

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL 1216/2022**

**BIBI Asma,**  
Cook (BPS-03)  
Government College of Commerce for Women Mardan.

..... *Appellant.*

**VERSUS**

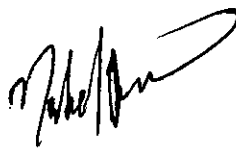
**Government of Khyber Pakhtunkhwa through Chief Secretary and others.**

..... *Respondents.*

**JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 To 4.**

**I N D E X**

Sr. No.	Description of Documents	Annexure	Page No.
1)	Written Reply/Comments along with affidavit		1-6
2)	List of Employment Exchange Mardan dated 27-11-2018	A	7-09
3)	Order dated 06-01-2022	B	10
4)	Copy of inquiry report dated 30-01-2022	C	11-14
5)	Attendance sheet of candidates	D	15-17
6)	Copy of inquiry report dated 20-06-2022	E	18-27
7)	Show cause notice dated 26-03-2022	F	28-29
8)	Dismissal order of appellant.	G	30
9)	Explanations	H,I,J & K	31-34
10)	Staff statements.	L & M	35-36
11)	Demand for transfer of appellant dated 22-10-2021	N	37
12)	Explanation dated 26-09-2019	O	38
13)	Staff of attendance register .	P	39

  
**Deponent**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL 1216/2022**

**BIBI Asma,**

Cook (BPS-03)

Government College of Commerce for Women Mardan.

Khyber Pakhtunkhwa  
Service Tribunal

No. 1826

1/11/22

..... Appellant.

**VERSUS**

**Govt. of KP through Chief Secretary and Others**

..... Respondents.

**JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 To 4.**

**Respectfully Shewth:**

The answering respondent begs to submit as under:

**Preliminary Objections:**

1. That the Appellant does not fall within the definition of an aggrieved person and has no locus standi to file the appeal in hand.
2. That the Appellant is estopped by his own conduct to file the instant appeal.
- 3- That filing of this appeal is futile exercise and wastage of precious time of this Honorable Service Tribunal, liable to be dismissed forthwith.
- 4- That the instant appeal is not maintainable.
- 5- That the appeal in hand is barred by law and limitation.

**On Facts: -**

- 1- Para-1 pertains to record.
- 2- Para-2 pertains to record.
- 3- Para-3 pertains to record.
- 4- Pertains to record, however, the list provided by the Employment Exchange Manger did not include the name of appellant (**Annex-A**). The appellant has been issued Registration Card for "Essential persons" which is issued to person with Technical qualification which is D.I.T, in the instant case. She was not registered for Class-IV appointment.
- 5- Correct, however the followings are the Proofs of her illegal appointment.

- (I) The respondent Department constituted enquiry committee vide letter No. DGCE&MS/Admn/Enquiry Gen:/1253(1-7) dated 06-01-2022 (**Annex-B**), the report whereof is at (**Annex-C**). In the enquiry report appointment of the appellant was declared illegal because her name was not included in the list provided by Employment Exchange Mardan (Respondent 05) .
- (II) Furthermore, in the attendance of the candidates her name has been added with hand written script. Seems to be interpolation afterwards. (**Annex-D**)
- (III) Moreover, the second inquiry was conducted regarding harassment case which also declared the appellant appointment as illegal. (**Annex-E**)  
The appellant was issued proper Show Cause notice with opportunity of personal hearing (**Annex-F**), her reply was unsatisfactory and consequently removed from service vide GCC Mardan letter No.GCC/(W)/MRD/1192 (1-5) dated 12-04-2022 (**Annex-G**)
- (IV) The Employment Exchange Registration issued card to the appellant is neat for "Essential Persons" not for Class IV posts. Such card was issued for person with technical qualification as in this case is D.I.T.

- 6- Para No.06 pertains to record, hence needs no comments.
- 7- Incorrect, the appellant was not able to perform her duty, she was issued explanations from time to time. Explanation may be seen at **Annex-H,I,J & K**.  
Staff of the college twice made complaint against the appellant to Principal about poor performance. (**Annex-L & M** ). Respondent No.04 also informed the Director Admn through letter No.GCC/(W)/2021/976(1-2) dated 22-10-2021, for transfer of appellant to other station due to her indecent language and irresponsible nature. (**Annex-N**).
- 8- It is incorrect, as already explained in preceding Para No. 07 staff of the college made complaints against the appellant as shown at **Annex-L & M**.
- 9- It is incorrect, respondent No. 04 performed her legal duty no personal grudges were not taken, and explanations were called because the appellant was not regular and not devoted to her duty already shown at. **Annex-H,I,J & K**
- 10- Incorrect, as already explained in preceding Para No. 09.
- 11- Incorrect, however explanation was called due to appellant habitual non-seriousness in her duty. (**Annex-O**). The appellant attitude may can be judged from overwriting/ erasing in the attendance register at **Annex-P**.
- 12- Incorrect, Respondent No. 04 is not blaming the appellant and it is not the first explanation for her abusive language and behavior. Staff statements are also present on record as **Annex-L & M**.

13- It is incorrect. As already explained in the preceding para no 05.

14- The Principal of GCMS Mardan (Women) and Respondent No.03 has, no concern with it.

15- It is incorrect, salary of the appellant was discontinued because her appointment was declared illegal by the inquiry reports. Release of salary after her appointment would be illegal, could attach audit observation. **(Annex-Q)**.

16- Para No. 16 pertains to Respondent No.06

17- Correct, however the followings are the Proofs of her illegal appointment.

I- The respondent Department constituted enquiry committee vide letter No. DGCE&MS/Admn/Enquiry Gen:/1253(1-7) dated 06-01-2022 **(Annex-B)**, the report whereof is at **(Annex-C)**. In the enquiry report appointment of the appellant was declared illegal because her name was not included in the list provided by Employment Exchange Mardan (Respondent 05) .

II- Furthermore, in the attendance of the candidates her name has been added with hand written script. Seems to be interpolation afterwards. **(Annex-D)**

III- Moreover, the second inquiry was conducted regarding harassment case which also declared the appellant appointment as illegal. **(Annex-E)**

The appellant was issued proper Show Cause notice with opportunity of personal hearing **(Annex-F)**, her reply was unsatisfactory and consequently removed from service vide GCC Mardan letter No.GCC/(W)/MRD/1192 (1-5) dated 12-04-2022 **(Annex-G)**

18- Pertains to record, hence needs no comments.

19- Pertains to record, hence needs no comments.

20- It is incorrect, the appellant was given ample opportunity of personal hearing at **Annex-F**.

21- It is incorrect, No appeal was submitted by the appellant on behalf. No record of appellant Annex-Z is available in record, no proof of receipt of appeal at annex-Z it bears no signature as to who received.

22- Incorrect and misconceived. The appellant was treated in accordance with law.


**▼ GROUNDS:-**

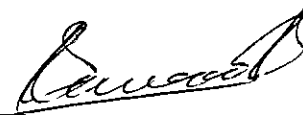
- A- Incorrect and misconceived. The appellant was treated in accordance with law. She was rather leniently treated by the respondent government.
- B- As already explained in preceding paras.
- C- It is incorrect. The appellant was given ample opportunity of personal hearing by the inquiry committee and her statements along with the statements of the departmental representatives were recorded and the official record was also examined by the inquiry committee.
- D- it is incorrect, the appellant was warned and issued explanations from time to time, however show cause notice was also served upon the appellant. The appellant herself admitted in para. No 18 that show cause notice was issued by Respondent No. 04.
- E- It is incorrect. As already explained in the preceding para on fact.
- F- It is incorrect. As already explained in the preceding para on fact.
- G- It is incorrect, however enquiry was conducted and where it was concluded by the enquiry committee that the appellant name was not included In the list provided by the office of Employment Exchange Manager Mardan. It is necessary and compulsory for recruitment of Class-IV that list of register candidate with Employment Exchange office must be take into consideration for transparent recruitment process.
- H- It is incorrect, No fundamental right of the appellant was violated.
- I- It is incorrect, the appellant is treated in accordance with laws and regulations.
- J- It is incorrect, the appellant was equally treated and no discrimination has been done with the appellant.
- K- Pertains to record.
- L- Pertains to record.
- M- As explained in the preceding paras. The appellant herself is to be blamed for her predicament. The respondents have simply performed their obligatory duties in lawful manner.


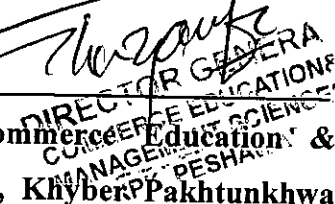
N- The respondents may also assist this hon'able court with additional grounds at the time of argument.

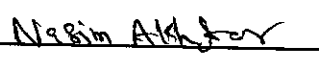
**Prayer: -**

In view of the above submissions, it is humbly prayed that the Service Appeal in hand may be dismissed with costs.

Respondent No. 1   
Government of Khyber Pakhtunkhwa through  
Chief Secretary Khyber Pakhtunkhwa

Respondent No.2   
Secretary to Govt. Khyber Pakhtunkhwa  
Higher Education Department Khyber  
Pakhtunkhwa

Respondent No.3   
Director General Commerce, Education &  
Management Sciences, Khyber Pakhtunkhwa  
Peshawar  


Respondent No.04   
Principal Government College of Management  
Sciences, (W) Mardan

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No.1216/2022**

**BIBI Asma,**

Cook (BPS-03)

Government College of Commerce for Women Mardan.

..... *Appellant.*

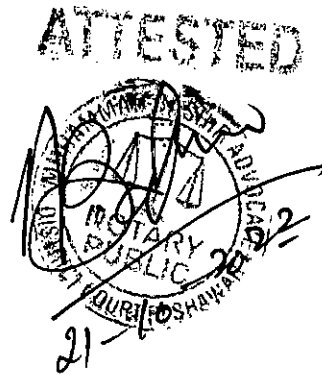
**VERSUS**

**Government of Khyber Pakhtunkhwa through Chief Secretary and others.**

..... *Respondents.*

**AFFIDAVIT**

I, Muhammad Anwar Khan Deputy Director (BPS-18), (Litigation Section) Directorate General of Commerce Education and Management Sciences, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the parawise comments on behalf of Respondents are true & correct to the best of my knowledge & belief and nothing has been concealed from this Hon'able Court.



*(Handwritten Signature)*

**Deponent.**

**CNIC: 112012646576-3**

**Cell: 0346-9269349**

**Identified by**

**Advocate General**

Annex-A

④

OFFICE OF THE MANAGER  
EMPLOYMENT EXCHANGE MARDAN.  
PHONE NO.0937-929159.

No. EE/Mdn/Recr/1-13/210 (1-2)

Dated:-27/11/2018.

The Principal,  
Govt. College of Commerce (Women),  
Mardan.

Subject:- LIST OF REGISTERED CANDIDATES.

Reference your letter No.GCC(WOMEN/PF/(MRD/578, dated, 22/11/2018

on the subject cited above.

Enclosed please find herewith a list of register suitable candidates for the appointment of Class-IV Male/Female (Tubwell Operator/ Mali / Chowkidar / Cook /Barer Female).The result as and when finalized may please be communicated to this office as early as possible.

*[Signature]*  
MANAGER

Dated:-27/11/2018.

Encl: No. EE/Mdn/Recr/1-13/210 (1-2)

- Copy forwarded for information to
- 1:- The District Accounts Officer District Mardan.
  - 2:- The Director General, Commerce, K.P.K, Peshawar.

*[Signature]*  
MANAGER

Scanned with CamScanner

Scanned with CamScanner



091-9331695



Regol.

Amman - B

(10)

DIRECTORATE GENERAL OF COMMERCE EDUCATION  
& MANAGEMENT SCIENCES, KHYBER PAKHTUNKHWA,  
RANO GARHI, PESHAWAR.

OFFICE ORDER.

No. DGCE&MS/Admn/Enquiry Gen:/ In continuation of this office order Endst:  
No. DGCE&MS/Admn/Enquiry Gen:/1151(1-6) dated 20-12-2021, the competent  
authority is pleased to re-constitute the Enquiry Committee consisting of the following  
officers in order to probe into the matter regarding complaint for illegal appointment of  
Cook at GCC(W) Mardan lodged by Mst. Rukhsan Begum W/O Naeem Khan R/O Dang  
Eaba, P/O Holi Mardan. Complaint against the concerned staff of Commerce &  
Management Sciences, Khyber Pakhtunkhwa and others received vide SO(Commerce)  
letter No. SO(CE&MS)/1-16/2021/158(1-2)/2415 dated 20-12-2021 and Complaint filed  
by Mrs. Hijab Rahman, Associate Professor (B-19), GCC(W) Swabi received vide  
SO(Commerce) letter No. SO(CE&MS)/1-38/2021/165(1-2) dated 29-12-2021 :-

- |    |  |          |
|----|--|----------|
| 1. | Mr. Mussanif Khan, Principal(B-20),<br>GCMS, Thana.                    | Chairman |
| 2. | S. Tasdiq Hussain Shah, Principal(B-20),<br>GCMS, Mansehra.            | Member   |
| 3. | Mrs. Fauzla Burki, Professor(B-20),<br>GCC(W), Dalazak Road, Peshawar. | Member   |

The committee is required to submit findings to the undersigned within 07  
days positively.

DIRECTOR GENERAL(CE&MS)

Endst. No. DGCE&MS/Admn/Enquiry Gen:/1153(1-7) Dated: 06/01/2022.  
Copy for information to:

- 1-3. The above mentioned Committee Members.
3. The Section Officer(CE&MS), HED with reference to his letters quoted  
above.
- 4-5. The Principal, GCMS, Thana and Mansehra.
5. The Principal, GCC(W) Mardan with the directions to provide all relevant  
record to the inquiry committee.
7. PA to DGCE&MS, Khyber Pakhtunkhwa Peshawar.

DEPUTY DIRECTOR

Commerce  
& Management Sciences  
PESHAWAR

(SAMI ULLAH KHAN)  
DIRECTOR (ADMN)

6/1/2022

Scanned with CamScanner

Scanned with CamScanner

Scanned with CamScanner

(19)

2

## INQUIRY REPORT

1. **Subject of Inquiry:** Notification
2. **Name(s) and Designation(s) of the Accused:** Accused is/are unknown and the task was given to the committee to find out the responsible for the illegal appointments.
3. **Reference Number and Date of Institution of the Committee:** No. DGCE/MS/Admn/3168(1-7), dated: 3<sup>rd</sup> June 2022.
4. **Brief Nature of the Allegations:** Selection of relatives for the posts of Class-IV by the Selection/Recruitment Committee and missing of minutes of the Selection Committee.
5. **Names, Designations and Pay scales of the Inquiry Officers:**
  - a. Dr Amjad Rafiq, Professor/Principal (BPS-20), Government College of Management Sciences Peshawar—Chairman
  - b. Mrs Fauzia Burki, Professor/Principal (BPS-20), Government College of Commerce (W), Arbab Road Peshawar—Member
  - c. Muhammad Iqbal, Associate Professor of Political Science (BPS-19), Government College Peshawar—Member
6. **Receiving Date of Appointment Letter:** 13 June 2022.
7. **Appointing Authority:** Director General, Directorate General of Commerce Khyber Pakhtunkhwa Peshawar.
8. **Nature of Inquiry:** Facts finding.
9. **Inquiry Report Submission Date:**

20/6/22



### BACKGROUND OF THE ISSUE:

The inquiry related to an issue of Class-IV appointments at Government College of Commerce (W) Mardan in 2018. Five Class-IVs in different categories were appointed in which one female Bibi Asma was also appointed as Cook in BPS-3. Appointment of Bibi Asma was challenged by a female named Rukhsana on Citizen Portal who also appeared in the interview process before the Selection Committee for the post of Cook. Later on, two appointed employees out of five named Bibi Asma (Cook) and Siyar Muhammad (Mali) were removed from service on different charges. The recruitment/selection process of these Class IV employees was held when Ms Hijab Rahman was Incharge Principal of GCC (W) Mardan.

### TORs OF THE INQUIRY:

TORs and task given to the Committee were:

- i) What was the venue of the meeting?
- ii) Hiring Committee list including the names of all members and who attended the said meeting?
- iii) Who prepared minutes of meeting of the recruitment process?
- iv) To trace the minutes of the meeting which are missing and fix responsibility of the lost minutes.
- v) Relationship of the selectees among themselves with the members of the Recruitment Committee or Clerical Staff of GCMS (B) Mardan.
- vi) Points raised by Ms Hijab Rahman in her application.

### PROCEDURE AND TECHNIQUES ADOPTED BY THE INQUIRY COMMITTEE

The Inquiry Committee paid a visit to Government College of Commerce (W) Mardan and Government College of Management Sciences Mardan on date: 14/6/2022. Available documentary record was thoroughly checked. Written statements were taken from different employees who were directly or indirectly involved or related with the matter of Class-IVs recruitment and record keeping. Different employees both from GCC (W) Mardan and GCMS Mardan were also interviewed. Moreover, a second round of interviews of concerned officers and officials was also held at Government College of Commerce (W) Arbab Road Peshawar on dated: 15/6/2022.

### FACTS OF THE CASE:

Facts of the case are as under:

- 1) That Ms Hijab Rahman was serving as Incharge Principal of Government College of Commerce (W) Mardan.
- 2) That administrative charge of the college—Government College of Commerce (W) Mardan was also in the hands of Principal, Government College of Management Sciences Mardan.

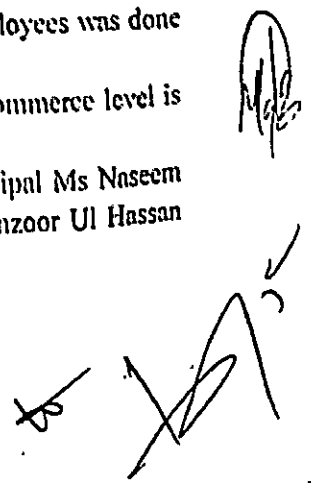
- 3) The Recruitment/Selection Committee for the hiring of Class-IVs was constituted by the Principal of Government College of Commerce (W) Mardan vide No. GCC/W/(MRD)/2018/612 dated: 01/12/2018. (F/A)
- 4) That one member of the said Committee Ms Sabcha Afridi, Lecturer GCC (W) Mardan, did not attend the Selection Committee proceedings.
- 5) That one member of the Selection Committee—nominee of Directorate General who attended the Committee proceedings/process was Mr Tayyab, the then Director (Admin), Directorate General of Commerce, Peshawar.
- 6) Mr Rasheed Muhammad Junior Clerk of the GCC (W) Mardan was given the responsibility to ensure and mark the attendance of candidates who appeared in the interview for selection.
- 7) Two personnel named Ilyas, the retired Superintendent and a Superintendent named Muhammad Israr presently serving at GCMS Mardan were present in the process of Selection Committee but nothing in the record is available to say who allowed them to sit in the Selection Committee.
- 8) That Manzoor Ul Hassan, the then Principal of GCMS Mardan did not participate in the proceedings of Selection Committee. The attendance record of the college of dated: 8/12/2018 showed that he was on leave.
- 9) That codal formalities for the selection of Class-IV employees were fulfilled. Selection Committee was constituted (F/A) and NOC from DC Mardan (F/B) and a list of eligible candidates from the Employees Exchange of Mardan was also taken. (F/C).
- 10) That two lists of eligible candidates (26+7) total 33 were provided by the Employment Exchange Mardan. (F/C).
- 11) That attendance sheet of the candidates for male contained 26 computerized and 4 handwritten candidates i.e. from Serial No. 27 to 30 was found in the record. (F/D)
- 12) That attendance sheet of female candidates contained names of 7 candidates computerized and 2 names of candidates from Serial Number 8 to 9 handwritten were found in the record. (F/E).
- 13) That attendance sheet of male candidates was not signed either by Chairperson of the Selection Committee or the two members of the Selection Committee.
- 14) Female attendance sheet was signed by two persons presumably by Ms Hijab Rahman and Nayab Gul but both told the Inquiry Committee that these were not signed by them.
- 15) That three selected and appointed employees named Shah Hussain (Naib Qasid), Muhammad Anees (Tube well Operator), and Farid Ullah Shah (Chowkidar) said that Principal Ms Hijab Rahman was not sitting in the interview room during their interviews.
- 16) That three employees mentioned above also told the Inquiry Committee that Mr Tayyab from Directorate General, Superintendent Ilyas and Superintendent Muhammad Israr were present in the Selection Committee.

- 17) That Rasheed Muhammad Junior Clerk gave a verbal statement, which was recorded in his presence and duly signed by him, stated that recording and taking attendance of the candidates was his duty. He did not do any manual entry in the attendance lists of the candidates. Ilyas Superintendent was maintaining all the written record of the interviews and personally took it to the Directorate General Peshawar and Account Office Mardan. (F/F)
- 18) That Employment Registration cards of all candidates were printed in Urdu (F/G), while Employment Registration card of the one Bibi Asma was in English printed form. (F/H)
- 19) That Employment Registration cards of Siyar Muhammad and Bibi Asma, who were selected and appointed, were issued on the same day i.e. 26/11/2018 but contained two different signatures of the issuing authority.
- 20) That Bibi Asma's name was not included in the lists sent by the Employment Exchange Mardan.
- 21) That Ms Hijab Rahman lodged two separate complaints on dated: 6/6/2022 wherein she put same objections over the members of the Inquiry Committee. She also raised same objections over the attitude of the Ex-Director General and the incumbent Principal GCMS Mardan Mr. Muhammad Nadeem.
- 22) That questionnaire was served on 4 appointed Class-IV employees named (1) Shah Hussain (Naib Qasid), (2) Muhammad Anees (Tube well Operator), (3) Farid Ullah Shah (Chowkidar) and (4) Bakht Pari (who was Naib Qasid and her position/post was illegally changed to Bearer). (F/I)
- 23) That Ms Naseem Akhtar, Principal GCC (W) Mardan, sent a letter to the Accountant Office Mardan vide No. GCC(W)2022-21(1-4) dated: 13/6/2022 wherein the DAO Mardan was requested to provide a copy of the minutes of the appointment of Class-IVs in December 2018, the reply of the DAO can be seen on the backside of the said letter. In his reply the DAO Mardan said that those minutes were not available in his office. (F/J)

**FINDINGS:**

- Keeping in view the above facts, the Inquiry Committee can draw the following findings:
- (i) That the venue for the interviews of the candidates was selected by the Incharge Principal of GCC(W) Mardan, Ms Hijab Rahman, most probably due to three reasons:
- a. Difficulty of entrance of candidates for interviews into the premises of GCC (W) Mardan due to sensitivity of the building as its shared by the Fazl e Haq Cadet College Mardan.
  - b. Availability of infrastructure and clerical staff at the GCMS Mardan.
  - c. There might be some informal/unseen pressure on the Principal GCC (W) Mardan to shift the venue of the selection process of Class-IVs to GCMS Mardan.
- (ii) That codal formalities for the selection of suitable candidates for different positions of Class-IV were fulfilled by the Incharge Principal GCC (W) Mardan.

- (iii) That nomination of a member of Selection Committee from Directorate General of Commerce was not sent to the Principal/Chairperson of the Selection Committee by the Directorate General. Pertinent to mention that nominee of the Directorate General Mr Tayyab, the then Director (Admin), came to Mardan and attended the selection process without having any written authorization from the Directorate General of Commerce Khyber Pakhtunkhwa.
- (iv) That the Principal/Chairperson of the Selection Committee interviewed only female candidates. The one selected, Bibi Asma, was not interviewed by the Chairperson of the Selection Committee.
- (v) That the other member of the Selection Committee Ms Sabeen Afridi, lecturer GCC (W) Mardan, did not participate in the process of Selection Committee.
- (vi) That the whole proceedings of the selection of Class-IV employees was conducted and controlled by the nominee of the Directorate General and member of the Selection Committee—Mr. Tayyab. All this was possible due to his superior and influential position in the Directorate General of Commerce Khyber Pakhtunkhwa.
- (vii) That the Incharge Principal/Chairperson of the Selection Committee Ms Hijab Rahman, showed some slackness in the whole process of selection due to age factor, less experience, or even having no administrative experience, weak administrative position (Incharge Principal), lack of enough clerical staff at her disposal and dual command system at GCC (W) Mardan. Pertinent to mention here that the management system of GCC (W) Mardan was run and supervised by Incharge Principal Ms Hijab Rahman as well as Manzoor Ul Hassan, the then Principal of GCMS Mardan.
- (viii) That the manual entries were made into the attendance sheets not by Rasheed Muhammad Junior Clerk but someone else later on.
- (ix) That the name of Bibi Asma who was appointed as a Cook at GCC(W) Mardan was not included in the list of registered employees provided by Employment Exchange Mardan.
- (x) That the name of the complainant Ms Rukhsana was included in the list of Employment Exchange Mardan.
- (xi) That the registration card of Bibi Asma, available in the record, is doubtful on two reasons. (a) Her card is different from all other registration cards. (b) Different signatures of a manager who signed registration cards of another candidate on the same date i.e. 26/11/2018 as well as signatures on cards of rest of the candidates.
- (xii) Minutes of the meeting of Selection Committee were apparently prepared by three persons, with full secrecy in a room, namely Mr. Tayyab (a nominee of the Directorate General), Mr. Ilyas (the then retired Superintendent) and Mr. Muhammad Israr (Superintendent at Directorate General of Commerce Peshawar).
- (xiii) That further necessary process of starting salaries of the appointed employees was done by Mr. Ilyas the then retired Superintendent.
- (xiv) Non-availability of committee minutes at the Directorate General of Commerce level is quite astonishing and questionable.
- (xv) Recruitment file came to GCC (W) Mardan and received by the Principal Ms Naseem Akhtar on dated: 17/11/2021. Ex-Principal of GCMS Mardan Mr. Manzoor Ul Hassan



told the Inquiry Committee that he took this file from Rasheed Muhammad, Junior Clerk at GCC (W) Mardan, but Rasheed Muhammad verily denied that. Apparently it seems that the recruitment file was lying at GCMS Mardan, because if Manzoor Ul Hassan required that file then he should had requested the Principal of GCC (W) Mardan.

- (xvi) Mr. Tayyab and Muhammad Israr who were sitting in the Selection Committee and were serving at the Directorate General of Commerce Khyber Pakhtunkhwa and who allegedly prepared the minutes of the meeting seem the central figures in the whole process. Besides the two responsible persons mentioned above, Mr Tayyab and Muhammad Israr, Ms Hijab Rehman the then Incharge Principal GCC (W) Mardan and Chairperson of the Selection Committee is also held responsible for the illegal appointment of Bibi Asma as why did she sign the appointment letter of Bibi Asma when she was not interviewed by her.
- (xvii) Not a single signature of any committee member available on the list of Employment Exchange Mardan which makes it questionable.
- (xviii) Male candidates' attendance sheet was not signed by the Selection Committee members.
- (xix) Female candidates' attendance sheet was signed by two persons which is doubtful too. Because both Ms Hijab Rahman and Nayab Gul denied to have signed it and they told the Inquiry Committee that these were their fake signatures.
- (xx) That Mr. Tayyab was approached by the Inquiry Committee to appear before it. But he did not come.
- (xxi) Muhammad Israr Superintendent did not appear before the Inquiry Committee.
- (xxii) That a questionnaire was sent to the office of Employment Exchange Mardan to respond. But the same was not sent back to the Inquiry Committee.
- (xxiii) That the *malafide* intentions, irregularities and illegalities were found in the inquiries conducted against Ms Hijab Rahman. Two examples are enough to prove that. (a) One Inquiry against Ms Hijab Rahman was conducted by a Superintend DGCE&MS KP, Muhammad Israr on dated: 9/7/2018. (F/K). At that time Ms Hijab Rahman was Associate Professor (BPS 19). It is the clear disgrace of the worthy professor and also against Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011. (b) On a complaint lodged by Rukhsana on Citizen Portal a two members committee was constituted by Manzoor Ul Hassan, the then Principal of GCMS Mardan, on dated 4/11/2021. The committee again consisted of two junior college teachers. This also seems *malafide* and illegal and also against the routine official procedure in vogue to handle Citizens Portal complaints. Citizen Portal's complaints are forwarded to the concerned Principal of the college to respond. The complaint was related to GCC (W) Mardan, but it was referred to the Principal of GCMS Mardan on Whatsapp by the Directorate General official Shah Nawaz. Here wrong procedure was adopted. Moreover, the office order issued vide No. GCC (W)/MRD/2021/980 dated: 4/11/2021 (F/L) was checked in the diary dispatch register of GCC (W) Mardan, but was found missing. (F/M). This shows a *malafide* intention on the part of Directorate General and Manzoor Ul Hassan Principal GCMS Mardan against Ms Hijab Rahman.

- 25
- (xxiv) That the complainant Ms Rukhsana was asked to submit her written statement but she refused by saying that her counsel stopped her to avoid any written statement to be given to the Inquiry Committee.
- (xxv) When the quorum of the Selection Committee was not complete why just one member of Selection Committee Mr. Tayyab conducted the proceedings of the committee?

#### SPECIFIC REPLIES TO THE TORs

- (i) Venue of the Selection Committee was GCMS Mardan and was decided by Ms Hijab Rahman, Incharge Principal GCC (W) Mardan.
- (ii) Hiring/Selection Committee list is attached. See (F/A). Three persons named, Mr. Tayyab (Member of the Selection Committee) and two non-members named Ilyas (Retired Superintendent) and Muhammad Israr (Superintendent presently serving at GCMS Mardan) attended the meeting of the Selection Committee from the start till the end. Ms Hijab Rahman, Chairperson of the Selection Committee, interviewed only seven female candidates. Later on she was told by Mr. Tayyab to leave the Selection Committee proceedings because you might be uneasy to interview male candidates. She was required to remain present in the selection process till end.
- (iii) Apparently the minutes of the meeting were prepared by Mr. Tayyab (Ex-Director Admin, Directorate General of Commerce Khyber Pakhtunkhwa), retired Superintendent Ilyas and presently serving Superintendent at GCMS Mardan Muhammad Israr.
- (iv) Relations of the selected and appointed Class-IV employees with the committee members or clerical staff of GCMS are:
- a. Muhammad Anees (Tube Well Operator) is the nephew of the retired Superintendent Ilyas.
  - b. Siyar (Mali), now removed from service, is the brother of Muhammad Israr.
  - c. Bibi Asma (Cook), now removed from service, had links with Tayyab, but the Inquiry Committee did not find any such person who could establish Bibi Asma's blood relation with Tayyab.
- (v) Detailed reply to this point of the TOR is available in para (xxiii) of the Findings.

#### CONCLUSION:

After analyzing the whole process of the Selection Committee, we the Inquiry Officers can conclude that there were slackness, loopholes, *malafide* intentions, lack of experience and administrative skills both at the Selection Committee level and at the Directorate General level. The Directorate General of Commerce utterly failed to act legally and promptly. Sending a nominee from Directorate General for Selection Committee without a written office order, missing of minutes from the Directorate General while Mr. Tayyab (Director Admin) and Muhammad Israr (who was serving as Superintendent at the Directorate General) and both participated in Selection Committee process and sending a Citizen Portal complaint to a wrong



estimation—Principal GCMS Mardan, are enough to prove the *malafide* intentions and violation of official procedure.

A question arises that who authorized a retired Superintendent Ilyas to actively participate in the whole process of selection in the presence of Mr. Tayyab? Again who allowed Muhammad Israr Superintendent to participate in the selection process is also a big question mark on the competency and intentions of Mr. Tayyab as he was an expert and experienced person in the administrative matters. A question also arises here that why Mr. Tayyab who was going to retire from service in March 2022 and Muhammad Israr who was serving at Directorate General during the time of selection process could not keep the record of the minutes in safe custody.

The file of the recruitment was found in GCMS Mardan and it was returned to the Principal GCC(W) Mardan by the Principal GCMS Mardan while Muhammad Israr Superintendent was serving there indicates the role of GCMS Mardan staff, especially Muhammad Israr in the missing matter of minutes. Here the selection of Muhammad Israr's brother Siyar (Mali) and Siyar's subsequent removal from service due to residing abroad makes the things clear.

**RECOMMENDATIONS:**

Keeping in view the above mentioned facts, findings and conclusion, the Inquiry Committee recommends the following matters/actions to be adopted and taken.

- 1 Mr. Tayyab, Ex-Director Admin, (retired in March 2022) may be proceeded under rule 1.8(a), (b) of the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) letter No. SORVI(E&AD)/2-6/2010 dated: 7/1/2014. (F/N). The same is also reflected in Khyber Pakhtunkhwa Pension Rules.
- 2 Disciplinary proceedings against Muhammad Israr, Superintendent GCMS Mardan may be initiated under section 3(a), (b) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011.
- 3 Anti-Corruption office Mardan may be approached not to harass Ms Hijab Rahman, Associate Professor GCC (W) Mardan, as no illegal involvement on her part was found in the selection process of Class-IV employees.
- 4 Some financial mismanagement was found in GCC (W) Mardan during investigation and scrutiny of documents and registers. Hence it is suggested that audit of the college may please be conducted from 2018-2022.
- 5 Key principle of administration i.e. unity of command may be fully observed in administrative and financial matters especially at the college management level. Dual management system may be avoided.
- 6 Senior Professors who have some experience of administrative and financial matters (DDO) may be posted as Principals in colleges.

MAB

27

Ms Hijab Rahman, Associate Professor GCC (W) Mardan, seems unfit for administrative job, and hence no administrative responsibility shall be assigned to her in future.

Inquiry Committee,

*[Handwritten signature]*  
20/6/22

Dr Amjad Rafiq, (Chairman)  
Principal, GCMS Peshawar.  
Dated: \_\_\_/\_\_\_/\_\_\_.

*[Handwritten signature]*  
12

Fauzia Burki, (Member)  
Principal, GCC (W), Arbab Road  
Peshawar.

*[Handwritten signature]*  
20/6/2022

Muhammad Iqbal, (Member)  
Assoc. Prof, GC Peshawar.

*[Handwritten signature]*

Annex F

28

OFFICE OF THE PRINCIPAL  
GOVT: COLLEGE OF COMMERCE (W) MARDAN.

NO. GCC / (W) / 2022 / 1176 PHONE NO.: 0937-9230090 DATED: 26/03/2022

To,

Mst Bibi Asma,  
Cook,  
GCC (W) Mardan

Subject: Show cause Notice

I am directed to serve a show cause notice regarding the charges mentioned in the attached notice for further necessary action.

Principal

Encl No: GCC (W)/PF/MIU

Dated: 26/03/2022

Copy for information to:

1. DG CE & MS Rano Garhi Peshawar along with a copy of show cause notice
2. Office File

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*  
21/3/22

3633  
30/3/22

*[Handwritten signature]*  
Principal  
PRINCIPAL  
Govt: Commerce College  
(Mardan Mardan)

DEPUTY

OFFICE OF THE PRINCIPAL  
GOVT: COLLEGE OF COMMERCE (W) MARDAN.

Dated: 26-03-2022

NO: GCC/(W)/2022/1176

SHOW CAUSE NOTICE

As per details of the charges framed against you and inquiry conducted by the Directorate of commerce education and management sciences, Peshawar I, Nasim Akhtar principal GCC (W) Mardan, as competent Authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Asma Bibi cook of this:-

On going through the findings and recommendations of inquiry Committee on record including your defense before the said inquiry officers:

I am satisfied that you have committed the following acts/omissions specified in section -03 of the Rules ibid:-

- i. Inefficiency
- ii. Misconduct
- iii. Warning issued from Directorate
- iv. Staff complaints in different times.

As a result, thereof, I, as Competent Authority has tentatively decided to impose upon you the major penalty of " Dismissal from Service ". as mentioned in Rule 4(b) (4) of the Rules ibid.

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.

If no reply to this notice is received within seven days of its delivery, in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

PRINCIPAL  
GCC (W) MARDAN  
COMPETENT AUTHORITY

Endst: GCC/ (W)/2022/1176

Copy for information to:

1. PA to Director General DG (CE & MS) HED, KP Peshawar.
2. Director Admin, DG (CE & MS) HED, KP Peshawar.
3. Asma Bibi, (Cook) Class-iv, GCC(W), Mardan
4. Office copy

DEPUTY DIRECTOR  
Directorate General of Commerce  
Education & Management Sciences  
Peshawar

Nasim Akhtar  
PRINCIPAL  
GCC (W) MARDAN  
COMPETENT AUTHORITY  
PRINCIPAL  
Govt: Commerce College  
(Women) Mardan.

Scanned with CamScanner

Scanned with CamScanner

Annez G 30

OFFICE OF THE PRINCIPAL  
GOVT: COLLEGE OF COMMERCE (W) MARDAN.  
PHONE NO: 0337-816193

NO GCC/(W)/2022/1192 (1-5) Dated: / /2022  
OFFICE ORDER:

1. Whereas Mst. Bibi Asma was appointed as Cook HPS-03 for GCC (W) Mardan vide letter No GCC (W) MRD dated 20-12-2018.
2. Whereas Mrs Rukhsana Begum who was also candidate for the said post at that time lodged in complaint with the Principal GCC(W) Mardan wherein the legality of Asma Bibi appointment was challenged vide application dated 17-11-2021
3. Director General Commerce Education & Management Sciences KP, constituted a committee vide letter No DGCE&MS/Admin/Inquiry/Gen/1253 (1-7) dated 06-01-2022. The committee comprised of three HPS-20 officers who submitted inquiry report to Director General on 31-01-2022.
4. The inquiry report concluded that the appointment made was illegal and void ab initio as the candidate's name was not in any list of registered candidates provided by Manager Employment Exchange.
5. Whereas Mst. Asma Bibi was issued show cause notice vide letter No GCCW/2022/1176 dated 26-03-2022 wherein with respect to the charge of misconduct (because of her illegal appointment), and inefficiency (because of other lapses), she was asked to clarify her position.
6. Whereas she could not clarify her position with respect to her illegal appointment (misconduct).
7. Consequent upon the finding of inquiry report reply of the accused employee and available record, the undersigned being Competent Authority has dismissed Mst. Asma Bibi the Cook HPS-03 from the present position.

Principal

Dated: 12 / 04 / 2022

35/21  
13/4/22  
Copy Forwarded to:

1. PA to DG CE & MS KP, Peshawar
2. Accountant General Khyber Pakhtunkhwa
3. District Account Office Mardan
4. Mst. Asma Bibi
5. Office File

37-30  
13/4/22

Mst. Asma Bibi  
Principal  
Govt: Commerce College  
(Women) Mardan.

DEPUTY DIRECTOR  
Directorate General of Commerce  
Education & Management Sciences  
Peshawar

Annex H 3)

OFFICE OF THE PRINCIPAL  
GOVT: COLLEGE OF COMMERCE (W) MARDAN

NO. GOVT/ (MARDAN) 869

DATE: 17/03/2020

To

Miss Asma

COOK

GOVT: College of Commerce(W) Mardan.

Subject:- EXPLANATION

You were found absent from your duty 17/03/2020 without any prior permission. There is too much burden in the college which needs to be discharged on priority basis.

You are hereby directed to explain your position within two days of the receipt of this order that why not a disciplinary action may be taken against you.

  
**PRINCIPAL**  
GOVT. COLLEGE OF COMMERCE  
(WOMEN) MARDAN

Miss Asma (Cook)

GCC (W) Mardan.

Subject:- EXPLANATION

You were found absent from your duty on 08<sup>th</sup> and 09<sup>th</sup> May, 2021 without any prior permission and without submitting proper application to the undersigned which is a clear cut violation of the prevailing service rules and resultantly sabotaging the rules of business.

You know that, there is too much work burden in the college due to BBA (Hons) and BS (Hons) classes, which needs to be discharged on priority basis but due to irregularity and non seriousness toward your duties; the undersigned face hurdles in the smooth run of the college.

You are therefore directed to explain your position within three (03) days of the issuance of this order that why not a disciplinary action shall be taken against you prevailing Service rules.

PRINCIPAL

Endst:No.GCC(W)/MRD/2021/9281-

Dated: 09/05/2021

Copy forwarded for information to

1. Director General Commerce Education & Management Sciences KP, Peshawar.
2. Official Concerned
3. Office Record

  
PRINCIPAL  
Govt: College of Commerce (W)  
Mardan  
PRINCIPAL



OFFICE OF THE PRINCIPAL  
GOVT: COLLEGE OF COMMERCE (W) MARDAN.  
PHONE NO:-0937-9230090

Annex J  
33

NO. GCC/(W)/2021/ 938

DATED:- 09 / 08 / 2021

To

Asma Bibi  
Hostel Cook  
GCC (W) Mardan

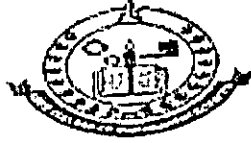
Subject: - **EXPLANATION**

You were found absent from your duty without any prior permission, there is too much burden in the college, which needs to be discharged on priority basis.

You are therefore directed to explain your position within three days of the issuance of this order that why not a disciplinary action may taken against you.

*Nasim Akhtar*  
PRINCIPAL  
PRINCIPAL  
Govt: College of Commerce (W)  
Mardan





OFFICE OF THE PRINCIPAL  
GOVT: COLLEGE OF COMMERCE (W) MARDAN.  
PHONE NO:-0937-9230090

Annex K

34

NO. GCC/(W)/2021/ 975

DATED:- 22 / 10 / 2021

To

Asma Bibi

Hostel Cook

GCC (W) Mardan

Subject: - EXPLANATION

Asma Bibi you are directed to Explain and clear your position. You were under observation for the last few months. Your lavish language, your non seriousness in job and your misbehave disrupting the college environment. So many times your duty was rotated upon your request, lavish excuses and staff complaints against you.

Now you have threatened the undersigned in the office during performing her official duty. Your threat assures that even life of the undersigned is on risk. Which may have cast upon you and May goes against you in future.

Your reply should reach to the undersigned within three days.

*Nasir Akhtar*  
PRINCIPAL  
Govt: College of Commerce (W)  
Mardan

*o/e*  
PRINCIPAL

To  
The Principal  
Government College for  
Women Mardan.

Annex L

35

Subject: Application for changing the cook

Respected Madam,

With utmost respect it is stated that our cook Asma has no idea about cooking and also wastes our lunch contribution due to her irresponsible behaviour.

So, we all staff members request you to kindly change our cook.

Regards

Ms. Aikmeena

Ms Sabeeha

Ms. Maria Shakeel

Ms. Maria Sadaf

Ms. Shazia

Ms. Shadab

Ms. Nayab Gul

Ms. Saira

Ms. Ambrin

Ms. Uroosa

Ms. Kainat

Ms. Zeba

Ms. Huma

Ms. Ayesha

*Dikmeera*

*Sadaf*

*Maria Shakeel*

*Maria Sadaf*

*Shazia Shakeel*

*Shadab*

*Nayab Gul*

*Saira*

*Ambrin*

*Uroosa*

*Kainat*

*Zeba*

*Huma*

*Ayesha*

*Nasira Akhter*  
24.10.21  
P.F.  
Govt. Coll. Mardan

### To Whom It May Concern

Asma on the post of cook has non seriousness in job. We assure and we complaint to previous principal too. Now she threatens the new principal Miss. Naseem and used lavish language in front of teaching staff.

- Miss Aikmeera: *Aikmeera*  
Ms. Sabeeha. *Sabeeha*  
Ms. Maria Shakal. *Maria*  
Ms. Maria Sadaq. *Maria*  
Ms. Shazia. *Shazia Shaheen*  
Ms. Shadab. *Shadab Hussain*  
Ms. Nayab Gul. *Nayab*  
Ms. Saira. *Saira*  
Ms. Ambrin. *Ambrin*  
Ms. Uroosa  
Ms. Kainat. *Kainat*  
Ms. Zeba Zeba  
Ms. Huma. *Huma*  
Ms. Ayesha. *Ayesha*

*N. A.*  
21.10.21  
PRINCIPAL  
Govt College of Commerce (M)  
Mardan



OFFICE OF THE PRINCIPAL  
GOVT: COLLEGE OF COMMERCE (W) MARDAN.  
PHONE NO:-0937-9230090

Annex N

NO. GCC/(W)/2021/ 976 (1-2)

DATED:- \_\_\_/\_\_\_/2021

To

The Director (Admin),

DGCE&MS,HED

Subject:- Demand for Transfer of Mrs. Asma Bibi Classiv.

Khyber Pakhtunkhwa Peshawar

I is submitted that Mrs. Asma Bibi working on hostel Cook post (Class- iv) has roudé attitude And problematic. She was warned many times. But neither she is taking warning seriously nor she is doing her job.

Now, she started threatening and used lavish language to the undersigned. Your good office is requested to transfer this Class-iv immediate basis from current duty station GCC (W) Mardan to other place.

PRINCIPAL

GCC (W) Mardan

Ends: GCC/W/MRD/PF/ 976 (1-2)

Dated 22/10/2021

Copy forwarded for Information to:-

01- PA to DG (CE&MS) HED, KPK Peshawar

02- Office file

*Nasim Akhtar*  
PRINCIPAL

PRINCIPAL

Govt: College of Commerce (W)  
Mardan

Annex O 38  
32

OFFICE OF THE PRINCIPAL  
GOVT: COLLEGE OF COMMERCE FOR (WOMEN) MARDAN.  
PHONE NO:-0937-9230090

NO. GCC(W)/(MRD)/ 786

DATED:- 26/09/2019.

To

Miss. Asma  
Cook  
Govt: College of Commerce, (w) Mardan.

15

Subject: - EXPLANATION

You were found absent from your duty today 26 September, 2019 without any prior permission, there is too much burden in the college, which needs to be discharged on priority basis.

You are therefore directed to explain your position within two days of the issuance of this order that why not a disciplinary action may taken against you.

PRINCIPAL  
PRINCIPAL  
GOVT COLLEGE OF COMMERCE  
MARDAN



091-9331720



**DIRECTORATE GENERAL OF  
COMMERCE EDUCATION AND MANAGEMENT SCIENCES,  
KHYBER PAKHTUNKHWA, PESHAWAR.**

**AUTHORITY LETTER**

Mr. Muhammad Anwar Khan, Deputy Director, (BPS-18) (Litigation Section) Directorate General of Commerce Education & Management Sciences, Peshawar, is hereby authorized to vet & submit Para-wise Comments in the Service Tribunal, Khyber Pakhtunkhwa, Peshawar Service Appeal 1216/2022 titled BiBi Asma Vs Govt & Others. on behalf of official respondents.

**DIRECTOR GENERAL**

**DIRECTOR GENERAL  
COMMERCE EDUCATION &  
MANAGEMENT SCIENCES  
KPK PESHAWAR**

Annex - 2  
11

To

The Director General,  
Commerce Education & Management Sciences  
Khyber Pakhtunkhwa Peshawar.

Subject: COMPLAINT FOR ILLEGAL APPOINTMENT OF THE COOK AT  
GCC(W) MARDAN LODGED BY MS. RUKHSANA BEGUM W/O  
NAEEM KHAN, RESIDENT OF DANG BABA, POST OFFICE HOTI  
MARDAN

Dear Sir,

Please receive hereunder the findings of Enquiry Committee, formed vide Office Order No. DGCE&MS/Admn/Enquiry Gen/1253(1-7) dated 06-01-2022 to prob the matter mentioned in the subject above, for your kind consideration please. It seems also pertinent to mention that according to the nature of the case, the study is broadly divided into two parts. The First Part pertains to Illegal Appointment of Class-IV (Cook), and the Second Part pertains to Protection against Harassment of women at work place.

Annexure attached include

1. Enquiry Committee constituted vide order No. DGCE&MS/Admn/Enquiry Gen/12539(1-7) dated 06/01/2022.
2. Copy of Appointment Letter of Bibi Asma (cook)
3. Copy of Arrival Report of Bibi Asma (cook)
4. Copy of Complaints by Rukhsana Begum. (The Complainant)
5. Copy of Requisitioning List of the Registered Candidates by the Employment Exchange
6. Questionnaire (handwritten) filled by Bibi Asma Cook
7. Copy of Judgment.
8. Complaint lodged by Mst. Hijab Rehman Associate Professor (Commerce).
9. Questionnaire provided to the complainant and the responses.
10. Written reply of the by the Professor Muhammad Nadeem.

Handwritten notes and signatures on the right margin, including a date '20/11/2022' and a signature.

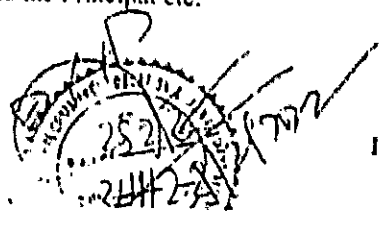
**1. ILLEGAL APPOINTMENT PART OF THE ENQUIRY**

**FINDINGS OF THE ENQUIRY**

One Bibi Asma was appointed as Cook (BPS-3) against the vacant post at GCC (W) Mardan on 20-12-2018.

Later, on 11-11-2021, after three years, Ms. Rukhsana Begum, who was also a contestant for the said post at that time, and was not selected, questioned the authenticity of the said appointment through a formal complaint to the Director Anti-corruption KP, citizen Portal, DGCE&MS KP and directly lodging complaint to the Principal etc.

Handwritten notes: 3609, 25/3/22, and a signature.



11 Page



## Enquiry Proceedings

The Enquiry Committee visited GCC (W) Mardan on dated 17-01-2022 and the following essential record/documents for checking the authenticity of the appointee in question, were demanded from the worthy Principal (current) Ms. Naseem Begum at GCC (W) Mardan. These include;

1. The appointment letter in question.
2. Requisitioning List of the Registered Candidates by the Employment Exchange.
3. Duly signed Minutes of Meeting of the Selection Committee formed for conducting interviews of the candidates mentioning name(s) and Post for which selected.

Of the three aforementioned essential documents, only two i.e. appointment letter and requisitioning list of the eligible candidates from the Employment Exchange was found in the College record. While neither the College concerned nor the Directorate could provide the Minutes of Meeting of the Selection Committee, as these documents were missing from the office record.

Through scrutiny of requisitioning list of the eligible candidates provided by the Manager Employment Exchange, it is disclosed that Ms. *Bibi Asma* was not one of the eligible candidates. Which means her application was lodged/accepted directly for the said post and was appointed. Which is a clear violation of PHC Judgment dated 03-10-2018, circulated for strict compliance by NAB KP in its letter circulated vide No. 3/2/Monitoring/A&P/NAB(KP)/401 dated 15 May, 2019 (Sareer Ahmed and others Vs Secretary Government of Khyber Pakhtunkhwa Health Department Peshawar), which says that *the appointment should be made only from the requisitioning list of eligible candidates provided by the Employment Exchange.*

Therefore, it can easily be concluded that the appointment made was illegal and *void ab initio*, as the candidate appointed Ms. *Bibi Asma* was not from amongst the list of Registered Candidates provided by the Manager Employment Exchange.

## 2. HARASSMENT PART OF THE CASE

COMPLAINT FILED BY MST. HIJAB REHMAN ASSOCIATE PROFESSOR COMMERCE V/S PROFESSOR MUHAMMAD NADEEM PRINCIPAL GCMS-I BOYS MARDAN UNDER THE PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORK PLACE ACT 2010.

### Enquiry Report

The enquiry committee visited GCC(W) Mardan and GCMS-I Boys Mardan on 17/01/2022. The committee delved into the essence of the matter by interviewing both the complainant and the accused. Their responses were brought in written form and recorded thoroughly. Their written statements are annexed with the report.

13

Brief facts of the case are under: -

The complaint lodged by Mst. Hijab Rehman Associate Professor GCC(W) Swabi against Professor Muhammad Nadeem Principal GCMS-I Boys Mardan under the protection against harassment of women at work place act 2010 was studied and discussed thoroughly.

### Enquiry Proceedings

The enquiry committee executed its proceedings on 17/01/2022. A questionnaire was provided to the complainant that sought her responses in written form to furnish her reply for the better understanding of the enquiry committee.

Likewise, Professor Muhammad Nadeem Principal GCMS-I Boys Mardan was interviewed through the provision of a questionnaire that recorded his responses in written form and furnished his reply against the allegations imposed by the complainant.

In reply to the question No.01, she stated under: -

"In my opinion, harassment means to find a soft target and then manipulate it by adopting illegal ways, subject matter of my complaint is discrimination and discrimination is a type of harassment".

In view of the reply to question No. 01, the committee observed that the complainant has tried to define harassment in her own terms that is contradictory to the definition quoted in Protection against harassment of women at work place act 2010. She has stated that discrimination is a sort of harassment but her definition of the term does not meet with the parameters given in the Act of 2010. She has not uttered a single word or quoted a single incident that could qualify the definition of harassment against the accused Professor Muhammad Nadeem Principal GCMS-I Boys Mardan. This bald allegation does not qualify the term harassment nor does her complaint lodged on 09/12/2021 reveal any specific incident of the harassment. It is just a collection of allegations about not letting her to perform her duties smoothly and conducting a series of enquiries in a fabricated and concocted case.

In view of the contents of the complaint, no specific case is made out to prove the charge of harassment. The complainant has tried to defeat the purpose of departmental the enquiry proceedings regarding illegal appointment of one cook Mst. Amina Bibi. Allegations of such nature do not fall within the definition and provisions of protection against harassment of women at work place Act-2010. Allegations of such nature bears long lasting adverse effects on any Government official to make him scapegoat in order to fulfill unlawful objectives through illegal means.

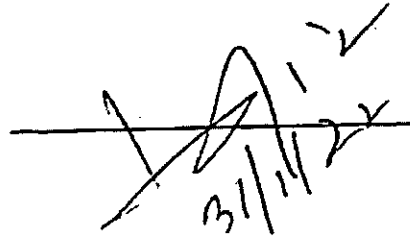
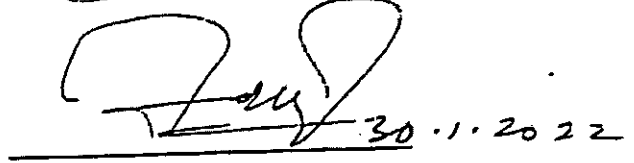
30.1.2022  
30/01/22

### Conclusion

Since the enquiry committee has left no stone unturned to look at every aspect of the matter, therefore, it has been concluded that the allegations does not meet with the provisions of the protection against harassment of women at work place Act-2010. Hence, it needs to be discarded.

#### COMMITTEE

- 1. Professor Musanif Khan  
Principal (B-20)  
GCMS Thana Malakand/ Chairman
- 2. Professor Syed Tasdiq Hussain Shah  
Principal (B-20)  
GCMS Manshra / Member
- 3. Mrs. Fouzia Burki  
Professor (B-20)  
GCC(W) Dalazak Road Peshawar / Member



171

GOVT. COLLEGE OF COMMERCE FOR WOMEN MARDAN						
ATTENDANCE PROFORMA FOR APPOINTMENT OF NAIB QASID/CHOWKIDAR/TUBEWELL OPERATOR/BARER/MALI						
S.NO	NAME	F/NAME/NO.	OCCUPATION	CNIC No.	CONTACT NO.	SIGNATURES
1 ✓	Khinaz	Fazal Muhammad	Khakroob	16101-8374723-0	0346-917984	[Signature]
2 ✓	Rukhsana Begum	Naeem Ullah	Barer	16101-3237983	0311-9191507	[Signature]
3 ✓	Nabeela	Sahib Zada Miraj Nabi	Khakroob	16101-4032366-9	0311-9275436	[Signature]
4 ✓	Noreen	Hamad	Barer	16101-1563637-2	0346-5136826	[Signature]
5 ✓	Sabiha	Muhammad Akram Khan	Barer	16101-4612194-0	03469278653	[Signature]
6	Farzana Bibi	Muhammad Asif	Khakroob	16101-0816652-2	Absent	[Signature]
7 ✓	Safia Naz	Sahibzada	Barer	16101-0816652-2	0306-8709084	[Signature]

8. Bibi Asma Meher Muhammad, Cook, 16101-0496466-8, 0311-9649506, Bibi Asma  
 9. Bakht Pasi w/o Zafer Khan, Beaver, 16101-5237255-2

[Large handwritten signature]

169

16

GOVT. COLLEGE OF COMMERCE FOR WOMEN MARDAN

ATTENDANCE PROFORMA FOR APPOINTMENT OF NAIB QASID/CHOWKIDAR/TUBEWELL OPERATOR/BARER/IAJU

S.NO	NAME	F/NAME	OCCUPATION	CHIC No.	CONTACT NO.	SIGNATURES
1	Shabeer Ahmad	Noor Ur Rahman	T/Operator	16101-7682536-9	0313-9634412	[Signature]
2	Naveed	Noor ul Wahab	T/Operator			[Signature]
3	Motahaj Nabi	Muhammad	Cook	16101-4903241-5	0302-2182172	[Signature]
4	Younas Khan	Muhammad Khan	Mali	16101-1679059-7	0302-2145915	[Signature]
5	Farid Ullah Shah	Mumtaz Ali Shah	Cook	16101-2506229-1	0333-9095216	[Signature]
6	Ohaid	Muhammad Sarwar	Cook	16101-1177040-1	0334572060	[Signature]
7	Muhammad Anis	Muhammad Iqbal	T/Operator	16101-0595690-3	03469310588	[Signature]
8	Bahar Ali	Jalal Uddin	Chowkidar	16101-9942155-9	0333-3372472	[Signature]
9	Zia Ullah	Nizam Ullah	Mali	16101-5200952-3	0310-9615440	[Signature]
10	Junaid Khan	Gul Bahadar	Chowkidar	Absent		[Signature]
11	Samir Gul	Ashraf Gul	Chowkidar	16101-2941896-7	0346-9367780	[Signature]
13	Aslam Khan	Ali Baz Khan	Chowkidar	16101-5095103-5	03069787720	[Signature]
14	Hassan Zeh	Zarbaz	Mali	Absent		[Signature]
15	Arslad Ali	Muhammad A li	Chowkidar	Absent		[Signature]
16	Sajjad Ullah Khan	Muhammad Yousaf	Chowkidar	16101-7952930-3	0311-9283668	[Signature]
17	Naeem Ullah	Fazal Mina Ullah	Cook	16101-3850566-7	0310-9598005	[Signature]
18	Haroon Khan	Aziz ur Rahman	T/Operator	Absent		[Signature]
19	Abid	Alla Dad	Cook	16101-2552380-3	0343-9255578	[Signature]
20	Hamid Ullah	Ghanim Ullah	NI/Qasid		0311-47020070	[Signature]

Scanned with CamScanner

[Handwritten Signature]

Dr Anjad Khatiq

[Handwritten Signature]

Scanned with CamScanner

Scanned with CamScanner

RR

17C

21	Mansoor Ahmad	Fazal Samdani	Chowkidar	16101-77520451	0311-9646276	<i>[Signature]</i>
22	Amjad Ali	Wahid Muhammad	T/Operator	<i>16101-77520451</i>		
23	Arshad Ali	Gul Aftab	T/Operator	<i>16101-77520451</i>		
24	Shah Hussain	Muhammad Israr	N/Oasid	16101-7424712	0340-9205351	<i>[Signature]</i>
25	Arshad Ali	Mira Khan	T/Operator	<i>ABSENT</i>		<i>[Signature]</i>
26	Siyar Khan	Misal Muhammad	Mali	16101-2316012-3		
27	Ikhlas Ullah	Sher Ali	<i>operator</i>	16102-42216677	0300572474	<i>[Signature]</i>
28	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	16101-8169124-7	03179539060	<i>[Signature]</i>
29	Latif ur Rehman	Fazail Raza	Chowkidar	16101-802299957	0346494780	<i>[Signature]</i>
30	Tousof Ahmad	Noshad	<i>[illegible]</i>	16101-91123959	0334-8417414	<i>[Signature]</i>

*[Handwritten signature]*

Annex - E  
(18)



GOVERNMENT COLLEGE OF MANAGEMENT SCIENCES,  
PESHAWAR

NO. GCMS/PESH/1356 DATED 20-06-2022

Phone: 092612003 Email: [principal.gcmspeshawar@gmail.com](mailto:principal.gcmspeshawar@gmail.com)

To

The Director General,  
Commerce Education & Management Sciences,,  
Khyber Pakhtunkhwa Peshawar.

Subject: SUBMISSION OF INQUIRY REPORT ABOUT GCC(W) MARDAN  
Sir,

Kindly refer to your office order No. DGCE/MS/Admn/3168(1-7), dated: 3<sup>rd</sup> June 2022,  
on the subject noted above.

Enclosed please find herewith an Inquiry report in respect of GCC (W) Mardan, along  
with enclosures for further necessary action.

Inquiry Committee,

Dr Amjad Rafiq, *Dr. Rafiq 20/6*  
Principal, GCMS Peshawar.

Fauzla Burki *Fauzla 20/6*  
Principal, GCC (W), Arbab Road Peshawar.

Muhammad Iqbal, *Muhammad Iqbal 20/6/2022*  
Assoc. Prof, GC Peshawar.



*Dr. Rafiq*  
*20/6*  
*DCMS*  
Dated: \_\_\_\_\_

Scanned with CamScanner

Scanned with CamScanner