

GA SE  




No.	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<b>OFFICIAL STAFF</b>																				
(1)	Abdul Salam S- Clerk/Cashier	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(2)	Ismail Ahmad T/ Clerk	X	X							X	X						X			
(3)	Munir Ashraf Dispenser	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(4)	Zaher Printer	X	X							X	X						X			
(5)	Kasrat Ali Store-keeper	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(6)	Abdul Wahid H/ David	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(7)	M. Shabir Cook	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(8)	Fauzad Khair Cook	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(9)	M. Yousaf Canteen	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(10)	Shahid Rahman Sweeper	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(11)	Ghulam Rasool T. Handicraft	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Attested  
[Signature]

Attested for Staff  
[Signature]

ANX-12

44

PAYROL SYSTEM  
AMENDMENT FORM  
SINGLE EMPLOYEE ENTRY

POSITION CODE 80012402

FORM PAY02

Case No. \_\_\_\_\_  
PAGE NO. 1

AMEND

OFFICE OF THE SUPERINTENDENT GOVERNMENT INSTITUTE FOR THE BLIND ABBOTTABAD.

FOR THE MONTH OF OCTOBER / 2015.

DDC Code (Cost Center) 20529 Description SUPERINTENDENT GOVERNMENT INSTITUTE FOR THE BLIND ABBOTTABAD

Personnel Number 00000735 Employee Name Mr. GHULAM RASOOL National ID Card Number

Grade (Pay Scale Group) 02 CHOV/KIDAR Salary Status Start Step

GENERAL DATA CHANGE		CHANGE IN PAYMENTS / DEDUCTIONS							Effective Date	Remarks
Field ID	New Contents	Wage Type	Amount							
			Rupees	Paisa	Adj					
	Special Allowance	1550	(-)	8	5	7	0	0	01/10/2015	The Special Allowance is deducted from his regular pay for the month of 10/2015.

Prinsep/Institution  
Govt. Institute for the Blind  
Abbottabad

Author/Checked by

Signed/Verified by

DC

Prinsep



(221) 45  
13

**OFFICE OF THE SUPERINTENDENT  
GOVERNMENT INSTITUTE FOR THE BLIND  
ABBOTTABAD.**

No. GIB/Atd/Building/5245-47

Dated, A. Abad the: - 26/04/2016.

To

The District Officer,  
Social Welfare, Special Education &  
Women Empowerment Department,  
Abbottabad.

Subject: - **SHIFTING OF GOVERNMENT BLIND INSTITUTE  
TO THE SUITABLE BUILDING.**

It is stated that rented building acquired by Govt: Institute for the Blind for Teaching/Training and boarding facilities of visually Handicapped Children is not suitable for providing smooth facilities and residential purposes.

On dated 26/04/2016 a roof ceiling of one room has fallen down on 12.20 p. m. where Four (04) Special Children were used to sleep but luckily there was no special child present at that time in room.

Honor able Deputy Commissioner has already visited this institute, and verbally advised the undersigned to shift the building because the building is old and out of order, and not suitable for Teaching/Training facilities of Special Children. The undersigned requested her that due to negligence of previous DDOs budget of 2014-15 was lapsed and sanction of budget was not accorded from the competent authority w.e.f. November 2014 to June, 2015 for 08 (Eight) months. Hence rent for 08 (Eight) months were not paid to the owner.

The undersigned already applied for revised budget 2015-2016 so, that outstanding rent of 08<sup>th</sup> (eight) months is paid to the owner, and after payment out standing rent the undersigned will be able to shift the institute to any suitable building with immediate effect, for the same purpose.

The undersigned has sorted out a suitable building for institute located at Main Kakul Road, Abbottabad which will provide all facilities along  
Cont..... P/2.

*attested*  
*[Signature]*

(2)

with boarding facility to the Visually Handicapped Special Children.

It is humbly requested that the District Government may released the Revised Budget amounting to Rs. 6, 40,000/= (Six hundred and Forty thousands only) under the head A-03402 Rent of Building for out standing rent.

Thanks.

(QISMAT KHAN)  
SUPERINTENDENT BPS-19  
Govt: Institute for the Blind  
Abbottabad.

Endst; No. & Date as above.

Copy to:-

1. The Deputy Commissioner, Abbottabad for information & necessary action please.
2. The District Officer, Finance & Planning Abbottabad for information please.

(QISMAT KHAN)  
SUPERINTENDENT BPS-19  
Govt: Institute for the Blind  
Abbottabad.

Handwritten signature and initials at the bottom left of the page.

Handwritten circled numbers 70 and 71 in the top right corner.

Handwritten number 46 in the top right corner.

Handwritten initials 'c/l' in the middle right section.

OFFICE OF THE SUPERINTENDENT  
GOVERNMENT INSTITUTE FOR THE BLIND  
ABBOTTABAD.

NO. GIB/ATD/PERSONAL/5251-83 . Dated, Abbottabad the: 05/11/2016.

To

Mr. Khurshed Sultan  
S/O-Ravail Sultan  
Owner of the Building.

Subject: SECURITY MEASURES.


It is stated that Government of Khyber Pakhtun Khwa is keen to enhance the full proof security of Educational Institutions in K.P.K due to terrorism. As this institute has occupied your building for rent purpose w.e.f. 01/11/2014 up till now. You are therefore directed to uplift the boundary wall up to 08ft (Eight Feet) maximum, and also make arrangements of concertina wire over the boundary walls. Its hope's that you will make arrangements for the security and safety of special Children.

(QISMAT KHAN)  
SUPERINTENDENT  
GOVT. INSTITUTE FOR THE BLIND  
ABBOTTABAD.

Endst: No. & Date as above.


Copy to:-

1. The District Officer, Social Welfare, Special Education & Women Empowerment Deptt: Abbottabad for information please.
2. P.A to Deputy Commissioner, Abbottabad for information please.

  
(QISMAT KHAN)  
SUPERINTENDENT  
GOVT. INSTITUTE FOR THE BLIND  
ABBOTTABAD.

*Supt I*  
*10/05/16*

*File 2*  
*2*

*attester*  




ANX = NO,  
16

OFFICE OF THE SUPERINTENDENT  
GOVT. INSTITUTE FOR THE BLIND  
ABBOTTABAD.

No. GIB/ATD/M-2/Vehicle/ 5391-92

Dated. Abbottabad - 26/10/2016.

Principal Officer,  
Section of In-charge Education &  
Women Empowerment Department,  
Abbottabad.

Subject: - REPORT OF CHOWKIDAR REGARDING STEALING OF OFFICIAL VEHICLE NO: A-1062  
REGD. VEHICLE OF GOVT. INSTITUTE FOR THE BLIND

I have the honour to state that the official vehicle Toyota Hiace Registration No. A-1062 Model 1986 of Government Institute for the Blind, Abbottabad has been stolen by the unknown persons on 25/10/2016. The vehicle was parked in the premises without gate from the last 3-4 months. The chowkidars have been many time directed to be careful in the safety and security measures regarding Govt premises and all other Assets including official vehicle, but unfortunately, due to negligence of the chowkidars Mr. Ghulam Rasool and Mr. Shah Nawaz "Workshop Attended" (Helper with Chowkidar). The official vehicle has been stolen.

Later on, FIR pertaining with official vehicle has been recorded in the Civil Police Station Abbottabad by the Driver of the Institute (which is attached herewith for ready reference). DSP of Police has been visited to the Building on 25/10/2016 for further investigations. The undersigned has submitted an individual report regarding the matter (which is also appended herewith for information). The District Police Abbottabad is visiting to the centre from time to time to investigate in different way. Any further proceeding will be intimated to your honour.

Cont. ....p/2.....

attested  
[Signature]

50

AKX (16)

(2)

3. Report is submitted please.

*Q/K*

(QISMAT KHAN)  
SUPERINTENDENT BPS-19  
Government Institute for the Blind  
Abbottabad.

Encl No. & Date as above:-

Copy to:-

The Director, Social Welfare, Spl: Education & Women Empowerment  
Department Peshawar for information please.

*Q/K*

(QISMAT KHAN)  
SUPERINTENDENT BPS-19  
Government Institute for the Blind  
Abbottabad.

*Q/K*

*attested*

GOVERNMENT OF KHYBER PAKHTUNKHWA  
SOCIAL WELFARE SPECIAL EDUCATION &  
WOMEN EMPOWERMENT DEPARTMENT  
OFFICE OF THE SUPERINTENDENT  
GOVT. INSTITUTE FOR THE BLIND  
HAVELIAN ROAD ABBOTTABAD.

51

ANX = 00  
(17)

No. GIB/ATD/M-2/Vehicle/ 51/01-02

Dated. A. Abad the: 27/10/2016.

To

The District Officer,  
Social Welfare, Spl: Education &  
Women Empowerment Department,  
Abbottabad.

Subject: - ~~INVESTIGATION ON STOLEN OFFICIAL VEHICLES NO. A-1062~~  
~~TOYOTA HIACE OF NO. AT-1986~~

Kindly refer to correspondence vide No. GIB/ATD/M-2/Vehicle/5391-92 Abbottabad dated the 26<sup>th</sup> October, 2016 regarding stolen official vehicle Toyota Hiace A-1062.

2. In this context the undersigned along with District Officer, Social Welfare Abbottabad and Deputy Director, Special Education Centre (PHC) Abbottabad have visited on 26/10/2016 to Police Station Cantt Abbottabad to meet with the DSP Cantt we have Discussed all the points about the Vehicle. The DSP Cantt has assured and committed to make full efforts for investigation and to locate the official vehicle.

3. ~~On 27/10/2016 the undersigned has visited to meet with the DIG (Hazara Division) regarding the case. I have fully briefed to DIG (Hazara Division) that the stolen vehicle was underused for pick and drop of Special Children (Visually Impaired) of the Area to educate and Rehabilitate the Disable students. The institute is suffering a lot due to non availability of vehicle. The DIG has committed that he will extend his full cooperation for sorting out the said vehicle being a noble cause. Moreover the DIG (Hazara Division) has called a meeting of all heads who are responsible and issued orders regarding sort out the official vehicle.~~

4. Submitted for information please.

(QISMA KHAN)  
SUPERINTENDENT BPS-19  
Government Institute for the Blind  
Abbottabad.

Encls No. & Date as above:-

Copy to:-

P.A to Director, Social Welfare, Spl: Education & Women Empowerment Department Peshawar for information please.

attested  


  
(QISMA KHAN)  
SUPERINTENDENT BPS-19

52  
ANN - NO. (18)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
OFFICE OF THE SUPERINTENDENT  
GOVERNMENT INSTITUTE FOR THE BLIND  
ABBOTTABAD.

No. GIB/Atd/Vehicle/ 5416-12  
To

Dated A. Abad the: 21/11 2016.

~~Registration Officer,  
Motor Registration Authority,  
Abbottabad.~~

Subject: -

~~REPORTING STOLEN GOVT OFFICIAL VEHICLE  
REGISTRATION NO. A-1062 TOYOTA HIACE MODEL 1986.~~

It is stated that the official vehicle Toyota Hiace Registration No. A-1062 Model 1986 of Government Institute for the Blind Abbottabad has been stolen by the unknown person on 21/10/2016.

You are therefore requested to kindly help for sorting out the same Govt vehicle details are given below.

1. Registration No. A-1062 TOYOTA HIACE
2. Year of manufacture Model 1986
3. Chassis No. 0005280
4. Engine no. 1237320
5. 2400 CC Horse Power
6. Color White

Submitted for information please.

*QK*  
(QISMAT KHAN)  
SUPERINTENDENT  
Government Institute for the Blind  
Abbottabad.

Copy to :-

District Officer Social Welfare, Spl: Education Abbottabad for information.  
P.A to Deputy Commissioner Abbottabad for information please.

*QK*  
(QISMAT KHAN)  
SUPERINTENDENT  
Government Institute for the Blind

AT GENERAL B.S STAND OPP SHEELI PIRKHEL PLAMP HAVILLI N. DISTRICT OFFICE ABBOTTABAD

*attested*  
*[Signature]*



ANN NO, 19

Second request for Building Shift To Dist. Government

OFFICE OF THE SUPERINTENDENT  
GOVERNMENT INSTITUTE FOR THE BLIND  
ABBOTTABAD.

No. GIB/Atd/Building/ 5422-24

Dated, A. Abad the: - 14/11/2016.

To

The District Officer,  
Social Welfare, Special Education &  
Women Empowerment Department,  
Abbottabad.

Subject: -

~~REQUEST FOR PERMISSION TO GOVERNMENT  
INSTITUTE FOR THE BLIND ABBOTTABAD TO  
SUB...~~

Reference to this office letter No GIB/Atd/Building/5245-47 Dated the 26/04/2016, and it is stating once again that the existing rented building acquired by Govt: Institute for the Blind Abbottabad for Teaching/Training and boarding facilities of visually impaired children is not suitable/secure for providing smooth facilities and residential purposes.

On dated 25/10/2016 official vehicle Toyota Hiace, Registration No. A-1062 Model 1986 of this institute has been stolen by the unknown person due to insecure building because the vehicle was parked in the premises without gate.

On dated 26/04/2016 a roof ceiling of one room has fallen down on 12.20 p. m. where Four (04) Special Children were used to sleep, but luckily there was no special child present at that time in room. The existing building of Govt: Institute for the Blind, Abbottabad is old and out of order. Keeping in view of above two incidents, the competent authority may kindly be permit/allowed the undersigned to sort out another suitable building for

Cont..... P/2.

attested  
*[Signature]*

EX-1954

(2)


the welfare of Special Children (Visually Impaired) of Govt: Institute for the Blind Abbottabad.

(QISMAT KHAN)  
SUPERINTENDENT BPS-19  
Govt: Institute for the Blind  
Abbottabad.

Encls: No. & Date as above.

Copy to:-

1. P.A to Deputy Commissioner, Abbottabad for information & necessary action please.
2. The District Officer, Finance & Planning Abbottabad for information please.

  
(QISMAT KHAN)  
SUPERINTENDENT BPS-19  
Govt: Institute for the Blind  
Abbottabad.

attested  


ذات الحجة 1432ھ مطابق 22 جولائی 2011ء

اخباری اطلاع رپورٹ  
ابتدائی اطلاع بہت جرم قابل دہشت اندازی پولیس رپورٹ شدہ 152 نمبر 2011ء  
ایڈیشن آبادی 10-25

13 جولائی 1013

ذات الحجة 1432ھ مطابق 22 جولائی 2011ء	ایڈیشن آبادی 10-25	13 جولائی 1013
وقت 09:20	وقت 25/10	وقت 09:30
0311-5714175	13101 9258 329-3	0311-5714175
ذات الحجة 1432ھ مطابق 22 جولائی 2011ء	ایڈیشن آبادی 10-25	13 جولائی 1013
وقت 09:20	وقت 25/10	وقت 09:30
0311-5714175	13101 9258 329-3	0311-5714175
ذات الحجة 1432ھ مطابق 22 جولائی 2011ء	ایڈیشن آبادی 10-25	13 جولائی 1013
وقت 09:20	وقت 25/10	وقت 09:30
0311-5714175	13101 9258 329-3	0311-5714175

ابتدائی اطلاع ہے کہ... وقت صدر دفتر لاہور...  
 کو سائنس ڈیپارٹمنٹ...  
 ایڈیشن آبادی 10-25...  
 وقت 09:20...  
 0311-5714175...  
 ذات الحجة 1432ھ مطابق 22 جولائی 2011ء...  
 وقت 09:20...  
 0311-5714175...  
 ذات الحجة 1432ھ مطابق 22 جولائی 2011ء...  
 وقت 09:20...  
 0311-5714175...

Handwritten signature

**ATTENDANCE CERTIFICATE**

Certified that Mr. Qismat Khan Superintendent Government Institute for the Blind Abbottabad has attended the office of the undersigned on dated 24/10/2016 at 1.30 P.M. in connection to official matters i.e the liabilities Rent of Office Building amounting to Rs. 6,40,000/= for the year 2014-15 and two months Rs. 1,60,000/= for the year 2015-16. He leaves the office of the undersigned at 3.00 P.M. and went to home.

**DISTRICT OFFICER**  
Social Welfare & Women  
Development Department  
Abbottabad District Officer  
Department of Social Welfare,  
Special Education & Women Empowerment,  
Abbottabad.

attested  




58 اکتوبر 1947ء

برفروست؛ بیار صدور رقم 10 صفحہ نمبر 1012 جرم 4/3/406/40  
تاریخ 25/10/16 کردہ بیان وطن لکھیے۔ درخواست  
کند اکو ریٹائرڈ کا حق بنایا جا رہا۔

میا قالی: درخواست زمین عرض خدمت

1- یہ زمین کی اپوزٹ کا حق۔ بلات کی زمین ہے۔ اس کے بارے  
میں درخواست ہے۔

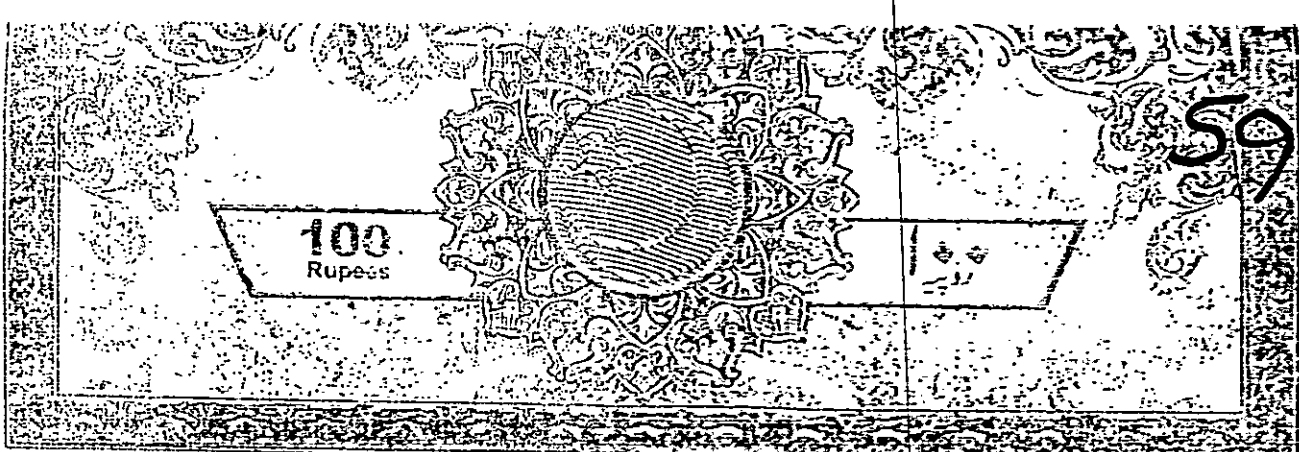
2- یہ زمین اس وقت اس وقت سے اصل حقائق سے ملنے  
کا خاطر بین جلف داخل کر رہا ہے جس کو ریٹائرڈ کا حق بنا  
جانا تھا۔ انٹارڈ قالیوں سے لینا رہتا ہے۔  
اس کے ساتھ کہ اس کو حکم ہے۔ اس کے ساتھ کہ اس کو حکم ہے۔  
تو ریٹائرڈ کا حق بنا ہے۔

30/11/16

معارضہ کر کے اس کے بارے میں اس وقت

دائبر

اللہ



ANNEX NO. 10  
(21)

کے لئے اسٹیٹ بینک 100 = 100 روپے

بیلانہ حلفی

2021-11-05

میں نے زاکر علی آبادی کے ساتھ ساتھ ایک حدیثی ٹریڈ نام باغ کنسٹریکشن ایسٹ آبادی  
 حال: ڈیڑھ سیریل بلڈنگ ایسٹ آبادی کا پیرنٹل حلقہ بنانی ہے یہاں تک کہ  
 نہ مورخہ 25/10/2016 کو ایک رپورٹ بابت چوری گاڑی 1062-19 ایسٹ آبادی  
 سٹیٹ ٹورنٹس ادارہ / سکول کی نسبت سے کہ جس پر مقدمہ عدالت نے 1012 زیر  
 دفعہ 406/34 492 قائم کی ہے ایسٹ آبادی پر عدالت چوکیداران ڈیپارٹمنٹ 11/11/20  
 ایسٹ آبادی کی گاڑی کی چوری کی اطلاع جو میں نے سرگرمی ٹوٹن میں شہر شہر کیسٹ چلے  
 گیا اس وقت میں ترمیم کر رہا تھا جو اس حقائق کا میں نے سرگرمی میں شہر شہر کیسٹ چلے  
 کا یہ معلومات ہیں جو میں نے سرگرمی میں یقین کیا گاڑی مذکورہ میں چوکیداران  
 ڈیپارٹمنٹ کا کوئی باغ نہ ہے بلکہ کوئی ناسلم آبادی گاڑی چوری کر کے لے گئے  
 ہیں لہذا چوکیداران ڈیپارٹمنٹ کا نام FIR سے خارج کر کے ناسلم افراد کا  
 خلاف کارروائی کی جا رہی ہے اس لئے یہاں پر متاثرہ ادارہ کی گاڑی میں  
 لہذا اس حلقہ حلفی سے

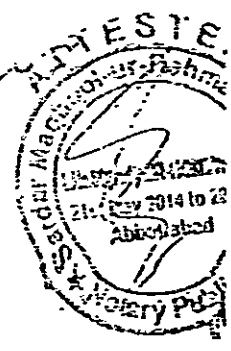
130 11  
2021

13101-9258329-3



زاکر علی آبادی

Attested



attested

SOCIAL WELFARE SPECIAL EDUCATION &  
WOMEN EMPOWERMENT DEPARTMENT  
OFFICE OF THE SUPERINTENDENT  
GOVT; INSTITUTE FOR THE BLIND  
HAVELIAN ROAD ABBOTTABAD.

ANX-NO  
(22)

No. GIB/ATD//Vehicle/M-3/ 5672

Dated. A. Abad the: 23/12/2016.

To

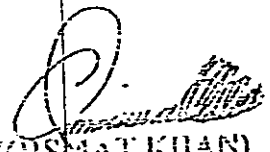
The District Officer,  
Social Welfare, Spl: Education &  
Women Empowerment Department,  
Abbottabad.

Subject: - BBA NO. 427/4-B OF 2016 GHULAM RASOOL-VS-STATE.

Please find enclosed herewith order of honourable Additional Session Judge 1 Abbottabad order No. 5 regarding an accused/petitioners Ghulam Rasool S/O Maqsood-ur-Rehman and Shah Nawaz S/O Muhammad Riaz who were on pre arrest bails from the above honourable court.

Now the pre-arrest bails of the above named accused/petitioners are accepted and the ad-interim pre-arrest bails are confirmed by the Honourable Judge, Riaz Ahmad Additional Session Judge Court No. 1, Abbottabad which is self explanatory for onward transmission to quarter concerned.

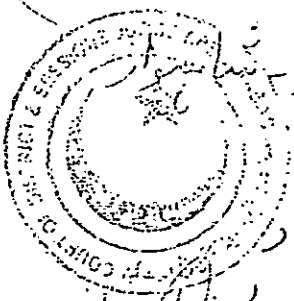
Copy of court order attached.

  
(QISMAT KHAN)  
SUPERINTENDENT BPS-19  
Government Institute for the Blind  
Abbottabad.

attached  




61



عندم رسول ولد مقبول کونڈ سیرنگی اسٹے آباد  
ولد میراجن کونڈ حانتر کونڈ اسٹے آباد

Additional District & Sessions Judge  
24/12/2016

یا

سکارڈر لید ڈاٹر ولد آنا دتھم ڈلا لای سدر آسام مان کونڈ  
روڈ اسٹے آباد حال ملوڈ زم ڈاٹا ثور بلا کونڈ سسرل اسٹے بار 422  
48

26/12/16

تاریخ	بیت	تعداد	عندم علی بن
25/10/16	406/34 PPC	1	1012
26/12/16		1	

Arrested to be a True Copy

20 DEC 2016

EXAMINER  
District & Sessions Judge  
Abbottabad

درخواست ضمانت شیخ ازبک سارہ ساکن  
پنزیان با سند سند

کجا عالی : درخواست ذیل

1- میرا لیسر عباس ساکن پنزیان و سیرنگی سٹے بار 422

attested

2 - آئی سہ سالکون | ملزمان کے ساتھ میں اور ملی عملت و بدعتی سے  
مقدمہ میں منسلک کیا گیا ہے۔

3 - آئی سہ تنصیبت مقدمہ گاڑی مذکورہ روحانیت میں رکھنے کا  
ذمہ دار تھا اور اس نے ایسا نہ کیا اور بدعتی سے اپنی جان  
بچانے کے لیے اس نے آئی سہ سالکون | ملزمان پر دعوہ لایا اور بدعتی  
ہے جو منسلک اور ہے بنا رہے۔

4 - آئی سہ بدعتی سالکون | ملزمان کو بھی شہادت پر مشتمل  
موجود ہے۔

5 - آئی سہ دفعہ عنوان کا اٹھانے سے لے کر آئی سہ سالکون | ملزمان  
پر نہ ہو گا ہے اور نہ ہی آئینوں نے کوئی عینت و حیرمانہ  
کی ہے۔

6 - آئی سہ ملزمان | سالکون کا مقدمہ پر لگا ہے سے مزید انگریزی

اللہ اعلم

سائلین / سائلان حدیث و عقائد سے

یہاں استدعا ہے کہ اس سلسلہ میں سائلین /

سائلین کو عقائد قبل از زینباری عطا فرمائیں

المدرسہ: - 26 اکتوبر 2016ء

عقد رسول و غیرہ (سائلین / سائلین)

بدر لکھ وکیل خود

Attested to be a True Copy

20 DEC 2016

EXAMINER  
District & Sessions Judge,  
Abbottabad

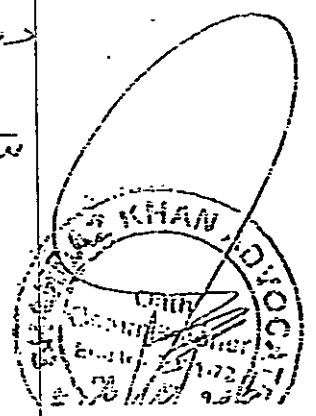
بیان حلفی :- سائلین نے جو سوائے درنوائے حلفی

درست سے اور ہم پر یقینی ہے حافظہ عدالت

میں سے

المدرسہ: - 26 اکتوبر 2016ء

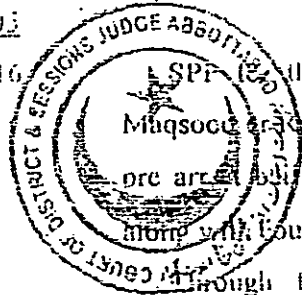
GR



attested

ANX-10  
(23)  
64

Order-03  
06.12.2016



the state present. Accused/petitioners Ghulam Rasool s/o Maqsood ur Rehman and Shah Nawaz s/o Muhammad Riaz on ad interim pre arrest bail along with counsel present. Complainant Zakir s/o Azad along with Counsel present.

Through the instant pre-arrest bail petition, the above named accused/petitioners seek pre arrest bail in case FIR No.1012 dated 25.10.2016 U/S 406/3A PPC, PS Cantt.

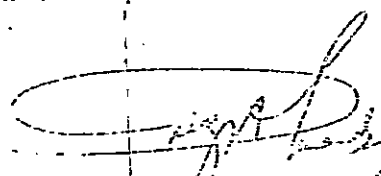
3. Complainant Zakir appeared before the court and stated at the bar that the accused/petitioners namely Ghulam Rasool s/o Maqsood ur Rehman and Shah Nawaz s/o Muhammad Riaz are not involved in the commission of offence as the vehicle in question was stolen away by some unknown accused. So he has got no objection if BBA of the accused/petitioners is confirmed. To this effect complainant got recorded his statement wherein he exhibited affidavit as EXPA and copy of his CNICs as Ex.PB which are placed on file.

4. Arguments heard and record perused.

5. After hearing arguments of learned counsel for accused/petitioners and SPP for the State, this court is of the considered opinion that though accused/petitioners have been directly charged in the FIR by the complainant for the commission of offence but tentative assessment of record available on file reveals that the offence for which the accused/petitioners have been charged does not fall within the prohibitory clause of section 497 Cr.P.C coupled with the fact that the complainant Zakir is not charging the accused/petitioners in the present case and has got no objection on confirmation of BBA of the accused/petitioners namely Ghulam Rasool s/o Maqsood ur Rehman and Shah Nawaz s/o Muhammad Riaz. So, in these circumstances, no useful purpose would be served by sending the accused/petitioners behind the bar. Therefore, the accused/petitioners are held entitled to the extra ordinary concession of Pre arrest bail.

Hence the pre arrest bail petition in hand is accepted and the ad-interim pre-arrest bail already granted to the accused/petitioners vide Order dated 26.10.2016 is hereby confirmed on existing bail bond. Record be returned forthwith to quarter concern. File of this court be consigned to Record Room

Announced.  
06.12.2016

  
(RIAZ AHMED)  
ASI-I, Abbottabad. 08/12/2016



Agreed to be a True Copy

20 DEC 2016

EXAMINER  
District & Sessions Judge  
Abbottabad

**IN THE COURT OF RIAZ AHMAD, ADDITIONAL SESSIONS JUDGE I,  
ABBOTTABAD**

**Ghulam Rasool V/S The State**

Serial No. of Order Sheet Proceedings	Date of Order Sheet Proceedings	Order or other proceedings with signatures of judge or magistrate and that on parties or council where necessary.
01	02	—03—
01	26.10.2016	<p>Instant B.B.A petition submitted by the counsel for the accused/petitioner namely Munawar Hussain Advocate. Be registered.</p> <p>Accused/petitioner Ghulam Rasool s/o Maqsood ur Rehman r/o Beran Gali Abbottabad and Shafi Nawaz s/o Muhammad Riaz r/o Jaffar Abbottabad alongwith his counsel present. Contends malafide and their ulterior motive on part of the prosecution and apprehends arrest in case FIR No. 1012, Dated 25.10.2016 under section 406/34 PPC registered at Police Station Cantt: Abbottabad. Presently, there is no other record before this court except an application supported by an affidavit and a copy of FIR, therefore, in absence of record, accused/petitioner is allowed pre-arrest ad-interim bail on furnishes bail bonds in the sum of Rs.800,00 each with the two local, reliable and solvent sureties each in the like amount to the satisfaction of this court.</p> <p>Notice and record for 27-11-16. Accused/petitioner is directed to join the investigation and is further directed to attend the court regularly till further order</p> <p><u>Announced</u> 26/10/2016</p> <p style="text-align: right;">(RIAZ AHMAD) Additional Sessions Judge-I Abbottabad</p>

*[Handwritten signature]*

*attested*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION  
& WOMEN EMPOWERMENT DEPARTMENT

66

Dated Peshawar the 3<sup>rd</sup> February, 2017.

**ANNEX: F**

**NOTIFICATION:**

No.SOII(SW) II-52/2016/

The following posting/transfers of the officers of Social Welfare, Special Education & Women Empowerment Department are hereby ordered in the public interest with immediate effect:-

S. No.	Name of Officer	From	To
1.	Mst. Nusrat Jabeen, Social Welfare Officer (BS-17)	Social Welfare Officer Social Service Medical Centre DHQ Chitral	District Officer Social Welfare, Chitral.
2.	Mr. Saeed-ul-Hassan Social Welfare Officer (BPS-18 Personal)	Assistant Director, Directorate of Social Welfare.	District Officer, Social Welfare Dir Upper
3.	Mr. Naseeb Gul, Social Welfare Officer (BPS-17 Personal)	District Officer Social Welfare, Dir Upper	Social Welfare Officer, Dir Lower
4.	Mst. Yasmeen Ara, Social Welfare Officer (BS-17)	Senior Teacher, National Special Education Complex Sheikh Maltoon Mardan	Principal Govt. School for Deaf & Dumb Children Takhth Bhai Mardan vice S. No. 05
5.	Muhammad Kaleem, Rehabilitation Officer (BS-17)	Principal Govt. School for Deaf & Dumb Children Takhth Bhai Mardan	Senior Teacher, National Special Education Complex Sheikh Maltoon Mardan Vice S. No.4
6.	Mr. Adil Khan, Social Welfare Officer (BS-18) Personal	Under transfer as Assistant Director (Estb), Directorate of Social Welfare, Special Education & Women Empowerment	Retained as Social Welfare Officer Abbottabad.
7.	Mr. Qismat Khan, Principal (BPS-19 Personal)	Superintendent Government Institute for the Blind Abbottabad	Vice Principal, Special Education Complex (Devolved) Abbottabad in his own pay scale
8.	Mrs. Shamshad Begum, Social Welfare Officer (BS-18 Personal)	Superintendent Welfare Home Abbottabad	As Superintendent Government Institute for the Blind Abbottabad against the post be vacated by S.No: 7
9.	Mr. Riaz ul Haq Sani, Social Welfare Officer (BS-17)	Superintendent Darul Aman Abbottabad	Will hold additional charge of Welfare Home Abbottabad in addition to his own duties.
10.	Mr. Muhammad Hussain, Social Welfare Officer (BS-17)	Superintendent Welfare Home Kohat	Will hold the additional charge of Drug Addicts Centre Kohat, relieving Mst Shahzia Khattak, Deputy Director Special Education Complex Kohat.

attested  
8

-Sd-

Secretary to Govt: of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special Education & Women  
Empowerment Department.

Endst: of Even No & Date: / 4069-4100

Copy forwarded for information and further necessary action to the :-

1. Accountant General Office, Khyber Pakhtunkhwa Peshawar.
2. The Director Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa.
3. District Accounts Officers Chitral, Dir Upper, Dir Lower, Mardan, Abbottabad and Kohat.
4. District Social Welfare Officers Chitral, Dir Upper, Dir Lower, Mardan, Abbottabad and Kohat.
5. PS to Senior Minister for Irrigation, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa.
6. PS to Secretary, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department.
7. Officers concerned.
8. Junior Scale Stenographer to Section Officer-II, Social Welfare, Special Education & Women Empowerment Department for making necessary entries in Staff Database Personal files.

*Huss*  
Section Officer-II.

*attested*  
*[Signature]*

- xx) The matter was also reported to the Excise & Taxation Officer, Motor Registration Authority Abbottabad, through the Principal/Superintendent GIB vide his letter No.GIB/ATD/M-2/Vehicle/5410-12 dated 01/11/2016 with the request for sorting out the stolen / missing Government vehicle (Annex-X).
- xxi) The Administrative Department ordered a fact finding inquiry through the Social Welfare, Special Education & Women Empowerment Department, Government of Khyber Pakhtunkhwa Notification No. SOG(SWD)/1-2/Transport/Vehicle/Vol-V/2016/2487-90 dated 26/12/2016. For that purpose Mr. Muhammad Asghar, Deputy Secretary (SW), Social Welfare, Special Education & Women Empowerment Department, Government of Khyber Pakhtunkhwa was appointed as the Inquiry Officer (Annex-Y).
- xxii) Accordingly, the fact finding probe was carried out and in his report, submitted on 22/02/2017, the Inquiry Officer has attributed the incident to the negligence on the part of the Superintendent, Driver and the Chowkidar with the recommendation for further necessary action (Annex-Z).
- xxiii) Thereupon, with the approval of the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) all the four accused Government functionaries have been charge sheeted and the instant disciplinary proceedings under the Government Servants (Efficiency & Discipline) Rules 2011 have been ordered against them vide the Govt. of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department Notification No. DS(SW)/SWD/1-1/2017/2909-16 dated 20-06-2017 (Annex-A).

**ANNEX: G**

**FINDINGS**

As a result of the interviews / hearings of the accused officer / officials as well as the functionaries concerned of the Administrative Department / Directorate of Social Welfare, Khyber Pakhtunkhwa / Government Institute for Blind, Abbottabad, after perusal of their statements and examination of the relevant record, the following findings have come out:-

- (i) Prior to 01/11/2014, Government Institute for Blind, Abbottabad had been housed in a rented building located at Chinar Road, Sheikhu-Bandi, Abbottabad, having parking space for the two Government vehicles (vans), at the rent of Rs.23,000/- p.m (Annex-F).
- (ii) However, at the initiative of the then Principal/Superintendent, who has since retired from service, the Government Institute for Blind, Abbottabad was shifted on 01/11/2014, without proper authorization / approval of the

*Handwritten signature*



(47) 69

Authority, to its present building located at House No. K-152/1, Banded, Near General Bus Stand, Opposite Shell Petrol Pump, 1000/- per month for a period of three years (Annex-F & Annex-K).  
The approach from the street to the gate of the building is too narrow to allow vehicles, except motorcycle/scooter etc., in.

Narrow entrance and lack of parking space made/make it impossible to park, within the office premises, the two Government vehicles of the institute (Annex-F, Annex-G, Q&A at Annex-R and Q&A at Annex-S), including the stolen vehicle (Toyota Hi-ace), bearing Registration No.A-1062, Abbottabad, Model 1986, after the office hours as otherwise required vide sub-rule (ii) (a) of Rule 13 of the Government Staff Vehicles (Use & Maintenance) Rules 1997 of the Provincial Government, prescribing that "The vehicles of attached departments, their sub-ordinate office, other Government offices, including autonomous bodies and semi-autonomous bodies shall remain parked after office hours, within the premises of their respective offices". Hence per force parking of the institute's vehicles, outside its premises, elsewhere during as well as after the office hours (Annex-T).

(iv) As such, since shifting to the existing premises of the institute, its two vehicles used to be parked at the School for Deaf Children, Jhangi Saidan, Abbottabad located at the distance of about 04 km. Subsequently, after moving out of the latter school to another place, one vehicle (new one procured in 2013) would be parked, after office hours/over-night at the Special Education Centre, Noor Elahi Road, Near Police Line, Abbottabad situated about 1 km or so away from the institute; whereas, the other vehicle (stolen one) used to be parked in the premises of an under construction building of Social Welfare Department located nearby but not adjacent to and visible from the present building of the Government Institute for Blind, Abbottabad (Annex-F, Annex-G, Q&A at Annex-R and Q&A at Annex-S).

(v) This parking arrangement continued through-out the incumbency of the accused Qismat Khan after his taken over as the Principal / Superintendent of the said Govt. vehicle No.A-1062, Abbottabad on 15/07/2015 and till stealing of the said Govt. vehicle No.A-1062, Abbottabad during the night between 24<sup>th</sup> & 25<sup>th</sup> October, 2016. However, no specific formal or written order as to the parking of the two vehicles were ever issued or are available on the record as admitted by the accused Qismat Khan (Principal / Superintendent) as well as the accused Zakir Khan (Driver) themselves in their statements during examination / Q&A (Q&A at Annex-R & Q&A at Annex-S). The arrangement seems to be executed under some verbal instructions / understanding, which cannot be substantiated by any written proof. The

70

incumbent District Officer Social Welfare Abbottabad was also aware of the arrangement/practice (Annex-AA).

- (vi) Against the two Government vehicles of the institute, there was only a single post of driver. The accused Zakir, Driver, used to handle / manage both the vehicles. Moreover, he was also providing pick & drop facility to the handicapped students / inmates of School for Deaf Children, Jhangi Saidan, Abbottabad, another institute of Social Welfare Department, as well on daily basis. For that purpose generally the other Government vehicle (new one) of the Government Institute for Blind would be used. Usually he starts his duty from 0600hrs in the morning and gets off around 1500 hrs in the afternoon (Annex-G & Q&A at Annex-S).
- (vii) There are two posts of Chowkidar in the Government Institute for Blind, Abbottabad; one is occupied by Ghulam Rasool and the other one by Mr. Siddique (Annex-M), who, however, was not performing duty in the institute and was in fact being detailed to some other office. As such only the accused Ghulam Rasool was / is left to take care of the security and the safety of the building / premises of the institute also housing a hostel with 16 blind inmates.
- (viii) Through the Principal/Superintendent GIB Office Order dated 15/08/2016, the accused Qismat Khan assigned the accused Ghulam Rasool Chowkidar, accused Shah Nawaz Workshop Attendant and Muhammad Shabir Cook, to ensure proper safety and security of the blind students residing in the hostel, after the school hours, in the evening and at night (Annex-BB). At the night of the incident only accused Ghulam Rasool, Chowkidar and accused Shah Nawaz, Workshop Attendant (but deputed as Helper-Chowkidar), were on duty (Annex-I, Q&A at Annex-P and Q&A at Annex-CC). Moreover, another cook had also been detailed to work at some other institute/office.
- (ix) As per practice, on 24<sup>th</sup> October, 2016 after performing his duty, the accused Zakir, driver parked the said vehicle No. A-1062, Abbottabad at the usual place i.e. Nearby premises of the under construction building, around 1500 hrs, and intimated Mr. Younas, Mali, who was looking after the job of Mr. Shabir, cook, who was reportedly on leave for a month or two. According to the statement of Mr. Younas Mali, neither accused Ghulam Rasool, Chowkidar, nor accused Shah Nawaz, Workshop Attendant, was present then (Annex-M). The accused Zakir left for home along with the keys of the vehicle, which he would usually do (Q&A at Annex-S).
- (x) Afterwards, both the accused functionaries, namely Ghulam Rasool Chowkidar and Shah Nawaz Workshop Attendant came up for their duty. As per the statement of the accused Ghulam Rasool Chowkidar, he last saw the (stolen) vehicle parked at some distance outside the premises of the institute around midnight (2400 hrs) (Annex-I and Questions Answers at

(B)

Annex-CC). It was he who later-on found the vehicle missing, while going for Fajr prayer around 0600 hrs. Thereupon, he called the accused Zakir driver on phone, leading to the later procedural formalities as to approaching the local police and filing of FIR (Annex-F, Annex-G, Annex-L and Q&A at Annex-P).

(i) Initially in the FIR, the names of the accused Ghulam Rasool (Chowkidar), Shah Nawaz (Workshop Attendant) had been nominated besides mentioning that of the accused Qismat Khan (Principal/Supdt:)(Annex-G & Annex-V). However, later-on, the accused Zakir (Driver), who had filed the FIR, denied to have named the three accused Government Functionaries. He claimed that their names had been inserted by the police because being uneducated he could not read and simply his thumb impression had been got affixed on the paper (Annex-G & Annex-F). On the basis of his statement, the court granted bail-before-arrest to the accused Ghulam Rasool (Chowkidar) and Shah Nawaz (Workshop Attendant)(Annex-DD). Moreover, the matter of exclusion of their names from the FIR has also been taken up with the police authorities concerned (Annex-EE).

(ii) Scores of labourers and the Chowkidar of the private contractor were also staying at night in the premises of the under construction Government Building, from where the said Government vehicle was stolen, but neither they nor any of the local residence of the surrounding houses were investigated/interrogated by the police for suspected culprit(s). The management/staff of the Government Institute for Blind, Abbottabad have also not taken up possibility of involvement of any such persons formally or informally with the police authorities concerned, which is strange.

(iii) The fact finding inquiry got carried out by the Administrative Department is too simple, sketchy and incomprehensive, ignoring different angles, past linkages & background, and necessary details. Moreover, the officer conducting the probe omitted to physically inspect/visit the locations/venues of the institute and the incident (Annex-Z).

Hiring of an unsuitable building for the Government Institute, without any parking space for its vehicles and such a narrow access/entry passage (Annex-F, Annex-G, Annex-H, Q&A at Annex-S, Q&A at Annex-R and Q&A at Annex-AA) not only seems to be the actual factor responsible for the loss of the government vehicle No.A-1062 Abbottabad but also rendered it impossible to comply with the provision of Rule-15(ii)(a) of the Government Staff Vehicles (Use and Maintenance) Rules, 1997, as specified at serial No.(xiii) of the Facts at para-6 above, requiring parking of Government Vehicles, after office hours, within the premises of their respective offices.


attester  
[Signature]

(xv) After shifting of the Government Institute for Blind, Abbottabad to its present rented building, no written orders or directions by the then Principal/Supintendent (who was actually responsible for the shifting at his own initiative) or the accused Qismat Khan, Principal/Supdt: as to the place/location/space for parking of the Institute's Government Vehicles, during or after the office hours, are available on record (Annex-G, Q&A at Annex-R and Q&A at Annex-S). The arrangement in this behalf had seemingly been made verbally/informally, which continued during the tenure of the accused Principal/Supintendent.

(xvi) Similarly no formal orders or directions in writing, making any chowkidar(s) or any other employees, including the accused Ghulam Rasool Chowkidar and accused Shah Nawaz Workshop Attendant specifically responsible or physically deputed/posted for safety, security or watch over the (stolen) Government Vehicle No.A-1062 Abbottabad being parked in the premises of the under construction Government building not adjacent to but located at some distance from and not visible from the existing rented building of the Government Institute, are available on record (Annex-H, Annex-I and Q&A at Annex-CC). No such specific order could be produced during inquiry proceedings; rather non-issuance/non-existence of any orders has been admitted by the accused Qismat Khan, Principal/Supintendent (Q&A at Annex-R).

(xvii) The charges against all the four accused Government functionaries have been specifically based on the Government Staff Vehicles (Use and Maintenance) Rules, 1997. As already highlighted at serial No.(xiv) of the Facts at para-6 above, only four categories of (Government) departmental officials have been assigned functions/responsibilities/roles with respect to use and maintenance, which include head of department, officer in-charge, entitled officer and driver. Chowkidar, Helper Chowkidar and Workshop Attendant have not been mentioned in the said Rules of 1997 (Annex-T and Q&A at Annex-J). Moreover, nature of job/functions of the post of Workshop Attendant pertain to training the blind students of the Government Institute in the discipline/trade of weaving of chairs etc. which are quite different from that of chowkidar/helper chowkidar. As such attributing loss/theft of the said Government Vehicle to the negligence of the accused Workshop Attendant and the chowkidar, on the basis of the Government Staff Vehicles (Use and Maintenance) Rules, 1997, in their respective Charge Sheets/Statements of Allegations does not look justifiably tenable.

(xviii) Similarly, one chowkidar of the institute had been detailed to some-where else, whereas the accused Ghulam Rasool, Chowkidar was not specifically directed/ ordered in writing, as also stated earlier, for guarding /watching over the (stolen) vehicle No. A-1062 Abbottabad, which used to be parked after office hours at the place out-side and at some distance from the Blind

attached  


(8)

Institute. Even if some verbal instructions had been given, the same are not only un-verifiable but also could not possibly be complied with on regular basis by a single chowkidar, posted within the premises of the institute to watch and secure its building.

(xix) Further-more, the accused chowkidar with the responsibility of safety and security of the blind institute's own building, having insufficiently low-height boundary wall, and guarding/securing its premises, also housing hostel facility with about sixteen(16) blind student-residents, against any potential intrusion/threat in the existing highly fluid country-wide security situation, could not possibly have taken care of the said government vehicle parked at the un-gated site located not adjacent to but at a distance from and not visible from the institute's building(Annex-H and Annex-I, Q&A at Annex-P and Q&A at Annex-CC). The officer in-charge should be well aware and cognizant of this physical handicap, on-ground reality and human limitation. Had the vehicle been parked within the premises of the institute, which was not possible because of lack of parking space, the chowkidar would have been fully responsible for the safety and security of the government vehicle after office/night hours.

(xx) Rule-11(i) of the Government Staff Vehicles (Use and Maintenance) Rules, 1997 prescribed that "A Government Vehicle shall not be driven except by a Driver specially appointed by the department for the purpose." Thus impliedly each government vehicle is required to have one Government driver especially appointed for it. Similarly, Rule 25 (sub-rule-a to g) lays down certain instructions/requirements specifically for the drivers of government vehicles (Annex-T).

(xxi) Rule 25 (e) of the Rules ibid requires the Govt. driver that "Vehicle shall not be left unattended or kept in a dangerous position." Whereas, provision of Rule-15(ii)(a) of the Government Staff Vehicles (Use and Maintenance) Rules, 1997, as already mentioned at serial No.(xiv) above, requires parking of Government Vehicles, after office hours, within the premises of their respective offices(Annex-T). However, in this case the accused driver could not have parked the said Govt: vehicle, after the office hours within the premises of the institute because of narrow entrance and, above all, non-availability of parking space. On the other hand, it was not possible for him or any other driver to attend or remain with the Govt: vehicle round the clock every day. The vehicle had had to be parked somewhere; in this case it used to be stationed at the nearby premises of the under construction Govt: building. During the examination, the accused driver shared that he had pointed out the situation to his officer(s) in-charge verbally, though not in writing, but with no positive result (Annex-G and Q&A at Annex-S).

attested  
[Signature]

[Signature]

(9) 74  
(xxii) The accused Zakir (driver) had been handling/managing two Govt: vehicles (Vans) of the Government Institute for Blind, Abbottabad since procurement of the second vehicle back in 2013. He has been providing pick & drop to the blind students not only of his own institute (Govt: Blind Institute) but also that of the Government School for Deaf Children, Jhangi Saldan, Abbottabad, residing in different localities of Abbottabad City/Cantt: ever since regularly (Annex-G, Q&A at Annex-S and Q&A at Annex-R). This additional and unfair burden/work load on the accused driver, having service of about 31-years at his credit reportedly without any complaint against him, is a matter for thought as well as discreet consideration.

(xxiii) The accused Qismat Khan, Principal/Supdt., being the officer in-charge, had over-all responsibility of the administration/ management/ functioning /working of the institute, execution/ performance of respective duties/responsibilities by his subordinate officials/staff, and the safety & security of the premises as well as all the Govt: assets /properties at his control/disposal including, of course, the Govt: vehicles.

(xxiv) The accused Qismat Khan as well as his predecessor superintendant of the institute exhibited lack of direction, prudence and precaution by failing to take necessary action/steps for the safety & security of the said (stolen) Govt. vehicle in the absence of own parking space. The vehicle could have been parked at the secure premises of any other sister Govt. institution as was being done in the case of its another (new) official van; or a chowkidar could have been deputed/posted, at the place of its parking, exclusively for guarding the vehicle after office hours/over-night; or formal arrangement/ engagement could have been with the security guard/staff of the contractor, through him, working on the nearby under-construction building of social welfare department from whose site the Govt. vehicle was stolen; or some improvised physical measures could have been put in place for safety of the Govt. vehicle and securing it against potential theft/stealing.

(xxv) However, the accused Qismat Khan, Principal/Supdt., did inter-alia seek, through his office letter No. GIB/Atd/Building/5245-47 dated 24-04-2016 addressed to the District Officer Social Welfare, Abbottabad, to shift the institute from its existing old and dilapidated building to another suitable building located at the main Kakul Road, Abbottabad (Annex-FF). It was actuated, about six months before the Govt. vehicle's stealing incident, after the roof/ceiling of one of its rooms, occupied by four blind inmates had fallen down around 0020 hours on 26-04-2016 but luckily the children were not in the room at that time. The letter also highlighted that the then Deputy Commissioner had already visited the institute and advised him (the accused Qismat Khan, Principal/Supdt.) to shift the building because of its being old, out of order and not suitable. After the stealing incident of 25.10.2016, vide his letter No. GIB/Atd/Building/5422-24 dated 14/11/2016

(Annex-GG) again reminded the district authorities concerned through the District Officer Social Welfare Abbottabad, also intimating about the theft of the said Govt. vehicle, again seeking permission for engaging another suitable building for the institute. He, however, did not get any positive response from the quarters concerned in this regard.

(xxvi) As already highlighted at serial No.(xiv) of the Facts at Para-6 ante, the Government Staff Vehicles (Use and Maintenance) Rules, 1997 also provide for the Vigilances Committee headed by Deputy Commissioner concerned at district level to monitor and control the misuse of Govt. vehicles (Rule 2(e) read with Rule-8 of the Rules *ibid*) (Annex-T). According to Rule-8 (vi)(a) the Vigilance Committee was/is required to make surprise visit to all the offices under its jurisdiction and check the parking of vehicle after office hours in their respective venues. Similarly, as per the sub rule (vi)(c) of Rule-8 of the said Rules of 1997, the Vigilance Committees are required to submit report of their performance during the first week of each month to Secretary, S&GAD (now Secretary Administration) of the Provincial Government. District Vigilance Committee Abbottabad was not active, functional and visible throughout the whole episode, rather even before and after it (Annex-F and Q&A at Annex-R). Had the body been meaningfully functional and diligently active/pro-active, this incident might have not happened.

2/11

(xxvii) As touched upon earlier, the selection of an un-suitable building, dilapidated and without parking space for vehicles, for the blind institute was quintessentially the root cause, leading to the loss/theft of its Govt. Vehicle No. A-1062 Abbottabad. The predecessor of the accused Qismat Khan, Supdt: shifted the Govt: Institute for Blind, previously housed in a premises located at Chinar Road Sheikhul-Bandi Abbottabad rented at Rs.23,000/- p.m., to its existing un-suitable building on 01-11-2014, at his own without requisite prior approval of the competent authority (Annex-F, Annex-K and Q&A at Annex-AA); hired at Rs.80,000/- p.m. (an additional financial burden /increase of Rs.57,000/- p.m. or Rs.6,84,000/- per annum), while the case for formal sanction was submitted, one month & 22 days later, vide his office letter No.GIB/ATD:/Rent/4837-38 dated 22-12-2014 (Annex-HH) to the District Officer Social Welfare, Abbottabad under intimation to Director Social Welfare, Khyber Pakhtunkhwa (head of the attached department). Onwardly, DOSW, Abbottabad forwarded the case through his letter No. DO/SW/WH/Atd/4048-49 dated 12-01-2015 (Annex-II).

1

(xxviii) It is worth mentioning that the shifting to the existing premises/location was done despite the fact that in reply to the District Officer Social Welfare, Abbottabad letter No.DO/SW/ATD/1439-41 dated 28-08-2013 conveying instructions of the higher authorities shifting the institute to some suitable building (Annex-JJ), originally he had identified/selected another

T

attested  
[Signature]

76 24

(11)

suitable building i.e., House No. 259, located at Supply Bazar, Mansehra Road, Abbottabad, owned by Farooq Azam S/O Saeed-ur-Rehman and Farhat Yasmin D/O Saeed-ur-Rehman, and solicited sanction through his letter No. GIB/Atd/Building/4555 dated 19-11-2013 addressed to the DOSW, Abbottabad (Annex-KK). Rather the then Supdt. GIB, Abbottabad in his letter No. GIB/ATD/4547 dated 05-11-2013 addressed to the Executive Engineer, C&W Division, requesting for requisite Rent Assessment Certificate with respect to the selected new premises, claims to have occupied the building (Annex-LL). The DOSW, Abbottabad forwarded the case to the Director Social Welfare, Khyber Pakhtunkhwa vide his letter No. DO/SW/GIB/2798-2800 dated 20-11-2013 (Annex-MM). The relevant record transpires that the then Supdt. GIB, Abbottabad had also executed & authenticated an agreement deed respecting the originally identified/selected building (House No. 259, located at Supply Bazar, Mansehra Road, Abbottabad) with the owners concerned on 01-01-2014, obviously without requisite prior sanction of the competent (Annex-NN).

(xix) Intriguingly, the then Principal/Superintendent GIB had omitted to specifically mention the addresses of the originally selected building as well as new (existing) building & names of their owners etc. in his respective aforementioned covering letters, while DOSW, Abbottabad did highlight the same in his both the forwarding letters addressed to Director Social Welfare, KP. Moreover, the agreement deed was executed with the owner of the building, for a period of three years, on 01-11-2014 not by the then Officer In-charge/Superintendent of the GIB Abbottabad, as was otherwise required, but by a junior staff member, namely Muhammad Munir Awan, who is reported to have since retired from service (Annex-OO). Furthermore, it was done without formally withdrawing the earlier case/recommendations pertaining to another suitable venue mentioned at serial No.(xxviii) above, which was then under process for approval/decision of the competent authority.

(xxx) Director Social Welfare, KP did not accorded approval/sanction for the existing building of the GIB or originally/previously identified/recommended premises. Instead strong observations/reservations of the Directorate of Social Welfare were communicated vide their letter No. DSW/AD/B&A/4-45/9954-56 dated 03-03-2015, addressed to the DOSW, Abbottabad, requiring explanation as to the reasons and justification from the Superintendent GIB, Abbottabad for violation of the financial policy and occupation of the new (existing) building at his sweet will on exorbitant rate (Annex-PP and Annex-F). Moreover, it was also pointed out that the DOSW had forwarded the case for sanction without proper examination and scrutiny. The same was sent by the DOSW, Abbottabad to the Supdt. GIB vide his letter No. DO/SW/ATD/6005-6006 dated 05-03-2015 (Annex-QQ). The then Superintendent responded to the

attester  
8



DOSW, Abbottabad, through his letter No.GIB/Atd:/Rent/4895-96 dated 11-03-2015 (Annex-RR), formally forwarded by the latter to Director Social Welfare KP vide his reference No. DO/SW/ATD/DS/6022-23 dated 18-03-2015 (Annex-SS), but the explanation/justifications put forth seem quite flimsy, impertinent, irrelevant and unconvincing. However, neither the Directorate of Social Welfare pursued the case any further, nor the DOSW, Abbottabad followed up any more (Annex-K and Q&A at Annex-AA).

(xxi) The stolen Govt vehicle bearing registration No.A-1062 (Abbottabad) of the institute (Toyota Hiace, Model 1986) had been procured on 20-8-1986. This it was more than 30-years old at the time of the incident (theft) having already outlived its effective service life. As such the vehicle must have high cost of POL consumption and maintenance besides being prone to frequent breakdowns /disorders and repairs, thereby not only becoming a burdensome financial /physical liability but also, in case of accident due to any mechanical fault or disorder, a potential danger/hazard for the lives of the handicapped (blind /deaf) commuting/travelling thereon daily.

(xxii) Throughout, the district authorities/DSWO concerned remained in picture but seemed to have been functioning merely as a post office and onlooker.

(xxiii) The Government Staff Vehicles (Use and Maintenance) Rules, 1997 look deficient, lacking on different accounts and in different respects e.g. whether head of department means head of administrative department or that of attached department; no specific mention of the custody/parking place/safety & security of Govt: vehicles after office hours/overnight and burden of responsibility in case of non-availability /absence of parking space within the premises of Govt: offices /institutions etc.; role and responsibility of the heads of attached departments/ subordinate formations; role & responsibility of officers in-charge of subordinate offices /institutions with respect to Govt vehicles of large seating capacity meant for travelling of group of staff members/inmates /students; specific responsibility of security staff /chowkidars etc.; prescriptions/requirements as to the respective responsibilities /roles /liabilities and procedures in case of damage /loss /stealing of Govt: vehicle as well as recovery of such vehicles or cost/value thereof with respect to District/Provincial Vigilance Committees, officer incharge, designated/entitled officers and other Government Employees concerned including inter-alia drivers, chowkidars /security personnel etc.

(xxiv) Surprisingly, the respective job descriptions of different posts / categories of positions of subordinate offices / institutions of Social Welfare Department are not available with the District Office of Social Welfare Abbottabad nor, except that of the posts of chowkidar and driver, with the Directorate of Social Welfare, Khyber Pakhtunkhwa (Q&A at Annex-Q).

attester  
[Signature]

[Signature]

xxxv) It would be pertinent to point out that in the Charge Sheet, the accused Staff Nawaz, Workshop Attendant has been erroneously mentioned as Driver

xxxvi) Last but not the least, the charges/allegations against the accused Govt. functionaries are the same and general in nature and not specific as otherwise required for their being holding different categories of posts/positions. The charges should have been discreetly worked out and specifically framed.

## CONCLUSIONS

In the light of the statements / examination of the accused officer / officials & the other officers / officials concerned, the above stated FACTS FINDINGS and of the relevant record, the following conclusions are made -

The Government Staff Vehicles (Use and Maintenance Rules, 1997) were not followed in letter and spirit, in this case, on the part of the officer in-charge and other authorities /functionaries and the firm provided thereon. Exercise of due care, diligence, discreet, effective oversight, pro-activeness and vigilance was not visible at all levels throughout.

Selection of and shifting to the existing building with inappropriate location structure and no parking space for Govt. vehicles, was a highly exceptionable act and a major root cause of the subsequent loss of the Govt. vehicle No.A-1062 Abbottabad. The stolen Govt. vehicle used to be parked in a highly insecure place without putting in place any precautionary safety arrangements.

Seemingly, there was emasculated, unresponsive and ineffective supervision/oversight on the part of the district authorities concerned. Moreover, there was lack of capacity for discreet examination/proceeding in cases and will to ensure enforcement of the Govt. rules/policy/instructions or take action against those responsible in case of infractions/violations as can be gauged from the FINDINGS of this report.

The District Vigilance Committee lacked initiative, non-functioned and was invisible in-so-far as the execution of the role and responsibilities assigned to it under the Government Staff Vehicles Use and Maintenance Rules, 1997.

Control and oversight of Directorate of Social Welfare Khyber Pakhtunkhwa on its subordinate offices/institutions too seemed weak and ineffective particularly in case of proceeding against the officers/officials responsible for any irregularity or acting in violation of the Provincial Government Rules and Policies. It was exhibited when an unsuitable

building with no parking space was selected/hired at exorbitant rent by the then superintendent at his own will and the Govt. Institute for Blind, Abbottabad was shifted thereto without prior approval of the competent authority but the Directorate failed to take the matter to logical end by taking effective disciplinary/punitive action against the officer concerned.

- vi) An early decision/action as to the relocation/shifting of the Government Institute for Blind, Abbottabad from its existing unsuitable building to some other suitable premises/venue, as was requested/ sought by the accused Qismat Khan, Principal/Superintendent well before the theft of the said Govt. vehicle, would have obviated any such incident to happen. ) a
- vii) The Government Staff Vehicles (Use and Maintenance) Rules, 1997 are ambiguous, deficient and outdated, requiring significant revision and improvements in the public interest on urgent basis.
- viii) The stolen vehicle model 1986 having completed more than 30 years of active operation/service was not worth retention given the depreciation factor. As such it should have been declared condemned and disposed of subject to completion of the prescribed codal/procedural formalities. ) u
- ix) The charges against the accused Shah Nawaz, Workshop Attendant have not been proven. ✓
- x) The charges against the accused Ghulam Rasool too have not been proven. ✓
- xi) As regards the charges against the accused Zakir, the allegations are validly relevant to the extent that being the driver of the stolen vehicle he was responsible for its proper look-after as per the Government Staff Vehicles (Use and Maintenance) Rules, 1997. He has service of 31-years at his credit with no complaint against his performance or any irregular conduct on his part as also admitted, during the examination/Q&A at the inquiry proceedings, by the accused Principal/Supdt: being the Officer Incharge of the institute (GIB). Moreover, he was managing/handling two Govt: vehicles of the institute and catering transport facility not only to the handicapped students of his own institution (Government Institute for Blind) but also that of the School for Deaf Children, located at two different distant places in Abbottabad) since 2013 regularly. ) 3012
- xii) It was not possible for the accused Zakir driver, like any other Govt: driver, to attend his Govt: vehicle 24 hours regularly; rather he was not supposed to leave the vehicle unattended during the office/duty hours, he would act accordingly. As for parking the vehicle within the office premises after duty hours as required under Rule-15(ii)(a) of the Rules ibid, he could not have done so in the absence of parking space within the existing premises of the GIB Abbottabad due to selection of an un-suitable building by the then

attester  
8

15

Superintendent (the predecessor of the accused Qismat Khan, Principal/Superintendent), no secure alternative arrangement by the officer incharge of the institute for safe parking of the Govt. vehicle and non issuance of any direction/orders in writing by him (officer incharge) requiring the accused Zakir (driver) to park the said vehicle at any specific safe place. Hence, the accused driver continued to park the (stolen) vehicle, as per past practice understandably initiated under some verbal instructions/informal arrangement by the then Superintendent at some point of time after shifting of the institute to the existing building. The accused claimed during the inquiry proceeding that he had verbally agitated that issue with the officer(s) incharge several time but he omitted to bring it up in writing. Anyway, throughout, he performed his duties satisfactorily and responsibly. As such the charge No.(a) is not proven as an adverse allegation, whereas the charge No.(b) stands prove partially.

- (xiii) The accused Qismat Khan, Supdt: GIB Abbottabad was not primarily or directly responsible for properly looking after the Govt. vehicles allotted to his institution. He being the officer incharge cannot fully absolve himself of the responsibility of ensuring strict enforcement of the relevant Government Rules by his subordinate staff ensuring all necessary measures/safe-guards for safety and security of all the government assets /properties at his disposal including the Govt. Vehicle No. A-1062 (Abbottabad), which was stolen from the insecure premises located at some distance from the office building. However, the existence of extenuating circumstances, in his favour, like selection/ shifting of the institute by his predecessor Supdt: to a unsuitable building with no parking space and efforts of the accused for relocating the institution/office to another suitable premises should not be ignored. As such the Allegation No.(a) stands proven partially, whereas the Allegation No.(b) has been proved.

## RECOMMENDATIONS

In the light of the scrutiny of the relevant record, the statements/examination of the accused officer/officials as well as the other Government functionaries concerned, and the above stated **FACTS, FINDINGS** and **CONCLUSIONS**, the following recommendations are made:-

- i) As the allegations /charges brought up against them do not stand proven, the accused Shah Nawaz, Workshop Attendant and accused Ghulam Rasool, Chowkidar may be exonerated.
- ii) In view of the facts that only one allegation i.e. Allegation No. (b), has been partially proved, he has good service record of 31-years, and the existence of extenuating circumstances, as highlighted at the serial No.(xi) & (xii) of the **CONCLUSIONS** at para 8 ante, the

attested  
8

(46)

accused Zakir. Driver may also be exonerated with strong advice to be careful in future.

- iii) In the light of the Conclusions particularly the conclusion at S.No. (xiii) of para-8 above, the competent authority may decide imposition of one or more penalties prescribed in Rule 4(1)(a) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. In the case of recovery from the accused officer, factor of value depreciation/depreciated value may be taken into view.
- iv) The Government Institute for Blind, Abbottabad may immediately be shifted from its existing premises to another suitable building, keeping in view the requirements of the Institute including inter-alia safety & security, with adequately wider access/approach/entrance and sufficient parking space for its vehicles. All the codal /procedural formalities including prior approval of the competent authority must be completed on fast track.
- v) Administration Department, Government of Khyber Pakhtunkhwa (being the Administrative Department concerned) may be approached with the request for a meaningful revision, realistic improvement and significant consolidation/strengthening of the Government Staff Vehicles (Use and Maintenance) Rules, 1997 in consultation with all the administrative departments/stakeholders. The process should be completed on fast track and the proposed revised rules may inter-alia contain realistically effectual in-built mechanism for their effective enforcement/implementation on ground with a view to ensuring proper use, maintenance, safety and security of Govt: vehicles.
- vi) Through the Administration Department, Government of Khyber Pakhtunkhwa all the Districts Vigilance Committees may be got efficiently reactivated and meaningfully strengthened for improved and effective enforcement/ working. These bodies may also be assigned an effective role and responsibility, under a proper accountability mechanism, for early recovery/retrieval of Govt: vehicle in case of their car-jacking/snatching/theft.
- vii) A caution/displeasure may be communicated, through proper channel, to the then Deputy Commissioner Abbottabad, being the Chairman of the District Vigilance Committee, for the inaction and nonchalant attitude of the body, in this case, in discharge of the responsibilities assigned there-to under the Government Staff Vehicles (Use and Maintenance) Rules, 1997.

circled

J D D

Dir

in  
adv

W.A.G.  
S.M.D.

1/1/12

[Signature]

attached  
8

(17)

viii) District Office Social Welfare Abbottabad needs to significantly improve and enhance its capacity and oversight /supervision for ensuring discreet and comprehensive examination/ scrutiny of cases before forwarding /referring to the higher /Provincial/Administrative authorities concerned. They may also ensure strict enforcement /implementation of Government Rules/Policies Instructions including, particularly, the Government Staff Vehicles (Use and Maintenance) Rules, 1997, the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, and the instructions /guidelines etc. regarding selection/hiring buildings for Government Offices/Institutions. They must ensure immediate and strict action against responsible officers/officials in case of infringements/violations of these rules/policies instructions etc. District Officer Social Welfare Abbottabad (and if considered desirable the social welfare officers of other districts as well) may be issued necessary instructions with strong advice to be careful in future accordingly.

let  
 the  
 Dir  
 to  
 Des

ix) Director Social Welfare, Khyber Pakhtunkhwa may be directed:-

- a) To explain that why punitive action could not be taken to its logical end against the then Government officials responsible for the selection/hiring of an unsuitable (existing) building, without parking space, at significantly higher rent and shifting of the Government Institute for Blind, Abbottabad thereto without requisite prior approval of the competent authority;
- b) To prepare and finalize respective job descriptions in respect of all posts/positions of the Directorate of Social Welfare and its subordinate offices/ institution;
- c) To ensure strict enforcement/implementation of the Government Staff Vehicles (Use and Maintenance) Rules, 1997 and dependably effective precautionary measures/steps etc. for safety and security of the Govt. vehicles by the Directorate as well as all the subordinate authorities /officers /offices /institutions;
- d) To make sure that the Provincial Government Policy/Instructions/Guidelines etc. regarding hiring of buildings/premises for government offices/institutions/officials purposes are strictly followed by the Directorate as well as all the subordinate authorities/officers, who must ensure that only suitable buildings, meeting all requirements, are engaged/hired on

Dir  
 for  
 rules

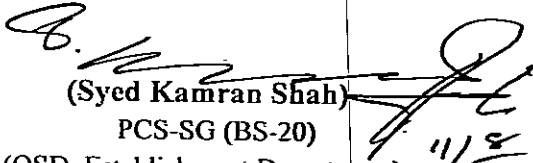
↓


attested  
 8

(18)

- economical/competitive rent after prior approval of the competent authority;
- e) To coordinate with Regional Police Officer / DIG Police, Hazara Region, through proper channels, for early recovery/retrieval of the stolen Govt. vehicle No.A-1062 Abbottabad at the earliest.
- x). Director Social Welfare, Khyber Pakhtunkhwa may diligently look into and sort out the affairs of its subordinate offices/institutions in Abbottabad, including particularly the Government Institute for Blind, in terms of administration & management of manpower and resources, use & maintenance of the Govt. vehicles, conformity to official channels & discipline, exploitation & irregular assignments/detailment etc. of the govt. functionaries particularly low grade or junior level employees, selection of unsuitable locations/rented-buildings for social welfare institutes/offices, and safety & security of government assets/properties/premises.
- xi) Director of Social Welfare, Khyber Pakhtunkhwa and District Officer Social Welfare, Abbottabad may, in coordination with the other authorities/agencies/quarters concerned, ensure that work on all under construction buildings of different subordinate institutions/offices of the department are completed without avoidable delay and as per respective timelines. Necessary security measures may be got put in place for the security of all such under construction premises.

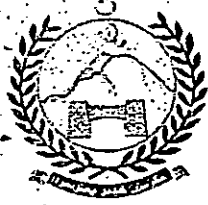
Dated : 11/08/2017.

  
 (Syed Kamran Shah)  
 PCS-SG (BS-20)  
 (OSD, Establishment Department) 11/8/2017  
 Inquiry Officer.



84

① ANNEX: H



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION AND  
WOMEN EMPOWERMENT DEPARTMENT

No. DS(SW)/SWD/1-1/2017-18 / 3946-49  
Dated Peshawar the 18<sup>th</sup> December, 2017

To

Mr. Qismat Khan,  
Principal / Superintendent,  
Incharge, Government Institute for the Blinds, Abbottabad.

Subject: SHOW CAUSE NOTICE.

I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice and finding of the Inquiry Officer / Inquiry Committee with the direction to furnish your written reply to the Show Cause Notice within Seven (07) days or not more than fifteen (15) days of the receipt of this letter.

Encls: As above.

Endst: Of Even & Date

Copy forwarded to the:-

1. Director, SW, SE & WED, Khyber Pakhtunkhwa.
2. District Officer SW, SE & WED, Abbottabad.
3. PS to Secretary SW, SE & WED, Khyber Pakhtunkhwa.

Section Officer- VI

Section Officer-VI

attested



(A)

85  
Annex - 214  
82

SHOW CAUSE NOTICE

I Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby charge you, Mr. Qismat Khan, Principal/ Superintendent (BPS-19) In-charge, Govt Institute for Blind, Abbottabad as follows:

- 1) (I) that consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing vide communication No. DO/SWD/Atd/ 4873-75 dated 05.07.2017; and
- (II) on going through the findings and recommendations of the Inquiry Officer, the material on record and other connected papers including your defence before the inquiry officer / inquiry committee;

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

- (a) Inefficient
- (b) guilty of misconduct

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Reduction to lower pay scale <sup>for two years</sup> under rule 4 of the said rules. and recovery of Rs. 140,000/-

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

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

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

attest  
8

*Pervez Khattak*  
(Pervez Khattak)  
Chief Minister, Khyber Pakhtunkhwa

To

**ANNEX: I**

**The Secretary**  
Govt. Zakat, Usher,  
Social, Welfare, Special Education  
And Women Department Peshawar

Subject: **Reply to Show Cause Notice**

Respected Madam,

With utmost and profound regard it is stated that kindly refer to the Show Cause Notice Issued vide order No.DS(SW)/SWD/1-1/2017 / 3946-49 dated,18-12-2017 on the finding / recommendation of the Inquiry Officer, the details and para wise reply to show Cause is submitted as under :

That I, the undersigned (accused) was transferred to Government Institute for the Blind (GIB) Abbottabad on 15-7-2015 and as per my jobs duties, demand, updated myself from the situation of the institute and in order to insure the safety and security of the assets of the institute building and official Vehicles bear No.A-1062/ Haice Toyota deputed class -IV workshop attendant namely Shah Nawaz as watch man and to ensure the safety and security of the vehicles in under construction building. ~~(Copy of the letter is attached) ANX- I~~

Apart from this, the undersigned did not rented the house for institute and some Nine Months prior to my arrival was rented by the then Superintendent now retired.

attached  
81

Para No.1, II & III do not relates to the answering accused hence needs no replies as it relates to the then Superintendent.

Reply to Para IV of the Show Cause Notice, the answering accused, Mr. Shah Nawaz workshop attendant was deputed to look after the stolen vehicle. ~~(Copy of the letter is attached with this reply. ANX-I)~~

In reply to Para No.V, the answering accused have specifically issued written order to the Mr. Shah Nawaz workshop attendant which is attached with his reply ~~(ANX-II)~~

Reply to Para-VI, needs no reply being not related to accused.

Reply to Para No.VII, Mr. Siddique who is Chowkidar was detailed by District Officer for social welfare and special education not by the answering accused.

Para-VIII of show cause notice also needs no reply as it narrates the whole situation of safety and security of the institute and Govt. /Official Vehicle.

Reply to Para No.IX & X, as reflects in both these paras the answering accused took every measure for the custody and looking after the Govt/ Officials vehicles.

attested  
8

3)  
Paras No.XI & XII do not relates to the answering accused, hence needs no reply.

Reply to Para No.XIII, the administrative Department had not hold responsible only the accused Qismat Khar, but all of the accused were held responsible for the acts/omission.

As per Paras No.XIV of the Show Cause Notice it relates to previous superintendent now retired, need no reply from the accused Qismat Khan.

Reply to Para XV which relates to answering accused, written order/letter issued regarding the safety and security of the Govt./Officials vehicle is available with this reply. ~~ANX-27~~

Replies to Paras XVII & XVIII of the Show Cause Notice apart from the answering accused, a vigilance committee at Divisional level to monitor the official transport safety and security according to section 8. ~~ANX-03~~

Reply to Para No.XIX, the show cause notice, pertains to responsibility of driver and not the answering accused hence needs no reply and furthermore, the driver never ever asked for the safety and security of the stolen Govt. Vehicle.

Reply to Para No.XXIII of Show Cause Notice, the answering accused after taking of charge on 15.07.2015 took every possible measure for the overall administration/ management/ function/

attested  
82


working of the institute in shape of writing of letter to the high-ups regarding the rented building, safety and security of Govt. vehicles which was to be parked in the nearby under construction building and detailing of staff for such safety and security relevant letters are attached with this reply. ANX-64

Reply to Para No.XXIV of the Show Cause notice the answering accused did took every possible safety and security measuring by deputing one Ghulam Rasool for the Govt. Vehicles which reflects in the letter and Para No.XXV of the show cause notice also reflects the same and endorses the measurement taken by the answering accused.

Reply to Para no.XXVI of the Show Cause notice, the inquiry officer referring to vigilance committee and their function, held responsible the answering accused which is clear cut violation of the rule and procedure and against the fair play and equity and justice.

Paras No.XXVIII & of XXIX of the show cause notice did not pertains to the answering accused hence needs no reply.

Paras No.XXX of the Show Cause Notice also relates to the then Superintendent and hence needs no and reply and Para No.XXXI explain the

attached  


overall condition and life of the vehicles needs no reply.

Reply to Para XXXII, XXXIII and XXXIV all these Paras of the show cause notice relates to the Govt. Staff Vehicles (Maintenance) Rules and jobs description, recovery of vehicles cost and not the answering accused.

Reply to Para No.XXXVI the I.O have categorically stated the charges against the accused Govt. functionaries are the same and general in nature but the findings and conclusion, I.O have fixed the liabilities against the answering accused with is clear cut violation of law and discrimination in nature and also against law of equity and justice.

**Respected Sir**

The conclusion of the inquiry officer apart from suggestions and recommendation for bringing some positive changes also held responsible the answering accused as per to Para no.XIII of the conclusion of the show cause notice by the I.O, Superintendent for the theft incident of Govt. vehicle Despite the fact I hold 36 years long unblemished service record and having no complaint from every quarters and having taken every measure for the safe custody and security of Govt. vehicle as evident from the attached letters.

Sir,

*at H...  
[Handwritten signature]*

Keeping in view the above submission its therefore most humbly requested, that the recommendation of the inquiry officer, is very much harsh in nature and does not commensurate with omission on the part of the answering accused and may be absolved and exonerated from the charges i.e.


- 1) Reduction into lower grade <sup>for two years.</sup> and fine of Rupees Rs.1,40,000/-

It is further prayed that, an opportunity of personal hearing may please be given as per settled principle of law and procedure.

Furthermore; the answering accused is on the verge of retirement, is after 2 ½ year, the accused, therefore this reply is being submitted for your kind consideration an accordance with the prayers made here in above, being requisite and legal formalities which may please be considered within prescribed legal frame with outcome being communicated to answering accused.


Applicant/accused

19/04/07/2018

  
Qismat Khan  
Superintendent/Principal  
Govt. of Institute for the  
Blind Abbottabad  
Cell No.0333-9977212

Copy for information to

1. P.S to Principal Secretary Chief Minister KPK
2. Director Social Welfare, Special Education and Women Empowerment Peshawar
3. D.O Social Welfare, Special Education, Abbottabad

attester  


92

ANNEX: J



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION  
AND WOMEN EMPOWERMENT DEPARTMENT**

Dated: Peshawar the 19<sup>th</sup> April, 2018

/5636-47

**NOTIFICATION:**

**No.SO-VI/SWD/6-38/PFI. WHEREAS Mr. Qismat Khan, Principal/ Superintendent (BPS-19) Incharge, Govt Institute for the Blind, Abbottabad was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.**

2. **AND WHEREAS Mr. Syed Kamran Shah, (PCS SG BS-20) OSD, E&A, Department, Government of Khyber Pakhtunkhwa was appointed as Enquiry Officer to conduct enquiry against the accused officer.**

3. **AND WHEREAS the Enquiry Officer after having examined the charges, evidences, record and explanations of the accused officer, submitted his report;**

4. **AND WHEREAS the accused officer was awarded a tentative penalty of "Reduction to lower pay scale for two years and recovery of Rs. 140,000/-"**

5. **AND WHEREAS the competent authority also afforded the opportunity of personal hearing to the officer;**

6. **NOW THEREFORE, the competent authority after having considered the charges, evidences on record and explanations of the accused officer as well as defense offered by the accused officer during personal hearing and exercising his power under Rule-14 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, has been pleased to reduce tentative major penalty of "Reduction to lower pay scale for two years and recovery of Rs. 140,000/-" and impose minor penalty of "Censure" Upon Mr. Qismat Khan, Principal/Superintendent (BPS-19) Incharge, Govt Institute for the Blind, Abbottabad; and the amount to the tune of Rs. 140,000/- may be recovered from him alongwith the two chowkidars equally.**

-sd-

**Secretary to Govt: of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special Education &  
Women Empowerment Department**

*Attestation*  
*[Signature]*



Endst No. and Date even:

Copy forwarded for information and necessary action to the:-

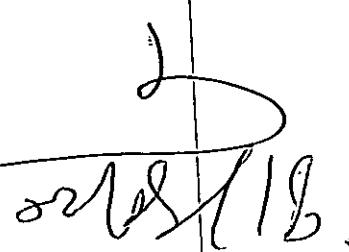
1. Accountant General, Khyber Pakhtunkhwa.
2. Secretary to Govt of Khyber Pakhtunkhwa, Finance Department.
3. Director Social Welfare for further necessary action as per rule.
4. Director, Special Education Complex Hayatabad, Peshawar.
5. District Account Officer, Abbottabad.
- ✓ 6. District Officer, SW, SE & WED, Abbottabad.
7. Principle Govt. institute for the Blind, Abbottabad.
8. Officers Concerned.
9. PS to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Senior Minister for Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa.
11. PS to Secretary SW, SE, WED, Khyber Pakhtunkhwa.
12. Personal File.


  
Section Officer-VI

S.d.o  
S.H.d.  
2.5.18

Pl need to a 13  
not PHC by w/a.



  
2/5/18.

attested  


TO THE CHIEF MINISTER, GOVERNMENT OF KHYBER PAKHTUNKHWA, PESHAWAR.

Sub: APPLICATION FOR REVIEW OF THE ORDER/ NOTIFICATION NO. SO-VI/SWD/6-38/PF/ DATED 19/04/2018, RECEIVED ON 02/05/2018.

Respectfully Sir,

In consequent to the departmental proceedings I am served with the above captioned order (copy attached), which may kindly be withdrawn by reviewing the same inter alia on following grounds:

GROUNDS:

- a. That the order/ notification No. SO-VI/SWD/6-38/PF/ dated 19/04/2018 against the law, record & circumstances, against the relevant service/ rules, regulations & policy, void ab-initio and may graciously withdrawn.
- b. That neither I steal nor involved in any manner with the occurrence of theft of the said government vehicle.
- c. That all the allegations & charges leveled against me remained unproved rather disproved, hence the penalty so imposed is without any justification/ reason and is an absolute violation of the law & miscarriage of justice.
- d. That, as even recognized in the inquiry report, the actual factor responsible for the said theft/ loss of the stolen vehicle, was *the selection of an unsuitable building for Govt. Institute, with no such parking space for any vehicle at all, which as a matter of fact & record,*

attested  
[Signature]

was hired prior to my posting at GIB Abbottabad, for which I cannot be held responsible.

- e. That clearly floating on record are my bonafide efforts where after taking the charge of GIB ATD, I requested the concerned authorities to sanction the shifting of that institute to some suitable & adequate place, as even pointed out by the D.C Atd, upon his visit to the GIB. Despite the said practical efforts, no meaningful action was taken by the concerned quarters for such an indispensable need, leading to the incident of theft.
- f. That I even issued directions to the concerned subordinate staff for the safety & security to avoid any such like incident.
- g. That by pick & choose, the directly responsible accused were exonerated from the charges while with no guilt, involvement or any primarily responsibility of guarding the govt. vehicle, I am being wrongly made a escape goat.
- h. That no record or any evidence is available to substantiate the so called allegations including the act/ omissions of "*inefficiency & misconduct*", baselessly attributed to me.
- i. That non applicable provision of the E&D Rules, by no stretch could be invoked in the circumstances.
- j. That firstly "*The Government Staff Vehicles (Use & Maintenance) Rules 1997*" are not *mutatis mutandis* applicable to the present case and secondly, as per the same rules such responsibility is placed upon the Vigilance Committee for implementation of the rules & other practical


attested  
S

purposes. The inquiry report, duly disclose the factum of absence & inactions of that committee on ground.

- k. That even otherwise, logically the implementation of the rules ibid, is always subject to the availability of a parking space inside or attached to the Govt. building, where the vehicle is to be attended/ look after for all the time. In the present case, as due to the extreme unsuitability of the already hired premises for GIB, coupled with the insufficiency of staff, the said vehicle was used to be parked at sufficient distance in a under-construction building at road side, as the govt. building was neither had any parking facility in it nor it had any passage/road for the vehicle to be driven in.
- l. That as deciphered in the inquiry report, the unfortunate vehicle model 1986, was no in-fact an asset rather a liability which (as per the report ibid) should have been declared condemned, whereas recovering its 10 times more price from me is nothing but injustice.

It is therefore, humbly requested that the order & penalties, imposed against me, may kindly be withdrawn.

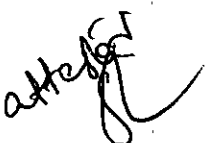
Dated: 19/05/2018

  
Qismat Khan ..... Applicant

Vice Principal Special Education Complex Abbottabad (BPS-19),

Department of Social Welfare, Special Education & Women Empowerment, Government of K.P.K.

Contact No. 0333 9977212



Copy to :

PS-

- I. To Secretary to Govt. of Department Zakat Ushr, Social Welfare, Special Education & Women Empowerment, KPK Peshawar.
- II. A.G KPK Peshawar.
- III. Account officer Abbottabad.

attested  
[Signature]

86



SHIPPER'S ACCOUNT NO.  
REFERENCE / JOB

ORIGIN  
ABT

SALES TAX INVOICE  
5064697305

GST NO. 12-00-9808-002-73  
DESTINATION: Peshawar  
PIECES: 1  
WEIGHT: 0.5 kgs

FROM (SHIPPER)  
Gismat Ichan  
مکھی ترسیل قابل قبیل  
TELEPHONE / FAX NO. 0333-9977212

TO (CONSIGNEE)  
Chief Minister Govt of KP  
Peshawar  
TELEPHONE / FAX NO.

SERVICE TYPE REQUIRES  
 OVER NIGHT  HOLIDAY  FAX  
 SAME DAY  2ND DAY  SPX

MODE OF PAYMENT  
 CASH  ACCOUNT  
 COUPON  FLYER  OTHER

THIS IS A NON-NEGOTIABLE CONSIGNMENT NOTE SUBJECT TO THE TERMS AND CONDITIONS SET FORTH ON THE REVERSE OF SHIPPER'S COPY. IN TENDERING THIS SHIPMENT, SHIPPER AGREES THAT TCS SHALL NOT BE LIABLE FOR SPECIAL INCIDENT OF CONSEQUENTIAL DAMAGES ARISING FROM THE CARRIAGE THEREOF. TCS DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED WITH RESPECT TO THIS SHIPMENT. THE LIABILITY OF TCS FOR ANY LOSS OR DAMAGE SHALL BE LIMITED TO RS. 100 per kg. ADDITIONAL INSURANCE COVERAGE IS AVAILABLE UPON SHIPPER'S REQUEST AND PAYMENT OF ANY PREMIUM THEREOF.

DO YOU REQUIRE INSURANCE? YES  NO   
DESCRIPTION OF SHIPMENT  
Doc

INSURANCE COVERAGE  
DECLARED VALUE: Nil

I warrant that I have read the terms and conditions on the reverse of this consignment note and that all details given herein are true and correct. I further declare that the contents of this consignment do not contain any letter. The execution of this consignment note is prime facie evidence of the conclusion of contract between shipper & TCS (PVT) LTD.  
SHIPPER'S SIGNATURE

PICKED UP BY TCS  
COURIER CODE: 90932  
DATE: 19/05/2018  
TIME

RECEIVED IN GOOD ORDER AND CONDITION  
RECEIVER'S SIGNATURE  
RECEIVER'S NAME  
DATE  
TIME

SERVICE	CHARGES
WEIGHT	
HANDLING	
OTHER	
GST	
INSURANCE PREMIUM	
TOTAL	2.00

AS PER P.O. ACT 1899, TCS WILL NOT CARRY LETTERS / POSTCARDS.

SHIPPER'S COPY

Any suggestion/complaint about service should be mailed to Post Box 2042, Karachi-75400

*[Handwritten signature]*

کورٹ فیس

## وکالت نامہ

بعدالت جناب سروس ٹریڈنگز. KPK

عنوان: قسمت خان بنام چیف منسٹر KPK ڈسٹرکٹ

منجانب: ایڈوانٹ

نوعیت مقدمہ: سروس ایپل

## باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آن مقام ایبٹ آباد، سراج حسین ایڈوکیٹ ہائی کورٹ

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت نالش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المترجم: 20/08/2018

بمقام: ایبٹ آباد

Accepted by me.

SIRAJ HUSSAIN

SIRAJ HUSSAIN  
Advocate High Court  
Office # 115-B, Iqbal Plaza  
The Mall Abbottabad  
Cell # 0333-9180598



Mary No. 9202  
11/12/18

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION  
AND WOMEN EMPOWERMENT DEPARTMENT

Dated: Peshawar the 30<sup>th</sup> November, 2018

150

NOTIFICATION: /4151-64

No.SO-VI/SWD/6-38/PFI. WHEREAS Mr. Qismat Khan, Principal/Superintendent Incharge (BPS-19), Mr. Zakir, Driver (BPS- 6), Mr. Shahnawaz, Workshop Attendant (BPS-04) and Mr. Ghulam Rasool, Chowkidar (BPS-04), Govt Institute for the Blind, Abbottabad were proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 in an enquiry i.e. "missing official vehicle bearing Reg. No. A-1062 Toyota Hiace Model, 1986 on account of their involvement in charges leveled against them as per charge sheets and statement of allegations.

2. AND WHEREAS Mr. Syed Kamran Shah, (PCS SG BS-20) OSD, E&A, Department, Government of Khyber Pakhtunkhwa was appointed as Enquiry Officer to conduct enquiry against the accused officer / officials.

3. AND WHEREAS the Enquiry Officer after having examined the charges evidences on record and explanations of the accused officer/officials, submitted his report:

4. AND WHEREAS the competent authority, after having considered the charges, evidence on record, explanations of the accused officer / officials and exercising his power under Rule-14 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, has been pleased to impose minor penalty of "Censure" upon the accused officer. Mr. Qismat Khan and the amount to the tune of Rs.140,000 may be recovered from him alongwith the two Chowdkidars equally.

5. AND WHEREAS pursuant to that, the accused officer / officials submitted their review applications to the Chief Minister, Khyber Pakhtunkhwa under Rule-17(1) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:

6. NOW THEREFORE, the competent authority after having considered the review applications of the accused officer / officials, defence offered by the accused officer / officials and exercising his power under Rule-17(2) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, has been pleased to exonerate Mr. Shahnawaz, Workshop Attendant and Mr. Ghulam Rasool, Chowkidar from the charges and retain the penalty of "Censure alongwith recovery of of Rs.140,000" upon Mr. Qismat Khan, the then Principal/Superintendent Incharge, Govt Institute for the Blind, Abbottabad, with immediate effect.

-sd-

Secretary to Govt: of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special Education &  
Women Empowerment Department

Syed S.W

SOVIAT

P.S to Chief Secretary  
Govt: of Khyber Pakhtunkhwa

11/12/18

Continued on back page

83.W  
12.18

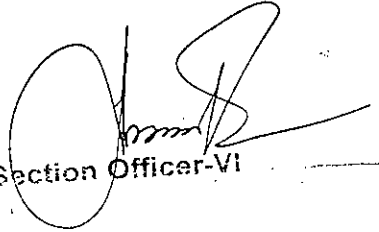
OS(A)



Endst No. and Date even:

Copy forwarded for information and necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Secretary to Govt of Khyber Pakhtunkhwa, Finance Department.
3. Director Social Welfare for further necessary action as per rule.
4. Director, Special Education Complex Hayatabad, Peshawar.
5. District Account Officer, Abbottabad.
6. District Officer, SW, SE & WED, Abbottabad.
7. Principle Govt. institute for the Blind, Abbottabad.
8. Officer Concerned.
9. PS to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Senior Minister for Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa.
11. PS to Secretary SW, SE, WED, Khyber Pakhtunkhwa.
12. Mr. Ghulam Rasool, Chowkidar, Govt Institute for the Blind, Abbottabad.
13. Mr. Shahnawaz, Workshop Attendant, Govt Institute for the Blind, Abbottabad.
14. Personal Files.

  
Section Officer-VI

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1104/2018

Qismat Khan s/o Muzammil Khan ----- Petitioner

VERSUS

1. Chief Minister, Government of Khyber Pakhtunkhwa, Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. Syed Kamran Shah, Inquiry Officer (PCS SG BS 20) E&A Department Government of Khyber Pakhtunkhwa, Peshawar.
4. Director Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department, Government of Khyber Pakhtunkhwa, Peshawar.
5. District Officer, Social Welfare, Special Education Department, Abbottabad.
6. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
7. District Accounts Officer, Abbottabad..... Respondents

PRE-LIMINARY OBJECTIONS

- I. The Petitioner has got no cause of action.
- II. The writ petition is not maintainable in its present form.
- III. The petition is based on malafide intentions.
- IV. The Petitioner has no locus stand.

PARA-WSIE COMMENTS BY RESPONDENTS.

**FACTS:-**

1. Correct to the extent that the appellant served as vice Principal Special Education Complex Abbottabad. He presently is posted as Director Special Education Complex Hayatabad Peshawar.
2. Correct, on the occasion of theft of vehicle No. A-1062, the appellant was posted as Superintendent "Government Institute for Blind Abbottabad" and the vehicle was property of the said Institute.
3. Correct.
4. Incorrect hence denied. Reply of the appellant was not convincing and it was due to this reason that the competent authority directed for conducting a proper inquiry.

5. Correct, the appellant was transferred to Special Education Complex Abbottabad as a precautionary measure so that he may not influence the eye witnesses and temper the available evidence and record.
6. Correct.
7. Incorrect hence denied. The inquiry officer vide S.No. 8(xiii) of the conclusion declared the charges proven against the petitioner and suggested imposition of one or more penalties under Rule 4(i) (a) of the Khyber Pakhtunkhwa Government Servant (E&D) rules 2011. Para a (iii) of the recommendations may be consulted please (**Annex-A**).
8. Correct to the extent that the petitioner submitted reply within time but the same was found un-convincing by the competent authority.
9. Incorrect hence denied. Respondent No.1, being competent authority and guardian of public property, acted in accordance with the rules/Law as per recommendation of the inquiry officer.
10. Correct to the extent that his appeal was considered sympathetically but save the charges against him had proven, the appeal therefor could not be considered.

#### GROUNDS

- A. Incorrect hence denied. As explained in the preceding para, the order dated 19-4-2018 is very much legal, constitutional and in accordance with the Law and no malafied intentions whatsoever are involved.
- B. Incorrect hence denied. The appellant has not been penalized for stealing or his involvement in staling of the vehicle but for "inefficiency". The appellant is actually trying to mislead this Hon'ble court.
- C. Incorrect hence denied. The factual position has been explained in detail in the proceeding paras.
- D. Incorrect hence denied. Being head of the Institution at the time of theft of the vehicle, the inquiry officer has declared him guilty of inefficacy as explained in the proceeding paras.
- E. Correct, but the mere efforts of shifting the Institute to another place do not provide for his exoneration of the charges of inefficiency does not pertain to this office.
- F. No Comments/pertains to record.
- G. Incorrect hence denied. The position has been explained in Para (a) of the facts.
- H. Incorrect hence denied. The factual position has been explained in the proceeding paras
- I. Incorrect hence denied. The factual position has been explained in para-7 above.
- J. Incorrect hence denied. The factual position has been explained in para-7 above.
- K. No comments.

- 3
- L. Incorrect. Factual position has been explained in the proceeding paras.
  - M. Pertain to record.
  - N. Incorrect hence denied. The factual position has been explain in the proceeding paras.
  - O. Incorrect.
  - P. Pertains to record.
  - Q. No comments.

In view of the above mentioned factual position, it is prayed, that the appeal, being devoid of any merit, may graciously be dismissed with cost



**SECRETARY**  
Govt: of Khyber Pakhtunkhwa  
Social Welfare, Special Education and  
Women Empowerment Department  
(Respondent No. 2)

Amme-1

GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
ESTABLISHMENT AND ADMINISTRATION DEPARTMENT.

NOTIFICATION

*Peshawar dated the 16<sup>th</sup> September, 2011.*

No.SO(REG-VI)E&AD/2-6/2010.-In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

1. Short title, application and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

(2) These shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with affairs of the Province.

(3) These shall come into force at once.

2. Definitions.---(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) "accused" means a person in Government service against whom action is initiated under these rules;
- (b) "appellate authority" means the authority next above the competent authority to which an appeal lies against the orders of the competent authority;
- (c) "appointing authority" means an authority declared or notified as such by an order of Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and the rules made thereunder or an authority as notified under the specific laws/rules of Government;
- (d) "charges" means allegations framed against the accused pertaining to acts of omission or commission cognizable under these rules;



# FATA Development Authority

Administration Department  
Plot No. 46, Sector B-2, Phase V, Hayatabad, Peshawar  
Phone (091) 9219518-22 Fax (091) 9219511

## STATEMENT BEFORE THE KHYBER PAKHTUNKHWA HONOURABLE SERVICE TRIBUNAL

### TITTLE

*Qismat Khan, Vice Principal special Education Complex Abbottabad (BPS-19), Department of Zakat, Ushr, Social Welfare, Special Education & Women Empowerment, Government of K.P.K.*

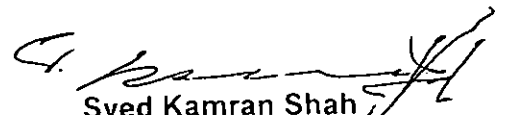
### VERSUS

*Govt. of Khyber Pakhtunkhwa Peshawar*

The statement of the Respondent No.3 in the above titled Service Appeal is respectfully submitted as under:

1. At the outset it is clarified that the name of the undersigned (Respondent No.3) in the notice and service appeal has been mistakenly mentioned as Syed Kamal Shah, Inquiry Officer (PCS SG BS 20) E & A Department Govt. of K.P, Peshawar instead of Syed Kamran Shah, PCS SG BS-21 presently serving as Chief Executive, FATA Development Authority. Therefore, the typographic mistake needs to be corrected accordingly.
2. In fact the said inquiry/disciplinary proceedings under the KP Govt. Servants (Efficiency & Disciplinary) Rules, 2011 were assigned to the undersigning Respondent by the competent authority vide the Zakat, Ushr, Social Welfare, Special Education & Women Empowerment, Government of Khyberpakhtunkhwa Notification No. DS(SW)/SWD/1-1/2017 dated: 20<sup>th</sup> June,2017. Being the inquiry officer the disciplinary proceedings were conducted by this Respondent strictly in accordance with the provisions of the relevant rules against the accused official/officers. During the proceedings the accused officials including the petitioner as well as certain other Government functionaries were heard in person and examined, the witnesses were questioned and all the relevant record was minutely gone through. After fulfilling all legal formalities the undersigned submitted his report of findings to the administrative authority concerned i.e Secretary Social Welfare Department Govt of KP for perusal and orders of the competent authority i.e. Chief Minister Khyberpakhunkhwa. As such the undersigned has played no further role in the case beyond what is prescribed for inquiry officer in the KP Govt Servants (Efficiency & Disciplinary) Rules 2011.

In the light of the above statement stated factual position, it is prayed that undersigned may please be excluded from the list of Respondents, please.

  
Syed Kamran Shah  
PCS SG BS-21  
Respondent No:3  
25/02  
21x

Dated: 25<sup>th</sup> February 2019



# FATA DEVELOPMENT AUTHORITY


## ADMINISTRATION DEPARTMENT

Plot No. 46, Sector B-2, Phase-V, Hayatabad, Peshawar.

PBX Junctions 091-9219518-22 Fax: 091-9219511

### AUTHORITY LETTER

I, Syed Kamran Shah, PCS SG BS-21, Chief Executive, FDA hereby authorize Mr. Arsalan Ahmed, Assistant Manager (Admn) of this Authority to appear before the Honourable Service Tribunal on behalf of the undersigned in the case Service Appeal No. 1104 of 2018 on 20-03-2019 at its Abbottabad Bench.

  
(Syed Kamran Shah)

Respondent No. 3

15/03  
2019



# FATA Development Authority

Administration Department

Plot No. 46, Sector B-2, Phase V, Hayatabad, Peshawar

Phone (091) 9219518-22 Fax (091) 9219511

## STATEMENT BEFORE THE KHYBER PAKHTUNKHWA HONOURABLE SERVICE TRIBUNAL

### TITLE

*Qismat Khan, Vice Principal special Education Complex Abbottabad (BPS-19), Department of Zakat, Ushr, Social Welfare, Special Education & Women Empowerment, Government of K.P.K.*

### VERSUS

*Govt. of Khyber Pakhtunkhwa Peshawar*

The statement of the Respondent No.3 in the above titled Service Appeal is respectfully submitted as under:

1. At the outset it is clarified that the name of the undersigned (Respondent No.3) in the notice and service appeal has been mistakenly mentioned as Syed Kamal Shah, Inquiry Officer (PCS SG BS 20) E & A Department Govt. of K.P, Peshawar instead of **Syed Kamran Shah**, PCS SG BS-21 presently serving as Chief Executive, FATA Development Authority. Therefore, the typographic mistake needs to be corrected accordingly.
2. In fact the said inquiry/disciplinary proceedings under the KP Govt. Servants (Efficiency & Disciplinary) Rules, 2011 were assigned to the undersigning Respondent by the competent authority vide the Zakat, Ushr, Social Welfare, Special Education & Women Empowerment, Government of Khyberpakhtunkhwa Notification No. DS(SW)/SWD/1-1/2017 dated: 20<sup>th</sup> June,2017. Being the inquiry officer the disciplinary proceedings were conducted by this Respondent strictly in accordance with the provisions of the relevant rules against the accused official/officers. During the proceedings the accused officials including the petitioner as well as certain other Government functionaries were heard in person and examined, the witnesses were questioned and all the relevant record was minutely gone through. After fulfilling all legal formalities the undersigned submitted his report of findings to the administrative authority concerned i.e Secretary Social Welfare Department Govt of KP for perusal and orders of the competent authority i.e. Chief Minister Khyberpakhunkhwa. As such the undersigned has played no further role in the case beyond what is prescribed for inquiry officer in the KP Govt Servants (Efficiency & Disciplinary) Rules 2011.

In the light of the above statement stated factual position, it is prayed that undersigned may please be excluded from the list of Respondents, please.

Dated: 25<sup>th</sup> February 2019

  
Syed Kamran Shah

PCS SG BS-21

Respondent No:3



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

**Service Appeal No 1104/2018**

Qismat Khan S/O Muzammil Khan ----- Petitioner

**VERSIS**

1. Chief Minister, Government of Khyber Pakhtunkhwa, Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary Zakat, Ushr, Social Welfare Special Education & Women Empowerment Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. Syed Kamran Shah, Inquiry Officer (PCS SG BS 20) E&A Department Government of Khyber Pakhtunkhwa, Peshawar.
4. Director Zakat, Usher, Social Welfare, Special Education & Women Empowerment Department, Government of Khyber Pakhtunkhwa, Peshawar.
5. District Officer, Social Welfare, Special Education Department, Abbottabad.
6. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
7. District Account Officer, Abbottabad.-----**Respondents**

**PRE-LIMINARY OBJECTIONS**

- I The Petitioner has got no cause of action
- II The writ petition is not maintainable in its present form.
- III The petition is based on malafide intentions.
- IV. The Petitioner has no locus stand.

**PARA-WSIE COMMENTS BY RESPONDENTS.**

**FACTS:-**

1. Correct to the extent that the appellant served as vice Principal Special Education Complex Abbottabad. He presently is posted as Director Special Education Complex Hayatabad Peshawar.
2. Correct, on the occasion of theft of vehicle No A-1062 the appellant was posted as Superintendent "Government Institute for Blind Abbottabad" and the vehicle was property of the said Institute.
3. Correct.
4. Incorrect hence denied. Reply of the appellant was not convincing and it was due to this reason that the competent authority directed to conducting a proper inquiry.

5. Correct, the appellant was transferred to Special Education Complex Abbottabad as a precautionary measure so that he may not influence the eye witnesses and temper the available evidence and record.
6. Correct.
7. Incorrect hence denied. The inquiry officer vide S.No. 8(xiii) of the conclusion declared the charges proven against the petitioner and suggested imposition of one or more penalties under Rule 4(i) (a) of the Khyber Pakhtunkhwa Government Servant (E&D) rules 2011. Para a (iii) of the recommendations may be consulted please (Annex-A)
8. Correct to the extent that the petitioner submitted reply with time but the same was found un-convincing by the competent authority.
9. Incorrect hence denied. Respondent No.1, being competent authority and guardian of public property, acted in accordance with the rules/Law as per recommendation of the inquiry officer.
10. Correct to the extent that his appeal was considered sympathetically but save the charges against him had proven, the appeal therefore could not be considered.

#### **GROUND**

- A. Incorrect hence denied. As explained in the preceding para, the order dated 19-04-2018 is very much legal constitutional and in accordance with the Law and no malafied intentions whatsoever are involved.
- B. Incorrect hence denied. The appellant has not been penalized for stealing or his involvement in staling of the vehicle but for "inefficiency". The appellant is actually trying to mislead this Honorable court.
- C. Incorrect hence denied. The factual position has been explained in detail in the proceeding paras.
- D. Incorrect hence denied. Being head of the institution at the time of theft of the vehicle, the inquiry officer has declared him guilty of inefficacy as explained in the proceeding paras.
- E. Correct, but the mere efforts of shifting the Institute to another place do not provide for his exoneration of the charges of inefficiency does not pertain to this office.
- F. No Comments/pertains to record.
- G. Incorrect hence denied. The position has been explained in Para (a) of the facts.
- H. Incorrect hence denied. The factual position has been explained in the proceeding paras.
- I. Incorrect hence denied. The factual position has been explained in para-7 above.

L. Incorrect. Factual position has been explained in the proceeding paras.

M. Pertain to record.

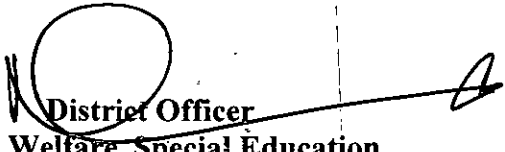
N. Incorrect hence denied. The factual position has been explain in the proceeding paras.

O. Incorrect.

P. Pertains to record.

Q. No comments.

In view of the above mentioned factual position, it is prayed, that the appeal being devoid of any merit, may graciously be dismissed with cost.

  
**District Officer**  
**Social Welfare, Special Education**  
**Department Abbottabad**  
**(Respondent No. 5)**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1104/2018

Qismat Khan s/o Muzammil Khan ----- Petitioner

VERSUS

1. Chief Minister, Government of Khyber Pakhtunkhwa, Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. Syed Kamran Shah, Inquiry Officer (PCS SG BS 20) E&A Department Government of Khyber Pakhtunkhwa, Peshawar.
4. Director Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department, Government of Khyber Pakhtunkhwa, Peshawar.
5. District Officer, Social Welfare, Special Education Department, Abbottabad.
6. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
7. District Accounts Officer, Abbottabad..... Respondents

PRE-LIMINARY OBJECTIONS

- I. The Petitioner has got no cause of action.
- II. The writ petition is not maintainable in its present form.
- III. The petition is based on malafide intentions.
- IV. The Petitioner has no locus stand.

PARA-WSIE COMMENTS BY RESPONDENTS.

**FACTS:-**

1. Correct to the extent that the appellant served as vice Principal Special Education Complex Abbottabad. He presently is posted as Director Special Education Complex Hayatabad Peshawar.
2. Correct, on the occasion of theft of vehicle No. A-1062, the appellant was posted as Superintendent "Government Institute for Blind Abbotabad" and the vehicle was property of the said Institute.
3. Correct.
4. Incorrect hence denied. Reply of the appellant was not convincing and it was due to this reason that the competent authority directed for conducting a proper inquiry.

5. Correct, the appellant was transferred to Special Education Complex Abbottabad as a precautionary measure so that he may not influence the eye witnesses and temper the available evidence and record.
6. Correct.
7. Incorrect hence denied. The inquiry officer vide S.No. 8(xiii) of the conclusion declared the charges proven against the petitioner and suggested imposition of one or more penalties under Rule 4(i) (a) of the Khyber Pakhtunkhwa Government Servant (E&D) rules 2011. Para a (iii) of the recommendations may be consulted please (Annex-A).
8. Correct to the extent that the petitioner submitted reply within time but the same was found un-convincing by the competent authority.
9. Incorrect hence denied. Respondent No.1, being competent authority and guardian of public property, acted in accordance with the rules/Law as per recommendation of the inquiry officer.
10. Correct to the extent that his appeal was considered sympathetically but save the charges against him had proven, the appeal therefor could not be considered.

#### GROUNDS

- A. Incorrect hence denied. As explained in the preceding para, the order dated 19-4-2018 is very much legal, constitutional and in accordance with the Law and no malafied intentions whatsoever are involved.
- B. Incorrect hence denied. The appellant has not been penalized for stealing or his involvement in staling of the vehicle but for "inefficiency". The appellant is actually trying to mislead this Hon'ble court.
- C. Incorrect hence denied. The factual position has been explained in detail in the proceeding paras.
- D. Incorrect hence denied. Being head of the Institution at the time of theft of the vehicle, the inquiry officer has declared him guilty of inefficacy as explained in the proceeding paras.
- E. Correct, but the mere efforts of shifting the Institute to another place do not provide for his exoneration of the charges of inefficiency does not pertain to this office.
- F. No Comments/pertains to record.
- G. Incorrect hence denied. The position has been explained in Para (a) of the facts.
- H. Incorrect hence denied. The factual position has been explained in the proceeding paras
- I. Incorrect hence denied. The factual position has been explained in para-7 above.

- L. Incorrect. Factual position has been explained in the proceeding paras.
- M. Pertain to record.
- N. Incorrect hence denied. The factual position has been explain in the proceeding paras.
- O. Incorrect.
- P. Pertains to record.
- Q. No comments.

In view of the above mentioned factual position, it is prayed, that the appeal, being devoid of any merit, may graciously be dismissed with cost



**SECRETARY**  
Govt: of Khyber Pakhtunkhwa  
Social Welfare, Special Education and  
Women Empowerment Department  
(Respondent No. 2)

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA**  
**ESTABLISHMENT AND ADMINISTRATION DEPARTMENT.**

**NOTIFICATION**

*Peshawar dated the 16<sup>th</sup> September, 2011.*

**No.SO(REG-VI)E&AD/2-6/2010.**-In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to make the following rules; namely:

1. **Short title, application and commencement.**---(1) These rules may be called the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

(2) These shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with affairs of the Province.

(3) These shall come into force at once.

2. **Definitions.**---(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) "accused" means a person in Government service against whom action is initiated under these rules;
- (b) "appellate authority" means the authority next above the competent authority to which an appeal lies against the orders of the competent authority;
- (c) "appointing authority" means an authority declared or notified as such by an order of Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and the rules made thereunder or an authority as notified under the specific laws/rules of Government;
- (d) "charges" means allegations framed against the accused pertaining to acts of omission or commission cognizable under these rules;

3. Grounds for proceedings.---A Government servant shall be liable to be proceeded against under these rules, if he is-

- (a) inefficient or has ceased to be efficient for any reason; or
- (b) guilty of misconduct; or
- (c) guilty of corruption; or
- (d) guilty of habitually absenting himself from duty without prior approval of leave; or
- (e) engaged or is reasonably believed to be engaged in subversive activities, or is reasonably believed to be associated with others engaged in subversive activities, or is guilty of disclosure of official secrets to any un-authorized person, and his retention in service is prejudicial to national security; or
- (f) entered into plea bargaining under any law for the time being in force and has returned the assets or gains acquired through corruption or corrupt practices voluntarily.

**4. Penalties.**---(1) The following are the minor and the major penalties, namely:

- (a) Minor penalties:
  - (i) censure;
  - (ii) withholding, for a specific period, promotion or increment subject to a maximum of three years, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post:

Provided that the penalty of withholding increments shall not be imposed on a Government servant who has reached the maximum of his pay scale:
  - (iii) recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order;
- (b) Major penalties:
  - (i) reduction to a lower post or pay scale or to a lower stage in a time scale.



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 541 /ST Dated 12/03/2021

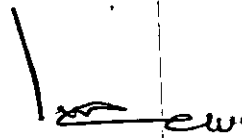
To

The Secretary Zakat, Usher, Social Welfare, Special Education &  
Women Empowerment Department,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 1104/2018, MR. QISMAT KHAN.

I am directed to forward herewith a certified copy of Judgement dated  
18.02.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

3. Grounds for proceedings.---A Government servant shall be liable to be proceeded against under these rules, if he is-

- (a) inefficient or has ceased to be efficient for any reason; or
- (b) guilty of misconduct; or
- (c) guilty of corruption; or
- (d) guilty of habitually absenting himself from duty without prior approval of leave; or
- (e) engaged or is reasonably believed to be engaged in subversive activities, or is reasonably believed to be associated with others engaged in subversive activities, or is guilty of disclosure of official secrets to any un-authorized person, and his retention in service is prejudicial to national security; or
- (f) entered into plea bargaining under any law for the time being in force and has returned the assets or gains acquired through corruption or corrupt practices voluntarily.

4. Penalties---(1) The following are the minor and the major penalties, namely:

(a) Minor penalties:

- (i) censure;
- (ii) withholding, for a specific period, promotion or increment subject to a maximum of three years, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post:

Provided that the penalty of withholding increments shall not be imposed on a Government servant who has reached the maximum of his pay scale:

(iii) recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order;

(b) Major penalties:

- (i) reduction to a lower post or pay scale or to a lower stage in a time scale.