

C.O.C No. 110/2021
Shahid Khan vs Govt

20th July, 2022

1. Petitioner in person present. Syed Naseer Ud Din Shah, Asst: Advocate General alongwith Mr. Qazi Ayaz, Section Officer (Litigation) for respondents No.2 and 3 and Miss. Nighat Shaheen, Principal, Govt: Post Graduate College for Women, Haripur in person present.

2. Petitioner submits that in compliance with the judgment of the Tribunal De-novo enquiry was conducted and he was exonerated but no order regarding the back benefits was passed for which he has submitted an application to the respondents but no reply was given by the respondent-department. Miss. Nighat Shaheen, Principal, Govt: Post Graduate College for Women, Haripur (respondent No.1) present in person and submitted that no such application was received by the office, therefore, this execution petition is converted into application and be sent to the respondent-department for decision in accordance with law and rules within a period of two months. Disposed off accordingly. Consign.

3. *Pronounced in open court in Abbottabad and given under my hand and seal of the Tribunal on this 20th day of July, 2022.*



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabd.

C.O.C No. 110/2021
Shahid Khan vs Govt

12.08.2021

Nemo on behalf of the appellant. Fresh notices be issued to petitioner/counsel for the next date. To come up for arguments on the point of maintainability of instant petition on 14.10.2021 before S.B.

Chairman

14.10.2021

Learned counsel for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Learned AAG raised objection on maintainability of instant petition instituted by name instead of designation. Learned counsel for the petitioner seeks adjournment to assist the Court on the point. Adjourned. To come up for further proceedings before the S.B on 02.12.2021.

(MIAN MUHAMMAD)
MEMBER (E)

19.11.2021

None present on behalf of the petitioner despite the fact that this petition was transferred and fixed at Camp Court, Abbottabad on acceptance of application of the petitioner. Mr. Muhammad Rasheed, DDA alongwith Attaur Rehman, Asstt. for the respondents present.

Notice be given to petitioner and his learned counsel for pursuit of the matter. Case to come up on 16.02.2022 before S.B at camp court, Abbottabad.

Noted PL
JJS
Asstt
2/12/2021

16-2-22:

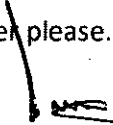


Chairman
Camp Court, A/Abad -

Due to retirement of worthy chair - the Tribunal is non functional. To come up for the same on 20/2/22, at camp court Abbottabad.

FORM OF ORDER SHEET

Court of _____

C.O.C No. 110/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03.06.2021	<p>The C.O.C submitted by Mr. Shahid Khan through Mr. Sultan Ahmed Jamshed Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	02.07.2021	<p>This C.O.C Petition be put up before S. Bench on <u>02/07/21</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Nemo for the petitioner. Notice be issued to petitioner/counsel. To come up for arguments, on the point of maintainability of instant COC Petition, before S.B on 12.08.2021.</p> <p style="text-align: right;"> Chairman</p>

BEFORE CHAIRMAN, KHYBER PAKHTUN KHAWA SERVICE TRIBUNAL, PESHAWAR

COC/CM No.: _____/2021

SHAHID KHAN

VERSUS

MRS. NIGHAT SHAHEEN & OTHERS

CONTEMPT OF COURT PETITION**INDEX**

SERIAL NO	DESCRIPTION	ANNEXURE	PAGES NOS
1.	<i>Contempt Of Court Petition alongwith affidavit</i>	--	1-5
2.	<i>Addresses of the parties</i>	--	6
3.	<i>Copies of the judgment, decision and order dated 19-2-2019 passed in service appeal no 491/2016</i>	A	7-11
4.	<i>Copies of the charge taking letter/order</i>	B	12
5.	<i>Copy of the de novo enquiry report dated 20-5-2019</i>	C	13 to 15
6.	<i>Copy of the Monthly salary statement (December-2015)</i>	D	16
7.	<i>Copy of Letters no 4976 dated 13-3-2019 by the office of the respondent no 2</i>	E	17
8.	<i>Copy of office bearing no 640 dated 23- 04-2019 by Coordinator JMC/Principal Govt Post Graduate College Haripur</i>	F	18
9.	<i>Copy of letter of respondent no 1 bearing endst no 3597-98 dated 27-3-2019</i>	G	19
10.	<i>Wakalatnama</i>	--	20

Dated:- /05/2021


(SULTAN AHMED JAMSHED)

Advocate Supreme Court of Pakistan

&


(MALIK AHMAD ARBAZ)

Advocate High Court, Abbottabad

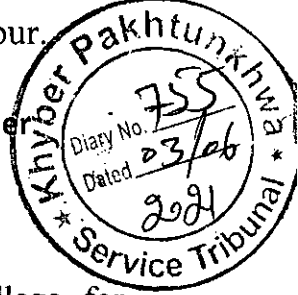
BEFORE CHAIRMAN, KHYBER PAKHTUN KHAWA SERVICE TRIBUNAL, PESHAWAR

COC/CM No. 110 /2021

(In Service Appeal no 491/2016)

Shahid Khan S/o Sher Bahadar R/O Village Muradabad Presently Chowkidar
Govt B.N.W.K Girls Degree College Pharhala, Tehsil and District Haripur.

... Petitioner



Versus

1. Mrs. Nighat Shaheen, presently Principal, Govt Post Graduate College for Women, Haripur, Tehsil and District Haripur.
2. Mr. Qazi Zahoor ul Haq, presently Director, Higher Education, Government of Khyber Pakhtun Khawa, Peshawar.
3. Mr. Daud Khan, presently Secretary, Higher Education, Government of Khyber Pakhtun Khawa, Peshawar.

... Respondents/ Contemnors

PETITION FOR INITIATION OF CONTEMPT OF COURT PROCEEDINGS
AGAINST RESPONDENTS FOR VIOLATION, NON-COMPLIANCE, NON-
IMPLEMENTATION, NON-CONSIDERATION AND DISOBEDIENCE OF
THE JUDGMENT AND ORDER OF THIS WORTHY TRIBUNAL PASSED
DATED 19-02-2019 IN SERVICE APPEAL NO 491/2016 TITLED AS
"SHAHID KHAN V/S PRINCIPAL GPGC FOR WOMEN HARIPUR &
OTHERS", AS RESULT THEREOF THE PETITIONER HAS NOT BEEN
GRANTED, ISSUED AND PAID THE BACK-BENEFITS SO FOR, INSPITE
OF THE FACT THAT THE PETITIONER AFTER CONDUCT OF DE-NOVO
ENQUIRY HELD BY THE RESPONDENTS, HAS BEEN DISCHARGED,

**RELEASED, EXEMPTED AND EXONERATED FROM ALL THE CHARGES,
ALLEGEDLY LEVELED AGAINST HIM.**

PRAYER:

**ON ACCEPTANCE OF THE PRESENT PETITION, THE RESPONDENTS MAY
GRACIOUSLY BE PROCEEDED AND PUNISHED, AS PER LAW FOR THE
VIOLATION, DISOBEDIENCE, NON-COMPLIANCE AND NON-PAYMENT OF
BACK-BENEFITS OF SALARY, ALLOWANCES, OTHER EMOLUMENTS TO
WHICH THE PETITIONER IS ENTITLED, SINCE 20-01-2016 TO 23-04-2019
(DATE OF DISMISSAL FROM SERVICE AND DATE OF TAKING CHARGE,
AFTER REINSTATEMENT IN THE LIGHT OF ACCEPTANCE OF SERVICE
APPEAL NO 491/2016, MENTIONED ABOVE) WITH PROPER ORDER OF
REDRESSAL OF ALL GRIEVANCES OF THE PETITIONER.**

Respectfully Sheweth,

1. That , the petitioner as a consequences of alledged and unlawful dismissed from service , was constrained to file and submit service appeal no 491/2016 , which was finally accepted , after contest of the respondents, and the petitioner after the reinstatement in service was posted at Govt B.N.W.K girls degree College Pharhala, Tehsil and district Haripur .

Copies of the judgment, decision and order dated 19-2-2019 passed in service appeal no 491/2016 and charge taking letter/order are annexure "A" and "B".

2. That, this august tribunal while passing judgment order and decision of acceptance of service appeal of appellant bearing no. 491/2016, also directed the respondents about the conduct of *de novo enquiry* and also passed the order concerning back-benefits in the manner "the issue of back-benefits shall be subject to the outcome of the *de novo enquiry*"

While in the *de novo enquiry*, the officer at the conclusion of his enquiry report made recommendations as following:-

RECOMMENDATIONS:

"In the light of above facts finding the under signed enquiry officer is of the view that Shahid Khan Chowkidar, may be exonerated from all the allegation leveled against him in the charge-sheet by the authorities concerned".

Copy of the de novo enquiry report dated 20-5-2019 is attached as annexure "C" and Monthly salary statement (December-2015) is annexure "D".

3. That, since the report of *de novo enquiry*, mentioned above till now the respondent are being approached for the grant and payment of back benefits, but all in vain, inspite of the knowledge of the said order and decision.

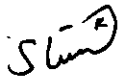
Copy of Letters no 4976 dated 13-3-2019 by the office of the respondent no 2 is annexure "E". Copy of office bearing no 640 dated 23-04-2019 by Coordinator JMC/Principal Govt Post Graduate College Haripur (In this letter back benefits of petitioner has been accepted and admitted and are shown mentioned as in process) and letter of respondent no 1 bearing endst no 3597-98 dated 27-3-2019 are annexed as annexures "F" and "G".

4. That, as the period of back benefits relates to service period petitioner, when posted under respondent no 1 and does not relate to the place present posting at Govt Girls Degree College Pharhala, District Haripur and principal of GDC of Pharhala was not party as the petitioner has been posted at GDC Pharhala after his reinstatement, therefore, in this COC, Principal GDC Pharhala has not been made party and further, although enquiry officers of previous enquiry namely professor Sardar Khan and Mrs Azra Yasmeen and Mst. Anum Iqbal (ex-student of Haripur Women College of respondent no 1) and hostel warden, but same are not being arrayed as party because having no concern with payment of back-benefits.

5. That, the respondents being responsible officers of the department and Govt are bound to comply and obey the order and decision of this worthy Tribunal and because of red tapism and deliberately not complying the verdict mentioned therefore the present petition .

It is therefore prayed that on acceptance of the present petition the order and proceedings as prayed for in the title of the present petition, may graciously be passed and the technicalities may please be avoided for the grant of the benefits being fundamental rights.

Dated:- /05/2021


Shahid Khan
...PETITIONER

Through:


(SULTAN AHMED JAMSHED)
Advocate Supreme Court of Pakistan

&


(MALIK AHMAD ARBAZ)
Advocate High Court, Abbottabad.

VERIFICATION: -

Verified on this day that the contents of instant *Petition* are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

Dated:- /05/2021


Shahid Khan
...PETITIONER

BEFORE CHAIRMAN, KHYBER PAKHTUN KHAWA SERVICE TRIBUNAL, PESHAWAR

COC/CM No.: _____/2021

SHAHID KHAN-

VERSUS

MRS. NIGHAT SHAHEEN & OTHERS

CONTEMPT OF COURT PETITION

AFFIDAVIT

I, *Shahid Khan S/o Sher Bahadar R/O Village Muradabad Presently Chowkidar Govt B.N.W.K Girls Degree College Pharhala, Tehsil and District Haripur*, do hereby declare that the contents of instant *Contempt Petition* are true and correct and that nothing has been concealed from this Honourable Court.

Dated:- /05/2021

Shahid Khan
Shahid Khan

... PETITIONER



BEFORE CHAIRMAN, KHYBER PAKHTUN KHAWA SERVICE TRIBUNAL, PESHAWAR

COC/CM No.: ____/2021

SHAHID KHAN

VERSUS

MRS. NIGHAT SHAHEEN & OTHERS

CONTEMPT OF COURT PETITION

ADDRESSES OF THE PARTIES

Respectfully Sheweth,

The addresses of the parties are as under;

PETITIONER:

Shahid Khan S/o Sher Bahadar R/O Village Muradabad Presently Chowkidar Govt B.N.W.K Girls Degree College Pharhala, Tehsil and District Haripur

RESPONDENTS:

1. Mrs. Nighat Shaheen, presently Principal, Govt Post Graduate College for Women, Haripur, Tehsil and District Haripur.
2. Mr. Qazi Zahoor ul Haq, presently Director, Higher Education, Government of Khyber Pakhtun Khawa, Peshawar.
3. Mr. Daud Khan, presently Secretary, Higher Education, Government of Khyber Pakhtun Khawa, Peshawar.

Dated:- /05/2021

Shahid Khan

...PETITIONER

Through:


(SULTAN AHMED JAMSHED)

Advocate Supreme Court of Pakistan

&


(MALIK AHMAD ARBAZ)

Advocate High Court, Abbottabad.

بخدمت جناب ڈائریکٹر صاحب ہائر ایجوکیشن صوبہ خیبر پختونخواہ پشاور

7

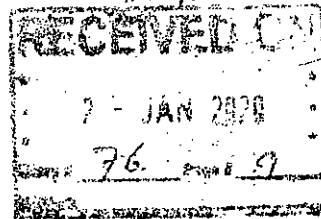
درخواست برائے ادائیگی واجبات/تنخواہ

- جناب عالی!
- ۱- یہ کہ سائل گورنمنٹ گرلز ڈگری کالج پھر ہالہ ہری پور میں بحیثیت چوکیدار اپنے فرائض منصبی سرانجام دے رہا ہے۔
 - ۲- یہ کہ قبل ازیں سائل جب گورنمنٹ پوسٹ گریجویٹ گرلز کالج ہری پور میں تعینات تھا تو مورخہ 20.01.2016 کو سائل ایک نام نہاد واقع سے منسوب کر کے نوکری سے فارغ کر دیا گیا تھا جسکے بعد سائل نے محکمانہ اور بعد ازاں سروس ٹریبونل میں اپیل دائر کی جو سروس ٹریبونل نے مورخہ 19.02.2019 کو دوبارہ انکوآری کا حکم دیا۔ نقل لف ہے۔
 - ۳- یہ کہ سائل دوبارہ انکوآری ہو کر انکوآری آفیسر نے بروئے رپورٹ مورخہ 20.5.2019 سائل کو بے گناہ اور واقع تنازعہ سے لاطعلق قرار دیا۔ نقل لف ہے۔
 - ۴- یہ کہ سائل سروس اپیل نمبر 491/2016 منفصلہ 19.02.2019 کے بعد مورخہ 13.03.2019 سے نوکری پر بحال ہو چکا ہے۔ جبکہ سائل کو مورخہ 23.04.2019 کو چارج دیا گیا۔ نقل لف ہے۔
 - ۵- یہ کہ سائل کی تنخواہ 20.01.2016 سے 23.04.2019 تک بزمہ محکمہ تاحال واجب الادا ہے جو ابھی تک سائل کو ادائیگی نہیں کی جا رہی۔

لہذا استدعا ہے کہ سائل کے واجبات کی ادائیگی کا حکم صادر فرمایا جائے۔

العارض
شہد خان چوکیدار گورنمنٹ گرلز ڈگری کالج پھر ہالہ ہری پور

مورخہ 02.01.2020



- 1 -

BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.



(8)

Appeal No. 491 /2016

Shahid Khan S/o Sher Bahadur, R/o Village Muradabad, Tehsil & District Haripur,
Ex Chowkidar (BPS-1) at Government Post Graduate College for Women,
Haripur.

... APPELLANT
K. W. P. Province
Service Tribunal

V E R S U S

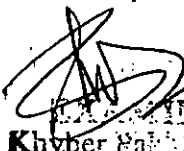
Diary No. 462
Dated 11-5-2016

- 1) Principle, Government Post Graduate College for Women, Haripur, Tehsil & District Haripur.
- 2) Director Higher Education, Khyber Pakhtunkhwa Peshawar.
- 3) Professor Sardar Bahadur Khan, Government Post Graduate College No.1, Abbottabad.
- 4) Mrs. Azra Yasmeen Principal Government Girls Degree College, Sara Saleh, Haripur.
- 5) Government of Khyber Pakhtunkhwa, through Sectary Higher Education, Peshawar.
- 6) Mst. Anum Iqbal D/o Muhammad Iqbal Cast Awan R/o Village Kailag Tehsil & District Haripur, former student of 4th year and boarder of hostel of Government Post Graduate College for Women, Haripur.
- 7) Hostel Warden, (Hostel of boarder Anum Iqbal), situated in Government Post Graduate College for Women, Haripur.

...RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT
OF 1974 AGAINST THE IMPUGNED ORDER ENDS:

1/5 ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

9

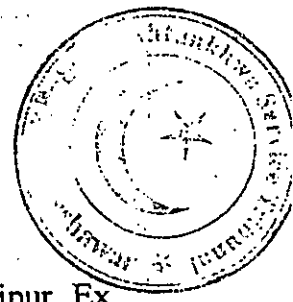
Annex - A²

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

Service Appeal No. 491/2016

Date of Institution ... 11.05.2016

Date of Decision ... 19.02.2019



Shahid Khan S/o Bahadur, R/o Village Muradabad, Tehsil and District Haripur, Ex Chowkidar (BPS-01) at Government Post Graduate College for women Haripur. (Appellant)

VERSUS

Principal, Government Post Graduate College for Women, Haripur, Tehsil and District Haripur and six others. (Respondents)

Attested
to be
true
[Signature]

MR. SULTAN AHMAD JAMSHAD,
Advocate

For appellant.

MR. MUHAMMAD BILAL,
Deputy District Attorney

For respondents

MR. AHMAD HASSAN,
MR. MUHAMMAD AMIN KHAN KUNDI

MEMBER(Executive)
MEMBER(Judicial)

JUDGMENT

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

ATTESTED

ARGUMENTS

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

2. Learned counsel for the appellant argued that he was appointed as Chowkidar in Govt: Post Graduate College for Women, Haripur on 01.01.2015. While in service certain allegations were leveled against him and proceeded under E&D Rules 2011. Vide impugned order dated 20.01.2016, his services were terminated. He preferred departmental appeal on 25.01.2016 which remained un-responded, hence, the instant service appeal. He further argued that tug of war was going on between the Principal and staff of the college. The appellant being a low paid subordinate was made escape goat by leveling frivolous and unfounded charges. The enquiry committee failed to conduct

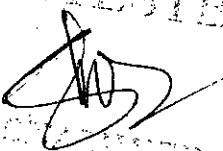
enquiry according to the prescribed procedure. Neither statement of the appellant was recorded nor opportunity of cross examination was afforded to the him. Though the committee also referred to the record of CCTV footage but the appellant was never confronted with the same during the enquiry proceedings. In short the appellant was condemned unheard. He further invited attention to an application submitted by the father of Miss. Anum Iqbal to the SHO, Police Station City on 12.12.2015 wherein he clarified that a news item appeared in the newspaper was baseless and without substance. It was further mentioned that he did not want to take legal action against anyone.

3. Learned Deputy District Attorney while rebutting the stance of the learned counsel for the appellant, stated that the appellant was involved in immoral incident alongwith Naeem Akhtar, Gasman as is evident from the statement of respondent no.6. In view of the written statement of victim stance taken by the appellant is baseless. Respondents rightly proceeded under the E&D Rules 2011 and awarded major penalty vide impugned order referred to above. All codal formalities were observed before awarding the major penalty.

CONCLUSION.

4. We have minutely scrutinized the enquiry report and observed that it was replete with discrepancies, deficiencies, shortcoming and illegalities. The present controversy revolves around Miss. Anum Iqbal a fourth year student of GPGC for women, Haripur. It is strange and beyond comprehension that in the absence of statement of the said student, what would be the evidentiary value of the present enquiry report? No plausible explanation is available in the inquiry report about non-recording of statement of the said student. It is also not clear from the enquiry report whether the statement of Principal and other witnesses were recorded in the presence of the accused or otherwise and opportunity of cross examination was afforded to the appellant or not? We are of the view that opportunity of cross examination was not afforded to the appellant. We are also

ATTESTE

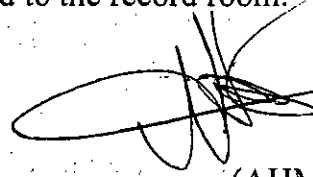


Khyal K...
Festive

11

at a loss to understand that during the course of arguments, it was brought to the notice of this Tribunal that CCTV footage also proved involvement of the appellant in the incident referred to above. On the other hand the appellant during the course of enquiry was never confronted with the CCTV footage. In the present case Naeem Akhtar, Gasman was the main accused, while the appellant was charged only for abetment. We have inferred that charges were not established during the course of enquiry. Moreover, show cause notice was served on the appellant but copy of the enquiry report was not annexed with the same, which is a serious departure from the established procedure. How in the absence of provision of enquiry report, the appellant could offer proper defense? As opportunity of defense was denied to the appellant so, it can be inferred that he was condemned unheard. The illegalities and discrepancies pointed out above have made the enquiry report defective and disputed. The only option is to conduct de-novo enquiry strictly in accordance with the prescribed rules so as to ensure justice, fair play, transparency and equity.

5. As a sequel to above, the appeal is accepted, the impugned order dated 20.01.2016 is set aside and the appellant is reinstated in service. The respondents are directed to conduct de-novo enquiry strictly in accordance with law and rules within a period of 90 days from the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo enquiry. The appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)

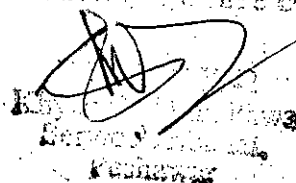
Member

Camp Court Abbottabad.

Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
Member

ANNOUNCED
19.02.2019

Certified to be true copy



21-2-19
Number of Copies 1600
Copying Fee 10-00
Total 10-00
Name of Customer
Date of Copying 26-2-19
Date of Delivery of Copy 26-2-19

12

Annex - B

CERTIFICATE TRANSFER OF CHARGE

1:- Certified that we have on the fore/after noon of this day **23-04-2019** made over and hand over charge of the due to on reinstatement of honorable court of services tribunal KPK camp court abbottabad appeal 491/2016 on 11-05-2016 and decision of judgment passed on 19-02-2019. In respect of Shahid Khan (Chowkidar) at Govt BNWK Girls Degree College Pharhala (Haripur) Particulars of cash and important secret and confidential documents handed over or noted on the reverse:-

Signature of Relieved:

Govt: Servant Vacant post
Designation Chowkidar

Station: GBNWKGDC Pharhala Haripur.

Signature of Receiving:

Govt: Servant: Shahid Khan
Designation Chowkidar

S. Khan

Dated: 23-04-2019 (A/N)

OFFICE OF THE PRINCIPAL GOVT.B.N.W.K GIRLS DEGREE COLLEGE PHARHALA HARIPUR

Ends: No. 286-89

Dated 23/04/2019

Copy for information to:-

1. The Director Higher Education Khyber Pakhtunkhwa, Peshawar.
2. The Senior District Accounts Officer Haripur.
3. The Official Concerned.
4. Accountant Local College.

Nafisa S. S.
PRINCIPAL
Govt Begum Naseem Urdu College
Girls Degree College, Pharhala
MAN (H.K.) HARIPUR

(13)

Annex C2

INQUIRY REPORT

Dated: 20/05/2019

Subject: DENOVO ENQUIRY AGAINST Mr. SHAHID CHOWKIDAR GOVT. POSTGRADUATE COLLEGE FOR WOMEN, HARIPUR.

Vide Government of Khyber Pakhtunkhwa, Higher Education, Archives and Libraries Department Notification No. 1211-7/CA-VII/GGPGC Haripur, dated Peshawar the 11-04-2019, the undersigned has been appointed as Inquiry Officer.

ALLEGATIONS against Mr. Shahid Khan Chowkidar Govt: Postgraduate College for Women Haripur, as retrieved from the copy of charge sheet office number nil, dated nil issued to the accused by then principal Ms. Nasira Bano and provided to de novo inquiry officer from the record file.

1. That you, Mr. Shahid Khan, Chowkidar at GPGC Haripur were required to perform your duties and keep your activities within the assigned domain, but on the contrary, you have been doing the other way round by keeping secret relation with the girls students of the said hostel.
2. That ultimately you deceived a student namely, Ms. Anum Iqbal on the pretext of the meeting with her father, but later on you were found trying to malign the dignity of the student which is highly pugacious.

Annex A + B.

Proceedings:

The undersigned inquiry officer proceeded to Government Postgraduate College for Women Haripur on 15-05-2019 under prior written intimation to the principal with the request to provide the copy of charge sheet against the accused and other relevant record and also to ensure the presence of stakeholders including the ex-principal Ms. Nasira Bano, Chief Proctor, Hostel warden and provost, Shahid Khan the accused chowkidar and the allegedly affected student Ms. Anum Iqbal. The principal was also requested to make necessary arrangements for the perusal of CCTV footage highlighting the alleged incident. Copy of all the relevant record from the case file was provided by the principal to the inquiry officer two days before the visit. The principal Ms. Naseem Murtaza appreciably coordinated and fully cooperated with the undersigned at each and every step of the inquiry. She devoted full time to observe, monitor and ensure the impartiality and transparency of the inquiry process and at times enlightened the undersigned with her objective views, vast experience and understanding of the issue.

While the affected student Ms. Anum Iqbal did not appear before the inquiry officer, all other above stated stakeholders were present on the visit date. A copy of above stated allegations were provided to the accused. Statements of all present stakeholders were recorded and a detailed interview, answer/question sessions was conducted in the presence of Principal Ms. Naseem Murtaza.

The undersigned in order to know the factual position conducted detailed interviews of ex-principal Ms. Nasira Bano, the accused Chowkidar Shahid Khan, Hostel Warden Ms. Rabia Qazi and hostel provost Ms. Naghina Sabohi and recorded and analyzed their verbal statements to establish the truth of the matter.

Perusal of CCTV footage:

The undersigned along with principal Ms. Naseem Murtaza and accused chowkidar Shahid Khan watched the CCTV footage that showed the date 02-12-2015 time 3.00 PM to 3.45 PM. The view was not very clear, rather blurry and Shahid Khan recognized himself doing duty about inside the college gate. A girl was seen coming to the direction of the gate, stopped for a few seconds with Shahid Khan Chowkidar and then disappeared off the scene.

14

She was visible again after twelve minutes and the undersigned along with principal Ms. Naseem Murtaza observed that she was seemingly not in a state of panic or in traumatic or frantic conditions. Any story of her molestation by anyone appeared absolutely wrong. Moreover Shahid Khan Chowkidar was not found anywhere near her after her return.

Statement of Shahid Khan Chowkidar (the Accused)

In his written and verbal statement he showed ignorance of the incident. He said place of duty was college gate and not the student's hostel. He said he had been made a scapegoat only of interpersonal conflict between the principal and other staff of the college including hostel warden, some senior professors and Babu Masud the college clerk, who according to him was an evil character. He said he kept no concern or relations with any girl in the hostel or in the college.

Statement of Ex-principal Ms. Nasira Bano

She insisted on her earlier written stance that Mr. Shahid Khan misinformed the student from hostel which is situated on the campus of the college, to inside the college gate about the arrival of student's father. While the student instead found another menial servant who allegedly molested her. The ex-principal, however, highlighted the following while she was asked questions about the alleged incident.

- a. That she had taken the disciplinary action against the student and the two class four servants including Shahid Khan Chowkidar by issuing them warning letters. And the issue was locally resolved and fully settled.
- b. That Chowkidar Shahid Khan performed his duty regularly and diligently all the time and there was no complaint against him before the alleged incident.
- c. That such violation of hostel rules by students is not unusual practice and students sometimes feel the need to come out of hostel without permission from the warden to request the menial servants to fetch eatables and other items of personal use for them from market outside the college.
- d. That there was no previous complaint against Mr. Shahid Khan Chowkidar and he had always performed his duty honestly and his general conduct was good.
- e. That the principal did not at all report the issue to Directorate of Higher Education (DHE) and never requested the authorities to initiate any high level inquiry into the case.
- f. The DHE initiated the inquiry in response to a fake report on the front page of local newspaper Daily Ajj of alleged gang rape of some girls in the hostel of the college. The news report created immense sensation in the public in the city and also across the province and triggered an inquiry from higher authorities.
- g. That a news reporter namely Zulfiqar linked with Daily Ajj and other newspapers was a blackmailer and had been pressurizing the college principal for his undue and illegal demands and was always trying to interfere with the internal affairs of the college.

Statement of Hostel Warden Ms. Rabia Qazi

In her written statement she said that she was on leave on the day of alleged incident. She said that she never received any complaint about the conduct of Shahid Khan Chowkidar whose duty was on the college gate and not in the hostel. She always found him dutiful.

15

Statement of Ms. Naghma Sabohi, Hostel Provost:

She said she had reported to the principal how the student left the hostel at 3.12PM afternoon without permission and she pursued the student and found her roaming near the gate inside the college "in good mood" she added in verbal statement. She said there was never any report that Chowkidar Shahid Khan was keeping any good or bad relation with any girl residing in the hostel.

Statement of Ms. Rubina Zaman, Chief Proctor

She repeated and endorsed the facts highlighted by the ex-principal in her statement. She said Chowkidar Shahid Khan had been very dutiful and always minded his duty and was never found talking to any girl in the college in a suspicious manner.

FINDINGS:

1. On the day of current inquiry, though the concerned student girl Anum Iqbal did not come to appear before the inquiry officer to record her direct statement, it transpired from the CCTV footage, close scrutiny of record, statements of the ex-principal Ms. Nasira Bano, Hostel Provost Ms. Naghma Sabohi, Chief Proctor Ms. Rubina Zaman and Hostel Warden Ms. Rabia Qazi that the accused Mr. Shahid Khan Chowkidar had no direct or indirect involvement in the alleged incident and the allegations leveled against him in the charge sheet could not be established through any solid evidence. It could not be established that the accused had any relation with student girls in the hostel as stated in the charge sheet nor did he leave his duty on that day at the college gate. It was evident from the CCTV footage that he was performing duty at the gate. Rather all the stake holders mentioned here affirmed his overall good conduct and diligence to duty.
2. From the CCTV footage it could not be established that Shahid Khan Chowkidar was part of any plot to deceive any girl student. The girl in the footage appeared quite normal and showed no signs of panic or a state of traumatic shock which should be the natural consequence of any unusual incident of sexual harassment or molestation.

RECOMMENDATIONS:

In the light of above facts and findings the undersigned inquiry officer is of the view that Shahid Khan Chowkidar may be exonerated from all the allegations leveled against him in the charge sheet by the authorities concerned.

Inquiry Officer
Prof. Mohammad Tariq
Govt. Postgraduate College
Haripur

Annex - D

16

Government of Khyber Pakhtunkhwa District Accounts Office Haripur
Monthly Salary Statement (December-2015)



Personal Information of Mr SHAID KHAN d/w/s of SHER BAHADAR

Personnel Number: 00731982 CNIC: 1330251599893
Date of Birth: 12.01.1985 Entry into Govt. Service: 10.01.2015

Length of Service: 00 Years 11 Months 023 Days

Employment Category: Active Permanent

Designation: CHOWKIDAR

Vendor Number:

DDO Code: HR4113-PRINCIPAL G.G.D.C.HARIPUR

80002082-GOVERNMENT OF KHYBER PAKH

GPF A/C No:

Interest Applied: No

GPF Balance: 3,226.00

Pay and Allowances:

Pay scale: BPS For - 2015

Pay Scale Type: Civil BPS: 03

Pay Stage: 1

Wage type		Amount	Wage type		Amount
0001	Basic Pay	6,795.00	1000	House Rent Allowance	942.00
1300	Medical Allowance	1,500.00	1516	Dress/ Uniform Allowance	100.00
1567	Washing Allowance	100.00	1973	Adhoc Allowance 2011@ 50%	1,570.00
2148	15% Adhoc Relief All-2013	720.00	2174	Adhoc Relief Allow-2014	480.00
2199	Adhoc Relief Allow @10%	679.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3003	GPF Subscription - Rs 522	-522.00	3501	Benevolent Fund	-120.00
3511	Addl Group Insurance	-3.00	3604	Group Insurance	-58.00
3990	Emp.Edu. Fund KPK	-50.00			0.00

Deductions - Loans and Advances

Loan	Description	Principle amount	Deduction	Balance
	Tax Payable: 0.00 Recovered till December-2015:	0.00		

Gross Pay (Rs.): 12,886.00

Deductions: (Rs.): -753.00

Exempted:

Recoverable: 0.00

Net Pay: (Rs.): 12,133.00

Account Number: CA 21728-0 Bank Details: THE BANK OF KHYBER, 080019 G.T.ROAD HARIPUR

(SHAZAD/29.12.2015/13:43:55) 2) All amounts are in Pak Rupees 3) Errors & omissions excepted



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

E-mail:- dhekpkesht@gmail.com

Tel # 091-9210242 / 9211025

Fax # 091-9211803

Facebook.com/dhekpkesht

Twitter.com/dhekpkesht1

No. 4976 / Court Case/SA No.(491/2016). Dated Peshawar the 13/3 2019

To

The Principal,
Govt: Postgraduate College for Women,
Haripur.

Subject: - SA NO. 491/2016 (SHAHID KHAN VS PRINCIPAL GPGC (W) HARIPUR & OTHERS)

Respected Madam, السلام عليكم

I am directed to refer to the subject noted above and to enclose herewith a copy of Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad judgment dated 19-02-2019 in service Appeal No. 491/2016, wherein the services of the appellant has been reinstated and respondents are directed to conduct de-novo enquiry in the case.

It is therefore, requested that the appellant may be reinstated and also conducts de-novo inquiry complete in all respect under E&D rules 2011 within stipulated period of time specified in the judgment under intimation to this office, please.

Note: Being court matter must be dealt with on urgent basis.

(Signature)
(Muhammad Iftikhar)
DEPUTY DIRECTOR

Endst.No. 4977-80 / Court Case/SA No.(491/2016).

Copy of the above is forwarded for information to the:-

1. Registrar, Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad.
2. Additional Advocate General Service Tribunal Camp Court Abbottabad.
3. Section Officer (Lit) Higher Education Department, Khyber Pakhtunkhwa.
4. CA-VII (Establishment Branch), Higher Education Khyber Pakhtunkhwa

(Signature)
(Muhammad Iftikhar)
DEPUTY DIRECTOR



Annex - "F"
GOVERNMENT POSTGRADUATE COLLEGE HARIPUR
Tel No. 0995-321043 Fax No. 0995-321043
Email: hrp4109@gmail.com



No. 640

(18)

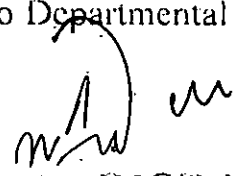
Dated: 23/04/2019

OFFICE ORDER

Subject: **REINSTATEMENT OF SHAHID KHAN CHOWKIDAR**

In compliance with the Director Higher Education, Khyber Pakhtunkhwa, Peshawar Endst No. 7065-66 dated: 11-04-2019, Mr. Shahid Khan Ex-Chowkidar of Govt. Postgraduate College for Women Haripur, is hereby reinstated with immediate effect and adjusted at Govt. Girls Degree College Mankarai against the vacant post as indicated vide letter No. 281 dated: 20-04-2019.

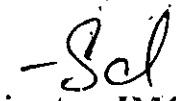
Mr. Shahid Khan who was terminated by Director Higher Education Khyber Pakhtunkhwa No. 10783-84 dated: 13-04-2016 and filed an appeal in the Honorable Court of Service Tribunal Khyber Pakhtunkhwa Camp Court Abbottabad, appeal 491/2016 on 11-05-2016 and decision of judgment passed on 19-02-2019 for immediate reinstatement of appealant. His back benefits of intervening period will be finalized on outcome of de-novo Departmental enquiry, which is in process.


Coordinator JMC/Principal
Govt. Postgraduate College
Haripur

Endst: No. 641-45

Copy to the:

1. Director Higher Education Govt. of Khyber Pakhtunkhwa, Peshawar.
2. Principal Govt. Girls Degree College Mankarai Haripur.
3. Principal Govt. Postgraduate College for Women Haripur.
4. Senior District Accounts Officer Haripur.
5. Personal File.


Coordinator JMC/Principal
Govt. Postgraduate College
Haripur



GOVT. POSTGRADUATE COLLEGE FOR WOMEN HARIPUR.

Phone & Fax No. 0995-611807 Email. ggpch65@gmail.com



No. _____

Dated Haripur the: 27 . 3 . 2019

To

(19) Annex - 2
The Principal/Coordinator JMC
Govt. Postgraduate College Haripur.

Subject:- **REINSTATEMENT OF SHAHID KHAN CHOWKIDAR**

Respected Sir,

Incontinuation of this office Endst No. 3578 Dated 21.03.2019

It is stated that Mr. Shahid Khan Chowkidar of this college was terminated vide No. 76-80 dated 26.01.2016 and removed from service due to misconduct vide Director Higher Education Khyber Pakhtunkhawa No. 10783-84 dated 13.04.2016.

He filed a service appeal before Honourable Service Tribunal Camp Court Abbottabad, appeal was accepted and order No. 76-80 Dated 28-01-2016 set aside he is reinstated vide judgement of Service Tribunal on 19.02.2016. (copy of Judgement attached)

Now there is no vacant post of class IV is in this college to reinstate and adjust Mr. Shahid Khan Chowkidar.

You are requested that he may be reinstated and adjusted at any vacant post of class IV (Chowkidar) in District Haripur in the light of Service Tribunal decision dated 19.02.2019.

-sd/-
Principal

Govt. Postgraduate College for Women
Haripur

Endst No. 3577-98

Copy for information to the:-

1. The Director Higher Education Khyber Pakhtunkhawa Peshawar.
2. Mr. Shahid Khan ex-Chowkidar Vill. Muradabad P.O Sarai Saleh Haripur.

Principal
Govt. Postgraduate College for Women
Haripur

S.No. 140648

Name of Advocate

سید احمد جمیل

DBA NO.

TBA NO.

BC No.

Grid for BC No. with dashes in the middle.



R.s.100/=

وکالت نامہ
Sardar Amjad Ali Qureshi
Finance Secretary
District Bar Association
Abbottabad

اعدالت جلد سروس لٹریچر لٹاؤر
عنوان: نامہ
مخاطب: سائل
نوعیت مقدمہ: لٹریچر عدالت
باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام عدالت کے لیے
Sidatun Ahmed Jamshed Adv S.C.M.A. Abbottabad Adv

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرتے کے ذمہ دار نہ ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے نہیں ہونے پر منظر کو کوئی نقصان پہنچنے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ہماختہ پر داخستہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء کے ذمہ داری اور نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر تاشی و رضامندی نامہ و فیصلہ بر حلف کرنے کے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری کی طرف درخواست حکم استثنائی یا قرتی یا گرفتاری یا گرفتاری و اجراء کے ذمہ داری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ و مختار پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزوی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے جہانے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سند ہے۔
مورخہ: 25/5/2017
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ دن ماہ سال

نوٹ: وکالت نامہ کی فوٹو کاپی قابل قبول نہ ہوگی

Accepted

Handwritten signature

اعدالت عالیہ کیس نمٹوانے کے لیے درخواستیں، پیٹرو

COE 110/21

14/10

BBE

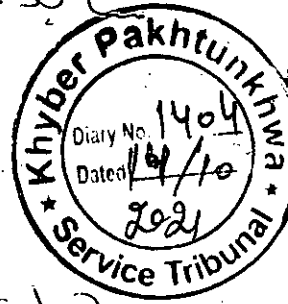
سوائے ایک صاحب

نام

ایدگان

Put up to the worthy chain - all with reluctant app.

درخواستیں کیس کے لیے



Territorial Jurisdiction کے لیے درخواستیں نمٹوانے کے لیے درخواستیں

Readers

Fix in CC Atd in first hour in Nov 2021

25/11/2021
19/11

درخواستیں کیس کے لیے

1) یہ مقدمہ عنوان الای الٹ آگیا۔ قسم KAK سے لے لی گئی ہے۔
2) درخواستیں کیس کے لیے آج تاریخ اپنی صورت میں

2) یہ کہ مقدمہ عنوان الای الٹ آگیا۔ قسم KAK سے لے لی گئی ہے۔
3) یہ کہ مقدمہ عنوان الای الٹ آگیا۔ قسم KAK سے لے لی گئی ہے۔

3) یہ کہ مقدمہ عنوان الای الٹ آگیا۔ قسم KAK سے لے لی گئی ہے۔
یہ کہ مقدمہ عنوان الای الٹ آگیا۔ قسم KAK سے لے لی گئی ہے۔

14/10/21

پٹرو

ایڈووکیٹ



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
RANO GHARI NEAR CHAMKANI MOR, PESHAWAR**

E-mail:- dhekppesh@gmail.com Facebook.com/dhekppeshawar Twitter.com/dhekppeshawar1

No. 10/199 CA-VI/Estt: Branch/A-107/49/2016/Shahid Khan V/S Principal GPGC &DHE

Dated Peshawar the 25/5 /2022

To

REMINDER-I

The Govt; Postgraduate College for Women,
Haripur.

Subject: - SA# 491/2016 SAHID KHAN VS GOVT OF KHYBER PAKHTUNKHWA

Respected Madam,

I am directed to refer to the judgment in the subject service appeal dated 19-02-2019 and subsequent inquiry carried out by Professor Muhammad Tariq, in light of the judgment ibid, with the remarks that this office may please be apprised whether back benefits have been accorded to the Mr. Shahid Khan, Ex-Chowkidar or otherwise, please.


DEPUTY DIRECTOR (ESTT)

Endst No. 10/199 / Shahid Khan V/S Principal GPGC &DHE

Copy of the above is forwarded to the

1. JMC Coordinator for similar necessary action.
2. Ministerial establishment Branch, Local Directorate.


DEPUTY DIRECTOR (ESTT)

No. 640

Dated: 23/04/2019

OFFICE ORDER

Subject: **REINSTATEMENT OF SHAHID KHAN CHOWKIDAR**

In compliance with the Director Higher Education, Khyber Pakhtunkhwa, Peshawar Endst No. 7065-66 dated: 11-04-2019, Mr. Shahid Khan Ex-Chowkidar of Govt. Postgraduate College for Women Haripur, is hereby reinstated with immediate effect and adjusted at Govt. Girls Degree College Mankarai against the vacant post as indicated vide letter No. 281 dated: 20-04-2019.

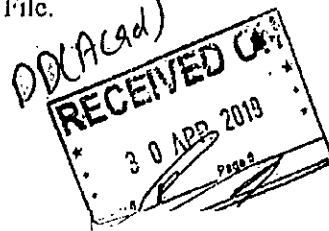
Mr. Shahid Khan who was terminated by Director Higher Education Khyber Pakhtunkhwa No. 10783-84 dated: 13-04-2016 and filed an appeal in the Honorable Court of Service Tribunal Khyber Pakhtunkhwa Camp Court Abbottabad, appeal 491/2016 on 11-05-2016 and decision of judgment passed on 19-02-2019 for immediate reinstatement of appellant. His back benefits of intervening period will be finalized on outcome of de-novo Departmental enquiry, which is in process.

- Sel
Coordinator JMC/Principal
Govt. Postgraduate College
Haripur

Endst: No. 641-45

Copy to-the:

1. Director Higher Education Govt. of Khyber Pakhtunkhwa, Peshawar.
2. Principal Govt. Girls Degree College Mankarai Haripur.
3. Principal Govt. Postgraduate College for Women Haripur.
4. Senior District Accounts Officer Haripur.
5. Personal File.



Coordinator JMC/Principal
Govt. Postgraduate College
Haripur

KHYBER PAKHTUNKWA
SERVICE TRIBUNAL, PESHAWAR

No. 2358 /ST Dated 3 / 8 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

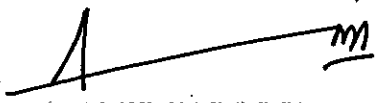
To:

The Principal
Government Post Graduate College for Women,
Haripur.

SUBJECT:- JUDGMENT IN COC NO. 110/2021 TITLED SHAHID KHAN VERSUS THE THE PRINCIPAL GOVERNMENT POST GRADUATE COLLEGE FOR WOMEN, HARIPUR AND OTHERS.

I am directed to forward herewith a certified copy of order dated 20.07.2022, passed by this Tribunal in the above mentioned execution petition for compliance.

Incl. As above.


(AAMIR FAROOQ)
ASSISTANT REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.