

different class of offenders and to afford them some protection against indiscriminate arrest etc., the provisions ought to have been inserted in the Ordinance itself. This object cannot be legally achieved by exercising the power of rule-making by executive authority. I may clarify that the above are some of the facts of the controversy which will have to be examined in an appropriate case in the light of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973.

(under line provided)

9. The provisions of Ordinance No.XX of 1961 and of the Rules are in addition to the ordinary law and not in its derogation as contained in section 8 of the Ordinance, as such, Rule 8 of the Khyber Pakhtunkhwa Anti-Corruption Ordinance, 1999 is violative of the statute and to that extent it requires amendment. Accordingly, it is directed that after completion of the investigation, if the competent authority reaches to the conclusion that the case is liable to be dropped or required to be recommended for departmental action, the final report as required under section 173 Cr.P.C shall be submitted before the Special Judge, Anti-Corruption concerned and the procedure provided under section 173 Cr.P.C will be applicable and it is up to the learned Special Court either to agree or disagree with the same after considering the evidence collected during investigation of the case.

10. For the reasons stated above, while, allowing both the writ petitions, the orders of the official respondents dropping the cases against the accused/respondents is struck down. The competent Authority within the meaning of Rules, would be at liberty to proceed further in the matter after their decision to drop the case, in

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EXAMINER
06 JUL 2020
Peshawar High Court Atd. Bench
Authorized Under Sec: 75 Evid Ordns.

(Handwritten mark)

the light of observation made hereinabove. Copy of this judgment be sent to the Secretary Establishment, Government of Khyber Pakhtunkhwa, Peshawar for its circulation and further action.

Announced:
Dt.08.10.2019.

[Signature]
JUDGE

M.Saleem/PS

Certified to be True Copy
EXAMINER
06 JUL 2020
Peshawar High Court Adl. Bench
Authorized Under Sec. 75 Evid Ordns.

[Signature]
JUDGE

Mr. Justice Ijaz Anwar and Mr. Justice Shakeel Ahmad

Annexure "Q" - 3

(92)

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



Service Appeal No. 266

Shahnawaz S/o Jehandad resident of Mohallah Naari, Banda Amlök, Dobathar, Tehsil and District Abbottabad.

...APPELLANT
Khyber Pakhtunkhwa
Service Tribunal

Diary No. 268

Date 26-2-2018

VERSUS

- 1) The Secretary, Elementary & Secondary Education (E&SE), Khyber Pakhtunkhwa, Peshawar.
- 2) Director, Elementary & Secondary Education (E&SE), Khyber Pakhtunkhwa, Peshawar.
- 3) District Education Officer (DEO) Female, Abbottabad.
- 4) District Education Officer (DEO) Male, Abbottabad.
- 5) Principal, Government Girls Primary School, Kareem Pura, Abbottabad.

...RESPONDENTS

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
AGAINST THE IMPUGNED ORDER ENDST
NO.11738-45/EBIII DATED 27.10.2017 PASSED BY
RESPONDENT NO.4.**

Filed to-day

Registrar

26/2/18.

Respectfully Sheweth;

FACTS:-

The facts leading rise to the present service appeal are as under:-

1. That appellat is resident of District Abbottabad who was appointed as Watchman (Chowkidar) in Education Department vide appointment letter dated 21.06.1993. (Copy


ATTESTED

REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

of appointment letter alongwith its better copy & copies of other letters pertaining to appellant's service are annexed as Annexure "A")

2. That appellant being subordinate to respondents No.2 to 5, performed his duty with zeal and zest and with his utmost honesty and dedication.
3. That lastly appellant was serving as Watchman (*defunct*) in Government Girls Primary School, Kareem Pura, Abbottabad and appellant moved an application in respect of his transfer as Driver. (Copy of application dated 25.02.2016 is annexed as Annexure "B")
4. That prior to the present post, appellant had served as Driver for 3 years in the Office of EDO (F) / respondent No.3. In recent past, posts for Driver got vacant and appellant being most senior servant of the Department and fit for the aforementioned post, requested respondent No.3 for appointment on the said post upon which respondent No.3 asked for bribery however appellant considered the bribery as most mean act hence moved an application before the Police Station Anti-Corruption wherein appellant solicited to act as a "Trap Agent" in order to bring the *Nation's criminal in Anti-Corruption proceedings*. (Copy of application before Anti-Corruption alongwith its better copy is annexed as Annexure "C")


ATTESTED


MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

5. That on 03.05.2017, a team comprised of the Senior Civil Judge Abbottabad and Assistant Director Anti-Corruption kept the appellant as *trap agent* with them and raided in the office of respondent No.3 and apprehended her red handed, criminal case under the relevant Sections of Anti-Corruption was lodged against respondent No.3. (Copy of report No.752-53 SCJ/ATD dated 04.05.2017 of the learned Senior Civil Judge Abbottabad & FIR No.02 dated 03.05.2017 alongwith its better copy are annexed as Annexure "D" & "E")

6. That soon after registration of the above mentioned criminal case, respondent No.3 in the capacity of *accused*, passed an illegal and unjust order Endst No.3004-06 on 05.05.2017 vide which appellant was relieved off and appellant's services were placed at the disposal of Deputy Commissioner Abbottabad as a revenge, without initiating any inquiry. The aforementioned order was challenged before the Honourable Peshawar High Court Abbottabad Bench in Writ Petition and the order was graciously suspended. (Copy of illegal office order No.3004-06 dated 05.05.2017 is annexed as Annexure "F" & copy of Writ Petition is annexed as Annexure "G")

7. That appellant moved several written requests / presentations before the Anti-Corruption Department and high-ups of the Education Department for due redress. Moreover alleged co-accused namely Shabana Kosar also moved an application against respondent No.3 before Deputy Commissioner

ATTESTED

Attestor
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Abbottabad. (Copies of applications are annexed as Annexure "H")

8. That respondent No.3 did not obey the orders of the Hon'ble High Court and the respondent No.3 also stopped the salary of appellant against which appellant filed **Contempt of Court petition** against respondents No.3 & 5 on account of willful violation of the Court orders. (Attested copy of **Contempt of Court petition & order dated 13.06.2017** is annexed as Annexure "I")
9. That after registration of above mentioned FIR, institution of Writ Petition and Contempt Petition against **Miss Faiza Shafi DEO(F)**, the aforementioned DEO (F) herself became the competent authority and issued show cause notice bearing No.3607-11/EB-III/Show Cause dated 29.05.2017 to appellant however said DEO (F) became *Judge* in her own cause which is against the principles of **natural justice**, appellant was condemned unheard and DEO (F) was partial and biased and was not competent to issue such like notice. The reply to aforementioned show cause was given by appellant. (Copies of show cause notice No.3607-11/EB-III/Show Cause dated 29.05.2017 alongwith appellant's reply is annexed as Annexure "J")
10. That above mentioned show cause notice contained the narration of two other office orders which were not issued/communicated to appellant regarding which appellant moved an application before respondent No.4 under the KPK Right to

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar


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Information Act, 2013 but the record / orders were not provided to the appellant. (Copy of application is annexed as Annexure "K")

11. That it is pertinent to mention here that the inquiry was conducted in respect of show cause notice No.3607-11/EB-III/Show Cause dated 29.05.2017 and appellant was called upon by Inquiry Officer namely Mohammad Riaz Swati (Inquiry Officer) District Education Officer (Male) Torghar through written letter dated 29.06.2017. Appellant appeared before the Inquiry Officer and cleared his stance however no copy of allegations was provided to appellant and no chance of self defense, cross examination or personal hearing is provided to appellant. (Copy of written letter dated 29.06.2017 alongwith its better copy is annexed as Annexure "L")

12. That later on the FIR was discarded / cancelled by the concerned Anti-Corruption Department vide order / letter No.8595 dated 23.05.2017 with the connivance of respondent No.3 / DEO (F) and notice of proceedings U/S 182, 211 P.P.C was issued to appellant. Appellant submitted a detailed reply of the aforementioned notice. (Copies of order / letter No.8595 dated 23.05.2017 of the Anti-Corruption Department & show cause notice U/S 182, 211 PPC alongwith appellant's reply is annexed as Annexure "M" & "N")

ATTESTED


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

13. That during the pendency of above mentioned Writ Petition, respondent No.3 revoked her earlier order however appellant was not intimated of the same and appellant was having no knowledge of any order subsequent to the aforementioned order dated 05.05.2017. Meanwhile the Writ Petition was dismissed in the light of the withdrawal of the aforementioned illegal order and appellant was directed to approach this Hon'ble Service Tribunal for due redress. (Attested copy of judgment & order dated 15.02.2018 is annexed as Annexure "O")

14. That recently appellant challenged the above mentioned discard order before the Hon'ble Peshawar High Court Abbottabad Bench alongwith prayer of suspension of proceedings U/S 182, 211 PPC as an interim relief, the interim relief was granted as prayed for and the proceedings pending before learned Senior Civil Judge were graciously suspended vide order dated 09.11.2017. (Copy of Writ Petition alongwith order dated 09.11.2017 is annexed as Annexure "P")

15. That no office order or show cause notices have been issued or communicated to the appellant personally and the area where appellant resides is not having the facility of newspaper circulation hence appellant has been condemned unheard. Appellant also moved an application under **Right to Information Act** but in vain. Moreover appellant was transferred to the **Education Department Male side** without any intimation or order or letter.

ATTESTED

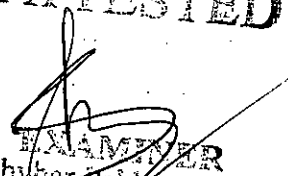
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

16. That appellant heard regarding his dismissal from service from some reliable sources and hardly managed to arrange the copy of the impugned dismissal order. The aforementioned dismissal order was issued by respondent No.4 however appellant was lastly in service working under the control of respondent No.3 on female side. (Copy of impugned order No.11738-45/EBIII dated 27.10.2017 is annexed as Annexure "Q")
17. That appellant got the copy of impugned dismissal order and filed departmental appeal however the same has not been decided till now hence this service appeal is being filed after expiry of 90 days. (Copy of departmental appeal alongwith postal receipt is annexed as Annexure "R")
18. Feeling aggrieved of the impugned order dated 27.10.2017, appellant seeks the gracious indulgence of this Hon'ble Tribunal for due redress, inter-alia, the following grounds:-

GROUNDS:-

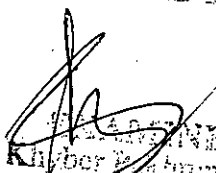
- a) That impugned order dated 27.10.2017 is illegal, unlawful, against the principles of natural justice, void ab-initio, unjust, against equity, not maintainable in the eye of law and the result of illegal exercise of jurisdiction vested in it hence liable to be set aside.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

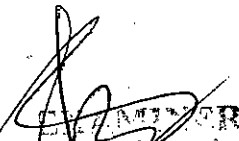
- b) That while passing the impugned order, respondent bypassed the law and passed the same in an entirely illegal and unlawful manner and went beyond jurisdiction which is **illegal and smells malafide.**
- c) That while passing the impugned order, respondents No.3 & 4 misused the official powers vested in it hence committed material illegality and irregularity.
- d) That in the light of pendency of Court petitions, any order passed by the Department is illegal and the respondent No.3 / DEO (F) herself was an accused who did not appear before the Hon'ble High Court upon various notices and remained contemnor as well.
- e) That it is pertinent to mention that the **sole inquiry** is the inquiry as conducted in connection with show cause notice No.3607-11/EB-III/Show Cause dated 29.05.2017 and there is no **show cause notice and inquiry** with regard to present **impugned order** hence the impugned order is illegal and unlawful and is liable to be set aside.
- f) That entire activities / illegal orders are unwarranted at law hence the same are illegal and void ab-initio.
- g) That appellant has been **condemned unheard** in respect of impugned order / letter hence the same is against the basic and fundamental rights as guaranteed under the **Constitution of Islamic Republic of Pakistan, 1973.**

ATTESTED


Khalid Khan
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

- h) That issuance of show cause notice by respondent No.3/ DEO (F) in the capacity of *accused* itself transpires the malafide and partiality of the competent authority. Moreover impugned order has been passed in utter disregard to the relevant Law / Rules.
- i) That the act of issuance of order dated 05.05.2017 which respondent No.3 passed after registration of FIR also shows the unjust behavior / attitude however at that moment respondent No.3 herself was an accused and issuance of such like order in the capacity of accused is unwarranted at law.
- j) That impugned order has been passed against the appellant in order to create hindrance in the way of smooth pursuance of the criminal case.
- k) That respondent No.3 is an expert in issuance of such like illegal orders. In recent past, respondent No.3 apologized before the **Hon'ble Peshawar High Court Abbottabad Bench** through Review petition bearing No.02-A/2016 and affirmed to stay obedient to the orders of Court of Law in future. **(Copy of Review Petition alongwith judgment & order dated 12.04.2016 is annexed as Annexure "S")**
- l) That appellant is innocent who did not commit such like act as mentioned in the impugned order and appellant is suffering since long because of no fault on his part.

ATTESTED


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

m) That this service appeal is well within time. Moreover further points shall be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.

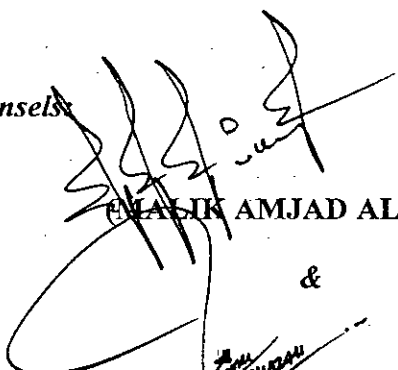
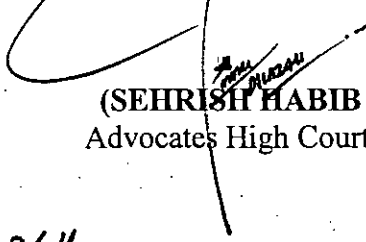
PRAYER:-

On acceptance of this service appeal, it is, therefore, humbly prayed that the impugned order Endst No.11738-45/EBIII dated 27.10.2017 passed by respondent No.4 / DEO(M) Abbottabad may kindly be set aside and appellatant may kindly be re-instated with all back benefits. Any other relief which appellatant deserves may also be granted in the best interest of justice.

اپیلر
...APPELLANT

Through Counsels

Dated:- 26/02 /2018

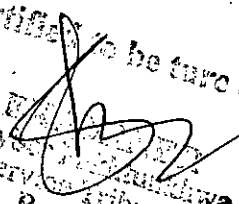

(MALIK AMJAD ALI AWAN)
&

(SEHRISH HABIB DILAZAK)
Advocates High Court, Abbottabad.

VERIFICATION:-

Verified on this 26th day of February, 2018 that the contents of the present Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

Dated:- 26/02 /2018

اپیلر
...APPELLANT

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Case 01-11-18
Number of Pages 4000
Copying Fee 42-00
Urgent 4-00
Total 46-00
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Date of Completion of Copy 01-11-18
Date of Delivery of Copy 01-11-18

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. _____ /2018

Shahnawaz

...APPELLANT

VERSUS

Secretary E&SE etc

...RESPONDENTS

SERVICE APPEAL
AFFIDAVIT

I, Shahnawaz S/o Jehandad resident of Mohallah Naari, Banda Amlok, Dobathar, Tehsil and District Abbottabad *appellant* do hereby solemnly affirm and declare on Oath that the contents of this *Service Appeal* are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.

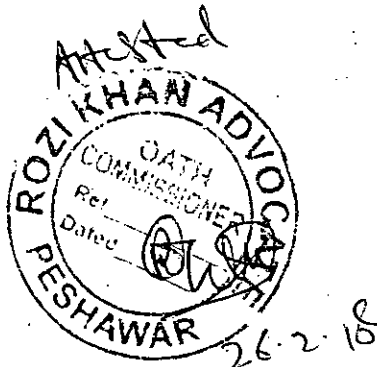
DEPONENT

[Signature]
...APPELLANT

Dated:- 26/02 /2018

IDENTIFIED BY:

[Signature]
(MALIK AMJAD ALI AWAN)



&
(SEHRISH HABIB DILAZAK)
Advocates High Court,
Abbottabad.

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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



Service Appeal No. 266 /2018

Shahnawaz S/o Jehandad resident of Mohallah Naari, Banda Amlok, Dobathar, Tehsil and District Abbottabad.

...APPELLANT
Khyber Pakhtunkhwa
Service Tribunal

Diary No. 268

Date 26-2-2018

VERSUS

- 1) The Secretary, Elementary & Secondary Education (E&SE), Khyber Pakhtunkhwa, Peshawar.
- 2) Director, Elementary & Secondary Education (E&SE), Khyber Pakhtunkhwa, Peshawar.
- 3) District Education Officer (DEO) Female, Abbottabad.
- 4) District Education Officer (DEO) Male, Abbottabad.
- 5) Principal, Government Girls Primary School, Kareem Pura, Abbottabad.

...RESPONDENTS

=====

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
AGAINST THE IMPUGNED ORDER ENDST
NO.11738-45/EBIII DATED 27.10.2017 PASSED BY
RESPONDENT NO.4.**

=====

Filed to-day

Registrar

26/2/18.

Respectfully Sheweth;

FACTS:-

The facts leading rise to the present service appeal are as under:-

That appellant is resident of District Abbottabad who was appointed as Watchman (Chowkidar) in Education Department vide appointment letter dated 21.06.1993. (Copy

ATTESTED

[Signature]

ATTORNEY
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

104

THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT ABBOTTABAD.

Service Appeal No. 266/2018

Date of Institution ... 26.02.2018

Date of Decision ... 24.10.2019



Shahnawaz S/o Jehandad resident of Mohallah Naari, Banda Amlok, Dobathar,
Tehsil and District Abbottabad. ... (Appellant)

VERSUS

The Secretary, Elementary & Secondary Education (E&SE), Khyber Pakhtunkhwa,
Peshawar and four others. ... (Respondents)

MR. MUHAMMAD AWAIS KHAN QAZI,
Advocate

--- For appellant.

MR. USMAN GHANI,
District Attorney

--- For respondents

MR. AHMAD HASSAN

--- MEMBER (Executive)

MR. MUHAMMAD HAMID MUGHAL

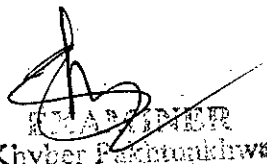
--- MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the
parties heard and record perused.

ATTESTED

ARGUMENTS:


MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

02. Learned counsel for the appellant argued that he was appointed as
Chowkidar in the respondent-department vide order dated 21.06.1993 and
performed duty regularly. While posted at Government Girls Primary School
Karimpura Abbottabad, he submitted an application for appointment as Driver.
Respondent no.3 asked for illegal gratification and the appellant submitted an
application to the Anti-Corruption Police Station. Thereafter, on 03.05.2017 a team
headed by Senior Civil Judge Abbottabad and Assistant Director Anti-Corruption
raided the office of respondent no.3 and lodged FIR. That through order dated

05.05.2017, the appellant was relieved of duty and his services were placed at the disposal of Deputy Commissioner Abbottabad. As this order was based on personal grudges, therefore, the appellant filed writ petition in Peshawar High Court Abbottabad Bench and order referred to above was suspended by the court. Salary of the appellant was also stopped which compelled him to file contempt of court petition against respondent no. 03 and 05 in the above Court.

03. That respondent no.03 served show cause notice dated 29.05.2017 on the appellant to which he replied. On the other hand Peshawar High Court Abbottabad Bench dismissed writ petition vide judgment dated 15.02.2018 for want of jurisdiction. That another show cause notice dated 10.08.2017 was served on the appellant. He was also transferred to the office of the DEO (M) but that order was never communicated to him. Resultantly vide impugned order dated 27.10.2017 major penalty of dismissal from service was awarded to the appellant against which he filed departmental appeal on 25.11.2017, which remained unanswered, hence, the present service appeal. Impugned order was void ab-initio, against equity, justice and hence, not sustainable in the eyes of law. Proper inquiry was not conducted by the respondents. Show cause notice though served on the appellant but reasons for dispensing with regular inquiry were not recorded therein, therefore, the appellant was condemned unheard.

04. Learned District Attorney argued that the appellant did not perform duty in accordance with law and rules and was guilty of inefficiency, misconduct, corruption and involvement in immoral activities. That FIR no.2 dated 03.05.2017 was dropped under section-161 Cr.PC. He remained willfully absent from duty from 29.07.2017 and was rightly proceeded under E&D Rules 2011 and after

ATTESTED

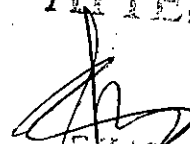
CLERK
 Peshawar
 Service Tribunal

observance of all codal formalities major penalty was awarded to him. He never submitted application for the post of Driver advertised in the press by the respondents and thereafter, he leveled frivolous allegations of bribery against respondent no.3 which could not be proved.

CONCLUSION:

05. The appellant working as Chowkidar in the office of respondent no.3 and wanted to be inducted as driver against a post lying vacant in the above office but reportedly his request was not honored. Apparently, it provoked him and he submitted an application to Police Station Anti-corruption, Abbottabad on the allegations of illegal gratification demanded by respondent no.3 in lieu of appointment against the said post. After a raid by Senior Civil Judge Abbottabad on the office of respondent no.3 an FIR was lodged against her. Prima-facie, it resulted in issuance of office order dated 05.05.2017 through which services of the appellant were displaced at the disposal of Deputy Commissioner Abbottabad. Furthermore, through order dated 09.05.2017, he was relieved from GGPS Karimpura and directed to report to DEO (M) Abbottabad. The appellant assailed this order by way of filing writ petition no 503-A/2017 in Peshawar High Court Abbottabad Bench and order referred to above was suspended by the court vide order dated 22.05.2017. However, when aforementioned court orders were not implemented the appellant filed contempt of court application. Finally, the writ petition was dismissed for want of jurisdiction vide judgment dated 15.02.2018. In the meanwhile he was forcibly stopped from performing duty and salary was also stopped on the allegations of willful absence from duty.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

06. Thereafter, through order dated 25.05.2017 issued by Director Elementary and Secondary Education placed services of the appellant at the disposal of DEO (M) Abbottabad. Respondent no.3 also served show cause notice on the appellant vide office order dated 29.05.2017 to which he replied. Apart from other allegations leveled against him, he was held to be guilty of not reporting for duty to DEO (M) Abbottabad, as a sequel to order dated 09.05.2017. It merits to mention here that relieving order dated 05.05.2017 was suspended by the Peshawar High Court Abbottabad Bench vide order dated 22.05.2017, as such respondent no.3 having knowledge of court order committed contempt of court by charging the appellant of not reporting for duty to DEO (M) and allegation of absence from duty appeared to be frivolous, unfounded and uncalled for. Astonishingly, as per record provided by the respondents order dated 05.05.2017 was withdrawn on the same dated (05.05.2017 through endst no. 3010/EB-111) and we feel that either the Peshawar High Court was not properly assisted or the respondents purposely withheld the details for reasons best known to them. Moreover, enquiry ordered by DEO (F) against the appellant pertained FIR lodged by him and raid carried out by the Senior Civil Judge Abbottabad on the above office. It established beyond an iota of doubt malafide, malice, bias, ill will and grudge of respondent no.3 against the appellant.

In these circumstances there was hardly ^{any} hope of treating the appellant according to the canons of justice. This fact has already been explained in detail by the appellant in his reply to the show cause notice.

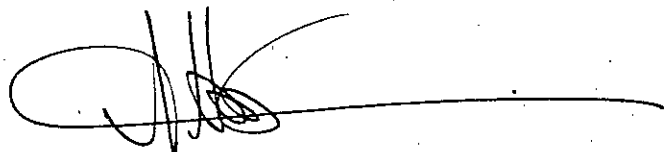
ATTESTED

[Signature]
 Peshawar

The respondent no.4 served another show cause notice on the appellant on 10.08.2017 and thereafter, awarded major penalty of dismissal from service to him vide impugned order dated 27.10.2017. Coupled with this proceedings under Rule-9 of E&D Rules 2011 were also initiated against the appellant. Suffice it to say that

the present case was badly handled by the respondents. The appellant was appointed as Chowkidar on 21.06.1993, when both Male and Female institutions were administered by DEO Abbottabad. Now the appellant was working under the administrative control of DEO (F) and upon observation, we did not get any satisfactory reply who was not the competent authority in this case? Only the appointing/competent authority can initiate disciplinary proceedings against the appellant. We believe that the respondents would be in a better position to decide this vital issue on which the fate of entire case depends. Major penalty was awarded to the appellant without holding regular enquiry in accordance with the spirit of E&D Rules 2011. Our stance is backed/supported by countless judgments of the superior courts. In order to address the flaws pointed out above, it is a ripe case for de-novo enquiry.

✓ 08. As a sequel to above, the appeal is accepted and the impugned order dated 27.10.2017 is set aside. The respondents are directed to conduct de-novo enquiry within a period of 90 days from the date of receipt of this judgment. The reinstatement of the appellant shall subject to the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)
Member
Camp Court Abbottabad.



(MUHAMMAD HAMID MUGHAL)
Member

ANNOUNCED
24.10.2018

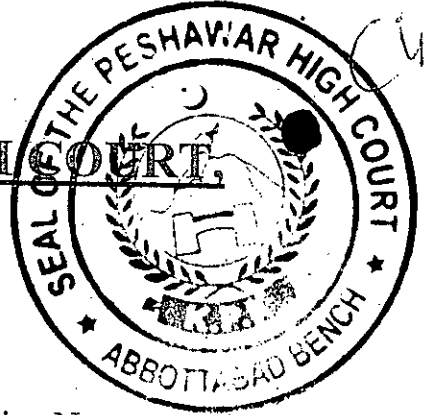
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Khyber Pakhtunkhwa
Services Tribunal
Peshawar

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Date of Completion of Copy - 01-11-19
Date of Delivery of Copy - 01-11-19

Annexure "R" =

109

**BEFORE THE PESHAWAR HIGH COURT
ABBOTTABAD BENCH**

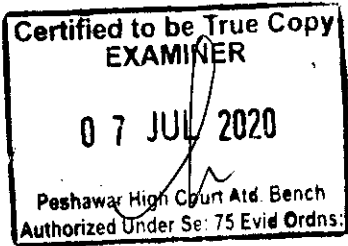


Review Petition No. 2 /2016
IN

Writ Petition No. 346-A/2015

Faiza Shafi District Education Officer (F) Mansehra.

...PETITIONER



VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary and secondary education Peshawar.
2. Govt. of Khyber Pakhtunkhwa, Director.
3. District Education Officer (Female) Mansehra.
4. District Account Officer Mansehra.
5. Mst. Uzma Alam D/o Alam Zeb resident of Union Council Giar Sachan, Tehsil and District Mansehra.

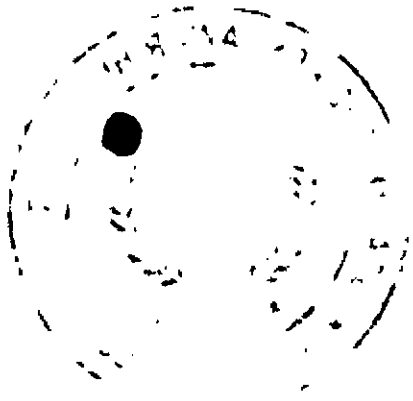
...RESPONDENTS

REVIEW PETITION

1584
No 5-4-16
FILED TODAY

REVIEW PETITION FOR EXPUNGING OF
REMARKS AGAINST THE PETITIONER IN

A
Additional Registrar
Peshawar High Court
Abbottabad Bench



1
2
3

110

6

JUDGMENT DATED 15/03/2016 IN TITLED CASE
MST SHAZA GUL VERSUS GOVT. OF KPK AND
OTHERS WRIT PETITION NO. 346-A/2015.

Respectfully Sheweth:-

Brief facts of the instant revision petition are as under;-

1. That in the titled writ petition the petitioner appeared before this Honourable Court on call by AAG on 15/03/2016 to explain the factual as well as legal positions.

2. That the petitioner took over the charge as DEO (F) Mansehra on 17/09/2015. Therefore, the petitioner as per directions of this Honourable court looked into the entire record of Mst. Shazia Gul as well as Mst. Uzma Alam. It revealed that Mst Shazia Gul, did not provide her documents, to show the place of her permanent residence till the date fixed for issuing of appointment order of Mst.

Uzma Alam below the merit of Shazia Gul by the

then DEO (F) Mansehra, namely Mst. Nughma

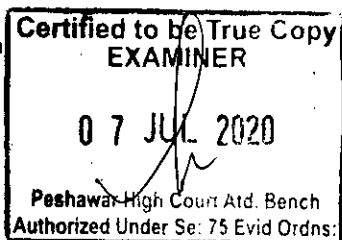
Certified to be True Copy
EXAMINER
07 JUL 2020
Peshawar High Court Afd. Bench
Authorized Under Sec: 75 Evid Ordns.

FILED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench
29/7/16

Sardar. The then EDO (F), issued appointment order of the next candidate.

3. That, in the year 2016 two post of PST was advertised by the petitioner, wherein Mst. Shazia Gul also appeared in the NTS and stood at serial No. 2 of merit list and the petitioner appointed Ms. Shama Riaz at serial No. 1 as per merit.
4. That the petitioner, wanted to explain the factual position before this Honourable Court, in case titled Mst. Shazia Gul Versus Govt. of KPK, but she could not properly explain the said case before the highly esteemed forum.
5. That the petitioner can not think conceive of appearing arrogantly in the courts and she solemnly affirms on oath that this Honourable court is highest forum of appeal in KPK and can not think of disobeying the orders of this Honourable court.
6. That the petitioner ever remained law abiding officer in the department. Now the remarks of this



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Additional Registrar
Peshawar High Court
Abbottabad Bench
5/4/18

Honourable court against the petitioner in the judgment dated 15/03/2016 in writ petition No. 346-A/2015 shall spoil services career of the petitioner and would result in her dismissal. (Copies of the judgment dated 15/03/2016 and writ petition No. 346-A/2015 are attached as Annexure "A" & "B").

7. That the only source of bread and butter of the petitioner as well as of her department's is the job and in case of loss of job her life as well as of her dependants shall ruin.

8. That the petitioner seek unconditional apology from this Honourable court for her act mentioned in judgment dated 15/03/2016.

In the view of the above it is humbly prayed that the remarks against the petitioner in the judgment dated 15/03/2016 in writ petition 346-A/2015 may graciously be expunged keeping in view the pathetic situation of the petitioner and the petitioner assure that she will ever

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EXAMINER
07 JUL 2020
Peshawar High Court Atd Bench
Authorized Under Sec: 75 Evid Ordns.

FILED TODAY

Additional Registrar
Peshawar High Court
Atd Bench
15/7/16

remain obedient, and shall carry out the orders of this Honourable court in letter and sprit.

[Handwritten Signature]

...PETITIONER

FIAZA SHAFI DEO (F)
MANSEHRA

Dated: _____/2016

VERIFICATION:-

Verified on oath that the contents of forgoing revision petition are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

[Handwritten Signature]

...PETITIONER

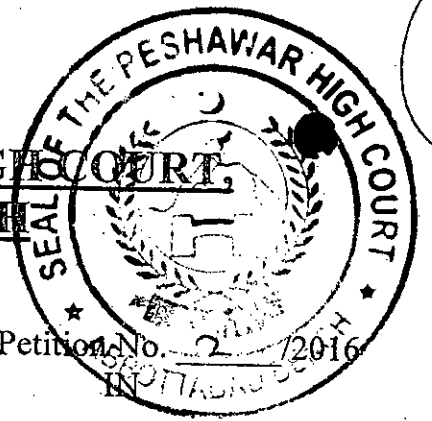
Certified to be True Copy
EXAMINER
07 JUL 2020
Peshawar High Court At Bench
Authorized Under Sec. 75 Evid Ordns.

FILED TODAY

[Handwritten Signature]
Registrar
Peshawar High Court
At Bench

114

**BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH**



Review Petition No. 2/2016

Writ Petition No. 346-A/2015

Faiza Shafi District Education Officer (F) Mansehra.

...PETITIONER

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Elementary and secondary education Peshawar and others.

...RESPONDENTS

REVIEW PETITION

AFFIDAVIT

I, Faiza Shafi District Education Officer (F) Mansehra, do hereby solemnly affirm and declare that the contents of forgoing revision petition are true and correct and nothing has been concealed therein from this Honourable Court.

13302-9650757-8

[Signature]
DEPONENT

Identified by:

1816/80

80

Ad
5
Paizer Shafi Mansehra
D. E. O (F)

M. (F)

FILED TODAY

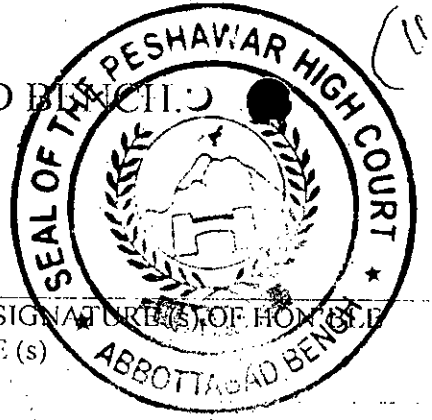
[Signature]
Registrar
Court
Abbottabad

5/4/16

**Certified to be True Copy
EXAMINER**
[Signature]
2016
Peshawar High Court Bench
Authorized Under Section 5 of Ordinance

115

PESHAWAR HIGH COURT ABBOTTABAD BENCH
FORM "A"
FORM OF ORDER SHEET



Serial No of order or proceeding 1	Date of Order or Proceeding 2	ORDER OF THE COURT WITH SIGNATURE(S) OF HON'BLE JUDGE (s) 3
	12.04.2016	<p><u>Review Petition No.02-A/2016</u></p> <p>Present: Petitioner in person.</p> <p style="text-align: center;">****</p> <p><u>QALANDAR ALI KHAN, J:</u> Ms. Faiza Shafi, District Education officer (Female) Mansehra, has filed this review petition for expunction of remarks against her in the judgment of this Court dated 15.03.2016, in Writ Petition No.346-A of 2015 titled Mst. Shazia Gul Vs. Govt. of KPK and others.</p> <p>2. Without discussing background of the remarks, we would consider request of the petitioner for expunction of remarks against her in the judgment sympathetically, as the review petition shows remorse and penitence on the part of the petitioner. Moreover, such remarks of the Court are never intended to spoil the service</p>

Certified to be True Copy
EXAMINER
07 JUL 2020
 Peshawar High Court Atd. Bench
 Authorized Under Se: 75 Evid Ordns.

career of someone, rather aimed at a person in a responsible position to realize the obligation/duty enjoined upon him/her by the law/rules, and to always act in accordance with the letter and spirit of law.

3. In view of unconditional apology tendered by the petitioner, the review petition is accepted and remarks in the judgment dated 15.03.2016 with regard to the conduct and behaviour of the petitioner are expunged; while keeping intact the rest of judgment and directions to the Director, Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar, to conduct a proper inquiry to determine rest of the issues pointed out in the judgment dated 15.03.2016.

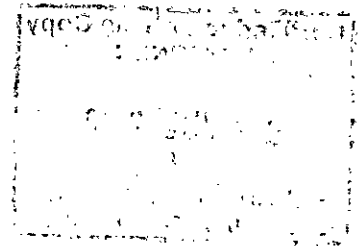
4. The review petition is disposed of accordingly.

Announced.
Dt.12.04.2016.

sd Judge
sd Judge

Certified to be True Copy
EXAMINER
07 JUL 2020
Peshawar High Court Appellate Bench
Authorized Under Sec: 75 Evid Ordns.

No.	22450
Date of Presentation of Application	6-7-2020
No. of Pages	081-
Copying Fee	321-
Urgent Fee	21-
Total	321-
Name of Copyist	
Date of Preparation of Copy	7-7-2020
Date of Intimation	7-7-2020
Date of Delivery of Copy	7-7-2020



Annexure "S"

117

Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa,
Peshawar

**SUBJECT: INTIMATION OF COURT ORDER DATED 24-10-2019 RENDERED BY
HON'BLE SERVICE TRIBUNAL, KPK, PESHAWAR IN CASE TITLE
"SHAHNAWAZ VS SECRETARY, E&SE ETC" FOR COMPLIANCE;**

Applicant filed the service appeal, the same was accepted by the Hon'ble Service Tribunal, KPK, Peshawar vide judgment and order in case title "Shahnawaz Vs Secretary, E&SE etc" dated 24-10-2019 which is being communicated for compliance of the Court order.

Moreover I had already provided all the documentary proofs to this office and ready to provide in future as well for de-novo inquiry purpose.

(Attested copy of judgment & order dated 24-10-2019 is annexed)

It is requested that the Court order may kindly be complied with in its true latter and spirit.

Dated: 13-11-2019

Shahnawaz
Son of Jehandad
Resident of Mohallah Naari, Banda Amlok,
Tehsil and District Abbottabad
CNIC No : 13101-7810764-1
Cell No : 0344-9489390

Attested;

RGL38440844

Rs. 2/- Ps.

uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgment is due.

received a registered letter addressed to Director Date-Stamp Gandaf

Weight: 100g Kilo 100 Grams

Name and address of sender 14/11/19

District Education Officer (Male),
Abbottabad

118

**SUBJECT: INTIMATION OF COURT ORDER DATED 24-10-2019 RENDERED BY
HON'BLE SERVICE TRIBUNAL, KPK, PESHAWAR IN CASE TITLE
"SHAHNAWAZ VS SECRETARY, E&SE ETC" FOR COMPLIANCE;**


Applicant filed the service appeal, the same was accepted by the Hon'ble Service Tribunal, KPK, Peshawar vide judgment and order in case title "Shahnawaz Vs Secretary, E&SE etc" dated 24-10-2019 which is being communicated for compliance of the Court order.

Moreover I had already provided all the documentary proofs to this office and ready to provide in future as well for de-novo inquiry purpose.


(Attested copy of judgment & order dated 24-10-2019 is annexed)

It is requested that the Court order may kindly be complied with in its true letter and spirit.

Dated: 13-11-2019

Shahnawaz 
Son of Jehandad
Resident of Mohallah Naari, Banda Amlok,
Tehsil and District Abbottabad
CNIC No : 13101-7810764-1
Cell No : 0344-9489390

Attested;



N 728 RGL38440846 Notices see reverse. Rs. 20 Ps.
Stamps allowed except in case of
uninsured letters of not more than
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgement is due.

Received a registered letter addressed to _____ Date-Stamp _____

Initials of Receiving Office _____ Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) _____ (in words) _____

Insurance for Rs. _____ Weight _____ Kilo
(in words) _____ Grams

Name and address of sender _____ 14/11/19

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

REINSTATEMENT

119

In pursuance to the Judgement of Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court Abbottabad passed in Service Appeal No. 266/2018 dated 24-10-2019 received with application of Mr. Shahnawaz S/O Jahandad, Ex-Chowkidar, GHS No. 1 Abbottabad (R/O Mohallah Narri Banda Amlook Tehsil & District Abbottabad) dated 13-11-2019 under Diary No. 9459 dated 16-11-2019, this office order issued under Endst No. 11738-45 dated 27-10-2017 in r/o above named official is hereby set-aside and he is reinstated in service for the purpose of De-novo inquiry under Khyber Pakhtunkhwa, Govt Servants, Efficiency and Discipline Rules, 2011 with immediate effect.

Sd/-
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

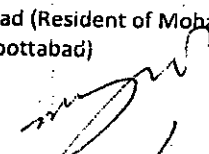
Endst No. 12372-77 EBII/PF/C-IV


Dated 26/11/2019

Copy forwarded to the:

1. Additional Registrar Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court Abbottabad with reference to Judgement passed in Service Appeal No. 266/2018 dated 24-10-2019.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. The District Monitoring Officer (IMU) Abbottabad.
4. The District Education Officer-Female Abbottabad
5. The Principal GHSS No. 1 Abbottabad.
6. Mr. Shahnawaz S/O Jahandad Chowkidar, GHS NO: 1 Abbottabad (Resident of Mohallah Nari, Village Banda Amlook, P.O Dobather, Tehsil & District Abbottabad)

Regd. A/D


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Attested;

Gulzar

Annex "A"

120

بکھنور ڈائریکٹر صاحب ایلیمینٹری اینڈ سیکنڈری ایجوکیشن (E&SE) ڈیپارٹمنٹ، خیبر پختونخواہ، پشاور

تشریح اور وضاحت آفس آرڈر نمبری 77-12372-12372-26-11-2019

جناب عالی! درخواست ذیل عرض ہے:

(1) یہ کہ فاضل خیبر پختونخواہ سروس ٹریبونل ایبٹ آباد بیچ نے فیصلہ و حکم محررہ 24.10.2019 کے ذریعے سائل کی سروس اپیل کو منظور فرماتے ہوئے متاثرہ آرڈر محررہ 27.10.2017 کو منسوخ فرمایا اور ساتھ ہی حکمہ ہذا کو از وصولی فیصلہ عدالت اندر 90 دن از سرنو انکوائری کرنے کی ہدایت کی اور سائل کی بحالی (Reinstatement) کو از سرنو انکوائری سے مشروط کیا۔ فیصلہ کا متعلقہ پیرا ذیل ہے:

08. As a sequel to above, the appeal is accepted and the impugned order dated 27.10.2017 is set aside. The respondents are directed to conduct de-novo enquiry within a period of 90 days from the date of receipt of this judgment. The reinstatement of the appellant shall subject to the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room. (نقل فیصلہ و حکم محررہ 24.10.2019 لف ہے)

(2) یہ کہ حکمہ ہذا نے بعد از مندرجہ بالا فیصلہ و حکم عدالت، ایک نیا آفس آرڈر نمبری 77-12372-12372-26-11-2019 محررہ جاری کر دیا ہے جس کے تحت حکمہ ہذا نے سائل کو فاضل عدالت کے فیصلہ و حکم محررہ 24.10.2019 کے ذریعے ملازمت میں بحالی (Reinstatement) بغرض از سرنو انکوائری درج و آرڈر کیا ہے۔ (نقل آرڈر 77-12372-12372-26-11-2019 لف ہے)

(3) یہ کہ سائل نے روبرو انکوائری آفیسر اپنی حاضری کردی ہے اور از سرنو انکوائری کا حصہ بن چکا ہوں۔

لہذا استدعا ہے کہ آفس آرڈر نمبری 77-12372-12372-26-11-2019 محررہ کی تشریح فرمائی جاوے کہ سائل نے دوران از سرنو انکوائری کسی اسٹیشن پر ملازمت شروع اجاری کرنی ہے یا نہیں کیونکہ اس سے قبل بھی حکمہ ہذا نے سائل کو غیر حاضر Show کر دیا تھا۔

مورخہ: 05-12-2019

شاہنواز ولد

شاہنواز ولد جہاندار سکنہ محلہ ناڑی، گاؤں بانڈہ املوک، ڈاکخانہ دوپتھر، تحصیل وٹھل ایبٹ آباد

موبائل نمبر: 0344-9489390

87 For Insurance Notices see reverse. Rs. Ps. Stamps affixed RGL37474142 Uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgment is due. Date Stamp

*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary. (in figures) (in words)

Weight (in words) Kilo Grams

Rs. Ps. (in figures) (in words)

Attested,

A. Gulshan

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide of on which no acknowledgment is due.

191

Date Stamp

Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary. Rs. (in figures) Made (in words)

Weight (in words) Kilo Grams 19
Rs. and Address Order

بھنور ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) صاحب، ضلع ایبٹ آباد

تشریح و وضاحت آفس آرڈر نمبری 77-12372 محرمہ 26-11-2019

جناب عالی! درخواست ذیل عرض ہے:

(1) یہ کہ فاضل خیبر پختونخواہ سروس ٹریبونل ایبٹ آباد سٹیج نے فیصلہ و حکم محرمہ 24.10.2019 کے ذریعے سائل کی سروس اپیل کو منظور فرماتے ہوئے متازعہ آرڈر محرمہ 27.10.2017 کو منسوخ فرمایا اور ساتھ ہی حکمہ ہذا کو از وصولی فیصلہ عدالت اندر 90 دن از سرنو انکوائری کرنے کی ہدایت کی اور سائل کی بحالی (Reinstatement) کو از سرنو انکوائری سے مشروط کیا۔ فیصلہ کا متعلقہ پیرا ذیل ہے:

08. As a sequel to above, the appeal is accepted and the impugned order dated 27.10.2017 is set aside. The respondents are directed to conduct de-novo enquiry within a period of 90 days from the date of receipt of this judgment. The reinstatement of the appellant shall subject to the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room. (نقل فیصلہ و حکم محرمہ 24.10.2019 لف ہے)

(2) یہ کہ محکمہ ہذا نے بعد از مندرجہ بالا فیصلہ و حکم عدالت، ایک نیا آفس آرڈر نمبری 77-12372 محرمہ 26-11-2019 جاری کر دیا ہے جس کے تحت محکمہ ہذا نے سائل کو فاضل عدالت کے فیصلہ و حکم محرمہ 24.10.2019 کے ذریعے ملازمت میں بحالی (Reinstatement) بغرض از سرنو انکوائری درج و آرڈر کیا ہے۔ (نقل آرڈر 77-12372 محرمہ 26-11-2019 لف ہے)

(3) یہ کہ سائل نے رو برو انکوائری آفیسر اپنی حاضری کر دی ہے اور از سرنو انکوائری کا حصہ بن چکا ہوں۔

لہذا استدعا ہے کہ آفس آرڈر نمبری 77-12372 محرمہ 26-11-2019 کی تشریح فرمائی جاوے کہ سائل نے دوران از سرنو انکوائری کسی اسٹیشن پر ملازمت شروع اجاری کرنی ہے یا نہیں کیونکہ اس سے قبل بھی محکمہ ہذا نے سائل کو غیر حاضر Show کر دیا تھا۔

مورخہ: 05-12-2019

شاہ نواز ولد جہانگاہ و سکنتہ محلہ ناڑی، گاؤں بانڈہ الملوک، ڈاکخانہ دو بھتر، تحصیل ضلع ایبٹ آباد

موبائل نمبر: 0344-9489390

RP-54

رسید

رجسٹری یا بیمہ بھیجنے والے کو پشت پر دیئے گئے پتہ پر واپس بھیجا جائے۔

☆ ایک رجسٹری
برائے (نام) شاہ نواز ولد جہانگاہ
بیمہ کی مالیت 19 ڈون (نظروں میں) گرام
مکتوب الیہ کے دستخط حاجی تقسیم

Attested;
[Signature]

☆ یہاں "بھٹی" "پوسٹ کارڈ" "پیکٹ" یا "پارسل" جو چیز ہو تحریر کریں۔ بیمہ کی صورت میں لفظ "بیمہ" پہلے تحریر کریں۔
● صرف بیمہ کی صورت میں یہاں اندراج کیا جائے۔ بصورت دیگر کاٹ دیا جائے۔

Annexure 123

123

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

NOTIFICATION

In pursuance to the Judgement of Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court Abbottabad passed in Service Appeal No. 266/2018 dated 24-10-2019 received with application of Mr. Shah Nawaz S/O Jahandad, Ex-Chowkidar, GHS No. 1 Abbottabad (R/O) Mohallah Nari Banda Amlook Tehsil & District (Abbottabad) dated 13-11-2019 under Diary No. 9459 dated 16-11-2019, Inquiry Committee consisting of the following Officers is hereby constituted to conduct De-novo inquiry under Khyber Pakhtunkhwa Govt: Servants Efficiency and Discipline Rules, 2011, within a period of 90 days from the date of the receipt of Judgement in r/o above named official on account of charges/allegations leveled against him. Opportunity of personal hearing and cross examination be provided to the accused.

1. Mr. Syed Amjad Ali, Principal GHS Sheikulbandi Abbottabad, (Chairman)
2. Mr. Abdus Salam, Principal GHS Kokal Barseen, Abbottabad, (Member)

TERMS OF REFERENCES:

1. In the light of District Education Officer-(Female) Abbottabad Memo No. 9736 dated 18-11-2019: -
 - a. That the accused was the key person who plotted the entire scenario and developed engineered criminal proceeding by utilizing Anti-Corruption Department. The criminal proceeding against MST Faiza Shafi, the then DEO(F) Abbottabad that initiated in the result of FIR No. 02 dated 03-05-2017 has been stopped by the Anti-Corruption Department vide letter No. 8995 dated 03-05-2017, while the proceeding under Section 182 CR. PC and 211 PPC has been initiated against him.
 - b. That there were various complaints of teachers and students against him that he is involved in immoral activities and not deserves for posting in female section due to his unsound moral activities.
 - c. That the other important character, attributed towards the instant incident is of MST Shabana Kowshar, Sweepress, Office of DEO(F) Abbottabad who acted as co-accused, facilitator and confessed that he handed over envelope of Rs.20000/- to her and she kept the same at the opposite corner of the table of the DEO(F) Abbottabad.
 - d. That he was relieved by the DEO (F) Abbottabad vide Memo No. 3070 dated 09-05-2017. His services were placed at the disposal of this office for further posting vide Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar office order issued under Endst No. 4462-69 dated 25-05-2017.
2.
 - a. That the accused failed to submit his arrival in this office upto 12-07-2017 and he was called upon to explain the reason of above within seven days vide this office Memo No. 7688-91 dated 12-07-2017 through Registered Post No. 667 dated 13-07-2017.
 - b. That the accused was adjusted at GHS No. 1 Abbottabad vide this office order issued under Endst No. 8314-19 dated 28-07-2017 but he failed to take charge in the said school as per report of Principal GHS No. 1 Abbottabad vide No. 635 dated 04-08-2017 and remained willful absent from duty till the date of dismissal from service i.e 27-10-2017.
3. All the above mentioned facts proved gross misconduct and willful absence from duty w.e. from 29-07-2017 to the date of dismissal, i.e. 27-10-2017 without prior approval of leave under Rule-3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rule, 2011.

Encls: 1. Charge Sheet 2. Statement of allegations

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

(Contd: Page-2)

Attested;
[Signature]

Endst: 12378-25 EB-II/PF/C-IV

Dated 26/11 2019

Copy forwarded to the:-

1. Additional Registrar Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court Abbottabad with reference to Judgement passed in Service Appeal No. 266/2018 dated 24-10-2019.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. The District Education Officer-Female Abbottabad with the remarks to facilitate the inquiry committee.
4. The Principal GHSS No. 1 Abbottabad.
5. Mr. Syed Amjad Ali, Principal, GHS Sheikul Bandi Abbottabad alongwith relevant documents.
6. Mr. Abdus Salam, Principal, GHS Kokal Barseen Abbottabad.
7. Mst. Faiza Shafi, Ex-DEO-Female Abbottabad, presently posted as Instructor Regional Institute of Teacher Education-Female Mansehra.
8. Mr. Shahnawaz S/O Jahandad, Ex-Chowkidar, GHS No. 4 Abbottabad resident of Mohallah Nari, Banda Amlook, Dobather Abbottabad.

Regd A/D

DISTRICT EDUCATION OFFICER (M)
2 ABBOTTABAD

Attested;

A. Amjad
Gulzar

CHARGE SHEET

I Qazi Tajammal Hussain, District Education Officer (Male) Abbottabad as Competent Authority, hereby charge you Mr. Shahnawaz S/O Jahandad Chowkidar, GHS NO. 1 Abbottabad (Resident of Mohallah Nari, Village Banda Amlook, P.O Dobather, Tehsil & District Abbottabad), as follows:

1. In the light of District Education Officer-Female Abbottabad Memo No. 9736 dated 18-11-2019:-
 - a. That you were the key person who plotted the entire scenario and developed engineered criminal proceeding by utilizing Anti-Corruption Department. The criminal proceeding against MST Faiza Shafi, the then DEO(F) Abbottabad that initiated in the result of FIR No. 02 dated 03-05-2017 has been stopped by the Anti-Corruption Department vide letter No. 8995 dated 03-05-2017, while the proceeding under Section 182 CR. PC and 211 PPC has been initiated against you.
 - b. That there were various complaints of teachers and students against you that you are involved in immoral activities and not deserves for posting in female section due to your unsound moral activities.
 - c. That the other important character attributed towards the instant incident is of MST Shabana Kowsar, Sweepress, Office of DEO(F) Abbottabad who acted as co accused, facilitator and confessed that you handed over envelope of Rs.20000/- to her and she kept the same at the opposite corner of the table of then DEO(F) Abbottabad.
 - d. That you were relieved by the DEO(F) Abbottabad vide Memo No. 3070 dated 09-05-2017. Your services were placed at the disposal of this office for further posting vide Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar office order issued under Endst No. 4462-69 dated 25-05-2017.
2.
 - a. You failed to submit your arrival in this office upto 12-07-2017 and you were called upon to explain the reason of above within seven days vide this office Memo No. 7688-91 dated 12-07-2017 through Registered Post No. 667 dated 13-07-2017.
 - b. That you were adjusted at GHS No. 1 Abbottabad vide this office order issued under Endst No. 8314-19 dated 28-07-2017 but you failed to take charge in the said school vide Principal GHS No. 1 Abbottabad No. 635 dated 04-08-2017 and remained willful absent from duty till the date of dismissal from service i.e 27-10-2017.
3. You are, therefore, required to submit your written defense within ten days of the issuance of this Charge Sheet to the Enquiry Committee, as the case may be.
4. Your written defense, if any, should reach the Inquiry Committee within the specified period, failing which it shall be presumed that you have no defense 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.

[Signature]
COMPETENT AUTHORITY

Mr. Shahnawaz S/O Jahandad Chowkidar, GHS NO. 1 Abbottabad (Resident of Mohallah Nari, Village Banda Amlook, P.O Dobather, Tehsil & District Abbottabad)

Attested;

[Signature]
Qazi Tajammal Hussain

DISCIPLINARY ACTION

- A. I Qazi Tajammal Hussain, District Education Officer (Male) Abbottabad as competent authority, am of the opinion that Mr. Shahnawaz S/O Jahandad Chowkidar, GHS NO. 1 Abbottabad (Resident of Mohallah Nari, Village Banda Amlook, P.O Dobather, Tehsil & District Abbottabad) has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

1. In the light of District Education Officer-Female Abbottabad Memo No. 9736 dated 18-11-2019:-
 - a. That you were the key person who plotted the entire scenario and developed engineered criminal proceeding by utilizing Anti-Corruption Department. The criminal proceeding against MST Faiza Shafi, the then DEO(F) Abbottabad that initiated in the result of FIR No. 02 dated 03-05-2017 has been stopped by the Anti-Corruption Department vide letter No. 8995 dated 03-05-2017, while the proceeding under Section 182 CR. PC and 211 PPC has been initiated against you.
 - b. That there were various complaints of teachers and students against you that you are involved in immoral activities and not deserves for posting in female section due to your unsound moral activities.
 - c. That the other important character attributed towards the instant incident is of MST Shabana Kowsar, Sweepress, Office of DEO(F) Abbottabad who acted as co accused, facilitator and confessed that you handed over envelope of Rs.20000/- to her and she kept the same at the opposite corner of the table of then DEO(F) Abbottabad.
 - d. That you were relieved by the DEO(F) Abbottabad vide Memo No. 3070 dated 09-05-2017. Your services were placed at the disposal of this office for further posting vide Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar office order issued under Endst No. 4462-69 dated 25-05-2017.
2.
 - a. You failed to submit your arrival in this office upto 12-07-2017 and you were called upon to explain the reason of above within seven days vide this office Memo No. 7688-91 dated 12-07-2017 through Registered Post No. 667 dated 13-07-2017.
 - b. That you were adjusted at GHS No. 1 Abbottabad vide this office order issued under Endst No. 8314-19 dated 28-07-2017 but you failed to take charge in the said school vide Principal GHS No. 1 Abbottabad No. 635 dated 04-08-2017 and remained willful absent from duty till the date of dismissal from service i.e 27-10-2017.
3. For the purpose of inquiry of the said accused with reference to the above allegations, Inquiry Committee consisting of the following Officers under rule 10 (1) (a) of the ibid rules:
 - a. Syed Amjad Ali, Principal GHS Sheikulbandi, (Chairman)
 - b. Mr. Abdus Salam, Principal GHS Kokal Barseen Abbottabad, (Member)
4. The 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 fifteen days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
5. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry Committee.

COMPETENT AUTHORITY

Mr. Shahnawaz S/O Jahandad Chowkidar, GHS NO. 1 Abbottabad (Resident of Mohallah Nari, Village Banda Amlook, P.O Dobather, Tehsil & District Abbottabad)

Attested;
A. Amjad
Gull

(127)

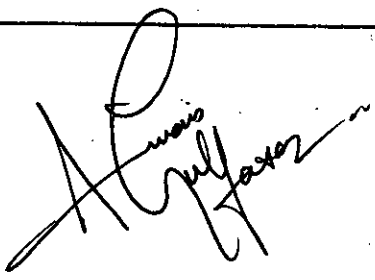
جناب انکوائری آفیسر صاحب، محکمہ ایجوکیشن، ضلع ایبٹ آباد

بحوالہ چارج شیٹ نمبری 12378-85/EBII/PF/C-IV محرمہ 26-11-2019

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Attested:


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مورخہ: 07-12-2019

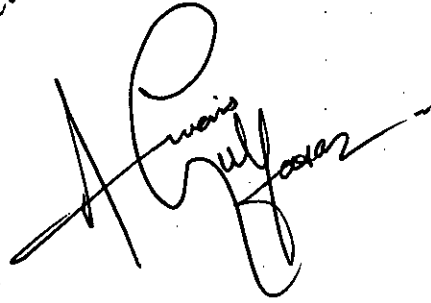
شاہنواز

شاہنواز ولد جہاندا اسکندہ محلہ ناڑی، گاؤں بانڈہ الملوک، ڈاکخانہ دو بھتر، تحصیل ضلع ایبٹ آباد (سائل)

ملازم محکمہ ایجوکیشن Under Inquiry

موبائل نمبر: 0344-9489390 / 0336-5897766

Attested;

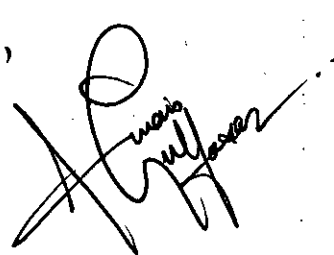


جناب انکواری آفیسر صاحب، محکمہ ایجوکیشن، ضلع ایبٹ آباد

بحوالہ چارج شیٹ نمبری EBII/PF/C-IV-85/12378-85 محرمہ 26-11-2019

تحریری جواب منجانب سائل شاہنواز ولد جہانماد

- جناب عالی! جملہ الزامات مندرجہ چارج شیٹ فقرہ نمبرات (a), (b), (c), (d) اور (a), (b), (c), (d) کا ذیل جواب عرض ہے:
- (1) یہ کہ سائل محکمہ ہذا میں بطور چوکیدار تحت لیٹر بھرتی محرمہ 21-06-1993 بھرتی ہوا۔ (نقل لیٹر بھرتی محرمہ 21.06.1993 معہ Better Copy صفحات 5 تا 6) و دیگر لیٹرز نسبت ملازمت سائل لف صفحات 7 تا 11 ہیں)
 - (2) یہ کہ دوران ملازمت، سائل نے ہمیشہ افسران بالا کا حکم بجالایا اور محنت، ایمانداری اور پابندی کے ساتھ اپنا کام انجام دیا۔
 - (3) یہ کہ آخری دفعہ سائل گورنمنٹ گریڈ پرائمری سکول، کریم پورہ، ایبٹ آباد میں بطور چوکیدار تعینات تھا اور اس دوران سائل نے اپنی ٹرانسفر بطور ڈرائیور کی نسبت ایک درخواست دی۔ (نقل درخواست محرمہ 25.02.2016 لف صفحہ 12 ہے)
 - (4) یہ کہ موجودہ پوسٹ سے قبل، سائل عرصہ تین سال تک بطور ڈرائیور DEO زنانہ کے دفتر میں ڈیوٹی سرانجام دیا چکا تھا۔ ڈرائیور کی کچھ آسامیاں خالی ہوئیں تو سائل نے بحیثیت سینئر ملازم محکمہ اور مذکورہ آسامی کیلئے موزوں ترین امیدوار ہونے کے ناطے مسماۃ فائزہ شفیع [DEO(F)] سے مذکورہ آسامی پر بھرتی کی درخواست کی مگر مذکورہ نے سائل سے رشوت طلب کی جس پر سائل نے تحریری درخواست تھانہ اینٹی کرپشن میں برخلاف مذکورہ دی اور از خود Trap Agent بن کر ملک کو کرپشن سے پاک کرنے کی کوشش میں حصہ بنا۔ (نقل درخواست اینٹی کرپشن معہ Better Copy صفحات 13 تا 14 ہے)
 - (5) یہ کہ مورخہ 03-05-2017 کو فاضل سینئر سول جج صاحب اور اسسٹنٹ ڈائریکٹر اینٹی کرپشن پر مشتمل ایک ٹیم نے سائل کو بطور Trap Agent اپنے ہمراہ رکھ کر فائزہ شفیع کے دفتر DEO(F) پر چھاپہ مارا اور مذکورہ کو رنگے ہاتھوں پکڑ کر مقدمہ تحت قانون اینٹی کرپشن درج کیا۔ (نقولات رپورٹ نمبری SCJ/ATD 752-53 محرمہ 04-05-2017 و FIR نمبری 02 محرمہ 03.05.2017 معہ Better Copy صفحات 15 تا 18 لف ہیں)
 - (6) یہ کہ FIR اندراج کے فوراً بعد مذکورہ فائزہ شفیع نے بحیثیت ملزم محض بدلہ کی غرض سے ایک غیر قانونی آفس آرڈر نمبری 3004-06 محرمہ 05.05.2017 کے تحت سائل کو بغیر کسی انکواری کے محکمہ ہذا سے Relieved Off کر کے سائل کی سروس کو DC ایبٹ آباد کے رحم و کرم پر چھوڑ دیا۔ سائل نے مذکورہ غیر قانونی آفس آرڈر کو فاضل پشاور ہائی کورٹ ایبٹ آباد بیج میں چیلنج کیا اور فاضل پشاور ہائی کورٹ نے پہلی ہی تاریخ پر مذکورہ غیر قانونی آفس آرڈر کو معطل فرمادیا۔ (نقولات غیر قانونی آفس آرڈر نمبری 3004-06 محرمہ 05.05.2017 و رپورٹ پیٹیشن فاضل پشاور ہائی کورٹ صفحات 19 تا 27 لف ہیں)
 - (7) یہ کہ سائل نے محکمہ اینٹی کرپشن کے اعلیٰ افسران کے روبرو انصاف کے حصول کیلئے متعدد درخواست ہائے گزاریں نیز سائل کے

Attested,


مقدمہ کی گواہ مسماۃ شبانہ کوثر نے بھی DC ایبٹ آباد کے نام برخلاف مسماۃ فائزہ شفیع ایک درخواست دی۔ (نقولات درخواست ہائے لف صفحات 28 تا 30 ہیں)

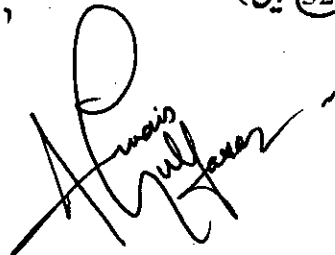
(8) یہ کہ مسماۃ فائزہ شفیع (DEO) اور پرنسپل گورنمنٹ گرلز پرائمری سکول، کریم پورہ، ایبٹ آباد نے فاضل پشاور ہائی کورٹ کے احکامات پر عملدرآمد نہیں کیا بلکہ ساتھ ہی سائل کی تنخواہ بھی بند کر دی جس پر سائل نے روبرو فاضل پشاور ہائی کورٹ مقدمہ توہین عدالت بعنوان "شاہنواز بنام مسماۃ فائزہ شفیع وغیرہ" دائر کیا۔ (نقولات مقدمہ توہین عدالت بعنوان "شاہنواز بنام مسماۃ فائزہ شفیع وغیرہ" وارڈ محررہ 13.06.2017 لف صفحات 31 تا 35 ہیں)

(9) یہ کہ بعد از اندراج FIR، دائرگی رٹ پیشین و توہین عدالت برخلاف مسماۃ فائزہ شفیع، مذکورہ از خود Competent Authority بن گئی اور سائل کے خلاف شوکاز نوٹس نمبری 3607-11/EB-III/Show Cause محررہ 29.05.2017 جاری کیا اور یوں مذکورہ اپنے ہی مقدمہ میں خود جج بن گئی جو کہ انصاف کے اصولوں کے منافی تھا۔ سائل کو سنا نہیں گیا اور مذکورہ یہ جاندار تھی اور سائل کو شوکاز جاری کرنے کی مجاز نہیں رہی تھی۔ بہر حال سائل نے مذکورہ شوکاز کا حسب ضابطہ جواب ارسال کر دیا۔ (نقولات شوکاز نوٹس نمبری 3607-11/EB-III/Show Cause محررہ 29.05.2017 معہ جواب نوٹس لف صفحات 36 تا 39 ہیں)

(10) یہ کہ مندرجہ بالا شوکاز نوٹس میں دیگر دو (2) آفس آرڈرز کا ذکر بھی موجود تھا جو کہ سائل کو ارسال نہیں کیئے گئے تھے جبکہ غیر قانونی آرڈر محررہ 05.05.2017 کے Withdraw ہونے کو بھی اس شوکاز نوٹس میں خفیہ رکھا گیا اور کوئی ذکر نہیں کیا گیا۔ سائل نے (DEO(Male) کے پاس تحت KPK Right to Information Act, 2013 ایک درخواست دی مگر سائل کو ہر دو مذکورہ آرڈرز فراہم نہیں کیئے گئے۔ (نقل درخواست Right to Information لف صفحہ 40 ہے)

(11) یہ کہ یہاں یہ بات غور طلب ہے کہ شوکاز نوٹس نمبری 3607-11/EB-III/Show Cause محررہ 29.05.2017 کی نسبت انکوآری کی گئی اور سائل کو انکوآری آفیسر محمد ریاض سواتی صاحب ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) تو رغر نے بذریعہ لیٹر محررہ 29.06.2017 کے طلب کیا جس پر سائل حاضر ہوا اور اپنا موقف پیش کیا جبکہ سائل کو الزامات / چارج شیٹ کی نقل فراہم نہیں کی گئی، نہ سائل کو دفاع کا موقع دیا گیا، نہ گواہان پر جرح کا موقع دیا گیا اور نہ ہی بذاتہی سے جانے کا حق دیا گیا۔ اس انکوآری رپورٹ میں سائل کو محض FIR خارج ہونے کی بناء پر Dismiss کرنے کا لکھا گیا مگر FIR بعد ازاں فاضل پشاور ہائی کورٹ کے حکم پر بجالی کے مراحل میں ہے لہذا یہ انکوآری اب غیر قانونی و ختم تصور ہوگی۔ (نقولات لیٹر محررہ 29.06.2017 معہ Better Copy و انکوآری رپورٹ محررہ 01.07.2017 لف صفحات 41 تا 46 ہے)

(12) یہ کہ بعد ازاں محکمہ اینٹی کرپشن نے ہمراہ ملی بھگت مسماۃ فائزہ شفیع کے تحت آرڈر / لیٹر نمبری 8595 محررہ 23.05.2017 کے FIR کو کینسل / منسوخ کر دیا اور سائل کو PPC 211, 182 کا نوٹس جاری کر دیا گیا۔ سائل نے مذکورہ نوٹس کا جواب ارسال کیا۔ (نقولات آرڈر / لیٹر نمبری 8595 محررہ 23.05.2017، نوٹس PPC 211, 182 و جواب نوٹس و درخواست Right to Information لف صفحات 47 تا 52 ہیں)

Attested,


یہ کہ بدوران زیر تجویز ہونے مندرجہ بالا رٹ پیشین، مسماۃ فائزہ شفیع (DEO) نے اپنا غیر قانونی آرڈر واپس لے لیا مگر نہ تو مذکورہ نے اس نسبت سائل کو مطلع کیا اور نہ ہی فاضل پشاور ہائی کورٹ ایبٹ آباد بینچ کو مطلع کیا۔ سائل کو مذکورہ غیر قانونی آرڈر محررہ 05.05.2017 کے بعد کے کسی آرڈر کی کوئی اطلاع نہیں دی گئی تھی۔ اس دوران سائل کی رٹ پیشین بوجہ واپس ہونے مذکورہ غیر قانونی آرڈر کے تحت فیصلہ و حکم محررہ 15.02.2018 خارج کر دی گئی اور ساتھ ہی سائل کو فاضل سروس ٹریبونل سے رجوع کا کہا گیا۔ اس فیصلہ سے سائل کو غیر قانونی آرڈر محررہ 05.05.2017 کے واپس (Withdraw) ہونے کا علم ہوا کیونکہ محکمہ ہذا اور مسماۃ فائزہ شفیع (DEO) نے جان بوجھ کر فاضل پشاور ہائی کورٹ ایبٹ آباد بینچ کو حتمی فیصلہ محررہ 15.02.2018 تک اندھیرے میں رکھا اور اس عرصہ کے دوران سائل کو بھی اندھیرے میں رکھ کر لاتعداد آفس آرڈرز جاری کرتے رہے یوں انصاف کا قتل کیا۔ (نقولات فیصلہ و حکم فاضل پشاور ہائی کورٹ ایبٹ آباد بینچ محررہ 15.02.2018 لف صفحات (53) تا (56) ہیں)

(14) یہ کہ سائل نے مذکورہ بالا آرڈر ایئر نمبری 8595 محررہ 23.05.2017 نسبت منسوخی FIR کو فاضل پشاور ہائی کورٹ میں چیلنج کیا اور ساتھ ہی سائل کے حق میں کارروائی زیر دفعہ 182, 211 PPC کو معطل کر دیا گیا۔ (نقولات رٹ پیشین و آرڈر محررہ 09.11.2017 لف صفحات (57) تا (67) ہیں)

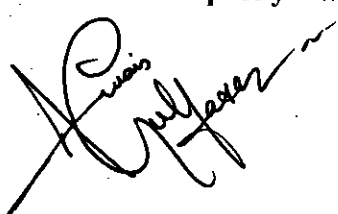
(15) یہ کہ شکایات اسٹوڈنٹس و ٹیچرز برخلاف سائل محض بے بنیاد بات ہے کیونکہ سائل محکمہ ہذا میں 21-06-1993 سے سروس کرتا رہا اور آج تک سائل کے خلاف کوئی انکوائری یا کسی انکوائری کی بنیاد پر کوئی محکمہ سزا نہیں دی گئی اور اگر کوئی شکایات تھیں تو آج تک محکمہ خاموش کیوں رہا؟ لہذا یہ محض سنی سنائی باتیں ہیں جن کی قانون میں کوئی وقعت نہیں ہے۔

(16) یہ کہ سائل کو کوئی متنازعہ آفس آرڈر یا شوکانوں ارسال نہیں کیے گئے نیز سائل کا تعلق گاؤں بانڈہ املوک سے ہے جہاں اخبار کی سہولت بھی موجود نہیں ہے یوں سائل کے خلاف سراسر غیر قانونی، غیر منصفانہ اور یک طرفہ طور پر کارروائی عمل میں لائی گئی ہے۔ مزید یہ کہ سائل کو (DEO(Male)) کے دفتر میں غیر قانونی، غیر مجازانہ و غیر منصفانہ طور پر ٹرانسفر کر دیا گیا اور اس آرڈر کو بھی خفیہ رکھا گیا۔ سائل نے درخواست تحت Right to Information بھی گزاری۔

(17) یہ کہ سائل کو اپنے طور پر نسبت برطرنی (Dismissed) سروس کا علم ہوا جو (DEO(Male)) نے جاری کیا جبکہ سائل آخری دفعہ (DEO(Female)) کے تحت ملازم تھا۔ سائل نے بمشکل مذکورہ متنازعہ آرڈر کی نقل حاصل کی اور محکمہ اپیل دائر کر دی۔ (نقولات متنازعہ آرڈر نمبری EBIII-45/11738-45/EBIII محررہ 27.10.2017 و محکمہ اپیل معہ رسید ڈاکخانہ لف صفحات (68) تا (73) ہے)

(18) یہ کہ مندرجہ بالا محکمہ اپیل کا کوئی فیصلہ نہیں کیا گیا لہذا سائل نے فاضل سروس ٹریبونل سے رجوع کیا جہاں سے سائل کی اپیل منظور ہو کر مندرجہ ذیل حکم صادر ہوا:

08. As a sequel to above, the appeal is accepted and the impugned order dated 27.10.2017 is set aside. The respondents are directed to conduct de-novo enquiry within a period of 90 days from the

Attested:


date of receipt of this judgment. The reinstatement of the appellant shall subject to the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room. (نقل فیصلہ و حکم محررہ 24.10.2019 لف صفحات (74) تا (79) ہے)

(19) یہ کہ حال ہی میں فاضل پشاور ہائی کورٹ ایبٹ آباد بینچ نے سائل کی FIR اینٹی کرپشن کی بحالی کی نسبت بھی فیصلہ و حکم محررہ 08.10.2019 کو صادر فرمادیا ہے۔ (نقل فیصلہ و حکم محررہ 08-10-2019 نسبت بحالی FIR لف صفحات (80) تا (94) ہے)

(20) یہ کہ کورٹ کیسز کے زیر تجویز ہوتے ہوئے کسی بھی قسم کا آرڈر غیر قانونی ہے نیز مسماۃ فائزہ شفیع از خود ملزم ہے اور فاضل پشاور ہائی کورٹ ایبٹ آباد بینچ کے روبرو پیش نہیں ہوئی اور یوں مذکور یہ کے خلاف تو بین عدالت کی کارروائی بھی کی گئی۔

(21) یہ کہ یہاں یہ درج کرنا نہایت ضروری و اہم ہے کہ سائل کے مقدمہ کے حوالے سے اب تک صرف ایک انکوائری کی گئی جو کہ شوکاژ نوٹس نمبری Cause EB-III/11-3607-11/Show محررہ 29.05.2017 کی نسبت تھی جبکہ تنازعہ آرڈر محررہ 27.10.2017 کی نسبت کوئی شوکاژ، انکوائری نہیں کی گئی۔

(22) یہ کہ ملزم ہوتے ہوئے مدعی مقدمہ کے خلاف شوکاژ جاری کرنے سے مذکور یہ کی جانبداری کا واضح پتہ چلتا ہے۔

(23) یہ کہ مذکور یہ نے محض فوجداری مقدمہ اینٹی کرپشن کی بغض و اناہ میں آکر سائل کے خلاف یہ جملہ غیر قانونی کارروائیاں کی ہیں۔

(24) یہ کہ باضی میں مذکور یہ مسماۃ فائزہ شفیع کے خلاف اسی طرح کے غیر قانونی آرڈرز جاری کرنے پر فاضل پشاور ہائی کورٹ

ایبٹ آباد بینچ نے سخت سرزنش کی تھی جس پر مذکور یہ نے فاضل پشاور ہائی کورٹ کے روبرو بذریعہ نظر ثانی (Review Petition) معافی مانگی تھی۔ (نقولات نظر ثانی (Review Petition) معہ آرڈر محررہ 12.04.2016 لف صفحات

(95) تا (102) ہیں)

(25) یہ کہ سائل غریب کلاس فور ملازم ہوں جو عرصہ زائد از قریباً 2 سال سے اپنی ملازمت و انصاف کیلئے تگ و دو کر رہا ہوں اور بعد از اندراج FIR سائل کی تنخواہ بھی بند کردی گئی تھی پھر سروس سے Dismiss بھی کر دیا گیا۔

استدعا:

لہذا استدعا ہے کہ سائل کو جملہ الزامات سے بری الذمہ قرار دیتے ہوئے محکمہ ہذا میں دوبارہ بحال کیا جا کر سابقہ حق حقوق (Back Benefits) بھی دیئے جانے کا حکم صادر کیا جاوے۔

مورخہ: 07-12-2019

شاہنواز ولد جہاندار سکٹہ محلہ ناٹھی، گاؤں بانڈہ الملوک، ڈاکخانہ دو بھتر، تحصیل ضلع ایبٹ آباد (سائل)

ملازم محکمہ ایجوکیشن Under Inquiry

موبائل نمبر: 0344-9489390 / 0336-5897766

Attested:
J. Hussain
J. Hussain

OFFICE OF THE DISTT: EDUCATION OFFICER (MALE) ABBOTTABAD.

No. 135 EBIII/PF Shahnawaz

Annexure "V"

Dated 19/02/2022

To,

(Registered A/D)

Mr. Shahnawaz S/O Jahandad,
Ex-Chowkidar, GHS No. 1 Abbottabad
Resident of Mohallah Nari, Village Banda Amlok, P/O Dobather
Tehsil and District Abbottabad

Subject: - **SHOW CAUSE**

Memo:

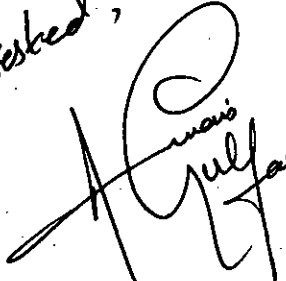
Enclose please find herewith Show Cause Notice and hereby direct you to reply the same within Seven days or not more than Fifteen days of the issuance of this Notice, otherwise, ex-parte action shall be taken against you under the rule


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

Endst of even number & date:-

Copy forwarded to The Principal GHSS No.1 Abbottabad.

sdt
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

Attested:

Gulfam

SHOW CAUSE NOTICE

I Qazi Tajammal Hussain, District Education Officer (Male) Abbottabad as Competent Authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Mr. Shahnawaz S/O Jahandad, Chowkidar, GHS No. 1 Abbottabad, as follows:

1. That consequent upon completion of inquiry conducted against you by the Inquiry Committee dated 31-01-2020 for which you were given opportunity of hearing on 27-01-2020.

Ongoing through the findings and recommendations of the Inquiry Committee, the material on record and other connected papers including your defense before the Inquiry Committee: -

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

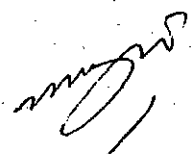
2.
 - i. Your allegation upon MST Faiza Shafi Ex-DEO Female Abbottabad could not be established as you, yourself-not handed over the tainted money as per plan. Likewise, the raid party under the supervision of a Judge could not prove accept/ that envelope containing RS. 20000/- from the corner of table of MST Faiza Shafi Ex-DEO Female Abbottabad on spot on 03-05-2017 as the tainted money was not handed over to her in open form, rather planted in envelope and found on her table corner. Your allegation has also been proved false, as Anti-Corruption Department KP has dropped the case registered under FIR: 02 Dated 03-05-2017 and ordered to register case under Section 182Cr.Pc and 112 PPC vide letter No. 8595 dated 23-05-2017. You have although, challenged it through Writ No. 1077/2017 in the Honorable Peshawar High Court Abbottabad Bench and got relief as the impugned proceeding U/S 182 Cr. Pc and 112 PPC stands suspended on 11-11-2017. You skillfully plotted to utilize the service of Shabbana Kausar, by handing over her envelope containing 20000/- as per her statement under 164 before Anti-Corruption Judge on 06-05-2017. Her earlier statement in favor of Shah Nawaz addressed to DC Abbottabad on 03-05-2017 was of no value, rather authenticates her link of criminal conspiracy act of May,03,2017.
 - ii. Your key role in engineering criminal proceeding, misstatement and also admitted that you have personally handed over Rs. 20000/- to MST Faiza Shafi Ex-DEO Female Abbottabad which tantamount to misconduct under the Rule. As it is well settled proposition admitted facts not need to be proved.
3.
 - i. You were relieved by the DEO Female Abbottabad vide Memo No. 3070 dated 09-05-2017 regarding your illegal/illegitimate activities, unfit for female institutions. Your services were placed on the disposal of this Office for further posting by Director E&SE KPK Peshawar vide letter No 4467-69 dated 25-05-2017 but you failed to submit your arrival in this Office uptill 12-07-2017. You were called upon to explain the reason of above within seven days vide this office Memo No. 7688-91 dated 12-07-2017 through registered post No. 667 dated 23-07-2017. You were adjusted at GHS No. 1 Abbottabad vide this office order issued under vide Endst No. 8314-19 dated 28-07-2017 but you failed to take over charge in the said school as per report of Principal GHS No. 1 Abbottabad vide No. 635 dated 04-08-2017 and remained willful absent from duty till the date of dismissal from service i.e. 27-10-2017.

In the light of foregoing proceedings/material facts/evidence, it has been proved that you have committed gross misconduct and highly ambitious for unlawful gain through malpractice which amounts to criminal conspiracy on your part and also willful absence from duty.

Attested;
[Signature]

As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the major penalty of Dismissal from service under Rule-4 of the said rules.

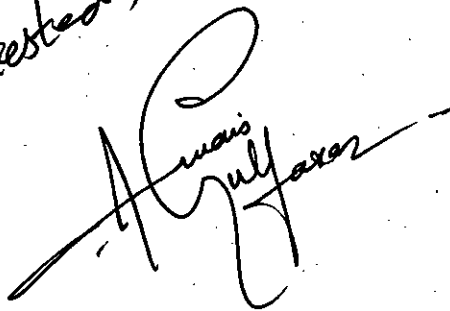
- 5. You are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person
- 6. If no reply to this notice is received within seven days or not more than Fifteen days of its issuance, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
- 7. A copy of the finding of the inquiry officer is enclosed.



COMPETENT AUTHORITY

Mr. Shahnawaz S/O Jahandad , Ex-Chowkidar, GHS No. 1 Abbottabad Resident of Mohallah Nari, Village Banda Amlok, P/O Dobather Tehsil and District Abbottabad

Attested;



ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ)، ضلع ایبٹ آباد

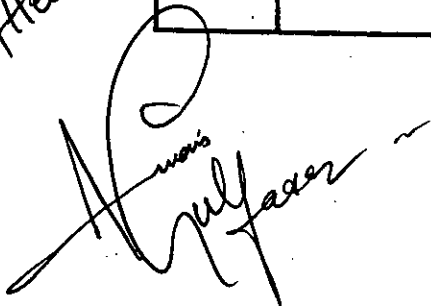
حوالہ شوکاژ نوٹس نمبری Shahnawaz 1355/EBIII/PF محرمہ 19-02-2020

تحریری جواب

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Attested,



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مورخہ: 29-02-2020

شاہنواز ولد جہانگاہ اسکے محلہ ٹاڑی، گاؤں بانڈہ الطوک، ڈاکخانہ دوپتھر، تحصیل ضلع ایبٹ آباد (سائل)

ملازم محکمہ ایجوکیشن Under Inquiry

0336-5897766

موبائل نمبر: 0344-9489390

سید ایوب

No. RGL37494845

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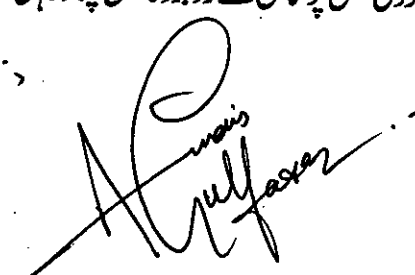
[Signature]

ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ)، ضلع ایبٹ آباد

بجوالہ شوکار نوٹس نمبری Shahnawaz EBIII/PF 1355/محرمہ 19-02-2020

تحریری جواب

- جناب عالی! جملہ الزامات مندرجہ شوکار نوٹس فقرہ نمبرات 1,2-(i)(ii),3-(i)(ii),4,5,6,7 کا ذیل جواب عرض ہے:
- (1) یہ کہ سائل حکمہ ہذا میں بطور چوکیدار تحت لیٹر بھرتی محرمہ 21-06-1993 بھرتی ہوا۔ (نقل لیٹر بھرتی محرمہ 21.06.1993 معہ Better Copy صفحات 5 تا 6 و دیگر لیٹرز نسبت ملازمت سائل لف صفحات (7) تا (11) ہیں)
 - (2) یہ کہ دوران ملازمت، سائل نے ہمیشہ افسران بالا کا حکم بجالایا اور محنت، ایمانداری اور پابندی کے ساتھ اپنا کام انجام دیا۔
 - (3) یہ کہ آخری دفعہ سائل گورنمنٹ گریڈ پرائمری سکول، کریم پورہ، ایبٹ آباد میں بطور چوکیدار تعینات تھا اور اس دوران سائل نے اپنی ٹرانسفر بطور ڈرائیور کی نسبت ایک درخواست دی۔ (نقل درخواست محرمہ 25.02.2016 لف صفحہ (12) ہے)
 - (4) یہ کہ موجودہ پوسٹ سے قبل، سائل عرصہ تین سال تک بطور ڈرائیور DEO زنانہ کے دفتر میں ڈیوٹی سرانجام دے چکا تھا۔ ڈرائیور کی کچھ آسامیاں خالی ہوئیں تو سائل نے بحیثیت سینئر ملازم حکمہ اور مذکورہ آسامی کیلئے موزوں ترین امیدوار ہونے کے ناطے مسماۃ فائزہ شفیع [DEO(F)] سے مذکورہ آسامی پر بھرتی کی درخواست کی مگر مذکورہ یہ سائل سے رشوت طلب کی جس پر سائل نے تحریری درخواست تھانہ اینٹی کرپشن میں برخلاف مذکورہ دی اور از خود Trap Agent بن کر ملک کو کرپشن سے پاک کرنے کی کوشش میں حصہ بنا۔ (نقل درخواست اینٹی کرپشن معہ Better Copy صفحات (13) تا (14) ہے)
 - (5) یہ کہ مورخہ 03-05-2017 کو فاضل سینئر سول جج صاحب اور اسٹنٹ ڈائریکٹر اینٹی کرپشن پر مشتمل ایک ٹیم نے سائل کو بطور Trap Agent اپنے ہمراہ رکھ کر فائزہ شفیع کے دفتر DEO(F) پر چھاپہ مارا اور مذکورہ یہ کورنگے ہاتھوں پکڑ کر مقدمہ تحت قانون اینٹی کرپشن درج کیا۔ (نقلات رپورٹ نمبری SCJ/ATD 752-53 محرمہ 04-05-2017 و FIR نمبری 02 محرمہ 03.05.2017 معہ Better Copy صفحات (15) تا (18) لف ہیں)
 - (6) یہ کہ FIR اندراج کے فوراً بعد مذکورہ فائزہ شفیع نے بحیثیت ملزم محض بدلہ کی غرض سے ایک غیر قانونی آفس آرڈر نمبری 3004-06 محرمہ 05.05.2017 کے تحت سائل کو بغیر کسی انکوائری کے حکمہ ہذا سے Relieved Off کر کے سائل کی سروس کو DC ایبٹ آباد کے رحم و کرم پر چھوڑ دیا۔ سائل نے مذکورہ غیر قانونی آفس آرڈر کو فاضل پشاور ہائی کورٹ ایبٹ آباد بیچ میں چیلنج کیا اور فاضل پشاور ہائی کورٹ نے پہلی ہی تاریخ پر مذکورہ غیر قانونی آفس آرڈر کو معطل فرمادیا۔ (نقلات غیر قانونی آفس آرڈر نمبری 3004-06 محرمہ 05.05.2017 اور رٹ بینچن فاضل پشاور ہائی کورٹ صفحات (19) تا (27) لف ہیں)
 - (7) یہ کہ سائل نے حکمہ اینٹی کرپشن کے اعلیٰ افسران کے روبرو انصاف کے حصول کیلئے متعدد درخواست ہائے گزاریں نیز سائل کے مقدمہ کی گواہ مسماۃ شبانہ کوثر نے بھی DC ایبٹ آباد کے نام برخلاف مسماۃ فائزہ شفیع ایک درخواست دی۔ (نقلات درخواست ہائے لف صفحات (28) تا (30) ہیں)
 - (8) یہ کہ مسماۃ فائزہ شفیع (DEO) اور پرنسپل گورنمنٹ گریڈ پرائمری سکول، کریم پورہ، ایبٹ آباد نے فاضل پشاور ہائی کورٹ کے احکامات پر عملدرآمد نہیں کیا بلکہ ساتھ ہی سائل کی تنخواہ بھی بند کر دی جس پر سائل نے روبرو فاضل پشاور ہائی کورٹ مقدمہ توہین

Attested:


15.02.2018 تک اندھیرے میں رکھا اور اس عرصہ کے دوران سائل کو بھی اندھیرے میں رکھ کر لاتعداد آفس آرڈرز جاری کرتے رہے یوں انصاف کا قتل کیا۔ (نقولات فیصلہ و حکم فاضل پشاور ہائی کورٹ ایبٹ آباد شیخ محرمہ 15.02.2018 لف صفحات (53) تا (56) ہیں)

(14) یہ کہ سائل نے مذکورہ بالا آرڈر ایئر نمبری 8595 محرمہ 23.05.2017 نسبت منسوخی FIR کو فاضل پشاور ہائی کورٹ میں چیلنج کیا اور ساتھ ہی سائل کے حق میں کارروائی زیر دفعہ 182, 211 PPC کو معطل کر دیا گیا۔ (نقولات رٹ پٹیشن و آرڈر محرمہ 09.11.2017 لف صفحات (57) تا (67) ہیں)

(15) یہ کہ شکایات اسٹوڈنٹس و ٹیچرز خلاف سائل محض بے بنیاد بات ہے کیونکہ سائل محکمہ ہذا میں 21-06-1993 سے سروس کرتا رہا اور آج تک سائل کے خلاف کوئی انکوائری یا کسی انکوائری کی بنیاد پر کوئی محکمہ سزا نہیں دی گئی اور اگر کوئی شکایات تھیں تو آج تک محکمہ خاموش کیوں رہا؟ لہذا یہ محض سنی سنائی باتیں ہیں جن کی قانون میں کوئی وقعت نہیں ہے۔

(16) یہ کہ سائل کو کوئی تنازعہ آفس آرڈرز یا شو کاز نوٹس ارسال نہیں کیئے گئے نیز سائل کا تعلق گاؤں بانڈہ اٹوک سے ہے جہاں اخبار کی سہولت بھی موجود نہیں ہے یوں سائل کے خلاف سراسر غیر قانونی، غیر منصفانہ اور یک طرفہ طور پر کارروائی عمل میں لائی گئی ہے۔ مزید یہ کہ سائل کو (DEO(Male)) کے دفتر میں غیر قانونی، غیر مجازانہ و غیر منصفانہ طور پر ٹرانسفر کر دیا گیا اور اس آرڈر کو بھی خفیہ رکھا گیا۔ سائل نے درخواست تحت Right to Information بھی گزاری۔


(17) یہ کہ سائل کو اپنے طور پر نسبت برطرفی (Dismissed) سروس کا علم ہوا جو (DEO(Male)) نے جاری کیا جبکہ سائل آخری دفعہ (DEO(Female)) کے تحت ملازم تھا۔ سائل نے بمشکل مذکورہ تنازعہ آرڈر کی نقل حاصل کی اور محکمہ اپیل دائر کر دی۔ (نقولات تنازعہ آرڈر نمبری 11738-45/EBIII محرمہ 27.10.2017 و محکمہ اپیل معہ رسید ڈاکخانہ لف صفحات (68) تا (73) ہے)

(18) یہ کہ مندرجہ بالا محکمہ اپیل کا کوئی فیصلہ نہیں کیا گیا لہذا سائل نے فاضل سروس ٹریبونل سے رجوع کیا جہاں سے سائل کی اپیل منظور ہو کر مندرجہ ذیل حکم صادر ہوا:

08. As a sequel to above, the appeal is accepted and the impugned order dated 27.10.2017 is set aside. The respondents are directed to conduct de-novo enquiry within a period of 90 days from the date of receipt of this judgment. The reinstatement of the appellant shall subject to the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room. (نقل فیصلہ و حکم محرمہ 24.10.2019 لف صفحات (74) تا (79) ہے)

(19) یہ کہ حال ہی میں فاضل پشاور ہائی کورٹ ایبٹ آباد شیخ نے سائل کی FIR اینٹی کرپشن کی بحالی کی نسبت بھی فیصلہ و حکم محرمہ 08.10.2019 کو صادر فرما دیا ہے۔ (نقل فیصلہ و حکم محرمہ 08-10-2019 نسبت بحالی FIR لف صفحات (80) تا (94) ہے)

(20) یہ کہ کورٹ کیسز کے زیر تجویز ہوتے ہوئے کسی بھی قسم کا آرڈر غیر قانونی ہے نیز مسماۃ فائزہ شفیع از خود ملزم ہے اور فاضل پشاور ہائی کورٹ ایبٹ آباد شیخ کے روبرو پیش نہیں ہوئی اور یوں مذکورہ یہ کہ خلاف تو بین عدالت کی کارروائی بھی کی گئی۔

Attested:


21 یہ کہ یہاں یہ درج کرنا نہایت ضروری و اہم ہے کہ سائل کے مقدمہ کے حوالے سے اب تک صرف ایک انکوائری کی گئی جو کہ شوکا ز نوٹس نمبری Show Cause 3607-11/EB-III/ محرمہ 29.05.2017 کی نسبت تھی جبکہ متنازعہ آرڈر محرمہ 27.10.2017 کی نسبت کوئی شوکا ز، انکوائری نہیں کی گئی۔

(22) یہ کہ ملزم ہوتے ہوئے مدعی مقدمہ کے خلاف شوکا ز جاری کرنے سے مذکورہ کی جانبداری کا واضح پتہ چلتا ہے۔

(23) یہ کہ مذکورہ نے محض فوجداری مقدمہ ایٹنی کرپشن کی بغض و اثناء میں آکر سائل کے خلاف یہ جملہ غیر قانونی کارروائیاں کی ہیں۔

(24) یہ کہ ماضی میں مذکورہ مسماۃ فائزہ شفیع کے خلاف اسی طرح کے غیر قانونی آرڈرز جاری کرنے پر فاضل پشاور ہائی کورٹ

ایبٹ آباد شیخ نے سخت سرزنش کی تھی جس پر مذکورہ نے فاضل پشاور ہائی کورٹ کے روبرو بذریعہ نظر ثانی (Review

Petition) معافی مانگی تھی۔ (فقولات نظر ثانی (Review Petition) معہ آرڈر محرمہ 12.04.2016 لف صفحات

(95) تا (102) ہیں)

(25) یہ کہ سائل غریب کلاس فور ملازم ہوں جو عرصہ زائد از قریباً 2 سال سے اپنی ملازمت و انصاف کیلئے تگ و دو کر رہا ہوں اور بعد

از اندراج FIR سائل کی تنخواہ بھی بند کر دی گئی تھی پھر سروس سے Dismiss بھی کر دیا گیا۔

(26) یہ کہ موجودہ انکوائری سائل کی Reinstatement کے بغیر خلاف قانون طور پر عمل میں لائی گئی ہے جبکہ سائل نے اس نسبت

درخواست ہائے محکمہ کے تمام مجاز و اعلیٰ افسران کو گزاری ہیں۔ دوران انکوائری مسماۃ فائزہ شفیع یا اُس کا کوئی گواہ بغرض بیان و

جرح سائل کے روبرو نہیں آیا اور نہ ہی شوکا ز نوٹس ہذا کے ساتھ سائل کو انکوائری رپورٹ اور بیانات کی کاپی فراہم کی گئی ہے اور

نہ ہی سائل کو بذاتہ سنے جانے کا حق دیا گیا یوں جانبدارانہ کارروائی عمل میں لائی گئی ہے۔ (فقولات درخواست ہائے بابت

Reinstatement معہ رسیدات ڈاکخانہ لف صفحات (103) تا (106) ہیں)

(27) یہ کہ جواب ہذا فقرہ نمبر 6 شوکا ز نوٹس کے مطابق اندر میعاد ہے۔

استدعا:

لہذا استدعا ہے کہ سائل کو جملہ الزامات سے بری الذمہ قرار دیتے ہوئے محکمہ ہذا میں دوبارہ بحال کیا جا کر سابقہ حق حقوق

(Back Benefits) بھی دیئے جانے کا حکم صادر کیا جاوے۔

مورخہ: 29-02-2020

شاہنواز ولد جہاندا سکنتہ محلہ ناڑی، گاؤں بانڈہ الملوک، ڈاکخانہ دو بھتر، تحصیل ضلع ایبٹ آباد (سائل)

ملازم محکمہ ایجوکیشن Under Inquiry

موبائل نمبر: 0344-9489390 / 0336-5897766

Attested;

(Signature)

Annexure W4 (42)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD



No. 3070 / EB-III/PP. Mr. Shahnawaz

Dated Abbottabad the: 09/08/2017

0992-342533, 0992-342314

deofemale_abbottabad@yahoo.com

To,

The District Education
Officer (Male) Abbottabad.

SUBJECT: RELIEVING CHIT SHAHNAWAZ CHOWKIDAR GGPS KARIMPURA


Memo:

It is submitted that Mr. Shahnawaz Chowkidar GGPS Karim Pura has been found indulged in some sort of illegal/illegitimate activities & not fit to perform his duty in any female institution. Keeping in view the above mentioned facts, his services are no more required for District Education (Female) office Abbottabad.

So, it is requested to your goodself that the chowkidar may please be adjusted/transferred in any male institution as per verbal directions of Mr. Qaiser Alam Additional Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar during meeting held on 06/05/2017 at District Education office (Female) Abbottabad.

You are therefore requested a suitable replacement may please be provided from Male office/intentions to solve the issue on priority bases.

Your cooperation in this regard will be highly appreciated.

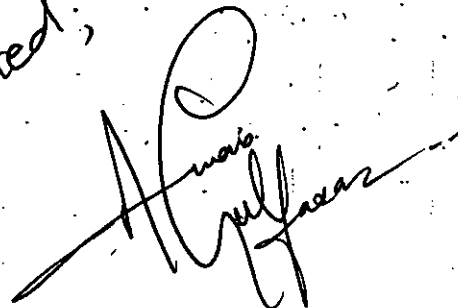

District Education Officer
(Female) Abbottabad


Endst Even No. & Date

Copy For Information To The:-

1. PS to Additional Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner Abbottabad.
4. Sub Divisional Education Officer (Female) Abbottabad.
5. Head Mistress GGPS Karim Pura
6. Mr. Shahnawaz Chowkidar GGPS Karim Pura.
7. Office file.

Attested,




District Education Officer
(Female) Abbottabad

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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD



0992-342533; 0992-342314
deofemale_abbottabad@yahoo.com

WITHDRAWN OF RELIEVING CHIT

The relieving chit in r/o Mr. Shahnawaz (Chowkidar) GGPS Karim Pura an Mst. Shabana Bibi (Sweepress) of this office issued vide Endst: No. 3004-06 dated 05-01-2017 is hereby withdrawn with immediate effect till further order.

NOTE:- They are directed to work on the previous duty place of posting i.e GG Karim Pura and Office of DEO (F) Abbottabad as usual.

District Education Officer
(Female) Abbottabad

Endst No. 3010 /EB-III/ Dated 05 /05/2017

Copy For Information To The:-

1. Deputy Commissioner Abbottabad.
2. Sub Divisional Education Officer (Female) Abbottabad.
3. Head Mistress GGPS Karim Pura.
4. Mr. Shahnawaz Chowkidar GGPS Karim Pura.
5. Mst. Shabana Swp: Office of DEO (F) Abbottabad.
6. Office file.

District Education Officer
(Female) Abbottabad

Attested;

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Annexure "X" 4

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

ORDER

1. WHEREAS, you Mr. Shahnawaz S/O Jahandad Chowkidar, GHSS NO. 1 Abbottabad (Resident of Mohallah Nari, Village Banda Amlok, P.O Dobather, Tehsil & District Abbottabad) was proceeded for having committed the following gross irregularities which constitute inefficiency, misconduct, corruption & habitually absenting from duty without prior approval of leave under Rule-3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011.
2. AND WHEREAS, in pursuance to the Judgement of Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court Abbottabad passed in Service Appeal No: 266/2018 dated 24-10-2019 received with your application dated 13-11-2019 under Diary No. 9459 dated 16-11-2019, you were reinstated in service vide this office Endst No. 12372-77 dated 26-11-2019 and Inquiry Committee was constituted vide this Office Endst No. 12378-85 dated 26-11-2019 to conduct de-novo inquiry under the rule on the charges leveled against you, Charge sheet and Statement of Allegation was also served upon you.
3. AND WHEREAS, Inquiry Committee submitted its report dated 31-12-2020 and the same was remanded to the Inquiry Committee vide this Office Memo No. 1062 dated 06-02-2020 with the remarks to provide you opportunity of self defence as well as cross examination and resubmit the same for further proceeding.
4. AND WHEREAS, the Inquiry Committee submitted its letter vide No.835 dated 10-02-2020 and stated that the opportunity of self defence as well as cross examination has already been provided.
5. (i) AND WHEREAS, your allegation upon Mst: Faiza Shafi Ex-DEO Female Abbottabad could not be established as you, yourself not handed over the tainted money as per plan. Likewise, the raid party under the supervision of a Judge could not prove/accept that envelope containing RS. 20000/- from the corner of table of Mst: Faiza Shafi Ex-DEO Female Abbottabad on spot on 03-05-2017 as the tainted money was not handed over to her in open form, rather planted in envelope and found on her table corner. Your allegation has also been proved false, as Anti-Corruption Department KP has dropped the case registered under FIR No. 02 dated 03-05-2017 and ordered to register case under Section 182Cr.Pc and 112 PPC vide letter No. 8595 dated 23-05-2017. You have although, challenged it through Writ No. 1077/2017 in the Honorable Peshawar High Court Abbottabad Bench and got relief as the impugned proceeding U/S 182 Cr. Pc and 112 PPC stands suspended on 11-11-2017. You skillfully plotted to utilize the service of Mst: Shabbana Kausar, by handing over her envelope containing 20000/- as per her statement under 164 before Anti-Corruption Judge on 06-05-2017. Her earlier statement in your favor addressed to DC Abbottabad on 03-05-2017 was of no value, rather authenticates her link of criminal conspiracy act of May,03,2017.
(ii) AND WHEREAS, your key role in engineering criminal proceeding, misstatement and also admitted that you have personally handed over Rs.20000/- to Mst: Faiza Shafi Ex-DEO Female Abbottabad which tantamount to misconduct under the Rule. As it is well settled proposition admitted facts not need to be proved.
6. AND WHEREAS, you were relieved by the DEO Female Abbottabad vide Memo No: 3070 dated 09-05-2017 regarding your illegal/illegitimate activities, unfit for female institutions. Your services were placed on the disposal of this Office for further posting by Director E&SE KPK Peshawar vide letter No 4467-69 dated 25-05-2017 but you failed to submit your arrival in this Office uptill 12-07-2017. You were called upon to explain the reason of above within seven days vide this office Memo No. 7688-91 dated 12-07-2017 through registered post No. 667 dated 23-07-2017. You were adjusted at GHSS No. 1 Abbottabad vide this office order issued under vide Endst No. 8314-19 dated 28-07-2017 but you failed to take over charge in the said school as per report of Principal GHSS No. 1 Abbottabad vide No. 635 dated 04-08-2017 and remained willful absent from duty till the date of dismissal from service i.e. 27-10-2017.

In the light of foregoing proceedings/material facts/evidence, it has been proved that you committed gross misconduct, and highly ambitious for unlawful gain through malpractice which amounts to criminal conspiracy on your part & also remained willful absent from duty w.e. 29-07-2017 to the date of Dismissal from service i.e 27-10-2017.

Attested
21/3/2020

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8. AND WHEREAS, Show Cause Notice regarding your MISCONDUCT, INEFFICENCY & WILLFUL ABSENCE from duty was served upon you vide this Office Memo. No. 1355 dated 19-02-2020 on your home address through Registered Post as well as copy forwarded to Principal GHSS No. 1 Abbottabad, wherein major penalty of Dismissal from service was tentatively proposed under Rule-4 of Khyber Pakhtunkhwa, Govt Servants (Efficiency & Discipline) Rules, 2011.
9. AND WHEREAS, you submitted your reply dated 29-02-2020 of the Show Cause Notice which was found unsatisfactory and you were called for personal hearing on 10-03-2020 vide this Office Memo: No.1937 dated 09-03-2020.
10. AND WHEREAS, you appeared for personal hearing on 10-03-2020 and failed to defend the charges leveled against you.
11. And by reason of the above, charges leveled against you have been proved and you are found guilty of MISCONDUCT, INEFFICENCY & WILLFUL ABSENCE from 29-07-2017 to the date of Dismissal from service i.e 27-10-2017 without prior approval of leave under Rule-3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rule, 2011.

NOW THEREFORE, the Competent Authority in exercise of the power conferred upon him under Rule-4(1) Sub Rule(b)(iv) of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rule,2011 is pleased to impose major penalty of "**DISMISSAL FROM SERVICE**" upon Mr. Shahnawaz S/O Jahandad Chowkidar, GHSS NO. 1 Abbottabad (Resident of Mohallah Nari, Villagge Banda Amlok, P.O Dobather, Tehsil & District Abbottabad).

sd/-

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

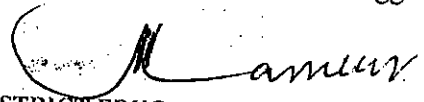
Endst: No. 2283-86 /EBIII/PF/Shahnawaz

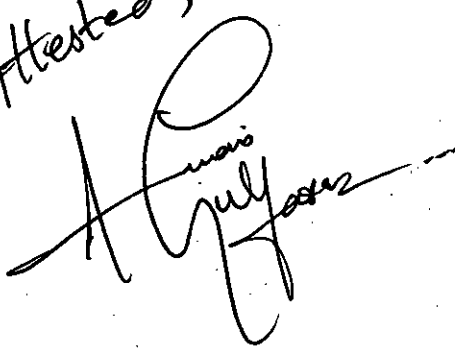
Dated 21-03 /2020

Copy forwarded for information to the:-

1. Honorable Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court Abbottabad with reference to Judgement passed in Service Appeal No. 266/2018 dated 24-10-2019
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Comptroller of Accounts Abbottabad.
4. District Monitoring Officer(IMU) Abbottabad.
5. District Education Officer(F) Abbottabad.
6. Principal GHSS No. 1 Abbottabad.
7. B&AO local office.
8. Assistant Programmer EMIS Branch Local Office
9. Mr. Shahnawaz S/O Jahandad Chowkidar, GHSS NO. 1 Abbottabad(Resident of Mohallah Nari, Villagge Banda Amlok, P.O Dobather, Tehsil & District Abbottabad).

Regd. A/D


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Attested;


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OFFICE OF THE DISTRICT EDUCATION OFFICER MALE ABBOTTABAD.

CORRIGENDUM

Please read 31-01-2020 instead of 31-12-2020 recorded at S.No 3 of this office Dismissal From Service order in r/o Mr. Shahnawaz S/O Jahandad Chowkidar GHSS No.1 Abbottabad (Resident of Mohallah Nari, Village Banda Amlok P/O Dobathar Tehsil and District Abbottabad) issued vide Endst No. 2283-86 dated 21-03-2020.

Sdt
DISTRICT EDUCATION OFFICER-M
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Endst: No. 2474-82 /EBIII/PF/Shahnawaz

Dated 23-4- /2020

Copy forwarded for information to the:-

1. Honorable Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court Abbottabad with reference to Judgement passed in Service Appeal No. 266/2018 dated 24-10-2019
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Comptroller of Accounts Abbottabad.
4. District Monitoring Officer(IMU) Abbottabad.
5. District Education Officer(F) Abbottabad.
6. Principal GHSS No. 1 Abbottabad.
7. B&AO local office.
8. Assistant Programmer EMIS Branch Local Office
9. Mr. Shahnawaz S/O Jahandad Chowkidar, GHSS NO. 1 Abbottabad(Resident of Mohallah Nari, Villagge Banda Amlok, P.O Dobather, Tehsil & District Abbottabad).

Manur
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Attested;
[Signature]

محکمہ اپیل مورخہ 16-04-2020**برخلاف آرڈر نمبری 2283-86/EBIII/PF/Shahnawaz مورخہ 21-03-2020**

جناب عالی! حکمانہ اپیل برخلاف آرڈر نمبری 2283-86/EBIII/PF/Shahnawaz مورخہ 21-03-2020 ذیل ہے:

(1) یہ کہ سائل/اپیلانٹ محکمہ ہذا میں بطور چوکیدار تحت لیٹر بھرتی نمبرہ 21-06-1993 بھرتی ہوا اور سائل/اپیلانٹ نے ہمیشہ افسران بالا کا حکم بجالایا اور محنت، ایمانداری اور پابندی کے ساتھ اپنا کام انجام دیا۔ (نقولت لیٹر بھرتی نمبرہ 21.06.1993 معہ Better Copy و لیٹر نسبت ملازمت لف ہیں)

(2) یہ کہ آخری دفعہ سائل/اپیلانٹ گورنمنٹ گرلز پرائمری سکول، کریم پورہ، ایبٹ آباد میں بطور چوکیدار تعینات تھا اور اس دوران سائل/اپیلانٹ نے اپنی ٹرانسفر بطور ڈرائیور کی نسبت ایک درخواست دی۔ (نقل درخواست مورخہ 25.02.2016 لف ہے)

(3) یہ کہ موجودہ پوسٹ سے قبل، سائل/اپیلانٹ عرصہ تین سال تک بطور ڈرائیور DEO زنانہ کے دفتر میں ڈیوٹی سرانجام دے چکا تھا۔ ڈرائیور کی کچھ آسامیاں خالی ہوئیں تو سائل/اپیلانٹ نے بحیثیت سینئر ملازم محکمہ اور مذکورہ آسامی کیلئے موزوں ترین امیدوار ہونے کے ناطے مسماۃ فائزہ شفیع [DEO(F)] سے مذکورہ آسامی پر بھرتی کی درخواست کی مگر مذکورہ نے سائل/اپیلانٹ سے رشوت طلب کی جس پر اپیلانٹ نے تحریری درخواست تھانہ اینٹی کرپشن میں برخلاف مذکورہ دی اور از خود Trap Agent بن کر ملک کو کرپشن سے پاک کرنے کی کوشش میں حصہ بنا۔ (نقل درخواست اینٹی کرپشن مورخہ 03.05.2017 معہ Better Copy لف ہے)

(4) یہ کہ مورخہ 03-05-2017 کو فاضل سینئر سول جج صاحب اور اسسٹنٹ ڈائریکٹر اینٹی کرپشن پر مشتمل ایک ٹیم نے سائل/اپیلانٹ کو بطور Trap Agent اپنے ہمراہ رکھ کر فائزہ شفیع کے دفتر DEO(F) پر چھاپہ مارا اور مذکورہ کو رنگے ہاتھوں پکڑ کر مقدمہ تحت قانون اینٹی کرپشن درج کیا۔ (نقولت FIR نمبری 02 مورخہ 03.05.2017 معہ Better Copy و رپورٹ نمبری SCJ/ATD/53/752 مورخہ 04-05-2017 لف ہیں)

(5) یہ کہ FIR اندراج کے فوراً بعد مذکورہ کا فائزہ شفیع نے بحیثیت ملزم محض بدلہ کی غرض سے ایک غیر قانونی آفس آرڈر نمبری 3004-06 مورخہ 05.05.2017 کے تحت سائل/اپیلانٹ کو بغیر کسی انکوائری کے محکمہ ہذا سے Relieved Off کر کے سائل/اپیلانٹ کی سروس کو DC ایبٹ آباد کے رحم و کرم پر چھوڑنے کا حکم صادر کر دیا۔ سائل/اپیلانٹ نے مذکورہ غیر قانونی آرڈر کو فاضل پشاور ہائی کورٹ ایبٹ آباد بیچ میں چیلنج کیا اور فاضل پشاور ہائی کورٹ نے مورخہ 22.05.2017 کو مذکورہ غیر قانونی آرڈر مورخہ 05.05.2017 کو معطل فرما دیا۔ (نقل غیر قانونی آرڈر نمبری 3004-06 مورخہ 05.05.2017 و مصدقہ نقولت رٹ پٹیشن فاضل پشاور ہائی کورٹ معہ آرڈر مورخہ 22.05.2017 لف ہیں)

(6) یہ کہ سائل/اپیلانٹ نے محکمہ اینٹی کرپشن کے اعلیٰ افسران کے روبرو انصاف کے حصول کیلئے متعدد درخواست ہائے گزارشیں نیز سائل/اپیلانٹ کے مقدمہ کی گواہ مسماۃ شبانہ کوثر نے بھی DC ایبٹ آباد کے نام برخلاف مسماۃ فائزہ شفیع ایک درخواست دی۔

شاہد

Attested
R. Gul

(نقولات درخواست نسبت گرفتاری ملزمہ فائزہ شفیع بنام ڈائریکٹر اینٹی کرپشن محررہ 03.05.2017 و درخواست تحت Right to Information محررہ 08.05.2017 و درخواست مسماة شبانہ کوثر محررہ 03.05.2017 بنام DC ایبٹ آباد لف ہیں)

(7) یہ کہ مسماة فائزہ شفیع (DEO) اور پرنسپل گورنمنٹ گرلز پرائمری سکول، کریم پورہ، ایبٹ آباد نے فاضل پشاور ہائی کورٹ کے احکامات پر عملدرآمد نہیں کیا بلکہ ساتھ ہی سائل / اپیلانٹ کی تنخواہ بھی بند کر دی جس پر سائل / اپیلانٹ نے روبرو فاضل پشاور ہائی کورٹ مقدمہ توہین عدالت بعنوان "شاہنواز بنام مسماة فائزہ شفیع وغیرہ" دائر کیا۔ (مصدقہ نقولات مقدمہ توہین عدالت بعنوان "شاہنواز بنام مسماة فائزہ شفیع وغیرہ" مع آرڈر محررہ 13.06.2017 لف ہیں)

(8) یہ کہ بعد از اندراج FIR، دائرگی رٹ پٹیشن و توہین عدالت برخلاف مسماة فائزہ شفیع، مذکورہ از خود Competent Authority بن گئی اور سائل / اپیلانٹ کے خلاف شوکاز نوٹس نمبری 3607-11/EB-III/Show Cause محررہ 29.05.2017 جاری کیا اور یوں مذکورہ اپنے ہی مقدمہ میں خود جج بن گئی جو کہ انصاف کے اصولوں کے منافی تھا۔ سائل / اپیلانٹ کو سنا نہیں گیا اور مذکورہ یہ جانبدار تھی اور سائل / اپیلانٹ کو شوکاز جاری کرنے کی مجاز نہیں رہی تھی۔ بہر حال سائل / اپیلانٹ نے مذکورہ شوکاز کا حسب ضابطہ جواب ارسال کر دیا۔ (نقولات شوکاز نوٹس نمبری 3607-11/EB-III/Show Cause محررہ 29.05.2017 مع جواب نوٹس محررہ 13.06.2017 لف ہیں)

(9) یہ کہ مندرجہ بالا شوکاز نوٹس میں دیگر دو (2) آفس آرڈرز کا ذکر بھی موجود تھا جو کہ سائل / اپیلانٹ کو ارسال نہیں کیئے گئے تھے جبکہ غیر قانونی آرڈر محررہ 05.05.2017 کے Withdraw ہونے کو بھی اس شوکاز نوٹس میں خفیہ رکھا گیا اور کوئی ذکر نہیں کیا گیا۔ سائل / اپیلانٹ نے DEO (Male) کے پاس تحت KPK Right to Information Act, 2013 ایک درخواست دی مگر سائل / اپیلانٹ کو ہر دو مذکورہ آرڈرز فراہم نہیں کیئے گئے۔ (نقل درخواست Right to Information محررہ 04.07.2017 لف ہے)

(10) یہ کہ شوکاز نوٹس نمبری 3607-11/EB-III/Show Cause محررہ 29.05.2017 کے تحت کی جانے والی نام نہاد انکوآری اینٹی کرپشن FIR اور مسماة فائزہ شفیع کی جانب سے Counter Complaint برخلاف سائل کی بابت کی گئی تھی نہ کہ سائل / اپیلانٹ کی غیر حاضری کی بابت۔ سائل / اپیلانٹ کو انکوآری آفیسر محمد ریاض سواتی صاحب ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) تو غرنے بذریعہ لیٹر محررہ 29.06.2017 طلب کیا۔ سائل / اپیلانٹ حاضر ہوا اور اپنا موقف پیش کیا مگر نہ تو سائل / اپیلانٹ کو الزامات / چارج شیٹ کی نقل فراہم کی گئی، نہ سائل / اپیلانٹ کو دفاع کا موقع دیا گیا، نہ گواہان پر جرح کا موقع دیا گیا اور نہ ہی بذاتہی سنے جانے کا حق دیا گیا۔ اس انکوآری رپورٹ میں سائل / اپیلانٹ کو محض FIR خارج ہونے کی بناء پر Dismiss کرنے کا لکھا گیا مگر FIR بعد ازاں فاضل پشاور ہائی کورٹ کے حکم پر بحالی کے مراحل میں ہے لہذا یہ انکوآری اب کا عدم وغیر قانونی تصور ہوگی۔

یہاں یہ بات درج کرنا نہایت ضروری واہم ہے کہ سائل / اپیلانٹ کے مقدمہ کے حوالے سے اب تک صرف ایک انکوآری کی گئی جو کہ شوکاز نوٹس نمبری 3607-11/EB-III/Show Cause محررہ 29.05.2017 کی نسبت تھی جبکہ متاخر آرڈر محررہ 27.10.2017 کی نسبت کوئی شوکاز، انکوآری نہیں کی گئی۔ (نقولات لیٹر محررہ 29.06.2017 مع

شاہنواز

Attested,
Fazal Gul

Better Copy و انکوائری رپورٹ محررہ 01.07.2017 لف ہیں)

(11) یہ کہ محکمہ اینٹی کرپشن نے ہمراہ ملی بھگت مسماۃ فائزہ شفیع خفیہ طور پر مدعی مقدمہ کو نوٹس / اطلاع دیے بغیر تحت آرڈر ایگزیمبری 8595 محررہ 23.05.2017 کے FIR کو کینسل / منسوخ کر دیا اور سائل / اپیلانٹ کو PPC 211, 182 کا نوٹس جاری کر دیا گیا۔ سائل / اپیلانٹ نے مذکورہ نوٹس کا جواب ارسال کیا۔ (نقولات آرڈر ایگزیمبری 8595 محررہ 23.05.2017، نوٹس PPC 211, 182 محررہ 08.06.2017، جواب نوٹس محررہ 13.06.2017 اور درخواست تحت Right to Information محررہ 19.06.2017 نسبت حصول ریکارڈ اینٹی کرپشن لف ہیں)

(12) یہ کہ سائل / اپیلانٹ نے مذکورہ بالا آرڈر ایگزیمبری 8595 محررہ 23.05.2017 نسبت منسوخ FIR کو فاضل پشاور ہائی کورٹ میں چیلنج کیا اور ساتھ ہی سائل / اپیلانٹ کے حق میں کارروائی زیر دفعہ PPC 211, 182 کو تحت آرڈر محررہ 09.11.2017 معطل کر دیا گیا۔ (مصدقہ نقولات رٹ پیشین و آرڈر محررہ 09.11.2017 لف ہیں)

(13) یہ کہ بدوران زیر تجویز ہونے مندرجہ بالا رٹ پیشین، مسماۃ فائزہ شفیع (DEO) نے اپنا غیر قانونی آرڈر واپس لے لیا مگر نہ تو مذکورہ نے اس نسبت سائل / اپیلانٹ کو مطلع کیا اور نہ ہی فاضل پشاور ہائی کورٹ ایبٹ آباد بیج کو مطلع کیا۔ سائل / اپیلانٹ کو مذکورہ غیر قانونی آرڈر محررہ 05.05.2017 کے بعد کے کسی آرڈر کی کوئی اطلاع نہیں دی گئی تھی۔ اس دوران سائل کی رٹ پیشین بوجہ واپس ہونے مذکورہ غیر قانونی آرڈر کے تحت فیصلہ و حکم محررہ 15.02.2018 خارج کر دی گئی اور ساتھ ہی سائل / اپیلانٹ کو فاضل سروس ٹریبونل سے رجوع کا کہا گیا۔ اس فیصلہ سے سائل / اپیلانٹ کو غیر قانونی آرڈر محررہ 05.05.2017 کے واپس (Withdraw) ہونے کا علم ہوا کیونکہ محکمہ ہذا اور مسماۃ فائزہ شفیع (DEO) نے جان بوجھ کر فاضل پشاور ہائی کورٹ ایبٹ آباد بیج کو حتمی فیصلہ محررہ 15.02.2018 تک اندھیرے میں رکھا اور اس عرصہ کے دوران سائل / اپیلانٹ کو بھی اندھیرے میں رکھ کر لاتعداد آفس آرڈرز جاری کرتے رہے یوں انصاف کا قتل کیا۔ (مصدقہ نقل فیصلہ و حکم فاضل پشاور ہائی کورٹ ایبٹ آباد بیج محررہ 15.02.2018 لف ہے)

(14) یہ کہ شکایات اسٹوڈنٹس و ٹیچرز، اگر کوئی ہوں، برخلاف سائل / اپیلانٹ تو وہ محض بے بنیاد ہونگی کیونکہ سائل / اپیلانٹ محکمہ ہذا میں 21-06-1993 سے سروس کرتا رہا اور آج تک سائل / اپیلانٹ کے خلاف کوئی انکوائری یا کسی انکوائری کی بنیاد پر کوئی محکمہ سزا نہیں دی گئی اور اگر کوئی شکایات تھیں تو آج تک محکمہ خاموش کیوں رہا؟ لہذا یہ محض سنی سنائی باتیں ہیں جن کی قانون میں کوئی وقعت نہیں ہے۔

(15) یہ کہ سائل / اپیلانٹ کو کوئی تنازعہ آفس آرڈر یا شوکا ز نوٹس ارسال نہیں کیئے گئے نیز سائل / اپیلانٹ کا تعلق گاؤں بانڈہ ملوک سے ہے جہاں اخبار کی سہولت بھی موجود نہیں ہے یوں سائل / اپیلانٹ کے خلاف سراسر غیر قانونی، غیر منصفانہ اور یکطرفہ طور پر کارروائی عمل میں لائی گئی ہے۔ مزید یہ کہ سائل / اپیلانٹ کو (DEO(Male)) کے دفتر میں غیر قانونی، غیر مجازانہ وغیر منصفانہ طور پر ٹرانسفر کر دیا گیا اور اس آرڈر کو بھی خفیہ رکھا گیا۔ سائل / اپیلانٹ نے درخواست تحت Right to Information بھی گزاری۔

(16) یہ کہ سائل / اپیلانٹ کو اپنے طور پر نسبت برطرفی (Dismissed) سروس کا علم ہوا جو (DEO(Male)) نے جاری کیا جبکہ سائل / اپیلانٹ آخری دفعہ (DEO(Female)) کے تحت ملازم تھا۔ سائل / اپیلانٹ نے بمشکل مذکورہ تنازعہ آرڈر کی نقل

شاہجہاں

Attested
A. Gul
A. Gul

حاصل کی اور محکمہ اپیل دائر کر دی۔ (نقولات متاخرہ آرڈر نمبری EB/II/11738-45/27.10.2017 و محکمہ اپیل محرمہ 25.11.2017 معہ رسید ڈاکخانہ لف ہیں)

(17) یہ کہ اسی دوران فاضل پشاور ہائی کورٹ ایبٹ آباد بینچ نے ایپلانٹ کی FIR اینٹی کرپشن کی بحالی کی نسبت بھی فیصلہ و حکم محرمہ 08.10.2019 کو صادر فرمایا۔ (مصدقہ نقل فیصلہ محرمہ 08-10-2019 نسبت بحالی FIR لف ہے)

(18) یہ کہ ایپلانٹ کی محکمہ اپیل کا کوئی فیصلہ نہیں کیا گیا لہذا سائل / ایپلانٹ نے فاضل سروس ٹریبونل سے رجوع کیا جہاں سے ایپلانٹ کی سروس اپیل منظور ہو کر فاضل KPK سروس ٹریبونل سے مندرجہ ذیل حکم صادر ہوا:

08. As a sequel to above, the appeal is accepted and the impugned order dated 27.10.2017 is set aside. The respondents are directed to conduct de-novo enquiry within a period of 90 days from the date of receipt of this judgment. The reinstatement of the appellant shall subject to the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room. (مصدقہ نقولات سروس اپیل معہ فیصلہ و حکم محرمہ 24.10.2019 لف ہیں)

(19) یہ کہ کورٹ کیسز کے زیر تجویز ہونے اور Stay Orders جاری ہونے کے پیش نظر محکمہ کی جانب سے کسی بھی قسم کا آرڈر غیر قانونی ہے نیز مسماۃ فائزہ شفیع از خود ملزمہ ہے جس نے فاضل پشاور ہائی کورٹ ایبٹ آباد بینچ کے فیصلہ پر عملدرآمد نہیں کیا اور یوں تو بین عدالت کی مرتکب ہوئی۔ نیز FIR اینٹی کرپشن کی ملزمہ ہوتے ہوئے مدعی مقدمہ کے خلاف شوکاژ جاری کرنے سے مذکورہ کی جانبداری واضح ہے اور مذکورہ نے محض فوجداری مقدمہ اینٹی کرپشن کی بغض و اناہ میں آکر سائل / ایپلانٹ کے خلاف یہ جملہ غیر قانونی کاروائیاں کی ہیں۔

(20) یہ کہ ماضی میں مذکورہ مسماۃ فائزہ شفیع کے خلاف اسی طرح کے غیر قانونی آرڈرز جاری کرنے پر فاضل پشاور ہائی کورٹ ایبٹ آباد بینچ نے سخت سرزنش کی جس پر مذکورہ نے فاضل ہائی کورٹ کے روبرو بذریعہ نظر ثانی (Review Petition) معافی بھی مانگی۔ (مصدقہ نقولات نظر ثانی (Review Petition) معہ آرڈر محرمہ 12.04.2016 لف ہیں)

(21) یہ کہ فاضل KPK سروس ٹریبونل کے حکم محرمہ 24.10.2019 کے باوجود محکمہ ہذا نے ایپلانٹ کو De-novo انکوائری کے سلسلے میں طلب نہیں کیا جس پر سائل نے بذریعہ درخواست ہائے محرمہ 13.11.2019 حکم عدالت کی مصدقہ نقولات ڈائریکٹر ایجوکیشن پشاور، (M) DEO ایبٹ آباد اور (F) DEO ایبٹ آباد کو ارسال کیں تو (M) DEO نے سائل کو بذریعہ آفس آرڈر نمبر EB-II/12372-77/26.11.2019 PF/C-IV کے Reinstatement کا حکم صادر کر کے De-novo انکوائری کا تحریر کیا۔ (نقولات درخواست ہائے محرمہ 13.11.2019 معہ رسیدات ڈاکخانہ و آفس آرڈر نمبر EB-II/12372-77/26.11.2019 PF/C-IV محرمہ 26.11.2019 لف ہیں)

(22) یہ کہ تحت قانون اولاً محکمہ کو بغرض انکوائری ایپلانٹ کو Reinstatement کرنے کے ساتھ یا تو ملازمت کو دوبارہ Join کرنے کی اجازت دینی تھی یا Suspend کر کے De-novo انکوائری شروع کرنی تھی مگر محکمہ نے ایسا نہیں کیا جس پر سائل نے بذریعہ درخواست ہائے محرمہ 05.12.2019 کو تشریح / توضاحت بنام ڈائریکٹر ایجوکیشن پشاور، (M) DEO ایبٹ آباد اور

سٹیجس

Attested,
A. Hussain
Hussain

DEO(F) ایبٹ آباد ارسال کی اور اپنی قانونی ذمہ داری کو پورا کیا۔ (نقلات درخواست ہائے محررہ 05.12.2019 معہ رسیدات ڈاکخانہ لف ہیں)

(23) یہ کہ لیٹرز نمبری EB-II/PF/C-IV 12378-85 محررہ 26.11.2019 کے تحت ایپیلانٹ کو چارج شیٹ جاری کی گئی اور ایپیلانٹ سے تحریری جواب طلب کیا گیا۔ ایپیلانٹ نے جملہ Documentary ثبوت کے ساتھ تفصیلی تحریری جواب مقررہ میعاد کے اندر مورخہ 07.12.2019 کو بمطابق حکم محررہ 26.11.2019 کے متعلقہ انکوائری آفیسر کے پاس جمع کروایا۔ (نقلات لیٹرز نمبری EB-II/PF/C-IV 12378-85 محررہ 26.11.2019 و تحریری جواب محررہ 07.12.2019 لف ہیں)

(24) یہ کہ دوران انکوائری، بعد از داخل ہونے تحریری جواب لیٹرز نمبری EB-II/PF/C-IV 12378-85 محررہ 26.11.2019، سائل / ایپیلانٹ کو Personal Hearing و Cross Examination کیلئے طلب کیا گیا اور سائل / ایپیلانٹ حاضر ہو کر اس کارروائی ہائے کا حصہ بنا۔

(25) یہ کہ مورخہ 19.02.2020 کو ایپیلانٹ کو شوکاژ نوٹس نمبر Shahnawaz 1355/EBIII/PF جاری کیا گیا مگر شوکاژ نوٹس ہذا کے ساتھ انکوائری رپورٹ اور بیانات کی کاپیاں ایپیلانٹ کو فراہم نہیں کی گئیں۔ ایپیلانٹ نے جملہ Documentary ثبوت کے ساتھ تفصیلی تحریری جواب مقررہ میعاد کے اندر مورخہ 29.02.2020 کو بمطابق حکم محررہ 19.02.2020 کے DEO(M) ایبٹ آباد کو ارسال کر دیا۔ (نقلات شوکاژ نوٹس نمبر 1355/EBIII/PF Shahnawaz محررہ 19.02.2020 و تحریری جواب محررہ 29.02.2020 لف ہیں)

(26) یہ کہ De-novo انکوائری میں سنگین لاقانونیت اور بے ضابطگیاں برتی گئیں جس پر سائل / ایپیلانٹ نے بارہا انکوائری آفیسر کے سامنے عذر و اعتراض بھی اٹھائے مگر بے سود۔ یوں متنازعہ آرڈر نمبری Shahnawaz 2283-86/EBIII/PF محررہ 21.03.2020 خلاف قانون، خلاف رولز، کالعدم و قابل منسوخی بوجہ ذیل وجوہات ہے:

(a) موجودہ انکوائری سائل / ایپیلانٹ کی عملاً Reinstatement کے بغیر خلاف قانون و خلاف رولز عمل میں لائی گئی؛

(b) ایپیلانٹ کے تحریری جواب اور Documentary ثبوت کو یکسر نظر انداز کر دیا گیا اور ان Documents اور ریکارڈ کی بابت مسماۃ فائزہ شفیع سے کوئی وضاحت / انکوائری نہیں کی گئی؛

(c) سائل / ایپیلانٹ کو شوکاژ نوٹس نمبر Shahnawaz 1355/EBIII/PF محررہ 19.02.2020 کے ساتھ انکوائری رپورٹ اور بیانات کی کاپیاں فراہم نہیں کی گئیں، مسماۃ فائزہ شفیع از خود بذاتہی یا اس کا کوئی گواہ بغرض بیان و جرح از خود بذاتہی سائل / ایپیلانٹ کے روبرو نہیں آیا اور حیران کن طور پر انکوائری آفیسر از خود اپنے تئیں نام نہاد اور جعلی جرح بر گواہان میں تنہا سائل / ایپیلانٹ کو اپنے سامنے بٹھا کر سائل / ایپیلانٹ سے ہی سوالات پوچھ کر جوابات کو بطور جرح لکھتا رہا اور سائل / ایپیلانٹ سے انکوائری کے ضروری کاغذات کا بہانہ بنا کر misrepresentation سے دستخط حاصل کر لیے یوں مسماۃ فائزہ شفیع کو دوران انکوائری و جرح روبرو سائل طلب نہیں کیا گیا اور خفیہ کارروائی عمل میں لائی گئی؛

(d) بحوالہ نام نہاد غیر حاضری سائل / ایپیلانٹ، متعلقہ عملہ محکمہ ایجوکیشن نسبت ارسال کرنے متنازعہ آرڈر بنام سائل /

شاہین

Attested
Gulshan

اپیلانٹ کوئی باز پرس، بیان و جرح نہیں کی گئی اور نہ ہی متعلقہ سٹاف ڈاکخانہ سے نسبت وصولی/عدم وصولی آرڈر بنام سائل/اپیلانٹ کوئی سوال، باز پرس یا ریکارڈ طلب کیا گیا نیز جملہ Documents فراہم کردہ منجانب سائل سے سائل/اپیلانٹ کی نام نہاد غیر حاضری، سائل/اپیلانٹ کے خلاف نام نہاد شکایات اسٹوڈنٹس و ٹیچرز اور اینٹی کرپشن کی FIR کی نسبت واضح جواب موجود ہے نیز فوجداری مقدمہ (FIR) کا ٹرائل ابھی شروع ہونا ہے جس میں سزایا جزا کا فیصلہ فاضل ٹرائل کورٹ نے کرنا ہے مگر مذکورہ Documents کو یکسر نظر انداز کر دیا گیا؛ انکوآری نسبت کہ سائل/اپیلانٹ کا تعلق دور دراز گاؤں بانڈہ الملوک سے ہے جہاں اخبار کی سہولت موجود نہیں؛ اگرچہ بذاتہ سنے جانے کی کاروائی (Personal Hearing) بھی عمل میں لائی گئی مگر مذکورہ کاروائی برطابق قانون و رولز انجام نہیں دی گئی؛

(e) فاضل KPK سروس ٹریبونل کے فیصلہ و حکم محررہ 24.10.2019 کے پیرا نمبرز 6، 5 اور 7 میں مقدمہ ہذا پر اٹھائے گئے جملہ اعتراضات کوڈور نہیں کیا گیا اور نہ ہی اس نسبت انکوآری میں اصل مرتکبان کے خلاف کاروائی کی گئی۔ Competent Authority و آفس آرڈر نمبر Mr. Shahnawaz/EB-III/PF. 3070/EB-III/2017/09.05.2017 تحت متعلقہ قانون و رولز انکوآری کی بابت جانبداری سے کام لیا گیا ہے اور انکوآری ہذا مسماۃ فائزہ شفیق کے ساتھ ملی بھگت کا نتیجہ ہے؛ (نقل آفس آرڈر نمبر Mr. Shahnawaz/EB-III/PF. 3070/EB-III/2017/09.05.2017/09.05.2017 لف ہے)

متعلقہ انکوآری آفیسر اور دیگر افسران محکمہ ایجوکیشن نے جان بوجھ کر مینی بر بدینتی ملی بھگت ہمراہ مسماۃ فائزہ شفیق انکوآری انجام دے کر فاضل عدالت KPK سروس ٹریبونل کو گمراہ کر کے دوبارہ De-novo انکوآری کا حکم حاصل کرنے کا ایک منصوبہ تیار کیا ہے تاکہ سائل/اپیلانٹ کو اس کے حق سے ڈور کر کے مقدمات کے ایک لامتناہی سلسلہ میں الجھا دیا جائے۔

(27) یہ کہ De-novo انکوآری سے محکمہ کوئی بھی الزام برخلاف سائل/اپیلانٹ ثابت کرنے میں کامیاب نہیں ہوا بلکہ بری طرح ناکام رہا ہے لہذا متنازعہ آرڈر نمبری 2283-86/EBIII/PF/Shahnawaz محررہ 21.03.2020 سراسر غیر قانونی، غیر منصفانہ ہے اور مٹی بر بدینتی و بے بنیاد الزامات ہے، نتیجہ ملی بھگت ہونے کے ناقابل پذیرائی و قابل منسوخی ہے۔

(28) یہ کہ سائل/اپیلانٹ غریب کلاس فور ملازم ہے جو عرصہ زائد تقریباً 3 سال سے اپنی ملازمت و انصاف کے حصول کیلئے تگ و دو کر رہا ہے اور بعد از اندراج FIR سائل/اپیلانٹ کی تنخواہ بند کر دی گئی تھی اور پھر ناحق سروس سے Dismiss بھی کر دیا گیا۔

استدعا:

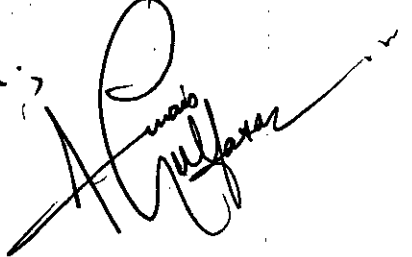
استدعا ہے کہ محکمہ اہل حد احوال منظور فرما کر متنازعہ آرڈر نمبری 2283-86/EBIII/PF/Shahnawaz محررہ 21.03.2020 کو منسوخ فرمایا جائے اور سائل/اپیلانٹ کو جملہ الزامات سے بری الذمہ قرار دیتے ہوئے محکمہ ہذا میں دوبارہ بحال کیا جا کر سابقہ حق حقوق (Back Benefits) بھی دیئے جانے کا حکم صادر کیا جاوے۔




مورخہ: 16-04-2020

شاہنواز ولد جہان ناز سکھہ محلہ ناڑی، گاؤں بانڈہ الملوک، ڈاکخانہ دوپتھر، تحصیل ضلع ایبٹ آباد (سائل/اپیلانٹ)

ملازم محکمہ ایجوکیشن Under Inquiry - موبائل نمبر: 0336-5897766 / 0344-5624016

شاہنواز

Attested: 

50	53491	  
ایڈویکٹ: محمد سعید محمد حبیب دلزاک اینڈ محمد ادریس خان مافی	بار کونسل ایسوسی ایشن نمبر: BC-11-3227	پشاور بار ایسوسی ایشن، خیبر پختونخوا
رابطہ نمبر: 0333-5034409		

بعدالت جناب: صاحب محترم خزانہ سروس سٹریٹجی، KPK، پشاور

دعویٰ: سروس اپیل	مخائب: Appellant
علت نمبر: Nil	ذات بنواز
مورخہ: —	بنام
جرم: —	سیکریٹری E&SE وغیرہ
تھانہ: —	

باعت تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام پشاور کیلئے محمد سعید محمد حبیب دلزاک اینڈ محمد ادریس خان مافی کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ اتوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقام ذراور کے لیے منظور ہے۔

21-07-2020

DESHAIWAN DAN AN...
NUMBER DAN TUNJUK...
واہ

خانم زونہ چیلانہ ککنڈا لکھو ماہہ لکھو ایسٹ آف اے ایو لیز (Appellant)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR CAMP COURT ABBOTTABAD.

Appeal No. 8485/2020

Shahnawaz.....Appellant

VERSUS

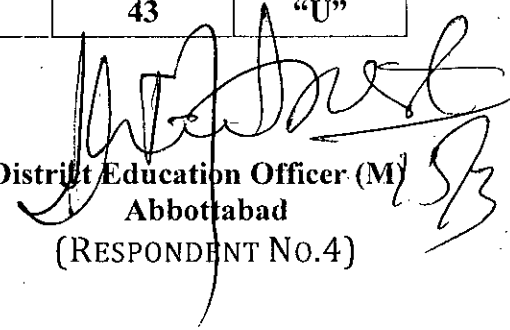
Govt: of Khyber Pakhtunkhwa & Others.....Respondents

Joint Parawise Comments on behalf of Respondents

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4	Copies of notices	11 to 13	"C"
5	Copy of the Application dated 13-11-2019	14	"D"
6	Copy of Reinstatement order dated 26-11-2019	15	"E"
7	Copy of Notification regarding de-novo inquiry dated 26-11-2019	16 to 17	"F"
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12	Copy of letter dated 22-01-2020	25	"K"
13	Copy of cross examination	26-34	"L"
14	Copy of memo No. 1062 dated 06-02-2020	35	"M"
15	Copy of letter No. 835 dated 10-02-2020	36	"N"
16	Copy of the memo No. 1937 dated 09-03-2020	37	"O"
17	Copy of record pertaining to personal hearing	38	"P"
18	Copy of the statement of appellant dated 27-01-2020	39	"Q"
19	Copy of the letter No. 4467-69 dated 25-05-2017	40	"R"
20	Copy of letter No. 7688-91 dated 12-07-2017	41	"S"
21	Copy of order No. 8314-19 dated 28-07-2017	42	"T"
22	Copy absent report dated 04-08-2017	43	"U"

Dated: 15/03/2021


District Education Officer (M)
Abbottabad
(RESPONDENT NO.4)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
CAMP COURT ABBOTTABAD.**

Appeal No. 8485/2020

Shahnawaz.....Appellant

VERSUS

Govt: of Khyber Pakhtunkhwa & Others.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NOS. 1 TO 4

RESPECTFULLY SHEWETH:-

Comments on behalf of respondents are submitted as under:-

Preliminary objections:-

1. That the appellant has no cause of action to file the instant service appeal.
2. That the instant appeal is time barred. Hence liable to be dismissed.
3. That the instant appeal is not maintainable in its present form.
4. That the appellant has no locus standi to file instant appeal.
5. That the appellant has filed the present appeal just to pressurize the respondents.
6. That the appellant has not come to this Honorable Tribunal with clean hands..
7. That the appellant is estopped to sue due to his own conduct.
8. That the instant appeal is not maintainable due to non-joinder and mis-joinder of necessary parties.
9. That the instant appeal is against the rules and policy of the Government.
10. That the respondents seek leave of this Honorable Tribunal to raise additional points at the time of arguments.
11. That the impugned order issued under Endst: No. 2283-86 dated was issued in accordance with the Rules, Law & Policy hence, the same is sustainable in the eye of Law.
12. That the appellant has suppressed the material facts from this Honorable Tribunal, hence, not entitled for any relief and appeal is liable to be dismissed without any further proceeding.

Factual objections:-

1. That the Para No. 1, of the instant service appeal is subject to cogent proof.
2. That the Para No. 2, of the service appeal relates to record hence, need no further comment.

3. That the Para No. 3, of the instant service appeal as composed is incorrect hence, denied appellant levelled baseless allegations upon Mst. Faiza Shafi Ex-DEO Female Abbottabad and could not establish the case. Furthermore, as per inquiry report of DEO Female Torghar appellant himself admitted that he could not apply for the post of Driver within due time. (Copy of inquiry report is annexed as Annexure "A").
4. That the Para No. 4, of the instant service appeal as composed is incorrect hence, denied as the allegations of appellant have also been proved falls as Anti corruption department KP has dropped the case registered under FIR No. 02 dated 03-05-2017 and ordered to register case under section 182 Cr.Pc and 211 PPC vide letter No. 8595 dated 23-05-2017. (Copy of letter No. 8595 dated 23-05-2017 is annexed here with as Annexure "B").
5. That the Para No. 5, of the instant service appeal is correct to the extent that operation of the impugned order dated 05-05-2017 was suspended by Honourable Peshawar High Court Abbottabad Bench while, rest of the Para as composed is incorrect hence, denied.
6. In reply to Para No. 6, of the instant service appeal it is submitted that appellant levelled baseless allegations against the Mst. Faiza Shafi Ex-DEO Female, Abbottabad and Anti Corruption department dropped the case vide letter No. 8595 dated 23-05-2017.
7. That the Para No. 7, of the instant service appeal relates to record.
8. That the Para No. 8, of the service appeal is correct to the extent of show cause notice dated 29-05-2017 while, rest of the Para as composed is incorrect hence, denied.
9. That the Para No. 9, of the service appeal as composed is incorrect hence, denied.
10. That the Para No. 10, of the service appeal as composed is incorrect hence, denied.
11. That the Para No. 11, of the service appeal as composed is incorrect hence, denied. Anti Corruption Department KP has dropped the case registered under FIR No. 02 dated 03-05-2017 and directed to registered complaint under section 182 Cr. PC and 211 PPC against the appellant.
12. That the Para No. 12, of the service appeal relates to record.
13. That the Para No. 13, of the service appeal is correct to the extent that Writ Petition No. 503-A of 2017 was dismissed by the Honourable Peshawar High Court Abbottabad Bench on 15-02-2018 due to the non maintainability while, rest of the Para as composed is incorrect hence, denied.
14. That the Para No. 14, of the service appeal as composed is incorrect hence, denied as appellant involved in criminal conspiracy and levelled falls and baseless allegations upon Mst. Faiza Shafi Ex-DEO Female, Abbottabad.
15. That the Para No. 15, of the service appeal as composed is incorrect hence, denied as absence notice was published in two leading Newspaper on 29-09-2017 in daily Mashriq and daily Aaj. (Copies of notices are annexed herewith as Annexure "C").
16. That the Para No. 16, of the service appeal is the subject to the cogent proof.
17. That the Para No. 17, of the service appeal relates to record.

18. That the Para No. 18, of the service appeal relates to record hence, need no further comment.
19. That the Para No. 19, of the service appeal as composed is incorrect hence, denied.
20. That the Para No. 20, of the service appeal has no connection with the issue in hand hence, need no further comment.
21. That the Para No. 21, of the service appeal is correct to the extent that appellant submitted his application dated 13-11-2019 received through vide diary No. 9459 dated 16-11-2019 and appellant was reinstated in service for the purpose of de-novo inquiry under E&D Rules 2011 with immediate effect vide Endst: No. 12372-77 dated 26-11-2019 and de-novo inquiry was constituted vide Notification issued under Endst: No. 12378-85 dated 26-11-2019 and charge sheet and statement of allegation was also served upon appellant. (Copy of the application dated 13-11-2019, reinstatement order dated 26-11-2019, Notification regarding de-novo inquiry dated 26-11-2019, charge sheet and statement of allegation are annexed herewith as Annexure "D", "E", "F", "G" & "H" respectively).
22. That the Para No. 22, of the service appeal as composed is incorrect hence, denied as the operative part of the judgment of this Honourable Tribunal dated 24-10-2019 is reproduced as under:-

"As a sequel to above, the appeal is accepted and the impugned order dated 27-10-2017 is set aside. The respondents are directed to conduct de-novo inquiry within a period of 90 days from the date of receipt of this judgment. The reinstatement of the appellant shall subject to the de-novo inquiry."

And appellant was reinstated in service in accordance with the judgment of this Honourable Tribunal dated 24-10-2019.

23. That the Para No. 23, of the service appeal relates to record.
24. In reply to Para No. 24, of the service appeal it is submitted that inquiry committee submitted report on 31-01-2020 vide diary No. 748 dated 04-02-2020 (as the same was recorded as 31-12-2020 at serial No. 03 of Dismissal Order dated 21-03-2020 which was corrected vide corrigendum Endst: No. 2474-82 dated 23-04-2020) and opportunity of cross examination was provided by the inquiry committee vide letter dated 22-01-2020 and appellant availed the same on 27-01-2021. Report of the inquiry committee dated 31-01-2020 was remanded back to inquiry committee vide memo No. 1062 dated 06-02-2020 with the remarks to provide opportunity of self defense as well as cross examination to the accused and resubmit the inquiry report. Inquiry Committee re-submitted report vide letter No. 835 dated 10-02-2020 received through diary No. 987 dated 12-02-2020. (Copy of inquiry report dated 31-01-2020, corrigendum dated 23-04-2020, letter dated 22-01-2020, cross examination, memo No. 1062 dated 06-02-2020 and letter No. 835 dated 10-02-2020 are annexed herewith as Annexure "I", "J", "K", "L", "M" & "N" respectively).
25. That the Para No. 25, of the service appeal is correct to the extent that show cause notice was served upon appellant vide memo No. 1355 dated 19-02-2020 while rest of the para as composed is incorrect hence, denied. (Copy of show

cause notice dated 19-02-2020 has already been annexed with the service appeal of the appellant as annexure "V" available at page No. 133 to 135).

26. That the Para No. 26, of the service appeal as composed is incorrect hence, denied as impugned order dated 21-03-2020 was issued after observing all the codal formalities. (Copy of the impugned order dated 21-03-2020 has already been annexed with the service appeal as Annexure "X" at page No. 144-145). Furthermore, appellant was called for personal hearing on 10-03-2020 vide memo No. 1937 dated 09-03-2020 and appellant availed the opportunity of personal hearing on 10-03-2020. (Copy of the memo No. 1937 dated 09-03-2020 and record pertaining to personal hearing are annexed herewith as Annexure "O" & "P" respectively)

a. Ground a, as composed is incorrect hence, denied.

b. Ground b, as composed is incorrect hence, denied.

c. Ground c, as composed is incorrect hence, denied as appellant availed the opportunity of cross examination and did not raise any objection whatsoever in this regard. (Copy of the statement of appellant dated 27-01-2020 is annexed herewith as Annexure "Q").

d. Ground d, as composed is incorrect hence, denied.

e. In reply to ground e, it is submitted that appellant remained in touch with the inquiry committee as he submitted reply to charge sheet, availed the opportunity of cross examination, submitted reply to show cause notice and availed the opportunity of personal hearing.

f. Ground f, as composed is incorrect hence, denied.

g. Ground g, as composed is incorrect hence, denied. De-novo inquiry was constituted as well as conducted in accordance with the Law, Rules & Policy.

27. That the Para No. 27, of the service appeal as composed is incorrect hence, denied as charges levelled against the appellant have been proved and appellant found guilty of Misconduct, Inefficiency and Willful Absence from 29-07-2017 to the date of Dismissal from service i.e 27-10-2017 as the services of the appellant were placed on the disposal of the respondent No. 4 by respondent No. 2 vide letter No. 4467-69 dated 25-05-2017 but he failed to submit arrival. Appellant were called to explain the reason of non compliance vide memo: No. 7688-91 dated 12-07-2017 through registered post. Appellant was posted/adjusted at GHSS No. 1, Abbottabad vide order issued under Endst: No. 8314-19 dated 28-07-2017 but he failed to take over the charge in the said school and as per report of the Principal GHSS No. 1, Abbottabad vide No. 635 dated 04-08-2017 appellant remained willful absent from duty till the date of dismissal from service i.e 27-10-2017. (Copy of the letter No. 4467-69 dated 25-05-2017, letter No. 7688-91 dated 12-07-2017, order No. 8314-19 dated 28-07-2017 and absent report dated 04-08-2017 are annexed herewith as Annexure "R", "S", "T" & "U" respectively).

28. In reply to Para No. 28 it is submitted that impugned order dated 21-03-2020 was issued after observing the due process of Law.

29. That the Para No. 29, of the appeal relates to record hence, need no further comment.

30. That the respondents seek leave of this Honourable Tribunal to raise additional points/grounds during the course of arguments.

It is, therefore, very humbly prayed that in the light of forgoing comments the service appeal in hand may graciously be dismissed with cost throughout.

**Secretary E&SED Khyber Pakhtunkhwa
Peshawar
(Respondent No. 1)**

**Director E&SE Khyber Pakhtunkhwa
Peshawar
(Respondent No. 2)**

**District Education Officer (F)
Abbottabad
(Respondent No. 3)**

**District Education Officer (M)
Abbottabad
(Respondent No. 4)**

Before the Honorable Khyber Pakhtunkhwa Service Tribunal
Peshawar Camp Court Abbottabad

Appeal No. 8485/2020

Shahnawaz.....Appellant

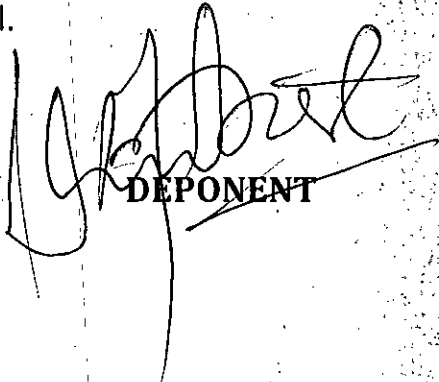
VERSUS

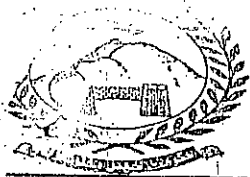
Govt: of Khyber Pakhtunkhwa & Others.....Respondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

AFFIDAVIT

I, Mr. Muhammad Shoukat, District Education Officer (M) Abbottabad, do hereby affirm and declare that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.


DEPONENT



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
DISTRICT TOR GHAR

Email: deofemaletorghar@gmail.com

Annex "A"
(07)



**ENQUIRY REPORT IN RESPONSE TO CROSS COMPLAINT LODGED
BY DEO (F) ABBOTTABAD AND MR. SHAH NAWAZ CHOWKIDAR**

AUTHORIZATION

Directorate of E&SE KP Peshawar notification bearing Endstt. NO. 4233-35 F.NO.A-12/Complaint Vol-16 dated 24-05-2017 whereby the undersigned was appointed as Enquiry Officer with following TORs.

1. To dig out the matter and unmask the actual character behind the event.
2. To fix responsibility.
3. To submit clear cut recommendations.
4. To investigate/inquire the complaint of Mr. Shah Nawaz S/O Jehandad Mahalla Nari Banda Amluk Dobtar Tehsil and District Abbottabad.

(Copy of Notification attached as Annex. "A")

BACK GROUND

1. Consequent upon the complaint of Mr. Shah Nawaz Chowkidar, officers/officials of Anticorruption Department under the supervision of Senior Civil Judge Abbottabad along with two lady constables raided on the office of District Education Officer (F) Abbottabad on 03-05-2017. The news was published in newspapers as well as highlighted on social media.

(Cutting of newspaper attached as Annex. "B")

2. As per report of Senior Civil Judge Abbottabad vide his office NO. 752-53 dated 04-05-2017, relevant portion of report is reproduced as below:-

" we reached the office (District Education Officer (F) Abbottabad) at 12:00 noon. The marked notes were kept in an official envelope and the same were found and recovered from the opposite corner of the table of the DEO. As the DEO was busy in conducting of official business. It was apparent that the envelope was not in her conscious".

(Copy of report of Senior Civil Judge attached as Annex. "C-1 to C-2")

3. District Education Officer (F) Abbottabad requested Director E&SE KP Peshawar vide her office letter NO. 3104-3107 dated 10-05-2017 for impartial enquiry and to take strict disciplinary action against the accused.

(Copy of letter attached as Annex. "D")

PROCEEDING

1. District Education Officer (F) Abbottabad was informed vide DEO (M) office Battagram Endstt. NO. 8245-48 dated 07-06-2017 to be present in her office on 12-06-2017 while the complainant Mr. Shahnawaz was also directed but no proceeding was carried out on the said date due to the transfer of undersigned.

(Copy of letter addressed to DEO (F) Abbottabad attached as Annex. "E")

2. In continuation to the above mentioned proceeding, subsequently through telephonic message, DEO (F) was informed that further proceeding in the matter will be held on 29-06-2017.

3. Undersigned visited office of the DEO (F) Abbottabad on 29-06-2017 and asked through letter dated 29-06-2017 to submit her written statement in connection to the incident occurred in her office on 03-05-2017 in response to the complaint of Mr. Shah Nawaz S/O Jehandad. She was further requested to produce the following witnesses to record their fresh statement before the

undersigned (who have already vouched their written statement in connection to the said incident as attached with the letter of enquiry) (08)

- i. Qazi Tajammal Hussain DEO (M) Abbottabad.
- ii. Zaheer Ahmad Superintendent DEO (F) Office Abbottabad.
- iii. Shabana Kausar Sweepres DEO (F) Office Abbottabad.
- iv. Any other official.

(Letter addressed to DEO (F) Abbottabad dated 29-06-2017 attached as Annex. "F")

4. DEO (F) submitted her statement along with annexure as attached as *Annex. G-1 to G-27* and statements of all other officers/officials mentioned above were recorded and attached as *Annex. "G-28 to G-30"*

5. Mr. Shah Nawaz complainant was directed through another letter to record his statement and avail the opportunity of defence who appeared in person, recorded his statement and was also cross examined.

(Copy of two different complaints, Letter addressed to Shah Nawaz and his reply attached as Annex. "H-1 to H-3")

FINDINGS

TORs wise Findings are as under:-

1. To dig out the matter and unmask the actual character behind the event.

Contention of complainant Mst; Faiza Shafi DEO (F) is that she is constantly under pressure through Ex DEO (F) Samina Altaf and Shah Nawaz Chowkidar to appoint Mr. Shah Nawaz as driver. During the process of enquiry Samina Altaf Ex DEO (F) was examined and she filed her written statement that she has no concern with such type of official issues from the date of relinquishing the charge of the post of DEO (F).

I am of the opinion that sitting DEO (F) Faiza Shafi could not produce any documentary evidence in support of her version and involvement of Samina Altaf Ex DEO (F) could not be established.

(Copy of statement of Samina Altaf Ex DEO (F) Abbottabad is attached as Annex-1).

2. TORs 2 to 4.

As the common question of facts is involved in all the three TORs, hence comprehensive findings are as under:-

After the perusal of record/statements of witnesses as well as statement of complainant/officer (Faiza Shafi), it has been established that Mr. Shah Nawaz Chowkidar is the principal accused who has plotted the entire scenario and developed engineered criminal proceeding through utilizing Anti Corruption Department. The criminal proceeding against Mst; Faiza Shafi that initiated in the result of FIR NO.02 dated 03-05-2017 has been stopped by the Anti Corruption Department vide letter NO. 8595 dated 23-05-2017 while the proceeding U/S-182 Cr. PC and 211 PPC has been initiated against Mr. Shah Nawaz Chowkidar. It is further added that there were various complaints of teachers and students attached with the statement of Mst; Faiza Shafi that Mr. Shah Nawaz Chowkidar is involved in immoral activities and not deserves for posting in female section due to his unsound moral activities.

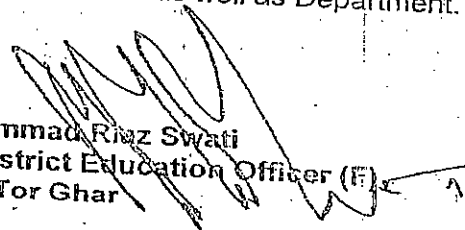
(09)

The other important character attributed towards the instant incident is of Mst; Shabana Kausar Sweepress office of DEO (F) who acted as co-accused/ facilitator and confessed that Mr. Shah Nawaz handed over envelope to her and she kept the same at the opposite corner of the table of DEO (F).

Mr. Shanawaz was called and asked to record his written statement in support of allegation leveled in complaint against DEO (F), Faiza Shafi, who admitted that criminal proceeding was initiated in response to his complaint. He also admitted that he could not apply for the post of driver within due time. The complaint of Mr. Shah Nawaz against DEO (F) that she demanded Rs. 20000 for his appointment but the same allegation could not stand as the Anti Corruption Department has already stopped the proceeding vide letter NO. 8595 dated 23-05-2017. (Copy)

RECOMMENDATIONS

1. In the light of foregoing proceeding /material facts /evidences, it has been proved that Mr. Shah Nawaz Chowkidar committed gross misconduct and highly ambitious for unlawful gain through mal-practice. The instant case amounts to criminal conspiracy on the part of a civil servant, hence Major Penalty of "**Dismissal from Service**" may please be imposed upon Mr. Shah Nawaz Chowkidar under E&D Rules.
2. Mst; Shabana Kausar who is a co-accused and acted as a facilitator and is a part of criminal conspiracy amounts to misconduct, hence Major Penalty of "**Compulsory Retirement From Service**" may please be imposed upon Mst. Shabana Kausar Sweepress under E&D Rules as her retention in service is continue threat for the officers as well as Department.


Muhammad Riaz Swati
Enquiry Officer/District Education Officer (F)
Tor Ghar



**DIRECTORATE OF
ANTI-CORRUPTION ESTABLISHMENT
KHYBER PAKHTUNKHWA
PESHAWAR**

Ann - B

(10)

No. 8595 Dated 23 /05/2017.

To
The Assistant Director Crimes,
Anti-Corruption Establishment,
Abbottabad.

Subject:- CASE FIR NO. 2, DATED 3.5.2017 U/S. 161 PPC/5(2).PC, ACT, PS, ACE, ABBOTTABAD AGAINST FAIZA SIAFI, DEO(FEMAL), EDUCATION DEPARTMENT, DISTRICT ABBOTTABAD.

Reference your report dated 15.5.2017. Case file is returned herewith in original.

The subject case has been dropped. Record be completed accordingly. Moreover, complaint U/Ss. 182 Cr. PC & 211 PPC against Shah Nawaz, Chowkidar of GPS, Karimpura, Abbottabad be made in the competent Court.

Administrative Officer,
Anti-Corruption Establishment,
Khyber Pakhtunkhwa,
Peshawar.

No. Dated 15/2017:

Copy to S.A., ACE, Peshawar.

Administrative Officer,
Anti-Corruption Establishment,
Khyber Pakhtunkhwa,
Peshawar.

CO/ATD

*for information and
action*

*ADP/ACE
Abbottabad
29/5/17*

Attested

Crimes Officer,
Police Station A.C.E
Abbottabad

HC II
23/5/17

CO, ACE, ATD

1 1021

غیر حاضری

13

Sub Divisional Education Officer (M) Havellian, Abbottabad
 Assistant District Officer (M) P. J. Abbottabad

محکمہ تعلیم، ہاویلیان، اہلبٹ آباد
 محکمہ تعلیم، ہاویلیان، اہلبٹ آباد

آپ کو سرکٹ ایگرجنٹ غیر حاضری اہلبٹ آباد نے بحال نہیں کیا اور 3070 مورچہ 9-5-2017 کو رول سے
 ہٹا دیا اور لاہور کٹر ٹیچر ٹریننگ کیمپ میں شرکت کرنے کے لیے درخواست دی۔ بحال آئیں اور نمبر 69-4462
 مورچہ 25-05-2017 آپ کی خدمات ذریعہ تخطی کے پیرو کیس میں بحال نہیں کیے گئے۔ آپ نے حاضر نہیں کی آپ کی
 جواب ملی بحال آئیں نمبر 91-7688 مورچہ 12-07-2017 کو بحال نہیں کیے گئے۔ آپ کے بحال اور گھر کے پتے پر
 بذریعہ جیٹ پوسٹ نمبر 667 مورچہ 19-07-2017 کو بحال نہیں کیے گئے۔ آپ جواب دینے میں تاخیر
 رہے آپ کو بحال نہیں کیا گیا نمبر 8314 مورچہ 28-07-2017 کو بحال نہیں کیا گیا۔ بحال آئیں اور نمبر 1 اہلبٹ آباد
 میں ایڈمٹ کیا گیا لیکن مختلف پرنسپل کی رپورٹ بحال نمبر 635 مورچہ 04-08-2017 کے مطابق آپ
 بحال نہیں کیے گئے۔ تاہم ہونے والے لٹریچر میں پابندی آئی۔ آپ مورچہ 29-07-2017 سے بحال نہیں کیے گئے۔ اللہ اعلم
 اتھارٹی کی منظوری کے لیے ایڈمٹیشن سے غیر حاضر ہیں اس ضمن میں آپ کو ایک عدد شکایت نامہ بھیج دیا گیا ہے
 مورچہ 41-8739 مورچہ 10-08-2017 کو بذریعہ پرنسپل کو رجسٹرڈ ہل سکول نمبر 1 اہلبٹ آباد آپ کے
 پتے پر بذریعہ جیٹ پوسٹ نمبر 408 مورچہ 10-8-2017 کو بحال نہیں کیا گیا جس میں
 آپ کو یہ بیان کیا گیا کہ چند ایام کے اندر اپنی ڈیوٹی پر حاضر ہو جائیں اور غیر حاضری کی وجہ بیان کریں
 لیکن آپ بحال نہیں آئے۔ ایڈمٹیشن کے اندر آپ کی طرف سے کوئی جواب نہیں دیا ہے۔ اس لیے بحال نہیں کیا گیا
 بذریعہ ایڈمٹیشن کے لیے درخواست دی گئی ہے اس ضمن میں اس ضمن میں اس ضمن میں اس ضمن میں اس ضمن میں اس ضمن میں
 ذریعہ تخطی کے ذریعہ تخطی ہو کر تخریبی طور پر غیر حاضری کی وجہ بیان کریں اور بصورت دیگر آپ کے خلاف
 تیسری دفعہ میں کو رجسٹرڈ مورچہ 1 اہلبٹ آباد (ایڈمٹیشن) مورچہ 2011 کے تحت ہالوں کا رول بحال نہیں کیا جائے
 کی کہ آپ کی ملازمت سے برطرف کر دی جائے۔ اس کے ساتھ ہی اس کے ساتھ ہی اس کے ساتھ ہی اس کے ساتھ ہی اس کے ساتھ ہی



قاضی نجل حسین

محکمہ تعلیم، ہاویلیان، اہلبٹ آباد

Say No to Corruption & Drugs

مورچہ نمبر 29/9/17

District Education Officer (Male),
Abbottabad

Annex "D"
14

SUBJECT: INTIMATION OF COURT ORDER DATED 24-10-2019 RENDERED BY HON'BLE SERVICE TRIBUNAL, KPK, PESHAWAR IN CASE TITLE "SHAHNAWAZ VS SECRETARY, E&SE ETC" FOR COMPLIANCE;


Applicant filed the service appeal, the same was accepted by the Hon'ble Service Tribunal, KPK, Peshawar vide judgment and order in case title "Shahnawaz Vs Secretary, E&SE etc" dated 24-10-2019 which is being communicated for compliance of the Court order.

Moreover I had already provided all the documentary proofs to this office and ready to provide in future as well for de-novo inquiry purpose.

(Attested copy of judgment & order dated 24-10-2019 is annexed)

It is requested that the Court order may kindly be complied with in its true latter and spirit.

Dated: 13-11-2019

Shahnawaz 
Son of Jehandad
Resident of Mohallah Naari, Banda Amlok,
Tehsil and District Abbottabad
CNIC No : 13101-7810764-1
Cell No : 0344-9489390

ADD (Delegation)

9659
16-11-19

Pl: put up on
file with the
Court decision



19/11/019

Put up
on file



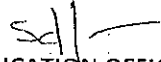
15/11/19

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

REINSTATEMENT

Annex "E"
(15)

In pursuance to the Judgement of Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court Abbottabad passed in Service Appeal No. 266/2018 dated 24-10-2019 received with application of Mr. Shahnawaz S/O Jahandad, Ex-Chowkidar, GHS No. 1 Abbottabad (R/O Mohallah Narri Banda Amlook Tehsil & District Abbottabad) dated 13-11-2019 under Diary No. 9459 dated 16-11-2019, this office order issued under Endst No. 11738-45 dated 27-10-2017 in r/o above named official is hereby set-aside and he is reinstated in service for the purpose of De-novo inquiry under Khyber Pakhtunkhwa, Govt Servants, Efficiency and Discipline Rules, 2011 with immediate effect.

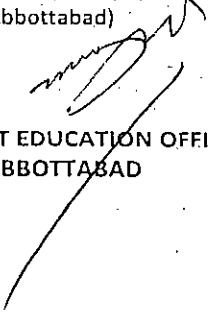

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst No. 12372-17 EBII/PF/C-IV

Dated 26/11 /2019

Copy forwarded to the:

1. Additional Registrar Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court Abbottabad with reference to Judgement passed in Service Appeal No. 266/2018 dated 24-10-2019.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. The District Monitoring Officer (IMU) Abbottabad.
4. The District Education Officer-Female Abbottabad
5. The Principal GHSS No. 1 Abbottabad.
6. Mr. Shahnawaz S/O Jahandad Chowkidar, GHS NO. 1 Abbottabad (Resident of Mohallah Nari, Village Banda Amlook, P.O Dobather, Tehsil & District Abbottabad)


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

VERIFICATION

Umx R F 2
16


In pursuance to the Judgement of Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court Abbottabad passed in Service Appeal No. 266/2018 dated 24-10-2019 received with application of Mr. Shahnawaz S/O Jahandad, Ex-Chowkidar, GHS No. 1 Abbottabad (R/O) Mohallah Nari Banda Amlook Tehsil & District (Abbottabad) dated 13-11-2019 under Diary No. 9459 dated 16-11-2019, Inquiry Committee consisting of the following Officers is hereby constituted to conduct De-novo inquiry under Khyber Pakhtunkhwa Govt: Servants Efficiency and Discipline Rules, 2011, within a period of 90 days from the date of the receipt of Judgement in r/o above named official on account of charges/allegations leveled against him. Opportunity of personal hearing and cross examination be provided to the accused.

1. Mr. Syed Amjad Ali, Principal GHS Sheikulbandi Abbottabad, (Chairman)
2. Mr. Abdus Salam, Principal GHS Kokal Barseen, Abbottabad, (Member)

TERMS OF REFERENCES:

1. In the light of District Education Officer-(Female) Abbottabad Memo No. 9736 dated 18-11-2019: -
 - a. That the accused was the key person who plotted the entire scenario and developed engineered criminal proceeding by utilizing Anti-Corruption Department. The criminal proceeding against MST Faiza Shafi, the then DEO(F) Abbottabad that initiated in the result of FIR No. 02 dated 03-05-2017 has been stopped by the Anti-Corruption Department vide letter No. 8995 dated 03-05-2017, while the proceeding under Section 182 CR. PC and 211 PPC has been initiated against him.
 - b. That there were various complaints of teachers and students against him that he is involved in immoral activities and not deserves for posting in female section due to his unsound moral activities.
 - c. That the other important character attributed towards the instant incident is of MST Shabana Kowsar, Sweepress, Office of DEO(F) Abbottabad who acted as co-accused, facilitator and confessed that he handed over envelope of Rs.20000/- to her and she kept the same at the opposite corner of the table of then DEO(F) Abbottabad.
 - d. That he was relieved by the DEO (F) Abbottabad vide Memo No. 3070 dated 09-05-2017. His services were placed at the disposal of this office for further posting vide Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar office order issued under Endst No. 4462-69 dated 25-05-2017.
2.
 - a. That the accused failed to submit his arrival in this office upto 12-07-2017 and he was called upon to explain the reason of above within seven days vide this office Memo No. 7688-91 dated 12-07-2017 through Registered Post No. 667 dated 13-07-2017.
 - b. That the accused was adjusted at GHS No. 1 Abbottabad vide this office order issued under Endst No. 8314-19 dated 28-07-2017 but he failed to take charge in the said school as per report of Principal GHS No. 1 Abbottabad vide No. 635 dated 04-08-2017 and remained willful absent from duty till the date of dismissal from service i.e 27-10-2017.
3. All the above mentioned facts proved gross misconduct and willful absence from duty w.e. from 29-07-2017 to the date of dismissal. i.e. 27-10-2017 without prior approval of leave under Rule-3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rule, 2011.

Encls: 1. Charge Sheet 2. Statement of allegations


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

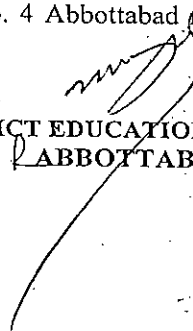
(Contd: Page-2)

Endst: 12378-85 EB-II/PF/C-IV

Dated 26/11 2019

Copy forwarded to the:-

1. Additional Registrar Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court Abbottabad with reference to Judgement passed in Service Appeal No. 266/2018 dated 24-10-2019.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. The District Education Officer-Female Abbottabad with the remarks to facilitate the inquiry committee.
4. The Principal GHSS No. 1 Abbottabad.
5. Mr. Syed Anjad Ali, Principal, GHS Sheikul Bandi Abbottabad alongwith relevant documents.
6. Mr. Abdus Salam, Principal, GHS Kokal Barseen Abbottabad.
7. Mst Faiza Shafi, Ex-DEO-Female Abbottabad, presently posted as Instructor Regional Institute of Teacher Education-Female Mansehra.
8. Mr. Shahnawaz S/O Jahandad, Ex-Chowkidar, GHS No. 4 Abbottabad resident of Mohallah Nari, Banda Amlook, Dobather Abbottabad.

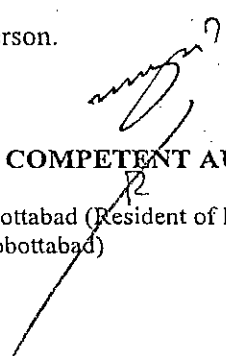

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

CHARGE SHEET

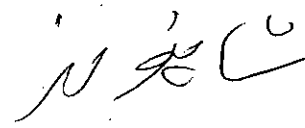
Anx "B"
18

I Qazi Tajammal Hussain, District Education Officer (Male) Abbottabad as Competent Authority, hereby charge you Mr. Shahnawaz S/O Jahandad Chowkidar, GHS NO. 1 Abbottabad (Resident of Mohallah Nari, Village Banda Amlook, P.O Dobather, Tehsil & District Abbottabad), as follows:

1. In the light of District Education Officer-Female Abbottabad Memo No. 9736 dated 18-11-2019:-
 - a. That you were the key person who plotted the entire scenario and developed engineered criminal proceeding by utilizing Anti-Corruption Department. The criminal proceeding against MST Faiza Shafi, the then DEO(F) Abbottabad that initiated in the result of FIR No. 02 dated 03-05-2017 has been stopped by the Anti-Corruption Department vide letter No. 8995 dated 03-05-2017, while the proceeding under Section 182 CR. PC and 211 PPC has been initiated against you.
 - b. That there were various complaints of teachers and students against you that you are involved in immoral activities and not deserves for posting in female section due to your unsound moral activities.
 - c. That the other important character attributed towards the instant incident is of MST Shabana Kowsar, Sweepress, Office of DEO(F) Abbottabad who acted as co accused, facilitator and confessed that you handed over envelope of Rs.20000/- to her and she kept the same at the opposite corner of the table of then DEO(F) Abbottabad.
 - d. That you were relieved by the DEO(F) Abbottabad vide Memo No. 3070 dated 09-05-2017. Your services were placed at the disposal of this office for further posting vide Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar office order issued under Endst No. 4462-69 dated 25-05-2017.
2.
 - a. You failed to submit your arrival in this office upto 12-07-2017 and you were called upon to explain the reason of above within seven days vide this office Memo No. 7688-91 dated 12-07-2017 through Registered Post No. 667 dated 13-07-2017.
 - b. That you were adjusted at GHS No. 1 Abbottabad vide this office order issued under Endst No. 8314-19 dated 28-07-2017 but you failed to take charge in the said school vide Principal GHS No. 1 Abbottabad No. 635 dated 04-08-2017 and remained willful absent from duty till the date of dismissal from service i.e 27-10-2017.
3. You are, therefore, required to submit your written defense within ten days of the issuance of this Charge Sheet to the Enquiry Committee, as the case may be.
4. Your written defense, if any, should reach the Inquiry Committee within the specified period, failing which it shall be presumed that you have no defense 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.


COMPETENT AUTHORITY

Mr. Shahnawaz S/O Jahandad Chowkidar, GHS NO. 1 Abbottabad (Resident of Mohallah Nari, Village Banda Amlook, P.O Dobather, Tehsil & District Abbottabad)


4/12/19

DISCIPLINARY ACTION

Anx "H"
19

A. I Qazi Tajammal Hussain , District Education Officer (Male) Abbottabad as competent authority, am of the opinion that Mr. Shahnawaz S/O Jahandad Chowkidar, GHS NO. 1 Abbottabad (Resident of Mohallah Nari, Village Banda Amlook, P.O Dobather, Tehsil & District Abbottabad) has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

1. In the light of District Education Officer-Female Abbottabad Memo No. 9736 dated 18-11-2019:-
 - a. That you were the key person who plotted the entire scenario and developed engineered criminal proceeding by utilizing Anti-Corruption Department. The criminal proceeding against MST Faiza Shafi, the then DEO(F) Abbottabad that initiated in the result of FIR No. 02 dated 03-05-2017 has been stopped by the Anti-Corruption Department vide letter No. 8995 dated 03-05-2017, while the proceeding under Section 182 CR. PC and 211 PPC has been initiated against you.
 - b. That there were various complaints of teachers and students against you that you are involved in immoral activities and not deserves for posting in female section due to your unsound moral activities.
 - c. That the other important character attributed towards the instant incident is of MST Shabana Kowsar, Sweepress, Office of DEO(F) Abbottabad who acted as co accused, facilitator and confessed that you handed over envelope of Rs.20000/- to her and she kept the same at the opposite corner of the table of then DEO(F) Abbottabad.
 - d. That you were relieved by the DEO(F) Abbottabad vide Memo No. 3070 dated 09-05-2017. Your services were placed at the disposal of this office for further posting vide Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar office order issued under Endst No. 4462-69 dated 25-05-2017.
2.
 - a. You failed to submit your arrival in this office upto 12-07-2017 and you were called upon to explain the reason of above within seven days vide this office Memo No. 7688-91 dated 12-07-2017 through Registered Post No. 667 dated 13-07-2017.
 - b. That you were adjusted at GHS No. 1 Abbottabad vide this office order issued under Endst No. 8314-19 dated 28-07-2017 but you failed to take charge in the said school vide Principal GHS No. 1 Abbottabad No. 635 dated 04-08-2017 and remained willful absent from duty till the date of dismissal from service i.e 27-10-2017.
3. For the purpose of inquiry of the said accused with reference to the above allegations, Inquiry Committee consisting of the following Officers under rule 10 (1) (a) of the ibid rules:
 - a. Syed Amjad Ali, Principal GHS Sheikulbandi, (Chairman)
 - b. Mr. Abdus Salam, Principal GHS Kokal Barseen Abbottabad, (Member)
4. The 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 fifteen days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
5. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry Committee.

COMPETENT AUTHORITY

Mr. Shahnawaz S/O Jahandad Chowkidar, GHS NO. 1 Abbottabad (Resident of Mohallah Nari, Village Banda Amlook, P.O Dobather, Tehsil & District Abbottabad)

5/12/19 -

The District Education Officer (M)
E & SE Abbottabad

Ann "I"
20

95

Subject: DE-NOVO ENQUIRY OF SHAHNAWAZ S/O JHANDAD, EX-CHOWKIDAR GHSS NO: 1 ABBOTTABAD (NOW RE-INSTATED BY FOR THE PURPOSE OF ENQUIRY)

Reference to your Notification No: 12378-85/ EB II/P.F/CLASSIV Dated: 26.11.2019

PLACE OF INQUIRY: DEO (M/F) E & SE Office Abbottabad, GHS No: 3 and GHS Sheikh ul Bandi

PROCEEDINGS: The undersigned adopted the proceedings given below:

1. The undersigned officers looked into office Files. **Annexure: A**
2. The undersigned officers made contact through his cell numbers 03349489390, 03155983104, 03365897766 with the official on 29.11.2019 but all were off. A letter of formal enquiry was then sent through registry along with acknowledgment No: RGL38058961 on 29.11.2019. (Copy attached). He was also intimated also through his whatsApp number 03365897766 and he replied telephonically on 02.12.2019.
3. He received Notification, Charge sheet and statement of allegations from the undersigned officers on 04.12.2019 at GHS No: 3 Abbottabad. **Annexure: B**
4. The reply of Shah Nawaz is attached in **Annexure: C**.
5. The statement along with annexures of Ms. Faiza Shafi, Ex-DEO (F) / now Instructor RITE (F) Mansehra is received on 03.01.2020 also attached in **Annexure: D**
6. The letter addressing to Assistant Postmaster General GPO Abbottabad to ensure the reply of non-delivery of registry Acknowledgement card No: RGL 38058961 Dated: 29.11.2019 addressed to Shah Nawaz, Ex-Chowkidar at his home address. **Annexure E**
7. The letter of cross examination is placed at **Annexure: F**.

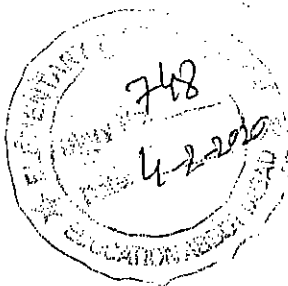
FINDINGS:

Keeping in available record and observation of office files, replies of the concerned, the undersigned officers are of the opinion that:

1. KEY-ROLE IN ENGINEERING CRIMINAL PROCEEDINGS AND MISSTATEMENTS :

As per Point 4 of his reply (Annexure: C), he acted as "TRAP AGENT" at his own will to eliminate the corruption in the country and against Ms. Faiza Shafi, Ex-DEO as she demanded Rs. 20000/- from him for the post of Driver in his report to Anti-corruption. His said claim does not stand valid as:

- I. He could not apply for the post till 15.03.2017, when advertised on 24.02.2017. (Annexure: D)
- II. He already accepted that he could not apply for new Driver posts with in due time as per his statement to Ms. Riaz, DEO (F) Torgher during inquiry. (Annexure: A)
- III. He considered himself as senior and most suitable (Annexure: C), whereas he was not the competent to decide about it.
- IV. He accepted his act of bribery, which is itself a crime.
- V. His allegation upon Ms. Faiza, Ex-DEO (F) could not be established as he himself not handed



ADDO (Lit) / ADDO (E/S)
P. Put up on file
4/2/2020

21

over the TAINTED MONEY as per plan. Likewise the raid party under the supervision of a judge could not prove, except that envelope containing Rs.20000/- from the corner of a table of Ms. Faiza, Ex-DEO on spot on 03.05.2017 as the TAINTED MONEY WAS NOT HANDED OVER TO HER IN OPEN FORM, RATHER PLANTED IN ENVELOPE AND FOUND ON HER TABLE CORNER.

- VI. His allegation has also been proved false as Anti-Corruption Department KP has dropped the case registered under FIR #: 02 Dated: 03.05.2017 and ordered to register case under section 182Cr.Pc and 112 PPC vide Letter No: 8595 Dated: 23.05.2017. He has although, challenged it through writ #: 1077/2017 in the Honourable PHC Abbottabad Bench and got relief as the impugned proceedings U/S 182 Cr.Pc & 112 PPC stands suspended on 11.11.2017.
- VII. He skillfully plotted to utilize the service of Shabbana Kauser, by handing over her envelope containing 20000/- as per her statement under 164 before Anti-Corruption Judge on 06.05.2017. (Annexure: C). Her earlier statement in favour of Shah Nawaz (attached in his reply Annexure: C) addressed to DC Abbottabad on 03.05.2017 was of no value, rather authenticates his and her link of criminal conspiracy act of May 3, 2017.
- VIII. His claim of working as Driver for 3 years in his reply (point 4) Annexure: C is false as he worked for 1 year 4 months, i.e from the date of detailment w.e.f: 07.07.2015 to 23.11.2016. Ms. Faiza Shafi has rightly withdrawn his services as no such detailment was allowed and no logic was there in the presence of Gul Wali, the official well-trained driver.
- IX. He only applied for the post of Driver during their tenure of Ms. Samina, DEO (F) on 25.02.2016, in the presence of Gul Wali, official Driver of DEO (F).

In the light of above, his key role in engineering criminal proceeding, misstatements, gross misconduct is evident/proved.

2. CHARGE OF WILFULL ABSENCE, MISCONDUCT AND DEFIANCE:

He was relieved by Ms. Faiza Shafi, Ex-DEO (F) on 05.05.2017, which was unjustified as it was wrongly addressed to the DC Abbottabad instead to Director E & SE KP Peshawar; the same unjustified order was withdrawn on the same day. Then he was relieved on the grounds of illegal/illegitimate activities and unfit for female institution vide Letter No: 3070 Dated: 09.05.2017, i.e after raid of 03.05.2017. The Director ESE KP Peshawar later on placed him on the disposal of DEO (M) Abbottabad vide Endst No: 4467-69 Dated: 25.05.2017.

It is concluded that Ms. Faiza Shafi, DEO (F) Abbottabad lost all the grounds of initiating any disciplinary actions or requests after 25.05.2017 as his services were placed under the DEO (M) Abbottabad, competent authority to initiate any required disciplinary action.

His willful absence, misconduct and open defiance are evident from the following:

- i. His plea that he did not receive his transfer order issued on disciplinary grounds on the request of DEO(F) having complaints of teachers, PSHT GGPS Kareempura Letter No: vide Director ESE KP Peshawar Endst No: 4467-69 Dated: 25.05.2017 has no justification. His transfer order was issued on disciplinary grounds on the request of the DEO (F) having complaints of teachers, PSHT GGPS Kareempura (Annexure: D). He lives in Banda Amlook, which is just 15-20 minutes away from Abbottabad city and he was very much aware of all the proceedings after 03.05.2017.

- His plea that he did not even receive his explanation vide letter no: 7688-91 Dated: 12.07.2017, which was sent through registered post at his home address vide registry no: 667 Dated: 13.07.2017, is not understandable as it was not returned back as undelivered.
- iii. His plea that he did not know about his posting order at GHS No: 1 Abbottabad issued vide 8314-19 dated: 28.07.2017 (on administrative grounds) is again unjustified as Kalimullah, Chowkidar GHS No: 1 Abbottabad was also transferred against his place and he reported. Thereafter, the Principal GHS No: 1 Abbottabad confirmed his absence from duties vide Letter No: 635 Dated: 04.08.2017.
- iv. His plea that he did not receive the Show Cause Notice issued by the DEO (M) Abbottabad vide Endst No: 8739-41 Dated: 10.08.2017 indicates his defiance as it was sent through Registered Acknowledgment No: 408 Dated: 10.08.2017.
It looks very clumsy that he replied to one Show cause Notice No: 3607-II Dated: 29.05.2017 issued by Ms. Faiza Shafi, Ex-DEO(F) Abbottabad sent to his same home address. He replied but challenged her authority and termed it as unjustified as she was accused herself (Page 37 of his reply). So how it is possible that his transfer order to GHS no: 1 Abbottabad issued by DEO(M) Abbottabad, explanation order due to his willful absence and later show cause notice sent to the same home address were not delivered/received. Hence his plain claim of not receiving letters of DEO (M) Abbottabad is rejected.
- v. His dismissal order by the DEO (M) Abbottabad was issued vide Endst No: 11738-45 Dated: 27.10.2019 after receiving no response at all from him. However it was set aside and Denovo Enquiry was held to decide about his re-instatement.
- vi. His earlier plain statements of not receiving any registered letter at his home address or having no information about his transfers seem strange. The undersigned officers when asked whether he received his statement of allegations, Charge sheet and enquiry notification sent through registered acknowledgment No: RGL38058961 Dated: 29.11.2019, he replied in affirmative instantly on 04.12.2019.
- vii. It is very interesting to state that the undersigned failed to receive the acknowledgment No: RGL38058961 till date, which is not only strange but also tells that the local postman of the area concerned failed to perform his duty on different occasions, after delivery of official dock. In this regard, a letter has already been written to the Assistant Postmaster General Abbottabad that nothing was received by the undersigned officer (Principal GHS Sheikh-ul-Bandi) as per report of Mr. Junaid, Postman Sheikh-ul-Bandi till date. This fact indicates that all he did receive all the previous letters but deliberately quoting non-receipt of those and defying previous orders of the competent authority.
- viii. His statement in his reply point 17 (Annexure: C) that his dismissal order was issued by the DEO (M) Abbottabad on 27.10.2017, while he serving under DEO (F) Abbottabad, clearly indicates that he expressed himself to be an innocent and totally unaware of all proceedings; whereas he is quite sharp and alert, as rightly quoted by Anti-Corruption Judge in Para 2 of his report of 04.05.2017 to the learned DSJ Abbottabad, "Complainant with us who was sharp enough by instructing us to....."

(23)

3. CHARGE OF GROSS MISCONDUCT, WILLFUL ABSENCE, INEFFICIENCY AND INSUBORDINATION:

His act of gross misconduct, willful absence, inefficiency and insubordination is proved in the light of point 1 and 2 quoted above. His dual plot of involving himself, Shabbana Class IV and Anti-Corruption raid against his own officer in a bribery case, going to the extreme extent of acting as a trap agent, believing himself as a reformer in society but ignoring his limits as govt servant and above all defying / violating the service discipline. He completely ignored that he has been performing in a female institution, where a highest degree of disciplinary delicacies are required for females, which unfortunately he failed to observe keeping in view the complaints of teachers, Primary School Head and office that lead to his disposal of services by the competent authority (Director ESE KP Peshawar) to the office of the DEO (M) Abbottabad.


4. CROSS EXAMINATION:

The opportunity of cross examination is provided to him vide letter annexed F on 27.01.2020 at the office of the DEO(M) Abbottabad. Mr. Abdussalam, Principal GHS Kokal Barseen (Enquiry Officer), Mr. Ayaz, Superintendent DEO (M), Mr. Zaheer Qureshi, the then Superintendent DEO (F) and Shah Nawaz were present on 27.01.2020; while Ms. Faiza Shafi, Ex-DEO (F) did not come. Similarly Ms. Asia Khaton, Ex-PSHT GGPS Kareempura, who is retired from service and proceeded to her native town in Mansehra and Shabana Class IV did not come on 27.01.2020. A certificate of cross examination opportunity was signed by Mr. Zaheer Qureshi and Shah Nawaz. The statement of Mr. Zaheer Qureshi, was shown to him and asked to question/examine it, to which he replied in negative. He was shown the statement of Ms. Fazia along with its enclosures (Annexure: D) and asked to question/examine it but he replied the same earlier statements. Similarly he was also asked to examine/question the statement of Shabana Kousar recorded under 164, to which he written his earlier statement. The detail is placed in **Annexure: F**


RECOMMENDATIONS:

In the light of above, the following is recommended:

1. He (Shah Nawaz, Chowkidar) shall not be re-instated in the light of findings points 1, 2, 3 & 4.
2. The major penalty of dismissal from service may be imposed upon him in the light of findings points 1, 2, 3 and 4.
3. The SOPs for dealing with complaints/ raids and traps by Anti-corruption Wing issued by FIA shall be looked/ considered for effective actions against the alleged govt servants.


Mr. Abdussalam
Principal
GHS Kokal Barseen
(Enquiry Officer)

Dated: 31.01.2020


Syed Amjad Ali
Principal
GHS Sheikh-ul-Bandi
(Enquiry Officer)

Anx "J."
(24)

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE ABBOTTABAD.

CORRIGENDUM

Please read 31-01-2020 instead of 31-12-2020 recorded at S.No 3 of this office Dismissal From Service order in r/o Mr. Shahnawaz S/O Jahandad Chowkidar GHSS No.1 Abbottabad (Resident of Mohallah Nari, Village Banda Amlok P/O Dobathar Tehsil and District Abbottabad) issued vide Endst No. 2283-86 dated 21-03-2020.

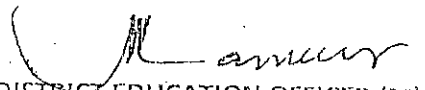
Sd/-
DISTRICT EDUCATION OFFICER-M
ABBOTTABAD

Endst: No. 2474-82 /EBIII/PF/Shahnawaz

Dated 23-4- /2020

Copy forwarded for information to the:-

1. Honorable Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court Abbottabad with reference to Judgement passed in Service Appeal No. 266/2018 dated 24-10-2019
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Comptroller of Accounts Abbottabad.
4. District Monitoring Officer(IMU) Abbottabad.
5. District Education Officer(F) Abbottabad.
6. Principal GHSS No. 1 Abbottabad.
7. B&AO local office.
8. Assistant Programmer EMIS Branch Local Office
9. Mr. Shahnawaz S/O Jahandad Chowkidar, GHSS NO. 1 Abbottabad(Resident of Mohallah Nari, Village Banda Amlok, P.O Dobather, Tehsil & District Abbottabad).


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Amx "K"
(25)

Dated: 22.01.2020

To

1. Mr. Zaheer Qureshai, Superintendent DEO(F) Abbottabad
2. Ms. Asia Khatoon, PSHT GGPS Kareempura
3. Shah Nawaz, Ex-Chowkidar GHS No; 1 Abbottabad (under Enquiry)
4. Shabana, Class IV SDEO Havelian

Subject:
Memo:

DENOVO ENQUIRY OF SHAHNAWAZ, EX-CHOWKIDAR- CROSS EXAMINATION

Reference to DEO (M) Notification / Endorsement No: 12378-85 Dated: 26.11.2019.

You are hereby requested to appear before enquiry committee for cross examination in person on 27.01.2020 (Monday) at 10.30 AM at the office of DEO (M) Abbottabad.

Copy for information to:

1. The District Education Officer (M) E & SE Abbottabad with the request to nominate one Departmental Representative DEO (M) ESE Abbottabad
2. Ms. Faiza Shafi, Instructor RITE(F) Mansehra with the request for appearance.

Mr. Abdussalam
Principal
GHS Kokal Barseen

Syed Amjad Ali
Principal
GHS Sheikh-ul-Bandi

بے شک 25/1-2020

نور علی

13/01-7810764-1

0336-5897766

Cross Examination on the Statement
of Shabana Koser C.IV

Anx "L" (26)

dated 27.01.2020 by
the Dept. Representative

JR

3	1. کیا آپ شہانہ کوثر C.IV کو جانتے ہیں؟
دفتر میں کام کرتی تھی	2. شہانہ کوثر C.IV کی ڈیوٹی کن عکالتی؟
تی نہیں	3. شہانہ کوثر C.IV کو آپ نے کوئی لفافہ دیا تھا؟
میں نے لفافہ نہیں دیا ہے	4. شہانہ کوثر C.IV نے وہ لفافہ کن کو دیا تھا؟
میں نے لفافہ دیا ہی نہیں تھا۔	5. شہانہ کوثر C.IV نے لفافہ دہریل کراہ کے لیے کیا کیا تھا؟
میں نے اسے سے میٹرم کو فوراً دے دیے تھے	6. شہانہ کوثر کے لفافہ رکھنے کے لیے کیا کیا تھا؟

سہیل



Cross Examination on the Statement
 of Mr. Zaher Ahmed Qureshi (27)

Ex - Supelt: DEO (F) ATD DT: 27.1.2020
 By Dept: Representative

صحت دفتر DEO (زنگنه) اور
 ڈیپارٹمنٹ آف ڈیولپمنٹ ورکس

1۔ مورخہ 35-2017 کو کیا کیا
 لفظ ہے ؟

چونکہ شاہنواز دفتر میں ڈیولپمنٹ ورکس
 اس سے اسے اچھی طرح جانتا ہوں
 متعلقہ ڈیپارٹمنٹ کے افسران کے مطابق شاہنواز
 کا درجہ سب سے پہلے تھا۔
 مجھے معلوم نہیں کیا ہے ؟

2۔ کیا شاہنواز کے پاس
 جانے میں ؟

3۔ کیا اس کے معلوم ہوا ہے کہ
 شاہنواز نے ڈیپارٹمنٹ کی انعامی
 کالے درجہ اسے دی تھی ؟

اس دن دفتر میں کون سے افسران تھے

4۔ کیا مورخہ 35-2017 کو
 دفتر میں کون سے افسران تھے ؟

دفتر میں سے کون سے افسران تھے

5۔ کیا دفتر سے کون سے افسران
 جانے میں تھے ؟

[Signature]
 27/1/2020

[Signature]
 27/1/2020

[Signature]

Cross Exam on the Statement

of Mst: Fauza Shafi, Ex-DEO (F)

ATD by Mr. Shah Nawaz, Et-C.V

dated 27.1.2020.

[Signature]

کیا اسے سزا فائرہ سے متعلقہ کی
بہر کوئی شرح کرنا چاہتے ہیں یا نہیں؟

یہ سب باتیں تو میں دفتر DEO (ذرائع) میں دیکھتی ہوں اور
مہلت ڈرائیور (موتی) کے ایام دس روپے فائرہ سے متعلقہ کی
سالہ سزا کی شرح سیکر اور لیڈر کو جانا رہا، اسی وقت میں
دفتر میں ڈرائیور کی 2 پوسٹس خالی تھیں، میں نے فائرہ سے متعلقہ کی
سے ذکر کیا ہے جسے اس وقت ڈرائیور کی پوسٹ پر 2 میں سے ایک پر تعینات کیا
جائے، جسے صدر نے کیا ہے آپ کو خبری کر دوں گی، آج زیادہ نہیں
عرف دفتر کا خرچہ ہے دس روپے میں نامہ دیکھ لو کیا ہے میں عنایت سے
چھوٹا ہے، کچھ عرصہ پہلے کہیں جس پر صدر نے کیا ہے، تو یہاں بھی ہے، میری
الٹا پر صدر نے جسے زبانی حکم دیا ہے آپ کو اور وہ اپنے سول کیم بورڈ میں
حرف دفتر میں لکھیں، جس سے دیکھنے کا فرق ہوا تھا آج، میں نے اتنا درخواست
دفتر میں لکھیں اور صدر کی کنسیل کے دفتر احاطہ میں گیا، آپ سب کو
دار احاطہ انٹی آرٹین اور صدر کی کنسیل کے دفتر احاطہ میں گیا، آپ سب کو
بہر کوئی شرح کرنا چاہتے ہیں اور DEO صاحبہ (فائرہ سے متعلقہ) کے پاس گیا اور اس میں
مبلغ 20 ہزار اولہ والے لٹاف دیا، جس پر اس نے ہر ایک کو اس میں
دانی بلایا اور پوچھا، جس پر میں نے اس میں اس میں گیا، اس میں
بہر آیا اور متعلقہ لوگوں کو لکھیں، اس میں اس میں گیا، اس میں
DEO (F) داخل ہو گئے اور DEO اور اس میں اس میں گیا، اس میں



13101 - 5897766
5336

Cross Exam on the Statement of

(30)

Mr. Zaher Ahmed Ex-Suptt. DEO (F) AID
Dated 27.1.2020 by Mr. Shahmehrez Ex-C.IV

س کوئی مزہ سے
کرا چاہتا ہوں

ظاہر فرمائیے کہ
میں سے کوئی مزہ
کرا چاہتا ہے
میں سے نہیں

سائبر

13101-7810764-1
0336-5897766

Shahmehrez

Jal

Cross Examination on the statement
of Mrs. Shaleema Khasan, C-IV by
Mr. Shehnaaz Ex-C-IV DT: 27-1-2020

(31)

اے سی ایف کے بیان کی تائید کرنے کی
کوئی کوشش نہیں کی گئی ہے؟

میں نے بیان کو تائید کرنے کی کوشش نہیں کی ہے
اور میں خود سے دیکھنے میں آئی ہوں۔

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13101-7810764-1

Shehnaaz

J

Cross Examination on the Statement of (32)
 Mst. Faiza Shafi Ex-DEO (F) Abbottabad (F)

Answer by Deptt: Representative. Jor

شاہنواز

1. آپ کا نام کیا ہے؟

جوگندار کا عہدہ تھا لیکن ڈرائیور کی ڈیوٹی کرتا تھا

2. آپ کا عہدہ کیا تھا؟

GGPS گورنمنٹ پورہ میں تھا اور DEO (زنانہ) میں کام کرتا تھا۔

3. آپ کون سے سکول / دفتر میں کام کرتے تھے؟

اس دن میں تھیٹریٹ میں تھا۔ میں سٹیٹ کو پیسے دینے کی خاطر تھیٹریٹ چلی اور حکم نامے کر لیں اور بیچ مار کے ساتھ تھا۔

4. مورخہ 2017-3-5 کو آپ کس جگہ ایفینڈ تھے؟

جیلوں۔

5. کیا آپ سٹانہ کوٹر IV کو جانتے ہیں؟

دفتر DEO زنانہ میں کام کرتی تھی۔

6. سٹانہ کوٹر کن جگہ کام کرتی تھی؟

جیلوں

7. کیا آپ سماعہ فائبر سٹیج DEO (F) کا جانتے ہیں؟



سین نے لفافہ میں رکھا تاکہ
میڈم کے سامنے سے دیا جھکا۔

8۔ میڈم ناشرہ شیعہ DEO
کی سیڑھیوں کے لفافہ
کس نے رکھا تھا؟

سین نے FIR درج
کروائی تھی۔

9۔ میڈم ناشرہ شیعہ DEO
کے خلاف اینٹ ٹریڈ میں
FIR کرنے درج کروائی تھی؟

تی خان اور
DE آفس میں رپورٹ
کا حکم دیا گیا تھا۔

10۔ کیا آڈیو کو DEO (مردانہ)
آفس میں رکھا گیا تھا
اور کیا رپورٹ کرنے کا حکم دیا گیا تھا؟

تی خان - جب تھے مستور
تھا۔

11۔ کیا آڈیو DEO (مردانہ)
ڈپارٹمنٹ میں جانری کی تھی یا نہیں؟

تھے کوئی لکچر میں ملے 2

12۔ کیا آپ کو دفتر کی طرف
سے پوسٹ کسی جگہ بھیجی گئی

27-1-2020
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DEO (مردانہ)
کی طرف سے

3

(F)

34

Jm

مجھے کوئی آرڈر نہیں ملا ہے
 صرف سٹورز نوٹس ملا ہے
 صرف جواب دیا تھا
 آرڈر لینے آنا تھا مگر
 نہیں ملا ہے

13 آئیے لو سٹورز کی تلاش
 کی نہیں ہو سکی؟

27/11/2020

بنا بنو

13101-7810764-1

0336-5897766

stem

Annex "M"
35

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE ABBOTTABAD.

No. 1062 /EB-III/PF/Shahnawaz

DATED 6/2 /2020

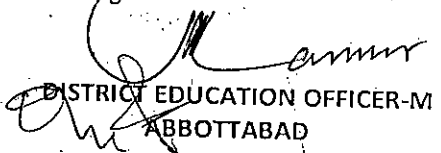
To

1. Syed Amjad Ali Principal GHS Sheikhul Bandi Abbottabad
2. Mr. Abdul Salam Principal GHS Kokal Barseen Abbottabad

Subject:- **DE-NOVO INQUIRY OF SHAHNAWAZ S/O JHANDAD, EX-CHOWKIDAR GHSS NO.1 ABBOTTABAD**

Memo:

With reference to inquiry report dated 31-01-2020 on the subject noted above and to remand the same under Rule-14 of Government of Khyber Pakhtunkhwa Efficiency And Discipline Rules 2011, with the remarks to provide opportunity of Self Defense as well as cross examination to the accused and resubmit the inquiry report within three days for further proceeding.


DISTRICT EDUCATION OFFICER-M
ABBOTTABAD

Vine "N"
36

OFFICE OF THE PRINCIPAL GHS KOKAL BARSEEN

NO: _____ 835

Date: 10.02.2020

TO

The District Education Officer (M)
Abbottabad

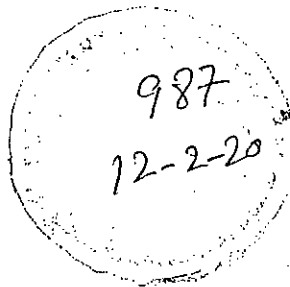
Subject: DE-NOVO INQUIRY OF SHAH NAWAZ S/O JHANDAD EX-CHOWKIDAR
GHS NO:1 ABBOTTABAD

Reference your office letter NO:1062 dated 6-2-2020 pertaining to remanding of subject inquiry to the inquiry officers for providing opportunity of self defence and cross questioning to the accused, it is stated that said opportunity has already been provided by asking Miss Faiza Shaffi EX-DEO(F) Abbottabad, Zaheer Qureshi superintendent DEO(F) Abbottabad, Shabana class IV SDEO(F) Havelian and Miss Asia Khatoon (PSHT) GGPS Kareempura to appear before the committee on 27-1-2020 vide letter dated 22-1-2020. Miss Faiza Shaffi, Miss Asia Khatoon (PSHT) and Shabana did not appear. It is necessary to mention that any further delay in submission of inquiry due to absence of the above named persons despite their being informed is not pertinent.

Therefore the inquiry is completed and submitted for further necessary action.

Alam

ABDUSSALAM
PRINCIPAL
GHS KOKAL BARSEEN
Inquiry officer



Syed Amir
SYED AMIR
PRINCIPAL
GHS SHEKHUL BANDI
INQUIRY OFFICER

ADD (lit)

For na

12/2/2020

Ans "0"
(37)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

NO 1937 EBIII/PF/Shahnawaz

Dated 9/3 2020


To

Mr. Shahnawaz S/O Jahandad
Ex-Chowkidar, GHS No.1 Abbottabad
Resident of Mohallah Nari, Village Banda Amlok, P/O Dobthar
Tehsil and District Abbottabad

Subject:- SHOW CAUSE NOTICE


Memo:

I am directed to refer this office Show Cause Notice issued vide No. 1355 dated 19-02-2020, subsequent your reply dated 29-02-2020 and hereby direct you to appear for personal hearing on 10-03-2020 at 10:00 AM in this office and avail the opportunity of self defence.


DY: District Education Officer (M)
Abbottabad

Endst of even No. and Date

Copy forwarded to the Principal GHSS No.1 Abbottabad with the remarks to direct official concerned to appear for personal hearing on the scheduled date/time.


DY: District Education Officer (M)
Abbottabad

پرنسپل سیکرٹری - سٹوڈنٹس ویلفیئر سوسائٹی
"P" Annex

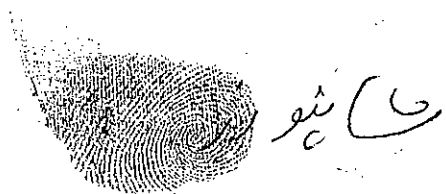
10/3/2020 تاریخ
P.O. - Chowkidar P.O. No. 1 Abbottabad (38)

سٹوڈنٹس ویلفیئر سوسائٹی کے جواب کے علاوہ اپنے دفاع
میں مزید کوئی چیز چاہئے ہے یا نہیں تحریر کر دیں

میں نے اپنے سٹوڈنٹس ویلفیئر سوسائٹی میں میرا جواب
دیا ہے اس کے علاوہ میں کوئی اور چیز نہیں چاہتا

1-7810764-13/01

0336-5897766



10-3-2020 -

ADD (B/S)

Forma

10/3/2020

تصدیق نامہ

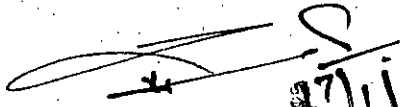
Ann (G)

(39)

ممبران دستخطی اس بابہ کے تصدیق کرتے ہیں کہ 27-1-2020 کو انٹرنیٹ امپریز

کے اوپر ان کے کومپینڈر کاسٹیشن دفتر ڈسٹرکٹ ایگسٹین امپریز (مردانہ)

مکمل ہو جانے میں حرج نہ ہوگا۔

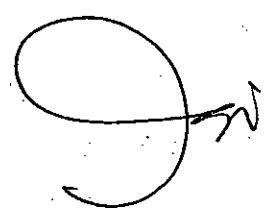

27/1/20

ZAMEER AHMED QURESHI
Supdt. DEO (M) Adl.


شاہد

13101-7810764-1
0336-5897766





OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

No. 1688-91 EBIII/F.Appt/CIV

Dated 12/7/2017

To:

Mr. Shahnawaz S/O Jahandad Chowkidar, GGPS Karimpura Abbottabad
Resident of Mohallah Nari Village Banda Amlak, PO Dobather Abbottabad
(Placed on the Disposal of this office by the Director E&SE Khyber
Pakhtunkhwa Peshawar) Cell#0336-5897766 & 0344-9489390

Subject: EXPLANATION

Memo:

You were relieved by the District Education officer (F) Abbottabad vide Memo No. 3070 dated 09-05-2017 and further your services were placed at the disposal of this office for further posting vide Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Office Order issued under Endst No. 4462-69 dated 25-05-2017.

It has been noticed with great concern that you have failed to submit your arrival in this office upto now which amounts to misconduct and inefficiency under Khyber Pakhtunkhwa, Govt: Servants (Efficiency & Discipline) Rules, 2011.

You are hereby called upon to explain the reason of above within seven days of the issuance of this letter, failing which it will be assumed that you have no defence to offer and strict disciplinary action will be initiated against you under the rules.

Sd/-
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

Endst of even number and date:-

Copy forwarded to the:-

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with reference to his office order noted above.
2. The District Education Officer (F) Abbottabad.
3. The Sub Divisional Education Officer (F) Abbottabad.

Sd/-
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

Annex "T"
412

OFFICE ORDER

In pursuance to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar office order issued under Endst No. 4462-69/F.No. 71/A-8/CIV/Abbottabad dated 25-05-2017, posting/adjustment of the following officials is hereby ordered in the interest of public service with immediate effect.

S.No	Name/Designation	Present School	Place of Posting	Remarks
1	Mr. Shahnawaz, Chowkidar,	GGPS Karimpura Abbottabad	GHS No. 1 Abbottabad	Vice serial No. 2 on administrative grounds
2	Mr. Kaleem Ullah, Chowkidar	GHS No. 1 Abbottabad	GGPS Karimpura Abbottabad	Vice serial No. 1

Note:-

1. Charge Report should be submitted to all concerned.
2. No TA/DA and transfer grant is allowed.

e/c
District Education Officer (M)
Abbottabad

Endst: No. 4314-19 EBI/PF/Shahnawaz

Dated 28-7 /2017

Copy forwarded for information to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with reference to his office endst No. Cited above.
2. District Account Officer Abbottabad.
3. District Education Officer(F) Abbottabad with reference to her office Memo No. 4184-85 dated 21-06-2017.
4. Principal GHS No,1 Abbottabad
5. Sub Divisional Education Office(F) Abbottabad.
6. Officials Concerned.

e/c
District Education Officer (M)
Abbottabad

Date: 19/6/17 *19/6/17* District Education Officer (Male) Abbottabad

Copy for information to the DEO (Male) Abbottabad with reference to his No. cited

19/6/17
District Education Officer

OFFICE OF THE PRINCIPAL GOVT: HIGH SCHOOL NO.1 ABBOTTABAD

No. 635

Dated. 04/8/2017

Annex "U"
(43)

To

The District Education Officer
(Male) Abbottabad.

Subject:- OFFICE ORDER.

Memo:

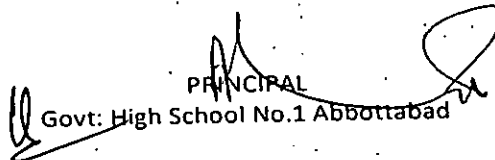
Kindly refer your office order issued under Endst: No.8314-19/EB-

I/PF/Shahnawaz dated 28.07.2017 on the subject quoted above.

It is submitted for your kind information that Mr, Shah Nawaz Chowkidar GGPS

Kareem Pura Abbottabad has not yet been reported for duty in this school.

The report is submitted herewith please.


PRINCIPAL
Govt: High School No.1 Abbottabad

ADSO(B)

Plz take further
me

5/8/17

6860
7-8-17