

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
AT CAMP COURT D.I.KHAN

Service Appeal No. 1575/2019

BEFORE: KALIM ARSHAD KHAN --- CHAIRMAN
MIAN MUHAMMAD --- MEMBER(E)

Syed Muzafar Ali Shah son of Munawar Ali Shah Associate Professor (Physics), Govt. Degree College-I, District, Dera Ismail Khan..... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary Higher Education Archives and Library Department Khyber Pakhtunkhwa, Peshawar.
3. Director, Higher Education (Colleges), Khyber Pakhtunkhwa, Peshawar.
..... (Respondents)

Present:

MR. SALEEMULLAH KHAN RANAZAI,
Advocate, --- For Appellant.

MR. MUHAMMAD ADEEL BUTT,
Additional Advocate General --- For respondents.

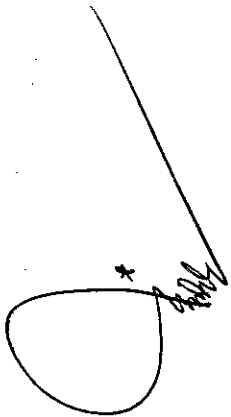
Date of Institution ... 19.11.2019
Date of hearing ... 29.06.2022
Date of Decision ... 29.06.2022

JUDGEMENT.

MIAN MUHAMMAD, MEMBER(E):- The instant service appeal has been filed against the impugned notification dated 13.11.2018 whereby the appellant was punished with major penalty of reduction to lower post and his departmental appeal was rejected vide appellate order dated 07.10.2019. Both the orders have been assailed and challenged which are under scrutiny before us for adjudication.

02. Brief facts of the case, as per memorandum of the appeal, are that the appellant while serving as Assistant Professor (BS-18) in the respondent

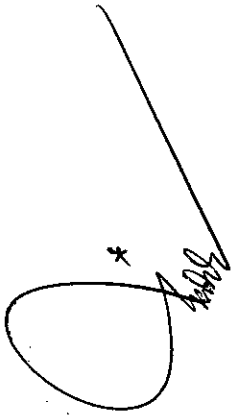
department, was allowed on deputation to the Federal government. On expiry of the deputation period, the appellant did not report back in the parent department despite repeated letters written to him. Finally, absence notice was published in the newspapers on 24.01.2016 in compliance of which he reported back on 01.02.2016. The appellant was departmentally proceeded against and on culmination of the proceedings, he was awarded the penalty of "reduction to lower post" vide impugned notification dated 13.11.2018. The impugned notification was subsequently substituted into "reduction to lower post for a period of five years w.e.f. 13.11.2018", vide notification dated 28.08.2019. His departmental appeal against the impugned notification was rejected vide order dated 07.10.2019 whereafter he approached the Service Tribunal for the redressal of his grievances, on 19.11.2019.



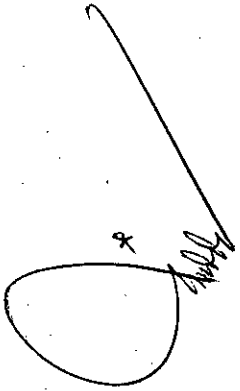
03. On admission of the appeal for regular hearing/arguments, the respondents were put on notice to submit reply/Parawise comments alongwith connected documents and relevant record. The respondents submitted reply/Parawise comments negating the contents and assertions contained in the appeal and contested the case through AAG. We have heard arguments of the learned counsel for appellant as well as learned AAG and have perused the available record in detail.

04. Learned counsel for the appellant at the outset of his arguments contended that the appellant while posted as Assistant Professor (BS-18) at Government Degree College No. 1: D.I. Khan was allowed by the Provincial government to proceed on deputation to the Federal government in 2010. During deputation period, he was also promoted to the post of Associate Professor (BS-19) in 2014. The Federal government being short of officers,

initiated the case of permanent absorption of different employees on deputation to the Federal government. The matter was, however, delayed and the parent departments were pressing hard to call them back. The appellant including other deputationists filed Writ Petitions before Islamabad High Court and they were issued interim relief vide interim order dated 02.10.2013, restraining the parent departments that "no adverse action shall be taken against the petitioners till further orders". However, the appellant was handicapped because the Federal government was not relieving him to rejoin his parent department. In the meanwhile, the parent department started disciplinary proceedings against him and on publication of the absence notice in the newspapers, the appellant joined the department within the specified period and started working as Associate Professor (BS-19) at Government Degree College No. 1: D.I. Khan on 01.02.2016. It was further contended that the appellant had not been provided the opportunity of cross examination of the witnesses. The impugned notification dated 13.11.2018 regarding imposition of the penalty of "reduction to lower post" was delivered to the appellant on 21.11.2018. The appellant challenged it through departmental appeal on 26.11.2018 which was rejected on 14.02.2019 but received to the appellant on 02.03.2019. Quite astonishingly, the appellant received on 02.09.2019 an amended impugned notification dated 28.08.2019 whereby the penalty earlier imposed, was amended as "reduction to lower post for a period of five years with effect from 13.11.2018". The appellant preferred departmental appeal against it on 04.09.2019 which was responded on 07.10.2019 and received to the appellant on 28.10.2019 intimating that the appeal had already been rejected by the competent authority and communicated on 14.02.2019. It was

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vehemently argued that the allegations against appellant were totally wrong and baseless. The departmental proceedings were conducted in a summary manner against the law and rules. The appellant was never associated with the so called inquiry. He had not been provided copy of the departmental enquiry. The amended notification issued on 28.08.2019 giving effect from 13.11.2018 amounted to double jeopardy. The appellate authority did not give the opportunity of personal hearing to the appellant and he had been condemned unheard in total disregard to his fundamental rights and principles of natural justice. The impugned order being illegal, against the norms of service laws, natural justice especially within the definition of double jeopardy, might be set aside and the appellant be ordered to be in BS-19 without any break with all back benefits, he concluded.

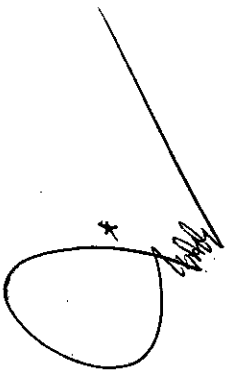


05. Learned Additional Advocate General controverted arguments of the learned counsel for appellant and contended that the appellant was allowed for one year's deputation to the Federal government by the parent department vide notification dated 09.09.2010 whereas the Establishment Division Islamabad notified his deputation period for three years on 31.08.2010. On expiry of his deputation period on 30.08.2013, the appellant did not report back for duty in the parent department. The department time and again directed him through registered letter dated 13.01.2015 followed by reminders dated 28.04.2015, 22.07.2015, and 25.08.2015. Moreover, absence notice was also published in the newspapers on 24.01.2016 and directed him to join duty within 15 days of the publication but the appellant failed to comply with all these directions issued to him by the department. The appellant was provided ample opportunities of defence but he miserably failed to put forth solid/cogent reasons despite the fact that the enquiry

committee alongwith departmental representative fully heard him to the extent of his satisfaction. It was further contended that the question of double jeopardy did not arise because the competent authority had imposed the major penalty of "reduction to lower post" upon the appellant vide Notification dated 13.08.2018 without having mentioned the specific period for the penalty imposed. The impugned notification was, therefore, modified and substituted by inserting the term of major penalty for five years w.e.f 13.08.2018. Departmental appeal of the appellant was rejected by the competent authority and he was accordingly informed on 14.02.2019. The appellant had been treated in accordance with law and laid down procedure. He was proceeded against within the prescribed parameters of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. All codal formalities were fulfilled before imposition of the major penalty of reduction to lower post for a period of five years, on the appellant. The appeal being based on misconception and mis-statement, might graciously be dismissed with costs, he concluded.

06. Perusal of the record revealed that the appellant had joined the respondent department as Lecturer Physics (BS-17) and was working as Assistant Professor (BS-18) when the Federal government, upon his application, requisitioned the services of appellant on deputation basis vide letter dated 27.06.2009. Respondent No. 3 issued NOC duly communicated to respondent No. 2 vide letter dated 03.08.2009. Services of the appellant were thereafter placed at the disposal of Federal government for a period of three years on deputation basis and he was posted as Section Officer (BS-18) in Industries & Production Division Islamabad, vide Establishment Division Notification dated 31.08.2010. On expiry of his three years of

deputation period, the appellant moved an application for further extension in deputation period which was regretted by his parent department vide letter dated 13.01.2015 with further direction to the appellant to report for duty in the department. The appellant was again directed on 28.04.2015 to report for duty within 15 days in the parent department. The directions were followed by reminders dated 22.07.2015 and 25.08.2015 but the appellant did not comply with the directions of his parent department. The department as a last resort, published "absence notice" in newspapers on 24.01.2016. It was after publication of the absence notice that the appellant, instead of reporting in the department, reported to the Principal Government Degree College No.1: D.I. Khan on 01.02.2016. The department, on approval of the competent authority (the Chief Minister) initiated departmental proceedings against the appellant on account of inefficiency & misconduct and appointed enquiry committee under Rule 10 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 on 08.03.2018. As is evident from the enquiry report, the appellant submitted reply to the charge sheet/statement of allegations as well as reply to the questionnaire framed by the enquiry committee. He was heard in person who candidly put forth his defence before the enquiry committee. On submission of the enquiry report, the competent authority issued the appellant Show Cause Notice which was duly received to the appellant on 18.09.2018 and he submitted his reply accordingly. The competent authority provided an opportunity of personal hearing to the appellant under Rule 15 of the Rules ibid through Secretary IPC department. After completion and having observed all codal formalities, the competent authority imposed the major penalty of "reduction to lower post" on the appellant, vide impugned Notification dated 13.11.2018 which

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was substituted to "reduction to lower post for a period of five years w.e.f. 13.11.2018" on 28.08.2019. This was, however, not the case of double jeopardy but rectification of an omission on part of the department so as to bring the penalty in conformity with Rule 4 (b) (i) of the said Rules. The appellant also availed the opportunity of departmental appeal but his review petition to the Chief Minister as competent authority under Rule 17 of the said Rules, was regretted and duly communicated to the appellant vide letter dated 14.02.2019.

07. As a sequel to the above, we have arrived at the conclusion that all codal formalities were completed before imposition of the major penalty on the appellant. We found no legal infirmity in the impugned orders to warrant to be interfered with. The instant service appeal being devoid of merit, is therefore, rejected. Consign.

08. Pronounced in open court at D.I.Khan and given under our hands and seal of the Tribunal this 29th of June, 2022.



(KALIM ARSHAD KHAN)
CHAIRMAN
CAMP COURT D.I.KHAN



(MIAN MUHAMMAD)
MEMBER(E)
CAMP COURT D.I.KHAN

ORDER

29.06.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Arguments heard and record perused.

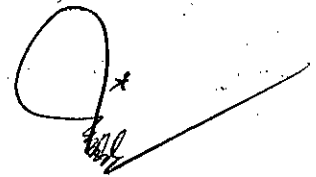
02. Vide our detailed judgement of today, separately placed on file containing of (07) pages, we have arrived at the conclusion that all codal formalities were completed before imposition of the major penalty on the appellant. We found no legal infirmity in the impugned orders to warrant to be interfered with. The instant service appeal being devoid of merit, is therefore, rejected.

Consign.

03. Pronounced in open court at D.I. Khan and given under our hands and seal of the Tribunal this 29th of June, 2022.



(KALIM ARSHAD KHAN)
CHAIRMAN
CAMP COURT, D.I.KHAN



(MIAN MUHAMMAD)
MEMBER (E)
CAMP COURT, D.I.KHAN

CHARGE SHEET

ملفوظ علی شاہ - س

I, Mohammad Azam Khan, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Muzaffar Ali Shah, presently working as Associate Professor of Physics GDC, No. 1 D.I.Khan, as follows:

That you, while posted as Assistant Prof. of Physics/ Section Officer (B-18) in Ministry of Industries and Production Pak: Secretariat, Islamabad on deputation basis committed the following irregularities:-

- i. That you were transferred to Federal Secretariat, Islamabad as Section Officer (B-18) on deputation basis initially for a period of one year vide Notification No. SO (Colleges)/ 04-2010/X-4/2010 dated 09.09.2010 while Establishment Department, Islamabad vide Notification No. 4/124/2009/OMG-II notified his deputation period as three years w.e.f 31.08.2010. However, even after the expiry of three years, you did not turn up for duties in Higher Education Department. Later-on you were promoted to the post of Associate Professor (B-19) vide Notification No. SO (Colleges-II)/HED/15-1/2013/1166-77 dated 05.08.2014 but you didn't comply with the orders and did not actualize your promotion within due date.
 - ii. That the Director Higher Education Khyber Pakhtunkhwa directed you time & again through registered letter No. 1316 dated 13.01.2015, followed by series of reminder letter No. 10884 dated 28.04.2015, letter No. 17885-86 dated 22.07.2015 and subsequent letter No. 20131-32 dated 25.08.2015 to report for duty in Higher Education Department within 15 days failing which disciplinary action will be initiated against you. The Higher Education Department vide letter No. SO (Colleges-II) /HED/X-4/2009/File-17 /887dated 28.10.2015 sent a letter with similar directions but to no avail.
 - iii. Instead of complying with the orders of the Higher authorities by joining Parent Department, you preferred an application for allowing you to work as Section Officer in the Ministry of Industry & Production Pak secretariat Islamabad by taking the shelter of Writ Petition pending before Islamabad High Court, Islamabad with regard to your induction as Section Officer in O.M.G. Absence Notices were published in two leading Newspapers dated 25.01.2016 and 24.01.2016 with the direction to report for duty within 15 days of the issuance of the notice. Eventually you reported to the Department on 01.02.2016 and thus availed unlawful deputation period for two years and five months without approval/ permission of the Competent Authority.
2. By reason of the above, you appear to be guilty of misconduct under rule 03 of the Khyber Pakhtunkhwa, Peshawar Govt; Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 04 of the Rule *ibid*.
 3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Officer/ Committee, as the case may be.
 4. Your written defence, if any, should reach the Enquiry Officer/ Committee within the specific period, failing which it shall be presumed that you have no defence to put in and in that case *ex-parte* action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. A statement of allegations is enclosed.


(Mohammad Azam Khan)

**CHIEF SECRETARY,
KHYBER PAKHTUNKHWA**

DISCIPLINARY ACTION

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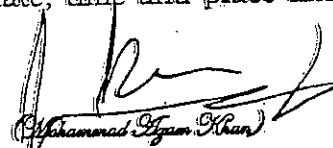
Mohammad Azam Khan, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Muzaffar Ali Shah, presently working as Associate Professor of Physics GDC, No. 1 D.I.Khan has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of rule 03 of the Khyber Pakhtunkhwa Govt; Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i. That he was transferred to Federal Secretariat, Islamabad as Section Officer (B-18) on deputation basis initially for a period of one year vide Notification No. SO (Colleges)/ 04-2010/X-4/2010 dated 09.09.2010 while Establishment Department, Islamabad vide Notification No.-4/124/2009/OMG-II notified his deputation period as three years w.e.f 31.08.2010. However, even after the expiry of three years, he did not turn up for duties in Higher Education Department. Later-on he was promoted to the post of Associate Professor (B-19) vide Notification No. SO (Colleges-II) /HED/15-1/2013/1166-77 dated 05.08.2014 but he didn't comply with the orders and did not actualize his promotion within due date.
 - ii. That the Director Higher Education Khyber Pakhtunkhwa directed him time & again through registered letter No. 1316 dated 13.01.2015, followed by series of reminder letter No. 10884 dated 28.04.2015, letter No. 17885-86 dated 22.07.2015 and subsequent letter No. 20131-32 dated 25.08.2015 to report for duty in Higher Education Department within 15 days failing which disciplinary action will be initiated against him. The Higher Education Department vide letter No. SO (Colleges-II) /HED/X-4/2009/File-17/887 dated 28.10.2015 sent a letter with similar directions but to no avail.
 - iii. Instead of complying with the orders of the Higher authorities by joining Parent Department, he preferred an application for allowing him to work as Section Officer in the Ministry of Industry & Production Pak secretariat Islamabad by taking the shelter of Writ Petition pending before Islamabad High Court, Islamabad with regard to his induction as Section Officer in O.M.G. Absence Notices were published in two leading Newspapers dated 25.01.2016 and 24.01.2016 with the direction to report for duty within 15 days of the issuance of the notice. Eventually he reported to the Department on 01.02.2016 and thus availed unlawful deputation period for two years and five months without approval/ permission of the Competent Authority.
2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under rule 10 (1) (a) of the ibid rules.

- i. Miss: Fareeha Paul, Secy: Zohat Ushar.
- ii. Prof. Muhammad Ali Khan, Prncipal GDC Panra D.I.K

3. The inquiry officer/ inquiry committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/ inquiry committee.


(Mohammad Azam Khan)

**CHIEF SECRETARY,
KHYBER PAKHTUNKHWA**



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

No.PS/Secy/SW/2018/10

Dated Peshawar the: 16.04.2018

To

The Muzaffar Ali Shah,
Associate Professor (BPS-19) of Physics,
Govt: Degree College No.01, D.I Khan.

Subject:-

INQUIRY PROCEEDINGS AGAINST MR. MUZAFFAR ALI SHAH,
ASSOCIATE PROFESSOR (BPS-19) OF PHYSICS, GOVERNMENT DEGREE
COLLEGE NO.01, D.I. KHAN

I am directed to refer to the subject noted above and to request you to attend the office of Secretary Zakat, Social Welfare, Special Education and Women Empowerment Department on 19.04.2018 at 11:00 am for personal hearing.


Private Secretary
to Secretary Zakat, Social Welfare

Copy forwarded to the:-

1. The Deputy Director (Establishment), Higher Education, Archives & Libraries Department, Khyber Pakhtunkhwa, Peshawar with the request to attend the office of Secretary Zakat, Social Welfare, Special Education and Women Empowerment Department to assist the inquiry committee on the date and time stated above.
2. Prof. Muhammad Ali Khan, Principle Govt: Degree College No.01, D. I Khan


Private Secretary
to Secretary Zakat, Social Welfare

**OFFICE OF THE PRINCIPAL GOVT. DEGREE COLLEGE
PAROVA D.I.KHAN**

No. _____

Dated: 20 / 03 / 2018

To

Mr. Muzafar Ali Shah,
Associate Professor, (BPS-19) of Physics,
Govt. College No. 1, D.I.Khan.

Subject:

**INQUIRY PROCEEDINGS AGAINST MR. MUZAFFAR ALI SHAH, ASSOCIATE
PROFESSOR (BPS-19) OF PHYSICS, GOVT. COLLEGE NO.1, D.I.KHAN.**

Memo:

I have been appointed an inquiry officer in the above captioned case. Vide Secretary of Higher Education KPK, Letter No. 3990-92SQ(C-I)HE/1-25/Summery for CM/Muzaffar Ali Shah dated Peshawar the 08/03/2018.

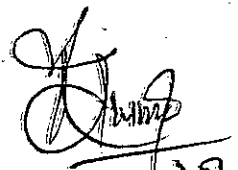
You are hereby directed to frame parawise reply of the allegations levelled against you in the statement of allegations and in the charge sheet (copy attached) within one week of the receipt of this letter for the ultimate finalization, of the inquiry report.

You are also directed to intimate the undersigned in writing whether you would like to be heard in person or not as regards the charges mentioned in the letter attached.

Enclosure:

1. Statement of Allegations
2. Charge Sheet

*Received & acknowledged
Mazhar
21/3/2018*



Inquiry Officer,

Professor Muhammad Ali Khan

(Principal, G D C Parova, D.I.Khan)

20/03/2018

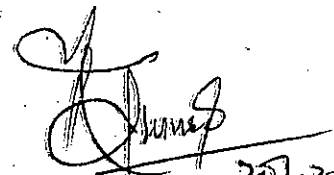
Questionnaire in connection with Inquiry Proceedings based on Charge Sheet framed against you by the Chief Secretary KP, Peshawar

Referring to the para i, ii, iii of the charge sheet, the committee is required to know:

- i. Why you didn't join parent department after the expiry of 3 year deputation period and you didn't comply with the promotion order/actualization of promotion within due date?
- ii. You were asked to explain your unlawful/unauthorized deputation through letter and subsequently 04 reminders to get back to your parent department, but you turned deaf ears to all these letters thereby tendering yourself for disciplinary action taken against you, do you have any legal grounds for this disobedience to all these letters?
- iii. You availed 2 years 05 months unlawful deputation and reported to parent departments after issuance absence notices through two leading newspapers, thus falling into misconduct/disobedience. How do you explain your position as per this para in charge sheet?

The copy of charge sheet is attached herewith for further details of allegations and also giving you another opportunity to defend yourself.

Dated: 20/03/2018



Professor Muhammad Ali Khan
Inquiry Officer (Principal GDC Baroa,
D.I.Khan) 20/03/18

Received
M. Ali
20/3/2018

Q-1

Annex - IV

**QUESTIONNAIRE IN CONNECTION WITH INQUIRY PROCEEDINGS
BASED ON CHARGE SHEET FRAMED AGAINST YOU BY THE
CHIEF SECRETARY KP, PESHAWAR**

Q-1 Why you do didn't join parent department after the expiry of 3 year deputation period and you didn't comply with the promotion order / actualization of promotion within due date?

Ans: I was serving as Assistant professor (BPS-18) in GDC No. 1, Dera Ismail Khan and was Posted as Section officer Vide Establishment Division's Notification dated: 31-08-2010 on deputation in Ministry of industries & Production Islamabad initially for a Period of three years. (Copy attached). As per rule the deputation is extendable upto a period of five years.

Well before the lapses of initial three years, I requested the Ministry to relieve me off to join my parent Department. In this regard the Ministry requested Establishment Division vide letter dated: 20-06-2013 to provide a substitute in my place which was not provided and I could not be relieved off. (Copy attached).

Meanwhile the Prime Minister of Pakistan approved a summary dated 16-03-2013 for the induction of ex-cadre section officers in OMG (Copy attached). A total of 284 deputationists were to be inducted among which my name was also reflected in the list. However, the summary was challenged by cadre officers and

aggrieved to this effect all the deputationists filed writ petition in Islamabad High Court. The case is still subjudice. (Copy attached).^{*} x P. 11-

I was directed by my parent Department vide letter dated 19-11-2013 either to apply for extension in deputation period or to get repatriated. (Copy attached).^{**} In the light of above mentioned letter, I again requested the Ministry to relieve me off from my duties. Instead, the Ministry vide letter dated: 31-01-2014, requested Establishment Division for the extension of my deputation period due to the shortage of section officers in the Federal Secretariat. (Copy attached).^{***} However, it was regretted by my Parent Department as I was communicated very late vide their letter dated 13-01-2015. (Copy attached).[^] In the meanwhile I was favoured with promotion as Associate professor (BPS-19) vide notification dated: 05-08-2014 but this Notification was not sent to me formally at Islamabad. However, there was no mention of the process of Actualization in this notification (Copy attached).^{^^} Since the Ministry did not relieve me off formally from duties, so desertion from duty was not the proper action. P. 1

Q-2 You were asked to explain your unlawful / unauthorized deputation through letter and subsequently 04 reminders to get back to your parent department, but you turned deaf ears to all these letters thereby tendering yourself for disciplinary action taken against you, do you have any legal grounds for this disobedience to all these letters?

Ans: While serving in Federal secretariat I was constantly in touch with my parent department and had a regular correspondence with the concerned officials. I was never unwilling to return or reluctant to serve my parent Department. (Copies attached).

Q-3 You availed 2 Years 05 Months unlawful deputation and reported to parent departments after issuance absence notices through two leading newspapers, thus falling into misconduct / disobedience. How do you explain your position as per this para in charge sheet?

Ans:- I have been facing domestic issues of very serious nature. My wife is a Govt. Servant and is posted in a remote village of D.I.Khan. My bed-ridden mother and three children (One Daughter, and Two Sons) were residing with me in Islamabad. The children were studying there. It was not possible for me to leave them alone all of sudden or to bring them back to D.I.Khan at the crucial Juncture of their educational career. In this regard I have been making several appeals / requests to consider my case on sympathetic grounds and allow me some time to settle my domestic issues. However these requests were not accepted. Therefore, following the publishing of absence Notice in newspaper I had no option but to submit charge relinquishment report in the Ministry on 01-02-2016 and report to my parent Department. The delay was not willful and not intentional. It is requested that I may kindly be pardoned.

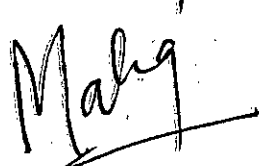
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It is pertinent to mention with distress that my deputation has already caused me a huge loss as I was not promoted in 2013 along with my fellow batchmates. In this regard I requested the Director HED, vide application dated: 26-03-2013 to consider my case for promotion. (Copy attached), however, I was informed by HED vide letter dated: 21-05-2013 that my promotion case had been deferred by PSB (Copy attached).

It is requested that I may kindly be exonerated from all charges and my period beyond deputation period may kindly be regularized for I have been and am still serving the Department quite honestly and sincerely.

I also wish to be heard in person.

Thanks


(Syed Muzaffar Ali Shah)
Associate Professor (Physics)
G.D.C No. 1 D.I.Khan
Cell# 0333-9951701

S. MUZAFFAR ALI
S. MUZAFFAR ALI
Associate Professor
GC No 1, D I Khan

27.01.2022

Tour is Cancelled, therefore, case is adjourned to 26.05.2022 for the same as before.


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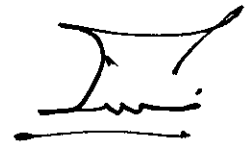
26.05.2022

Appellant alongwith his counsel present. Mr. Ihsanullah, Lecturer alongwith Mr. Farhaj Sikandar, District Attorney for the respondents present.

Para-wise comments on behalf of respondents submitted, which are placed on file and copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 29.06.2022 before the D.B at Camp Court D.I.Khan.



(Rozina Rehman)
Member (J)
Camp Court D.I.Khan



(Salah-ud-Din)
Member (J)
Camp Court D.I.Khan

13.12.2021

Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Ihsanullah Khan Lecturer for respondents present.

The respondents having failed to submit the reply on previous date were directed to do the needful with adjournment of the proceedings for today but they have again not filed the comments/written reply and seek adjournment. The time is granted to the respondent Department for submission of written reply within 10 days in office, failing which they shall be liable to payment of cost of Rs. 5000/- for submission of reply on the date fixed. If they fail to submit the reply on the next date, no further adjournment shall be granted for such purpose and appeal shall be heard on available record. To come up on 27.01.2022 before D.B at Camp Court, D.I.Khan.



(Rozina Rehman)
Member (J)




Chairman
Camp Court, D.I.Khan


27.09.2021

Mr. Saleemullah Khan Ranazai, Advocate, for the appellant present. Preliminary arguments heard.

Points raised need consideration, hence the appeal is admitted to regular hearing subject to all legal and valid objections. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments before the D.B on 27.10.2021 at Camp Court D.I Khan.

Appellant Deposited
Security & Process Fee


27/10/21

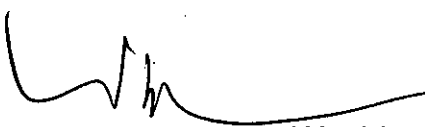

(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)
CAMP COURT D.I KHAN

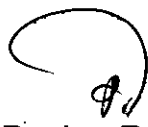
27.10.2021

Irfan Ullah Advocate present on behalf of Salimullah Ranazai Advocate learned counsel for appellant.

Muhammad Rasheed learned Deputy District Attorney alongwith Ihsanullah Lecturer for respondents present.

Reply on behalf of respondents was not submitted. Request for adjournment was made on behalf of respondents for submission of reply/comments; granted with direction to furnish the same within 10 days in office, positively. To come up for arguments on 13.12.2021 before D.B at Camp Court, D.I.Khan.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, D.I.Khan


(Rozina Rehman)
Member(J)
Camp Court, D.I.Khan

23.02.2021

Appellant in person present.

Noor Zaman Khattak learned District Attorney alongwith Ihsan Ullah Lecturer for respondents present.

Former requests for adjournment that his counsel is not available today.

Adjourned to 24.05.2021 for arguments before D.B at Camp Court D.I Khan.

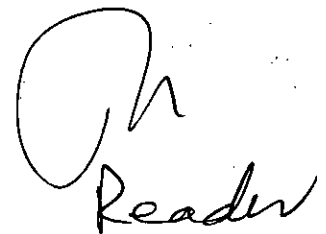


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, D.I Khan



(Rozina Rehman)
Member (J)
Camp Court, D.I Khan

Due to COVID-19 therefore to
come up for the same on 27/9/21



Reader

27.10.2020

Appellant is present in person. Since the Members of the High Court as well as of the District Bar Association D.I.Khan are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 25.11.2020 on which date to come up for preliminary hearing before S.B at Camp Court, D.I.Khan.

(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT D.I.KHAN

25.11.2020

Junior to counsel for appellant present and made a request for adjournment as senior counsel is busy before August Supreme Court of Pakistan. Adjourned. To come up for preliminary hearing on 23.12.2020 before S.B at Camp Court, D.I.Khan.

(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan


23.12.2020

Due to Covid-19, case is adjourned to 23.02.2021 for the same as before.

Reader

24/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 20/4/2020 at Camp Court, D.I Khan


Reader

20/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 23/9/2020 at Camp Court, D.I Khan


Reader

23.09.2020

Appellant present in person and submitted an application for adjournment as his counsel is busy before Hon'ble Supreme Court of Pakistan; adjourned. To come up for preliminary hearing on 27.10.2020 before S.B at Camp Court D.I Khan.



(Rozina Rehman)
Member (J)
Camp Court, D.I Khan

27.02.2020

None present on behalf of the appellant. Notices be issued to appellant and his counsel for attendance and preliminary hearing for 24.03.2020 before S.B at Camp Court D.I.Khan.

MA
(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

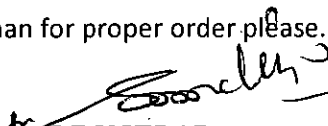


20-1-5670

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1575/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/11/2019	<p>The appeal of Syed Muzafar Ali Shah presented today by Mr. Saleemullah Khan Ranazai 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</p> <p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>30-1-2020</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>None present on behalf of the appellant. Notices be issued to appellant and his counsel for attendance and preliminary hearing for 27.02.2020 before S.B at Camp Court D.I.Khan.</p> <p style="text-align: right;"> (M. Amin Khan Kundi) Member Camp Court D.I.Khan</p>
2-	30.01.2020	

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No.

1575 / 2019.

Syed Muzafar Ali Shah.

Versus

Government of Khyber Pakhtunkhwa, etc.


Index

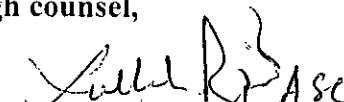
S.NO. PARTICULARS OF THE CASE. ANNEXURES. PAGE.

1. Memo and grounds of Service Appeal.	→	2-8
2. Copies of order of Assistant Professor BPS-18, recommendations for deputation, NOC, extension of deputation, promotion order.	'A' →	9-13
3. Copies of writ petition, interim order dt: 02.10.2013 & writ petition of the appellant.	'B'	14-41
4. Copies of publication, show cause notice dt:06.09.2018, reply to the show cause.	'C'	42-47
5. Copy of inquiry.	'D'	48-53
6. Copies of notification dt: 13.11.2018, delivered to the appellant on 21.11.2018	'E'	54
7. Copy of departmental appeal.	'F'	55-58
8. Copy of order dt: 14.02.2019 delivered on 02.03.2019	'G'	59-60
9. Copy of notification dated 28.09.2019	'H'	60-A
10. Copy of departmental appeal with covering letter.	'I'	61-65
11. Copy of letter dated 07.10.2019.	'J'	66-67
12. Copies of the relevant documents.	'K'	68-69
13. Relevant documents.	'L'	70
14. Copy of letter dated 30.04.2019.	'M'	72
15. Copy of letter dated 22.05.2019.	'N'	71
10. Vakalatnama.		73

Dated: 18.11.2019.

Your Humble Appellant:


(Syed Muzafar Ali Shah)
Through counsel,


(Saleemullah Khan Ranazai)
Advocate Supreme Court.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No.

1575/2019.

Syed Muzafar Ali Shah son of Munawar Ali Shah Associate Professor (Physics), Govt. Degree College-I, District, Dera Ismail Khan.

Khyber Pakhtunkhwa
Service Tribunal

(Appellant)

Diary No.

1660

Versus

Dated

19-11-2019

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary Higher Education Archives and Library Department, Khyber Pakhtunkhwa, Peshawar.
3. Director, Higher Education (Colleges), Khyber Pakhtunkhwa, Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 07.10.2019, PASSED BY COMPETENT AUTHORITY CONVEYED TO THE APPELLANT ON 28.10.2019, VIDE WHICH THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED, WHICH WAS PREFERRED AGAINST THE ORDER DATED 13.11.2018 ISSUED BY SECRETARY HIGHER EDUCATION DEPARTMENT ON BEHALF OF CHIEF MINISTER, THE COMPETENT AUTHORITY VIDE WHICH THE APPELLANT WAS PENALIZED AND PENALTY OF REDUCTION TO LOWR POST HAS BEEN IMPOSED AND THE SAME ORDER WAS AMENDED ON 28.08.2019 AND RECEIVED TO THE APPELLANT ON 02.09.2019, VIDE WHICH THE SAME PANELTY WAS IMPOSED BUT FOR A PERIOD OF FIVE YEARS WITH EFFECT FROM 13.11.2018.

Filed to -
Registrar
19/11/19

Respectfully Sheweth,BRIEF FACTS

1. That the appellant was working as Assistant Professor (BPS-18) in Education Department and was posted at Degree College No.1, Dera Ismail Khan and the appellant was recommended for deputation in the year 2010 to the Federal Government in Ministry of Industries and Production as Section Officer. After fulfilling the codel formalities including obtaining NOC from the parent department of the appellant, the appellant joined the Federal Government on deputation for three

- years but unfortunately, in his parent department the initial notification was only for one year, however, subsequently, the parent department acknowledged the period of deputation as for three years, as during the deputation period the appellant was promoted to the post of Associate Professor (BPS-19) in the year 2014, when the appellant was still working on deputation with the Federal Government. Copies of order of Assistant Professor BPS-18, recommendations for deputation, NOC, extension of deputation, promotion order are enclosed herewith as **Annexure-A**.
2. That because of shortage of staff, with the Federal Government, no employee on deputation was relieved by the Federal Government and rather through different letters initiated the permanent absorption of different employees in the Federal Government, being experienced and suitable, however, as the matter was delayed and the parent departments were pressing hard to call back all such employees on deputation to their parent departments, that is why certain employees filed writ petitions before Islamabad High Court, Islamabad, where interim order was passed on 02.10.2013, restraining the parent departments that "no adverse action shall be taken against the petitioners till further orders", wherein the writ petition of the present appellant was also clubbed and the interim order is still in field, as the main writ petitions are still pending. Copies of writ petition, interim order dated 02.10.2013, writ petition of the appellant are enclosed herewith as **Annexure-B**.
3. That the appellant was handicapped, as the Federal Government was not relieving him to join his parent department so in the meantime, the parent department started departmental proceedings against the appellant in his absence, which the appellant came to know regarding the said proceedings, when the publication was made by the parent department. Then the appellant within specified time mentioned in the publication joined his parent department and started working as Associate Professor at Govt. Degree College No.1, D.I.Khan on 01.02.2016, when on 06.09.2018, a show cause notice was issued to the appellant, which was received to him on 18.09.2018, wherein the appellant was asked to explain his absence from the parent department and astonishingly allegations of in efficiency and misconduct were also levelled against him, to which the appellant submitted his reply through proper channel on 24.09.2018 by explaining each and every aspect. Copies of publication, show cause notice dated 06.09.2018, reply to the show cause are enclosed herewith as **Annexure-C**.
4. That a formal inquiry was conducted in the matter, where only the appellant was provided the opportunity of hearing but he was not allowed to participate in the inquiry as no witnesses were examined in his presence nor the appellant was given an opportunity to cross examine the witnesses. Copy of inquiry is enclosed herewith as **Annexure-D**.

- 4
5. That the appellant then received notification dated 13.11.2018, which was delivered to him on 21.11.2018 and this notification was issued by the Secretary Higher Education Department on behalf of the Chief Minister, Khyber Pakhtunkhwa being competent authority, wherein the appellant was awarded penalty of "reduction to lower post". Copies of notification dated 13.11.2018, delivered to the appellant on 21.11.2018 are enclosed herewith as **Annexure-E**.
 6. That the appellant then filed the departmental representation through proper channel on 26.11.2018. Copy of departmental appeal is enclosed herewith as **Annexure-F**.
 7. That the appellant received an order issued on 14.02.2019, delivered to the college of appellant on 02.03.2019, wherein it has been mentioned that the competent authority has rejected the appeal of the appellant and retained the penalty "reduction to lower post" already imposed. Copy of order dated 14.02.2019 delivered on 02.03.2019 is enclosed herewith as **Annexure-G**.
 8. That the appellant then preferred Service Appeal before this Hon'ble Tribunal, which is pending disposal, as the same has been admitted and reply has been asked from the department.
 9. That astonishingly, the appellant received another notification dated 28.08.2019, received to the appellant on 02.09.2019, wherein the penalty reduction to lower post has been amended and the same has been imposed as "reduction to lower post for a period of five years with effect from 13.11.2018". Copy of notification dated 28.09.2019 is enclosed herewith as **Annexure-H**.
 10. That against the same notification the appellant preferred department representation/appeal through proper channel on 04.09.2019, which was conveyed to the proper forum by the Principal, Government Degree College-1, D.I.Khan on the same date. Copy of departmental appeal with covering letter is enclosed herewith as **Annexure-I**.
 11. That the appeal/representation of the appellant was replied vide letter dated 07.10.2019, received to the appellant on 28.10.2019 in the College, whereby the appellant was informed that the appeal of the appellant has already been rejected on 14.02.2019. Copy of letter dated 07.10.2019 is enclosed herewith as **Annexure-J**.
 12. That feeling aggrieved and having no other appropriate remedy, the appellant is preferring the instant Service appeal for the redressel of his grievances on inter alia the following grounds:-

GROUND

- A. That the entire process of departmental proceedings is clearly against the law, rules and notifications on the subject matter and of course the allegations are totally wrong and baseless.

- 5
- B.** That amended notification dated 13.11.2018 conveyed to the appellant on 28.08.2019 amounts to double jeopardy, as in the earlier notification the appellant has been imposed the penalty of reduction to lower post and through impugned notification another penalty has been imposed, which is totally against the law and natural justice.
- C.** That the appellate authority never gave personal hearing to the appellant, despite the request for the same and also never called the record of the case, which was required under the law and rejected the departmental appeal of the appellant in summary manner, which is totally against the law.
- D.** That the appellant has never been associated with the so called departmental inquiry and even till date, he has not been provided the copies of the departmental inquiry, which under the law, the appellant is entitled, therefore, the appellant has been condemned under heard.
- E.** That astonishingly, the appellant has been charged with an allegation that he was allowed on deputation by the parent department for one year, whereas, the appellant remained with the Federal Government for more than three years, which allegation is totally illegal, as the law and rules provides the period of deputation for minimum three years, extendable on the mutual consent, therefore, how the parent department can penalize the appellant on an allegation, which is against the law.
- F.** That appellant was handicapped, as he was working with the Federal Government and he was not being relieved, after the expiry of deputation period of three years, rather the Federal Government was trying to absorb the appellant as well as other employees, who were on deputation from Provincial Governments to the Federal Government. Copies of the relevant documents are enclosed herewith as Annexure-K.
- G.** That the appellant along with other employees of the Provincial Governments then filed writ petitions before Islamabad High Court, mainly on the ground that the Federal Government is very slow in process for the absorption of the employees on deputation and the Federal Government is also not relieving the appellant and others and they may face the departmental proceedings and of course the main prayer was that the appellant and other employees may be absorbed in the Federal Government, and the Hon'ble Islamabad High Court was pleased to pass an interim order on 02.10.2013 by restraining the parent departments that no adverse action shall be taken against the petitioners till further orders, which order is still holding the field as the main writ petitions are still pending before the High Court, therefore, on this ground alone, the departmental proceedings are illegal and contemptuous in nature, being in clear violation of the orders of the Islamabad High Court, passed as an interim order.
- H.** That the other allegations of inefficiency and misconduct, as levelled against the appellant are also self-contradictory, as in this period the appellant worked on

deputation with the Federal Government and this aspect was also acknowledged by the parent department and even the seniority and good behaviour was considered, that is why the appellant was promoted to the post of Associate Professor (BPS-19), while he was on deputation with the Federal Government, therefore, no question of inefficiency or misconduct arise, particularly when the Federal Government, where the appellant was working never made any sort of complaints to the parent department in respect of the appellant, moreover, if at all the aspect of non-joining of the appellant to the parent department is concerned, that has already explained above, however, to be more precise, the appellant was handicapped, as the Federal Government was not relieving the appellant after the expiry the deputation period and the matter is still subjudice before Islamabad High Court, so how come the appellant has been considered inefficient and regarding his duties, the allegations of misconduct has been levelled against him. Relevant documents are enclosed herewith as **Annexure-L**.

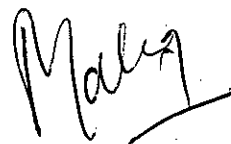
- I.** That the appellant has been victimized illegally and mainly under some misconception, otherwise, neither the appellant is considered to be absent from any duty, as he was working with the Federal Government, nor there are any allegations of corruption etc and as mentioned above regarding his work, he was rather appreciated by the Federal Government in performance of his duties, assigned to me by the Federal Government and more particularly the parent department cannot take any action for the period, when the appellant remained with Federal Government on deputation unless and until anything in black and white from the Federal Government to this effect to the parent department, which in case of the appellant is missing.
- J.** That the appellant has served the department for more than 30 years and he is expecting his retirement by reaching the age of superannuation in the year 2022, which period of service is blameless till the present proceedings and of course any such punishment will be a stigma on his entire clean and neat service.
- K.** That the appellant has been penalized for an alleged misconduct, which was never committed by the appellant rather the Government of Pakistan never allowed the appellant to join the parent department, despite several requests, therefore, the punishment imposed upon the appellant is not justified in any manner.
- L.** That astonishingly, after the first penalty the appellant was informed by the department through letter dated 30.04.2019 to join the mandatory training course for BPS-19 with effect from 02.05.2019 to 31.05.2019, which was attended by the appellant and successfully completed the same. Copy of letter dated 30.04.2019 is enclosed herewith as **Annexure-M**.
- M.** That similarly, vide letter dated 22.05.2019, the appellant was asked to attend the mandatory training course for BPS-18 with effect from 23.05.2019 to 21.06.2019,

which was also attended by the appellant and completed the same successfully. Copy of letter dated 22.05.2019 is enclosed herewith as Annexure-N.

- N.** That the department is confused firstly that whether the appellant should have been penalized and secondly to what extent and the confusion on the part of the department is more evident that they are issuing letters to the appellant for mandatory training for the purpose of promotion, which is successfully completed by the appellant but even then the present amended impugned notification was issued and more particularly when the appellate authority is also seemed to be confused because the appeal of the appellant dated 04.09.2019 was for the first time replied but in the impugned letter, it has been mentioned that the same has already been replied through letter dated 14.02.2019.
- O.** That appellant is victimized by the department for no good reasons, as evident from the entire proceedings.
- P.** That the counsel for the appellant may be allowed to raise additional grounds during the course of arguments.

In view of the above , it is therefore, respectfully prayed that the order dated 07.10.2019, communicated to the appellant on 28.10.2019, whereby the departmental appeal of the appellant was rejected and the notification dated 13.11.2018 communicated to the appellant on 28.08.2019 issued by Secretary Higher Education Department on behalf of Chief Minister, whereby the appellant was punished and penalty of reduction to lower post for five years has been imposed, may very kindly be set aside being illegal, against the norms of service laws and natural justice and especially within the definition of double jeopardy and the appellant may be ordered to be in BPS-19 without any break with all back benefits.

Your Humble Appellant:



**(Syed Muzafar Ali Shah)
Through counsel,**

Dated: 18.11.2019



**(Saleemullah Khan Ranazai)
Advocate Supreme Court.**

AFFIDAVIT

I, Syed Muzafar Ali Shah son of Munawar Ali Shah, Associate Professor (Physics), Govt. Degree College-I, District, Dera Ismail Khan, the appellant do hereby solemnly affirm on Oath that the contents of the appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.



**Deponent.
(Identified by)**

Dated 18.11.2019.



**(Saleemullah Khan Rafazai)
Advocate Supreme Court.
Cell No.03339159808.**

9

9

GOVERNMENT OF NWFP
HIGHER EDUCATION ARCHIVES & LIBRARIES
DEPARTMENT

Dated Peshawar the 01/03/2007

NOTIFICATION

No.SO(EDUCATION-II)III-28/2006. The Competent Authority in consultation with Provincial Selection Board (PSB) is pleased to order the promotion of the following Lecturers (BPS-17) to the post of Assistant Professor (B-18) of college cadre of Higher Education Department with immediate effect, and to post them in the colleges noted against each they will remain on probation for a period of one year:-


S. No.	Name/Designation/Present Posting.	Posting as Assistant Professor (BPS-18)	Remarks
1	Fayaz Ahmad, Lecturer (Geography) now working as Section Officer in Housing Department Civil Secretariat Peshawar.	Assistant Professor (BPS-18), Government Postgraduate College, Swabi.	Against Vacant Post
2	Arbab Khan, Lecturer (Physics) Govt. Degree College KDA (Kohat).	Assistant Professor (BPS-18) Govt. Degree College KDA (Kohat).	-do-
3	Nawazish Ali, Lecturer (English) Government College Havelian.	Assistant Professor (BPS-18) Govt. Degree College Havelian.	-do-
4	Syed Muzafar Ali Shah, Lecturer (Physics) Govt. College No.2 D.I.Khan.	Assistant Professor (BPS-18) Govt. College No.2 D.I.Khan.	-do-
5	Waqar Zafar, Lecturer (Political Science) presently working as Assistant Chief of Section in Planning & Development Department Civil Secretariat Peshawar.	Assistant Professor (BPS-18) Govt. Degree College Akora Khattak.	-do-

SECRETARY TO GOVT. OF NWFP
HIGHER EDUCATION DEPARTMENT

Endst: Number & Date as above.

Copy forwarded to the:-

1. Accountant General NWFP Peshawar.
2. Director Higher Education NWFP Peshawar.
3. Director of Education (FATA) Civil Secretariat Warsak Road Peshawar.
4. Districts Accounts Officers concerned.
5. Principals, Government Colleges concerned (Male) NWFP.
6. Section Officer (FATA) Education Wing Civil Secretariat (FATA) Warsak Road Peshawar.
7. Section Officer (General) Higher Education Department NWFP Peshawar.
8. Manager, Govt. Printing Press NWFP Peshawar.
9. P.S. to Chief Secretary NWFP Peshawar.
10. P.S. to Minister for Education NWFP Peshawar.
11. P.S. to Secretary Higher Education NWFP Peshawar.
12. Officers concerned.


SECTION OFFICER (EDUCATION-II)

DIRECTORATE OF HIGHER EDUCATION/
NWFP, PESHAWAR.
Phone # 091-9211025, 091-9210242, Fax # 091-9210242

No. _____ /CA-I/Estt;Branch/

Dated Peshawar, the 3/8/2009.

To

The Section Officer (Colleges)
Govt. of NWFP, Higher Education
Department, Peshawar.

Subject: - TRANSFER/POSTING OF MR. MUZAFFAR ALI SHAH ASSISTANT PROFESSOR IN PHYSICS BPS-18 UNDER SECTION 10 OF CIVIL SERVANTS ACT 1973 FROM DIKHAN (NWFP) TO ISLAMABAD AS SECTION OFFICER.

Memo.

I am directed to enclose herewith a copy of self explanatory application in respect of Syed Muzaffar Ali Shah Assistant Professor of Physics GDC No.1 DIKhan alongwith a copy of Section Officer (Admn-1) Govt. of Pakistan, Ministry of Industries & Production, Islamabad letter No: nil dated 27.06.2009 on the subject cited above and to state that this office has no objection to the posting of the officer concerned as Section Officer at Ministry of Industries & Production, Islamabad on deputation basis.

DY, DIRECTOR (ESTABLISHMENT)
HIGHER EDUCATION NWFP, PESHAWAR.

Endst.No. 17140

Copy forwarded to the Principal GDC No.1 DIKhan w/r to his endst.no.1061 dated 16.07.2009.

DY, DIRECTOR (ESTABLISHMENT)
HIGHER EDUCATION NWFP, PESHAWAR.

Original
See
+ Int. mail to
officer concerned.
7/8
6/8

M. K.
M. K.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT

(REGULATION WING)

No.SOR-(E&AD)1-14/82/Vol-XIX.
Dated Peshawar the 30th July 2010.

To,

The Secretary to Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department,
H/8th Floor, Peshawar.

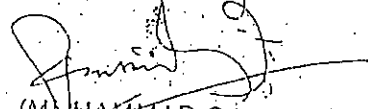
Subject: - POSTING OF SYED MUZAFFAR ALI SHAH, ASSISTANT PROFESSOR (BS-18), GOVERNMENT COLLEGE NO.1, DERA ISMAIL KHAN AS SECTION OFFICER (BS-18) ON DEPUTATION BASIS IN THE FEDERAL SECRETARIAT.

Dear Sir,

I am directed to refer to letter No. F.4/124/2010-OMG - II dated 14/1/2010 on the subject cited above and to convey NOC of the Establishment & Administration Department, Government of Khyber Pakhtunkhwa to the proposed deputation of one year in favour of Syed Muzaffar Ali shah, Assistant Professor (BS-18), Government College NO.1, Dera Ismail Khan to the Federal Secretariat.

2. Further action in the matter may kindly be taken by the administrative department accordingly.

Yours faithfully,


(MUHAMMAD QASIM)
Section Officer (Reg-I)

SO (C)

UK
02/08



Elementary & Secondary Education Department
P.O. Dera Ismail Khan
3498
268

Syed Muzaffar Ali Shah

1558
2/8/10

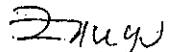
2/11
Put up early 5/8
As: H/

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION

Islamabad, the 31st August, 2010

NOTIFICATION

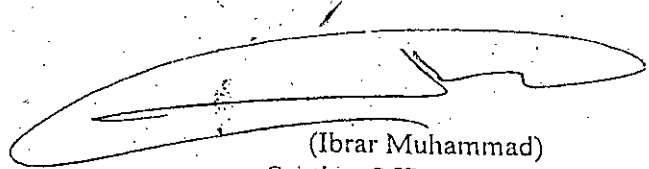
No.4/124/2009.OMG-II. Syed Muzafar Ali Shah, Assistant Professor (BS-18), Education Department, Government of Khyber Pakhtun Khawa, is transferred and posted as Section Officer (BS-18) on deputation in Industries & Production Division for a period of three years on standard terms and condition of deputation with immediate effect and until further orders.


(Zafar Naseem Kayani)
Deputy Secretary to the
Government of Pakistan
Tele # 9209312

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Copy to:

- The A.G.P.R., Islamabad.
- The Secretary, Services & General Administration Department, Peshawar.
- The Secretary, Industries & Production Division, Islamabad.
- The P.S. to Secretary, Establishment Division, Islamabad.
- The Principal Information Officer, P.I.D., Islamabad.
- The Director (PD) and Sections concerned, Establishment Division, Islamabad.
- The Officer (s) concerned, with the request to furnish copies of charge relinquishment report(s)
- The Director (PD)/Section Officer (OMG-II) Establishment Division, Islamabad.
- The PAs to Joint Secretary (Admn)/Deputy Secretary (OMG) Establishment Division, Islamabad.
- Notification/file Personal files officer.
- The officer concerned.


(Ibrar Muhammad)
Section Officer (OMG-II)
Tele: 9202539



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

Dated Peshawar the 09.09.2010.

NOTIFICATION

No.SO(COLLEGES)/04-2010/X-4/2010. The Competent Authority is pleased to transfer Syed Muzaffar Ali Shah, Assistant Professor of Physics (BP-13), Government Degree College, No. 1, D.I. Khan to Federal Secretariat, Islamabad as Section Officer (BS-18) on deputation basis initially for a period of one year.

Note: Terms and conditions of deputation will be settled later on.

SECRETARY TO GOVT.OF
KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Endst: Number & Date Even.

Copy forwarded to the: -

1. Director Higher Education, Khyber Pakhtunkhwa Peshawar w/r to his letter No. 11538/CA-I/Estt. Branch dated 25.03.2010.
2. Section Officer (OMG-II), Govt. of Pakistan Cabinet Secretariat, Establishment Division w/r to his Notification No. 4/124/2009.OMG-II dated 31.08.2010.
3. Section Officer (Regulation-I) Establishment & Administration Department NWFP, with reference to his letter No. SOR-I(E&AD) 1-14/82 (Vol. XIX) dated 30.07.2010.
4. District Accounts Officer, D.I. Khan.
5. Principal, Government Degree College, No. 1, D.I. Khan.
6. Officer concerned.
7. P.S to Secretary, Higher Education Department.

GHA
(GHULAM ALI)
SECTION OFFICER (COLLEGES)

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

W.P.No. 2627/2013

1. Sheikh Muhammad Abdul Rafe, Section Officer (BS-18), Cabinet Division, Islamabad.
2. Bashir Ahrned, Section Officer (BS-17), Cabinet Division, Islamabad.
3. Naeem Ahmad Khan, Section Officer (BS-18), Cabinet Division, Islamabad.
4. Sardar Mehmood, Section Officer (BS-18), Cabinet Division, Islamabad.
5. Rana Zulfiqar Ahmad, Section Officer (BS-18), Finance Division, Islamabad.
6. Sadaquat Ahmed, Section Officer (BS-18), Finance Division, Islamabad.
7. Ghulam Muhammad Mahmoodi, Section Officer (BS-17), Finance Division, Islamabad.
8. Badr-ur-Rehman, Section Officer (BS-18) Establishment Division, Islamabad.
9. Sulman Hameed, Section Officer (BS-17), Establishment Division, Islamabad.
10. Shaukat Ali Khan, Section Officer (BS-17), Establishment Division, Islamabad.
11. Saif-ur-Rehman, Section Officer (BS-17), Ministry of Industries Islamabad.
12. Khalid Mahmood, Section Officer (BS-17), Ministry of Industries Islamabad.
13. Muhammad Naeem Khan, Section Officer (BS-17), Ministry of Industries, Islamabad.
14. Tanveer Ahmed Kakar, Section Officer (BS-17), Ministry of Education & Training, Islamabad
15. Muhammad Rafi, Section Officer (BS-17), Ministry of Education & Training, Islamabad
16. Muhammad Ishtiaq, Section Officer (BS-17), Ministry of Kashmir Affairs & Gilgit Baltistan.
17. Muhammad Khabab, Section Officer (BS-18), Ministry of Kashmir Affairs & Gilgit Baltistan.
18. Hafiz Rub Nawaz, Section Officer (BS-18), Ministry of National Health Services, Regulations & Coordination, Islamabad.
19. Najeedulh Mandokhail, Section Officer (BS-18), Ministry of Interior, Islamabad.
20. Asfand Yar Khan, Section Officer (BS-18), Postal Services Division, Islamabad.
21. Naveed Hasan Khan, Section Officer (BS-18), posted as Education Attache, China, M/o Inter Provincial Coordination, Islamabad.
22. Muhammad Younas, Section Officer (BS-18), Ministry of States & Frontier Regions (SAFRON), Islamabad.



23. Dr. Muhammad Sami, Section Officer (BS-18), Ministry of Production, Islamabad.
24. Khalid Mahmood, Section Officer (BS-18), Ministry of Privatization, Islamabad.
25. Kaleemullah, Section Officer (BS-17), Ministry of National Food Security & Research, Islamabad.
26. Habibullah, Section Officer (BS-17), Ministry of Law and Justice, Islamabad.
27. Dr. Ejaz Ahmed, Section Officer (BS-17), Ministry of Narcotics Control, Islamabad.
28. Syed Hassan Mahmood, Section Officer (BS-17), Revenue Division, Islamabad.
29. Abdul Quddus, Section Officer (BS-17), Revenue Division, Islamabad.
30. Tahira Sadozai, Section Officer (BS-17), Ministry of Inter Provincial Coordination, Islamabad.
31. Muhammad Farhanullah Khan, Section Officer (BS-17), Ministry of Water & Power, Islamabad.

Petitioners.....

VERSUS

1. Federation of Pakistan through Secretary, Establishment Division, Government of Pakistan, Islamabad.
2. Hon'ble Prime Minister through Principal Secretary, Prime Minister Secretariat, Islamabad.

Respondents.....

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973.

Respectfully Sheweth:-

- ✓) That the petitioners were appointed in BS-17 on the recommendation of Balochistan Public Service Commission and most of them were promoted in BS-18 in their parent department i.e. Government of Balochistan and thereafter, their services were taken in the Federal Government, in Office Management Group (OMG) as Section



Officers, BPS-17 and 18, on deputation basis, on standard terms and conditions. *vide orders dated*

2) That the petitioners have been rendering their services as Section Officers (BS-17 and 18) not only with utmost honesty, sincerity, and integrity to the entire satisfaction of their respective reporting officers as well as countersigning officers since 2008, onwards, on deputation basis, as Section Officers BS-17 and BS-18, in the Federal Secretariat, but also have acquired requisite / sufficient acquaintance with the functioning of the Federal Secretariat.

As the respondents

3) That the petitioners, being selectees of the Baluchistan Public Service Commission, are fully capable to perform their duties as they were selected through transparent and competitive process. They opted to serve on deputation basis as Section Officers in the Federal Secretariat just under legitimate expectancy of being inducted as per constitution of OMG, against their quota of 10% and appointment by transfer as Section Officers in BPS-17 and 18, in OMG as envisaged in para 7 (e) and 9 (A) of Establishment Division's OM dated 17-1-1975 at page 630 of Volume-I of Estacode. 2007 Edition, and continued to serve for a period of about four years thereunder.

4) That the Petitioner's capabilities, potentialities and abilities are in no way inferior to those Section Officers of BS-17/18, who were earlier appointed by transfer or through the promotional exam. The petitioners continuous service as Section Officers BS-17/18 in the Federal Secretariat itself speaks of their competence and satisfactory performance.



5). That according to the constitution of OMG, it was decided that the group called OMG will comprise :-

- i. All Ministerial Posts in the Federal Secretariat from grade 1 to 16
- ii. Post of Section Officers in grade 17 and 18 and
- iii. Such other posts including posts in grade 19 and 20 as may be specified and included in the Group from time to time

6). That according to Clause 5 of the constitution of OMG the strength of duty posts of Section Officers in Federal Secretariat will from the present, be 750 (10% of these posts will be reserved for appointments on deputation on tenure basis or by transfer of officers in grade 17 and 18 from other occupational group / cadres and Provincial Government Service in accordance with para 9 (A), 10% of the duty posts out of 750, comes to 75.

7). That according to Clause 7, 2/3rd of the vacancies of Section Officers in grade 17 may be filled by recruitment through Federal Public Service Commission. Remaining 1/3rd of the vacancies shall be filled by promotion of the departmental eligible candidates through a promotional examination. As per Clause 7 ©, lateral entry appointments will be made against 2/3 vacancies reserved for direct recruitment.



8). That as per Clause 9-A, Civil Servants belonging to other Occupational Groups, Services, Cadres and the Provincial Government, including those serving in the Federal Government on deputation basis, may be appointed as Section Officers in the Federal Government, in public interest, on the recommendations of DPC and with the approval of competent authority. The consent of the Ministry /

Division / Provincial Government and the officer concerned will be obtained before making such appointments.

9). That as a result, whereof, all the selectees of the Public Service Commission, have been made to suffer for no fault of their own for an indefinite period. Although, it is an established law that no one can be made to suffer due to an act of Government functionaries but the petitioners are being made to suffer at the hands of those who were / are running the affairs of Establishment Division despite clear law laid down by the Hon'ble Superior Court through various judgments.

10). That, like four (04) other occupational groups, the Office Management Group was constituted vide Establishment Division's OM dated 17-1-1975, where under appointment as Section Officer (BS-17/18) in OMC is made by the following modes:-

- a). Direct / initial recruitment
- b). Appointment through promotional examination
- c). Appointment through lateral entry
- d). Appointment by transfer

Civil Servant (Appointment, Promotion and Transfer) Rules, 1973 also expressly provide the mode and manner of appointment.

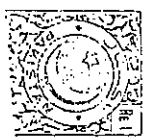
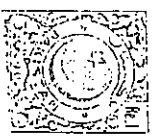
11). That the authority competent to make appointment by transfer in BS-17 and 18 is that of Secretary, Establishment Division, in terms of rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973. However, from time to time different criteria were laid down / prescribed / got approved from the Prime Minister for the induction of officers for the reasons best known to the authorities concerned.



12). That pursuant whereof, hundreds of officers of BS-17 and 18, belonging to other Occupational Groups, service, cadres and the provincial governments, including those serving in the Federal Government on deputation basis, were inducted / appointed by transfer as Section Officers/previously in BS-17 and 18 in the Federal Government.

13). That following criteria for induction / appointment by transfer, as Section Officers (BS-17/18) in OMG, was got approved from the Prime Minister on 8-9-2010:-

- a). The Federal / Provincial Civil Servants selected through FPSC/PPSC and having two years length of service in the Federal / Provincial Secretariat as Section Officer (BS-17/18) on deputation / under Section 10 of the Civil Servants Act, 1973 to be considered in order of seniority against seats reserved/allotted as per prescribed provincial / regional quota / merit quota.
- b). PERs of the last two years will be quantified for determination of merit against prescribed provincial / regional quota.
- c). 70 marks will be assigned to the PERs of the last two years
- d). 30 marks will be assigned for interview by the Departmental Selection Committee (DSC) to assess suitability.
- e). The selection will be on the basis of centralized merit in PERs/interview for the respective provincial / regional quota, including 7.5% merit quota.
- f). Depending upon number of seats for 7.5% merit quota, the best selectees from each merit quota, the best selectees from each province / region shall be selected / adjusted against 7.5% merit quota over and above their provincial / regional quota.



14). That the aforesaid application of provincial / regional quota was, for the first time got approved from the then Prime Minister in 2010 in utter disregard of Establishment Division's instructions, contained in OM dated 28-11-1973, not only just to accommodate blue eyed/ preferred ones but also to deprive the petitioners from exercising their legitimate rights of induction / appointment by transfer as Section Officers in BPS-17 and 18 in OMG. Para 2 (5) whereof, inter alia, envisages that provincial / regional quotas does not apply to posts filled by transfer of government servants to the posts in equivalent grades whether on deputation or on secondment basis as in the case of Military Officers. This illegality was neither rectified nor brought into the notice of the Prime Minister who approved the aforesaid criteria in order to mar career of the petitioners from being appointed as Section Officer in BPS-17 and 18, in OMG by transfer as envisaged in para 9 (A) of the OM dated 17-1-1975.

15). That another summary was moved for the Prime Minister on 15-3-2013 proposing therein that:-

a. Former Prime Minister's decision dated 8-9-2010, referred at para 3, above, may be maintained whereby only officers joining their parent Governments / Departments in BPS-17 and 18 through respective Public Service Commission are eligible for appointment by transfer as Section Officers in BPS-17 and 18 in OMG.

b. The decision at Sub Para (a) above may, however, be applied for induction as Section Officers (BS-17/18) on regular basis against 10% of the duty posts (i.e. 75 of 750) reserved as per existing instructions.





c. Keeping in view the acute shortage of regular Section Officers (BS-17/18) in OMG, all regular Civil Servants appointed in BPS-17-18 in his parent cadre, through FPSC/PPSC belonging to any province / region and having rendered maximum of three years service in BPS-17 and 18 in his own cadre, presently working as Section Officers BPS-17 and 18 on deputation, may be appointed by transfer as Section Officers BPS-17 and 18 on regular basis in OMG. This may be subject to fulfilling the approved criteria dated 8-9-2010 (para 3 refers) and the recommendations of DSC.

d. Keeping in view the acute shortage of 300 regular officers in OMG at present and in relaxation of para 7 (b) (ii) of Establishment Division's OM dated 27-1-1975 (para 9 (e) refers) all regular civil servants appointed in BS-17 and 18, in his parent cadre, otherwise through FPSC/PPSC belonging to any province / region and having rendered minimum of three years service in BPS-17 and 18, in his own cadre, presently working as Section Officers BPS-17 and 18 on deputation, may be appointed by transfer as Section Officer BPS-17 and 18 in OMG on acting charge basis subject to the recommendations of DSC.

e. The Civil Servants referred to at sub para (d), above, may be considered for appointment by transfer as Section Officers in OMG on regular basis, as and when vacancies from their province / region fall vacant in future, subject to fulfillment of the approved criteria dated 8-9-2010 (para 3 refers) as well as clearance of FPSC.

f. All the officers appointed by transfer in OMG on the regular / acting charge basis will have to undergo training at Secretariat Training Institute for four months before posting as Section Officers. This would be on the analogy of directly recruited officers as well as officers of Section Officer Promotional Examination (SOPE) selected by FPSC.



- 16). That aforesaid summary was approved by the Prime Minister on 16-3-2013. as a result thereof, the Establishment Division was required to seek NOC from the Ministries / Divisions / Provincial Governments concerned and consent of the Section Officers, who have joined their parent departments through their respective Public Service Commissions, serving in the Federal Secretariat as Section Officers either on deputation basis or under Section 10 of the Civil Servants Act, 1973. Thereafter, meeting of DPC for considering the petitioners case for induction / appointment by transfer as Section Officers in BS-17 in OMG in terms of para 9 (A) of Establishment Division's OM dated 17-1-1975 against 10% quota is to be convened, but instead of doing so, authorities in Establishment Division, as per their previous practice, continued to keep the eligible officers putting off with the promises / commitments that their cases are being processed and the same would be finalized soon.
- 17). That the malafide of the Respondents is evident from the facts that upto 2008, induction / appointment by transfer of ex-cadre officers who joined their parent departments through their respective Public Service Commission, as Section Officers in OMG was being made on the basis of seniority from the date of joining on deputation as per rules and for this purpose, PERs of three years used to be considered. On 25-2-2008, induction was also made against direct recruitment quota as lateral entry as envisaged in para 7 (e) of the OM dated 17-1-1975, out of 2/3rd quota



18) That the petitioners are entitled to be considered against 10% of these posts which are reserved for appointment on deputation on tenure basis in BPS-17 and 18 in accordance with Clause 5 read with 9 (A) of frame work of Rules and procedure applicable to OMG, vide Establishment Division OM dated 17-1-1975, as amended vide Establishment Division OM dated 17-2-1979, and 28-6-1981, but the Respondents are reluctant to consider the petitioners against the above quota on merits.

19) That the petitioners are entitled to be treated in accordance with law which is the mandate of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973.

20) That the Respondents, by not exercising the powers vested in them by law and rules, has acted unreasonably, and unfairly. Discretionary powers conferred on Government can be exercised reasonably and subject to existence of essential conditions, required for exercise of such powers within the scope of law. In 2010-SCMR-1301, this Hon'ble Court has ruled that all judicial, quasi judicial and administrative authorities while exercising mandatory or discretionary jurisdiction must follow the rule of fair exercise of power in a reasonable manner and must ensure dispensation of justice in the spirit of law.

21) That the ~~the~~ subject of good governance cannot be achieved by exercising discretionary powers, unreasonably or arbitrarily and without application of mind but objective can be achieved in the manner as below:-



"the rules of justness, fairness and openness in consonance with the command of the Constitution enshrined in different Articles including Article 4 and 25 of the Constitution".

✓ 23). That in Tariq Aziz ud Din's case (2010-SCMR-1301) this Hon'ble Court while emphasizing the role of administration has held as under:-

"Civil Service is the back bone of our administration. The purity of administration to a large extent depends upon the purity of the services. Such purity can be obtained only if the promotions are made on merit in accordance with law and constitution without favouritism, nepotism. It is a time tested recognized fact that institution is destroyed if promotions / appointments are made in violation of law. It will, in the ultimate result, paralyze automatically, Honesty, efficiency and incorruptibility are the sterling qualities in all fields of life including the administration and services".

✓ 23). That in Anita Turab's case (PLD-2013-SC-195) it has been laid down that:-

"it was in this spirit i.e. providing meaningful legal guarantees to civil servants and doing away with arbitrariness, that parliament enacted statutes such as the Civil Servant Act, 1973. While elaborating further, the Hon'ble Supreme Court emphasized upon tenure, appointment, promotion and posting / transfer as are of utmost importance in the civil service and has held that:-

"if these are made on merit in accordance with definite rules, instructions etc. the same will rightly be considered and treated as part of the terms and conditions of a Civil Servant. If, however, rules and instructions are deviated from and as a result merit is discouraged on account of favoritism, sifarish or consideration other than merit, it should be evident that civil service will not remain independent or efficient".



- 24). That the in-action of the Respondents in not considering the cases of the petitioners against 10% quota read with 9 (A) of Frame Work of OMG is causing anger, anguish, acrimony and dissatisfaction in ranks of services which is likely to destroy the fabric of service structure.
- 25). That the petitioners being deputationist from the Province of Baluchistan to the Federal Secretariat in OMG as Section Officers, BPS-17 and 18 have no other efficacious remedy except this Constitutional Petition.

PRAYER

It is, therefore, most respectfully prayed that while allowing this writ petition, a writ of mandamus may graciously be issued directing the Respondents:-

- I). To consider the cases of the petitioners in terms of clause 5 read with 9(A) of the Frame Work of Rules and Procedure Applicable to OMG, for their induction as Section Officers in BPS-17 and 18 from the Province of Balochistan.
- II). To further direct the Respondents to complete the process of induction of the petitioners on merits on the basis of para 5 read with 9 (A) of Frame Work of Rules and Procedure applicable to OMG.
- III). Hold the DPC and place the cases of the Petitioners for consideration for induction as Section Officers BPS-17 and 18 in the OMG on the basis of formula referred to above in the OMG
- IV). And issue the Notification for induction of the petitioners accordingly.





V). Any other relief which this Hon'ble Court may deem fit and proper be also granted.

[Handwritten signatures]
Petitioners

Through

Hifz ur Rehman Syed
Advocate
Supreme Court of Pakistan
Islamabad

[Signature]
Hafiz S.A.Rehman
Senior Advocate
Supreme Court of Pakistan



Sheikh Rizwan Nawaz
Advocate High Court

[Signature]
Muhammad Anwar Mughal
Advocate High Court
0300-473487



Certificate:-

As per client's instruction this is the 1st Writ Petition on the subject matter before this Hon'ble Court.
It is further certified that no case is pending before the Hon'ble Supreme Court of Pakistan on the subject matter.



[Signature]
Counsel.....

Note:- Writ Petition No.1434/2013 may also kindly be attached along with this writ petition.

IN THE ISLAMABAD HIGH COURT ISLAMABAD

W.P. No. 2237/2015

Mr. Syed Muzafar Ali Shah, Section Officer (BS-18), Industries and Production Division, Islamabad.

....Petitioner

VERSUS

- 1. Federation of Pakistan through Establishment Division, Cabinet Block, Islamabad.
- 2. Honourable Prime Minister through Principle Secretary, Prime Minister Secretariat, Islamabad.
- 3. Secretary, Industries and Production Division, Islamabad.

....Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973

CERTIFICATE

- 1. It is certified that this is the first Writ Petition being filed before this Honourable Court on the subject matter.
- 2. That there is no other Appeal/Writ Petition/ICA on this subject is pending or decided before any High Court or Supreme Court of Pakistan.
- 3. That the constitutional rights of petitioner have been violated by the respondents.
- 4. That there is no other efficacious remedy available to the petitioner except to approach this Honourable Court through this writ petition.
- 5. That the same set of Officer's (S.O) cases are also pending in this Honourable Court.

Respectfully Sheweth,

CLAIM IN WRIT PETITION:

To accept this Writ petition in favour of petitioner and against the respondents and while allowing this Writ Petition, a writ of mandamus may graciously be issued directing the Respondents:

- i. To consider the cases of the petitioner in terms of clause 5 read with 9 (A) of the Frame Work of Rules and Procedure Applicable to OMG, for their induction as Section Officers in BPS-18 from the Province of Khyber Pakhtun Khawa.
- ii. To further direct the Respondents to complete the process of induction of the petitioner on merit on the basis of para-5 read with 9 (A) of the Frame Work of Rules and Procedure Applicable to OMG.
- iii. Hold the DPC and place the case of the petitioner for consideration for induction as section Officer BPS-18 in the OMG on the basis of formula referred to above in the OMG.
- iv. And issue the Notification for induction of the petitioner accordingly.
- v. Restrained the Respondent No.1 and Respondent No.3 from taking any adverse action/ order against the Petitioner.

ON FACTS

- 1) The petitioner named above respectfully begs to submit as under:-
- 2) That the petitioner is a law abiding citizen of Pakistan and a seasoned Government Officer, who had worked hard throughout and has reached at this position purely on merit and after unremitting hard work, and is performing his duties honestly.
- 3) That the petitioner has joined Industries and Production Division, Islamabad through proper Channel as Section Officer, BPS-18 on 31.08.2010 on Deputation Basis. Before that the petitioner was working as Assistant Professor (BS-18), Education Department, Government of Khyber Pakhtun Khawa.
- 4) That service of the petitioner was requisite by the Industries and Production Division, Islamabad and the petitioner was transferred and posted by the Establishment Division, Cabinet Secretariat,

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(29)

Government of Pakistan as Section officer (BPS-18) in the Industries and Production Division, Islamabad on 31st August, 2010.

- 5) That since the petitioner is working as Section Officer (BPS-18) in Industries and Production Division, Islamabad, his performance has been up to the mark as per the requirement and he has performed with the entire satisfaction of the superior with full devotion, dedication, honesty and having unblemished record of the service.
- 6) That petitioner is highly qualified and competent which is evident as he possesses Masters Degree from Recognized University.
- 7) That according to the Para-5 of the Establishment Division's O.M dated 27.01.1975, the total strength of the Section officers in the Federal; Secretariat is 750.
- 8) That as per the rules, 10% posts of the Section officers (75 seats) are reserved for appointment on deputation basis or by transfer from Occupational Group, Services, Cadres and provincial employees in accordance with Para-9 of the Office Memorandum dated 27.01.1975. That in accordance with Para-7 of the Office Memorandum dated 27.01.1975, two third of the vacancies of the Section officers in BPS-17 and 18 are to be filled in by the direct recruitment through Federal Public Service Commission (FPSC), while one third remaining vacancies have to be filled in by promotion of the departmental eligible candidates through Section officer Promotional Examination conducted by FPSC. It is further submitted that in accordance to para-9-A of the Office Memorandum dated 27.01.1975 constituting the office Management Group, civil servants belonging to other occupational Groups, Services, Cadres and Provincial Governments, including those serving in the Federal Government on deputation basis, may be appointed as Section officer in the Federal Government on deputation basis, may be appointed as Section officer in the Federal Government, in the public interest and on the recommendation of the Departmental Promotion Committee and with the approval of the competent Authority.

- 9) That the Seniority list has been prepared on the basis of joining the office Management Group, which may please be obtained. The distribution of the available seats of Section Officer in office Management Group is made in accordance with the Quota System 10%.
- 10) That there are multiple precedents available in past where the appointment of the Section officer has been made in this manner as per the rules and regulations explained above.
- 11) That a summary for the Prime Minister regarding "Appointment by Transfer/ Induction in Office Management Group as Section officer (BPS-17/18)" was submitted to the Prime Minister of Pakistan vide Establishment Division's U.O No. F.6/1/2013/OMG-II, dated 15.03.2013, in which the relevant rules are explicitly explained and approved criteria for appointment is also explained in detail.
- 12) That at Para-11 of the above mentioned summary the approval of the Prime Minister to the proposal contained at Para-10 of the summary is solicited, which has been approved and granted by the Prime Minister of Pakistan vide Prime Minister Secretariat Islamabad letter No. 1045/PSPM/13, dated 16.03.2013.
- 13) As per the approved summary mentioned above the petitioner fulfils all the required/ mentioned criteria and is eligible for appointment as Section Officer in Office Management Group from the date of transfer of the petitioner as Section officer.
- 14) That despite of the above, the petitioner even fulfills all the requirements as per the rules mentioned at Para 7,8 & 9 above and as per the approved criteria for the appointment by transfer in OMG, as mentioned in para-3 of the summary for the Prime Minister at .
- 15) If even considering the 37 vacancies (which may have increased now) out of 75 as mentioned at para-6 of the Summary for the Prime Minister at and further the provincial/ regional wise

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break-up as mentioned therein, even though the petitioner is eligible for appointment a section officer in office Management Group.

- 16) That the petitioner belongs to Education Department (Lecturer) Ex-Cadre which is amongst the Occupational group as mentioned in the ESTA Code of Pakistan, Rules and procedure applicable to the group is laid down in Chapter No.8, S. I. No-5 (Page No.612 to 615, para-9 of the same also clearly states that:

Officers of this group will be eligible for appointment to equivalent posts in the Secretariat and other Groups by horizontal Movement, and to posts in higher Grades in the Secretariat Group in accordance with the prescribed procedure.

- 17) That the petitioner number of time requested the respondents to complete the process and induct him in the Federal Government but the genuine and lawful requests of petitioner has not been acceded, hence this writ petition Inter alia on the following grounds:

GROUND

- 1) That pursuant whereof, hundreds of officers of BS-17 and 18, belonging to other Occupational Groups, service, cadres and the provincial Governments, including those serving in the Federal Government on deputation basis, were inducted/ appointed by transfer as Section Officers/ previously in BS-17 and 18 in the Federal Government.
- 2) That following criteria for induction/ appointment by transfer as Section officers (BS-17/18) in OMG, was got approved from the Prime Minister on 08.09.2010:
 - a) The Federal/ provincial Civil Servants selected through FPSC/PPSC and having two years length of service in the Federal/ Provincial Secretariat as Section officer (BS-17/18) on deputation/ under section 10 of the Civil Servants Act, 1973 to be considered in order of seniority against seats reserved/ allotted as per prescribed provincial/ regional quota/ merit quota.

- b) PERs of the last two years will be quantified for determination of merit against prescribed provincial/ regional quota.
 - c) 70 marks will be assigned to the PERs of the last two years.
 - d) 30 marks will be assigned for interview by the Departmental Selection Committee (DSC) to assess suitability.
 - e) The selection will be on the basis of centralized merit in PERs/ interview for the respective provincial/ regional quota including 7.5% merit quota.
 - f) Depending upon number of seats for 7.5% merit quota, the best selectees from each merit quota, the best selectee from each province/ region shall be selected/ adjusted against 7.5% merit quota over and above their provincial/ regional quota.
- 3) That another summary was moved for the prime Minister on 15.03.2013 proposing therein that:-
- a) Former Prime Minister's decision dated 08.09.2010, referred at para-3, above may be maintained where by only officers joining their parent Governments/ Departments in BPS-17 and 18 through respective Public Service Commission are eligible for appointment by transfer as Section Officer in BPS-17 and 18 in OMG.
 - b) The decision at Sub-Para (a) above may, however, be applied for induction as Section Officers (BS-17/18) on regular basis against 10% of the duty posts (i.e. 75 out of 750) reserved as per existing instructions.
 - c) Keeping in view the acute shortage of regular Section Officers (BS-17/18) in OMG, all regular Civil Servants appointed in BPS-17-18 in his parent cadre, through FPSC/ PPSC belonging to any province/ region and having rendered maximum of three years service in BPS-17 and 18 in his own cadre, presently working as Section officers

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in BPS-17 and 18 on deputation, may be appointed by transfer as Section Officers BPS-17 and 18 on regular basis in OMG. This may be subject to fulfilling the approved criteria dated 08.09.2010 (para-3 refers) and the recommendations of DSC.

- d) Keeping in view the acute shortage of 300 regular officers in OMG at present and in relaxation of para 6 (b)(ii) of Establishment Division's OM dated 27.01.1975 (para 9 (e) refers) all regular civil servants appointed in BPS-17 and 18, in his parent cadre, otherwise through FPSC/ PPSC belonging to any province/ region and having rendered minimum of three years service in BPS-17 and 18 on deputation, may be appointed by transfer as Section Officer BPS-17 and 18 in OMG on acting charge basis subject to the recommendations of DSC.
- e) The Civil Servants referred to at sub para (d), above, may be considered for appointment by transfer as Section Officers in OMG on regular basis, as and when vacancies from their province, region fall vacant in future, subject to fulfillment of the approved criteria dated 08.09.2010 (para-3) refers as well as clearance of FPSC.
- f) All the officers appointed by transfer in OMG on the regular / acting charge basis will have to undergo training at Secretariat Training Institute for four months before posting as Section officers. This would be on the analogy of directly recruited officers as well as officers of Section Officer Promotional Examination (SOPE) selected by FSPCS.
- 4) That aforesaid summary was approved by the Prime Minister on 16.03.2013 as a result thereof, the Establishment Division was required to seek NOC from the Ministries/ Division/ Provincial Government concerned and consent of the Section officers, who have joined their parent department through their respective Public Commission, serving in the Federal Secretariat as Section Officers either on deputation basis or under Section 10 of the Civil Servant Act, 1973. Thereafter, meeting of DPC for considering the petitioner case for induction/ appointment

by transfer as Section Officer in BPS-17 in OMG in terms of para 9 (A) of Establishment Division's Office Memorandum dated 17.01.1975 against 10% Quota, is to be convened, but instead of doing so, authorities in Establishment Division, as per their previous practice, continued to keep the eligible officers putting off with the promises/ commitments that their cases are being processed and the same would be finalized soon.

- 5) That the malafide of the Respondents is evident from the facts that up to 2008, induction/ appointments by transfer of ex-cadre officers who joined their parent departments through their respective Public Service Commission, as Section Officers in OMG was being made on the basis of seniority from the date of joining on deputation as per rules and for this purpose, PERs of three years used to be considered. On 25.02.2008, induction was also made against the direct recruitment quota as lateral entry as envisaged in para 7 (e) of the OM dated 17-01-1975, out of 2/3rd quota.
- 6) That the petitioner is entitled to be considered against 10% of these posts which are reserved for appointment on deputation on tenure basis in BPS-17 and 18 in accordance with Clause 5 read with 9 (A) of frame work of Rules and procedure applicable to OMG, vide Establishment Division OM dated 17-1-1975, as amended vide Establishment Division OM dated 17.02.1979 and 28.06.1981, but the respondents are reluctant to consider the petitioner against the above quota on merits.
- 7) That the petitioner is entitled to be treated in accordance with law which is the mandate of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973.
- 8) That the respondents by not exercising the powers vested in them by law and rules, has acted unreasonably and unfairly. Discretionary powers conferred on Government can be exercised reasonably and subject to existence of essential conditions, required for exercise of such powers within the scope of law. In **2010-SCMR-1301**. This Honorable Court has ruled that all judicial, quasi-judicial and administrative authorities while exercising mandatory or discretionary jurisdiction must follow the rule of fair exercise of power in a reasonable manner and must ensure dispensation of justice in the spirit of law.



9) That the object of good governance cannot be achieved by exercising discretionary powers, unreasonably or arbitrary and without application of mind but objective can be achieved in the manner as below:

"The rule of justness, fairness and openness in consonance with the command of the constitution enshrined in different Articles including Article 4 and 25 of the constitution".

10) That in Tariq Aziz Ud Din's case (2010-SCMR-1301) this Honorable Court while emphasizing the role of administration, has held as under:

Civil servant is the back bone of our administration. The purity of administration to a large extent depends upon the purity of the services. Such purity can be obtained only if the promotions are made on merit in accordance with law and constitution without favoritism, nepotism. It is a time tested recognized fact that institution is destroyed of promotions/ appointments is made in violation of law. It will, in the ultimate result, paralyze automatically. Honesty, efficiency and incorruptibility are the sterling qualities in all fields of life including the administration and service.

11) That in Anita Turab's case (PLD-2013-SC-195) it has been laid down that:

It was in this spirit i.e. providing meaningful legal guarantees to civil servants and doing away with arbitrariness, that parliament enacted statutes such as the Civil Servant Act, 1973 while elaborating further, the Honorable Supreme Court emphasized upon tenure, appointment, promotion and posting/ transfers are of utmost importance in the civil service and has held that:

"if these are made on merit in accordance with definite rules, instructions etc. the same will rightly be considered and treated as part of the terms and conditions of a civil servant. If,

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"if these are made on merit in accordance with definite rules, instructions etc. the same will rightly be considered and treated as part of the terms and conditions of a civil servant. If,

however, rules and instructions are deviated from and as a result merit is discouraged on account of favoritism, sifarish or consideration other than merit, it should be evident that civil services will not remain independent or efficient.

- 12) That the inaction of the Respondents is not considering the case of the petitioner against the 10% quota read with 9 (A) of Frame work of OMG is causing anger, anguish. Acrimony and dissatisfaction in ranks of services which is likely to destroy the fabrics of service structure.
- 13) That the petitioner being depositions from the Federal Government (Education Department) to the Federal Secretariat in OMG as Section officer BPS-18 and has no other efficacious remedy except this Constitutional petition.

PRAYER:

It is therefore, most respectfully prayed that while allowing this Writ Petition, a writ of mandamus may graciously be issued directing the Respondents:

- a. To consider the cases of the petitioner in terms of clause 5 read with 9 (A) of the Frame Work of Rules and Procedure Applicable to OMG, for their induction as Section Officers in BPS-18 from the Province of Khyber Pakhtun Khawa.
- b. To further direct the Respondents to complete the process of induction of the petitioner on merit on the basis of para-5 read with 9 (A) of the Frame Work of Rules and Procedure Applicable to OMG.
- c. Hold the DPC and place the cases of the petitioner for consideration for induction as section Officer 18 in the OMG on the basis of formula referred to above in the OMG.
- d. And issue the Notification for induction of the petitioner accordingly.

4r.



e. Restrain the Respondent No.1 and Respondent No.3 from taking any adverse action/ order against the Petitioner.

Any other relief which this Honourable Court may deem fit and proper may also be granted.

Mahmud

PETITIONER

Through

Ali Murad Baloch

(ALI MURAD BALOCH)

Advocate High Court

CC # 170

Date: July _____, 2015

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(39) (Seal)

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. NO: 3737/2013

SHAHADAT ALI BANGASH ETC VERSUS FOP ETC

Serial No. of order of proceeding.	Date or order of proceedings	Order with signatures of judge, and that of parties or counsel, where necessary.
1	2	3

2.10.2013

Mr. Muhammad Asif Tanoli Advocate for petitioner.

It is inter alia, contended. petitioners were appointed in BS-17 & 18 on the recommendation of FPSC and Provincial Public Service Commission, thereafter, their services were taken on deputation by the Federal Government as Section Officers [OMG], since then they are working as such and in terms of Serial 34 of ESTA Code & Establishment Division OM dated 17.1.1975, are under legitimate expectancy for induction/absorption as OMG in Federal Government.

It is further contended that large number of officers at different times have been inducted by Federal Government in OMG, but petitioners case is not being processed and they are being discriminated in violation of their constitutional rights.

Issue pre-admission notice to the respondents for filing of para-wise comments/report within fortnight.

Re-list.

C.M No.01-E/2013

Dispensation sought for is allowed subject to all just and legal exceptions:

C.M No.02/2013

Notice. Meanwhile, no adverse action shall be taken against the petitioners till further orders.

Sd
(CHIEF JUSTICE)

Saeed Akhtar
2.10.2013

Certified to be True Copy

07/10/13
Examiner
Copy Supply Section
Authorized Under article-87 of
Qanoon-e-Shahadat Order 1987

(2)

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Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No. 2337/2015

Syed Muzafar Ali Shah

Vs

Federation of Pakistan etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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06.10.2015	Mr. Ali Murad Baloch, Advocate for the petitioner. Syed Hasnain Ibrahim Kazmi, Deputy Attorney-General.
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Learned counsel for the petitioner submits that alongwith the instant petition Writ Petition Nos.60/2015,2243/2015,3737/2013 are pending in this Court, whereas connected Writ Petition Nos.4707/2014, 3745/2013, 3319/2012, 1434/2013, 1025/2014, 4875/2014,2627/2015, 3105/2013 and 46/2014, involving same question of law, are pending before the Hon'ble Chief Justice and propriety demands that the instant petition alongwith the referred petitions be heard and decided by one and the same learned Bench.

Learned Deputy Attorney-General also submits that apart from the referred petitions there are a number of connected writ petitions pending before the Hon'ble Chief Justice.

In view of above, office is directed to place the file of instant case as well as the referred petitions before the Hon'ble Chief Justice for appropriate orders.

Certified to be True Copy
11.11.15

Sd
(AAMER FAROOQ)
JUDGE

M. NAVERI

Authorised by Article-67 of
Charter of Islamabad Order 1984
Islamabad High Court
Islamabad

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41

Form No: HCJD/C-121.

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT

Criminal Original No.199/W/2017

Syed Muzafar Ali

Vs

Tahir Shahbaz, Secretary Establishment Division, & two others

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
------------------------------	----------------------------	---

01.	14.6.2017	Mr. Ali Murad Baloch, Advocate for the petitioner.
-----	-----------	--

Through the instant Criminal Original, the petitioner alleges violation of order dated 16.3.2016, passed in Writ Petition No.2237 of 2015.

The learned counsel for the petitioner, *inter-alia*, contends that despite directions passed by this Court, the respondents have not considered the petitioner.

Let copy of the petition be remitted to the respondents, who shall file reply thereto before the next date of hearing.

CM No.01 of 2017

Exemption sought for is allowed subject to all just and legal exceptions. C.M stands disposed of.

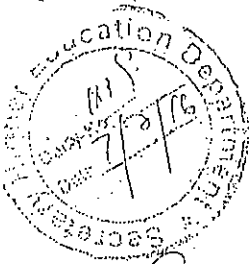
Relist.

Retained to be This
2017

14.6.2017
Syed Muzafar Ali
Advocate for the petitioner
Islamabad High Court
Islamabad

501
(AAMER FAROOQ)
JUDGE

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The Principle,
Govt. College No I,
D. I. Khan.

Subject: Arrival Report

Respected Sir,

In pursuance of the show
Cause Notice issued by Secretary Higher Education
Department KPK directing me to report for
duty, I hereby submit my Arrival
report on 01-02-2016 which may please
be accepted.

Yours Obediently,

Muzaffar
11/2/2016

(S. Muzaffar Ali Shah)
Assistant Professor (Physics)

Arrival report is
accepted
H/C
01-02-2016

281
9/2

43-A

(14)

TO BE PUBLISHED IN THE GAZETTE OF PAKISTAN PART-I

GOVERNMENT OF PAKISTAN
MINISTRY OF INDUSTRIES & PRODUCTION

Islamabad, the 12th February, 2016

NOTIFICATION

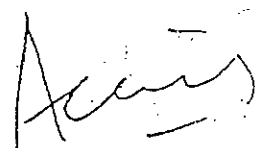
No.1(845)/2010-Admn-I In pursuance of Establishment Division's Notification No F.4//124/2009-OMG-II, dated the 21st January, 2015, Syed Muzaffar Ali Shah, Section Officer (BS-18/on deputation) has relinquished the charge of the post of Section Officer (BS-18) in Ministry of Industries and Production w.e.f. 1st February, 2016.

(AMBREEN ZAIDI)
Section Officer (Admn-I)

The Manager,
Printing Corporation of
Pakistan Press,
Karachi

Copy to:

- i. The Secretary, Establishment Division, Islamabad.
- ii. Establishment Division, (Mr. Khurram Shahzad, Section Officer (E-VII), Islamabad with reference to letter referred above.
- iii. The Secretary, Education Department, Govt. of KPK.
- iv. AGPR, Islamabad.
- v. Cash Section (2 copies).
- vi. DS(LED-I)
- vii. ✓ Officer concerned.
- viii. SO(Admn-II)
- ix. SO(General)
- x. CSO(MIS Centre)
- xi. The Director (PD), Establishment Division, Islamabad


(AMBREEN ZAIDI)
Section Officer (Admn-I)

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SHOW CAUSE NOTICE

I, Mehmood Khan, Chief Minister, Khyber Pakhtunkhwa, as Competent Authority, under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Syed Muzaffar Ali Shah, Associate Professor of Physics (BPS-19), Govt. Degree College No.1 D.I.Khan as follows:

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

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

(a) In-Efficiency.

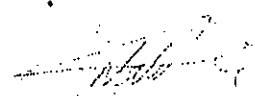
(b) Mis-conduct.

2 As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of Removal from service under rule 4 of the said rules.

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

4 If no reply to this notice is received within 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 findings of the Inquiry Officer is enclosed.


(MEHMOOD KHAN)
CHIEF MINISTER,
KHYBER PAKHTUNKHWA

Received
Muzaffar
18/9/2018

To

The Honourable Chief Minister,
Khyber Pakhtunkhwa,
Peshawar.

Through Proper Channel

Subject: WRITTEN DEFENCE OF SHOW-CAUSE NOTICE.

Ref: Letter NO.23041/CA-I/Estt. Branch/A-12/Muzzafar Ali Shah/Physics.
Dated 06.09.2018 received on 18.09.2018

Respected Sir,

I have the honour to submit reply to the Show Cause Notice, purportedly issued on 06.09.2018 which was delivered to me on 18.09.2018 from the office of principal, Government College No.1, D.I.Khan, wherein I have been directed to submit my reply within seven days, which is as under:-

1. First of all, it is submitted that the show cause notice has been issued to me on the basis of inquiry conducted by the inquiry Committee; however, the copy of inquiry report has not been provided to me till date so as to apprise me regarding findings of inquiry Committee.
2. Secondly, though, I have been heard by the Inquiry Committee, nevertheless, no proper, fair and ample opportunity has been afforded to me to cross examine the record and witnesses so produced and relied against me; and as such, I remained unable to defend my valuable rights. Besides, my defence has not been taken into account.
3. Thirdly, I have been taken to task only because of the situation that after completion of my deputation period, did not come back to my parent department. In this regard I have already explained my position that despite expiry of my deputation period in the Ministry of Industries & Production, Islamabad, the borrowing department was pressing hard upon me and wanted me to keep continue my duties there as Section Office with bona-fide, as they were facing shortage of Section Officers and to this effect a certificate was also issued to me by the Federal Government, which is enclosed herewith (Annex-I). I served in my borrowing department in vast interest of public and Pakistan, however, I time and again applied for the grant of extension in my deputation period to my parent department but they were refusing (Annex-II). I was not able to leave the office

Any reference from them to this effect

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of my borrowing department as unattended, without proper relieving and handing over/taking over of the charge.

4. Fourthly, for the purpose of permanent absorption in the Federal Government there are so many writ petitions pending before Islamabad High Court, wherein as an interim relief the Honourable High Court was pleased to pass an order on 02.10.2013 in C.M No.2/2013 "no adverse action shall be taken against the petitioners till further orders" and all the writ petitions were clubbed by the orders of the court, whereas the interim order is still holding the field. It is also for your kind information that although the Honorable Islamabad High Court asked the petitioners to work with the federal Government till the decision of the writ petition or permanently absorption in the Federal Government, however, as I was asked by my parent department to mark my attendance in the parent department, otherwise I will be proceeded against according to E & D Rules and this aspect is evident from the publication in the newspaper, so I joined my parent department in compliance with the publication in the newspaper. It is pertinent to mention that I was handicapped, as the Federal Government was not relieving me and particularly when our case is under process for permanently absorption in Federal Government. Relevant documents are enclosed herewith. (Annex-III).

5. So far as the allegations of "inefficiency" and "misconduct" are concerned, I have never committed any act which may be termed as inefficiency and misconduct. The period which I spent in my borrowing department on deputation cannot and should not be legally adjudged regarding efficiency by my parent department. It is pertinent to mention that I was promoted to the post of Associate Professor (BS-19) by my parent department vide Notification No.SO(COLLEGES-IDHED/15-1/2013/1166-77 dated 05.08.2014 while I was still working at Federal Secretariat, Islamabad (Annex-IV).

Besides I remained in the service of Government of Pakistan and thereby performed my duties regularly, and never remained absent from my duties even for a day. It is the matter of fact that I performed my duties regularly w.e.f 01.09.2010 to 01.02.2016 bona fide, while in the service of Pakistan; and thereafter reported back to my parent department by assuming the charge at Govt. Degree College No.1, D.I.Khan, the place of duty, on 01.02.2016 (Annex-V).

As long as the delay in joining parent department is concerned, in this respect my above mentioned reasoning are more than sufficient that I was handicapped and



the borrowing department was not ready to relieve me for the purpose of joining my parent department and under the law without the permission of the Federal Department, I may not have been accepted by my parent department rather I may have been proceeded against under the law for misconduct.

6. I have an efficient and unblemished service career and never committed any action which amounts to misconduct or inefficiency on my part. Delay in arriving in my parent department was neither willful nor deliberate but was due to aforesaid uncontrolled circumstances, for which I beg apology.
7. I also request for the grant of opportunity of personal audience as I have served the department for almost 30 years and I have left very few years to get my retirement by reaching the age of superannuation.

In view of forgoing humble submissions, I beseech your mercy and kindness and request that the show cause notice dated 06.09.2010 may please be filed without any further proceeding.

Yours Most Obedient Servant

M. A. S.

Dated: 24-09-2018

(Syed Muzaffar Ali Shah)
Associate Professor (Physics)
Govt; Degree College No. 1,
Dera Ismail Khan
Cell# 0333-995-1701

Enclosed -

- (1) Copy of Show Cause Notice
- (2) Annexures (I-V) Total Pgs=16
- (3) Conduct Certificate from
Principal Govt. College No. 1,
D. I. Khan.

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INQUIRY REPORT

Subject: INQUIRY AGAINST SYED MUZAFFAR ALI SHAH ASSOCIATE PROFESSOR (BPS-19) OF PHYSICS, GOVERNMENT DEGREE COLLEGE NO. 1 D.I KHAN

We, the undersigned, were appointed as members of the Inquiry Committee by the Competent Authority vide Higher Education Department's letter No. SO(C-1)/HE/1-2/Summary for CM/ Muzaffar Ali Shah, dated 6.3.2018 (Annex-I).

Background:

2. Syed Muzaffar Ali Shah, Assistant Professor (BS-18) at Government Degree College No. 1, D.I Khan was transferred on deputation for a period of one year vide Provincial Government's notification dated 9.9.2010 in the Federal Secretariat, Islamabad. Establishment Division, Islamabad issued a Notification for transfer on deputation of the officer to the Industries and Production Division on 31.8.2010 for three years. The officer relinquished his charge on 1.9.2010 to join the Industries & Production Division as Section Officer. The Provincial Government being the sending agency did not challenge the Notification of Federal Government issued in advance and that too for three years deputation against its notification for one year. The three years deputation period ended on 30.8.2013. The Directorate of Higher Education asked Syed Muzaffar Ali Shah on 19.11.2013 to either apply for extension in deputation or get himself repatriated to his parent department. The officer made certain requests in the year 2015 but they were not accepted by the Provincial Government and he was directed to report back. The officer did not report back. In the meantime, Establishment Division took up a case on 23.4.2014 for retention of the officer which was regretted by the Provincial Government vide its letter dated 16.11.2014. During the course of time the officer was promoted to BS-19 but he did not report back to actualize his promotion. The Higher Education Department and the Directorate of Higher Education issued various letters and reminders asking him to report back but he put a deaf ear to all the correspondence. During the period of July 2015 to November 2015, he requested four times to the Provincial Government to extend his deputation, but the case had already been rejected. In view of non-compliance of the orders of Provincial Government, a notice was issued in newspapers as a result of which Syed Muzaffar Ali Shah reported back on 1.2.2016. As he overstayed at the expiry of deputation period, an inquiry was approved to be initiated against him.

Proceedings of Inquiry:

3. The inquiry proceedings started by the competent authority on 19.4.2018 (Annex-II). Charge Sheet was issued on 19.4.2018 (Annex-II). Charge Sheet was issued on 19.4.2018 (Annex-II).

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already been served upon him with the directions to submit written defence within 7 days of their receipt to the Inquiry Committee. A questionnaire based on the Charge Sheet/Statement of Allegations was also given to the accused (Annex-III) Response of the accused is at Annex-IV.

4. During the proceedings, Mr. Mohammad Bashir, Deputy Director (Establishment), Directorate of Higher Education was also present to assist the Inquiry Committee. The Charge Sheet and Statement of Allegations was again presented to the accused officer for his comments and any addition to his already submitted response. The accused presented an additional set of response (Annex-IV-A) before the Inquiry Committee. He informed the Inquiry Committee that it was in the wake of target killing of people belonging to Shia sect that forced him to leave D.I Khan and move to Islamabad. He admitted that he received the letters & reminders of the Provincial Government to report back but he was positive for his induction in the Federal Government as a result of a petition by him in the Islamabad High Court. He further added that on his request to relieve him he was not allowed to be relieved from his position as Section Officer in the Industries & Production Division, but he could not provide any evidence in support of his statement. When asked why he did not obey the orders of his employer, the Provincial Government, he repeated the same statement as given before. As regards the actualization of his promotion, he stated that he was not aware of doing so.

Findings:

5. First charge against the accused had been divided into two parts by the Inquiry Committee. First part of the first charge was that he was transferred to Federal Secretariat, Islamabad as Section Officer (BS-18) on deputation basis initially for a period of one year vide Notification No. SO (Collages)/04-2010/X-4/2010 dated 9.9.2010 while Establishment Division, Islamabad vide Notification No.4/124/20098/OMG-II notified his deputation period as three years w.e.f 31.8.2010. However, even after the expiry of three years, he did not turn up for duties in Higher Education Department.

6. During the course of inquiry, it was found that the Higher Education Department issued the notification dated 9.9.2010 stating clearly that Syed Muzaffar Ali Shah would be on deputation initially for a period of one year (Annex-V). The record provided to the Inquiry Committee revealed that the Federal Government/Establishment Division issued its notification on 31st August 2010 for the transfer/posting of Mr. Muzaffar on deputation in the Industries & Production Division for a period of three years (Annex-VI). The officer got himself relieved on 1.9.2010 for joining the Federal Government (Annex-VI-A). The following points need to be highlighted here:

- i Provincial Government Higher Education Department (lending agency) issued its notification on 09.09.2010 whereas Federal Government (borrowing agency) notified it ten days earlier on 31.08.2010
- ii Lending agency notified its deputation initially for one year whereas borrowing agency notified it for three years. No other notification of lending agency could be found for any extension in the deputation for another two years and beyond.
- iii The accused relinquished the charge on 1.9.2010, nine days earlier from the issuance of notification of the lending agency.

7. When the departmental representative was asked to clarify the above points, he could not provide a satisfactory answer why the officer/accused was allowed to relinquish his charge on the basis of the notification of Federal Government and that why the Provincial Government did not ask the Federal Government to amend/revise its notification of 31.8.2010 and bring it in line with the notification of Provincial Government.

8. The letter of Directorate of Higher Education dated 19.11.2013 (Annex-VII) wherein the accused had been directed either to apply for extension in deputation or get himself repatriated to his parent department indicated that the lending agency was aware of the deputation of three years, but a formal notification of Provincial Government/Higher Education Department for three years deputation could not be produced before the Inquiry Committee. Record produced before the Inquiry Committee revealed that Mr. Muzaffar had been requested/directed time & again by the Directorate of Higher Education to report back to his parent department vide letters dated 13.1.2015, 28.4.2015, 22.7.2015, 25.8.2015 and 18.11.2015 (Annex-VIII, IX, X, XI, XII). During that period the Higher Education Department also vide its letter dated 28.10.2015 (Annex-XIII) asked him to report back. Mr. Muzaffar through a letter dated 13.11.2015 (Annex-XIV) requested to allow him to continue to work in the Industries and Production Division. The request of the applicant was not accepted, rather the Higher Education Department directed the Directorate of Higher Education to draft absence notice (Annex-XV), and action was taken accordingly (Annex-XVI). When the absence notice appeared in national dailies (Annex-XVII), Mr. Muzaffar reported for duty on 1.2.2016 (Annex-XVIII).

A Point noted here was that the accused reported to the Principal Government College No. 1, D.I Khan instead of the Higher Education Department which was the lending agency in his case. The Principal Government College No.1 accepted the original report and the record further revealed that the same was received in the Directorate of Higher Education also, where the Deputy Director processed it and took the case for his adjustment with the Higher Education Department (Annex-XIX).

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10 Another point that was noted during the course of inquiry was the absence of terms and conditions of deputation settled between the lending and borrowing agencies. When asked to provide the record, the departmental representative could not provide the same.

11 After going through the entire record and listening to the accused, the Inquiry Committee was of the view that first part of the first charge stood proved. Here the Inquiry Committee further noted a casual and irresponsible attitude of the Higher Education Department and its Directorate that no notice was taken of the notification of Federal Government which was issued ten days earlier than the notification of Provincial Government and that the accused relinquished his charge on 1st September 2010. Moreover the Directorate of Higher Education could have promptly issued a letter to the accused at the end of deputation period which was not done. Non-settlement of terms and conditions of deputation was another lethargy on the part of lending agency (as well as the borrowing agency.)

12 Second part of the first charge related to non-actualization of his promotion by the accused within due date. Record revealed that promotion order of Mr. Muzaffar to BS-19 was issued on 5.8.2014 (Annex-XX). According to provision IV. (d) of Promotion Policy (Annex XXI) the civil servants on deputation to Federal Government, Provincial Government, autonomous/semi-autonomous organizations shall be considered for promotion and informed to actualize their promotion within their cadres. They shall have to stay and not be allowed to go back immediately after promotion. Such stay shall be not less than a minimum of two years. It further states that if an officer declines, his actual promotion will take place only when he returns to his parent cadre, and that his seniority in the higher post shall, however, stand unimpacted. The plea of Mr. Muzaffar that the promotion order did not mention about the actualization could not be accepted because the same order contained his adjustment to Associate Professor (BS-19) also, and it was clear that he had to actualize his promotion accordingly. But at the same time as far as second part of the first charge was concerned, Promotion Policy allowed it to actualize his promotion at any time if the officer was on deputation. The Inquiry Committee was, therefore, of the view that it was not a valid charge on the accused.

The Second charge against Mr. Muzaffar was that despite repeated instructions from the Directorate of Higher Education the accused failed to report for duty. During the course of inquiry sufficient record was made available which proved that the Directorate of Higher Education and the Higher Education Department forwarded various letters to Mr. Muzaffar to report back as his deputation period of three years had

expired in September 2013 but the accused did not comply to the orders of his employer. Record was also available of the requests of the accused to let him continue his job at Islamabad (Annex- XXII) but the same was regretted and he was informed accordingly (Annex-VIII to XII). Even the Establishment Division was requested for repatriation of Mr. Muzaffar (Annex-XXIII), though quite late in November 2014, when more than one year had passed after the expiry of three years deputation period.

14. All the evidence was gone through in detail by the Inquiry Committee which revealed that the accused had been informed to join his duty and that no extension in his deputation was approved by the competent authority, but he failed to comply with the orders of Provincial Government (his employer) his parent department. The second charge against the accused, hence, stood proved.

15. Third charge against the accused was that instead of complying with the orders of the higher authorities by joining parent department, he preferred an application for allowing him to work as Section Officer in the Ministry of Industry & Production by taking the shelter of a Writ Petition pending before Islamabad High Court with regard to his induction as Section Officer in O.M.G. The charge further stated that absence notices were published in two leading Newspapers, with the direction to report for duty within 15 days of their issuance as a result of which he reported to the department on 1-2-2016 and thus availed unlawful deputation period for two years and five months without approval/permission of the Competent Authority.

16. As far as the third charge was concerned, all the evidence was available to prove that the accused did not join his duties as directed by his parent department. Taking shelter behind the Writ Petition pending before Islamabad High Court could not be acceptable because normally the Courts take sufficient time to settle issues that come before them. In his case also, it was noted that the matter was still pending before the court. When asked why he did not comply to the orders of Provincial Government, he could not respond satisfactorily and mentioned above the writ petition which was pending in the Islamabad High Court. When asked why he did not report back after the expiry of three years term of deputation even when he was informed of non acceptance of his request for extension in the deputation, he simply put forward his apology.

17. The Inquiry Committee after listening to the accused and going through the record came to the conclusion that Mr. Muzaffar overstayed for a period of two years and five months. In the light of notification of Federal Government if the non-compliance of Provincial Government was considered, the overstay was four years and three months. Hence, the third charge against Mr. Muzaffar stood proved.

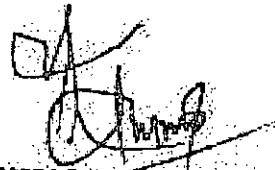
Conclusion/Proposal:

18. After completing all the procedure and giving full opportunity to the accused the Inquiry Committee concluded that all the three charges, except the one regarding actualization of his promotion, stood proved against the accused. The Inquiry Committee therefore proposes that the competent authority may like to proceed against Syed Muzaffar Ali Shah in the light of existing law/rules.



(FAREEHA PAUL)

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



(PROF. MUHAMMAD ALI KHAN)

Principal
Govt. Degree College, Paarsa,
D.I. Khan



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

Dated Peshawar the 13/11/2018

NOTIFICATION

NO. SO(C-IV/HE/1-2/2017/Summary for HCM/Muzaffar Ali Shah, WHEREAS Mr. Muzaffar Ali Shah, Associate Professor (BPS-19) of Physics, Government Degree College No. 1, D.I. Khan was proceeded under the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules 2011, for the charges mentioned in the Charge Sheet and Statement of Allegations.

Sl#	Name & Designation	Penalty Imposed
1	Mr. Muzaffar Ali Shah, Associate Professor (BPS-19) of Physics, Government Degree College No. 1, D.I. Khan	"Reduction to lower post"

- AND WHEREAS show cause was served upon the accused officer.
- AND WHEREAS the inquiry officer after having examined the charges, evidence on record and explanation of accused officer, submitted report.
- NOW THEREFORE, the Chief Minister, Khyber Pakhtunkhwa being Competent Authority afforded an opportunity of personal hearing to the accused officer with Mr. Adil Siddiq, Secretary IPC Department, Khyber Pakhtunkhwa, while exercising the powers conferred upon him under Rule-4 (1) (a) of the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer) Rules-1989, has been pleased to impose and confirm major penalty of "Reduction to lower post" upon the accused with immediate effect.

SECRETARY
HIGHER EDUCATION DEPARTMENT

ENDST: NO. & DATE EVEN:

Copy forwarded to the:

1. Director, Higher Education Khyber Pakhtunkhwa, Peshawar.
2. Principal, Government Degree College No. 1, D.I. Khan.
3. District Accounts Officer, D.I. Khan.
4. PS to Secretary to Government of Khyber Pakhtunkhwa, Inter-Provincial Coordination Department.
5. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department.
6. Officer concerned.
7. Master File.

Riaz
(RIAZ)
SECTION OFFICER (COLLEGES-I)

G.O. No. 1 D.I. Khan
DIARY No. 379
DATED 20/11/18

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(S) (P)

To, The Chief Secretary,
Khyber Pakhtunkhwa (On behalf of Chief Minister)
Peshawar.

Through PROPER CHANNEL.

Subject: DEPARTMENTAL APPEAL / REPRESENTATION AGAINST THE NOTIFICATION DATED 13.11.2018 ISSUED BY SECRETARY HIGHER EDUCATION DEPARTMENT ON BEHALF OF CHIEF MINISTER, THE COMPETENT AUTHORITY, VIDE WHICH THE APPELLANT WAS PUNISHED AND THE PENALTY OF REDUCTION OF LOWER POST HAS BEEN IMPOSED.

Respectfully Stated,

1. That the appellant was working as Assistant Professor (BPS-18) in Education Department and was posted at Degree College No.1, Dera Ismail Khan and the appellant was recommended for deputation in the year 2010 to the Federal Government in Ministry of Industries and Production as Section Officer. After fulfilling the codel formalities including obtaining NOC from the parent department of the appellant, the appellant joined the Federal Government on deputation for three years but unfortunately, in his parent department the initial notification was only for one year, however, subsequently, the parent department acknowledged the period of deputation as for three years, as during the deputation period the appellant was promoted to the post of Associate Professor (BPS-19) in the year 2014, when the appellant was still working on deputation with the Federal Government. Relevant documents are enclosed herewith.
2. That because of shortage of staff, with the Federal Government, no employee on deputation was relieved by the Federal Government and rather through different letters initiated the permanent absorption of different employees in the Federal Government, being experienced and suitable, however, as the matter was delayed and the parent departments were pressing hard to call back all such employees on deputation to their parent departments, that is why certain employees filed writ petitions before Islamabad High Court, Islamabad, where interim order was passed on 02.10.2013, restraining the parent departments that "no adverse action shall be taken against the petitioners till further orders", wherein the writ petition of the present appellant was also clubbed and the interim order is still in field, as the main writ petitions are still pending. Relevant documents are enclosed herewith.
3. That the appellant was handicapped, as the Federal Government was not relieving him to join his parent department so in the meantime, the parent department started departmental proceedings against the appellant in his absence, which the appellant came to know regarding the said proceedings, when the publication was made by the parent department. Then the

- appellant within specified time mentioned in the publication joined his parent department and started working as Associate Professor at Govt. Degree College No.1, D.I.Khan on 01.02.2016, when on 06.09.2018, a show cause notice was issued to the appellant, which was received to him on 18.09.2018, wherein the appellant was asked to explain his absence from the parent department and astonishingly allegations of in efficiency and misconduct were also levelled against him, to which the appellant submitted his reply through proper channel on 24.09.2018 by explaining each and every aspect. Relevant documents are enclosed herewith.
4. That the appellant then received notification dated 13.11.2018, which was delivered to him on 21.11.2018 and this notification was issued by the Secretary Higher Education Department on behalf of the Chief Minister, Khyber Pakhtunkhwa being competent authority, wherein the appellant was awarded penalty of "reduction to lower post". Relevant documents are enclosed herewith.
5. That the appellant is now filing the departmental appeal/representation against the notification dated 13.11.2018 on the following grounds:-

GROUND

- A.** That the entire process of departmental proceedings is clearly against the law, rules and notifications on the subject matter and of course the allegations are totally wrong and baseless.
- B.** That the appellant has never been associated with the so called departmental inquiry and even till date, he has not been provided the copies of the departmental inquiry, which under the law, the appellant is entitled, therefore, the appellant has been condemned under heard.
- C.** That astonishingly, the appellant has been charged with an allegation that he was allowed on deputation by the parent department for one year, whereas, the appellant remained with the Federal Government for more than three years, which allegation is totally illegal, as the law and rules provides the period of deputation for minimum three years, extendable on the mutual consent, therefore, how the parent department can penalize the appellant on an allegation, which is against the law.
- D.** That appellant was handicapped, as he was working with the Federal Government and he was not being relieved, after the expiry of deputation period of three years, rather the Federal Government was trying to absorb the appellant as well as other employees, who were on deputation from Provincial Governments to the Federal Government. Copies of the relevant documents are enclosed herewith.
- E.** That the appellant along with other employees of the Provincial Governments then filed writ petitions before Islamabad High Court, mainly on the ground that the Federal Government is very slow in process for the absorption of the employees on deputation and the Federal Government is also not relieving the appellant and others and they may face the departmental proceedings and of course the main prayer was that the appellant and other employees may be

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absorbed in the Federal Government, and the Hon'ble Islamabad High Court was pleased to pass an interim order on 02.10.2013 by restraining the parent departments that no adverse action shall be taken against the petitioners till further orders, which order is still holding the field as the main writ petitions are still pending before the High Court, therefore, on this ground alone, the departmental proceedings are illegal and contemptuous in nature, being in clear violation of the orders of the Islamabad High Court, passed as an interim order.

F. That the other allegations of inefficiency and misconduct, as levelled against the appellant are also self-contradictory, as in this period the appellant worked on deputation with the Federal Government and this aspect was also acknowledged by the parent department and even the seniority and good behaviour was considered, that is why the appellant was promoted to the post of Associate Professor (BPS-19), while he was on deputation with the Federal Government, therefore, no question of inefficiency or misconduct arise, particularly when the Federal Government, where the appellant was working never made any sort of complaints to the parent department in respect of the appellant, moreover, if at all the aspect of non-joining of the appellant to the parent department is concerned, that has already explained above, however, to be more precise, the appellant was handicapped, as the Federal Government was not relieving the appellant after the expiry the deputation period and the matter is still subjudice before Islamabad High Court, so how come the appellant has been considered inefficient and regarding his duties, the allegations of misconduct has been levelled against him. Relevant documents are enclosed herewith.

G. That the appellant has been victimized illegally and mainly under some misconception, otherwise, neither the appellant is considered to be absent from any duty, as he was working with the Federal Government, nor there are any allegations of corruption etc and as mentioned above regarding his work, he was rather appreciated by the Federal Government in performance of his duties, assigned to me by the Federal Government and more particularly the parent department cannot take any action for the period, when the appellant remained with Federal Government on deputation unless and until anything in black and white from the Federal Government to this effect to the parent department, which in case of the appellant is missing.

H. That the appellant has served the department for more than 30 years and he is expecting his retirement by reaching the age of superannuation in the year 2022, which period of service is blameless till the present proceedings and of course any such punishment will be a stigma on his entire clean and neat service.

In view of the above made submissions, it is very humbly requested that on gracious acceptance of the instant departmental appeal / representation the impugned notification dated 13.11.2018 whereby, the penalty imposed on the appellant of

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"reduction to lower post" may be set aside to meet the ends of justice and fair play. It is further prayed that the appellant may be heard in person to clarify all the aspects mentioned in the departmental appeal.

Your humble appellant,



Dated: 26.11.2018

(Syed Muzaffar Ali Shah)
Associate Professor (Physics),
Govt. Degree No.1, D.I.Khan.
Cell No.0339951701

MOST IMMEDIATE



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

NO.SO(C-I)HE/1-2/2017/Summary for CM/Muzaffar Ali Shah

Dated Peshawar the 14/02/2019

331-32

To

The Director,
Higher Education Khyber Pakhtunkhwa,
Peshawar.

Subject: APPEAL AGAINST IMPOSITION OF MAJOR PENALTY OF
"REDUCTION TO LOWER POST"

I am directed to refer to the subject noted above and to inform that the Chief Minister, Khyber Pakhtunkhwa being appellate authority has rejected the appeal of Mr. Muzaffar Ali Shah, Associate Professor (BPS-19) of Physics, Government Degree College No.1, D.I. Khan and retain the penalty "Reduction to Lower Post" already imposed.

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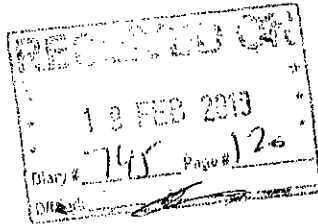
(RIAZ)

SECTION OFFICER (COLLEGES-I)

ENDST: NO. & DATE EVEN.

Copy forwarded to the:

1. Mr. Muzaffar Ali Shah, Associate Professor (BPS-19) of Physics, Government Degree College No.1, D.I. Khan w/r to his Appeal dated 26.11.2018.
2. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department.
3. Master File.



SECTION OFFICER (COLLEGES-I)

B
19/2/19

G.R. Raja

pl. inform to
Prof. S. Muzaffar Shah
& put-up in his
personal file.



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

Tel # 091-9210242 / 9211025 Fax # 091-091-9210215
E-mail: - dhekpkesh@gmail.com Facebook.com/dhekpkeshawar Twitter.com/dhekpkeshawar1

Endst: No. 5367 /CA-I/ Estt: Branch/ A-12/Muzzafar Ali Shah/ Physics

Dated Peshawar the 26/2/2019

Copy of the overleaf is forwarded to the Principal, Govt; Degree College, No. 1 D.I.Khan with the remarks to inform Mr. Muzzafar Ali Shah, Associate Professor of Physics of his College accordingly.

Banhu
26/2/19
BY: DIRECTOR (ESTABLISHMENT)
su

G.O. No. 1 D.I. Khan
DIARY NO. <u>63</u>
DATED <u>02.03.2019</u>

Wc
Intimate the the
officer *Im-yamin*
02/03/2019



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

Dated Peshawar the 13/11/2018

NOTIFICATION

NO.SO(C-I)/HE/1-2/2017/Summary for HCM/Muzaffar Ali Shah. WHEREAS Mr. Muzaffar Ali Shah, Associate Professor (BPS-19) of Physics, Government Degree College No. 1, D.I. Khan was proceeded under the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules 2011, for the charges mentioned in the Charge Sheet and Statement of Allegations.

S#	Name & Designation	Penalty Imposed
1	Mr. Muzaffar Ali Shah, Associate Professor (BPS-19) of Physics, Government Degree College No. 1, D.I. Khan.	"Reduction to lower post" for a period of FIVE YEARS w.e.f 13.11.2018

2. AND WHEREAS show cause was served upon the accused officer.
3. AND WHEREAS the Inquiry officer after having examined the charges, evidence on record and explanation of accused officer, submitted report.
4. NOW THEREFORE, the Chief Minister, Khyber Pakhtunkhwa being Competent Authority afforded an opportunity of personal hearing to the accused officer with Mr. Adil Siddiq, Secretary IPC Department, Khyber Pakhtunkhwa, while exercising the powers conferred upon him under Rule-4 (1) (a) of the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer) Rules-1989, has been pleased to impose and confirm major penalty of "Reduction to lower post" upon the accused with immediate effect.

SECRETARY
HIGHER EDUCATION DEPARTMENT

NO.SO(C-I)/HE/1-2/2017/Summary for HCM/Muzaffar Ali Shah.

Dated 28.08.2019

Copy forwarded to the:

1. Director, Higher Education Khyber Pakhtunkhwa, Peshawar.
2. Principal, Government Degree College No. 1, D.I. Khan.
3. District Accounts Officer, D.I. Khan.
4. PS to Secretary to Government of Khyber Pakhtunkhwa, Inter-Provincial Coordination Department.
5. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department.
- ✓ 6. Officer concerned.
7. Master File.


(RIAZ)
SECTION OFFICER (COLLEGES-I)



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OFFICE OF THE PRINCIPAL/COORDINATOR
JOINT MANAGEMENT COUNCIL
GOVERNMENT COLLEGE NO.1 DERA ISMAIL KHAN
Phone & Fax # 09669280134 Email: gc1deraismailkhan@gmail.com



No. 1152 /Dated. September 04, 2019

To

The Director
Higher Education Department
Khyber Pakhtunkhwa Peshawar

Through: Proper Chanel

Subject: DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION DATED
13/11/2018 ISSUED BY SECRETARY HIGHER EDUCATION
DEPARTMENT ON BEHALF OF CHIEF MINISTER.

Memo,

Reference Secretary Higher Education Department Notification
No. SO (c-I)/HE/1-2/2017 Summary for HCM / Muzaffar Ali Shah /769-7/
dated 13/11/2018 with amendment dated 28/08/2019 regarding major
penalty imposed on Syed Muzaffar Ali Shah Associate Professor Govt: College
No.1 D.I.Khan.

Please find enclosed herewith a copy of Departmental Appeal along
with relevant documents submitted by the concerned officer for onward
submission to the provincial government.

Principal/Coordinator (JMC)
Govt. College No.1 D.I.Khan. 5/

9/19

To, The Chief Secretary,
Khyber Pakhtunkhwa (On behalf of Chief Minister)
Peshawar.

Through PROPER CHANNEL.

Subject: DEPARTMENTAL APPEAL / REPRESENTATION AGAINST THE NOTIFICATION DATED 13.11.2018 AMENDED ON 28.08.2019 ISSUED BY SECRETARY HIGHER EDUCATION DERPARTMENT ON BEHALF OF CHIEF MINISTER, THE COMPETENT AUTHORITY, VIDE WHICH THE APPELLANT WAS PUNISHED AND THE PENALTY OF REDUCTION OF LOWER POST HAS BEEN IMPOSED FOR FIVE YEARS WITH EFFECT FROM 13.11.2018.

Respectfully Stated,

1. That the appellant was working as Assistant Professor (BPS-18) in Education Department and was posted at Degree College No.1, Dera Ismail Khan and the appellant was recommended for deputation in the year 2010 to the Federal Government in Ministry of Industries and Production as Section Officer. After fulfilling the code formalities including obtaining NOC from the parent department of the appellant, the appellant joined the Federal Government on deputation for three years but unfortunately, in his parent department the initial notification was only for one year, however, subsequently, the parent department acknowledged the period of deputation as for three years, as during the deputation period the appellant was promoted to the post of Associate Professor (BPS-19) in the year 2014, when the appellant was still working on deputation with the Federal Government. Relevant documents are enclosed herewith.
2. That because of shortage of staff, with the Federal Government, no employee on deputation was relieved by the Federal Government and rather through different letters initiated the permanent absorption of different employees in the Federal Government, being experienced and suitable, however, as the matter was delayed and the parent departments were pressing hard to call back all such employees on deputation to their parent departments, that is why certain employees filed writ petitions before Islamabad High Court, Islamabad, where interim order was passed on 02.10.2013, restraining the parent departments that "no adverse action shall be taken against the petitioners till further orders", wherein the writ petition of the present appellant was also clubbed and the interim order is still in field, as the main writ petitions are still pending. Relevant documents are enclosed herewith.
3. That the appellant was handicapped, as the Federal Government was not relieving him to join his parent department so in the meantime, the parent department started departmental proceedings against the appellant in his absence, which the appellant came to know regarding the said proceedings, when the publication was made by the parent department. Then the

D. That appellant was handicapped, as he was working with the Federal Government and he was not being relieved, after the expiry of deputation period of three years, rather the Federal allegation, which is against the law.

C. That astonishingly, the appellant has been charged with an allegation that he was allowed on deputation by the parent department for one year, whereas, the appellant remained with the Federal Government for more than three years, which allegation is totally illegal, as the law and rules provides the period of deputation for minimum three years, extendable on the mutual consent, therefore, how the parent department can penalize the appellant on an

B. That the appellant has never been provided the copies of the departmental inquiry, which under the law, till date, he has not been provided the copies of the departmental inquiry, which under the law, the appellant is entitled, therefore, the appellant has been condemned under heard.

A. That the entire process of departmental proceedings is clearly against the law, rules and

GRUNDS:

dated 28.08.2019, on the following grounds:-

7. That the appellant is now filing the departmental appeal/representation against the notification period of five years with effect from 13.11.2018. Copy of the same is enclosed herewith.

6. That astonishingly, the appellant received another notification on 02.09.2019 in the college, issued on 28.08.2019, wherein the earlier notification dated 13.11.2018 has been amended and in the column of "penalty imposed" it has been mentioned that "reduction to lower post" for a period of five years with effect from 13.11.2018. Copy of the same is enclosed herewith.

5. That the appellant then filed departmental representation against the same, which was regretted on 02.03.2019, against which the appellant filed Service Appeal before Khyber Pakhtunkhwa Service Tribunal, which is pending disposal and the date is fixed for 23.09.2019.

4. That the appellant then received notification dated 13.11.2018, which was delivered to him on behalf of the Chief Minister, Khyber Pakhtunkhwa being competent authority, wherein the appellant was awarded penalty of "reduction to lower post". Relevant documents are enclosed herewith.

24.09.2018 by explaining each and every aspect. Relevant documents are enclosed herewith. levelled against him, to which the appellant submitted his reply through proper channel on the parent department and astonishingly allegations of in efficiency and misconduct were also received to him on 18.09.2018, wherein the appellant was asked to explain his absence from 01.02.2016, when on 06.09.2018, a show cause notice was issued to the appellant, which was started working as Associate Professor at Govt. Degree College No.1, D.I.Khan on appellant within specified time mentioned in the publication joined his parent department and

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Government was trying to absorb the appellant as well as other employees, who were on deputation from Provincial Governments to the Federal Government. Copies of the relevant documents are enclosed herewith.

- E. That the appellant along with other employees of the Provincial Governments then filed writ petitions before Islamabad High Court, mainly on the ground that the Federal Government is very slow in process for the absorption of the employees on deputation and the Federal Government is also not relieving the appellant and others and they may face the departmental proceedings and of course the main prayer was that the appellant and other employees may be absorbed in the Federal Government, and the Hon'ble Islamabad High Court was pleased to pass an interim order on 02.10.2013 by restraining the parent departments that no adverse action shall be taken against the petitioners till further orders, which order is still holding the field as the main writ petitions are still pending before the High Court, therefore, on this ground alone, the departmental proceedings are illegal and contemptuous in nature, being in clear violation of the orders of the Islamabad High Court, passed as an interim order.
- F. That the other allegations of inefficiency and misconduct, as levelled against the appellant are also self-contradictory, as in this period the appellant worked on deputation with the Federal Government and this aspect was also acknowledged by the parent department and even the seniority and good behaviour was considered, that is why the appellant was promoted to the post of Associate Professor (BPS-19), while he was on deputation with the Federal Government, therefore, no question of inefficiency or misconduct arise, particularly when the Federal Government, where the appellant was working never made any sort of complaints to the parent department in respect of the appellant, moreover, if at all the aspect of non-joining of the appellant to the parent department is concerned, that has already explained above, however, to be more precise, the appellant was handicapped, as the Federal Government was not relieving the appellant after the expiry the deputation period and the matter is still subjudice before Islamabad High Court, so how come the appellant has been considered inefficient and regarding his duties, the allegations of misconduct has been levelled against him. Relevant documents are enclosed herewith.
- G. That the appellant has been victimized illegally and mainly under some misconception, otherwise, neither the appellant is considered to be absent from any duty, as he was working with the Federal Government, nor there are any allegations of corruption etc and as mentioned above regarding his work, he was rather appreciated by the Federal Government in performance of his duties, assigned to me by the Federal Government and more particularly the parent department cannot take any action for the period, when the appellant remained with Federal Government on deputation unless and until anything in black and white from the

Federal Government to this effect to the parent department, which in case of the appellant is missing.

H. That the malafide of the department is evident from the fact that once a notification dated 13.11.2018 has been issued wherein the appellant has been penalized to "reduction to lower post", against which the appellant has approached the proper forum and in the meantime, the department vide letter dated 22.05.2019 asked the appellant to join the training for the purpose of the promotion to higher grade and the appellant attended the training from 23.05.2019 to 21.06.2019 and completed the same successfully, whereafter the appellant received the notification issued on 28.08.2019, wherein amendment has been made in the earlier notification dated 13.11.2018 and the already imposed penalty i.e. reduction to lower post has been extended for a period of five years, which is totally illegal, because the appellant has been punished twice, without any justification. Copies of letter dated 25.05.2019 intimation for training and notification dated 28.08.2019 are enclosed herewith.

I. That the appellant has served the department for more than 30 years and he is expecting his retirement by reaching the age of superannuation in the year 2022, which period of service is blameless till the present proceedings and of course any such punishment will be a stigma on his entire clean and neat service.

In view of the above made submissions, it is very humbly requested that on gracious acceptance of the instant departmental appeal / representation the impugned notification dated 13.11.2018 issued on 28.08.2019 whereby, the penalty imposed on the appellant of "reduction to lower post" has been amended and extended for the period of five years with effect from 13.11.2018, may be set aside to meet the ends of justice and fair play. It is further prayed that the appellant may be heard in person to clarify all the aspects mentioned in the departmental appeal.

Your humble appellant,

(Syed Muzaffar Ali Shah)
Associate Professor (Physics),
Govt. Degree No.1, D.I.Khan.
Cell No.0339951701

Dated: 04.09.2019

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

NO.SO(C-1)HE/1-2/2017/Summary for CM/Muzaffar Ali Shah
Dated Peshawar the 07/10/2019

To

The Director,
Higher Education Khyber Pakhtunkhwa,
Peshawar.

P-20

Subject:

**DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION DATED
13.11.2018 ISSUED BY SECRETARY HIGHER EDUCATION
DEPARTMENT ON BEHALF OF CHIEF MINISTER.**

I am directed to refer to your office letter No. 4224/CA-1/Estt: Branch/A-12/Muzaffar Ali Shah/Physics dated 25.09.2019 on the subject noted above and to state that appeal / review of the officer concerned in the instnat case has already been rejected by the Hon'ble Chief Minister, Khyber Pakhtunkhwa and has been communicated to your good office vide this Department's letter of even number dated 14.02.2019.

(RIAZ)

SECTION OFFICER (COLLEGES-I)

RECEIVED ON
11 OCT 2019
Diary # 3611 Page # 331
D/Clerk

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493
DATE 28-10-2019

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Copy to Muzaffar Ali Shah

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**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
Rano Garhi, Peshawar**

Tel # 091-2650025 / 2650024

E-mail:- dhekpesh@gmail.com Facebook.com/dhekpeshawar Twitter.com/dhekpeshawar

Endst: No. 23974-75/CA-II/ Estt: Branch/ A-12/Muzzafar Ali Shah/ Physics

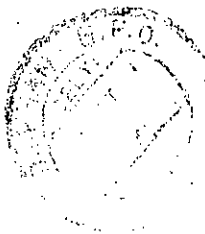
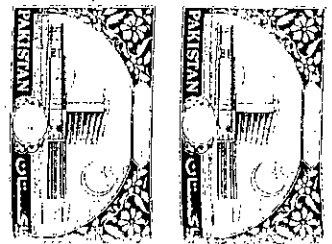
Dated Peshawar the 23/10 /2019

Copy of the overleaf is forwarded to the:-

1. Principal, Govt; Degree College, No. 1 D.I.Khan with reference to his letter No. 1152, dated 04.09.2019 with the remarks to inform the lecturer concerned accordingly
2. Section Officer (Colleges-I), Govt; of Khyber Pakhtunkhwa, Higher Education Department, Peshawar with reference to his letter No. referred above.

Muzaffar Ali Shah
DY: DIRECTOR (ESTABLISHMENT)

Handwritten notes and signatures in the left margin, including '1152/19' and 'D.I.K'.





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

Dated Peshawar the August 5th, 2014.

NOTIFICATION

No. SO/ COLLEGES-EDHED/15-1/2013 / 1166-77 The Competent Authority, on the recommendation of the Provincial Selection Board (PSB), is pleased to promote the following Male Assistant Professors (BPS-18) to the post of Associate Professors (BPS-19), on regular basis of College cadre in Higher Education Department with immediate effect:

S#	Name / Designation / Present Posting
1.	Mr. Khurshid Ali Assistant Professor of Political Science GDC, Alpur
2.	Syed Muzaffar Ali Shah Assistant Professor of Physics. Presently working as Section Officer at Federal Govt. Islamabad on Deputation.
3.	Akhtar Gul Assistant Professor of Maths GSSC, Peshawar
4.	Attaulah Jan Assistant Professor of Political Science GDC, Wana
5.	Akram Khan Assistant Professor of Maths GDC, Isakkhel
6.	Qazi Abdus Subhan Assistant Professor of Physic GDC, Havelain (Abbottabad)
7.	Muhammad Zafarullah Khan Assistant Professor of Islamiyat / Arabic GDC, No.2 Bannu.
8.	Syedul Abrar Assistant Professor of Islamiyat GDC, Khair Abad
9.	Zabihullah Assistant Professor of Pashto GDC, Dara Adam Khel (FR Kohat).
10.	S. Abid Hussain Assistant Professor Statistics GDC, Khan Kohi (Nowshera)
11.	Nasrullah Khan Assistant Professor of English GPGC, Kohat.
12.	Ahmad Nadeem Abbasi Assistant Professor of Urdu GPGC, Mandian (Abbottabad).
13.	Jehanzeb Assistant Professor of History Cum Civics GPGC, Bannu.
14.	M. Ibrahim Khalid Assistant Professor of Maths GDC, Mathra (Peshawar)
15.	Syed Hasnain Abbas Assistant Professor of Maths GDC, Khanpur.
16.	Said Rasool Assistant Professor of Statistics GDC, No. 1 D.I. Khan
17.	Zahoor Ud Din Assistant Professor of Political Science GDC, Chitral
18.	Shafi-Ur-Rehman Assistant Professor of Maths GDC, Sabir Abad.
19.	Badshah Wahab Assistant Professor of Statistics GDC, Batkhela
20.	Aurangzeb Assistant Professor of Economics GDC, No. 2 Mardan
21.	Sarfraz Khan Assistant Professor of Economics GPGC, Charsadda
22.	Mir Baz Khan Assistant Professor of History / Civics GDC, No. 1 D.I. Khan
23.	Sher Zaman Khan Assistant Professor of Maths GPGC, Mardan
24.	Azad Khan Assistant Professor of Statistics GDC, Khanpur (Haripur)
25.	Lutfur Rehman Assistant Professor of Maths GDC, Lahor (Swabi)
26.	Inayat-Ur-Rahman Assistant Professor of English GC, Pabbi.
27.	Qazi Nisar Ahmad Assistant Professor of Islamiyat GDC, Shewa Swabi
28.	Abdur Rashid Assistant Professor of English GDC, Lakki Marwat
29.	Syed Amjad Ali Assistant Professor of English GPGC, Mandian (Abbottabad)
30.	Javed Hussain Assistant Professor of Chemistry GPGC, Swat
31.	Arshad Pervez Assistant Professor of Economics GPGC, Haripur
32.	Taj Muhammad Assistant Professor of Political Science GDC, Kotka Habibullah (FR Bannu).
33.	Sahar Gul Wazir Assistant Professor of Political Science GDC, No. 2 Bannu
34.	Asmat Shah Assistant Professor of Chemistry GPGC, No. 1 Abbottabad
35.	Mehmood Ahmad Jan Assistant Professor of Maths GPGC, Charsadda
36.	Ibrahim Khan Assistant Professor of Geography GDC, Gumbat (Kohat).

37.	Haroon Ur Rashid Assistant Professor of English GDC, Pura
38.	Manzoor Elahi Assistant Professor of Islamiyat GDC, Lissan Nawab
39.	Wali Ahad Assistant Professor of Statistics GDC, Totakan.
40.	Fazli Malik Assistant Professor of Statistics Babuzai Mardan
41.	Sardar Hussain Assistant Professor of Statistics GPGC, Mardan.
42.	Khalid Mahmood Assistant Professor of English GDC, Daggar
43.	Shah Zamin Assistant Professor of Political Science GDC, Khar (Bajaur)
44.	Rifqat Ali Assistant Professor of Statistics GDC, Mathra (Peshawar)
45.	S. Arif Raza Zail Assistant Professor of Statistics GDC, Khan Kohi (Nowshera)
46.	Zubair Anwar Assistant Professor of Statistics GSSC, Peshawar
47.	Muhammad Yousaf Assistant Professor of Economics GPGC, Mershera
48.	Ishfaq Ahmad Assistant Professor of Economics GC, Lissan Nawab.
49.	Khurshid Assistant Professor of Statistics GPGC, Afzal Khan Lala Matta (Swat).
50.	Abdur Rab Assistant Professor of Economics GDC, Balakot
51.	Eid Muhammad Khan Assistant Professor of Chemistry GDC, Miranshah.
52.	Muhammad Asif Raza Assistant Professor of Pakistan Study GDC, Balakot
53.	Abdul Karim Assistant Professor of Pashto GPGC, Darqai (Malakand)
54.	Muhammad Islam Assistant Professor of Statistics GDC, Shewa (Swabi)
55.	Shahid Farooq Assistant Professor of Physics GPGC, Kohat.
56.	Mceenullah Khan Assistant Professor of Physics GDC, Takht-E-Nasrati
57.	Mumtaz Haider Assistant Professor of Economics GPGC, No. 1 Abbottabad
58.	S. Irfan Saifdar Assistant Professor of English GDC, No. 1 D.I. Khan
59.	Azizullah Shah Assistant Professor of Pashto GDC, Banda Daud Shah
60.	Muhammad Farooq Zia Assistant Professor of Statistics GPGC, Charsadda
61.	Nowsher Khan Assistant Professor of Statistics GDC, Gumbat (Kohat).
62.	Abbas Gul Assistant Professor of History GDC, Sadda (Kurram Agency)
63.	Noor Syed Assistant Professor of Statistics GDC, Hangu
64.	Shad Ayaz Khan Assistant Professor of Chemistry GPGC, Bannu.
65.	Muhammad Badshah Assistant Professor of Islamiyat GDC, Khar
66.	Malik Haseer Daud Assistant Professor of Economics GDC, Havelain (Abbott)
67.	Riaz Ahmad Assistant Professor of Zoology GDC, Mingora (Swat)
68.	Ghulam Habib Assistant Professor of Pashto GDC, Wan Dir Upper.
69.	Munir Khan Assistant Professor of Chemistry GPGC, No. 1 Abbottabad
70.	Azizul Haq Assistant Professor of Statistics GDC, Thana (Malakand)
71.	Abdur Rahman Assistant Professor of Chemistry GPGC, Lakki Marwat
72.	Abdur Rahman Assistant Professor of Islamiyat GDC, Gandaf (Swabi).
73.	Latifullah Assistant Professor of English GDC, Ahmed Abad.
74.	Syed Mir Badshah Assistant Professor of Urdu GDC, Wadpaga (Peshawar)
75.	Fakhri Alam Assistant Professor of Islamiyat GDC, Wadpaga
76.	Hafrz Abdul Jalil Assistant Professor of Islamiyat GDC, Khanour.
77.	Abdul Zamir Assistant Professor of Statistics GDC, Latember
78.	Mujibur Rehman, Assistant Professor of Urdu GDC, K.D.A Kohat.
79.	Luqman Badshah Assistant Professor of Pashto GDC, Dir Upper
80.	Fazli Rabbi Assistant Professor of Pashto GDC, Ciamba (Malakand).
81.	Bakht Ali Khan Assistant Professor of Political Science GPGC, Bannu
82.	Abdul Shakil Assistant Professor of English GPGC, Kohat.
83.	Anwar Saleem Assistant Professor of English GPGC, Lakki Marwat.
84.	Ouli Khan Assistant Professor of Political Science GDC, No. 1 D.I. Khan.
85.	Waliullah Assistant Professor of English GDC, No. 1 D.I. Khan.
86.	Shariullah Assistant Professor of Islamiyat GPGC, Swat.
87.	Abdur Rauf Assistant Professor of Statistics GPGC, Mardan.
88.	Saadat Ali Khan Assistant Professor of English GPGC, Karak.
89.	Muhammad Zakirullah Assistant Professor of Political Science GDC, Timargara.
90.	Gohar Ali Assistant Professor of Physics GPGC, Afzal Khan Lala Matta (Swat)
91.	Muhammad Zahoor Iqbal Assistant Professor of Physics GPGC, Haripur.
92.	Usman Ghani Assistant Professor of English GDC, KDA Kohat.
93.	Musadiq Shah Assistant Professor of Urdu GDC, K.D.A Kohat
94.	Fazal Mahmood Assistant Professor of Pashto GDC, Gul Abad (Dir Lower).
95.	Syed Liaqat Ali Shah Assistant Professor of Physics GPGC, No. 1 Abbottabad.

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

[Handwritten signature and stamp]

174.	Hazir Muhammad Assistant Professor of Economics GDC, No.1 D.I. Khan.	GDC No. 1, D.I. Khan	Against Vacant Post
ADJUSTMENT.			
1.	Shafi-Ur-Rehman Associate Professor of Urdu GDC, Booni (Chitral).	GDC, Zaida (Swabi)	Against Vacant Post
2.	Qabil Qader Associate Professor of Maths GDC, Wana	GDC Domail Bannu.	Against vacant post
3.	Mir Baz Khan Associate Professor of Political Science/Principal GDC, Chagramatti (Peshawar).	GC Peshawar.	Vice S. No. 22 of below adjustment.
4.	Damsaz, Associate Professor of Chemistry GPGC, Miranshah.	GDC, Landi Jalandar (Bannu).	Against Vacant Post
5.	Faridullah Khan Zakoori Associate Professor of Economics GDC, Dara Township No.3 D.I. Khan	GDC, No.1 D.I.Khan	Against Vacant Post
6.	Abdullah Shah Associate Professor of Islamiyat, GPGC Lakki Marwat.	Principal, GDC Paniala, D.I. Khan.	Against Vacant Post
7.	Sakhi Muhammad Associate Professor of Islamiyat GPGC, Bannu.	GDC, Kulchi (D.I.Khan)	Against Vacant Post
8.	Saifur Rehman Associate Professor of Physics GDC, Ladda (SWA).	GDC, S.K. Bala, Bannu.	Against Vacant Post
9.	Said Badshah Associate Professor of Chemistry GDC, Mathra (Peshawar).	GDC, Badaber (Peshawar)	Against Vacant Post
10.	Dr. Abdul Wahab Associate Professor, GPGC Mandian (Abbottabad).	GDC, Nathiagali, (Abbottabad)	Against Vacant Post
11.	Mohammad Bassem, Associate Professor of Maths, GDC Kotka Habibullah, FR Bannu.	GDC, Gumbat, Kohat	Against the Vacant Post
12.	Hafiz Tehsin Ullah, Associate Professor of Islamiyat, GDC Takht Bhai, Mardan.	GPGC Charsadda.	Against the Vacant Post
13.	Hafiz Mohammad Miskeen, Associate Prof. of Islamiyat, GDC Balakot.	GPGC Mansehra.	Vice S. No. 23 of adjustment.
14.	Mohammad Siddique, Associate Professor of Urdu, GPGC Mansehra.	GPGC Haripur.	Against vacant post
15.	Mohammad Arshad Mehmood, Associate Professor of Political Science, GDC Havelian, Abbottabad.	GPGC No. 1, Abbottabad.	Against the Vacant Post
16.	Sajjad Ahmad, Associate Professor of Statistics, GPGC No. 1, Abbottabad.	GPGC Swabi.	Against the Vacant Post
17.	Siraj Ahmad, Associate Professor of Botany, GPGC Said Sharif, Swat.	GDC Kabal, Swat.	Against the Vacant Post
18.	Bashir Ahmad, Associate Professor of Pashto, GDC Iqra, Malakand.	GDC Totakan, Malakand.	Against the Vacant Post
19.	Amjad Ahmad, Associate Professor of Archeology, GDC Havelian	GPGC Charsadda.	Against the Vacant Post
20.	Mohammad Ishaq, Associate Professor of Maths, GDC Ghazi, Haripur.	GDC Mathra, Peshawar.	Against the Vacant Post
21.	Hidayatullah, Associate Professor of Islamiyat, GDC Agra, Malakand.	GPGC Timergara, Dir Lower.	Against the Vacant Post
22.	Mr. Imdad Khan, Associate Professor of Chemistry, GC Peshawar.	GDC Mathra, Peshawar.	Against vacant post.
23.	Mohammad Arshad Niaz, Associate Professor, GPGC Mansehra.	GDC Oghi, Mansehra.	Against vacant post.
24.	Muhammad Anwar Khan, Associate Professor / Principal, GDC Thall, Hangu.	GDC Hangu.	Against vacant post.
25.	Tahir Sarfaraz, Assistant Professor of Zoology, GDC Havelian, Abbottabad.	GPGC Mandian, Abbottabad.	Against vacant post.
26.	Mr. Sajid Javed, Assistant Professor of Physics, GDC Khanour, Haripur.	GPGC Haripur.	Against vacant post.

27.	Mr. Rustam, lecturer in English, GDC Havelian, Abbottabad.	GPGC Mandian, Abbottabad.	Against vacant post.
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SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

ENDST: No. & Date Even.

Copy forwarded to the:-

- Secretary to Governor, Khyber Pakhtunkhwa.
- Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- Secretary, Social Sectors Department, FATA Secretariat, Warsak Road, Peshawar.
- Accountant General Khyber Pakhtunkhwa Peshawar.
- Director, Higher Education, Khyber Pakhtunkhwa Peshawar.
- Director of Education (FATA), FATA Secretariat, Warsak Road, Peshawar.
- Director Information, Khyber Pakhtunkhwa, Peshawar.
- Districts / Agency Accounts Officers, concerned.
- Principals, of the concerned Government Colleges.
- Manager, Govt. Printing Press Khyber Pakhtunkhwa Peshawar.
- P.S. to Chief Secretary Khyber Pakhtunkhwa Peshawar.
- P.S. to Minister for Higher Education, Khyber Pakhtunkhwa, Peshawar.
- Officers concerned.

[Signature]
HAZIR-UH-RAHMAN
SECTION OFFICER (COLLEGES-II)

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HIGHER EDUCATION DEPARTMENT
KHYBER PAKHTUNKHWA

[Signature]
Khyber Pakhtunkhwa
Archives



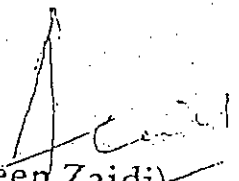
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No. 1(845)/2010-Admn-I
Government of Pakistan
Ministry of Industries and Production

Islamabad, the 4th April, 2018

TO WHOM IT MAY CONCERN

It is certified that Syed Muzaffar Ali Shah served as Section Officer on deputation basis in Ministry of Industries & Production, Islamabad from 01-09-2010 to 01-02-2016 with full devotion. He could not be relieved and repatriated to Education Department, Khyber Pakhtunkhwa till 1st February, 2016 as this Ministry was facing shortage of Section Officers at that time.


(Ambreen Zaidi)
Section Officer (Admn-I)

AMBREEN ZAIDI
Section Officer
Ministry of Industries & Production
Government of Pakistan
Islamabad



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HIGHER EDUCATION ACADEMY OF RESEARCH AND TRAINING
PHASE-VI, HAYATABAD PESHAWAR,
PHONE & Fax 0915863654, E-MAIL: hetta.kp@gmail.com

No. 1620 / Intimation / HEARTPeshawar the date: 22/05/2019

To

The Principal,

GDC No. 01 DI KhanSubject: INTIMATION FOR TRAINING

Reference to letter No. 1336/CAS/SO/DHE/B-18 Male, Dated: 15-05-2019 from Directorate of Higher Education, Khyber Pakhtunkhwa, following Assistant Professor has/ have been nominated for 30 days mandatory training course namely HESG-II/12 MTP-47 for BPS-18 (Male), at Higher Education Academy of Research and Training, Hayatabad, Peshawar to be commencing w.e.f. 23-05-2019 to 21-06-2019.

1. Mr. Syed Muzaffar Ali Shah (Physics)
2. Mr. _____
3. Mr. _____
4. Mr. _____

Your good self is, therefore, requested to kindly direct and relieve the above mentioned officer(s) for the said training. They have to ensure their arrival on **23/05/2019**, (After 03:00PM) at the training venue. It is further stated for the trainee's information to bring along laptop, USB academic gown (black), and 3 passport size recent photographs in white background.

N.B:

1. It is for information of the trainee(s) to confirm their arrival telephonically/electronically on the above mentioned contact number/e-mail ID provided, after getting intimation letter to avoid any inconvenience for all.

Deputy Director (Academics)
Higher Education Academy of Research and Training
Hayatabad, Peshawar

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HIGHER EDUCATION ACADEMY OF RESEARCH AND TRAINING
 PHASE-VI, HAYATABAD PESHAWAR,
 PHONE & Fax 0915863654, E-MAIL: hetta.kp@gmail.com



No. 16185/Intimation/HEART

Peshawar the date: 30/04/2019

To
 The Principal,

ROD No. 1 D.I Khan

Subject: **INTIMATION FOR TRAINING**

Reference to letter No.1254/CAS/SO/DHE/B-19 Male/Female, Dated: 11-04-2019 from Directorate of Higher Education, Khyber Pakhtunkhwa, following Associate Professor(s) has/have been nominated for 30 days' mandatory training course namely HESG-III/V MTP-45 for BPS-19 (Co Training), at Higher Education Academy of Research and Training, Hayatabad, Peshawar to be commencing w.e.f. 02nd 05-2019 to 31-05-2019.

1. Mr/Ms. Syed Muzaffar Ali Shah
2. Mr/Ms. _____
3. Mr/Ms. _____
4. Mr/Ms. _____

Your good self is, therefore, requested to kindly direct and relieve the above mentioned officer(s) for the said training. They have to ensure their arrival on 02/05/2019, (between 9:00 AM to 5:00 PM) at the training venue. It is further stated for the trainee's information to bring along laptop, USB academic gown (black), white dupatta (for Female) and 3 passport size recent photographs in white background.

N.B:

1. It is for information of the trainee(s) to confirm their arrival telephonically/electronically on the above mentioned contact number/e-mail ID provided, after getting intimation letter to avoid any inconvenience for all.
2. Only kids having age less than one year will be allowed (as a special case) and beyond the mentioned age no one will be allowed.
3. Maid/attendants are strictly prohibited due to limited accommodation and heavy load of work.

Deputy Director (Academics)
Higher Education Academy of Research and Training
Hayatabad, Peshawar

PAKISTAN BAR COUNCIL

PBCC ASC CARD

MR. SALEEM ULLAH KHAN RANA ZAI
Advocate
Supreme Court of Pakistan (ASC)

Date of Issue : 19-4-2016



(Abdul Foyaz)
Chairman
Executive Committee

(Muhammad Arshad)
Secretary
Pakistan Bar Council

Non Transferable
In the event of joining or carrying on any other profession, business, service or vocation, the holder will not be entitled to use this Card and shall forthwith surrender it to The Pakistan Bar Council.

Name: MR. SALEEM ULLAH KHAN RANA ZAI
Father's Name: HABIB ULLAH KHAN
Date of Birth: 10-5-1966 CNIC: 12101-0741014-5-9
Date of Enrolment as Advocate of Supreme Court: 3-6-2006
Enrolment No.: 2053 Ref No.: 10/PBC/Kpk/A.D.
Address: MADHITOWN, D-7 KHAN

Tel: Off: 0092-966-714287 Res: 0092-966-733484 Cell: 0331-9159603

If found please return to:
PAKISTAN BAR COUNCIL
Supreme Court Building, Constitution Avenue, Islamabad.
Tel No. 0092-61-626805 Fax No. 0092-51-626822

سرور مکمل صاحب محترم چھوٹا سٹار
ایبیل
حکومت پنجاب
سرور مکمل شاہ
سرور ایبیل
دعویٰ اجرم
تفصیل دعویٰ اجرم

باعث تحریر آگے

مقدمہ مذکور بالا عنوان میں اپنی طرف دانشور کی درخواست و درخواستی میں منظور شدہ تمام سٹار
A.H.C منور احمد بلوچ A.S.C

میں نے ان شرائط پر دیکھی مقرر کیا ہے کہ میں پیشی پر خود یا ہزار ہا مانع اور عدالت حاضر ہونا دونوں کا اور ہر وقت پکارا جانے مقصد و نیت صاحب
اور دہن کو اطلاع دیتے کہ حاضر عدالت آوں گا اگر پیشی پر مقدر حاضر نہ ہو اور مقدر پہری غیر حاضر کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب
موصوف میں نے کسی طرح وہ وار نہ ہوں گے نیز پائل صاحب نے صاحب منصف صدر نظام کچھری کے علاوہ کچھری کے اوقات سے پہلے یا بجھے یا روز تیشلی
بیرونی کرنے کے ذمہ وار نہ ہوں گے اور مقدر صدر کچھری کے علاوہ اور جگہ سمیت آگے یا روز تیشلی یا کچھری کے آگے یا بجھے پیش ہونے
پر منظم کوئی تھکان پہنچے تو اس کے ذمہ وار یا ایک ڈائیٹی میں ہوا ہونے کے آگے یا کچھری کے آگے یا بجھے پیش ہونے کے ذمہ وار نہ ہوں گے
اگر کسی سزا پر یا جانشین صاحب موصوف میں کروا ذات خود منظور ہونے اور اس کا اور صاحب موصوف کو پیشی دعویٰ یا جواب دہی یا دیکھتے اجراء ایس اے آگے
تفصیلی اپیل گرائی و ہر قسم درخواست ہر قسم کے بیٹان دینے اور پیشی یا وارنٹ نہ ہونے کی وجہ سے نہ ہی اختیار ہونے اور بصورت مقرر ہونے
پارچ پیشی مقدر مقرر بیرون از کچھری صدر بیرونی مقدر مقرر منظر عام پیشی و گرائی و آگے یا بجھے پیشی یا طرفہ یا درخواست علم انتظامی یا قرنی
یا گرفتاری نقل از فیصلہ اجراء و قرنی میں صاحب موصوف کو بشرط اور منظم ملحقہ خاتونوں کا اختیار ہو گا اور تمام اختیارات صاحب موصوف میں کرے
از خود مقدر قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدر مقرر یا جس کے کسی بڑی کارروائی یا بصورت درخواست نظر عامی
اپیل گرائی یا دیگر معاملہ و قدم مذکور کسی دوسرے کسٹیاں پر ہونے کو اپنے ہاٹے یا اپنے ہاٹے مقرر کریں اور اپنے تشریح قانون کو کسی پر سر میں وہی اور اپنے
اختیارات حاصل ہوں گے جسے صاحب موصوف کو حاصل ہیں اور دوران مقدر میں تو کچھ ہر جگہ اختیار پاسے گا وہ صاحب موصوف کا حق ہو گا کہ اگر
صاحب موصوف کو پوری نہیں تاریخ پیشی سے پہلے اور نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدر کی طرف سے کریں اور ایسی صورت
میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

پٹنہ ادو کالک نام لگی دیا ہے تاکہ سند رہے

موصول و کالک نام لیا ہے اور اچھی طرح پڑھا ہے اور منظور ہے
Acceptance
Sulbil Raza A.S.C
Sulbil Raza A.S.C

Before the Service Tribunal, Camp Court D. I. Khan

Syed Mozafar Ali Shah Vs KPK

Adjournment Application

Respected Sir,

It is humbly submitted as under:

- 1) That the above titled Service Appeal is fix for today.
- 2) That the Council for the Appellant is busy today before The Supreme Court of Pakistan, Therefore unable to appear before this Hon'ble Tribunal.

It is, therefore, humbly prayed that today proceedings may please be adjourned.

Dated: 23 ⁰⁷/₂₀₂₀

Yours humble appellant
Syed Mozafar Ali Shah
Appeal # 1575/19

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, CAMP COURT D.I.KHAN.**

Service Appeal # 1575/2019


Mst. Syed Muzafar Ali Shah..... Appellant

Versus

**Govt. of Khyber Pakhtunkhwa
Through Chief Secretary, Higher Education Department,
& Others Respondents**

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**Respondents
Superintendent
Directorate of Higher Education
Khyber Pakhtoon Khwa Peshawar**

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, CAMP COURT, D.I.KHAN**

S.A # 1575/2019

Syed Muzafar Ali Shah.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa

Through Chief Secretary, Higher Education Peshawar & Others..... Respondents

SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2, & 3

Respectfully Sheweth: -

Preliminary Objections:-

1. That the appellant has got no cause of action/locus standi to file the instant Service appeal.
2. That the appellant is trying to conceal material facts from this Honourable Tribunal and is not entitled to the extraordinary relief of this Tribunal.
3. That the appellant has not come to this Honourable Tribunal with clean hands.
4. That the instant service appeal is hit by doctrine of laches.
5. That the appellant is estopped by his own conduct to file the instant service appeal.

Facts: -

- 1) Correct to the extent that the appellant was working as Assistant Professor (BPS-18) in Higher Education Department and proceeded on deputation in the year 2010 vide notification dated: 09-09-2010 issued by Higher Education department for a period of one year (**Annex-A**) while Establishment Division, Islamabad notified his deputation period for three years vide notification dated: 31-08-2010 (**Annex-B**). The period of his deputation got expired on 31-04-2013 and he was required under the deputation policy/law/rules to report to his parent department, but he failed to do so. As far as his promotion to the post of Associate Professor (BPS-19) is concerned, he was promoted on 05/08/2014 by Provincial Selection Board of Govt of Khyber Pakhtunkhwa (**Annex-C**).
- 2) Pertains to court record.
- 3) Correct to the extent that departmental proceedings were initiated against the appellant on the grounds that his deputation was expired on

31/04/2013 and he was required to report to his parent department but he did not join his duties for the reasons best known to him in his parent department i.e. Higher Education Department. Parent department time and again directed him through registered letter No. 1316 dated 13/01/2015 (**Annex-D**), followed by reminders bearing No. 10884 dated 28/04/2015 (**Annex-E**), letter No. 17885-86 dated 22/07/2015 (**Annex-F**) and subsequent letter No.20131-32 dated 25/08/2018 (**Annex-G**) to report for duty within 15 days failing which disciplinary proceedings will be initiated against the appellant. Moreover, an absence notice was also published in leading Urdu newspaper for joining of duties within 15 days of the publication of said absence notice but the appellant failed to comply with (**Annex-H**).

- 4) Correct to the extent that formal inquiry was conducted into the matter. The appellant was given ample opportunities to defend himself. The appellant failed miserably to put forth solid/cogent reasons augmented with proofs in his defence, thus, the inquiry officer along with departmental representative fully heard him to the extent of his satisfaction (**Annex-I**).
- 5) Pertains to record.
- 6) Pertains to record.
- 7) Correct to the extent that departmental appeal of the appellant was regretted vide order dated: 14-02-2019.
- 8) Correct. Reply in Service Appeal # 341/2019 is already filed by the respondents.
- 9) The Competent authority imposed major penalty of "Reduction to lower post" upon the appellant vide Notification dated: 13-11-2018 without mentioning any specific period which was later on modified by the Competent authority by mentioning the term of major penalty i.e for five years w.e.f 13-11-2018 (**Annex-J**).
- 10) Correct to the extent that the appellant filed departmental appeal on 04-09-2019 which was responded vide letter dated: 07-10-2019 (**Annex-K**)
- 11) Incorrect. The Appellant was aware regarding the rejection of Appeal well in time.
- 12) Needs no comments.

Grounds: -

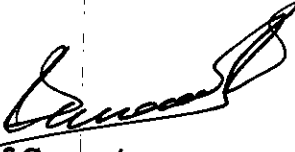
- A. Incorrect. Under the relevant provisions of E&D Rules, 2011, course of action adopted within the prescribed parameters of relevant law/ rules.
- B. Incorrect. The Appellant is trying to mislead the Hon'ble Tribunal. The Notification is only amended to the extent of term of penalty for 5 years.
- C. Incorrect as already explained in the preceding paras on facts and grounds.
- D. Incorrect. The appellant is misleading this Hon'ble Tribunal. During the Departmental inquiry the appellant was served with questionnaire (**Annex-L**) and he also submitted his reply (**Annex-M**). As far as inquiry report is concerned, the appellant did not make any request for provision of departmental inquiry.
- E. Incorrect. As already explained in para 01 of facts appellant was allowed for deputation for one year by Higher Education department which was notified as 03 years by Establishment Division but the appellant overstayed there and did report to his parent department even after expiry of his 03 years deputation period. However, rules are very clear and the lending department may recall the deputationist. (**Annex-N**)
- F. Incorrect as already explained in the preceding paras on facts and grounds.
- G. Pertains to record.
- H. Incorrect as already explained in the preceding paras on facts and grounds.
- I. Incorrect as already explained in the preceding paras on facts and grounds.
- J. Incorrect as already explained in the preceding paras on facts and grounds.
- K. Incorrect as already explained in the preceding paras on facts and grounds.
- L. Correct to the extent that after imposing major penalty of reduction to lower post, his name was placed on top of BPS-18 seniority list and thus his name was recommended for mandatory training.
- M. Pertains to record.


Rule
14(4)(c)

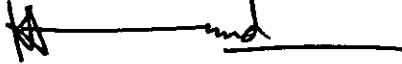
- N. In the Notification dated: 13-11-2018 the time of major penalty was not mentioned, therefore the competent authority modified the Notification and mentioned a five years period for his penalty. As far as, his nomination for training is concerned the same fact is already explained in para L of grounds. Moreover, second penalty was not imposed only the term of penalty was mentioned in the Notification as per E&D rules. (**Annex-O**)
- O. Incorrect as already explained in the preceding paras on facts and grounds.
- P. That the respondents may be allowed to raise additional grounds at the time of arguments.

Prayer: -

It is, therefore, humbly prayed that the instant service appeal is based on misconception/misstatement, therefore, may graciously be dismissed with appropriate cost.


Chief Secretary
 Govt: of Khyber Pakhtunkhwa
 Respondent No. 01
hcr


Secretary
 Higher Education, Archives & Library
 Department
 Respondent No. 02
ngs


Director
 Directorate of Higher Education
 Respondent No. 03
h

(5)

**BEFORE THE HONOURABLE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL, CAMP COURT
DERA ISMAIL KHAN**

Service Appeal # 1575/2019

Syed Muzafar Ali Shah Vs Govt of KPK etc.

Parawise Comments on behalf of Respondents No- 1,2 & 3.

Affidavit

Alleged

ATE

I, Ihsan Ullah Khan Lecturer Law Govt College No. 1 D I Khan , do hereby solemnly affirm and declare on oath that the contents of Para wise comments on behalf of **Respondent No.1,2 & 3** are true & correct to the best of my knowledge & belief and nothing has been concealed from this honorable court.

Dated : 25-05-2022



Deponent:

1210216646845



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

Dated Peshawar the 09/09/2010.

NOTIFICATION

No.SO(COLLEGES)/04-2010/X-4/2010. The Competent Authority is pleased to transfer Syed Muzaffar Ali Shah, Assistant Professor of Physics (BP-134), Government Degree College, No. 1, D.I. Khan to Federal Secretariat, Islamabad as Section Officer (BS-18) on deputation basis initially for a period of one year.

Note: Terms and conditions of deputation will be settled later on.

SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Ends: Number & Date Even.

Copy forwarded to the: -

1. Director Higher Education, Khyber Pakhtunkhwa Peshawar w/r to his letter No. 11538/CA-I/Estt. Branch dated 25.03.2010.
2. Section Officer (OMG-II), Govt. of Pakistan Cabinet Secretariat, Establishment Division w/r to his Notification No. 4/124/2009.OMG-II dated 31.08.2010.
3. Section Officer (Regulation-I) Establishment & Administration Department NWFP, with reference to his letter No. SOR-I(E&AD) 1-14/82 (Vol. XIX) dated 30.07.2010.
4. District Accounts Officer, D.I. Khan.
5. Principal, Government Degree College, No. 1, D.I. Khan.
6. Officer concerned.
7. P.S to Secretary, Higher Education Department.

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

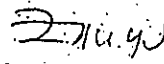
(GHULAM ALI)
SECTION OFFICER (COLLEGES)

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION

Islamabad, the 31st August, 2010

NOTIFICATION


No.4/124/2009:OMG-II. Syed Muzafar Ali Shah, Assistant Professor (BS-18), Education Department, Government of Khyber Pakhtun Khawa, is transferred and posted as Section Officer (BS-18) on deputation in Industries & Production Division for a period of three years on standard terms and condition of deputation with immediate effect and until further orders.

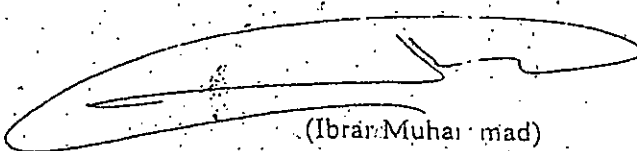

(Zafar Naseem Kayani)
Deputy Secretary to the
Government of Pakistan
Tele # 9209112

The Manager,
Printing Corporation of Pakistan Press,
Karachi.

Copy to:

- The A.G.P.R., Islamabad.
- ~~The Secretary, Services & General Administration Department, Peshawar.~~
- The Secretary, Industries & Production Division, Islamabad.
- The P.S. to Secretary, Establishment Division, Islamabad.
- The Principal Information Officer, P.I.D., Islamabad.
- The Director (PD) and Sections concerned, Establishment Division, Islamabad.
- The Officer (s) concerned; with the request to furnish copies of charge relinquishment report(s).
- The Director (PD)/Section Officer (OMG-II) Establishment Division, Islamabad.
- The PAs to Joint Secretary (Admin)/Deputy Secretary (OMG) Establishment Division, Islamabad.
- Notification/file Personal files office.
- The officer concerned.


Superintendent
Directorate of Higher Education
Khyber Pakhtoon Khwa Peshawar


(Ibrar Muhammad)
Section Officer (OMG-II)
Tele: 9207539



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

Dated Peshawar the August 5th, 2014.

Annex - A

Annex-c/8

Annex - A

NOTIFICATION

No. SO(COLLEGES-INDHED/15-1/2013) / 1166-77 The Competent Authority, on the recommendation of the Provincial Selection Board (PSB), is pleased to promote the following Male Assistant Professors (BPS-18) to the post of Associate Professors (BPS-19), on regular basis of College cadre in Higher Education Department with immediate effect:

S#	Name / Designation / Present Posting
1	Mr. Khurshid Ali Assistant Professor of Political Science GDC, Mjuri
2	Syed Muzaffar Ali Shah Assistant Professor of Physics Presently working as Section Officer at Federal Govt. Islamabad on Deputation
3	Akhtar Gul Assistant Professor of Maths GSSC, Peshawar
4	Attallah Jan Assistant Professor of Political Science GDC, Wara
5	Akram Khan Assistant Professor of Maths GDC, Isakkhel
6	Qazi Abdus Subhan Assistant Professor of Physic GDC, Havelain (Abbottabad)
7	Muhammad Zafarullah Khan Assistant Professor of Islamiyat / Arabic GDC, No 2 Bannu.
8	Syedul Abrar Assistant Professor of Islamiyat GDC, Khair Abad
9	Zabihullah Assistant Professor of Pashto GDC, Dara Adam Khel (FR Kohat).
10	S. Abid Hussain Assistant Professor Statistics GDC, Khan Kohi (Nowshera)
11	Noorullah Khan Assistant Professor of English GPGC, Kohat.
12	Ahmad Madeem Abbasi Assistant Professor of Urdu GPGC, Mandian (Abbottabad).
13	Jehanzeb Assistant Professor of History Cum Civics GPGC, Bannu.
14	M. Ibrahim Khalid Assistant Professor of Maths GDC, Mathra (Peshawar)
15	Syed Hasnain Abbas Assistant Professor of Maths GDC, Khanpur.
16	Said Rasool Assistant Professor of Statistics GDC, No. 1 D.I. Khan
17	Zahoor Ud Din Assistant Professor of Political Science GDC, Chitral
18	Shafi -Ur- Rehman Assistant Professor of Maths GDC, Sabir Abad.
19	Badshah Wahab Assistant Professor of Statistics GDC, Bathkela
20	Aurangzeb Assistant Professor of Economics GDC, No.2 Mardan
21	Sarfraz Khan Assistant Professor of Economics GPGC, Charsadda
22	Mir Baz Khan Assistant Professor of History / Civics GDC, No.1 D.I. Khan
23	Sher Zaman Khan Assistant Professor of Maths GPGC, Mardan
24	Azad Khan Assistant Professor of Statistics GDC, Khanpur (Haripur)
25	Lutfur Rehman Assistant Professor of Maths GDC, Lahor (Swabi)
26	Inayat-Ur-Rahman Assistant Professor of English GC, Pabli.
27	Qazi Nisar Ahmad Assistant Professor of Islamiyat GDC, Shewa Swabi
28	Abdur Rashid Assistant Professor of English GDC, Lakki Marwat
29	Syed Amjad Ali Assistant Professor of English GPGC, Mandian (Abbottabad)
30	Javed Hussain Assistant Professor of Chemistry GPGC, Swat
31	Arshad Pervez Assistant Professor of Economics GPGC, Haripur
32	Taj Muhammad Assistant Professor of Political Science GDC, Kotka Habibullah (FR Bannu).
33	Sahar Gul Wazir Assistant Professor of Political Science GDC, No.2 Bannu
34	Asmat Shah Assistant Professor of Chemistry GPGC, No. 1 Abbottabad
35	Mehmood Ahmad Jan Assistant Professor of Maths GPGC, Charsadda
36	Ibrahim Khan Assistant Professor of Geography GDC, Gumbat (Kohat).

37	Haroon Ur Rashid Assistant Professor of English GDC, Puran
38	Manzoor Elahi Assistant Professor of Islamiyat GDC, Lessan Nawab
39	Wali Ahad Assistant Professor of Statistics GDC, Totakan.
40	Fazli Malik Assistant Professor of Statistics Babuzai Mardan
41	Sardar Hussain Assistant Professor of Statistics GPGC, Mardan.
42	Khalid Mahmood Assistant Professor of English GDC, Daggar
43	Shah Zamin Assistant Professor of Political Science GDC, Khar (Bajaur)
44	Rifaqat Ali Assistant Professor of Statistics GDC, Mathra (Peshawar)
45	S.Arif Raza Zaidi Assistant Professor of Statistics GDC, Khan Kohi (Nowshera)
46	Zubair Anwar Assistant Professor of Statistics GSSC, Peshawar
47	Muhammad Yousaf Assistant Professor of Economics GPGC, Manshera
48	Ishtiaq Ahmad Assistant Professor of Economics GC, Lessan Nawab.
49	Khurshid Assistant Professor of Statistics GPGC, Afzal Khan Lala Matta (Swat).
50	Abdur Rab Assistant Professor of Economics GDC, Balakot
51	Eid Muhammad Khan Assistant Professor of Chemistry GDC, Miranshah.
52	Muhammad Asif Raza Assistant Professor of Pakistan Study GDC, Balakot
53	Abdul Karim Assistant Professor of Pashto GPGC, Darqai (Malakand)
54	Muhammad Islam Assistant Professor of Statistics GDC, Shewa (Swabi)
55	Shahid Farooq Assistant Professor of Physics GPGC, Kohat.
56	Moeenullah Khan Assistant Professor of Physics GDC, Takht-E-Nasrati
57	Mumtaz Haider Assistant Professor of Economics GPGC, No. 1 Abbottabad
58	S.Irfan Safdar Assistant Professor of English GDC, No.1 D.I. Khan
59	Azizullah Shah Assistant Professor of Pashto GDC, Banda Daud Shah
60	Muhammad Farooq Zia Assistant Professor of Statistics GPGC, Charsadda
61	Nowsher Khan Assistant Professor of Statistics GDC, Gumbat (Kohat).
62	Abbas Gul Assistant Professor of History GDC, Sadda (Kurram Agency)
63	Noor Syed Assistant Professor of Statistics GDC, Hangu
64	Shad Ayaz Khan Assistant Professor of Chemistry GPGC, Bannu.
65	Muhammad Badshah Assistant Professor of Islamiyat GDC, Khar
66	Malik Nasir Daud Assistant Professor of Economics GDC, Havelain (Abbott)
67	Riaz Ahmad Assistant Professor of Zoology GDC, Mingora (Swat)
68	Ghulam Habib Assistant Professor of Pashto GDC, Wari Dir Upper.
69	Munaf Khan Assistant Professor of Chemistry GPGC, No. 1 Abbottabad
70	Azizul Haq Assistant Professor of Statistics GDC, Thana (Malakand)
71	Abdur Rahman Assistant Professor of Chemistry GPGC, Lakki Marwat
72	Abdur Rahman Assistant Professor of Islamiyat GDC, Gandaf (Swabi).
73	Latifullah Assistant Professor of English GDC, Ahmad Abad.
74	Syed Mir Badshah Assistant Professor of Urdu GDC, Wadpaga (Peshawar)
75	Fakhri Alam Assistant Professor of Islamiyat GDC, Wadpaga
76	Hafiz Abdul Jalil Assistant Professor of Islamiyat GDC, Khanpur.
77	Abdul Zamir Assistant Professor of Statistics GDC, Latember
78	Mujibur Rehman, Assistant Professor of Urdu GDC, K.D.A Kohat.
79	Luqman Badshah Assistant Professor of Pashto GDC, Dir Upper
80	Fazli Rabbi Assistant Professor of Pashto GDC, Ciama (Malakand).
81	Bakht Ali Khan Assistant Professor of Political Science GPGC, Bannu
82	Abdul Shakil Assistant Professor of English GPGC, Kohat.
83	Anwar Saleem Assistant Professor of English GPGC, Lakki Marwat.
84	Quli Khan Assistant Professor of Political Science GDC, No.1 D.I. Khan.
85	Waliullah Assistant Professor of English GDC, No.1 D.I. Khan.
86	Sharifullah Assistant Professor of Islamiyat GPGC, Swat.
87	Abdur Rauf Assistant Professor of Statistics GPGC, Mardan.
88	Saadat Ali Khan Assistant Professor of English GPGC, Karak.
89	Muhammad Zakirullah Assistant Professor of Political Science GDC, Timargara.
90	Gohar Ali Assistant Professor of Physics GPGC, Afzal Khan Lala Matta (Swat)
91	Muhammad Zahoor Iqbal Assistant Professor of Physics GPGC, Haripur.
92	Usman Ghani Assistant Professor of English GDC, KDA Kohat.
93	Musadiq Shah Assistant Professor of Urdu GDC, K.D.A Kohat
94	Fazal Mahmood Assistant Professor of Pashto GDC, Gul Abad (Dir Lower).
95	Syed Liaqat Ali Shah Assistant Professor of Physics GPGC, No.1 Abbottabad.

[Signature]
Superintendent
Directorate of Higher Education
Khyber Pakhtoon Khwa Peshawar

[Signature]

105

96.	Nehboob Ali Khan Assistant Professor of Physics, GDC, Pabbi (Nowshera).
97.	Nisar Khan Assistant Professor of Political GPGC, Bannu
98.	Ismail Assistant Professor of English GPGC, Swat.
99.	Jamil Ahmad Assistant Professor of Pashto GPGC, Timerqara.
100.	Shamsul Munir Assistant Professor of Urdu GPGC, Mardan
101.	Muhammad Ramzan Assistant Professor of Urdu GDC, Havelian.
102.	Sher Afzal Assistant Professor of Pashto GDC, Lachi (Kohat).
103.	Muhammad Tariq Assistant Professor of Statistics GPGC, Nowshera
104.	Ihsamud Din Assistant Professor of Pashto GPGC, Nowshera.
105.	Bukhari Shah Assistant Professor of English Presently working as Section Officer (Litigation) HED
106.	Dr. Yahya Ahmad Assistant Professor of Urdu Incharge Prindpal GDC, Arna Khel Tank.
107.	Qamar Zaman Assistant Professor of English GPGC, Swat.
108.	Hafiz Shujauddin Assistant Professor of Islamiyat / Arabic GPGC, Nowshera.
109.	Abdul Khabir Assistant Professor of Islamiyat/Arabic GDC, Batkhela
110.	Nasirud Din Assistant Professor of Islamiyat / Arabic GC, Peshawar.
111.	Sultan Rahim Assistant Professor of Islamiyat/Arabic GDC, Kohi Sher Haidar.
112.	Muhammad Tauqir Assistant Professor of History GPGC, Mandain(Abbott).
113.	Abdur Rehman Assistant Professor of Islamiyat/Arabic GDC, Khar Bajour
114.	Anwarul Haq Assistant Professor of Islamiyat/Arabic GDC, Wari (Dir Lower).
115.	Muhammad Raza Assistant Professor of History/Civics, GDC, No.2 Mardan
116.	Muhammad Ibrahim Shah Assistant Professor of Islamiyat/ GDC, Havelian
117.	Muhammad Yousaf Assistant Professor of History/Civics, GPGC, Lakki Marwat.
118.	Fazli Rehman Assistant Professor of History/Civics GDC, Lahor (Swabi)
119.	M. Saleem Baloch Assistant Professor of Pakistan Study GDC, No. 3 Dara Town Ship (D.I.Khan).
120.	Sarfaraz Assistant Professor of Economics GDC, Sherwan Abbottabad
121.	Afzal Aman Assistant Professor Law GDC, Chitral.
122.	Abdul Waseeq Assistant Professor of Zoology GDC, Battagram.
123.	Habibun Nabi Assistant Professor of Computer Science GPGC, Swat
124.	Muhammad Javed Assistant Professor of Chemistry GDC, No.1 D.I.Khan.
125.	Rahmatullah Assistant Professor of Urdu GDC, No.2 D.I.Khan
126.	Abdul Rashid Assistant Professor of Urdu GDC, Khanpur
127.	Inayatullah Shakir Assistant Professor of Urdu GDC, No.02 D.I.Khan
128.	Izharullah Assistant Professor of Chemistry GDC, Totalia Buner
129.	Behroz Khan Assistant Professor of Urdu GDC, Thana (Malakand).
130.	Ajab Khan Assistant Professor of Chemistry GPGC, Haripur
131.	Shaukat Ali Assistant Professor of Urdu GSSC, Peshawar.
132.	Zoor Zamin Khan Assistant Professor of Chemistry, GDC, Gulabad.
133.	Anwar Jalal Assistant Professor of Urdu GDC, Mathra
134.	Muhammad Niaz Assistant Professor of Physics, GDC, Totalia Buner.
135.	Attullah Khan Assistant Professor of Urdu GDC, No.2 Bannu.
136.	Bakht Rawan Assistant Professor of Urdu GPGC, Swat
137.	Muhammad Qasim Assistant Professor of Botany, GDC, Batkhela
138.	Bismillah Jan Assistant Professor of Statistics, GPGC, Lakki Marwat.
139.	Habibur Rehman Assistant Professor of Chemistry, GDC, Wadpaqa Peshawar.
140.	Fazle Rahim Assistant Prof. of Economics GPGC, Afzal Khan Lala Matia Swat
141.	Taj Ali Khan Assistant Professor of Statistics GDC, Khair Abad.
142.	Mansoor Khan Assistant Professor of Statistics GDC, Takht Nasrati
143.	Zahid Ali Assistant Professor of Economics GDC, Pabbi (Nowshera)
144.	Fazle Hadi Assistant Professor of Computer Science GDC, Pabbi Nowshera.
145.	Mushtaq Ahmad Assistant Professor of Urdu GDC, Gulahad (Dir Lower).
146.	Irfan-ul-Haq Assistant Professor of Computer Science GPGC, Lakki Marwat
147.	Fareed Ullah Assistant Professor of Economics Presently working as Planning Officer Civil Sect.
148.	Munaf Gul Assistant Professor of Physics GPGC, Kohat
149.	Ismar Ahmad Assistant Professor of Economics, GDC, Pabbi (Nowshera)
150.	Shabir Raza Assistant Professor of History Cum Civics GPGC, Mardan
151.	Muhammad Kamal Assistant Professor of Economics, GDC, Alpuri Shanola
152.	Liqaat Ali Khan, Assistant Professor of Zoology, GPGC Kohat.

153.	Jamshed Ullah Assistant Professor of Botany-GPGC, Bannu.
154.	Muhammad Rasool Assistant Professor of Zoology GDC, Kabal Swat.
155.	Mubashir Atif Assistant Professor of English GPGC, No.1 Abbottabad
156.	Maqsood Gul Assistant Professor of Political Science (Presently working as Research Officer (P&D) Civil Sect).
157.	Muhammad Ali Khan Assistant Professor of History GPGC Nowshera.
158.	Riaz-ud-Din Assistant Professor of English On deputation to Hazara University.
159.	Jalandir Shah Assistant Professor of Botany GDC, Wari (Dir Lower).
160.	Safiqullah Assistant Professor of Political Science GSSC, Peshawar
161.	Dr. Naeem-ud-Din Ahmad Assistant Professor of Zoology GSSC, Peshawar
162.	Dr. Anwarul Haq Assistant Professor of Physics, GPGC, Swat.
163.	S. Mahmood Shah Assistant Professor of Chemistry, GDC, Babuzai.
164.	Abdul Wahid Assistant Professor of Physics, GPGC, Haripur
165.	Amjad Ali Assistant Professor of Maths GPGC, Mardan.
166.	Mushtaq Ahmad Assistant Professor of Statistics (Deputation):
167.	Muhammad Salim Assistant Professor of Maths GPGC, Mardan.
168.	Isteraj Khan Assistant Professor of Maths GDC, Shewa (Swabi).
169.	Hussainul Haq Assistant Professor of Maths GDC, Dir Upper
170.	Muhammad Yasin Assistant Professor of Maths GDC, K.D.A (Kohat).
171.	Muhammad Mustafa Assistant Professor of Maths GSSC, Peshawar.
172.	Mehboobur Rahman Assistant Professor of Botany GPGC, Swat
173.	Samir Rahman Assistant Professor of Maths GDC, Lahor
174.	Nazir Muhammad Assistant Professor of Economics GDC, No.1 D.I.Khan

2. In terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the Associate Professors on their promotion shall be on probation for a period of one (01) year extendable upto two (02) years:

3. Consequent upon the above, the following adjustments are made:-

Sr.	Name & Designation (Presently)	Proposed Posting (Associate Professor) (BS-19) at	Remarks
1.	Mr. Khurshid Ali Assistant Professor of Political Science GDC, Alpuri	Incharge Prindpal, GDC Alpuri	Against Vacant Post
2.	Syed .Muzafer Ali Shah Assistant Professor of Physics. Presently working as Section Officer at Federal Govt. Islamabad on Deputation.	GDC No: 1 D.I.Khan	Against Vacant Post
3.	Akhtar Gul Assistant Professor of Maths GSSC, Peshawar	GDC Tangi, Charsadda.	Against Vacant Post
4.	Attaulah Jan Assistant Professor of Political Science GDC, Wana	Services placed at the disposal of Secretary, Social Sectors Department, FATA Secretariat, Peshawar.	
5.	Akram Khan Assistant Professor of Maths GDC, Isakkhel	GDC Ghazni Khel, Lakki Marwat.	Against Vacant Post
6.	Qazi Abdus Subhan Assistant Professor of Physic GDC, Havelain (Abbottabad)	GDC Havelian, Abbottabad.	Vice S. No. 15 of below adjustment
7.	Muhammad Zafarullah Khan Assistant Professor of Islamiyat / Arabic GDC, No.2 Bannu.	GDC No. 2, Bannu.	Against Vacant Post
8.	Syedul Abrar Assistant Professor of Islamiyat GDC, Khair Abad	GDC Khair Abad, Mardan.	Against Vacant Post
9.	Zabihullah Assistant Professor of Pashto GDC, Dara Adam Khel (FR Kohat).	Services placed at the disposal of Secretary, Social Sectors Department, FATA Secretariat, Peshawar.	
10.	S. Abid Hussain Assistant Professor	GDC Khan Kohi, Nowshera.	Against Vacant

(Handwritten signature and stamp)
 Director of Higher Education
 Khyber Pakhtunkhwa Peshawar

(Handwritten signature and stamp)
 Director of Higher Education
 Khyber Pakhtunkhwa Peshawar

104

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(10)

10.	S. Abid Hussain Assistant Professor Statistics GDC, Khan Kohi (Nowshera)	GDC Khan Kohi, Nowshera.	Against Vacant Post
11.	Nasrullah Khan Assistant Professor of English GPGC, Kohat.	GPGC Kohat	Against Vacant Post
12.	Ahmad Madeem Abbasi Assistant Professor of Urdu GPGC, Mandian (Abbottabad).	GPGC No. 1, Abbottabad.	Vice S. No. 16 of below adjustment.
13.	Jehanzeb Assistant Professor of History Cum Civics GPGC, Bannu.	GDC, Paniala (D.I.Khan)	Against Vacant Post
14.	M. Ibrahim Khalid Assistant Professor of Maths GDC, Mathra (Peshawar)	GPGC Swabi.	Against Vacant Post
15.	Syed Hasnain Abbas Assistant Professor of Maths GDC, Khanpur.	GDC Paniala, D.I. Khan.	Against Vacant Post
16.	Said Rasool Assistant Professor of Statistics GDC, No. 1 D.I. Khan	GDC No: 1, DI Khan,	Against Vacant Post
17.	Zahoor Ud Din Assistant Professor of Political Science GDC, Chitral	GDC Chitral,	Against Vacant Post
18.	Shafi-Ur-Rehman Assistant Professor of Maths GDC, Sabir Abad.	GDC Mathra, Peshawar.	Against Vacant Post
19.	Badshah Wahab Assistant Professor of Statistics GDC, Batkhela	GPGC Timergara, Dir Lower.	Against Vacant Post
20.	Aurangzeb Assistant Professor of Economics GDC, No.2 Mardan	GDC Katlang, Mardan.	Against Vacant Post
21.	Sarfraz Khan, Assistant Professor of Economics GPGC, Charsadda	Principal, GDC Chagharmati, Peshawar.	Vice S. No. 3 of below adjustment.
22.	Mir Baz Khan Assistant Professor of History / Civics GDC, No.1 D.I.Khan	GDC, No.1 D.I.Khan	Against Vacant Post
23.	Sher Zaman Khan Assistant Professor of Maths GPGC, Mardan.	GDC, Lund Khawar	Against Vacant Post
24.	Azad Khan Assistant Professor of Statistics GDC, Khanpur (Haripur)	GDC Khanpur,	Against Vacant Post
25.	Lutfur Rehman Assistant Professor of Maths GDC, Lahor (Swabi)	GDC Lahor, Swabi	Against Vacant Post
26.	Inayat-Ur-Rahman Assistant Professor of English GC, Pabbi.	GPGC, Charsadda	Against Vacant Post
27.	Qazi Nisar Ahmad Assistant Professor of Islamiyat GDC, Shewa Swabi	GDC Garhi Kapoora, Mardan.	Against Vacant Post
28.	Abdur Rashid Assistant Professor of English GDC, Lakki Marwat.	GPGC Lakki Marwat.	Against vacant post
29.	Syed Amjad Ali Assistant Professor of English, GPGC, Mandian (Abbottabad)	GPGC, Mandian (Abbottabad)	Vice S. No. 10 of below adjustment.
30.	Javed Hussain Assistant Professor of Chemistry GPGC, Swat	GPGC, Timergara	Against Vacant Post
31.	Arshad Pervez Assistant Professor of Economics GPGC, Haripur	GPGC Haripur	Against Vacant Post
32.	Taj Muhammad Assistant Professor of Political Science GDC, Kotka Habibullah (FR Bannu).	GDC, Sikindar Khel Bala	Against Vacant Post
33.	Sahar Gul Wazir Assistant Professor of Political Science GDC, No.2 Bannu	GDC, Domail, Bannu	Against Vacant Post
34.	Asmat Shah Assistant Professor of Chemistry GPGC, No. 1 Abbottabad	GDC KTS Haripur.	Against Vacant Post
35.	Mehmood Ahmad Jan Assistant Professor of Maths GPGC, Charsadda	GPGC Charsadda,	Against Vacant Post
36.	Ibrahim Khan Assistant Professor of Geography GDC, Gumbat (Kohat).	GDC Gumbat (Kohat)	Against Vacant Post
37.	Haroon Ur Rashid Assistant Professor of English GDC, Puran	GDC Puran (Shanglia)	Against Vacant Post

38.	Manzoor Elahi Assistant Professor of Islamiyat GDC, Lissan Nawab (Manshera)	GDC Lissan Nawab (Manshera)	Against Vacant Post
39.	Wali Ahad Assistant Professor of Statistics GDC, Totakan.	GDC Totakan, Malakand.	Against vacant post
40.	Fazl Malik Assistant Professor of Statistics Babuzai Mardan	GDC Babuzai, Mardan,	Against Vacant Post
41.	Sardar Hussain Assistant Professor of Statistics GPGC, Mardan.	GDC, Ghari Kapoor (Mardan)	Against Vacant Post
42.	Khalid Mahmood Assistant Professor of English GDC, Daggar	GDC Ghobisar, Shanglia.	Against vacant post.
43.	Shah Zamin Assistant Professor of Political Science GDC, Khar (Bajaur)	Services placed at the disposal of Secretary, Social Sectors Department, FATA Secretariat, Peshawar.	
44.	Rifaqat Ali Assistant Professor of Statistics GDC, Mathra (Peshawar)	GDC Mathra (Peshawar)	Against Vacant Post
45.	S.Arif Raza Zaidi Assistant Professor of Statistics GDC, Khan Kohi (Nowshera)	GDC Wadpaga (Peshwar)	Against Vacant Post
46.	Zubair Anwar Assistant Professor of Statistics GSSC, Peshawar	GSSC Peshawar.	Against Vacant Post
47.	Muhammad Yousaf Assistant Professor of Economics GPGC, Mansehra	GPGC Mansehra.	Vice S. No. 14 of below adjustment.
48.	Ishtiaq Ahmad Assistant Professor of Economics GC, Lissan Nawab.	GDC Darband, Manshera	Against Vacant Post
49.	Khurshid Assistant Professor of Statistics, GPGC, Afzal Khan Lala Matta (Swat).	GPGC, Afzal Khan Lala Matta (Swat).	Against Vacant Post
50.	Abdur Rab Assistant Professor of Economics GDC, Balakot	GDC Balakot, (Manshera)	Against Vacant Post
51.	Eid Muhammad Khan Assistant Professor of Chemistry GDC, Miranshah.	Services placed at the disposal of Secretary, Social Sectors Department, FATA Secretariat, Peshawar.	
52.	Muhammad Asif Raza Assistant Professor of Pakistan Study GDC, Balakot	GDC Balakot, Mansehra.	Against vacant post
53.	Abdul Karim Assistant Professor of Pashto GPGC, Dargal (Malakand)	GPGC, Dargal (Malakand)	Against Vacant Post
54.	Muhammad Islam Assistant Professor of Statistics GDC, Shewa (Swabi)	GDC Takht-e-Nasrati (Mardan)	Against Vacant Post
55.	Shahid Farooq Assistant Professor of Physics GPGC, Kohat.	GPGC Kohat,	Against Vacant Post
56.	Moeenullah Khan Assistant Professor of Physics GDC, Takht-E-Nasrati	GDC, Lachi Kohat	Against Vacant Post
57.	Mumtaz Haider Assistant Professor of Economics GPGC, No. 1 Abbottabad	GPGC No. 1 Abbottabad,	Against Vacant Post
58.	S.Irfan Safdar Assistant Professor of English GDC, No.1 D.I.Khan	GDC No: 1, DI Khan	Against Vacant Post
59.	Azizullah Shah Assistant Professor of Pashto GDC, Banda Daud Shah	GDC Latambar (Karak)	Against Vacant Post
60.	Muhammad Farooq Zia Assistant Professor of Statistics GPGC, Charsadda	GPGC Charsadda.	Against Vacant Post
61.	Nowsher Khan Assistant Professor of Statistics GDC, Gumbat (Kohat).	GDC Gumbat, Kohat	Against Vacant Post
62.	Abbas Gul Assistant Professor of History GDC, Sadda (Kurram Agency)	Services placed at the disposal of Secretary, Social Sectors Department, FATA Secretariat, Peshawar.	
63.	Noor Syed Assistant Professor of Statistics GDC, Hangu	As Associate Professor of Statistics / Principal GDC, Thal, Hangu.	Vice S.No.24 below adjustment.


11/11/2014
 Director of Higher Education
 Higher Education Division
 Islamabad

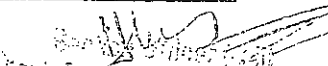
Superintendent
 Directorate of Higher Education
 Khyber Pakhtoon Khwa Peshawar

11/11/2014
 Director of Higher Education
 Higher Education Division
 Islamabad

64.	Shad Ayaz Khan Assistant Professor of Chemistry GPGC, Bannu.	GDC, Mamsh Khel (Bannu).	Against Vacant Post
65.	Muhammad Badshah, Assistant Professor of Islamiyat GDC, Khar	Services placed at the disposal of Secretary, Social Sectors Department, FATA Secretariat, Peshawar.	
66.	Malik Nasir Daud, Assistant Professor of Economics GDC, Havelain (Abbott)	GDC Havelain, Abbottabad	Vice S. No. 19 of below adjustment
67.	Riaz Ahmad, Assistant Professor of Zoology GDC, Mingora (Swat)	GDC Mingora (Swat)	Against Vacant Post
68.	Ghulam Habib, Assistant Professor of Pashto GDC, Wari Dir Upper.	GDC Wari, Dir Upper	Against Vacant Post
69.	Munsif Khan, Assistant Professor of Chemistry GPGC, No. 1 Abbottabad	GDC Nathigali Abbottabad	Against Vacant Post
70.	Azizul Haq, Assistant Professor of Statistics GDC, Thana (Malakand)	GDC Palai, Malakand.	Against Vacant Post
71.	Abdur Rahman, Assistant Professor of Chemistry GPGC, Lakki Marwat	GPGC Lakki Marwat,	Against Vacant Post
72.	Abdur Rahman Assistant Professor of Islamiyat GDC, Gandaf (Swabi).	GDC Kotha (Swabi)	Against Vacant Post
73.	Latifullah Assistant Professor of English GDC, Ahmad Abad.	GDC, Ahmad Abad (Karak)	Against Vacant Post
74.	Syed Mir Badshah Assistant Professor of Urdu GDC, Wadpaga (Peshawar)	GDC, Wadpaga, Peshawar.	Against Vacant Post
75.	Fakhri Alam Assistant Professor of Islamiyat GDC, Wadpaga	GDC, Wadpaga, Peshawar.	Against Vacant Post
76.	Hafiz Abdul Jalil Assistant Professor of Islamiyat GDC, Khanpur.	GDC Balakot, Mansehra.	Against Vacant Post
77.	Abdul Zamir Assistant Professor of Statistics GDC, Latamber	GDC Banda Daud Shah, Karak.	Against Vacant Post
78.	Mujibur Rehman, Assistant Professor of Urdu GDC, K.D.A Kohat.	GDC, Hangu.	Against Vacant Post
79.	Luqman Badshah Assistant Professor of Pashto GDC, Dir Upper	GDC Dir Upper,	Against Vacant Post
80.	Fazli Rabbi Assistant Professor of Pashto GDC, Chamla (Malakand).	GDC Daggar (Buner),	Against Vacant Post
81.	Bekht Ali Khan Assistant Professor of Political Science GPGC, Bannu	GPGC Bannu	Against Vacant Post
82.	Adbul Shakil Assistant Professor of English GPGC, Kohat.	GPGC Kohat,	Against Vacant Post
83.	Anwar Saleem Assistant Professor of English GPGC, Lakki Marwat.	GDC Tajori, Lakki Marwat.	Against Vacant Post
84.	Quli Khan Assistant Professor of Political Science GDC, No.1 D.I.Khan.	GDC No: 1, DI Khan,	Against Vacant Post
85.	Waliullah Assistant Professor of English GDC, No.1 D.I.Khan.	GDC No: 1, DI Khan,	Against Vacant Post
86.	Sharifullah Assistant Professor of Islamiyat GPGC, Swat.	GDC Pura (Shangla)	Against Vacant Post
87.	Abdur Rauf Assistant Professor of Statistics GPGC, Mardan.	GDC Toru (Mardan)	Against Vacant Post
88.	Saadat Ali Khan, Assistant Professor of English GPGC, Karak.	GDC Mamash Khel, Bannu.	Against Vacant Post
89.	Muhammad Zakirullah Assistant Professor of Political Science GDC, Timergara.	GDC Timergara, Dir Lower.	Against Vacant Post
90.	Gohar Ali Assistant Professor of Physics GPGC, Afzal Khan Lala Matta (Swat)	GPGC, Afzal Khan Lala Matta (Swat).	Against Vacant Post
91.	Muhammad Zahoor Iqbal Assistant Professor of Physics GPGC, Haripur.	GPGC, Haripur	Against Vacant Post
92.	Usman Ghani Assistant Professor of English GDC, KDA Kohat.	GDC KDA Kohat	Against Vacant Post

93.	Musadiq Shah Assistant Professor of Urdu GDC, K.D.A Kohat	GDC KDA Kohat	Against Vacant Post
94.	Fazal Mahmood Assistant Professor of Pashto GDC, Gul Abad (Dir Lower).	GDC Gul Abad	Against Vacant Post
95.	Syed Liaqat Ali Shah Assistant Professor of Physics GPGC, No.1 Abbottabad.	GPGC, No.1 Abbottabad	Against Vacant Post
96.	Mehboob Ali Khan Assistant Professor of Physics, GDC, Pabbi (Nowshera).	GPGC Nowshera.	Against Vacant Post
97.	Nisar Khan Assistant Professor of Political GPGC, Bannu.	GPGC Bannu.	Vice S.No. 7 of below adjustment
98.	Ismail Assistant Professor of English GPGC, Swat.	GPGC Saidu Sharif, Swat.	Against Vacant Post
99.	Jamil Ahmad Assistant Professor of Pashto GPGC, Timergara.	GPGC Timergara	Against Vacant Post
100.	Shamsul Munir Assistant Professor of Urdu GPGC, Mardan	GDC Takht Bhai (Mardan)	Against Vacant Post
101.	Muhammad Ramzan, Assistant Professor of Urdu GDC, Havelain.	GDC Nathigali, Abbottabad	Against Vacant Post
102.	Sher Afzal Assistant Professor of Pashto GDC, Lachi (Kohat).	Services placed at the disposal of Secretary, Social Sectors Department, FATA Secretariat, Peshawar.	
103.	Muhammad Tariq Assistant Professor of Statistics GPGC, Nowshera	GDC Pabbi, Nowshera.	Against Vacant Post
104.	Ihsamud Din Assistant Professor of Pashto GPGC, Nowshera.	GPGC Nowshera	Against Vacant Post
105.	Bukhari Shah Assistant Professor of English Presently working as Section Officer (Litigation) HED	GPGC Charsadda,	Against Vacant Post
106.	Dr. Yahya Ahmad Assistant Professor of Urdu, Incharge Principal GDC, Ama Khel Tank.	Principal GDC Amakhel, Tank	Against Vacant Post
107.	Qamar Zaman Assistant Professor of English GPGC, Swat.	GDC Madyan, Swat.	Against Vacant Post
108.	Hafiz Shujauddin Assistant Professor of Islamiyat / Arabic GPGC, Nowshera.	GDC Lahor, Swabi.	Against Vacant Post
109.	Abdul Khabir Assistant Professor of Islamiyat/Arabic GDC, Batkhela	GDC Totakan, Malakand.	Against Vacant Post
110.	Nasirud Din Assistant Professor of Islamiyat / Arabic GDC, Peshawar.	GDC, Peshawar.	Against Vacant Post
111.	Sultan Rahim Assistant Professor of Islamiyat/Arabic GDC, Kohi Sher Haidar.	GPGC, Charsadda	Against Vacant Post
112.	Muhammad Tauqir Assistant Professor of History GPGC, Mandain(Abbott).	GDC Battagram.	Against Vacant Post
113.	Abdur Rehman Assistant Professor of Islamiyat/Arabic GDC, Khar Bajaur Agency.	Services placed at the disposal of Secretary, Social Sectors Department, FATA Secretariat, Peshawar.	
114.	Anwarul Haq Assistant Professor of Islamiyat/Arabic GDC, Wari (Dir Lower).	GDC Wari, Dir Upper.	Against Vacant Post
115.	Muhammad Raza Assistant Professor of History/Civics, GDC, No.2 Mardan	GDC Takht Bhai, Mardan.	Against Vacant Post
116.	Muhammad Ibrahim Shah Assistant Professor of Islamiyat/ GDC, Havelain	GDC Tangi, Charsadda.	Against Vacant Post
117.	Muhammad Yousaf Assistant Professor of History/Civics, GPGC, Lakki Marwat.	GDC Essak Khel, Lakki Marwat.	Against Vacant Post
118.	Fazli Rehman Assistant Professor of History/Civics GDC, Lahor (Swabi)	GDC Lahor, Swabi	Against Vacant Post


 Superintendent
 Directorate of Higher Education
 Khyber Pakhtoon Khwa Peshawar
 Directorate of Higher Education


 Superintendent
 Directorate of Higher Education
 Khyber Pakhtoon Khwa Peshawar

174.	Nazir Muhammad Assistant Professor of Economics GDC, No.1 D.I. Khan.	GDC No. 1, D.I.Khan	Against Vacant Post
ADJUSTMENT.			
1.	Shafi-Ur-Rehman Associate Professor of Urdu GDC, Bconji (Chitral).	GDC, Zaida (Swabi)	Against Vacant Post
2.	Qabil Qader Associate Professor of Maths GDC, Wana	GDC Domail Bannu.	Against vacant post
3.	Mir Baz Khan Associate Professor of Political Science/Principal GDC, Chargramatti (Peshawar).	GC Peshawar.	Vice S. No. 22 of below adjustment.
4.	Damsaz, Associate Professor of Chemistry GPGC, Miranshah.	GDC, Landi Jalandar (Bannu).	Against Vacant Post
5.	Faridullah Khan Zakoori Associate Professor of Economics GDC, Dara Township No.3 D.I. Khan	GDC, No.1 D.I.Khan	Against Vacant Post
6.	Abdullah Shah Associate Professor of Islamiyat, GPGC Lakki Marwat.	Principal, GDC Paniala, D.I. Khan.	Against Vacant Post
7.	Sakhi Muhammad Associate Professor of Islamiyat GPGC, Bannu.	GDC, Kulchi (D.I.Khan)	Against Vacant Post
8.	Saifur Rehman Associate Professor of Physics GDC, Ladda (SWA).	GDC, S.K. Bala, Bannu.	Against Vacant Post
9.	Said Badshah Associate Professor of Chemistry GDC, Mathra (Peshawar).	GDC, Badaber (Peshawar)	Against Vacant Post
10.	Dr. Abdul Wahab Associate Professor, GPGC Mandian (Abbottabad).	GDC, Nathiagali, (Abbottabad)	Against Vacant Post
11.	Mohammad Baseer, Associate Professor of Maths, GDC Kotka Habibullah, FR Bannu.	GDC, Gumbat, Kohat	Against the Vacant Post
12.	Hafiz Tehsin Ullah, Associate Professor of Islamiyat, GDC Takht Bhai, Mardan.	GPGC Charsadda.	Against the Vacant Post
13.	Hafiz Mohammad Miskeen, Associate Prof. of Islamiyat, GDC Balakot.	GPGC Mansehra.	Vice S. No. 23 of adjustment.
14.	Mohammad Siddique, Associate Professor of Urdu, GPGC Mansehra.	GPGC Haripur.	Against vacant post
15.	Mohammad Arshad Mehmood, Associate Professor of Political Science, GDC Havelian, Abbottabad.	GPGC No. 1, Abbottabad.	Against the Vacant Post
16.	Sajjad Ahmad, Associate Professor of Statistics, GPGC No. 1, Abbottabad.	GPGC Swabi.	Against the Vacant Post
17.	Siraj Ahmad, Associate Professor of Botany, GPGC Said Sharif, Swat.	GDC Kabal, Swat.	Against the Vacant Post
18.	Bashir Ahmad, Associate Professor of Pashto, GDC Agra, Malakand.	GDC Totaka, Malakand.	Against the Vacant Post
19.	Amjad Ahmad, Associate Professor of Archeology, GDC Havelian	GPGC Charsadda.	Against the Vacant Post
20.	Mohammad Ishaq, Associate Professor of Maths, GDC Ghazi, Haripur.	GDC Mathra, Peshawar.	Against the Vacant Post
21.	Hidayatullah, Associate Professor of Islamiyat, GDC Agra, Malakand.	GPGC Timergara, Dir Lower.	Against the Vacant Post
22.	Mr. Imdad Khan, Associate Professor of Chemistry, GC Peshawar.	GDC Mathra, Peshawar.	Against vacant post.
23.	Mohammad Arshad Niaz, Associate Professor, GPGC Mansehra.	GDC Oghi, Mansehra.	Against vacant post.
24.	Muhammad Anwar Khan, Associate Professor / Principal, GDC Thall, Hangu.	GDC Hangu.	Against vacant post.
25.	Tahir Sarfaraz, Assistant Professor of Zoology, GDC Havelian, Abbottabad.	GPGC Mandian, Abbottabad.	Against vacant post.
26.	Mr. Sajid Javed, Assistant Professor of Physics, GDC Khanpur, Haripur.	GPGC Haripur.	Against vacant post.

27.	Mr. Rustam, lecturer in English, GDC Havelian, Abbottabad.	GPGC Mandian, Abbottabad.	Against vacant post.
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SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

ENDST. No. & Date Even.

Copy forwarded to the:-

1. Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary, Social Sectors Department, FATA Secretariat, Warsak Road, Peshawar.
4. Accountant General Khyber Pakhtunkhwa Peshawar.
5. Director, Higher Education, Khyber Pakhtunkhwa Peshawar.
6. Director of Education (FATA), FATA Secretariat, Warsak Road, Peshawar.
7. Director Information, Khyber Pakhtunkhwa, Peshawar.
8. Districts / Agency Accounts Officers, concerned.
9. Principals, of the concerned Government Colleges.
10. Manager, Govt. Printing Press Khyber-Pakhtunkhwa Peshawar.
11. P.S. to Chief Secretary Khyber Pakhtunkhwa Peshawar.
12. P.S. to Minister for Higher Education, Khyber Pakhtunkhwa, Peshawar.
13. Officers concerned.

[Signature]
SHAFIQ-UR-RAHMAN
SECTION OFFICER (COLLEGES-II)

[Signature]
Superintendent
Directorate of Higher Education
Khyber Pakhtoon Khwa Peshawar

[Signature]
GDC Havelian, Abbottabad
Principal

DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR

Amr/13/3

Phone: H 091-9210242, 9211025/Fax: H 9210215
E-CA-1/ Estt: Branch IA-12/Syed Muzaffar Ali Shah/Physicist

No 1316

Dated Peshawar the 13/01/2015

Annex-D/13

Syed Muzaffar Ali Shah
Assistant Professor of Physics
Presently posted as Section Officer (MO&P).
Ministry of Industries & Production "A" Block
Pak Secretariat, Islamabad.

SUBJECT

EXTENSION OF DEPUTATION PERIOD IN RESPECT OF
SYED MUZAFFAR ALI SHAH, SECTION OFFICER, MO&P.

Memo:

I am directed to refer to the letter No. SO (Colleges-II)/ HED/ 4/2009/ File-17/64-66 dated 18.11.2014 on the subject cited above addressed to the Secretary Establishment Division Govt; of Pakistan, Islamabad and copy thereof endorsed to others and to state that you had been on deputation to Establishment Division, Govt; of Pakistan, Islamabad since 03.09.2010. Your deputation period expired on 31.08.2013 and further extension has been regretted by the Competent Authority. You have been promoted to the post of Associate Professor and posted at Govt; Degree College, I.D.I.Khan but you have not reported for duty so far in this Department.

I am directed to ask you to report for duty in this Department immediately and explain the reason of non compliance of the orders of the Competent Authority otherwise disciplinary action will be taken against you under E&D Rules, 2011.

1317-18

DY: DIRECTOR (ESTABLISHMENT)

Encls. No.

Copy of the above is forwarded to the:-

1. Deputy Secretary (Colleges) Govt; of Khyber Pakhtunkhwa, Higher Education Department Peshawar.
2. Principal Govt; Degree College No. 1 D.I.Khan.

Superintendent

Directorate of Higher Education
Khyber Pakhtoon Khwa Peshawar

DY: DIRECTOR (ESTABLISHMENT)



Annex - E/14

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

Phone # 091-9210242, 9211025/Fax # 9210215
No. 10888 / CA-I/ Estt: Branch/A-12/ S.Muzaffar Ali Shah/Physic

Dated Peshawar the 28/1 /2015

To

**REGISTERED
MOST IMMEDIATE
REMINDER-I**

1. Syed Muzaffar Ali Shah S/O Munawar Ali Shah
PERMANENT ADDRESS:- Mohallah Haider Shah Sherazi
(D.I.Khan).
2. Syed Muzaffar Ali Shah
Assistant Professor of Physics
Presently posted as Section Officer (MO&P)
Ministry of Industries & Production "A" Block
Pak Secretariat, Islamabad.

SUBJECT EXTENSION OF DEPUTATION PERIOD IN RESPECT OF
SYED MUZAFFAR ALI SHAH, SECTION OFFICER, MO&P.

Memo:

I am directed to refer to this office letter No. 1316 dated 13.01.2015 on the subject cited above and to ask you to report for duty to your Parent Department within 15 days and explain the reason of non-compliance of the orders of the Competent Authority otherwise disciplinary action will be initiated against you under E&D Rules, 2011.

Endst; No. 10888

[Signature]
DY: DIRECTOR (ESTABLISHMENT)

Copy of the above is forwarded to the Section Officer (Colleges-II) Govt; of Khyber Pakhtunkhwa, Higher Education Department Peshawar with reference to his letter No. SO (Colleges-II)/HED/X-4/2009/File-13/177-78 dated 27.02.2015.

[Signature]
Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

[Signature]
DY: DIRECTOR (ESTABLISHMENT)



DIRECTOR

OF

KHIDER ROAD PESHAWAR

Annex-F/15
F HIGHER EDUCATION

AKHTUNKHWA,

PHONE # 091-9210242, 9211025/FAX # 9210215

No. 17885-86 / CA-I/ Estt: Branch /A-12/Syed Muzaffar Ali Shah/Physics

Dated Peshawar the 22/7/2015

To

**REGISTERED
FINAL REMINDER
MOST IMMEDIATE**

1. Syed Muzaffar Ali Shah
PERMANENT ADDRESS:- Mohallah Haider Shah Sherazi
D.I.Khan.
2. Syed Muzaffar Ali Shah
Assistant Professor of Physics
Presently posted as Section Officer (MO&P)
Ministry of Industries & Production "A" Block
Pak Secretariat, Islamabad.

SUBJECT

EXTENSION OF DEPUTATION PERIOD IN RESPECT OF
SYED MUZAFFAR ALI SHAH, SECTION OFFICER, MO&P./
EXPLANATION.

Memo:

I am directed to refer to this office letter No. 10884 dated 28.04.2015 on the subject cited above wherein you were directed to report for duty to the Higher Education Department within 15 days otherwise disciplinary action will be initiated against you but to no avail.

You are hereby once again directed in your own interest to report for duty in this Department within a week positively of the receipt of this letter failing which disciplinary action under E&D Rules, 2011 will be taken against you.

Endst; No. 17887

DY: DIRECTOR (ESTABLISHMENT)

Copy of the above is forwarded to the Section Officer (Colleges-II) Govt; of Khyber Pakhtunkhwa, Higher Education Department Peshawar with reference to his letter No. SO (Colleges-II)/HED/X-1/2009/File-17/84-86 dated 26.06.2015.

Superintendent
Directorate of Higher Education
Khyber Pakhtoon Khwa Peshawar

DY: DIRECTOR (ESTABLISHMENT)



Annex - C/116

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

Phone # 091-9210242, 9211025/Fax # 9210215
/ CA-1/ Est: Branch / A-1/ Syed Muzaffar Ali Shah

No. 20131-32

Dated Peshawar the 27/8/2015

To

**REMINDER-II
REGISTERED
MOST IMMEDIATE**

1. Syed Muzaffar Ali Shah
PERMANENT ADDRESS: - Mohallah Haider Shah Sherazi
D.I.Khan.
2. Syed Muzaffar Ali Shah
Assistant Professor of Physics
Presently posted as Section Officer (MO&P)
Ministry of Industries & Production "A" Block
Pak Secretariat, Islamabad.

SUBJECT EXTENSION OF DEPUTATION PERIOD IN RESPECT OF
SYED MUZAFFAR ALI SHAH, SECTION OFFICER, MO&P/
EXPLANATION.

Memio:

I am directed to refer to your application dated 27.07.2015 and this office letter No. 1316 dated 13.01.2015 and No. 17885-86 dated 22.07.2015 on the subject cited above and to ask you not to take the shelter under these excuses.

You are once again directed to report for duty to your Parent Department immediately failing which disciplinary action will be initiated against you under E&D Rules, 2011.

Endst; No. 20131-32 / 01/11/15 **BY: DIRECTOR (ESTABLISHMENT)**

Copy of the above is forwarded to the Section Officer (Colleges-II) Govt; of Khyber Pakhtunkhwa, Higher Education Department Peshawar with reference to his letter No. SO (Colleges-II)/HED/X-1/2009/File-17/84-86 dated 26.06.2015.

BY: DIRECTOR (ESTABLISHMENT)

Supervisor
Directorate of Higher Education
Khyber Pakhtoon Khwa Peshawar

Annex H/17

ABSENCE NOTICE

You Mr. Muzaffar Ali (Faculty Assistant/Professor of Physics Govt. Degree College, No. 1 D.I. Khan) were transferred to Federal Secretariat, Islamabad as Section Officer (B-18) on deputation basis initially for a period of one year vide Notification No. SO (Colleges) 04-2010/X-72014 dated 09.09.2010 & the same was notified as a period of three years by the Establishment Department, Islamabad. However, even after the expiry of three years, you did not turn up for duties in Higher Education Department. The Director, Higher Education Khyber Pakhtunkhwa directed you times & again through registered letter No. 1316 dated 13.01.2015, followed by series of reminder letter No. 0884 dated 28.04.2015, letter No. 17805-86 dated 22.07.2015 and subsequent letter No. 20131-32 dated 25.08.2015, to report for duty in Higher Education Department within 15 days failing which disciplinary action will be initiated against you. The Higher Education Department vide letter No. SO (Colleges-HYHED) X-4 (2009) File-17887 dated 28.10.2015 sent a letter with similar directions but to no avail. Instead of complying with the orders of the Higher authorities by joining Parent Department, you returned an application for allowing you to work as Section Officer in the Ministry of Industry & Production Pak Secretariat Islamabad taking the shelter of Writ Petition pending adjudication in Islamabad High Court, Islamabad with regard to your induction as Section Officer in O.M.G.

You are hereby directed in your own interest, to report for duty within 15 days of this notice and explain the reason of your willful absence from duty, failing which it will be presumed that you are not interested in your service and ex-parte action will be taken against you culminating in your dismissal from service.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
 HIGHER EDUCATION DEPARTMENT
 PESHAWAR

KHYBER COLLEGE OF CHEMISTRY
 PESHAWAR

The News

(Handwritten signature)

24/01/2016

Superintendent
 Directorate of Higher Education
 Khyber Pakhtunkhwa Peshawar

Supintendent
Directorate of Higher Education
Hyber Pakhtoon Khwa Peshawar

INQUIRY REPORT

INQUIRY AGAINST SYED MUZAFFAR ALI SHAH ASSOCIATE PROFESSOR (BPS-19) OF PHYSICS, GOVERNMENT DEGREE COLLEGE NO. 1 D.I. KHAN

COLLEGE NO. 1 D.I. KHAN

We, the undersigned, were appointed as members of the Inquiry Committee by the Competent Authority vide Higher Education Department's letter No. SOLC-1/HHE/1-2/Summary for CW Muzaffar Ali Shah, dated 8.3.2018 (Annex-1).

Background:

2. Syed Muzaffar Ali Shah, Assistant Professor (BS-18) at Government Degree College No. 1, D.I. Khan was transferred on deputation for a period of one year vide Provincial Government's collection dated 8.9.2010 to the Federal Secretariat Islamabad. Establishment Division, Islamabad issued a notification for transfer on deputation of the officer to the Industries and Production Division on 21.6.2010 for two years. The officer relinquished his charge on 1.8.2010 to join the Industries and Production Division as Section Officer. The Provincial Government being the sending agency did not challenge the Notification of Federal Government issued in advance and in full for three years deputation against his notification for one year. The three years deputation period ended on 31.5.2013. The Directorate of Higher Education asked Syed Muzaffar Ali Shah on 18.11.2013 to either apply for extension in deputation or get himself appointed to his parent department. The officer made certain requests in the year 2016 but they were not accepted by the Provincial Government and he was deputed to report back. The officer did not report back. In the meantime, Establishment Division issued a case on 23.4.2014 for extension of the officer which was rejected by the Provincial Government vide its letter dated 13.11.2014. During the course of time the officer was provided to BS-19 but he did not report back to activate his promotion. The Higher Education Department and the Directorate of Higher Education issued various letters and reminders asking him to report back but he put a deal far to all the authorities. During the period of 1.11.2015 to November 2015, he requested four times to the Provincial Government to re-appoint him to his deputation but the case had already been rejected. A new contract was issued by the Provincial Government. Syed Muzaffar Ali Shah was re-appointed in deputation as a result of which Syed Muzaffar Ali Shah reported back on 12.2.2016. As he overstayed in the deputation period, an inquiry was initiated to be held against him.

Annex-I/18
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6. During the course of inquiry, it was found that the Higher Education Department issued the notification dated 8.8.2010 stating clearly that Syed Muzaffer Ali Shah would be on deputation initially for a period of one year (Annex-V). The record provided to the inquiry committee revealed that the Federal Government Establishment Division issued its notification on 17 August 2010 for the transferring of Mr. Muzaffer on deputation in the Industries & Production Division for a period of three years (Annex-VI). The officer got himself relieved on 1.8.2010 for joining the Federal Government (Annex-VI-A). The following points need to be highlighted here.

7. First charge against the accused had been divided into two parts by the Inquiry Committee. First part of the first charge was that he was transferred to Federal Secretariat, Islamabad as Section Officer (BS-18) on deputation basis initially for a period of one year vide Notification No. SO (Colleges)/01-2010/BX-4/2010 dated 8.8.2010 while Establishment Division, Islamabad vide Notification No. 4/124/2009B/OMG-II notified his deputation period as three years w.e.f. 31.8.2010. However, even after the expiry of three years, he did not turn up for duties in Higher Education Department.

Findings:

4. During the proceedings, Mr. Mohammad Bashir, Deputy Director (Establishment), Directorate of Higher Education was also present to assist the inquiry committee. The Charge Sheet and Statement of Allegations was again presented to the accused officer for his comments and any addition to the already submitted response. The accused presented an additional set of response (Annex-V-A) before the inquiry committee. He informed the inquiry committee that it was in the wake of target killing of people belonging to Shari sect that forced him to leave D. Khan and move to Islamabad. He admitted that he received the letters & reminders of the Provincial Government to report back but he was positive for his induction in the Federal Government as a result of a petition by him in the Islamabad High Court. He further added that on his request to relieve him he was not allowed to be relieved from his position as Section Officer in the Industries & Production Division, but he could not provide any evidence in support of his statement. When asked why he did not obey the orders of the employer, the Provincial Government, he repeated the same statement as given before. As regards the actualization of his promotion, he stated that he was not aware of doing so.

5. The Charge Sheet and Statement of Allegations was also given to the accused (Annex-III). Response of the accused is at Annex-IV.

6. The Charge Sheet and Statement of Allegations was also given to the accused (Annex-III). Response of the accused is at Annex-IV.

7. The Charge Sheet and Statement of Allegations was also given to the accused (Annex-III). Response of the accused is at Annex-IV.

(19)

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- i. Provincial Government Higher Education Department (lending agency) issued its notification on 09.09.2010 whereas Federal Government (borrowing agency) notified it ten days earlier on 31.08.2010.
- ii. Lending agency notified its deputation initially for one year whereas borrowing agency notified it for three years. No other notification of lending agency could be found for any extension in the deputation for another two years and beyond.
- iii. The accused relinquished the charge on 1.9.2010, nine days earlier from the issuance of notification of the lending agency.

7. When the departmental representative was asked to clarify the above points, he could not provide a satisfactory answer why the officer/accused was allowed to relinquish his charge on the basis of the notification of Federal Government and that why the Provincial Government did not ask the Federal Government to amend/revise its notification of 31.8.2010 and bring it in line with the notification of Provincial Government.

8. The letter of Directorate of Higher Education dated 19.11.2013 (Annex-VII) wherein the accused had been directed either to apply for extension in deputation or get himself repatriated to his parent department. Indicated that the lending agency was aware of the deputation of three years, but a formal notification of Provincial Government/Higher Education Department for three years deputation could not be produced before the Inquiry Committee. Record produced before the Inquiry Committee revealed that Mr. Muzaffar had been requested/directed time & again by the Directorate of Higher Education to report back to his parent department vide letters dated 13.1.2015, 28.4.2015, 22.7.2015, 25.8.2015, and 18.11.2015 (Annex-VIII, IX, X, XI, XII). During that period the Higher Education Department also vide its letter dated 28.10.2015 (Annex-XIII) asked him to report back. Mr. Muzaffar through a letter dated 13.11.2015 (Annex-XIV) requested to allow him to continue to work in the Industries and Production Division. The request of the applicant was not accepted, rather the Higher Education Department directed the Directorate of Higher Education to draft absence notice (Annex-XV), and action was taken accordingly (Annex-XVI). When the absence notice appeared in national dailies (Annex-XVII), Mr. Muzaffar reported for duty on 1.2.2016 (Annex-XVIII).

A point noted here was that the accused reported to the Principal Government College No-1, D.I. Khan instead of the Higher Education Department which was the lending agency in his case. The Principal Government College No-1 accepted the original report and the record further revealed that the same was received in the Directorate of Higher Education also, where the Deputy Director processed it and took the case for his adjustment with the Higher Education Department (Annex-XIX).

Superintendent
 Directorate of Higher Education
 Khyber Pakhtoon Khwa Peshawar

(21)

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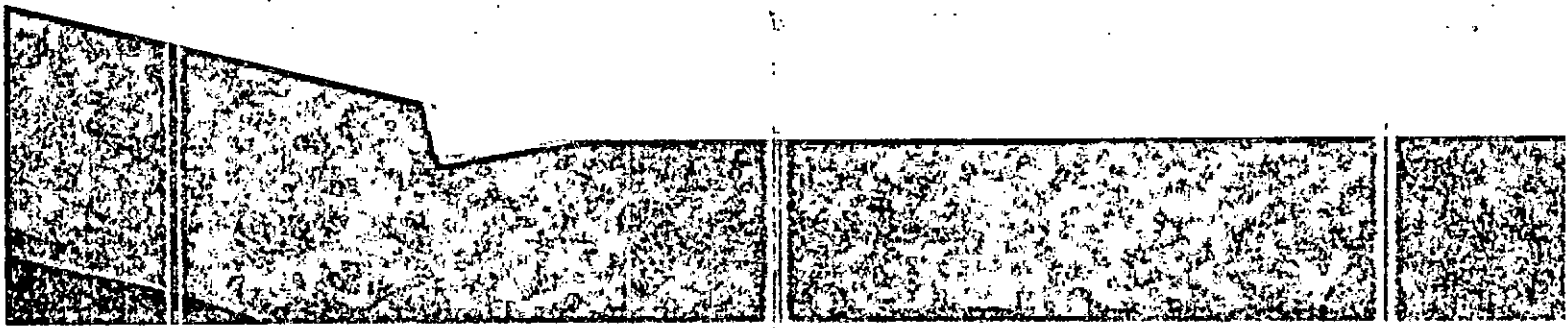
10 Another point that was noted during the course of inquiry was the absence of terms and conditions of deputation settled between the lending and borrowing agencies. When asked to provide the record, the departmental representative could not provide the same.

11 After going through the entire record and listening to the accused, the Inquiry Committee was of the view that first part of the first charge stood proved. Here the Inquiry Committee further noted a casual and irresponsible attitude of the Higher Education Department and its Directorate that no notice was taken of the notification of Federal Government which was issued ten days earlier than the notification of Provincial Government and that the accused relinquished his charge on 1st September 2010. Moreover the Directorate of Higher Education could have promptly issued a letter to the accused at the end of deputation period which was not done. Non settlement of terms and conditions of deputation was another lethargy on the part of lending agency (as well as the borrowing agency.)

12 Second part of the first charge related to non-actualization of his promotion by the accused within due date. Record revealed that promotion order of Mr. Muzaffar to BS-19 was issued on 5.8.2014 (Annex-XX). According to provision IV- (d) of Promotion Policy (Annex XXI) the civil servants on deputation to Federal Government, Provincial Government, autonomous/semi-autonomous organizations shall be considered for promotion and informed to actualize their promotion within their cadres. They shall have to stay and not be allowed to go back immediately after promotion. Such stay shall be not less than a minimum of two years. It further states that if an officer declines, his actual promotion will take place only when he returns to his parent cadre, and that his seniority in the higher post shall, however, stand unaffected. The plea of Mr. Muzaffar that the promotion order did not mention about the actualization could not be accepted because the same order contained his adjustment to Associate Professor (BS-19) also, and it was clear that he had to actualize his promotion accordingly. But at the same time as far as second part of the first charge was concerned, Promotion Policy allowed it to actualize his promotion at any time if the officer was on deputation. The Inquiry Committee was, therefore, of the view that it was a valid charge on the accused.

The Second charge against Mr. Muzaffar was that despite repeated instructions from the Directorate of Higher Education the accused failed to report for duty during the course of inquiry. Sufficient record was made available which proved that the Directorate of Higher Education and the Higher Education Department forwarded instructions to Mr. Muzaffar to report back as his deputation period of three years had

[Signature]
Superintendent
Directorate of Higher Education
Khyber Pakhtoon Khwa Peshawar



expired in September 2013 but the accused did not comply to the orders of his employer Record was also available of the requests of the accused to let him continue his job at Islamabad (Annex-XXII) but the same was regretted and he was informed accordingly (Annex-VIII to XII) Even the Establishment Division was requested for repatriation of Mr. Muzaffar (Annex-XXIII); though quite late in November 2014, when more than one year had passed after the expiry of three years deputation period.

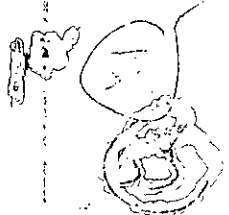
14. All the evidence was gone through in detail by the Inquiry Committee which revealed that the accused had been informed to join his duty and that no extension in his deputation was approved by the competent authority, but he failed to comply with the orders of Provincial Government (his employer)/ his parent department. The second charge against the accused, hence, stood proved.

15. Third charge against the accused was that instead of complying with the orders of the higher authorities by joining parent department, he preferred an application for allowing him to work as Section Officer in the Ministry of Industry & Production by taking the shelter of a Writ Petition pending before Islamabad High Court with regard to his induction as Section Officer in O.M.G. The charge further stated that absence notices were published in two leading Newspapers, with the direction to report for duty within 15 days of their issuance as a result of which he reported to the department on 12/2/2016 and thus availed unlawful deputation period for two years and five months without approval/permission of the Competent Authority.

16. As far as the third charge was concerned, all the evidence was available to prove that the accused did not do his duties as directed by his parent department. Taking shelter behind the Writ Petition pending before Islamabad High Court could not be acceptable because normally the Courts take sufficient time to settle issues that come before them. In his case also, it was noted that the matter was still pending before the court. When asked why he did not comply to the orders of Provincial Government, he could not respond satisfactorily and mentioned above the writ petition which was pending in the Islamabad High Court. When asked why he did not report back after the expiry of three years terms of deputation even when he was informed of non acceptance of his request for extension in the deputation, he simply put forward his apology.

17. The Inquiry Committee after listening to the accused and going through the report came to the conclusion that Mr. Muzaffar overstayed for a period of two years and five months and in the light of notification of Federal Government if the notification of Provincial Government was considered, the overstay was four years and five months. Hence, the charge against the accused, Mr. Muzaffar stood proved.

Superintendent
Directorate of Higher Education
Khyber Pakhtoon Khwa Peshawar



Conclusion/Proposal:

18. After completing all the procedure and giving full opportunity to the accused the Inquiry Committee concluded that all the three charges, except the one regarding actualization of his promotion, stood proved against the accused. The Inquiry Committee, therefore, proposes that the competent authority may like to proceed against Syed Muzaffar Ali Shah in the light of existing law/rules.

(FAREEHA PAUL)

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

(PROF. MUHAMMAD ALI KHAN)

Principal
Govt. Degree College, Pawaiza
D.I Khan

Superintendent

Directorate of Higher Education
Khyber Pakhtoon Khwa Peshawar

Annex-J J (24)

TO BE SUBSTITUTED WITH THE NOTIFICATION BEARING SAME NO. & DATE.



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

Dated Peshawar the 13/11/2018

NOTIFICATION / 3001-05

NO.SO(C-I)/HE/1-2/2017/Summary for HCM/Muzaffar Ali Shah. WHEREAS Mr. Muzaffar Ali Shah, Associate Professor (BPS-19) of Physics, Government Degree College No.1, D.I. Khan was proceeded under the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules 2011, for the charges mentioned in the Charge Sheet and Statement of Allegations.

S#	Name & Designation	Penalty Imposed
1	Mr. Muzaffar Ali Shah, Associate Professor (BPS-19) of Physics, Government Degree College No.1, D.I. Khan.	"Reduction to lower post" for a period of FIVE YEARS w.e.f 13.11.2018.

- AND WHEREAS show cause was served upon the accused officer.
- AND WHEREAS the inquiry officer after having examined the charges, evidence on record and explanation of accused officer, submitted report.
- NOW THEREFORE, the Chief Minister, Khyber Pakhtunkhwa being Competent Authority afforded an opportunity of personal hearing to the accused officer with Mr. Adil Siddiq, Secretary IPC Department, Khyber Pakhtunkhwa, while exercising the powers conferred upon him under Rule-4 (1) (a) of the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer) Rules-1989, has been pleased to impose and confirm major penalty of "Reduction to lower post" upon the accused with immediate effect.

SECRETARY
HIGHER EDUCATION DEPARTMENT

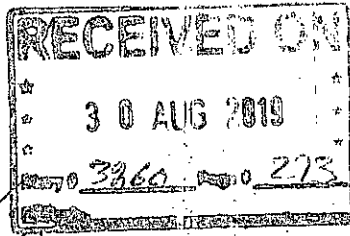
NO.SO(C-I)/HE/1-2/2017/Summary for HCM/Muzaffar Ali Shah.

Dated 28.03.2019

Copy forwarded to the:

- ✓ 1. Director, Higher Education Khyber Pakhtunkhwa, Peshawar.
2. Principal, Government Degree College No.1, D.I. Khan.
3. District Accounts Officer, D.I. Khan.
4. PS to Secretary to Government of Khyber Pakhtunkhwa, Inter-Provincial Coordination Department.
5. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department.
6. Officer concerned.
7. Master File.

[Signature]
(RIAZ)
SECTION OFFICER (COLLEGES-I)



AD(E)
[Signature]
30/8

Subintendent,
Directorate of Higher Education
Khyber Pakhtoon Khwa Peshawar

Amended/25



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

NO.SO(C-I)HE/1-2/2017/Summary for CM/Muzaffar Ali Shah
Dated Peshawar the 07/10/2019

10638

To

The Director,
Higher Education Khyber Pakhtunkhwa,
Peshawar.

P-20

Subject:

DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION DATED
13.11.2018 ISSUED BY SECRETARY HIGHER EDUCATION
DEPARTMENT ON BEHALF OF CHIEF MINISTER.

I am directed to refer to your office letter No.4224/CA-I/Estt: Branch/A-12/Muzaffar Ali Shah/Physics dated 25.09.2019 on the subject noted above and to state that appeal / review of the officer concerned in the instnat case has already been rejected by the Hon'ble Chief Minister, Khyber Pakhtunkhwa and has been communicated to your good office vide this Department's letter of even number dated 14.02.2019.

Superintendent
Directorate of Higher Education
Khyber Pakhtoon Khwa Peshawar

SECTION OFFICER (COLLEGES-I)

RECEIVED ON
11 OCT 2019
Page # 331

DD (E)
11/10

Questionnaire in connection with fact finding inquiry on the subject Arrival Report to be served on Mr Muzzafar Ali Shah, Associate Professor, GDC No 1

D.I Khan

1. What do you think is the problem for you in this case of your inquiry?
2. Why is this inquiry initiated against you?
3. Your Arrival Report submitted to and accepted by the Principal on 1/2/2016 is in the capacity of Assistant Professor, whereas the certificate of transfer of charge is in the capacity of Associate Professor on the same date. Is this not a clear contradiction?
4. The absence notice served on you through the "News" on 24/01/2016 indicates that you were deputed to Federal Secretariat Islamabad for one year on 09/09/2010. How did it get notified for three years through the Establishment Department Islamabad without the consent of Higher Education Department KP?
5. Your deputation for the period of three years expired on 9/9/2013, and then you remained there on your plea that the case was in the court- subjudice. Then you joined GDC No 1 D. I Khan on 1/2/2016. Thus your deputation period crossed the ultimate period of deputation (5 years maximum) by four months and 21 days. What would you say about this?
6. Why did you not go for the actualization of the post on your promotion to BPS-19 while you were at Federal Secretariat Islamabad?
7. Any other comment you deem necessary in this regard.

Superintendent,
Directorate of Higher Education,
Khyber Pakhtoon Khwa Peshawar

(Handwritten signature)
G.P.C. Kohat
(In-house Inquiry officer)

Annex 10/27/13

Q1. What do you think is the problem for you in this case of your inquiry?

The only problem which this inquiry is causing me is the mental worry for doing nothing wrong deliberately and intentionally.

Q2. Why is this inquiry initiated against you?

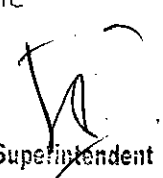
I was deputed to Federal Secretariat following a proper and lawful procedure and this deputation was allowed to me due to unavoidable circumstances which I was facing. I served in the Ministry of Industries & Production, Government of Pakistan w.e.f. 01/09/2010 to 1/02/2016 with full dedication utilizing all my mental capacities. Obeying the orders of my parent department I joined that department on ²⁰¹⁶ 01/02/2013. Currently I am posted in GDC No.1, D I Khan and performing my professional duties added zeal and devotion. I was surprised and shocked to know that an inquiry is being initiated against me regarding my deputation to Federal Secretariat, although I fulfilled all codal formalities in this regard.

Q3. Your Arrival Report submitted to and accepted by Principal on 1/02/2016 is in the capacity of Assistant Professor, whereas the certificate of transfer of charge is in the capacity of Associate Professor on the same date. Is this not a clear contradiction?

I submitted the Arrival report on 1-02-2016 as Assistant Professor and also relinquished the charge for the post of Assistant Professor on the same date. To avoid complications in Accounts office I also assumed the charge of Associate Professor on 1-02-2016. I think there is no contradiction in this exercise.

Q4. The absence notice served on you through the "News" on 24/01/2016 indicates that you were deputed to Federal Secretariat Islamabad for one year on 09/09/2010. How did it get notified for three years through the Establishment Department Islamabad without the consent of Higher Education Department KP?

The notification regarding my deputation to Federal Secretariat was issued by Establishment Division on 31/08/2010. A copy of the said notification was also forwarded to S&GA department, Peshawar. If the department was not satisfied with the notification, the matter should have been taken with the


Superintendent
Directorate of Higher Education
Khyber Pakhtoon Khwa Peshawar

forwarded to S&GA Department, Peshawar. If the department/HED/DHE was not satisfied with the notification, the matter should have been taken with the Establishment Division. However, as per practice the deputation to Federal Ministries is initially made for a period of three year which is further extendable to two years.

Q5. Your deputation for the period of three years expired on 9/9/2013, and then you remained there on your plea that the case was in court-subjudice. Then you joined GDC No.1 D I Khan on 1/2/2016. Thus your deputation period crossed the ultimate period of deputation (5 years maximum) by four months and 21 days. What would you say about this?

I was very keen to join my parent department/DHE (HED) within the specified period and well before the lapse of initial deputation period I requested the Ministry of Production to relieve me to join my parent department. In this regard the Ministry requested Establishment Division to provide substitute in my place which was not provided and in this way I could not be relieved off (copy attached). Meanwhile i was directed by my parent department/DHE vide letter dated 19/11/2013 either to apply for extension in deputation period or to get repatriated (copy attached). Following this Ministry of Industries & Production vide letter dated 31/01/2014 requested Establishment Division for the extension of my deputation period (copy attached). However, it was regretted by my parent department and this was communicated to me very late though I was in touch with DHE.

PR-2

PR-3

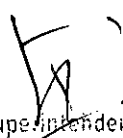
PR-4

Meanwhile the Prime Minister of Pakistan approved a summary regarding induction of Section Officers in OMG vide No. 1045/PSPM/13 dated 16/03/2013 (copy attached). A total of 284 deputationists were to be inducted among which my name was also included in the list at S.No.137. However the summary was challenged and the aggrieved to this effect the deputationists including which also included me, filed a writ petition in Islamabad High Court. The case is still subjudice (copy attached).

PR-5

PR-6

Besides this I have been facing domestic issues of very serious nature. My wife is a Government servant and she is posted in a remote village of D.I.Khan. In these circumstances my three children (one daughter & two sons) were residing with me in Islamabad and were studying there. It was not possible for


Superintendent
Directorate of Higher Education
Khyber Pakhtoon Khwa Peshawar


me to leave them alone all of sudden and at the spur of the moment or to bring them back to their native town at the crucial juncture of their educational career. In this regard I have made several appeals/requests to consider my case on sympathetic grounds and allow me some time to settle my issues. Therefore, following the publishing of absence notice in newspaper, I had no option but to submit charge relinquishing report in the Ministry on 1-02-2016 and report to my parent department on the same date.


Q6. Why did you not go for the actualization of the post on your promotion to BPS-19 while you were at Federal Secretariat Islamabad?

Q6. While serving in Federal Secretariat I was unaware of my promotion and I became aware of same through a correspondence with HED after 5 months of the issuance of notification. I got the copy of said notification with great effort and noted that the option of actualization was not available.

Q7. Any other comment you deem necessary in this regard.

7. My deputation has already caused me a huge loss as I was not promoted in 2013 along with my fellow colleagues. In this regard I requested the Director, HED, vide application dated 26/03/2013 to consider my case for promotion, however, I was informed by HED vide letter dated 21/05/2013 that my promotion case had been deferred by PSB (copies attached). It is requested that my period beyond deputation period may kindly be regularized, for I have and am still serving the department quite honestly and sincerely.


Superintendent
Directorate of Higher Education
Khyber Pakhtoon Khwa Peshawar


Syed Muzzafar Ali Shah


Associate Professor of Physics
G.D.C. No.1 D.I.K.
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Associate Professor
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Deputation Policy

I am directed to refer to the subject noted above and to state that in supersession of all policy instructions in this behalf, the Provincial Government have revised the policy on deputation abroad of Government servants with immediate effect, as follows:-

1. PROCEDURAL MECHANISM/CRITERIA
 - (i) Only Government Servants holding appointments on regular basis and having rendered 3 years service or more will be eligible to apply for deputation abroad. The Government servants shall not be allowed to seek employment or training with the private bodies inside or outside Pakistan either on their own or through the Bureau of Emigration and Overseas Employment or Overseas Employment Corporation of Pakistan, such an act being violative of the provisions of the NWFP Government Servants (Conduct) Rules 1987. They should apply only against posts under the foreign Governments, UN agencies and foreign Governments' recognized donor agencies which are engaged in development programme in Pakistan like, World Bank, Asian Development Bank, IDB, USAID, DFID, GTZ, JICA, AK Foundation etc.
 - (ii) The intending civil servant will apply for the post through proper channel to his administrative department on advertisement of the posts/ services in time so that his case could be properly processed.
 - (iii) In view of short time for processing, the intending Govt. servant may forward an advance copy of his application simultaneously to the borrowing agency and parent department for seeking departmental permission through proper channel. Copy of the application alongwith bio-data of the selected Govt servants should be sent to the Bureau of Immigration for record, if approved, by the competent authority.
 - (iv) Applications of the civil servants concerned shall be processed by the administrative department and if the applicant is found eligible for the post/ position advertised, departmental permission may be granted by the administrative department concerned. It is however, clarified that administrative department for the Secretariat staff, officers of the PCS(EG), PCS(SG) is the Establishment Department. Applications of APUG officers and P.S.P. will be forwarded to the Establishment Division Islamabad through Establishment Department, Government of NWFP.
 - (v) On receipt of application with offer of appointment, the administrative department concerned shall process the case and finalize its recommendations and forward the case to the concerned Special Selection Board (SSB) as indicated in the succeeding paragraphs within a period of one week. In case of shortage of time, applications should not be processed and the applicants be informed accordingly.
 - (vi) The Department concerned shall relieve the concerned employee in time to enable him to take up his new assignment without delay.
 - (vii) Period of deputation shall commence from the date of relieving of the employee and terminate on resumption of duty.
 - (viii) The person concerned shall have the right to retain his lien for a maximum of three years, if he is a permanent/confirmed employee.
 - (ix) No Government servant shall be allowed to convert his/her EOL/Leave ex-Pakistan into deputation abroad.


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- (x) Each working paper for the SSB would require specific recommendations of the Administrative Secretary who is also a member of the SSB. While recommending cases for approval of the SSB, the Administrative Secretary would ensure that attested copies of the following documents have been attached with the working paper.

1. Photocopy of the advertisement.
2. Prescribed qualifications and experience alongwith the qualification and experience of the applicant with photocopies of degrees/certificate.
3. Photocopy of the appointment offer.
4. Photocopy of the application and letter under which application was forwarded to the corporation.
5. Complete synopsis from the ACRs of the civil servants concerned.
6. Clarification whether the selectee holds a regular post or is an ad hoc or contract appointee. In case of regular employees it should be clarified as to whether his service is pensionable or is entitled to C.P. fund.
7. A certificate to the effect that no judicial/departmental or National Accountability Bureau/ Regional Accountability Bureau enquiry is pending against him.
8. Certificate/clearance of Intelligence Bureau.

2. CONTRIBUTION TOWARDS SERVICE LIABILITIES

Terms & conditions with regard to contribution towards service liabilities, leave, medical facilities etc. shall be settled in advance as required under Finance Department letter No.SOSR-III(FD)7- 131/73, dated 1st April, 1984. The Finance Department shall make necessary amendments in the relevant instructions if needed. After completion of deputation the deputationist Government servant shall be required to submit the copies of pension contribution/fund contribution challan and foreign exchange with charge assumption. In case of non submission of these documents his/her charge assumption shall not be accepted by the competent authority.

3. PERIOD OF DEPUTATION

Maximum period of deputation will be initially equal to the approved tenure of appointment of the borrowing international agencies/foreign Governments, subject to renewal if initial period is less than five years. Any extension in deputation will be considered only when the deputationist will produce attested photo copies of challans showing details of funds deposited on account of Pension/ Contributory Provident Fund/ General Provident Fund, Benevolent Fund and Group Insurance etc in Foreign Exchange.

4. EXTENTION IN DEPUTATION PERIOD BEYOND FIVE YEARS.

Time limit of five years will be extendable in case of Doctors, Lecturers/Teachers and Engineers on the request of concerned Government servant and his employer. However, name of a civil servant on deputation beyond 5 years shall be removed from the seniority list and shall be kept on the static list. He/she shall not claim promotion/seniority over any junior who may be promoted during the period he/she remains on deputation beyond five years. He/ she shall be considered for promotion after his/her repatriation and earning one PER for full year and will be assigned

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(b) Major penalties:

(i) reduction to a lower post or pay scale or to a lower stage in a time scale for a maximum period of five years:

Provided that on restoration to original pay scale or post, the penalized Government servant will be placed below his erstwhile juniors promoted to higher posts during subsistence of the period of penalty.]

- (ii) compulsory retirement;
- (iii) removal from service; and
- (iv) dismissal from service.

(2) Dismissal from service under these rules shall disqualify a Government servant from future employment under Government.

(3) Any penalty under these rules shall not absolve a Government servant from liability to any other punishment to which he may be liable for an offence, under any other law, committed by him while in service.

5. **Initiation of proceedings.**—(1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against a Government servant under these rules it shall either:-

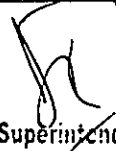
(a) proceed itself against the accused by issuing a show cause notice under rule 7 and, for reasons to be recorded in writing, dispense with inquiry.

Provided that no opportunity of showing cause or personal hearing shall be given where-

- (i) the competent authority is satisfied that in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity; or
- (ii) a Government servant has entered into plea bargain under any law for the time being in force or has been convicted on the charges of corruption which have led to a sentence of fine or imprisonment; or
- (iii) a Government servant is involved in subversive activities or

1. Subs. by Notification NO. SO(REG-VI)E&GAD/2-6/2010 dated 18-07-2012 for the following.

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


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