


FORM OF ORDER SHEET

Court of _____

Case No. - 1645/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/11/2022	<p>The appeal of Mr, Irfan Ullah presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO. 1945 /2022


IRFAN ULLAH VS LOCAL GOVT DEPTT:

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APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE
SUPREME COURT OF PAKISTAN

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 1945/2022

Mr. Irfan Ullah, Assistant Engineer,
Local Government, Election & Rural Development Department, Hangu.

..... APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
- 2- The Secretary, (LG&RD) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director General Local Government & Rural Development Department, Khyber Pakhtunkhwa, Peshawar.

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 14.07.2022 WHEREBY PENALTY OF REDUCTION TO A LOWER STAGE FOR ONE YEAR WAS IMPOSED UPON THE APPELLANT AND AGAINST THE IMPUGNED APPELLATE ORDER DATED 02.11.2022 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this appeal the impugned notification dated 14.07.2022 and appellate order dated 02.11.2022 may very kindly be set aside and the appellant may kindly be restored on his original pay scale/ stage with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant with all back benefits.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

1. That the appellant is an employee of the respondent department and was performing his duties as Assistant Engineer LG&RDD Bannu quite efficiently up to the entire satisfaction of his superiors.
2. That the appellant was transferred to the office of LG&RRD Hangu vide order dated 13.09.2019 whereafter the appellant assumed charge on 18.09.2019. Copy of the transferred order and Assumption Charge Report are attached as Annexure **A & B.**
3. That astonishingly a show cause notice dated 16.02.2022 was served upon the appellant whereby baseless allegations of misconduct and inefficiency were levelled against him and consequently penalty of reduction to a lower stage for one year was imposed upon him. Copy of the show cause notice is attached as annexure.....**C.**

4. That the appellant submitted reply of the ibid show cause notice to the Section Officer (Estab:) LG&RDD, Khyber Pakhtunkhwa on 23.02.2022 and denying the allegations levelled against him. Copy of the Reply of Show Cause notice is attached as AnnexureD.
5. That the appellant has been accused of not conducting site visits which is totally false and baseless because the appellant time and again forwarded letters to the competent authority for provision of transport to visit the project site but in vain. Copy of the letters are attached as AnnexureE.
6. That surprisingly penalty of reduction to a lower stage for one year was imposed upon the appellant vide impugned order dated 14.07.2022. Copy of the impugned order dated 14.07.2022 is attached as AnnexureF.
7. That appellant feeling aggrieved from the impugned order dated 14.07.2022 preferred departmental appeal dated 19.08.2022 before the respondents department which has been rejected through appellate order 02.11.2022 on no good grounds. Copies of the departmental appeal dated 19.08.2022 and appellate order 02.11.2022 are attached as annexureG & H.
8. That appellant having no other efficacious remedy but to file the instant appeal on the following grounds amongst the others.

GROUNDS:

- A- That the impugned notification dated 14.07.2022 and impugned appellate order dated 02.11.2022 issued by the respondents are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated in accordance with law and rules by the respondent department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That neither charge sheet nor statement of allegations has been served on the appellant before issuance of the impugned order 14.07.2022.
- D- That no regular inquiry has been conducted in to the matter and it is necessary to do so that to dig out the real facts.
- E- That no chance of personal hearing and defense has been provided to the appellant before imposing the penalty.
- F- That the appellant was falsely alleged of not conducting site visits however the same was due to failure on part of the respondent department by not providing transport for site visits as well as the appellant was accused of misplacing office files which is against facts and the same was not the duty of appellant as per his job description.
- G- That the impugned notification dated 14.07.2022 and impugned appellate order dated 02.11.2022 has been issued by the respondents in arbitrary and mala fide manner, therefore, the same is not tenable in the eye of law and liable to be struck down.

H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the Service appeal may kindly be accepted as prayed for.

APPELLANT


IRFAN ULLAH

Through:


NOOR MOHAMMAD KHATTAK


WALEED ADNAN


UMAR FAROOQ MOMAND

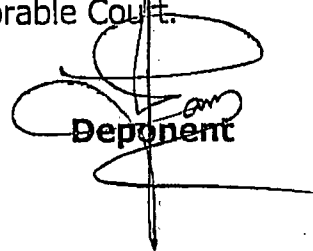

MUHAMMAD AYUB


KHANZAD GUL

ADVOCATES

AFFIDAVIT

I Mr. Irfan Ullah, Assistant Engineer, Local Government, Election & Rural Development Department, Hangu, do hereby solemnly affirm that the contents of this Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


Deponent



Government of Khyber Pakhtunkhwa
Local Government, Elections and Rural Development Department

"A" 4-

NOTIFICATION

Dated Peshawar, the 13th September.2019

No.SO/LG-D4-116/2016/KC. The Competent Authority in the Local Government, Elections and Rural Development Department has been pleased to order postings /transfers of the following officers of Local Government, Elections and Rural Development Department with immediate effect in public interest:-

Sl.No.	Name of officer	From	To
1	Mr.Mosam Khan Kundi	Assistant Director, LG&RDD, Tank	Assistant Director, Directorate General, LG&RDD, KP. Peshawar
2	Mr.Umar Ferozq Progress Officer (BS-16)	Assistant Director, (Junior) LG&RDD, DUKhan in his own pay scale	Assistant Director, LG&RDD, Tank in his own pay scale vice Sl.No.1
3	Mr.Muhammad Ilyas, Progress Officer(BS-16)	Assistant Director (VCs/NCs Junior). Directorate General, LG & RDD	Assistant Director, LG&RDD. Tribal District Kurram in his own pay scale to relieve Mr.Bahar Hussain TMO, Parachinar on his promotion to BPS-18 in I.CS-PUGF (Admin Cadre)
4	Mr.Irfanullah	Assistant Engineer, I.G&RDD, Bannu	Assistant Engineer, I.G&RDD. Hangu against vacant post
5	Mr.Ziaullah, Sub-Engineer (Degree Holder)	Sub-Engineer office of AD, LG&RDD, Bannu	Assistant Engineer, LG&RDD. Bannu in his own pay scale vice Sl.No.4

2. Mr.Awais Khan, Sub-Engineer(Degree Holder) Irrigation & Hudle Power Department, Tribal District South Waziristan is authorized to hold additional charge of the post of Assistant Engineer in the office of Assistant Director , LG&RDD, South Waziristan till further orders.

SECRETARY TO GOVT.OF KHYBER
PAKHTUNKHWA, LG,E&RDD

Endst. Even No. & Date

Copy is forwarded to:-

- 1 The Secretary to Govt.of Khyber Pakhtunkhwa, Irrigation Department.



"B" -5-

A25

**OFFICE OF THE
ASSISTANT DIRECTOR, LG&RDD
HANGU.**

No. 540 /AD/LG&RDD (H)

Dated: 18 / 09 /2019

CHARGE ASSUMPTION REPORT.

In pursuance of Government of Khyber Pakhtunkhwa, Local Government, Elections and Rural Development Department Notification No.SO(LG-I)4-116/2016/KC dated 13/09/2019, I, Irfan Ullah, Assistant Engineer, hereby assume the charge of the post of Assistant Engineer in the Office of Assistant Director, LG&RDD, Hangu today on 18/09/2019 (F.N).

(Irfan Ullah)

Assistant Engineer,
LG & RDD, Hangu.

Even No. & Date:

Copy for information to the:

1. Director General, LG&RDD, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioner, Hangu
3. Assistant Director, LG&RDD, Hangu.
4. District Accounts Officers, Hangu
5. P.S to Secretary, LG&RDD, Khyber Pakhtunkhwa, Peshawar.

Assistant Engineer,
LG & RDD, Hangu.

"C" - 6 -



GOVERNMENT OF KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS AND RURAL DEVELOPMENT
DEPARTMENT

1716
WE

No.SOE (LG)/3-5/Gandari Dallen Hangu/2021
Dated the Peshawar 16th Feb, 2022

To

1. Mr. Dilawar Khan,
Assistant Director, LG&RDD
D.I.Khan.
2. Mr. Abid Zaman,
Assistant Director, LG&RDD
Hangu.
3. Mr. Irfan Ullah,
Assistant Engineer
Office of Assistant Director, LG&RDD
Hangu.

Subject: **SHOW CAUSE NOTICE.**

I am directed to refer to the subject noted above and to enclose herewith Show Cause notice duly signed by the competent authority with the direction to submit reply to the show cause notice within the stipulated time period of seven (07) days on receipt of this communication for perusal of the competent authority. In case of failure, ex-parte action will be taken against you.

Irfan Ullah
SECTION OFFICER (ESTAB)

Encls: as stated.
Endst: No & Date eve.

- Copy to:
1. Director General, LG&RD, Khyber Pakhtunkhwa.
 2. PS to Secretary LG,E&RDD

SECTION OFFICER (ESTAB)

SHOW CAUSE NOTICE -7-

I, Dr. Shahzad Khan Bangash, Chief Secretary, Khyber Pakhtunkhwa, Peshawar in exercise of the powers under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve upon you, Mr. Irfan Ullah, Assistant Engineer (BS-17), office of Local Govt. & Rural Dev: Hangu, as follows:-

- (i) That consequent upon the completion of enquiry conducted against you by the Enquiry Officer Mr. Smai Ullah, Additional Deputy Commissioner (F&P) Kohat on the basis of fact finding inquiry of Deputy Commissioner, Hangu and Provincial Inspection Team on account of charges of not properly processing files for payment, misuse of government cheques, submitting of works and misplacement of works files in the Developmental Schemes namely " WSS Ganderi Dallah" and WSS Karbogha Sharif" under 10% Oil and Gas Royalty Fund 2014-15, for which you were given opportunity of hearing and
- (ii) On going through the findings and recommendations of the Enquiry Officer, the material on record and other connected papers including your defense before the said Enquiry Officer;

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

- a. Mis-conduct
- b. In-efficiency.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Reduction to a lower stage for one year. 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 in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case exparte action shall be taken against you.

5. A copy of findings of the Enquiry Officer is enclosed.


(Dr. Shahzad Khan Bangash)
Chief Secretary

Mr. Irfan Ullah
Assistant Engineer (BS-17)
Office of Assistant Director,
Local Govt. & Rural Dev: Hangu.

To

The Section Officer (Establishment)
LGE&RDD Khyber Pakhtunkhwa.

SUBJECT: REPLY OF SHOW CAUSE NOTICE

Reference your letter No.SOE(LG)/3-5/ Gandari Dallan Hangu/2021/1716/WE Dated the Peshawar 16th Feb,2022 received by the undersigned on 22/02/2022, wherein inquiry conducted by Mr.Sami ur rehman (ADC F&P Kohat) along with show cause notice of competent authority was forwarded. The inquiry officer has partially proved following two charges on undersigned.

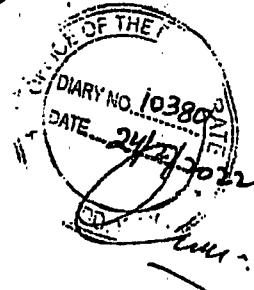
Charge 02 " you never turned to any sites of the said on-going project during his whole period of your posting that reflects your disinterest in this important project."

Charge 04 "with perusal of the following records and facts it is crystal clear the you have not only loss the files of the schemes in question but also not given attention to prepare duplicate file as yet. Resultantly the funds lapsed on 30-06-2020 and the scheme remained suspended."

The reply of show cause notice in light of aforementioned charges is inked as under.

The undersigned visited the sanitation scheme at Bagato ample times and also visited WSS Dallan scheme (site visit report already submitted). The WSS Karbogha scheme had issues in it which needed to be resolved before site visit. The initial approved list of Hand pumps was not clear and the contractor had installed hand pumps at location other than initial approved list due to which community was furious and divided into two groups. The diversion from initial approved list was done through the MPA concerned without taking into consideration the technical staff. The issue of duplication of Hand pumps was quite obvious which needed to be resolved. (Copy of complaint by the elected representative endorsed by ADC Hangu is annexed). The Technical staff have already visited the sites and submit their reports. It is worth mentioning that lack of official transport hampers the site visits. In this regards high-ups were numerously requested for provision of official transport for site visits but all in vain. (copies of letters are annexed).

As per standard procedure the record keeping of official record, including development works schemes is the prime responsibility of the ministerial (clerical) staff working under the direct supervision of the Assistant Director LG&RDD. The record keeping is neither my responsibility as per TORs nor the record was ever handed over to me. Also as per inquiry report of ADC (F&P) Kohat, technical staff is not responsible for file work as they have to concentrate on site work (Refer to inquiry report page #20). It is worth mentioning that as per standard procedure sub engineer prepares bills, etc and forward it to Assistant Engineer along with the file. If my sub ordinate staff (sub

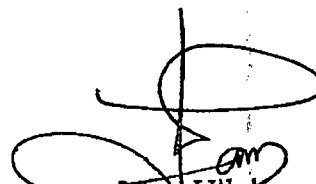


-9-

engineer) is excnerated of the charges of misplacement of files then I may also be exonerated as no files were handed over to me upon transfer to the Hangu office.

It is further added that the above mentioned charges have been taken from the inquiry report of inquiry held by Deputy Comrnissicner Hangu Office under chairmanship of Additional Deputy commissioner Hangu. The said inquiry is null and void as ADC Hangu has forwarded file of WSS Dallah to DC Hangu for illegal payment. (Copy of Note sheet attached) Furthermore the PIT in their report at page#18 found out that " files of the schemes WSS Ganderi and WSS Karbogha had been deliberately misplaced having malafide intention by then Assistant Director LG&RDD Hangu and then Deputy Commissioner Hangu, in order to avoid responsibility of fraudulent payments." Inquiry conducted by sub ordinate of guilty person (DC Hangu) has no legal grounds.

In light of the above it is requested that undersigned may be exonerated of all the charges and the penalty may be removed. It is further requested the opportunity of personal hearing may be provided to the undersigned.


Irfan Ullah
Assistant Engineer
LG&RDD Hangu.
23/02/22

Copy to

1. Director General LG&RDD Khyber Pakhtunkhwa.

"E"

-10-

To
The Honorable Secretary
Local government Elections & Rural Development Department
Khyber Pakhtunkhwa, Peshawar.

Subject: PROVISION OF TRANSPORT FOR SITE VISITS

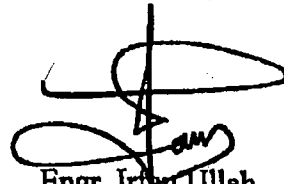
Respected Sir,

With due respect it is submitted that the undersigned has exhausted every available option for getting the genuine demand of transport for site visits but all in vain. Proof of correspondence with all high-ups including Assistant Director, Director Admin and even Director General LG&RDD are annexed. It is for your kind information that due to the sincere efforts of then Secretary LGE&RDD and Director General LG&RDD entitlement of vehicles for AD, AE, TMOs, District and Tehsil Nazimeen were approved by the transport committee (copy annexed). It is surprising to inform you that all the official had acquired the vehicles except Assistant Engineer.

In order to achieve standard quality and quantity of developmental works vigorous site visits are inevitable. The aforesaid mantra could not attract the required audience. More over if site visits are carried out in private vehicles no TADA is given. For the past four years of service the undersigned haven't received a single penny in TADA despite repeated verbal and written requests to the Assistant Directors.

The Assistant Director LG&RDD Hangu has government vehicle i.e Suzuki cultus when the undersigned requested him for provision of that vehicle for site visits as long as entitled vehicle is unavailable, the AD refused to give the vehicle saying that it is not suitable for site visits. The said vehicle has been abused by drawing out more than 400 liters of petrol on monthly basis. The said vehicle is good enough to be driven 252 kms from Hangu to D.I.Khan every week but cannot be used for site visit for a mere 50kms.

In light of above discussion, it is humbly requested that injustice with technical staff of LG&RDD may be curbed and transport facility may be provided to the undersigned for conducting site visits and maintaining the standard quality and quantity work in best public interest.


Engr. Irfan Ullah
Assistant Engineer
LG&RDD Hangu
13/05/2020

Copy for Information to..

1. The Director General LG&RDD Khyber Pakhtunkhwa, Peshawar.
2. PS to Minister LGE&RDD Khyber Pakhtunkhwa, Peshawar.

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No. 1085

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the initial weight prescribed in the
Post Office Guide of India, which no
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Date Stamp

Initials of Receiving Officer

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

Insured for Rs. (in figures)

Weight

Ks 16
Grams

Insurance fee Rs.

Ps.

(in words)

Name and

address

of sender



OFFICE OF THE ASSISTANT DIRECTOR LOCAL GOVERNMENT &
RURAL DEVELOPMENT DEPARTMENT HANGU

- 12 -

No. 38 / AD (HG - LG) / Misc / 2019-20
Dated Hangu the 22 / 01 / 2020.

To

The Assistant Director
LG&RDD Hangu.

Subject: **PROVISION OF TRANSPORT FOR SITE VISITS**

It is submitted that site visits of developmental schemes at village council Wrasta, bilyamina and Muhammad Khwaja are planned for this week. It is hereby requested that transport may be provided to the undersigned on priority basis. It is worth mentioning that the procurement of vehicle for Assistant Engineer file has been returned by the office of Deputy Commissioner Hangu with remarks that no fund has been allocated in the budget for purchase of vehicle. The said fund shall be allocated in the revised budget later. As long as official vehicle for the undersigned is not available some alternative may be arranged.

It is pertinent to mention here that the undersigned has conducted extensive site visits for the last three months from own resources, the TADA is still not released. Complete details of site visits shall be shared later but currently the undersigned is unable to conduct site visit from his own resources. It is my humble submission that transport may be arranged on priority basis so that all the pending schemes are completed.

Assistant Engineer
Local Govt. & Rural Development
Department Hangu

Encls: No. & date even.
Copy forwarded for information to: -

1. The Director Technical LG&RDD Khyber Pakhtunkhwa, Peshawar.
2. The Director Admin/HR LG&RDD Khyber Pakhtunkhwa, Peshawar.
3. The Deputy Commissioner Hangu.

Assistant Engineer
Local Govt. & Rural Development
Department Hangu



OFFICE OF THE ASSISTANT DIRECTOR LOCAL GOVERNMENT &
RURAL DEVELOPMENT DEPARTMENT HANGU

No. 48 / AD (HG -LG) /Misc/ 2019-20
Dated Hangu the 27 /01 /2020.

To

The Assistant Director
LG&RDD Hangu.

Subject: **PROVISION OF TRANSPORT FOR SITE VISITS**

Reference this office letter No. 38 / AD (HG -LG) /Misc/ 2019-20 dated 22/01/2020 or the subject captioned above, it is submitted that the planned site visits could not be carried out due to lack of transport facility. Site visits of developmental schemes at village council Bilyarnina, Wrasta, Khattak Banda, Muhammad khwaja and UC Dallan are planned for this week. It is hereby requested that transport facility may be provided to the undersigned on priority basis.

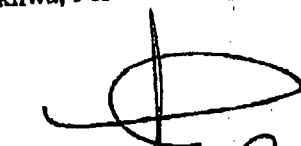
The undersigned shall be forced to write to the high-up's in case of non-availability of transport facility. The undersigned shall not be responsible for delays in schemes.


Assistant Engineer
Local Govt: & Rural Development
Department Hangu

Endst: No. & date even.

Copy forwarded for information to: -

1. The Director Technical LG&RDD Khyber Pakhtunkhwa, Peshawar.
2. The Director Admin/HR LG&RDD Khyber Pakhtunkhwa, Peshawar.
3. The Deputy Commissioner Hangu.


Assistant Engineer
Local Govt: & Rural Development
Department Hangu

OFFICE OF THE ASSISTANT DIRECTOR LOCAL GOVT: & RURAL
DEVELOPMENT DEPARTMENT HANGU

No. 109 / AD (HG -LG) /Vehicle/ 2020
Dated Hangu the 24 / 02 / 2020.

-14-

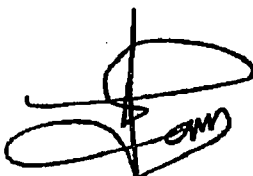
To

The Assistant Director (Admin/HR)
Local government & rural development department,
Khyber Pakhtunkhwa, Peshawar.

Subject: **PROVISION OF TRANSPORT FOR SITE VISIT**

Reference your office letter No. Director(LG) 3-16/Vehicle/2019/16258 dated Peshawar 10th February, 2020 on the subject cited above wherein comments of the Director Admin/HR regarding letter No. 38/AD(HG-LG)/Misc/2019-20 dated Hangu the 22/01/2020 on the subject cited above were conveyed to the undersigned. The comments stated that *how affairs were running in the past*. It is submitted for your kind information that the then Assistant Engineer Mr. Said Rasool had acquired a vehicle through Superdari from police department the same was used for site visits. The said vehicle was handed back to the police department. Currently the undersigned has no official vehicle for conducting site visits.

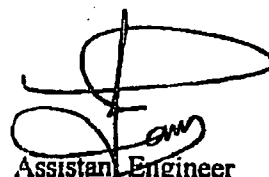
The undersigned is dejected by the comments of Director Admin/HR regarding the genuine demand for provision of transport for site visits. It is expected that such biased comments shall not be delivered in future.


Assistant Engineer
Local govt: & Rural development
department Hangu

Endst: No. & date even.

Copy forwarded for information to: -

1. The Director Technical LG&RDD Khyber Pakhtunkhwa, Peshawar.
2. The Assistant Director LG&RDD Hangu.
3. PA to Director General LG&RDD Khyber Pakhtunkhwa, Peshawar.


Assistant Engineer
Local Govt: & Rural Development
Department Hangu

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OFFICE OF THE ASSISTANT DIRECTOR LOCAL GOVT: & RURAL
DEVELOPMENT DEPARTMENT HANGU

No. 127 AD(HG-LG)/Vehicle/2019-20,
Dated Hangu the, 03 / 03 / 2020.

-15-

To

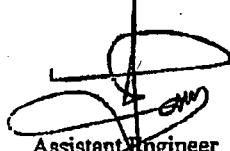
The Director General
Local government & rural development department
Khyber Pakhtunkhwa, Peshawar.

Subject: PROVISION OF TRANSPORT FOR SITE VISIT

I am forced to write here due to ineptness of the Assistant Director Hangu for fulfilling the genuine demand cited above. It is submitted for your kind information that the aforesaid official has been apprised vide letter No. 38 / AD (HG-LG) /Misc/ 2019-20, 48 / AD (HG-LG) /Misc/ 2019-20 & 70 / AD (HG-LG) /Dev/ 2019-20 Dated Hangu the 22 / 01 / 2020, 27 / 01 / 2020 & 07 / 02 / 2020. respectively (Copies attached) for provision of transport but no action has been taken.

It is pertinent to mention here that the developmental schemes could not be supervised properly due to lack of transport facility. The quality of schemes is degrading which is loss to the government exchequers. Due to the compromised quality, deterioration is inevitable resulting in making the scheme non-functional and adding to the miseries of general public.

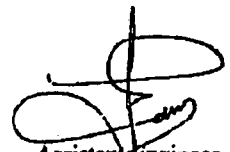
It is humbly requested that AD LG&RDD Hangu may be directed for making arrangement for the subject cited above so that quality and quantity of the developmental schemes is maintained properly. Looking forward to your kind response.


Assistant Engineer
Local Govt. & Rural Development
Department Hangu

Encls: No. & date even.

Copy forwarded for information to: -

1. The Director Technical LG&RDD Khyber Pakhtunkhwa, Peshawar.
2. The Director Admin/HR LG&RDD Khyber Pakhtunkhwa, Peshawar.
3. The Deputy Commissioner Hangu with request to allocate funds for procurement of official vehicle for the undersigned as proposed in the revised budget.
4. Assistant Director LG&RDD Hangu.


Assistant Engineer
Local Govt. & Rural Development
Department Hangu

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"F" -16-

**Government Of Khyber Pakhtunkhwa
Local Government, Elections & Rural
Development Department**

Dated Peshawar the 14-07-2022) -
4813

NOTIFICATION

No. SOE/LG/3-5/Hangu/Ganderi Dallar /2020. WHEREAS, the following Assistant Directors (BPS-17) and Assistant Engineer (BPS-17) were proceeded against under the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 on account of inefficiency and misconduct due to misuse of official cheques and loss of work files in the Development Schemes of WSS Ganderi Dallar and WSS Karbogha Sharif under 10% Oil & Gas royalty fund 2014-15:

1. Mr. Dilawar Khan, Assistant Director (BPS-17), LG&RDD
2. Mr. Abid Zaman, Assistant Director (BPS-17), LG&RDD
3. Mr. Irfan Ullah, Assistant Engineer (BPS-17), LG&RDD

2. AND WHEREAS, the Competent Authority conducted proper inquiry under Rule 5(b) of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011.

3. AND WHEREAS, the Inquiry Officer after having examined the charges, evidence on record and explanation of the accused officers, submitted the report wherein the charges mentioned in the Charge Sheet against Mr. Dilawar Khan, Assistant Director (BPS-17), Mr. Abid Zaman, Assistant Director (BPS-17) and Mr. Irfan Ullah, Assistant Engineer (BPS-17), Local Government & Rural Development Department have been proved.

4. NOW THEREFORE, the Competent Authority after having considered the charges, evidence, finding of the Inquiry Report and explanation of the accused officers during personal hearing held on 16-06-2022 and exercising his powers under the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 hereby imposed penalty of "Reduction to a lower stage for One Year" upon Mr. Dilawar Khan, Assistant Director (BPS-17), Mr. Abid Zaman, Assistant Director (BPS-17) and Mr. Irfan Ullah, Assistant Engineer (BPS-17), Local Government & Rural Development Department.

**CHIEF SECRETARY
KHYBER PAKHTUNKHWA / COMPETENT AUTHORITY**

Encl. No. & Date Even

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. Director General, Local Government & Rural Development Department, Peshawar.
3. Deputy Commissioner, Hangu.
4. District Accounts Officers Hangu and D. I Khan
5. Director (IT), LG&RDD.
6. Officers concerned.
7. PS to Secretary, LG, E&RD Department.

o/c
[Signature]
SECTION OFFICER (E-II)

Received in
29/07/22

14/7/22

To

THE HONOURABLE CHIEF MINISTER,
KHYBER PAKHTUNKHWA.

Through: Secretary LGE&RDD Khyber Pakhtunkhwa.

SUBJECT: DEPARTMENTAL APPEAL /REPRESENTATION AGAINST THE NOTIFICATION NO 4813/SOE/LG/3-5/HANGU/GANDERI DALLAN/2020 DATED PESHAWAR THE 14-07-2022 COMMUNICATED ON 29/07/2022

Respected Sir,

The appellant approaches your good self through the instant Department appeal as per follows:-

1. That the appellant was performing his duties as Assistant Engineer LG&RDD Hangu in the office of the Assistant Director LG&RDD Hangu.
2. That during all his service career, the performance of the appellant remained excellent and on many occasions, the performance of the appellant was duly acknowledged.
3. That the appellant while posted as Assistant Engineer in LG&RDD Hangu, the appellant was directed to face the inquiry conducted by the Additional Deputy Commissioner Hangu in schemes of WSS Ganderi, Dallan and Karbogha. After that Similar inquiry was conducted by the provincial inspection team. Final inquiry was conducted by the Additional Deputy commissioner (F&P) Kohat on the basis of aforementioned two inquiries.
4. That Charge sheet and statement of allegations was served upon the appellant, dated 08.06.2021 which was properly replied explaining the facts and circumstances of the cases
5. That personal hearing was conducted by the Secretary Establishment which was attended and properly answered, the appellant was shocked to know that major penalty of reduction to lower stage for one year has been imposed.
6. That being aggrieved by the impugned order dated 14/07/2022 the appellant approached your good self through the appeal/representation in hand on the following grounds amongst others:-

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GROUND

-18-

- A. That the penalty awarded through the impugned order dated 14/07/2022 is harsh, arbitrary, unjustified without lawful authority and Void ab-initio.
- B. That harsh penalty imposed on the basis of two partially proved charges is unjustified whereas in the final inquiry findings 4 charges have been proved and 3 partially proved against Mr. Dilawar Khan AD LG&RDD Hangu. 3 charges have been partially proved against Mr. Abid Zaman AD LG&RDD Hangu and the same penalty of reduction to lower pay stage for one year has been imposed on all the officials which is unjustified. (Refer to Annexure A)
- C. The charges have been taken from the inquiry report of inquiry held by Deputy Commissioner Hangu Office under chairmanship of Additional Deputy Commissioner Hangu. The said inquiry is null and void as ADC (F&P) Hangu has forwarded file of WSS Dallah to DC Hangu for illegal payment. (Copy of Note sheet attached as Annexure B) Furthermore the PIT in their report at page#18 found out that "files of the schemes WSS Ganderi and WSS Karbhoga had been deliberately misplaced having malafide intention by then Assistant Director LG&RDD Hangu and then Deputy Commissioner Hangu, in order to avoid responsibility of fraudulent payments." (Refer to Annexure C) Inquiry conducted by sub ordinate of guilty person (DC Hangu) has no legal grounds
- D. That while conducting the final inquiry by ADC F&P Kohat, no department representative attended the inquiry committee to comment on the facts and general job description of the officials hence the finding communicated in absence of the department view are illegal and not to be acted upon.
- E. It is worth mentioning that the appellant has never been handed over the files which are lost and the appellant is held responsible. The files are maintained by the clerical staff working under the direct supervision of AD LG&RDD Hangu. The issue pertaining to site visit it is submitted that undersigned inform the AD LG&RDD Hangu via note sheet, letter and email regarding issues in scheme but the official didn't respond. Moreover numerous site visit were conducted by the technical staff.
- F. That the imposition of the said penalty upon me will cause hindrance in my career progression and will result in a huge collective financial loss to me during whole of my career.
- G. Against the unjust order dated 14-07-2022 I Mr. Irfan Ullah Assistant Engineer o/o Assistant Director LG&RDD Hangu hereby submit the departmental appeal.
- H. That the appellant has badly been discriminated.
- I. That the appellant may please be afforded a chance of personal hearing during which the appellant will explain his position before your good honor.

It is, therefore, requested that the impugned order dated 14/07/2022 regarding imposition of major penalty of reduction to lower pay stage for one year may kindly be set aside.

Faithfully Yours.

Irfan Ullah

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"H"
GOVERNMENT OF KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS & RURAL
DEVELOPMENT DEPARTMENT

-19-

No.SO(E-II)LG/3-5/Hangu/Ganderi Dallah/2020
Dated Peshawar the 02-11-2022

To

1. Mr. Abid Zaman, Assistant Director (BPS-17)
Local Government & RD Department.
2. Mr. Dilawar Khan, Assistant Director (BPS-17),
Local Government & RD Department.
3. Mr. Irfan Ullah, Assistant Engineer (BPS-17),
Local Government & RD Department.

Subject:- DEPARTMENTAL APPEAL / REPRESENTATION AGAINST THE
ORDER NO. SO(LG)/3-5/HANGU/GANDERI DALLAN/2020/4813
DATED 14TH JULY, 2022


I am directed to refer to your departmental representations on the above
subject have been considered and rejected.


SECTION OFFICER
(ESTABLISHMENT-II)

Endst. Even No. & Date

Copy is forwarded to the:

1. Director General, Local Government & RDD.
2. PS to Secretary LG, E&RD Department Peshawar.


SECTION OFFICER
(ESTABLISHMENT-II)

Received
11/11/2022
By: Secy

-20-

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO: _____ OF 2022

18 Jan ullah

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt of KP & others

(RESPONDENT)
(DEFENDANT)

I/We 18 Jan ullah

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2022


CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT
(BC-10-0853)
(15401-0705985-5)


UMAR FAROOQ MOHMAND


WALEED ADNAN

&


MUHAMMAD AYUB
ADVOCATES

OFFICE:

Flat No. (TF) 291*-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)