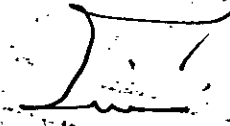


22.07.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and sought time for submission of reply/comments. Last opportunity given. In case the last chance as given is not availed, the next adjournment shall be subject to prior payment of cost of Rs. 5000/-, failing which the right of respondents for submission of reply/comments shall be deemed as struck off. Adjourned. To come up for submission of reply/comments on 23.09.2022 before the S.B at Camp Court Abbottabad.



(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

23.09.2022

Appellant present through counsel,

Muhammad Jan, learned District Attorney present.

Despite last chance, respondents are absent. Therefore, all the respondents are placed ex-parte and file to come up for arguments on 18.11.2022 before D.B at Camp Court, Abbottabad.


(Rozina Rehman)
Member (J)
Camp Court, A/Abad

17.05 2022

Learned counsel for the appellant present and heard.

Learned counsel for the appellant submits that the appellant is aggrieved of the original order dated 31.03.2021 passed by Deputy Commission Abbottabad and the appellate order passed on departmental appeal of the appellant passed on 08.06.2021 given effect vide order No. 388-92/2/3-EB dated 06.08.2021 whereby the appellant was removed from service, thereafter he filed the instant service appeal in this Tribunal on 20.08.2021 which apparently seems to be within time, therefore, the appeal is admitted to full hearing, subject to all just and legal objections by the other side. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 22.07.2022 before S.B at camp court Abbottabad.

Rs 500/-
Appellant deposited
Security & Process Fee

Kalim Arshad Khan
24/5/22

Q


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

[A large, long, curved handwritten mark or signature]

02.11.2021

Learned counsel for the appellant present.


Learned counsel for the appellant sought time for further preparation of the brief. Granted. To come up for preliminary hearing on 06.01.2022 before S.B.


(Mian Muhammad)
Chairman Member (E)

06.01.2022

Nemo for the appellant.

Lawyers are on general strike today. Since the appeal pertains to territorial limits of Hazara Division, it would be proper to fix the same before the camp court, Abbottabad. Therefore, case to come up for preliminary hearing on 15.03.2022 before S.B at camp court, Abbottabad.

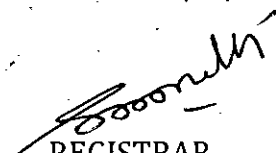

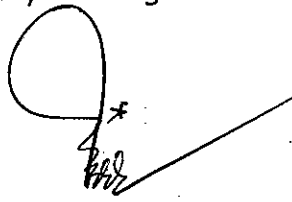

(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7287 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/08/2021	<p>The appeal of Mr. Jamil submitted by registered post today by Mr. Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench. Notice be issued to appellant/counsel for preliminary hearing to be put up there on <u>11/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>11.10.2021</p> <p>None for the appellant present.</p> <p>Due to General Strike of the Peshawar Bar Association the case is adjourned. To come up for preliminary hearing before the S.B on 02.11.2021.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

BEFORE THE CHAIRMAN SERVICE TRIBUNAL
KP, PESHAWAR

7287/21

Service Appeal No. ____/2021

Jamil son of Gul Zaman, Naib Qasid, Assistant Commissioner Office,
Abbottabad

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Senior Member Board of Revenue
(SMBR), Peshawar & others.

....RESPONDENTS

SERVICE APPEAL**INDEX**

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3.	Copies inquiry report dated 27.11.2020, show cause notice and reply thereof	11 to 23	"A-1"
4.	Copy of inquiry report	24 to 36	"B"
5.	Copy of impugned order dated 31.03.2021	37	"C"
6.	Copy of departmental appeal	38 to 41	"D"
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8.	Copy of FIR	45	"F"
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Jameel Ahmed

...APPELLANT

Through

Dated: 12/08 /2021

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

BEFORE THE CHAIRMAN SERVICE TRIBUNAL
KP, PESHAWAR

Service Appeal No. ____/2021

Jamil son of Gul Zaman, Naib Qasid, Assistant Commissioner Office,
Abbottabad.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Senior Member Board of Revenue (SMBR), Peshawar.
2. Commissioner Hazara Division, Abbottabad.
3. Deputy Commissioner Abbottabad.

...RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF KP
SERVICE TRIBUNAL ACT, 1974, FOR
DECLARATION TO THE EFFECT THAT THE
APPELLANT WAS SERVING IN THE
RESPONDENTS' DEPARTMENT AS NAIB QASID
AND HIS THREE INCREMENTS HAVE BEEN
WITHHELD FOR THREE YEARS WITH
ACCUMULATIVE EFFECT VIDE IMPUGNED
ORDER DATED 31.03.2021. THEREFORE, THE
APPELLANT FILED DEPARTMENTAL APPEAL
AGAINST THE IMPUGNED ORDER DATED
31.03.2021 ON 07.04.2021 TO RESPONDENT NO. 3

BUT RESPONDENT NO. 3 WITHOUT FOLLOWING THE REQUISITE PRESCRIBED CODAL FORMALITIES REMOVED THE APPELLANT FROM SERVICE VIDE IMPUGNED ORDER DATED 08.06.2021 WHICH WAS RECEIVED BY THE APPELLANT ON 05.08.2021 WHICH IS PERVERSE, AGAINST THE LAW AND THE SAME IS LIABLE TO BE SET-ASIDE.

=====

PRAYER; ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, IMPUGNED REMOVAL FROM SERVICE ORDER DATED 08.06.2021 MAY GRACIOUSLY BE ORDERED TO BE SET-ASIDE AND RESPONDENTS MAY BE DIRECTED TO RE-INSTATE THE APPELLANT IN SERVICE WITH ALL SERVICE BACK BENEFITS W.E.F THE DATE OF HIS REMOVAL FROM SERVICE I.E. 08.06.2021. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEM APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE ALLOWED TO THE APPELLANT.

=====

Respectfully Sheweth;-

That the facts forming the background of the instant service appeal are arrayed as under;-

1. That the appellant is the employee of respondents' department. Copy of appointment order of the appellant is annexed as Annexure "A".
2. That the appellant has illegally been implicated in a false case and illegally been declared beneficiary of Rs.13,00,000/- out of Relief Fund by using his personal bank account vide inquiry report No. 6764 dated 27.11.2020. In this regard the respondents department issued show cause notice which was properly replied by the appellant, but, the reply of the appellant has not been considered at appropriate level with malafide intentions. Copies inquiry report dated 27.11.2020, show cause notice and reply thereof are annexed as Annexure "A-1".
3. That finally, the inquiry committee in their findings recommended the imposition of punishment of minor penalty of stoppage of three annual increments with accumulative effect against the appellant vide inquiry report No. CHD/3/5/2075 dated 04.02.2021. Copy of inquiry report is annexed as Annexure "B".
4. That thereafter, the competent authority i.e. respondent No. 2 issued impugned order No. 1888/1893/2/3/EB dated 31.03.2021, wherein, three increments of the appellant were withheld with accumulative effect. Copy of impugned order dated 31.03.2021 is annexed as Annexure "C".
5. That the appellant feeling aggrieved from the impugned illegal order of stoppage of three

increments with accumulative effect vide order dated 31.03.2021, filed a departmental appeal to respondent No. 3 for redressal of his grievances on 07.04.2021. Copy of departmental appeal is annexed as Annexure "D".

6. That respondent No. 3 instead of rejecting or accepting the departmental appeal of the appellant, enhanced the punishment from stoppage of three increments with a accumulative effect, removed the appellant from service vide impugned removal from service order dated 08.06.2021. The appellant received the said order on 05.08.2021. Copy of impugned removal from service order of the appellant is annexed as Annexure "E", hence, the instant service appeal is filed, inter-alia on the following grounds.

GROUNDS:-

- a. That the appellant was serving as Naib Qasid in the respondents department and he received open cheques from Mr. Waqas real culprit for deposit in his account and proceeds of the cheques was received by the said accused from the appellant, the said

accused is implicated in case FIR No. 01, dated 29/01/2021, under Section 409,419,420,468,471,477-A PPC 5(2) PC Act, Police Station ACE ATD. The said Waqas is absconder now a days. Copy of FIR is annexed as Annexure "F".

- b. That the proceeds of the amount of cheques received by the appellant was handed over to the Assistant Commissioner as well as to Mr. Waqas. The appellant as mentioned above, is serving as Naib Qasid and whenever the officers/ immediate authorities delivered a cheque for deposit in account of the appellant, the appellant withdrawn the proceeds of the cheques and handed over the said proceeds to Mr. Waqas for handing over to Assistant Commissioner. Therefore, the appellant being a low pay Naib Qasid was unaware about the consequences and simply obeyed the orders of the higher authorities.
- c. That the inquiry committee recommended imposition of stoppage of three annual increments of the appellant with a

accumulative effect vide impugned order dated 31.03.2021. As per law, punishment of stoppage of increments cannot be awarded with accumulative effect, rather, it should be for a specific period. Therefore, the appellant filed departmental appeal to respondent No. 3. Respondent No. 3 without any lawful justification, enhanced the punishment of appellant from stoppage of increments with a accumulative effect removed the appellant which is not maintainable at law.

- d. That the order of the respondent No. 2 is against the recommendation of the inquiry report, therefore, the impugned removal from service order is liable to be set-aside. That respondent No. 2 without following codal formalities mentioned in Appeal Rules enhanced the punishment of the appellant i.e. removal from service is liable to be cancelled.
- e. That when law prescribed a thing which is to be done in a particular manner that must be done in that manner and not otherwise. As

per law respondent No. 3 was supposed to reject or accept the departmental appeal of the appellant.

f. That respondent No. 3 was to issue afresh show cause notice to the appellant but the mandatory prescribed formality has not been followed by him. Therefore, removal from service order dated 08.06.2021 is liable to be cancelled.

g. That the respondents' department has led the appellant to the place which is utterly unknown to the principle of jurisprudence, good governance, fair play and natural justice.

h. That this fact may not be left to fade in oblivion that the appellant is a Naib Qasid and is not issuing authority of the cheque. Respondents department to save the skin of their high-ups made the appellant as a scapegoat for the acts not done by the appellant. Appellant is innocent and did not commit any offence with bad intentions. The impugned removal from service order of the

appellant is malafide, against the law and the same is liable to be set-aside.

- a) That there is no other prompt, efficacious remedy, available to the appellant except the instant appeal.

It is, therefore, humbly prayed that on acceptance of the instant service appeal, impugned removal from service order dated 08.06.2021 may graciously be ordered to be set-aside and respondents may be directed to re-instate the appellant in service with all service back benefits w.e.f the date of his removal from service i.e. 08.06.2021. Any other relief which this Honourable Tribunal deem appropriate in the circumstances of the case may also be allowed to the appellant.

Jameel
...APPELLANT

Through

Dated: 12/8 /2021

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing service appeal are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable tribunal.

Jameel
...APPELLANT

BEFORE THE CHAIRMAN SERVICE TRIBUNAL
KP, PESHAWAR

Service Appeal No. _____/2021

Jamil son of Gul Zaman, Naib Qasid, Assistant Commissioner Office,
Abbottabad

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Senior Member Board of Revenue
(SMBR), Peshawar & others.

....RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, *Jamil son of Gul Zaman, Naib Qasid, Assistant Commissioner Office, Abbottabad*, do hereby solemnly affirm and declare that the contents of foregoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

Jameel S

DEPONENT



Annex-A

**OFFICE OF THE
DEPUTY COMMISSIONER
ABBOTTABAD**

No: AE/1689-97
Dated Abbottabad the: 29/04/2014

P-10

ORDER:

Consequent upon the recommendations of the Departmental Selection /Recruitment Committee, Mr. Jameel Ahmed S/o Gul Zaman R/o Mangal, Tehsil & District Abbottabad is hereby offered employment against the newly created post of Naib Qasid (BPS-01) in the office of the Deputy Commissioner, Abbottabad for Computerization of Land Record on the following terms and conditions:-

1. His services will be governed by Section-19 of the NWFP, Civil Servants Act 1973 as amended from time to time.
2. His services will be liable of termination on one-month notice from either side. In case of resignation without notice, his two months pay/allowances shall be forfeited to the Government.
3. He will be governed by such rules and regulations as may be issued from time to time from the Government.
4. He will remain on probation for a period of one year in term of Section-6 of the NWFP, Civil Servants Act 1973 read with Rule-15 (1) of the NWFP, Civil Servant (Appointment, Promotion and Transfer) rules 1989. His services can be terminated any time in case his performance is found unsatisfactory during probation period.
5. In case of misconduct, he shall be proceeded against under the Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011 and the rules framed by the Government from time to time.
6. The appointment offered is subject to the provision of a valid Domicile Certificate of District Abbottabad. In case of failure to produce the said documents within fifteen (15) days, this offer of appointment may be cancelled.

Before joining the post, he will have to provide:

- (a). Medical Fitness Certificate form the Medical Superintendent, BBST Hospital Abbottabad
- (b). Character Certificate from Police Department
- (c). Attested Photocopies of all the academic documents and CNIC.

In case the above terms and conditions of appointment are acceptable, he is required to report his arrival in the Office of the Deputy Commissioner Abbottabad within fifteen (15) days of receipt of this letter otherwise the appointment would be considered as cancelled.

[Signature]
DEPUTY COMMISSIONER
ABBOTTABAD

Encls: No. & Date Even:

Copy for information to the:-

1. Commissioner, Hazara Division - Abbottabad.
2. Project Director, Computerization of Land Record, Board of Revenue KPK, Peshawar.
3. Additional Deputy Commissioner, Abbottabad.
4. Assistant Commissioner, Abbottabad.
5. District Comptroller of Accounts, Abbottabad.
6. Addl: Assistant Commissioner - Rev Abbottabad
7. District Nazir, DC's Office Abbottabad.
8. Mr. Jameel Ahmed S/o Gul Zaman R/o Mangal, Tehsil & District Abbottabad.

[Signature]
DEPUTY COMMISSIONER
ABBOTTABAD

Attested

Muhammad Arshad
Advocate
Office No. 10
Dist. Abbottabad



P-10-A

OFFICE OF THE
DEPUTY COMMISSIONER
ABBOTTABAD

No. 222 /172-EE
Dated: 7/11/2011

To

The District Director,
Agriculture, Abbottabad.

SUBJECT:- PROVISION/UTILIZATION OF SERVICES OF CLASS-IV.

Memo:

With reference to the subject noted above, the services of the following Class-IV of this office are placed at your disposal for further duty.

1. Mr. Muhammad Jameel Naib Qasid.
2. Mr. Adil Younis Naib Qasid.
3. Mr. Yasir Asghar Chowkidar.

However, the services of 03 Class-IV servants of your department in replacement of above may be placed at the disposal of this office and they be directed to report immediately.

7/11
~~DEPUTY COMMISSIONER
ABBOTTABAD~~

Annex - AI

P-11



OFFICE OF THE
DEPUTY COMMISSIONER
ABBOTTABAD

No. / 6764
Dated Abbottabad the 27/11/2020

To

The Deputy Commissioner,
Abbottabad.

Subject: INQUIRY REPORT REGARDING EMBEZZLEMENT IN RELIEF
ACCOUNT

Memo:

Reference your Notification bearing No. 6282-87/PS dated 27/10/2020 on the
subject cited above.

In this regard fac: finding inquiry report is attached herewith as desired, please.

encl: (235) in original

Additional Deputy Commissioner
Abbottabad

Attested
Muhammad Arshad
Advocate High Court
Office No. 33 Adiac
Dist. Abbottabad

INQUIRY REPORT REGARDING EMBEZZLEMENT IN RELIEF ACCOUNT

Background of the Case:

A cheque of Relief Account bearing No.24459875 dated 02.10.2020 amounting to Rs. One Million was deposited by one Mr. Aqeel Khan Jadoon R/O Sheikh ul Bandi in Bank of Khyber, Jinnah Road Branch, Abbottabad for clearance, which was forwarded to Assistant Commissioner (AC), Abbottabad through whatsapp by Manager of the bank for vetting and confirmation. The AC Abbottabad found it suspicious and asked the Manager BoK to stop its clearance and forthwith all the scenario brought into the notice of the Deputy Commissioner, Abbottabad. Upon which, the Deputy Commissioner, Abbottabad constituted inquiry committee comprising of Additional Deputy Commissioner, General and Relief/Human Rights, Abbottabad to conduct fact finding inquiry into a suspicious transaction tried from Relief Account of Deputy Commissioner Office, Abbottabad with a cheque bearing No. 24459875 dated 02.10.2020 amounting to Rs. One Million.

Proceedings:

In order to unearth the facts, the inquiry committee called Mr. Waqas Khan (Computer Operator / Incharge Relief Branch), Mr. Fahad Shah (Computer Operator / Head Clerk, AC Office), Mr. Adil Younis (Naib Qasid, AC Office) & Mr. Jameel (Naib Qasid, AC Office) to appear before inquiry committee on 30.10.2020 for personal hearing / recording their written statement, but they denied to appear before the inquiry committee for recording statement. Therefore, they were again summoned to appear on 02.11.2020 at 02:00 PM. On the date fixed, they appeared before the committee and submitted their written statements, the private persons relevant to that inquiry were called through DPO Abbottabad and AC Abbottabad was also asked to submit his written statement, detail of these statements is as under:

Statement of Mr. Muiyaba Arfat Khan (Assistant Commissioner / DDMO Abbottabad):

The written statement of Assistant Commissioner Abbottabad is placed on file at Flag-I, in which he stated that he received a whatsapp message from Manager Bank of Khyber, Abbottabad alongwith snapshot of cheque bearing No.24459875 amounting to Rs. One Million issued on 02/10/2020 in name of one Aqeel Khan Jadoon (CNIC#13101-7435859-7) for vetting and confirmation for clearance as per Bank policy, according to which any cheque above Rs.0.5 million has to be verified from signatory authority before its clearance. It seemed dubious / suspicious to him instantly as he has never issued a cheque amounting to Rs. One Million from.

Muhammad Arfat
Advocate High Court
Office No. 23, Adjoon
Dist. Peshawar

Shahid
27/11/20

[Handwritten signature]

relief account during his entire tenure at Abbottabad. The signature also seemed fake / forged and was resembled to his signature. He immediately asked the Bank Manager to stop its clearance and wait for confirmation and also forwarded it to Relief Assistant Mr. Waqas Khan to verify it from office relief record who informed that the said cheque is not reflected in office record. AC Abbottabad then asked the Bank Manager BoK to hold the cheque and sent Waqas Khan to Bank for bank statement of all transactions made from relief account w.e.f. 01/01/2020 to 23/10/2020.

AC Abbottabad informed Deputy Commissioner Abbottabad and ADC Relief Abbottabad about the said incident on the same day and shared the picture of cheque with them through whatsapp. Meanwhile, he shared the details of Aqeel Khan Jadoon with local police to trace him and take his statement regarding the alleged fake / bogus transaction. Aqeel Khan Jadoon was summoned to PS Cantt where his statement was recorded by SHO PS Cantt Tahir Khan. But he denied the deposit of any cheque into his account and stated that younger brother of Fahad Shah Head Clerk (HC) AC Office namely Jazib Shah is his friend, and few days back he took a copy of his CNIC and ATM Card to withdraw some money from his account that was supposedly being sent to his account by someone from abroad and Jazib Shah couldn't get it transferred into his own account due to some technical issues.

AC Abbottabad further stated that the compensation amount of 388 affectees of rain damages of 2015 was released by PDMA in 2019 and its disbursement process was made in the month of February & March, 2020 after fulfilling all the codal formalities (i.e. cheques were signed in presence of beneficiaries / authorized agents individually in his office along with affidavit and original CNIC for verification). All these payments were amounting to either Rs.30,000, Rs.50,000, Rs.100,000 maximum compensation for House Damages or as per guidelines of PDMA and no cheque amounting to Rs. One Million was ever issued during this process. But after announcement of lock down due to COVID-19 Pandemic, the disbursement process was immediately stopped. It was observed from the bank statement issued on 23/10/2020 that some suspicious and irregular pattern of cheque clearance found after 30/03/2020 onwards. Especially end of June, 2020 and after 1st week of July 2020, a large number of suspicious cheques were cleared from Relief account despite the fact that no disbursement of cheques was being done from AC office during this time period due to Covid-19 lockdown. Before lockdown till 30.03.2020 almost all payments of rain damages 2015 were made from four cheque books (i.e. cheque book No. 21, 22, 23 and 24). After which the bank statement shows that the cheques were issued from two old cheque books (i.e. cheque book No. 15, 16) & two new cheque books (i.e. cheque book No. 25 & 26), the cheque book No. 26 was used for payment of COVID-19 fund and cheque book No.

Muhammad Aslam
Advocate High
Office No. 33 Ad
27/11/20

27/11/20

Aslam

15 was used for recent payments and specially 09 affectees of Ayub Teaching Hospital eye incident on 26.09.2020 amounting to Rs. One Million (each). When AC Abbottabad counted the number of cheque books, one of the cheque book No. 15 (Serial No. 24459776-24459875) was found missing from which the suspected cheque bearing No. 24459875 amount to Rs. One Million was issued. On inquiry, Mr. Waqas Khan denied having its custody and replied that he didn't have that cheque book with him as he didn't receive it when he joined relief branch back on 14/11/2019, but the statement of Mr. Waqas Khan did not add up as all the recent payment from relief account had been made through the same cheque book No. 15 especially to 9 affectees of Ayub Teaching Hospital Eye Incident on 26/09/2020 (Cheque No. 24459855- 24459863 amounting to Rs. One Million each) the case of which was put up on note sheet by Waqas Khan himself and signed by Deputy Commissioner, Abbottabad.

When Mr. Waqas Khan asked to produce the cash book and acquaintance roll of the affectees of 2015 rain damages, he produced incomplete cash book, tempered acquaintance roll which makes him suspicious conduct and directed him to hand over the relevant records and cheque books to AC Abbottabad. When the record of 2015 house damages was examined, the list of affectees and payments made to them also appeared to be tempered with. In addition, original case files of the affectees of 2015 rain damages were found missing from the record. Mr. Waqas Khan again showed his ignorance, despite being the custodian of cash book and all record of relief branch.

Meanwhile the Head Clerk Fahad Shah and two Naib Qasids namely Jamil Ahmed and Adil Younis of AC Office came to see in his office and requested to explain something. On inquiry, they collectively stated that Waqas Khan has misused their bank accounts by misleading them and keeping them in dark on pretext of payment to affectees of house damage cases of 2015 who didn't have their own bank accounts. As per their statement, Waqas Khan used to deposit cheques into their accounts and they used to handover the cash to him after transfer of amount into their accounts without taking any share from him. When AC asked them that why didn't they bring it to his notice, they couldn't provide any satisfactory answer and started apologizing to him and pleading innocence. He asked them to submit their written statements and to bring their bank statements to him w.e.f. 01/01/2020 till date. They agreed to do so.

AC Aobottabad further stated that he got complete detail of all transactions made from relief account from 30.03.2020 till date alongwith copies of cheques and detail of beneficiaries. After analyzing all these documents, he found irregularities and 54 suspicious cheques with forged signatures of him. Details of which are as under:

Attested
Muhammad Arshad
Advocate High Court
Office No. 33 A
Abbottabad

Class
27/11/20

[Handwritten signature]

S.No	Name of Fake Beneficiaries	Designation	No. of Cheques	Detail of Cheques in Rs	Total Amount in Rs
1.	Jameel Ahmed	Naib Qasid, AC Office Abbottabad	8	1. 100000 2. 100000 3. 100000 4. 100000 5. 100000 6. 100000 7. 300000 8. 400000	1300000
2.	Yasir Asghar	Naib Qasid, AC Office Abbottabad	8	1. 100000 2. 100000 3. 100000 4. 100000 5. 100000 6. 150000 7. 400000 8. 400000	1450000
3.	Muhammad Adil Younis	Naib Qasid, AC Office Abbottabad	9	1. 100000 2. 100000 3. 100000 4. 100000 5. 100000 6. 100000 7. 100000 8. 200000 9. 400000	1300000
4.	Fahad Shah	Computer Operator, AC Office, Abbottabad	2	1. 100000 2. 100000	200000
5.	Aqeel Khan Jadoon	Private Person	3	1. 100000 2. 100000 3. 1000000	200000 (1000000 reversed by bank due to suspicious nature)
6.	Qaisar Shahzad	Private Person	8	1. 100000 2. 100000 3. 100000 4. 100000 5. 100000 6. 100000 7. 100000 8. 100000	800000
7.	Junaid Khan	Private Person	7	1. 100000 2. 100000 3. 100000 4. 100000 5. 100000 6. 100000 7. 100000	700000
8.	Shahbaz Saleem	Private Person	3	1. 300000 2. 400000 3. 300000	1000000
9.	Ali Asghar	Private Person	1	1. 100000	100000
10.	Zaheer Ahmed	Private Person	1	1. 100000	100000
11.	Tahir Asghar	Private Person	1	1. 100000	100000
12.	Fiaz Muhammad	Private Person	1	1. 50000	50000

M. Asghar
Advocate High
Office No. 21 B. J. J.
T. M. P. J. J.

27/11/24

P 16

13.	Shahnawaz S/o Aslam	Private Person	1	1. 100000	100000
	Total		53		7400000/-

2-459796/327

Note: One cheque of Rs. 100000/- (one lac) has not been cleared yet and one cheque of Rs.1000000 (one million) has been reversed by bank due to suspicious nature.

- In acquaintance roll, most of these cheques have been shown to be issued to affectees of 2015 rain damages, while as per copies of cheques received from the bank, they have been issued in names of some other non-entitled persons/non-affectees.
- Another irregularity that can be clearly seen is that the amount of certain cheques with same serial numbers entered in acquaintance roll is different from the amount entered on cheques when compared with copy of cheque and bank statement.
- 15 cheques among these are Open Cheques which is also puzzling as no Open Cheque was issued to any affectees of 2015 rain damages under his signature.
- 11 cheques don't even have any record in Acquaintance Roll prepared and maintained by Waqas Khan.
- Most of these cheques have been issued to same individuals repeatedly while as per policy of PDMA, no person can be compensated twice from relief head for a certain period of time.
- The cheques issued by AC during payment to affectees of 2015 Rain Damages, he ensured that complete name of person along with his father/husband name or his CNIC number is written on cheque and cross-cheque is issued. However, most of the above mentioned cheques lack complete name of person along with his father/husband name or CNIC number and some of them are open cheques.
- In addition to this, during payments to affectees of 2015 Rain Damages, AC issued cheques from Cheque Book No. 21, 22, 23 and 24 while all of the above mentioned cheques have been issued from Cheque Book No. 15 and 16 which were never used by him during the regular payments and were in custody of Waqas Khan.
- It is also interesting to note that the Bank Statement issued by Bank of Khyber on 23/10/2020 upon his request and brought to office by Waqas Khan also appears to be tempered by him with to hide unusual payments made from relief account.

The whole sequence of events indicate that massive embezzlement and irregularities have been committed on the side-lines of payment of compensation cases of 2015 rain damages by relief assistant Waqas Khan, the custodian of cheque books and keeper of record of relief branch

Attested
Muhammad Aslam
Advocate High Court
Faisalabad
22/11/20

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by keeping him in the dark, forging his signatures and tempering with the original record with or without the connivance of Fahad Shah, Jamil Ahmed, M Adil Younis and Yasir Asghar (to be established after inquiry). A complete forensic audit of the relief account (especially Cheque book No.15 and 16) may be conducted and case of AC's forged signatures may be sent to forensic science lab and proper FIR may be lodged against the culprits for criminal breach of trust, forging signatures, tempering of official record, financial embezzlement and stealing the official cheque book No.15. When the facts have been established and responsibility fixed, case may be sent to anti-corruption and FIA to take legal action against the culprits as per law and recovery of embezzled amount. Similarly, those private individuals who are identified during the inquiry proceedings and forensic audit who were a part of this embezzlement and benefitted from it through their bank accounts may also be prosecuted as per law by lodging FIRs against them under relevant sections of PPC and recovery of embezzled amount from them.

Statement of Mr. Waqas Khan (Computer Operator / Incharge Relief Branch):

Written statements dated 02.11.2020, 05.11.2020 and questionnaire dated 09.11.2020 of Mr. Waqas Khan are placed on file vide Flag-II in which he stated that he has no knowledge of the suspicious cheque bearing No.24459875 dated 02.10.2020 as nothing in record of relief branch is present against the said cheque. The same has already been conveyed to Assistant Commissioner Abbottabad on 23.10.2020. During personal hearing, on a question from inquiry officer that whether any cheque was issued in the name of officials of AC office i.e Fahad Shah, Jameel Ahmed, Adil Younis and Yasir Asghar, and as per AC Abbottabad different cheques have forged signatures, he replied that as per his knowledge no cheque has been issued in the name of Fahad Shah, however later it came to his knowledge that those affectees who have no bank account, the AC Abbottabad issued their cheques in the name of Naib Qasids of AC office for cash payment to affectees, the same were not issued by him nor is his duty / responsibility, he further stated that no cheque was bounced from Bank on account of forged signature even the cheque of Mr. Aqeel Khan. He claimed that no tempering has been made by him in the official record / acquaintance roll / cheque books of relief branch, all the record was examined / checked by AC himself and never raised any objection. Now after 23.10.2020 all the record is under the custody of AC Abbottabad in his personal residence and during this period, if any tempering has been committed in the relief record he did not have any knowledge. On a question, he showed his unknowingness about the private persons namely Qaiser Shahzad, Aqeel Khan and Junaid Khan.

Attested

Muhammad Aisha
 District Officer
 District No. 33
 The Abbottabad

S. J. J. J.
 27/11/20

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Statement of Fahad Shah (Computer Operator / Head Clerk AC Office):-

Written statements dated 02.11.2020, 05.11.2020, 11.11.2020 and questionnaire dated 09.11.2020 of Mr. Fahad Shah are placed on file vide Flag-III in which he stated that he has no concern or knowledge regarding the suspicious cheque bearing No.24459875 dated 02.10.2020. Moreover, the written statement dated 29.10.2020 submitted in AC office by him was not under his will and was signed under undue pressure without his consent. During cross questions before inquiry committee, he stated that he has no concern about the two cheques issued and deposited in his account and also writing / signature and cell no mentioned on the cheque deposit slip were not belonged to him. Furthermore, his brother & cousins from abroad sent him money (1 or 2 lac) in his bank account time to time and also payment are being deposited in his account from online projects due to which he was unaware about the deposit /transfer of these two cheques from relief account to his account.

During personal hearing, the inquiry officer questioned him that Mr. Aqeel Khan against whom the cheque of Rs. One Million was issued, during investigation before Police, stated that the said cheque was deposited in his account by the younger brother of Fahad Shah who is his close friend and has no knowledge of deposit of cheque in his account. In response, Fahad Shah replied that he has no concern with Aqeel Khan in respect of cheque regarding which inquiry is under process, however, he is friend of his younger brother and also often visited his office for sake of his different type of works and also some time bring lunch box for him in the office.

Statement of Jameel Ahmed (Naib Qasid AC Office):

Written statements dated 02.11.2020, 05.11.2020 and questionnaire dated 09.11.2020 of Mr. Jameel Ahmed are placed on file vide Flag-IV in which he stated that he has no concern or knowledge regarding the suspicious cheque bearing No.24459875 dated 02.10.2020. Moreover, the written statement dated 29.10.2020 submitted in AC office by him was not under his will and was signed under undue pressure without his consent and also pressurizing him to stand on his previous statement. On question by inquiry officer that does he has any knowledge that eight cheques have been issued from relief account in his name, he stated that those affectees who did not have any bank account, AC Abbottabad issued cheques in the name of Naib Qasids of AC office, which was withdrawn from their bank accounts and cash amount handed over to AC Abbottabad for payment to affectees which is normal practice / exercise in AC office.

S. J. J. J.
27/11/20

Attested
27/11/20

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Statement of Adil Younis (Naib Qasid AC Office):

Written statements dated 02.11.2020, 05.11.2020 and questionnaire dated 09.11.2020 of Mr. Adil Younis are placed on file vide Flag-V, in which he stated that he has no concern or knowledge regarding the suspicious cheque bearing No.24459875 dated 02.10.2020. Moreover, the written statement dated 29.10.2020 submitted in AC office by him was not under his will and was signed under undue pressure without his consent and also pressurizing him to stand on his previous statement. On question by inquiry officer that does he has any knowledge that nine cheques have been issued from relief account in his name, he stated that those affectees who did not have any bank account, AC Abbottabad issued cheques in the name of Naib Qasids of AC office which was withdrawn from their bank accounts and cash amount handed over to AC Abbottabad for payment to affectees which is normal practice / exercise in AC office.

Statement of Yasir Asghar (Naib Qasid AC Office):

Written statements dated 05.11.2020 and questionnaire dated 09.11.2020 of Mr. Yasir Asghar are placed on file vide Flag-VI, in which he stated that he has no concern or knowledge regarding the suspicious cheque bearing No.24459875 dated 02.10.2020 and also did not know the person to whom the cheque was issued. On question by inquiry officer that does he has any knowledge that eight cheques have been issued from relief account in his name, he stated that AC Abbottabad alongwith their staff (i.e Mr. Waqas Khan, Relief Branch & Mr. Adnan, Reader AC Abbottabad) gave cheques to him, after withdrawal from bank the cash was being handed over to them.

Statement of Shahbaz Saleem S/O Muhammad Saleem R/O Upper Malik Pura, District, Abbottabad (Private Person):

Written statement / questionnaire dated 16.11.2020 of Mr. Shahbaz Saleem is placed on file vide Flag-VII in which he stated that he is medical rep in Pharmaceutical Company (Efroze Chemical Industry). On question from inquiry officer that three cheques have been transferred in his account from relief account, what is his stance about all this, he stated that he often visited AC office where Waqas Khan told him that some of the affectees who did not have their bank accounts, for their facilitation he requested him to use his account for withdrawal of cheques so that the cash amount may be paid to affectees. After withdrawal, without any share of him, he handed over the whole amount to Waqas Khan. On a question, he stated that he did not know any affectee to whom behalf the amount being withdrawn from bank. He further stated that he did not sign on any acquaintance roll for collection / receiving of cheques.

Saleem
22/11/20

Affected
Advocate
[Signature]

[Signature]

Statement of Qaiser Shahzad S/O Muhammad Mustafa R/O Nis Mohallah Sheikh ul Bandi, District, Abbottabad (Private Person):

Written statement / questionnaire dated 16.11.2020 of Mr. Qaiser Shahzad is placed on file vide Flag-VIII On question from inquiry officer that eight cheques have been transferred in his account from relief account, what did you say about this, he stated that he often visited AC office where Waqas Khan handed over these cheques to him, after withdrawal from bank the cash was handed over to Mr. Waqas Khan for further payments to affectees, initially the same was paid to one of the old affectee by Mr. Waqas Khan in front of him due to which he trusted on Mr. Waqas and he committed all this on humanitarian ground.

FINDINGS:

- 1) Relief Assistant, Mr. Waqas Khan, being principal custodian of the record of relief branch and cheque books, becomes the principal accused in the light of statements given by all other persons included in the enquiry and in light of the available record perused by this inquiry committee. One private beneficiary, Junaid Khan, who is reportedly the cousin / brother in law of Waqas Khan, failed to appear before the Inquiry committee despite being summoned and Waqas Khan has denied knowing him in his statement which shows his deliberate concealment of facts before the inquiry committee. The other private beneficiaries namely Shahbaz Saleem and Qaisar Shehzad, have named Waqas Khan in their statements, as the person who used to provide them with cheques from the relief account. Similarly, copies of cheques issued to beneficiaries in question show a clear pattern of irregular issuance and difference in signatures from those of AC Abbottabad which show that they have been issued without his knowledge and this practice of embezzlement could have continued had it been not noticed and reported by AC Abbottabad to DC Abbottabad. In addition to this, he has expressed ignorance about the suspicious cheque bearing No.24459875 dated 02.10.2020 despite being the custodian of all the cheque books of relief branch and preparing cheques from the same cheque book for payment of special compensation to affectees of ATH just a few days before the issuance of this suspicious cheque which again shows hiding of facts by him. Waqas Khan also failed to satisfy the Inquiry committee during proceedings and tried to evade most of the questions put forward to him. Hence, a formal enquiry under E&D Rules be initiated against him.

S. J. J. 27/11/20

Attested
Muhammad A. Shah
Advocate
Office No. 333
District Abbottabad

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- 2) Mr. Jamil Ahmad, Mr. Yasir Asghar and Mr. Adil Younis, NQs in AC Office, Abbottabad, being beneficiaries of government funds, have been found accomplice in this whole episode of financial embezzlement organised by Mr. Waqas Khan, Relief Assistant, hence liable to be proceeded against E&D Rules. They failed to report this embezzlement being committed by Waqas Khan to AC Abbottabad and instead benefitted from it by being a part of it. They have also changed their statements submitted before AC Abbottabad during the preliminary inquiry conducted by him and those submitted before this inquiry committee showing a conflict in their stance. As per record of payments made by relief branch examined by this committee, no payments have been made to affectees in cash, just cross-cheques are issued by AC Abbottabad/DC Abbottabad in the name of affectees, which also shows that their statements are concocted and misleading.
- 3) Mr. Fahad Shah, Computer Operator, AC Office, beneficiary of two cheques, stated that the cheques have been deposited in his account by Mr. Waqas Khan, Relief Assistant, without his consent and knowledge. However, his role in further investigation cannot be ruled out, particularly with respect to his connection with Aqeel Khan (Private person), and he cannot be exempted from further investigation.
- 4) As far as the private persons are concerned, they have abetted Waqas Khan in the embezzlement of public funds without being entitled for it or being genuine beneficiaries in any context, hence, liable to be criminally proceeded against by the relevant agency for recovery of public money.
- 5) The matter needs to be sent to Anti-Corruption Establishment for lodging criminal proceedings against the perpetrators in order to prosecute the employees as well as the private persons besides providing for a mechanism of the recovery of the embezzled amount.

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[Signature]

Addr: Deputy Commissioner (R/HR) / Inquiry Officer
Abbottabad

[Signature]

Addr: Deputy Commissioner (General) / Inquiry Officer
Abbottabad

27/4/20

Encl: 235 (In Original)

[Signature]
Muhammad Arshad
Advocate
Office No. 22



OFFICE OF THE
DEPUTY COMMISSIONER
ABBOTTABAD

No. 1189 /2/3-EB

Dated: 25 / 02 / 2021

SHOW CAUSE NOTICE

P-22

I, Muhammad Mughees Sanaullah, Deputy Commissioner Abbottabad, as competent authority, under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011, do hereby serve you Mr. Jameel Ahmed the then Naib Qasid AC Office, as follows:-

1.

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

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

- a. Serious allegations regarding embezzlement of Government money (Relief Fund) stands established/proved against you.
 - b. Misconduct.
 - c. Guilty of corruption.
2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you any of the penalties as defined under rule 4 of the said rules.
 3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
 4. If no reply to this notice is received within seven days of its delivery, it shall be presumed that you have no defence to put in, and in that case an ex-parte action shall be taken against you.
 9. A copy of the findings of the Enquiry Committee is enclosed.

Mr. Jameel Ahmed (Naib Qasid),
R/O Mangal, Abbottabad.

Muhammad Arshad
Advocate High Court
Office No. 83 Adil
District Abbottabad

Deputy Commissioner
Abbottabad

عنوان:- جواب شوکاژ نوٹس نمبری ED-1188/2/3 مورخہ 25-02-2021

جناب عالی! درخواست ذیل عرض ہے۔

۱۔ یہ کہ سائل نے ریلیف فنڈ سے ایک روپیہ بھی اپنی ذات کے لئے نہ لیا ہے اور نہ ہی استعمال کیا ہے۔ یہ درست ہے کہ میرے اکاؤنٹ میں ریلیف فنڈ کے پیسے جمع ہوئے ہیں مگر جتنی رقم کا چیک جمع ہوا وہی رقم میں نے اکاؤنٹ میں آنے کے بعد کیش نکلو کر، وقاص صاحب کے حوالے کر دیے تھے۔ اس میں میری ذات کو کسی قسم کا کوئی مالی فائدہ نہ ہوا ہے کیونکہ نائب قاصد کا کام اپنے سینئر افسران کی ڈیوٹی سرکاری حکم سمجھ کرتے رہے ہیں۔ اکثر اوقات وقاص صاحب ہمارے سامنے چیک بک اے سی صاحب کے کمرے میں ان کے پاس لے کر جایا کرتے تھے اور اے سی صاحب سے دستخط کروا کر واپس لاتے اور چیک مجھے دیتا تھا یہ کہہ کر کے اے سی صاحب کہہ رہے ہیں کہ یہ چیک اپنے اکاؤنٹ میں جمع کراؤ اور کیش کے آنے کے بعد جس طرح سے وقاص صاحب حکم دیتے اتنی ہی رقم نکلو کر کے وقاص صاحب کو دیے دیتے تھے اور اوپن چیک کے ساتھ ہمارا کوئی لین دین نہیں ہے۔

۲۔ یہ کہ سائل ایک غریب گھرانے سے تعلق رکھتا ہے میری تنخواہ سے میرے گھر کے اخراجات چلتے ہیں۔ سائل کو اس معاملے سے کوئی لینا دینا نہیں ہے سائل اس معاملے میں ذہنی کوفت و پریشان ہے۔ آپ جناب سے درخواست ہے کہ میں کسی بھی قسم کی سزا کا مستحق نہیں ہوں۔ لہذا مہربانی فرما کر میرے ساتھ نرمی والا معاملہ کیا جائے۔ میں آپ جناب سے مل کر بھی تفصیلات بتانے کی خواہش رکھتا ہوں۔

لہذا استدعا ہے کہ سائل کو انصاف فراہم کیا جائے۔

المرقوم: 03/2021

العارض

جمیل احمد ولد گل زمان --- سائل

Jameel Ahmed

Attested
Muhammed Arshad
Advocate High Court
No. 23 Aizawl
Dated: 03/02/2021

Annex - B

P-24



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No. Secy/CHD/Etab/3/5/2072-74

Dated: 04th February, 2021

Phone No: 0992-9310335

Fax No. 0992-9310500-265

Commissionerhr2

commissionerhazara@gmail.com

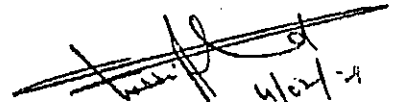
Commissionerhazara

To

The Deputy Commissioner,
Abbottabad.

Subject: INQUIRY AGAINST EMBEZZLEMENT IN RELIEF ACCOUNT
OF DEPUTY COMMISSIONER OFFICE ABBOTTABAD.

Memo: Reference your office Notification No. 5246-52/2/3-EB dated 04-12-2020 and to enclose herewith a formal inquiry report conducted by undersigned & Mr. Tariqullah, Additional Deputy Commissioner (F&P) Abbottabad regarding suspicious transaction/embezzlement from relief account of Deputy Commissioner Office Abbottabad (report in original & containing 293 pages) for further necessary action, please.


4/02/21

(Shabbir Ahmad)

Secretary to Commissioner
Hazara Division Abbottabad

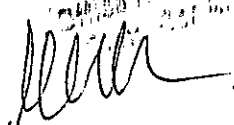
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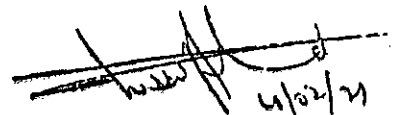
Copy forwarded for information to the:

1. PS to Commissioner Hazara Division, Abbottabad.
2. Additional Deputy Commissioner (F&P) Abbottabad



Muhammad Arshad
Advocate High Court
C.A. No. 33/2021




4/02/21

Secretary to Commissioner
Hazara Division Abbottabad



COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No: Secy to CHD/3/5/2075
Dated 04/02/2021

INQUIRY REPORT

The Deputy Commissioner Abbottabad appointed a fact finding inquiry consisting of Mr. Muhammad Abid Additional Deputy Commissioner (Relief) Abbottabad & Mr. Shahab Muhammad, Additional Deputy Commissioner (G) Abbottabad vide Notification No. 6282-87/PS dated 27-10-2020. The inquiry committee inquired about a suspicious transaction from Relief Account of Deputy Commissioner Office Abbottabad through a Cheque No. 24459875 dated 02-10-2020 amounting one Million. The fact finding inquiry committee submitted inquiry report to Deputy Commissioner Abbottabad vide letter No. 6764 dated 27-11-2020 containing 235 pages report. Copy annexed as "A". Whereupon, the Deputy Commissioner Abbottabad notified a formal inquiry Committee consisting of Mr. Shabbir Ahmed, Secretary to Commissioner Hazara Division & Mr. Tariqullah, Additional Deputy Commissioner (F&P) Abbottabad to conduct formal inquiry regarding suspicious transaction/embezzlement from relief Account of DC office Abbottabad (Annexed as "B"). The Suspension orders alongwith charge sheets & statement of Allegations in respect of following officials and fact-finding inquiry report were also provided to inquiry committee:

- I. Mr. Waqas Khan, Computer Operator.
- II. Mr. Fahad Shah, Computer Operator.
- III. Mr. Yasir Asghar, Chowkidar.
- IV. Mr. Jameel Ahmed Naib Qasid.
- V. Mr. Adil Younis, Naib Qasid

Original documents/record containing Acquaintance Roll of 388 compensation cases of rain damages 2015, Cash Book relief fund (Moonsoon/Flood), Cheque Books No. 14, 16, 17, Note Sheets, Ambreen case file, ATH Case file, & Affidavits of 11 lists were handed over to inquiry committee. Copies of receiving annexed as 'C' & 'E'.

PROCEEDINGS:

The above accused and Mr. Afsar Ali Shah GIS Analyst, DC office Abbottabad were summoned to appear before inquiry committee for formal interrogation. The above accused submitted their defense statements before the committee. During the proceedings following private persons to whom relief Cheques were issued on pretext of helping the affectees having no bank account, were also called to submit their written statement to answer questionnaire pertaining to inquiry:

Muhammad
Advocate High
Office No. 33 Adm
Abbottabad

1. Aqeel Khan Jadoon s/o M. Fayaz r/o Sheikh-ul-Bandi Abbottabad.
2. Qaiser Shezad s/o M. Mustafa r/o Sheikh ul Bandi Abbottabad.
3. Shahbaz Saleem s/o M. Saleem r/o Upper Malik Pura Abbottabad.
4. Tahir Asghar s/o Ali Asghar r/o Kehal Abbottabad.
5. Jazib Shah s/o Muhazam Shah r/o Sheikh-ul-Bandi Abbottabad.

Whereas, following remaining private persons were called through District Police Officer Abbottabad to appear before inquiry committee vide letter No. CHD/Estb/3/5/257-59 dated 04-11-2021:

1. Junaid Khan s/o Bashir Khan r/o Kali Dhar Data Abbottabad.
2. Fiaz Muhammad r/o Majhohan Tehsil Havelian District Abbottabad.
3. Shah Nawaz s/o Aslam Khan r/o Chotiala Tehsil Havelian.
4. Ali Asghar s/o Kala Khan r/o Qalandar Abad, Tehsil & District Abbottabad.
5. Zaheer Ahmed s/o M. Gulzar r/o GulDhok Dhamtour Abbottabad.

Among these persons at S. # 1-3 appeared before committee & recorded their statements whereas at S.# 4 & 5 were not produced by police department Abbottabad.

STATEMENT OF MR. WAQAS KHAN (COMPUTER OPERATOR)

Mr. Waqas Khan submitted his written statement before the inquiry committee on 18-12-2020 alongwith bank statement of his Account No. 03014040640428 in National Bank. In his statement he vehemently denied the charges leveled against him in charge sheet. He stated that he was never custodian of the record of Relief Branch. As per his statement the Deputy Commissioner, Abbottabad vide order No. 9323-30 dated 13-11-2019 constituted a committee for the payment of compensation to the affectees of house damages. Committee was consisting of Accounts Officer, DC office Abbottabad, DRA Abbottabad & Incharge Relief Section. In this order the TORs/responsibilities were assigned to each. However nobody was nominated by name for Incharge Relief Branch. The TORs for Relief incharge were meant for that person responsible for carrying out routine work of Relief branch.

In his statement he also denied for acquaintance with Mr. Aqeel Khan and never issued Cheques to Naib Qasid or private persons as he was not any authority to issue Cheques & make payments. He also stated that payment of expenditures during COVID-19 were from the relief account was totally negotiated with private persons and contractors by Assistant Commissioner on his own terms & wishes. He also accused the Assistant Commissioner for holding the whole record in his custody at personal residence till 15-12-2020. He quoted an open cheque No. 24459920 dated 13-2-2020 issued to Mst. Ansar Mahroof Jan. He also alleged for double payments to affectees against the PDMA policies namely Mst. Bibi Ishaqwd/o Ghulam Hussain r/o Kotlian and Mst. Ghazala Bibi w/o Shah Nawaz r/o Chotala Bodla.

Multimedia
Advocate
Office No: 23 Adm
Distt. Dar. Abbottabad

(Signature)

He also alleged that the fact finding inquiry committee failed to conclude the suspicious transaction of one million through cheque No. 24459875 dated 02-10-2020 for which the fact finding committee was ordered. Moreover, Mr. Aqeel the accused of aforesaid one Million Cheque was also not called by the committee for recording statement about the alleged cheque. He affirmed in statement that he has carried out tasks other than his job responsibilities on pursuance of AC Abbottabad/DDMO being his reporting officer.

However, after going through the statements of other accused and documentary evidences on record, the committee again provided an ample opportunity to defend his case and called him vide letter No. CHD/Estb/3/5/800-02 dated 13-1-2021 (Annexed-R). However, he failed to appear before committee. He was again served with Final Notice for appearance before inquiry committee to answer the questionnaire vide No. CHD/Estb/3/5/1081-84 dated 20-1-2021 (Annexed-S) but he did not appear before the committee.

STATEMENT OF MR. FAHAD SHAH (COMPUTER OPERATOR)

~~Mr. Fahad Shah~~ Mr. Fahad Shah with response to his allegations for being unauthorized beneficiary from relief account through cheque No. 24459824 dated 22-6-2020 & No. 24459828 dated 23-6-2020 submitted reply that these Cheques were not credited by him in his bank account & was unaware of crediting Rs.200000/- in his account through these Cheques. He enclosed copy of vouchers of both Cheques & disclaim the signatures therein. Regarding Aqeel Khan Statement in Police station he stated that his biased statement was recorded with corrosions under undue influence which is unlawful & unjustifiable. He also enclosed bank statement of his account at National Bank which confirms that Rs. 200000/- were credited in his account on 01-9-220 and were drawn thereafter.

A questionnaire was also served to Mr. Fahad Shah on 18-1-2021 wherein he accepted two Cheques of relief section credited to his personal bank account but held that he unaware about source of said credited amount which is still in his possession. He replied to a question that during 2020 the relief section and PMRU were sitting in the AC office with his personal staff.

STATEMENT OF MR. AFSAR ALI SHAH, GIS ANALYST, DC OFFICE ABBOTTABAD.

He submitted that the Ex-DC Abbottabad posted him in relief branch on 14-11-2019 but he neither assumed charge nor perform any duty in relief section.

STATEMENT OF MR. YASIR ASGHAR (CHOWKIDAR/NAIB QASID)

He submitted his written statement on 14-12-2020 that he has used his personal bank account for transaction of relief cheque however, he has handed over the drawl amount to Assistant Commissioner Abbottabad and Mr. Waqas Khan & Mr. Adnan & that most of the amount was given to Mr. Waqas Khan. He also submitted

Mahmood Ali
Attested
Sd/-
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is witness of Mr. Waqas Khan bringing cheque books to the AC Abbottabad to get Cheques signed and then asking him that Assistant Commissioner has ordered to cash the cheque through your personal account. Later on a questionnaire was also served to Mr. Yasir Asghar on 05-1-2021 wherein he accepted that Mr. Waqas Khan has given him Cheques in his name which he deposited in bank account and then cash was handed over to Mr. Waqas Khan. Whereas, Mr. Waqas Khan provided him the amount deducted as withholding tax upon transaction of these Cheques from his account. He also reiterated his earlier version of receiving a cheque of Rs. 3200 from Mr. Aanaa.

Another significant statement of Yasir Asghar is for receiving open Cheques of Rs. 650000/-. In response to a questionnaire on 02-2-2021 he stated that the open Cheques of Rs. 650000/- were not cashed by him. He has no knowledge of these Cheques. The ex-manager of Khyber Bank may be asked as CNIC of other persons were also misused to cash Cheques.

STATEMENT OF MR. JAMEEL AHMED (NAIB QASID)

He submitted his written statement on 14-12-2020 that he has used his personal bank account for transaction of relief cheque however, he has handed over the cash to Assistant Commissioner Abbottabad & Mr. Waqas Khan. Most of the amount was given to Mr. Waqas. He also submitted that he is witness of Mr. Waqas Khan bringing cheque books to the AC Abbottabad to get Cheques signed and then asking him that Assistant Commissioner has ordered to cash the cheque through your personal account. Mr. Jameel Ahmed also disclaims his earlier statement on 29-10-2020 obtained by AC Abbottabad and held it to be taken forcefully. In that statement he had accused only Mr. Waqas Khan for giving him relief Cheques.

He was served with a questionnaire on 05-1-2021 wherein he rebound to his earlier statement submitted before Assistant Commissioner Abbottabad on 29-10-2020 and held his statements presented before both inquiry committees on demand of Mr. Waqas Khan. He admitted for transaction of only Rs.800000/- in respect of relief Cheques but denied for remaining amount Rs.500000/- particularly the open cheque of Rs.300000/-.

STATEMENT OF MR. ADIL YOUNIS (NAIB QASID)

He submitted his written statement on 14-12-2020 that he has used his personal bank account for transaction of relief cheque however, he has handed over the cash to Assistant Commissioner Abbottabad and Mr. Waqas Khan & most of the amount was given to Mr. Waqas Khan. He also submitted that he is witness of Mr. Waqas Khan bringing cheque books to the AC Abbottabad to get Cheques signed and then asking him that Assistant Commissioner has ordered to cash the cheque through your personal account. He also disclaimed his earlier statement on 29-10-

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Muhammad Arif
Advocate High
22/12/2020

obtained by AC Abbottabad and held it to be taken forcefully. In that statement he had accused only Mr. Waqas Khan for giving him relief Cheques.

He was served with a questionnaire on 05-1-2021 wherein he rebound to his earlier statement before Assistant Commissioner Abbottabad on 29-10-2020 and held about his statements presented before both inquiry committees on demand of Mr. Waqas Khan. With regard to relief Cheques a total transaction of Rs. 1300000/- was made through his personal account out of which 03 Cheques were open Cheques of amount Rs. 700000/-. He admitted the transaction of relief Cheques in questionnaire.

STATEMENT OF MR. AQEEL KHAN(Private Person)

He was the principal accused of the case as the matter of embezzlement of relief fund was brought into light because of suspicious cheque of 01 million in the name of Mr. Aqeel Khan. He appeared before inquiry committee on 11-1-2021 & was served with a questionnaire. He admitted in reply that he is friend of Fahad Shah but also has familiarity with Waqas Khan. He also replied to a question that two Cheques of Rs. 200000/- were in his knowledge but the alleged Cheque No. 24459875 dated 02-10-2020 for Rs.1000000/- was not in his knowledge. He stated that his statement recorded in Police station was not his own statement but was a fabricated statement. He further stated that Rs. 200000/- were credited into his bank account for the reason that once he visited the AC office where he saw a lady crying for relief fund approved in her name but due to non availability of bank account in her name she was unable to receive the relief cheque. He asked Mr. Waqas Khan to help her out who asked him to get these two Cheques of lady cashed through his personal account. Next day he gave his personal amount of Rs.200000/- to Mr. Waqas Khan who in front of him handed over the amount to lady. Whereas, both relief Cheques were deposited in his account by Waqas Khan.

Similarly, in response to the question of cheque No. 24459875 dated 02-10-2020 amounting Rs.1000000/- Mr. Aqeel Khan submitted that he neither deposited this cheque into his account nor withdraw its cash. It came to his knowledge when got SMS alert on mobile for returning of a cheque on 23-10-2020. Whereupon, he went to his bank and the bank officials handed over the said cheque to him. When he asked Mr. Waqas Khan about that cheque he said cheque of one Million was wrongly issued in his name. It was actually for another person namely Mr. Akmal. Therefore, the cheque was given to Mr. Waqas Khan.

STATEMENT OF MR. QAISER SHEZAD (Private Person)

He appeared before inquiry committee on 11-1-2021 and was served with questionnaire & in response of that he submitted that he himself received 08 relief Cheques of Rs. 800000/- from Mr. Waqas Khan and deposited in his personal account. After Two or three days those Cheques were cashed by him & amount was

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Office No. 33 Adl
Abbottabad

ed over to Mr. Waqas Khan. Cash was usually given to Waqas Khan outside his office at different places.

STATEMENT OF MR. SHAHBAZ SALEEM (Private Person).

He appeared before inquiry committee on 08-1-2021 and was served with questionnaire & in response of that he submitted that he himself received 03 relief Cheques of Rs. 1000000/- including one open cheque, from Mr. Waqas Khan and deposited in his personal account. After two days those Cheques were cashed by him & amount was handed over to Mr. Waqas Khan. Moreover, he denied the submission of any affidavit in office of Deputy Commissioner, Abbottabad on 16-11-2020 and copy thereof provided by fact-finding inquiry at page-222. In the said affidavit Mr. Shahbez Saleem stated that his statement before Additional Deputy Commissioner was on undue pressure of SHO, PS City & was against his will and facts. He received relief Cheques from Naib Qasids. He just knew that these Cheques are issued by AC as other Naib Qasid also receive them from AC.

STATEMENT OF MR. JUNAID KHAN (Private Person).

He appeared before inquiry committee on 11-1-2021 and was served with questionnaire wherein he submitted that he is cousin of Waqas Khan. He received 07 relief Cheques amounting Rs.700000/- from his friend namely Yasir Asghar Naib Qasid who requested him that being government official he is unable to cash them. Therefore, he deposited these seven Cheques into his personal account and handed over cash to Mr. Yasir Asghar. Moreover, as per written statement of Mr. Junaid Khan he had been working as Arzi Naweess in District Katcheri Abbottabad.

STATEMENT OF MR. JAZIB SHAH (Private Person)

He appeared before inquiry committee on 11-1-2021 and was served with questionnaire wherein he submitted that he is real brother of Fahad Shah and friend of Aqeel Khan who is also his business partner. He denied for receiving any cheque or cash from relief account. He also denied for any cash withdrawal from Aqeel Khan's account rather he obtained his account number for money transfer from abroad but that could not be transferred. He also submitted his written statement on 17-12-2020 with same version.

STATEMENT OF MR. FAYAZ KHAN (Private Person).

He was one of the beneficiaries as pointed out by fact finding inquiry committee. As per record a relief cheque No. 24459831 dated 19-6-2020 was issued in his name and was cashed as well. Mr. Fayaz Khan submitted his written statement before instant inquiry committee on 25-1-2021 and stated that his house was damaged in 2005 due to earth-quake. His application was pending in DC office Abbottabad. However, he received a call in start of 2020 that relief fund has been approved and we may receive. However, Mr. Waqas Khan informed him that another person on your part has already received an amount of Rs. 150000/- whose father

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... was same as yours. Then again after 7-8 months on inquiring Mr. Waqas Khan informed him to receive the relief cheque of 50000/- which was cleared in his bank on 03-9-2020 as per his bank statement. However, in the acquaintance roll cheque was received by Mr. Anayatur Rehman's/o Ghani. However, Mr. Fayaz Khan showed unfamiliarity to him in statement.

STATEMENT OF MR. TAHIR ASGHAR (Private Person).

He appeared before inquiry committee on 14-1-2021 and was served with questionnaire wherein he submitted that he is the real brother of Yasir Asghar Naib Qasid & is a student. He never received or cashed any relief cheque. He also has no knowledge of open cheque No. 24459940 dated 13-2-2020 rather his CNIC was misused to cash the ibid cheque. He also stated that Mr. Waqas Khan has misused his CNIC copy because his documents were got attested from Mr. Waqas Khan for purpose of domicile & card translator.

STATEMENT OF MR. SHAH NAWAZ (Private Person).

He was one of the beneficiaries as pointed out by fact finding inquiry committee. As per record an Open relief cheque of Rs. 100000/- bearing No. 24459923 dated 04-3-2020. Mr. Shah Nawaz appeared before inquiry committee on 25-1-2021 and submitted statement that he was informed in start of 2020 that relief fund has been approved. When he approached AC office he was demanded for 5000/- and after that he was given a cheque of Rs. 50000/- as relief fund by Assistant Commissioner Abbottabad.

As per Bank statement of Relief Account the above cheque No. 24459923 dated 04-3-2020 was an open cheque and was cashed on 14-4-2020.

STATEMENT OF BANK CASHIER MR. ASFAND YAR KHAN , KHYBER BANK ABBOTTABAD

While going through the available record, facts and statements of the accused persons many question arises on involvement of Bank employees in the embezzlement of relief fund. Therefore, to ascertain the Bank authorities were asked to direct the cashier of the bank to appear before inquiry committee vide letter No. secry to CHD/3/5/1251-53 dated 22-1-202. Hence, Mr. Asfand Yar Khan, then Cashier Khyber Bank appeared before inquiry committee on 25-1-2021 and were served with questionnaire. He submitted that he was posted in Khyber Bank till June 2020. Most of the open Cheques of relief section were cashed during his posting period. He further stated that he was responsible for verification of only open Cheques whereas Cheques meant for clearing were verified by clearing officer. Mr. Asfand Yar Khan further confirmed that the payments on open relief cheques were made to the persons to whom these Cheques were issued. However, in reply to another question he stated that in case if the Bearer on cheque is crossed then no

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Other person can attempt to cash that cheque but only the actual person. Whereas, as per copies of open Cheques provided by Khyber Bank bearer on these open Cheques were not crossed and information/ID Card were stamped as "Original Seen".

STATEMENT OF MR. MUJTABA ARAFAT KHAN, ASSISTANT COMMISSIONER ABBOTTABAD.

In order to ascertain the facts and cross examination of the statements produced by all accused and documents on record it was imperative to bring the statement/questionnaire of controlling authority of the relief section viz Assistant Commissioner Abbottabad who is also authorized to act as District Disaster Management Officer to reach impartial, judicious & cogent results. Therefore, he was asked vide letter No. Secy/Estb/1424-26 dated 22-1-2021 to appear before inquiry committee. However, vide letter No.253/ACA dated 26-1-2021 he intimated for relying on his earlier statement presented before fact-finding inquiry on 05-11-2020.

FINDINGS:

1. All the material facts on record transpire that Mr. Waqas Khan was principal custodian of the record of relief section & was entrusted with the responsibilities of Relief Section. He was carrying out all correspondences related with relief fund disbursement procedures and related computer tasks. Therefore, allegations leveled against him in his charge sheet vide Para 1 & 2 stand proved. Mr. Waqas Khan being senior-most official was looking after the work of relief branch since his order issued by DC Abbottabad vide No. 9371-74 dated 14-11-2019.
2. The statements of Naib Qasids & private persons indicate that Mr. Waqas Khan handed over Cheques to them & received cash which confirm that Mr. Waqas Khan is prime culprit and allegations at Para 3 of charge sheet also stand proved.
3. Similarly, Para 4 of charge sheet also stand proved for the reason that Mr. Junaid Khan being unauthorized for relief fund was confirmed for receiving relief Cheques during inquiry proceedings however, he deliberately concocted his statement to save Mr. Waqas Khan being his cousin and pointed out the name of Mr. Yasir Asghar Naib Qasid in his statement.
4. Private person Mr. Aqeel Khan during inquiry stated that he got the relief Cheques from Mr. Waqas Khan including the alleged Cheque of one million. But Mr. Waqas Khan in his written statement stated that he does not know any person named Aqeel Khan. Therefore, Para 5 of charge sheet also stand proved. Mr. Waqas Khan also manipulated the remaining staff and private persons of his acquaintance in misappropriation and embezzlement of relief fund.
5. Entries in acquaintance roll have been found incomplete & thumb impression & signatures of fake people as evidenced in case of Mr. Fiaz Khan who received

Cheque of Rs.50000/- with No. 24459831 dated 19-6-2020 but in acquaintance roll the entry against the said Cheque has been shown as Mr. Anayatpur Rehman s/o Ghani. However, Mr. Fayaz Khan showed unfamiliarity with Anayatpur Rehman in statement. Mr. Waqas Khan is responsible for such malpractice of tempering acquaintance roll of 388 cases of House damages 2015. Therefore, all the allegations leveled against Mr. Waqas Khan stand proved.

6. Beside the above entries for double payments in said acquaintance roll have also been found. Two Cheques for double payment were issued as in case of Ghazala bibi a Cheque of Rs,50000/- through No. 24515368 was issued and payment was made on 25-2-2020. Similarly, in acquaintance roll at S,# 324 she has been shown as receiving another Cheque No. 24515595 of Rs.100000/-.
7. The charges leveled against all the staff including Computer Operators & Naib Qasids in their charge sheets have been stand proved/confirmed however, by drawing inferences, the Naib Qasid might have not got all amount of cheque(s) as they handed over cash to Mr. Waqas Khan however chance of their share/benefit may not be ruled out.
8. Mr. Jameel Khan & Mr. Adil Younis Naib Qasids deliberately changed their statements which shows that they concealed the facts from committee.
9. The statements of all private persons also confirmed that they received & cashed relief Cheques. Although they held for handing over Cheques amount to Mr. Waqas Khan however, it indicates that involvement of Private persons was surely for the sake of some monetary benefits.
10. Relief Cheques of Rs. 200000/- in the name of private person Mr. Aqeel Khan & Rs. 200000/- in the name of Qaiser Shezad were issued on the same day viz 12-7-2020.
11. During proceedings the role of Khyber Bank authorities have been found for overlooking many things. While clearing relief Cheques the signatures were not verified especially for the Cheques amounting above Rs.100000/-.
12. The Bank of Khyber detained one million Cheque No. 24459875 dated 02-10-2020 issued in the name of Mr. Aqeel Khan due to signature difference. However, signatures on previous two Cheques issued to Mr. Aqeel Khan i.e Cheque No. 24459869 dated 12-7-2020 & 24459871 dated 12-7-2020 were cleared despite of signature differences on both.
13. Mr. Fahad Shah during inquiry also accepted for being unauthorized beneficiary from relief account of Rs.200000/- and he is ready to return the amount. Although he has shown ignorance about crediting these Cheques into his account however, role of his friend Aqeel Khan and brother Jazib Shah also pointing towards the involvement of all.

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14. The cross Cheques among 54 relief Cheques under investigation were showing more than a month time gap between their issuance & clearance from banks as all the accused & bank cashier in their statements confirmed that all Cheques were cleared within 2-3 days after depositing in banks. It shows a gross negligence & incompetency towards such an important duty of relief section due to which general public suffers.
15. Total 14 open Cheques were issued however; only 12 open Cheques were brought on record by fact finding inquiry.
16. Unnecessary cheque books were used. Acquaintance roll & Cash book were not signed by the Assistant Commissioner/DDMO.

RECOMMENDATIONS

From the perusal of record presented before committee, written statements, answers of questionnaires, cross examinations/interrogations etc, it is recommended that:

1. Mr. Waqas Khan Computer Operator, office of Assistant Commissioner Abbottabad for guilty of misconduct & corruption render him for imposition of Major penalty of Dismissal from Service as envisaged in Rule 4 (1) (b-IV) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Moreover, Anti-Corruption Authorities may also be informed for his removal from service & recovery of embezzled amount of relief section.
2. Mr. Fahad Shah Computer Operator, Assistant Commissioner Office Abbottabad during proceedings, it transpires that he was also involved in embezzlement. He was beneficiary of two Cheques of Rs. 200000/- & soon after he cashed those Cheques therefore, his stance for being unaware of the relief Cheques into his personal account is not cogent reason. Moreover, his connection with a private person Mr. Aqeel Khan & then with Waqas Khan pointing towards his role as accomplice in the embezzlement. Similarly, statement of Aqeel Khan before police regarding involvement of Mr. Jazib Shah, real brother of Fahad Shah is also suspecting him. Since, he was beneficiary of Rs. 200000/- & accepted to return the amount therefore, he is liable for Major penalty of Removal from service as envisaged in Rule 4 (1) (b-III) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Moreover, Anti-Corruption Authorities may also be informed for recovery of embezzled amount on his part.
3. Mr. Yasir Asghar Chowkidar/Niab Qasid, Assistant Commissioner Abbottabad the unauthorized beneficiary of Rs. 1450000/- from relief fund has proved himself for irresponsible official & naive towards his job description/duties & using his personal account for relief Cheques without sensing its gravity &

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negligence for not bringing the matter into the notice of higher authorities. However, during proceedings it has been observed that he was manipulated by Mr. Waqas Khan and he also handed over cash to Mr. Waqas Khan therefore, the imposition of Minor penalty of stoppage of 03 Annual Increments with accumulative effect as envisaged in Rule 4 (1) (a-II) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 is recommended.

4. Mr. Jameel Ahmed Niab Qasid, Assistant Commissioner Abbottabad the unauthorized beneficiary of Rs. 1300000/- from relief fund has proved himself for irresponsible official & naive towards his job description/duties & using his personal account for relief Cheques without sensing its gravity & negligence for not bringing the matter into the notice of higher authorities. However, during proceedings it has been observed that he was manipulated by Mr. Waqas Khan and he also handed over cash to Mr. Waqas Khan therefore the imposition of Minor penalty of stoppage of 03 Annual Increments with accumulative effect as envisaged in Rule 4 (1) (a-II) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 is recommended.

5. Mr. Adil Younis Niab Qasid, Assistant Commissioner Abbottabad the unauthorized beneficiary of Rs. 1300000/- from relief fund has proved himself for irresponsible official & naive towards his job description/duties & using his personal account for relief Cheques without sensing its gravity & negligence for not bringing the matter into the notice of higher authorities. However, during proceedings it has been observed that he was manipulated by Mr. Waqas Khan and he also handed over cash to Mr. Waqas Khan therefore, the imposition of Minor penalty of stoppage of 03 Annual Increments with accumulative effect as envisaged in Rule 4 (1) (a-II) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 is recommended.

Private Persons namely Mr. Aqeel Khan, Mr. Shahbaz Saleem, Mr. Qaiser Shezad, Mr. Junaid Khan, Mr. Jazib Shah, Mr. Tahir Asghar, Mr. M. Fiaz & Mr. Shah Nawaz were also interrogated during the inquiry & their statements were recorded which may be shared with Anti-Corruption Authorities to incorporate in legal proceedings already taken against them by Anti Corruption Authorities.

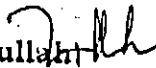
7. The reliability, completeness & substantiating documentation/record particularly Acquaintance roll, cash book & relief account statements the DDMO may be directed to ensure safeguarding government fund/record, for close check on work of subordinates and regular review of record to ensure that relief fund is utilized efficiently, effectively & in accordance with law/PDMA policies.


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8. During inquiry many discrepancies/procedural violation have been observed for disbursing of relief Cheques particularly the cases of those affectees who did not hold bank accounts therefore, in order to eliminate such practices in future a proper policy/mechanism/strategy should be devised in accordance with directions of provincial government.


(Tariqullah)
Additional Deputy Commissioner (F&P),
Abbottabad.
(PMS-BS-18)
(Inquiry Officer)


(Shabbir Ahmed)
Secretary to Commissioner,
Hazara Division, Abbottabad.
(PMS-BS-18)
(Inquiry Officer)

Attested

MM



OFFICE OF THE
DEPUTY COMMISSIONER
ABBOTTABAD

Annex-C

No. 1890-1899/2021
Date: 31/03/2021

ORDER

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WHEREAS, disciplinary proceedings were initiated against Mr. Jameel Ahmed Naib Qasid (Ex. NO. AC 0160) under the provision of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011, on account of charges contained in the Charge Sheet/Statement of Allegations served upon him vide this office No. 5279/9/3-EB dated 04.12.2020.

And whereas, the Inquiry Committee was constituted under the provisions of Rule-51(5) of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 who conducted the enquiry and submitted report.

And whereas, the Inquiry Committee vide inquiry report received through letter No. Secy/CD/3/5/2021-747A/No. 2075 dated 04.02.2021 submitted that the accused has failed to prove his innocence against the allegations contained in the Charge Sheet and recommended for imposition of Minor Penalty under Rule-4(1) (a-ii) of Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 upon the accused official.

And whereas, he served with show cause notice alongwith copy of Inquiry report vide No. 1189/203-EB dated 25.02.2021 to which he responded and submitted reply on 03.03.2021 which was considered.

And whereas, after considering reply of the accused official to the notice findings of the Inquiry Committee, the undersigned in the capacity as Competent Authority has decided to impose Minor Penalty upon the accused official.

NOW THEREFORE: I, Muhammad Mughees Samtullah, Deputy Commissioner Abbottabad as Competent Authority in exercise of the powers conferred upon me under Rule 4(5) read with Rule-4 (1) (a-ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, impose Minor Penalty of "Stoppage of 03 Annual Increments with accumulative effect" upon Mr. Jameel Ahmed Naib Qasid with immediate effect and also re-instated in service.

~~M. U. S.~~
DEPUTY COMMISSIONER
ABBOTTABAD

Copy No. & Date/Even:

- 1. Copy forwarded for information to the-
- 1. Commissioner, Hazara Division, Abbottabad.
- 2. Additional Deputy Commissioner, Abbottabad.
- 3. Assistant Commissioner, Abbottabad.
- 4. District Accounts Officer, Abbottabad.
- 5. Accounts Officer, DN, Local.
- 6. Official concerned.

~~M. U. S.~~
DEPUTY COMMISSIONER
ABBOTTABAD

فہمیت جات سندھ کا تیارہ ڈویژن کے ایسٹ ایڈ

Annex - D

فہمیت جات سندھ کا تیارہ ڈویژن کے ایسٹ ایڈ 1888-1893/2/3/EB P-38

ورڈ 31/3/2024

فہمیت جات سندھ کا تیارہ ڈویژن کے ایسٹ ایڈ

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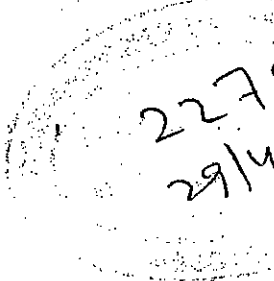
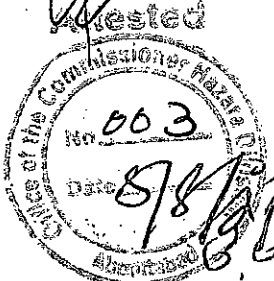
۱۔ یہ اس سندھ کے طور پر فہمیت جات سندھ کا تیارہ ڈویژن کے ایسٹ ایڈ کے
کے سال سے اپنے کوئی سرانجام دے رہے ہیں
۲۔ یہ فہمیت جات سندھ کا تیارہ ڈویژن کے ایسٹ ایڈ کے
سین آفیسر کے طور پر فہمیت جات سندھ کا تیارہ ڈویژن کے ایسٹ ایڈ کے
ورڈ 31/3/2024 کے تحت بند کردہ ہیں جو سرانجام دے رہے ہیں

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Abstract

۳۔ یہ فہمیت جات سندھ کا تیارہ ڈویژن کے ایسٹ ایڈ کے
تحت بند کرنے کی جا سکتی ہے۔ لہذا فہمیت جات سندھ کا تیارہ ڈویژن کے
تحت بند کرنے کی جا سکتی ہے۔ لہذا فہمیت جات سندھ کا تیارہ ڈویژن کے

فہمیت جات سندھ کا تیارہ ڈویژن کے ایسٹ ایڈ کے
کالعدم اور جانچ پڑتال کے تحت بند کرنے کی جا سکتی ہے



۴۔ یہ فہمیت جات سندھ کا تیارہ ڈویژن کے ایسٹ ایڈ کے
کو کالعدم کرنا ہے تاکہ فہمیت جات سندھ کا تیارہ ڈویژن کے ایسٹ ایڈ کے
کے ایسٹ ایڈ کے طور پر فہمیت جات سندھ کا تیارہ ڈویژن کے ایسٹ ایڈ کے

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Muhammad
Advocate
Office No. 22
22/4/24

فہمیت جات سندھ کا تیارہ ڈویژن کے ایسٹ ایڈ کے
Seen & cancelled

محکمہ خزانہ سندھ حکومت سندھ

Amex - D

2020/1/2/EB

محکمہ اعلیٰ بریف اور ریزرو

بریف 7/4/2021

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محکمہ خزانہ سندھ حکومت سندھ

محکمہ اعلیٰ بریف اور ریزرو کے نام پر Ac اکاؤنٹ
سب سے پہلے سربراہان کے نام پر اور دوسری طرف

محکمہ اعلیٰ بریف اور ریزرو کے نام پر موجود ہے۔

محکمہ اعلیٰ بریف اور ریزرو کے نام پر

7/4/2021 کے تحت

محکمہ اعلیٰ بریف اور ریزرو کے نام پر

محکمہ اعلیٰ بریف اور ریزرو کے نام پر

7/4/2021 کو سربراہان کے نام پر Ac اکاؤنٹ

محکمہ اعلیٰ بریف اور ریزرو کے نام پر

7/4/2021 کے تحت

محکمہ اعلیٰ بریف اور ریزرو کے نام پر

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Muhammad Arsalan
Advocate
Office No. 22/1/1
2021



OFFICE OF THE
DEPUTY COMMISSIONER
ABBOTTABAD

No. 2448 /2/3-EB

Dated: 27 /05/2021

To

The Commissioner
Hazara Division, Abbottabad.

P-40

Subject:

DEPARTMENTAL APPEAL AGAINST ORDER NO.1894-1899/2/3/EB
DATED 31.03.2021 (JAMEEL AHMED NAIB QASID).

Memo:

Please refer to your Memo No. 10/2/HVC/ACR/CHD/6581-83 dated 03.05.2021 on the subject cited above.

The requisite comments are as under:-

1. That on the verbal report of Manager Bank of Khyber Jinnah road Branch Abbottabad to District Disaster Management Officer/Assistant Commissioner, Abbottabad regarding suspicious transactions tried from Relief account of this office through a cheque bearing No.24459875 dated 2.10.2020 amounting to Rs. One million, a fact finding enquiry committee comprising of the following to probe into the matter was constituted.

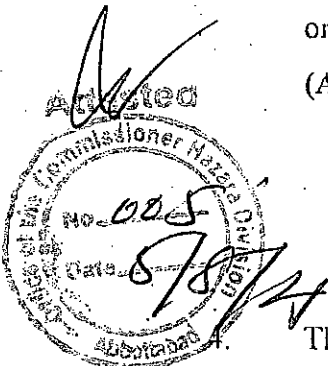
1. Addl: Deputy Commissioner (Relief), Abbottabad.
2. Addl: Deputy Commissioner (General) Abbottabad.

2. The said enquiry committee enquired the matter thoroughly and furnishe fact finding inquiry report vide No.6764 dated 27.11.2020 (Already annexed with comments of Mr. Fahad Shah).

3. That based on the report of preliminary enquiry, the five (05) officials including appellant was found involved/ beneficiary of relief fund and were placed under suspension under E&D Rules 2011 and appellant was charge sheeted vide order No.5281/2/3/EB dated 4.12.2020, for further investigation a committee consisting on the following was constituted vide order No.5246-52 dated 4.12.2020 (Annexure-A) for formal inquiry under the rules ibid.

1. Additional Deputy Commissioner (F&P), Abbottabad.
2. Secretary to Commissioner, Hazara Division, Abbottabad.

The Inquiry Committee in concluding Para of formal enquiry report bearing No. Secy to CHD/3/5/2075 dated 4.2.2021 (Alrédy annexed with comments of Mr. Fahad Shah CO) recommended that during the proceedings of enquiry it transpired that the appellant has been found unauthorized beneficiary of Rs. 1300000/- from





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Relief fund and has proved himself as irresponsible official and naïve towards his job description/duties and has used his personal account for relief cheques without sensing its gravity and negligence for not bringing the matter into the notice of higher authorities. However, during proceedings it has been observed that he was manipulated by Mr. Waqas Khan and he also handed over cash to Mr. Waqas Khan therefore, the imposition of Minor Penalty of stoppage of 03 Annual Increments with accumulative effect as envisaged in Rule 4 (1) (a-II) of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplined) Rules, 2011 is recommended.

5. Afterwards, a Show Cause Notice was served upon the accused official. He was heard in person. Keeping in view the reports of fact finding committee as well as formal report of Inquiry Committees it was proved that the accused Official is involved in embezzlement of Relief Fund of this office, hence, Minor Penalty of stoppage of 03 Annual Increments with accumulative effect was awarded to the said official (appellant). Beside this Anti-Corruption Establishment, Abbottabad has also initiated inquiry and registered the case against the appellant which is also under investigation and sub judice in court of law.
6. Furthermore in pursuance of the Posting/Transfer Policy of Provincial Government of Khyber Pakhtunkhwa as well as PMRU Task/ direction of Chief Secretary action against corrupt officials in division/district, the appellant was transferred/ detailed to Agriculture Department Abbottabad and in his place services of one Class-IV was hired from Agriculture Department. (Annexure-B)

Submitted please.


Deputy Commissioner
Abbottabad



006
5/8/15

Annex - E

COMMISSIONER HAZARA DIVISION

ABBOTTABAD

Dated: 03/8/2021



MR. JAMEEL AHMED, NAIB QASID,
ASSISTANT COMMISSIONER OFFICE, ABBOTTABAD

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Appellant

Versus

DEPUTY COMMISSIONER ABBOTTABAD

Respondent

DEPARTMENTAL APPEAL

ORDER

___-6-2021

No. 10/2/HVC/ACR/CHD/10888-90 WHEREAS, Mr. Jameel Ahmed, Naib Qasid, Assistant Commissioner Office Abbottabad submitted an appeal on 22-4-2021 challenging the order of Deputy Commissioner Abbottabad bearing No. 1894-1899/2/3/EB dated 31-3-2021 whereby minor penalty of "stoppage of 03 annual increments with accumulative effect" was imposed upon Mr. Jameel Ahmed, Naib Qasid.

AND WHEREAS, in the month of October, 2020 a suspicious transaction from relief account of Deputy Commissioner Abbottabad through a Cheque No. 24459875 dated 02-10-2020 was reported to Deputy Commissioner Abbottabad whereupon he ordered a fact finding inquiry committee comprising of the following to probe into the matter:

1. Additional Deputy Commissioner (Relief), Abbottabad.
2. Additional Deputy Commissioner (General), Abbottabad.

The Inquiry Committee enquired the matter thoroughly & held five officials including the appellant, beneficiary of relief fund & therefore they were placed under suspension by Deputy Commissioner Abbottabad. The Appellant was charge sheeted vide order No. 5281/2/3/EB dated 04-12-2020. Thereafter for further investigation the Deputy Commissioner Abbottabad ordered following formal inquiry committee:

1. Secretary to Commissioner, Hazara Division.
2. Additional Deputy Commissioner (F&P) Abbottabad.

AND WHEREAS, it was evident from the report of the formal inquiry committee the appellant being unauthorized beneficiary of Rs. 1300000/- from relief fund by using his personal bank account for the purpose with involvement of main culprit Mr. Waqas Khan rendered himself for minor penalty under relevant rules. Moreover, he deliberately changed his statements before preliminary & formal inquiry committees to conceal the facts. Therefore, the Deputy Commissioner Abbottabad in the light of Rule 14(5) read with rules 4 (1) (a-II) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline Rules) 2011 imposed Minor Penalty of "stoppage of 03 annual increments with accumulative effect" upon the appellant.

AND WHEREAS the appellant was heard in person on 08-6-2021. The representative of Deputy Commissioner Abbottabad was also present and the record presented by him and comments furnished by the Deputy Commissioner Abbottabad vide letter No. 2448/2/3/EB dated 27-5-2021 were carefully examined which established the fact that the appellant has been found the unauthorized beneficiary of the relief account for his personal interest & gains.

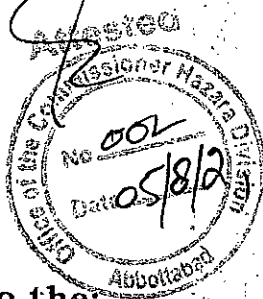


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The appellant failed to convince & to prove his innocence & non-involvement in the above mentioned case already proved against him through proper procedure & act of law. Moreover, the charges proved against the appellant are of very serious nature & demand aggravated punishment to set a deterrent in order to curb the tendencies of such like malpractices among the officials.

NOW, THEREFORE, Keeping in view the above facts, circumstances and evidence on record I, Riaz Khan Mahsud, Commissioner Hazara Division (as appellate authority) convinced that the order of Deputy Commissioner Abbottabad bearing No. 1894-1899/2/3/EB dated 31-3-2021 lacks the consideration of the nature of penalty as announced and inflicted in similar nature case of one Mr. Fahad Shah, Computer Operator. Therefore the ibid order dated 31-3-2021 of the Deputy Commissioner, Abbottabad is set aside and Major Penalty of "**Removal from Service**" is ordered and imposed upon the appellant by dismissing his appeal with no order as to the costs.

ANNOUNCED
08-6-2021



**Commissioner,
Hazara Division.**

Copy forwarded to the:

1. Deputy Commissioner Abbottabad.
2. PS to Commissioner, Hazara Division, Abbottabad.
- ✓ 3. Appellant Mr. Jameel Ahmed, Naib Qasid, Assistant Commissioner Office Abbottabad.

**Secretary to Commissioner
Hazara Division, Abbottabad.**



Annex - E

**OFFICE OF THE
DEPUTY COMMISSIONER
ABBOTTABD**

No. 3887-92/13-EB
Dated: 6-8 /2021

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ORDER.

In pursuance of Judgment order dated 08.06.2021 of the Commissioner Hazara Division, Abbottabad contained in appeal of Mr. Jameel Ahmad Naib Qasi Deputy Commissioner Office Abbottabad dated 22.04.2021 the major penalty of "Removal from Service" is hereby imposed upon the said Official.

**DEPUTY COMMISSIONER
ABBOTTABAD**

Endst No. & Date Even:

Copy forwarded for information to the:-

1. Commissioner, Hazara Division, Abbottabad.
2. Additional Deputy Commissioner, Abbottabad.
3. Assistant Commissioner, Abbottabad.
4. District Accounts Officer, Abbottabad.
5. District Nazir Local with the direction to stop the salary of above official.
- ✓ 6. Mr. Jameel Ahmad Naib Qasid.

**DEPUTY COMMISSIONER
ABBOTTABAD**

Annex - F

گورنمنٹ پبلک سروس کمیشن، لاہور، 19/04/2024ء، نوٹیفکیشن نمبر 1540/19

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 152 مجموعہ ضابطہ نوحدہ

اسٹیٹ آباد	ضلع	اسٹیٹ آباد
تاریخ وقت شروع سال	تاریخ وقت ختم سال	41
29 ⁰¹ / ₂₀₂₄	29 ⁰¹ / ₂₀₂₄	29 ⁰¹ / ₂₀₂₄
تاریخ وقت رپورٹ	تاریخ وقت شروع سال	29 ⁰¹ / ₂₀₂₄
تاریخ وقت ختم سال	تاریخ وقت رپورٹ	29 ⁰¹ / ₂₀₂₄
نام و سکونت اطلاع دہندہ مستفیض	نام و سکونت ملزم	
حاضر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو	نام و سکونت ملزم	
جائے وقوعہ فاصلہ تھانہ سے اور سمت	نام و سکونت ملزم	
فارواری جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو	نام و سکونت ملزم	
نامہ سے درواری کی تاریخ و وقت	نام و سکونت ملزم	

ابتدائی اطلاع شیخ درج کرو۔ ڈی پی کٹرہاں اسٹیٹ آباد جنسیت مذکر
 235 قطعاً۔ پرمیشنل ایکویٹری بلوونٹ بھواری۔ جسرہاں۔ ڈی پی کٹرہاں اسٹیٹ آباد جنسیت مذکر
 16823/ACEA۔ حورم 25/2024۔ ڈی پی کٹرہاں اسٹیٹ آباد جنسیت مذکر
 2445987۔ حورم 25/2024۔ ڈی پی کٹرہاں اسٹیٹ آباد جنسیت مذکر
 17804002۔ حورم 25/2024۔ ڈی پی کٹرہاں اسٹیٹ آباد جنسیت مذکر
 5178-79/2024۔ حورم 25/2024۔ ڈی پی کٹرہاں اسٹیٹ آباد جنسیت مذکر

ذیل کی تفصیلات سے متعلق ہے۔ ڈی پی کٹرہاں اسٹیٹ آباد جنسیت مذکر
 235 قطعاً۔ پرمیشنل ایکویٹری بلوونٹ بھواری۔ جسرہاں۔ ڈی پی کٹرہاں اسٹیٹ آباد جنسیت مذکر
 16823/ACEA۔ حورم 25/2024۔ ڈی پی کٹرہاں اسٹیٹ آباد جنسیت مذکر
 2445987۔ حورم 25/2024۔ ڈی پی کٹرہاں اسٹیٹ آباد جنسیت مذکر
 17804002۔ حورم 25/2024۔ ڈی پی کٹرہاں اسٹیٹ آباد جنسیت مذکر
 5178-79/2024۔ حورم 25/2024۔ ڈی پی کٹرہاں اسٹیٹ آباد جنسیت مذکر

Muhammed Arshad
 Assistant Commissioner
 Office No. 33 Adiala
 Distt. Bahawalpur

S.No. 146899

Name of Advocate

DBA NO.

TBA NO.

BC No.

1 0 - 2 5 7 3



R.s.100/=

وکالت نامہ

Sardar Amir Magsood
Finance Secretary
District Bar Association
Abbottabad

Chairman Service Tribunal Lepic Peshawar
بعدالت

عنوان: Govt of Lepic etc نام: Tamil

منجانب: Service Appeal نوعیت مقدمہ

باعث تحریر آنکہ Tamil

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے بیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام

M. Arshad Ishaq Tanoli Adv Hc ATD کے لیے

کوسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہوا 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 کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عین کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل بناختہ پرواختہ صاحب موصوف مثل کردہ ذات منظور و قبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجرائے ڈگری و 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 تائیدی و راضی نامہ و فیصلہ برحلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات از کچہری صدر اپیل و درآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قریبی یا گرفتاری و اجرائے ڈگری بھی صاحب موصوف کو بشرط ادا ایسی علیحدہ مشق نہ بیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو ایسے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہمراہ میں وہی اور ویسے اختیارات حاصل ہوں گے 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 بیروی 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: / / سال
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
Muhammad Arshad
Advocate High Court
Office No. 33
M. Arshad Ishaq Tanoli
Adv Hc ATD

Tamil
Tanoli

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

7287

21

APPEAL No..... of 20

Jamil

Appellant/Petitioner

Versus

Through SA BR, KPSC Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

Jamil So Gul Zamani
Naib Qasid Assistant Commissioner
Office Abbottabad

Take notice that your appeal has been fixed for Preliminary hearing, replication/affidavit/counter affidavit/arguments/order before this Tribunal on 11/07/2018 at Peshawar

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Peshawar

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No. 7287, 7288, 7289 of 20

Jamil & Others

Appellant/Petitioner

Versus

through SMBR KPI Pesh

RESPONDENT(S)

Tamali

Counsel
Notice to Appellant/Petitioner

Mohammad Arshad Khan

Advocate High Court
Rabwah

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 11/10/2021 at 9:10 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Peshawar

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No. of 20

Appellant/Petitioner

Respondent

RESPONDENT(S)

Notice to Appellant/Petitioner

Take notice that your appeal has been fixed for Preliminary hearing
at the Tribunal. Applicant counter affidavit record is required to be filed before this Tribunal

You may therefore appear before the Tribunal on the said date and at the said
place either personally or through an advocate for presentation of your case. Failure
to which your appeal shall be liable to be dismissed as default.

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.