

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Service Appeal No. 15961/2020

BEFORE:           MRS. ROZINA REHMAN           ...   MEMBER(J)  
                      MISS. FAREEHA PAUL           ...   MEMBER(E)

Muhammad Taqi Shah Assistant (BPS-16) O/o Assistant Director Mineral,  
Mansehra.

.... (*Appellant*)

Versus

1. Secretary to Government Khyber Pakhtunkhwa, Mines & Mineral Department, Civil Secretariat, Peshawar.
2. The Director General Mines & Mineral Department Khyber Pakhtunkhwa, Peshawar.
3. The Assistant Director Mineral Mansehra.

... (*Respondents*)

Mr. Syed Noman Ali Bukhari  
Advocate

...

For appellant

Mr. Muhammad Riaz Khan Paindakhel  
Asstt. Advocate General

...

For respondents

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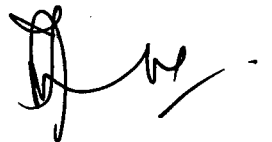
Date of Institution.....16.12.2020

Date of Hearing.....14.09.2022

Date of Decision.....14.09.2022

**JUDGEMENT**

**FAREEHA PAUL, MEMBER (E):** The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned order dated 28.07.2020 whereby penalty of removal from the post of Assistant (BS-16) to the post of Senior Clerk (BS-14) was imposed upon the appellant without specification of time and against the order dated 03.12.2020 whereby the departmental appeal of the appellant has been rejected without giving any reason, with the prayer that the both the impugned orders be set aside and the



appellant may be restored to his original post with all back and consequential benefits.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed as Junior Clerk on 04.10.1995 and was promoted to the post of Senior Clerk on 24.05.2012. He was further promoted to the post of Assistant (BS-16) on 17.10.2017. Those promotions were an indication that the appellant had an unblemished service record throughout his career. He was shocked to receive a letter dated 04.03.2020 whereby a charge sheet containing charges of failure to perform the duties according to rules and regulations and slackness and non-checking of file was served upon him. He submitted a detailed reply denying all the charges being baseless and groundless. As a result of that charge sheet, he was given penalty of reduction to lower post/scale from Assistant (BS-16) to Senior Clerk (BS-14) vide order dated 28.07.2020. He preferred departmental appeal on 26.08.2020 against that order which was rejected vide order dated 03.12.2020; hence this service appeal.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Assistant Advocate General and perused the case file with connected documents in detail.

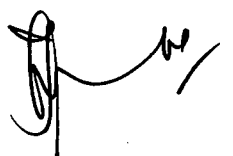
4. Learned counsel for the appellant contended that charge sheet against him was of general nature without specifying the exact charge and allegation against him. He further contended that no regular inquiry was conducted and reliance was placed on preliminary inquiry which was done before framing of charges and could not be considered for a major punishment. According to him the conducting of inquiry before framing of charges was illegal and malafide on the part of respondents as the so called inquiry was conducted on 04.12.2019 and charge sheet



was issued on 04.03.2020. He further added that the appellant had been condemned unheard and he was not given any opportunity of cross examination of witnesses. No show cause notice was issued to him before awarding major punishment, as stated by the learned counsel for appellant.

5. The learned Assistant Advocate General on the other hand contended that proper inquiry was conducted against the appellant and charges levelled against him had been proved. He stated that the appellant had been provided an opportunity of personal hearing but he could not satisfy the Competent Authority, the Secretary Mines & Minerals Development Department and thus the penalty was imposed upon him.

6. After hearing the arguments and going through the record presented before us it transpires that one Mr. Atta Ullah Abbasi of Village Malkot, Tehsil & District Abbottabad submitted an application dated 18.11.2019 to Director General Mines & Mineral, Khyber Pakhtunkhwa on which he ordered the Director Licensing-South and Deputy Director Mineral-South to conduct inquiry and submit report within fifteen days. The report was submitted by the two officers on 21.01.2020. It was on 04.03.2020 that a charge sheet was issued to the appellant with the directions to submit his written reply within seven days of its receipt. Perusal of charge sheet indicates that the charges levelled against the appellant were that he committed the irregularities and failed to perform official duties according to Rules and Regulations and that he showed slackness and non-checking of the file while forwarding to concerned officer. Here it is felt that the charges should have been specified and the rules and regulations should have been mentioned that were violated. In addition when the charge stated "the file" it could have been indentified that which specific file had not been checked by him that resulted in issuing him the charge sheet. It is further noted that the statement of allegations is missing and the



competent authority did not identify Inquiry Officer/Committee to conduct formal inquiry into the matter, as required under the E&D Rules. When the learned Assistant Advocate General was confronted with the above stated points, he admitted that statement of allegations was missing and that the charges had not been specifically framed.

7. As far as personal hearing of the appellant is concerned, a letter is available on record that he was called but then there is silence whether he was afforded personal hearing or not by the competent authority.

8. In view of the above discussion we have arrived at a conclusion that procedure as given in the Provincial Government (Efficiency & Disciplinary) Rules 2011 had not been followed. No proper charge sheet with specific charges and statement of allegations as a result of preliminary inquiry was served upon the appellant and no formal inquiry by any Inquiry Officer or Committee appointed for the purpose was conducted wherein a fair chance of defending his case could have been given to him alongwith an opportunity of cross examination. Hence the service appeal in hand is allowed by setting aside the impugned orders dated 28.07.2020 and 03.12.2020. Respondents are directed to place the appellant on the post of Assistant (BS-16) from the date he was reverted to lower scale with all back and consequential benefits. Parties are left to bear their own costs. Consign.

9. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 14<sup>th</sup> day of September, 2022.*

  
(ROZINA REHMAN)  
Member (J)

  
(FARZEHA PAUL)  
Member(E)

**Service Appeal No. 15961/2020**

Mr. Syed Noman Ali Bukhari, Advocate for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents present. Arguments heard and record perused.

2. Vide our detailed judgement containing 04 pages, we have arrived at a conclusion that procedure as given in the Provincial Government (Efficiency & Disciplinary) Rules 2011 had not been followed. No proper charge sheet with specific charges and statement of allegations as a result of preliminary inquiry was served upon the appellant and no formal inquiry by any Inquiry Officer or Committee appointed for the purpose was conducted wherein a fair chance of defending his case could have been given to him alongwith an opportunity of cross examination. Hence the service appeal in hand is allowed by setting aside the impugned orders dated 28.07.2020 and 03.12.2020. Respondents are directed to place the appellant on the post of Assistant (BS-16) from the date he was reverted to lower scale with all back and consequential benefits. Parties are left to bear their own costs. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 14<sup>th</sup> day of September, 2022.*

  
**(ROZINA REHMAN)**  
Member (J)

  
**(FARZEHA PAUL)**  
Member (E)

09.05.2022

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Sajid Anwar Assistant for respondents present.

Representative of respondents submitted reply/comments. Copy of the same was handed over to the learned counsel for appellant. To come up for rejoinder, if any, and arguments on 20.07.2022 before D.B.


  
(Rozina Rehman)  
Member (J)


20.07.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Sajid Anwar Litigation Assistant for respondents present.

Learned AAG made a request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 14.09.2022 before D.B.

  
(Fareeha Paul)  
Member(E)

  
(Rozina Rehman)  
Member (J)

14.12.2021


Junior to counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Hamza Iqbal, Junior Clerk for respondents present.

Written reply/comments not submitted. Representative of the respondents seeks time to submit the same on the next date. Adjourned. To come up for written reply/comments on 21.02.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)

21.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 12.04.2022 for the same as before.

  
Reader.

12.04.2022

Counsel for the appellant present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Sajid Anwar for the respondents present.

Respondents requested for time to submit reply/comments. Granted with direction to submit reply/comments within 10 days in office, positively. If the reply/comments are not submitted within stipulated time, right of respondents for submission of reply shall be deemed as struck off.

Adjourned to 09.05.2022 before S.B.

  
(Rozina Rehman)  
Member (J)

12.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 19.07.2021 for the same as before.

  
Reader

19.07.2021

Appellant present through counsel.

He submitted an application for extension of time to deposit security and process fee. Application is allowed with direction to deposit the same within 3 days positively. Thereafter, notice be issued to the respondents for submission of reply/comments in office within 10 days of the receipt of notices, positively. If the reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 14.12.2021 before the D.B.

Appellant Deposited  
Security & Process Fee

  
23/7/21

  
(Rozina Rehman)  
Member (J)



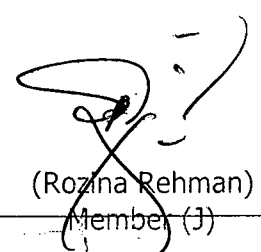


Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

/ Case No.- 15961 /2020

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1-    | 16/12/2020                | <p>The appeal of Mr. Muhammad Tariq Shah presented today by Syed Noman Ali Bukhari 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;"><br/>REGISTRAR</p>  |
| 2-    |                           | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19/01/2021</u></p> <p style="text-align: right;"><br/>CHAIRMAN</p>   |
|       | 19.01.2021                | <p>Appellant present through counsel. Preliminary arguments heard. File perused.</p> <p>Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 12.04.2021 before S.B.</p> <p>Annexed with the memo of appeal is an application for interim relief. Notice of the said application be issued to the respondents.</p> <p style="text-align: right;"><br/>(Rozina Rehman)<br/>Member (J)</p> |

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

15961  
APPEAL NO. \_\_\_\_\_ /2020

Muhammad Taqi Shah

V/S


Mineral Deptt:

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| 4.    | Copy of Reply               | -B-      | 10       |
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**APPELLANT**

THROUGH:

  
**(SYED NOMAN ALI BUKHARI)**  
**(ADVOCATE HIGH COURT),**  
**(PESHAWAR)**

①

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. \_\_\_\_\_/2020

Muhammad Taqi Shah Assistant (BPs-16)  
O/o Assistant Director Mineral, Mansehra.

.....(Appellant)

**VERSUS**

1. The secretary to Govt of KP, Mines and Mineral Deptt., civil Secretariat Peshawar.
2. The Director General, Mines and Mineral Deptt., KP Peshawar.
3. The Assistant Director Mineral, Mansehra.

.....(Respondents)

**APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 28/07/2020 WHEREBY THE PENALTY OF REVERSION FROM THE POST OF ASSISTANT BPS-16 TO THE POST OF SENIOR CLERK BPS-14 WAS IMPOSED UPON THE APPELLANT WITHOUT SPECIFICATION OF TIME AND AGAINST THE ORDER DATED 03.12.2020 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED WITHOUT SHOWING ANY REASON.**

PRAYER:

2

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 28.07.2020 AND 03.12.2020 MAY PLEASE BE SET-ASIDE AND THE APPELLANT MAY BE RESTORED TO HIS ORIGINAL POST OF ASSISTANT BPS-16 WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

**FACTS:**

1. That the appellant was appointed as junior clerk on 4-10-1995 and promoted to the post of senior clerk on 24-5-2012. The appellant was further promoted to the post of assistant BPS-16 on 17-10-2017.
2. That repeated promotions in his favor are indicated of the fact that appellant has maintained his unblemished service record throughout his service career.
3. That the appellant shocked to receive letter dated 4-3-2020 whereby charge sheet containing charges of failure to perform the duties according to rules and regulations and slackness and non checking of file was served upon him. The appellant submitted his detailed reply wherein he denied entire charges being baseless and groundless. **Copy of charge sheet and reply is attached as annexure-A & B.**
4. That charges refer to above are of general nature without specifying the exact nature of charge and without regular inquiry and show cause major penalty of reduction to lower post /scale from BPS-16 to BPS-14 was imposed upon the appellant without specification of charges vide office order No.11752-62/DGMM/Admin /Hazara division , dated 28/7/2020. **Copy of impugned order is attached as annexure-C**

assigning any reason and without giving any notice to appellant as the said committee recommended penalty of withholding two increments while competent authority reduced the rank .

- I) That the principles of natural justice have ruthlessly been violated in colorable exercise of the powers which may amount to misuse of the power.
- J) That learned competent authority violated the principle of audi alteram partem without assigning any reason and the penalty was imposed in sheer violation of provisions contained in S-24(A) of the general clause Act, 1887.
- K) That the appellant despite demand has not been provided with copies of the documents used against him including inquiry report.
- L) That no show cause was issued to the appellant before imposing major penalty of reversion to the lower post and the whole action was taken on one sided which is the violation of law and rules.
- M) During pendency of this appeal operation of the impugned office order dated 28-7-2020 may graciously be suspended .
- N) That the penalty order of the appellant is the violation of FR-29 as in the penalty order it was not mention the period of reversion to the rank of constable to be effective.
- O) That the appellant was condemned unheard and has not been treated according to law and rules.
- P) That the penalty of reversion to the lower rank is very harsh which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law
- Q) The appellant was not given final show cause notice which is necessary requirement as per relevant rules and thus the illegal order was passed.
- R) That the appellant has not been treated accordance with law, fair played justice, despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.

5

S) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

—It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

*Taqi*  
APPELLANT

**Muhammad Taqi Shah**

THROUGH:

*Noman*  
**(SYED NOMAN ALI BUKHARI)**  
**(ADVOCATE HIGH COURT),**  
**(PESHAWAR)**

6

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

**APPEAL NO. \_\_\_\_\_/2020**

Muhammad Taqi Shah

V/S

Mineral Deptt:


.....

**APPLICATION FOR SUSPENDING THE  
OPERATION OF THE IMPUGNED ORDER  
DATED 28.07.2020 & 03.12.2020 TILL THE  
DISPOSAL OF MAIN APPEAL.**

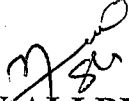
**RESPECTFULLY SHEWETH:**

1. That the appellant has filed an appeal along with this application which no date has been fixed so far.
2. That the appellant has a good prima facie case and all the ingredients are in favour of the appellant.
3. That, if the impugned order has not been suspended, then the appellant would become mentally torture.
4. That the impugned order has been passed by the respondent, which is illegal and violation of rules.
5. The grounds taken in main appeal also considered integral part of the application
6. That the order dated 28.07.2020 has been passed in violation of the E&D Rules 2011, FR-29 and also in violation of superior Court Judgment. .

It is, therefore, most humbly prayed that the operation of the impugned order dated 28.07.2020 maybe suspended till the disposal of main appeal. Any other remedy with this august Tribunal deems fit may also be awarded in favor of appellant.

  
APPELLANT  
Muhammad Taqi Shah

THROUGH:

  
(SYED NOMAN ALI BUKHARI)  
(ADVOCATE HIGH COURT),  
(PESHAWAR)

**AFFIDAVIT:**

It is affirmed and declared that the contents of Application are true and correct to the best of my knowledge and belief.

  
Deponent.





**DIRECTORATE GENERAL OF MINES AND MINERALS**  
**KHYBER PAKHTUNKHWA**

8

Attached Departments Complex Khyber Road Peshawar

Phone: & Fax # 091-9210236

No. 4923-24 /DGMM/Admin/(Hazara Division)

Dated: 04 /03/2020.

To

*Res*

1. Taqi Shah Assistant  
C/O Assistant Director Mineral  
Abbottabad
2. Muhammad Arif Senior Clerk  
HQ Office Peshawar.

Subject

**CHARGE SHEET**

I am directed to refer to the subject noted above and to enclose herewith "Charge Sheet". You are, therefore, directed to submit your written defense/reply within seven days of the receipt of this letter positively.

Encl As above.

*[Signature]*  
Assistant Director (Administration)  
HQ Office Peshawar

Endst: No. \_\_\_\_\_ /DGMM/Admin/ (Hazara Division)

Dated: \_\_\_\_ /03/2020.

Copy forwarded to: -

1. PA to Director General Mines and Minerals, Khyber Pakhtunkhwa, Peshawar.
2. Assistant Director Mineral Abbottabad with advice to handover the letter to the official concerned.
3. The P/F of Officials.
4. Master File/DGMM/Admin/2019.

*[Signature]*  
Assistant Director (Administration)  
HQ Office Peshawar

CHARGE SHEET

9

1. J. Hameedullah Shah, Director General, Mines and Minerals, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Muhammad Taqi Shah Assistant (BPS-16) Office of the Assistant Director Mineral Mansehra, as follows:

That you, while posted as Assistant at the Office of Assistant Director Mineral, Mansehra committed the following irregularities:

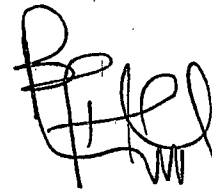
- (a) that you have failed to perform official duties according to the Rules and Regulation.
- (b) Due to your slackness and non-checking the file while forwarding to concerned officer.

2. By reason of the above, you appear to be guilty under rule 4(1) (a) (ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry officer, as the case may be.

4. Your written defense, if any, should reach the inquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

5. Intimate whether you desire to be heard in person.



(COMPETENT AUTHORITY)

B-10

CHARGE SHEET

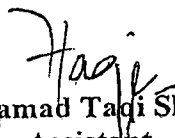
WRITTEN STATEMENT OF MR. MUHAMMAD TAQI SHAH EX- ASSISTANT  
OFFICE OF THE ASSISTANT DIRECTOR MANSEHRA

It is submitted that, I Muhammad Taqi Shah Ex-Assistant ADM Mansehra hereby to submit my written statement against the charge sheet no # 7923-24/DGMM/ADMIN/HAZARA Division dated 04-03-2020 which received on 16-6-2020. During my stay at the office at the ADM Mansehra as Assistant I worked fully diligent, honesty and proper checking of the official work time to time. I had been serving to this department from last 23 years and never any inquiry, slackness and non-checking before forwarding to the concerned officer. This is the first charge sheet ever served to me under rule 4 (1) (a) (ii) of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) rules, 2011.

During my tenure, Muhammad Arif Ex-Senior Clerk at ADM office Mansehra forwarded me the file having copy of MTC decision under file No MDW/MA/PL-Granite (444)/2017 of Mr Liaqat Sultan dated 08/07/2019 to 12/07/2019 vide agenda item No 36. The undersigned read the MTC decision which was complete in all respect. The Undersigned was not aware of that two the lines were tempered by the senior clerk Arif in MTC decision that was added to the file noted above. After my inquiring to him he replied that the original MTC decision is misplaced from the office. On trusting him and senior official of the office, I signed and forward the file to concerned officer. After checking the file and implementing the MTC decision and the undersigned forwarded the offer letter to Mohsin Ali Khan Deputy Director Hazara Division Abbottabad for signature. Mr Mohsin Ali Khan DD Hazara Division signed and issue offer letter on dated 28-08-2019 and handed over the file to Mr. Muhammad Arif Ex-Senior Clerk ADM office Mansehra.

It is therefore requested that my case may be filed and action may be taken against the official that had tempered the file/decision of MTC, under the KP Government Services Rules (Efficiency and Discipline) Rules 2011. It is further suggested that the original copy of MTC decision may be direct forwarded to the Assistant Director/Deputy Director for any kind of mis-happening in future can be cross check by them to. Also request you to intimate to be heard the undersigned in person for further inquiry about the matter.

Yours Faithfully,

  
Muhamad Taqi Shah  
Ex-Assistant  
ADM Mansehra.

Dated:- 03-7-2020



# Directorate General of Mines and Minerals

**KHYBER PAKHTUNKHWA**

Attached Departments Complex Khyber Road Peshawar

No. 11752 /DGMM/Admin/Hazara Division,

Dated: 28 /07 /2020

## OFFICE ORDER.

1. WHEREAS Mr. Muhammad Taqi Shah, Assistant (BPS-16), office of Assistant Director Mineral Development Abbottabad was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 on the charges mentioned in the charge sheet and statement of allegations.
2. AND WHEREAS, an Inquiry Committee comprising Mr. Muhammad Irshad Khan, Director Licensing (South) BPS-19 and Mr. Muhammad Zulkifal Khan Dy. Director Minerals (BPS-18), H/Q Office, Peshawar was constituted to conduct formal inquiry against the accused officials.
3. The Inquiry Committee after having examined the charges, evidence on record and explanation of the accused officials submitted its reports.
4. AND WHEREAS, the Competent Authority/Director General Mines & Mineral, Khyber Pakhtunkhwa also afforded the opportunity of personal hearing to the accused official.
5. NOW THEREFORE, the Competent Authority, has been pleased to impose Major Penalty of reduction to lower post/scale upon Mr. Muhammad Taqi Shah, Assistant (BPS-16) to the post of Senior Clerk BPS-14 office of Assistant Director Mineral Abbottabad, Directorate General Mines & Minerals, Khyber Pakhtunkhwa under Rule-4 (1) (b) (i) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, with immediate effect.

Sd/-

**Director General Mines & Mineral  
Khyber Pakhtunkhwa Peshawar**

Dated: 28 /07/2020

Endst: No.11753-62 /DGMM/Admin/Hazara Division,

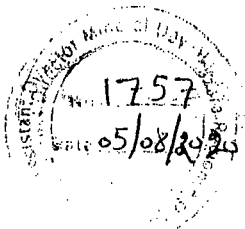
Copy is forwarded to: -

1. PS to Secretary, Minerals Development Department, Khyber Pakhtunkhwa Peshawar.
2. PA to Director General Mines & Minerals Khyber Pakhtunkhwa Peshawar.
3. The Additional Director General Mines & Minerals Khyber Pakhtunkhwa Peshawar.
4. The District Accounts Officer, Abbottabad.
5. The Deputy Director Minerals, Abbottabad Hazara Division.
6. The Assistant Director (Accounts), H/Q Office, Peshawar.
- ✓ 7. Mr. Muhammad Taqi Shah, Assistant, office of Assistant Director Mineral Development, Abbottabad.
8. Personal File of official concerned.
9. Master File/DGMM/Admn/2020.

**Assistant Director (Admin)**  
H/Q Office, Peshawar.

Received

11/8/2020



To:

The Secretary to Govt of KPK,  
Mineral Development Department,  
Peshawar.

D-12

Mineral Dev Dept: (M/D)  
Copy No. 2830  
Date 26/8/2020

**SUBJECT:** Departmental Appeal under rule 17 of KPK Govt Servants (Efficiency and Discipline) Rules, 2011 against office order bearing No.11752-62/DGMM/Admin/Hazara Division, dated 28/07/2020 whereby major penalty of reduction to lower post was imposed upon the appellant.

**PRAYER:** For setting-a-side penalty imposed upon the appellant and for his reinstatement to the post of Assistant (BPS-16) with all back benefits.

Sir,

The appellant begs to submit as under:-

1. That the appellant was appointed as Junior Clerk on 04/10/1995 and promoted to the post of Senior Clerk on 24/05/2012. The appellant was again promoted to the post of Assistant on 17/10/2017.
2. That repeated promotions in his favour are indicative of the fact that appellant has maintained his unblemished service record throughout his service career.
3. That the appellant shocked to receive letter dated 04/03/2020 whereby charge sheet containing charges of failure to perform the duties according to rules and regulations and slackness and non-checking of files was served upon him. The appellant submitted his reply/written defence wherein denied all the charges being baseless and groundless.
4. That the charges referred to above are of general nature without specifying the exact nature thereof despite that major penalty of reduction to lower post/Scale from BPS-16 to BPS-14 was imposed upon the appellant vide office order No.11752-62/DGMM/Admin/Hazara Division, dated 28/07/2020. Hence this appeal inter alia on the following grounds:-

## GROUNDS

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- (i) That the charge sheet does not specify the exact nature of charges which deprived the appellant from his fundamental right of proper defense.
- (ii) That no inquiry according to law has been conducted and reliance was placed on preliminary inquiry which was held before framing of charge while no reason was given and communicated to appellant for dispensing with thereof.
- (iii) That conducting inquiry before framing of charge is illegal, malafide and indicates pre-set mind to impose penalty upon the appellant as the so called inquiry was conducted on 04/12/2019 while charge sheet was issued on 04/03/2020 which amounts to put a cart before horse.
- (iv) That the appellant has been condemned unheard as he was not allowed to cross examine the witnesses produced in his back whose statements were used against him for imposition of major penalty.
- (v) That appellant has not been dealt with according to law despite fact it is his inalienable fundamental right to be dealt with according to law as enshrines under Article 4 of the constitution Islamic Republic of Pakistan.
- (vi) That competent authority did not agree with the recommendations of so called inquiry committee and enhanced the penalty without assigning any reason and without giving any notice to appellant as the said committee recommended penalty of withholding two increments while competent authority reduced the rank.
- (vii) That the principles of natural Justice have ruthlessly been violated in colourable exercise of the powers which may amount to misuse of the power.
- (viii) That learned competent Authority violated the principle of Audi Alteram Partem without assigning any reason and the penalty was imposed in sheer violation of provisions contained in S-24(A) of the General Clause Act, 1887.
- (ix) That the appellant despite demand has not been provided with copies of the documents used against him including inquiry report.

In the circumstances mentioned above your goodself may graciously be pleased to set-a-side the major penalty of reduction to lower post/scale illegally imposed upon the appellant and direct his reinstatement to his original post of Assistant (BPS-16) with all consequential benefits in the interest of Justice.

During pendency of this appeal operation of the impugned office order dated 28/07/2020 may graciously be suspended.

Any other relief to which appellant is found entitled may graciously be awarded.

Your Faithfully

(Muhammad Taqi Shah)  
Assistant (BPS-16)

Office of the Assistant Director  
Mineral (Abbottabad)

Dated, 26-8-2020



Government of  
Khyber Pakhtunkhwa  
Minerals Development Department

No. SO (E)/MDD/2-45/2020  
Dated Peshawar, 3<sup>rd</sup> December, 2020

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To

Muhammad Taqi Shah, Ex- Assistant (BS-16),  
Office of Assistant Director, Abbottabad,

C/O, Director General,  
Mines & Minerals,  
Khyber Pakhtunkhwa.

Subject: APPEAL AGAINST THE OFFICE ORDER NO. 11763/DGMM/ADMIN/HAZARA DIVISION DATED 28.07.2020.

I am directed to refer to your departmental appeal dated 26-08-2020, on the subject noted above and to state that the Appellate Authority i.e. the Secretary, Minerals Development Department, Khyber Pakhtunkhwa has considered your appeal and rejected.

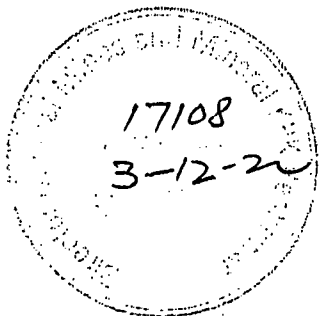
(Hafiz Abdul Jalil)  
SECTION OFFICER (ESTT:)  
Ph#091-9223559

Endst: No & Date even:

Copy is forwarded for information to:

(i) Assistant Director (Admn), Directorate General of Mines & Minerals, Khyber Pakhtunkhwa, w.r.t his letter No.21003/3/14/DGMM/Admn, dated 29-10-2020.

to Secretary to Govt. of Khyber Pakhtunkhwa, Minerals Development Department.



*[Handwritten signature]*  
04/12/2020

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SECTION OFFICER (ESTT:)

*[Handwritten signature]*  
DA-1 ✓

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01-12-20



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

Service Appeal **NO. 15961/2020**

**Muhammad Taqi Shah** Ex-Assistant ..... **Appellant**

**VERSUS**

1. The Secretary Mines and Minerals Dev: Deptt:, Khyber Pakhtunkhwa, Peshawar.
2. The Director General Mines & Minerals, Khyber Pakhtunkhwa Peshawar
3. The Assistant Director Mineral Development, Manshera ..... **Respondents**

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| 2.          | Reply of Para Wise comments | _____           | 02-03        |
| 3.          | Inquiry Report              | A               | 04-15        |
| 4.          | Penalty Order               | B               | 16           |
| 5.          | Appeal Rejection letter     | C               | 17           |
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| 7.          | Personal Hearing            | E               | 20           |

**Assistant Director (Admin)**  
**H/Q Office, Peshawar**

1

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

Service Appeal **NO. 15961/2020**

**Muhammad Taqi Shah** Ex-Assistant ..... **Appellant**

**VERSUS**

1. The Secretary Mines and Minerals Dev: Deptt:, Khyber Pakhtunkhwa, Peshawar.
2. The Director General Mines & Minerals, Khyber Pakhtunkhwa Peshawar
3. The Assistant Director Mineral Development, Manshera ..... **Respondents**

**AFFIDAVIT**

I Muhammad Iqbal Assistant Director(Admin), Directorate General Mines & Mineral do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments are true and correct to the best of my knowledge and belief and that nothing has been concealed from Honorable Court.

**DEPONENT**



**Identified by**

|   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
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**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA, PESHAWAR**

Comments

In

Service Appeal **No. 15961/2020**

Muhammad Taqi Shah Assistant (BPS-16) Office of Assistant Director Mineral,  
Manshara..... **Appellant**

**VERSUS**

1. The Secretary Mines and Minerals Dev: Deptt., Khyber Pakhtunkhwa, Peshawar.
2. The Director General Mines & Minerals, Khyber Pakhtunkhwa Peshawar
3. The Assistant Director Mineral Development, Manshara ..... **Respondents**

**Respectfully Sheweth:-**

Comments on behalf of Respondents are submitted as under: -

**Preliminary Objections: -**

1. That the appellant has got no cause of action and locus standi to institute the instant writ petition.
  2. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
  3. That the appeal is not maintainable in its present form.
  4. That the appellant is estopped by his own conduct to file the instant appeal.
  5. That the appellant has suppressed the real facts from this Honorable Tribunal
  6. That the appeal is barred by law and limitation.
  7. That the appellant has not come with clean hands.
- m/n/m*

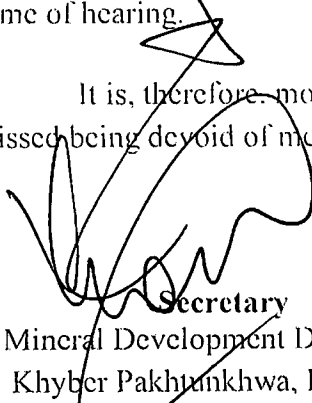
**REPLY ON FACTS**

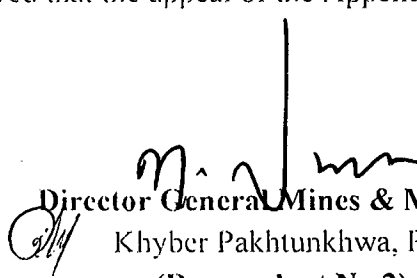
1. Para-1 pertains to record.
2. Para-2 is incorrect. Moreover, the promotion doesn't guarantee that the appellant is guiltless.
3. Correct to the extent of submitting reply, rest of the para-3 is incorrect, because the appellant could not clear the charges levelled against him.
4. Incorrect, a proper inquiry (**Annex-A**) has been conducted against the appellant wherein charges levelled against the appellant were proved. In the whole process the appellant could not clear the charges against him even in personal hearing, the appellant could not satisfy the Competent Authority/Secretary Minerals Development Department, Khyber Pakhtunkhwa and thus penalty was imposed upon him on 28.07.2020. (**Annex-B**)
5. Incorrect, the appeal was rejected on 03.12.2020 (**Annex-C**) as the appellant was already proved guilty.
6. The appeal of the appellant may be dismissed on the following grounds: -

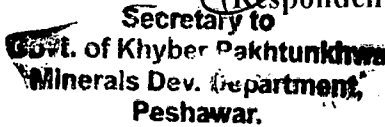
REPLY ON GROUNDS


- A. Incorrect, the impugned orders dated: 28.07.2020 and 03.12.2020 are according to the law, facts, norms of justice and material on record, therefore liable to be maintained.
- B. Incorrect, charge sheet contains all the allegations (**Annex-D**).
- C. Incorrect. A detailed inquiry was conducted against the appellant and allegation leveled against the appellant stands proved. Detail reply is given in Paras *ibid*.
- D. Incorrect. As explained in above para.
- E. Incorrect. As explained in Para-04 above.
- F. Incorrect, during the inquiry, all the pre-requisites have been fulfilled.
- G. Incorrect. The appellant was treated according to law.
- H. Incorrect, the Competent Authority is not bound to agree with the recommendation of the inquiry officer, rather he is authorized to enhance or reduce the penalty. Hence the penalty imposed upon the appellant is according to law.
- I. Incorrect, the appellant has been treated accordance to law.
- J. Incorrect, no violation of provision contained in S-24(A) of the general clause Act, 1887 has been made by the respondents.
- K. Incorrect. The appellant never demanded copies of documents/inquiry report, however the appellant was well aware of the instant case.
- L. Incorrect. As explained in Para-04 *ibid*.
- M. Wrong and denied. The operation of Office Order dated: 28.07.2020 may graciously be kept intact.
- N. Incorrect, the penalty imposed on the appellant is according to law and rules.
- O. Incorrect. Proper opportunity of defense had been provided to the appellant on 18.11.2020 (**Annex-E**).
- P. Incorrect. Already lenient view was taken by the Competent Authority.
- Q. Already explained in the Paras *ibid*.
- R. Incorrect. The appellant has been treated according to law and rules.
- S. That the respondents seek permission to advance other grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the Appellant may be dismissed being devoid of merit.

  
Secretary  
Mineral Development Department  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No.1)

  
Director General Mines & Minerals  
Khyber Pakhtunkhwa, Peshawar,  
(Respondent No.2)

  
Secretary to  
Govt. of Khyber Pakhtunkhwa  
Minerals Dev. Department,  
Peshawar.

  
Assistant Director Minerals, Manshra  
Mineral Development Department  
Khyber Pakhtunkhwa, Peshawar.

(Respondent No.3)

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# DIRECTORATE GENERAL

MINES & MINERALS, KHYBER PAKHTUNKHWA  
ATTACHED DEPARTMENT NEAR JUDICIAL COMPLEX, KHYBER ROAD,  
PESHAWAR, CANTT.

Phone: 091-9210275 - 9211140 Fax: 091-9210236

No: 2004 /DL/Enquiry/2019

Dated: 21/01/2020

To

✓ The Director General,  
Mines & Minerals Khyber Pakhtunkhwa,  
Peshawar.

Subject:

APPEAL FOR ENQUIRY

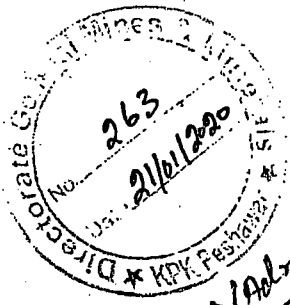
Kindly refer to the subject noted above.

Mr. Attaullah Abbasi S/O Muhammad Suleman Khan village Malkot Tehsil & District Abbottabad has submitted an application dated 18-11-2019 to kind Director General Mines & Minerals Khyber Pakhtunkhwa for enquiry. The Director General Mines & Minerals Khyber Pakhtunkhwa has ordered on complaint as "Director Licensing-South and Deputy Director Mineral-South to conduct enquiry and submit report within 15-days" on 18-11-2019 (Copy Annexed-I). ✓

In compliance of instruction as mentioned above, we the committee members verify the content of the complaint from the complainant. The complainant admitted/accepted the complaint dated mentioned above.

Before proceeding the instant enquiry, the Assistant Director Mineral Development Mansehra was advised through telephonic message to collect all relevant records and files pertaining to instant enquiry and hand over to the committee members along with details of all the officer and officials involved in the instant case. Accordingly a notice dated 26-11-2019 (Copy Annexed-II) was issued to

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all concerned for appearance before the enquiry committee. The under mentioned officers and officials appeared and provided their written statements.

- i. Mr. Mohsin Ali Khan, Deputy Director Hazara division.
- ii. Mr. Qasim Jamal, the then Assistant Director Mansehra.
- iii. Muhammad Taqi Shah Assistant, ADM office Mansehra.
- iv. Mr. Aqeel Ahmad, Computer Operator, ADM office Mansehra.
- v. Muhammad Arif, Senior Clerk, ADM office Mansehra.
- vi. Mr. Jaffar Hussain shah, Junior clerk ADM office Mansehra.
- vii. Mr. Inam-ul-Haq, Dispatcher/Mineral Guard.

(Attendance sheet Annexed-III)

#### BACKGROUND OF THE CASE

The Assistant Director Mineral Development Mansehra has furnished detail working papers for consideration of the Mineral Titles Committee (Annexed-IV). Accordingly the working paper were processed at Headquarters level and submitted to MTC Section for further processing. The Mineral Titles Committee in its meeting held on 08-7-2019 to 12-07-2019 vide A.No. 36 has decided as below

" The committee decided to:

1. Cancel the Prospecting License at S.No. A on account of keeping area idle, failure of party to submit MPRs and failure to won mineral as per Section, 16 (f) of Khyber Pakhtunkhwa Minerals Governance Act, 2017.
2. Application before ban at S.No. a,b already filed by Govt. vide Notification dated 09-05-2017
3. Grant 05 years Prospecting License to the applicant having Token No. 1317 over free available area subject to condition

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that offer/Allotment letter shall be issued after expiry of appeal period under Section, 102 of the said Act for S.No, A and subject to compliance of letter No. 8403/MDW/HQ/MA/PL-Granite (190)/2001 dated 20-07-2016.

4. Grant 05 years Prospecting License to the applicant having Token No. 2649 after avoiding overlapping with Token No. 1317 and declining 3 acres Protected Forest.
5. Reject online application having Token No. 2863 due to non-availability of free area.

The above grants shall be subject to the conditions that the applicants:

dues;

- i. are not defaulter in Government
- ii. will comply with Section, 35 and Section, 26 of the Khyber Pakhtunkhwa Minerals Governance Act, 2017;
- iii. will submit fresh Property certificate from concern Authority before issuance of offer/allotment letter;
- iv. will retain only 03 mineral titles and
- v. will work in accordance with the Provisions of the said Act, the area does not worked previously and are not involved in any litigation nor

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falls in any forest land."(Copy  
Annexed-V)

The above mentioned decision reached to the Assistant Director Mineral Development office Mansehra for implementation. The then Assistant Director Mineral Development partially implemented the said decision on 25-07-2019. After its implementation the above mentioned complainant has submitted its complaint in hand with the plea that the area bearing File No.MDW/MA/PL-Feldspar (532)/2005 at Sr. No.A has been cancelled by Mineral Titles Committee in its meeting held on above mentioned date and grant the area to other party but subject to conditions that offer letter be issued after expiry of the appeal period under section 102 of the said Act of file No. mentioned above. The office of Assistant Director Mineral Development Mansehra issued offer letter without any notice for appeal. Hence, now preferred an appeal to Appellate Authority.

While examining the file record received from office of the Assistant Director Mineral Development Mansehra it has further been noted that the above mentioned decision of the Mineral Titles Committee has been tempered and certain conditions has been deleted intentionally. The tempered decision has been processed in various linked file as mentioned in the working paper. The tempered decision is reproduced as below:

" The committee decided to:

1. Cancel the Prospecting License at S.No. A on account of keeping area idle, failure of party to submit MPRs and failure to won mineral as per Section, 6 (f) of Khyber Pakhtunkhwa Minerals Governance Act, 2017.



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2. Application before ban at S.No. a,b already filed by Govt. vide Notification dated 09-05-2017

3. Grant 05 years Prospecting License to the applicant having Token No. 1317 over free available area subject to condition that offer/Allotment letter shall be issued after expiry of appeal period under Section, 102 of the said Act for S.No. A. ~~and subject to compliance of letter No. 8403/MBW/HQ/MA/PL-Grants(190)/2001 dated 20/07/2016~~

Intentionally deleted

4. Grant 05 years Prospecting License to the applicant having Token No. 2649 after avoiding overlapping with Token No. 1317 and declining 3 acres Protected Forest.

5. Reject online application having Token No. 2863 due to non-availability of free area.

The above grants shall be subject to the conditions that the applicants:

- dues;
- i. are not defaulter in Government
  - ii. will comply with Section, 35 and Section, 26 of the Khyber Pakhtunkhwa Minerals Governance Act, 2017;
- 5.

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- iii. will submit fresh Property certificate from concern Authority before issuance of offer/allotment letter;
  - iv. will retain only 03 mineral titles and
  - v. will work in accordance with the Provisions of the said Act, the area does not worked previously and are not involved in any litigation nor falls in any forest land."(Copy Annexed-VI)

In the above cited tempered decision, the conditions regarding site visit report of rejected linked/overlapped file bearing No. MDW/HQ/MA/PL-Granite (190)/2001 has been intentionally deleted and the tempered / redrafted decision of the Mineral Titles Committee has been processed without signed redrafted decision of the Mineral Titles Committee. Thus provided an opportunity to the applicant to receive offer/allotment letter ignoring compliance of Mineral Titles Committee directives. This act on the part of accused is extreme violation and reveals malafide intention

#### DETAIL OF PROCEEDINGS

The following officers and officials of the Regional Office Mansehra have been heard, on 04-12-2019

- A. "Jaffer Hussain Shah, Junior Clerk". The concerned official stated during proceeding that he has no concern with the instant case. He further stated that he is deputed for the Court matter only.  
(Statement Annexed-VII)

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- B. "Aqeel Ahmad Computer Operator" The concerned official stated that he is performing duty as Computer Operator and type all kind of letters in the office. He further elaborated in his statement that he never typed any rejection letter for M/S Hamid and Co: nor typed offer letter/allotment letter for licensee Mr. Liaqat Sultan.(Statement Annexed-VIII)
- C. "Muhammad Arif Senior Clerk" The concerned official stated in his statement that he was working as a senior clerk in the office of Assistant Director Mineral Mansehra. In routine official work the decision of the Mineral Titles Committee mentioned above was processed and the cancellation letter of File No. MDW/AD/PL-Feldspar (532)/2005 was submitted to the dealing Assistant for further processing. Thereafter he was called by a Deputy Director Hazara Division Mr. Mohsin Ali Khan with the direction to process all decision of the Mineral Titles Committee. Accordingly files were processed including File No. MDW/MA/PL-Granite (444)/2017 having Token No. 1317. After confirmation of the Appeal period of the area mentioned in Mineral Titles Committee decision (Annexure-V) the Deputy Director Mineral concern signed the offer letter of the applicant having token No.1317. After that he has been transferred to Mardan Office. He further denied the statement

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and arguments of Mr. Inaam-ul-Haq dispatcher office of the Assistant Director Mineral Development Mansehra. (Statement Annexed-IX)

- D. "Muhammad Taqi Shah Assistant" The concerned official stated in his statement that he is working as Assistant in the Regional Office Mansehra. He further recorded in his statement that cancellation letter of File No. MDW/AD/PL-Feldspar (532)/2005 was put by Senior Clerk for onward submission to Assistant Director concern. Later on offer letter of the area having Token No. 1317 also processed by Senior Clerk for onward submission but due to trust and being official collage did not read out the details of the said decision, so marked the File to Assistant Director Mineral Development concern. He further mentioned that the requisite file was brought by Muhammad Arif Senior Clerk by hand from the office of the Assistant Director Mineral Development Abbottabad to office of Assistant Director Mineral Development Mansehra and processed further. (Annexed-X)
- E. "Qasim Jamal the then Assistant Director Mineral" Mansehra. The concerned officer stated in his statement that the cancellation letter was processed by dealing assistant for signature. Copy of decision of Mineral Titles Committee was found original. Accordingly letter signed and file marked back to dealing assistant. He further elaborated in the statement that he was assigned additional duty

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of Assistant Director Mineral Development  
Mansehra office and later on suspended on 26-07-  
2019 and was unable to do any official work further  
(Annexed-XI).

F. "Mohsin Ali Khan Deputy Director Mineral  
Hazara Division". The Concern officer stated in his  
statement that the concern file bearing No.  
MDW/MA/PL-Granite (444)/2017 having token  
No. 1317 was forwarded by Muhammad Arif  
Senior Clerk through Mr. Taqi Shah Assistant. In  
the said file fair draft offer letter was placed for  
implementation of remaining decision of Mineral  
Titles Committee. After perusal and careful  
examination the decision of Mineral Titles  
Committee and its verification from Muhammad  
Arif Senior Clerk regarding first portion of decision  
of Mineral Titles Committee, Muhammad Arif  
Senior Clerk explained that cancellation letter has  
been issued on 25-07-2019 and yet no appeal has so  
far been received from the aggrieved party.  
Thereafter signed the offer letter and later than  
allotment letter accordingly. He further stated that  
he was unaware about the tempered/forged  
decision of Mineral Titles Committee placed on file  
at that time and the same was processed by  
Muhammad Arif Senior Clerk through Taqi Shah  
dealing assistant (Annexed-XII).

G. "Inam-Ul-Haq Dispatcher/Mineral Guard". The  
concerned official stated in his statement that

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Muhammad Arif Senior Clerk has handed over file bearing No. MDW/MA/PL-Feldspar (532)/2005 having signed cancellation letter for dispatch. Accordingly dispatch number 1876-83 dated 25-07-2019 issued. Later on, on the same day Muhammad Arif Senior Clerk has took the file again, without dispatching the letter of cancellation. Muhammad Arif Senior Clerk again handed over the file on 21-08-2019 and stated that to dispatch letter endorsement to directorate on registered post and circulate the remaining letter through ordinary post. (Post office slips Annexed-XIII). Mr. Inam-ul-Haq further reported in his statement that as and when he came to know that the Senior Clerk has deceived him, he noted the events in the register for record. (Copy of statement and dispatch register obstruct Annexed-XIV)

#### FINDINGS

Following findings have been noted from the above mentioned details.

- i. The Assistant Director Mineral Development concerned was required to implement the decision of Mineral Titles Committee dated 08-07-2019 to 12-07-2019 vide agenda item No. 36 in true letter in spirit. However, he implement the said decision partially.
  - ii. The decision of Mineral Titles Committee was initially processed by Muhammad Arif Senior Clerk.
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- iii. The statement in argument of Aqeel Ahmad Computer Operator reveal that the tempered decision and letter of cancellation were typed somewhere else.
  - iv. The statement in arguments of Inam-Ul-Haq Dispatcher/Mineral Guard and Taqi Shah Assistant clearly indicates the involvement of Muhammad Arif Senior Clerk in the instant case.
  - v. The Deputy Director Mineral concerned has not checked the decision of Mineral Titles Committee while signing the offer letter / allotment letter.
  - vi. The decision of Mineral Titles Committee has not been implemented in its true spirit.
  - vii. The Licensee Mr. Hamid & Co. has now preferred in appeal to the Appellate Authority under section 102 of the said Act.
  - viii. Compliance of letter No. 8403/MDW/HQ/MA/PL-Granite (190)/2001 dated 20/07/2016 has been ignored.

#### RECOMMENDATIONS

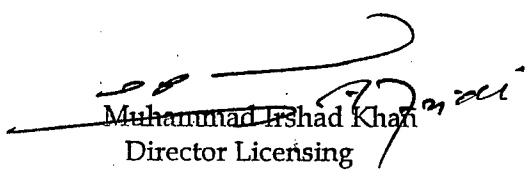
From the above mentioned details, the under mentioned recommendations are submitted for consideration of the Competent Authority.

- i. The area granted under token No. 1317 be immediately suspended till decision of the Appellate Authority on the appeal filed by M/S Hamid & Co. through special attorney Attaullah Abbasi and till compliance of letter No. 8403/MDW/HQ/MA/PL-Granite (190)/2001 dated 20/07/2016.
  - ii. Mohsin Ali Khan Deputy Director Mineral Hazara Division be censure under section 4 (1) (a) (i) of the (Efficiency and
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Disciplinary) Rules 2011 due to not checking the file record properly.

- iii. Two increments of Mr. Taqi Shah be withhold under section 4 (1) (a) (ii) of the (Efficiency and Disciplinary) Rules 2011 due to slackness and non-checking the file while forwarding to concerned officer.
- iv. Muhammad Arif Senior Clerk be demoted to lower pay scale under section 4(b) (i) due to his involvement in processing and creating tempered decision of Mineral Title Committee and due to his involvement in concealing the appeal period of the lessee Mr. Hamid & Co.
- v. All Assistant Directors Mineral be directed, to be careful in implementation of the decision of Mineral Titles Committee and ensure that the decisions are implemented in its true letter and spirit.

  
Muhammad Zulkifai Khan  
Deputy Director Mineral

  
Muhammad Irshad Khan  
Director Licensing

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**Directorate General of Mines and Minerals**  
**KHYBER PAKHTUNKHWA**  
 Attached Departments Complex Khyber Road Peshawar

No. 11752 /DGMM/Admin/Hazara Division,

Dated: 28/07/2020

**OFFICE ORDER.**

1. WHEREAS Mr. Muhammad Taqi Shah, Assistant (BPS-16), office of Assistant Director Mineral Development Abbottabad was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.
2. AND WHEREAS, charge sheet was served upon him on official address, vide this Directorate letter No.4923-24/DGMM/Admn/Hazara Division, dated 04-03-2020. The detail of the charge sheet is as follow:-
  - i. That you have failed to perform official duties according to Rules and Regulation.
  - ii. Due to your slackness and non-checking the file while forwarding to concerned officer.
3. AND WHEREAS, the accused Mr. Muhammad Taqi Shah, Assistant (BPS-16) office of Assistant Director Mineral, Abbottabad was called for personal hearing by the Director General Mines & Mineral, Khyber Pakhtunkhwa on 20-07-2020.
4. AND WHEREAS, the Competent Authority/Director General Mines & Minerals after having consider the charges and evidence on record reply of the accused official in response of charge sheet dated: 03-07-2020.
5. AND WHEREAS, the reply /statement of the accused was found unsatisfactory. Since, the accused could not forward any logical reason to prove himself innocent and also failed to plead his case properly and to satisfy the Competent Authority.
6. NOW THEREFORE, the Competent Authority, has been pleased to impose Major Penalty of reduction to lower post/scale upon Mr. Muhammad Taqi Shah, Assistant (BPS-16) to the post of Senior Clerk BPS-14 office of Assistant Director Mineral Abbottabad, Directorate General Mines & Minerals, Khyber Pakhtunkhwa under Rule-4 (1) (b) (i) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, with immediate effect.

sd/-

**Director General Mines & Mineral**  
**Khyber Pakhtunkhwa Peshawar**

Endst: No. 11753-62 /DGMM/Admin/Hazara Division,

Dated: 28/07/2020

Copy Forwarded to: -

1. PS to Secretary, Mineral Development Department, Khyber Pakhtunkhwa.
2. PA to Director General Mines and Minerals, Khyber Pakhtunkhwa, Peshawar.
3. District Accounts Officer, Abbottabad.
4. Assistant Director (Accts) H/Q Office, Peshawar.
5. Assistant Director Mineral Abbottabad.
6. Mr. Muhammad Taqi Shah, Assistant office of the Assistant Director Mineral Abbottabad.
7. Personal File of official concerned.
8. Master File/DGMM/Admin.2020.

Assistant Director (Admin)  
 H/Q Office, Peshawar.



Government of  
Khyber Pakhtunkhwa  
Minerals Development Department

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No. SO (E)/MDD/2-45/2020  
Dated Peshawar, 3<sup>rd</sup> December, 2020

12998-00

To  
Muhammad Taqi Shah, Ex- Assistant (BS-16),  
Office of Assistant Director, Abbottabad,

C/O, Director General,  
Mines & Minerals,  
Khyber Pakhtunkhwa.

Subject: APPEAL AGAINST THE OFFICE ORDER NO. 11763/DGMM/ADMIN/HAZARA DIVISION DATED 28.07.2020.

I am directed to refer to your departmental appeal dated 26-08-2020, on the subject noted above and to state that the Appellate Authority i.e. the Secretary, Minerals Development Department, Khyber Pakhtunkhwa has considered your appeal and rejected.

(Hafiz Abdul Jalil)  
SECTION OFFICER (ESTT.)  
Ph#091-9223559

Endst: No & Date even:

Copy is forwarded for information to:

- (i) Assistant Director (Admn), Directorate General of Mines & Minerals, Khyber Pakhtunkhwa, w.r.t his letter No.21003/3/14/DGMM/Admn, dated 29-10-2020.
- iii. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Minerals Development Department.



*[Handwritten signature]*  
04/12/2020

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SECTION OFFICER (ESTT.)

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**DIRECTORATE GENERAL OF MINES AND MINERALS**  
**KHYBER PAKHTUNKHWA**

Attached Departments Complex Khyber Road Peshawar  
Phone: & Fax # 091-9210236

No. 4923-24 /DGMM/Admin/(Hazara Division)

Dated: 04 /03/2020.

To

1. Taqi Shah Assistant  
C/O Assistant Director Mineral  
Abbottabad
2. Muhammad Arif Senior Clerk  
HQ Office Peshawar.

Subject

**CHARGE SHEET**

I am directed to refer to the subject noted above and to enclose herewith "Charge Sheet". You are, therefore, directed to submit your written defense/reply within seven days of the receipt of this letter positively.

Encl As above.

*o/c* Assistant Director (Administration)  
HQ Office Peshawar

Endst: No. 4925-28 /DGMM/Admin/ (Hazara Division)

Dated: 04 /03/2020.

Copy forwarded to: -

1. PA to Director General Mines and Minerals, Khyber Pakhtunkhwa, Peshawar.
2. Assistant Director Mineral Abbottabad with advice to handover the letter to the official concerned.
3. The P/F of Officials.
4. Master File/DGMM/Admin/2019.

*o/c* Assistant Director (Administration)  
HQ Office Peshawar

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CHARGE SHEET

1. I Hameedullah Shah, Director General, Mines and Minerals, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Muhammad Tagi Shah Assistant (BPS-16) Office of the Assistant Director Mineral Mansehra, as follows:

That you, while posted as Assistant at the Office of Assistant Director Mineral, Mansehra committed the following irregularities:

- (a) that you have failed to perform official duties according to the Rules and Regulation.
- (b) Due to your slackness and non-checking the file while forwarding to concerned officer.
2. By reason of the above, you appear to be guilty under rule 4(1) (a) (ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.
3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry officer, as the case may be.
4. Your written defense, if any, should reach the inquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.



(COMPETENT AUTHORITY)



Government of  
Khyber Pakhtunkhwa  
Minerals Development Department

No. SO (E)/MDD/2-45/2019/12201-02  
Dated Peshawar, 17<sup>th</sup> November, 2020

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IMMEDIATE

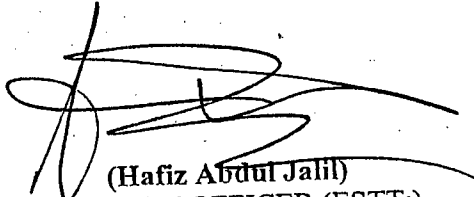
To,

1. Muhammad Taqi Shah, Ex-Office Assistant,  
O/O Assistant Director Mineral, Abbottabad.
2. Muhammad Arif, Ex-Senior Clerk, H/Q Office, DGMM, Peshawar.  
C/O Director General, Mines & Minerals,  
Khyber Pakhtunkhwa, Peshawar.

Subject: PERSONAL HEARING.

I am directed to refer to this Department letter of even number dated 13<sup>th</sup> November, 2020 on-subject cited above and to state that the Competent Authority re-scheduled the subject personal hearing to you in the said disciplinary case against you and now fixed on 18-11-2020 at 12:30 Hrs, in his office instead of 19.11.2020 .

2. You are, therefore, directed to appear before the Competent Authority on the above given date, time and venue for personal hearing.
3. Kindly furnish acknowledgment receipt.

  
(Hafiz Abdul Jalil)  
SECTION OFFICER (ESTT:)

Endst: No & Date even:

Copy is forwarded to:

1. Director General, Mines & Minerals, Khyber Pakhtunkhwa with the request to ensure that the accused officials attend the personal hearing on the scheduled date, time and venue. Your good self is further requested to depute **Departmental Representative** well versed with case alongwith all relevant documents i.e **Original Files** of the subject issue in the Directorate General, Mines & Minerals and office of the Assistant Director Mineral Abbottabad to attend the said personal hearing 18-11-2020 at 12:30 Hrs.
2. P.S to Secretary to Govt. of Khyber Pakhtunkhwa, Minerals Development Department.

/SECTION OFFICER (ESTT:)