

Service Appeal No.15180/2020 titled "Muhammad Tariq Bhatti-vs-Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others", service appeal No. 14546/2020 titled "Muhammad Usman-vs- Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others" and service appeal No. 14547/2020 titled "Gul Nawaz-vs- Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others" decided on 06.10.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Mian Muhammad, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**  
**MIAN MUHAMMAD ... MEMBER (Executive)**

*Service Appeal No.15180/2020*

**Muhammad Tariq Bhatti**, Son of Muhammad Yousaf Bhatti caste Bhatti resident of Dabba Tabakhi D.I.Khan serving as Principal BS-19 Govt: Higher Secondary School Mandhra Kalan, D.I.Khan.  
.....(*Appellant*)

Versus

1. **The Government of Khyber through Chief Secretary**, Khyber Pakhtunkhwa, Peshawar.
2. **Secretary** to the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
3. **Secretary Establishment** Government of Khyber Pakhtunkhwa Peshawar.
4. **Director** Khyber Pakhtunkhwa Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.  
.....(*Respondents*)

Present:

Mr. Pir Ghulam Khan Marwat,  
Advocate.....For appellant.

Syed Naseer Ud Din Shah,  
Assistant Advocate General.....For respondents.

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Date of Institution.....19.11.2020  
Dates of Hearing.....06.10.2022  
Date of Decision.....06.10.2022

.....  
*Service Appeal No.14546/2020*

**Muhammad Usman** son of Ghulam Sadeeq caste Awan resident of Faqeer Abad D.I.Khan serving as SIPE BS-18 Govt: Higher Secondary School No. 2 D.I.Khan.  
.....(*Appellant*)

Service Appeal No.15180/2020 titled "Muhammad Tariq Bhatti-vs-Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others", service appeal No. 14546/2020 titled "Muhammad Usman-vs- Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others" and service appeal No. 14547/2020 titled "Gul Nawaz-vs- Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others" decided on 06.10.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Mian Muhammad, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Versus

1. **The Government of Khyber through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.**
2. **Secretary** to the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
3. **Secretary Establishment** Government of Khyber Pakhtunkhwa Peshawar.
4. **Director** Khyber Pakhtunkhwa Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.

.....(*Respondents*)

Present:

Mr. Pir Ghulam Khan Marwat,  
Advocate.....For appellant.

Syed Naseer Ud Din Shah,  
Assistant Advocate General.....For respondents.

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Date of Institution.....19.11.2020  
Dates of Hearing.....06.10.2022  
Date of Decision.....06.10.2022

.....  
***Service Appeal No.14547/2020***

**Gul Nawaz** son of Malik Nadir caste Awan resident of Najaf Colony Thoya Fazil Road Dera Ismail Khan presently serving as Subject Specialist BS-18 Govt: Higher Secondary School No. 2 D.I.Khan.

.....(*Appellant*)

Versus

Mr. Pir Ghulam Khan Marwat,  
Advocate.....For appellant.

Syed Naseer Ud Din Shah,  
Assistant Advocate General.....For respondents.

----  
Date of Institution.....19.11.2020  
Dates of Hearing.....06.10.2022  
Date of Decision.....06.10.2022



Service Appeal No.15180/2020 titled "Muhammad Tariq Bhatti-vs-Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others", service appeal No. 14546/2020 titled "Muhammad Usman-vs- Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others" and service appeal No. 14547/2020 titled "Gul Nawaz-vs- Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others" decided on 06.10.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Mian Muhammad, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

.....  
.....

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST PUNISHMENT IMPOSED UPON THE APPELLANT OF THE KIND "WITHHOLDING OF 03 ANNUAL INCREMENTS FOR THREE YEARS" VIDE IMPUGNED NOTIFICATION NO. SO(B/T)E&SED/9-2/2019/HSSC BISE D.I.KHAN/MUHAMMAD TARIQ BHATTI DATED 06.07.2020.**

**CONSOLIDATED JUDGMENT**

**KALIM ARSHAD KHAN CHAIRMAN:** Through this single judgment the instant appeal and connected Appeal No. 1546/2020 titled "Muhammad Usman-vs- The Government of Khyber through Chief Secretary, Khyber Pakhtunkhwa, Peshawar and others" and service appeal No. 14547/2020 titled "Gul Nawaz-vs- The Government of Khyber through Chief Secretary, Khyber Pakhtunkhwa, Peshawar and others" are decided as all the three are against the same departmental proceedings.

2. According to the facts gathered from the record, the appellant is serving as Principal at GHSS Mandra Kalan, D.I.Khan; that in 2019 Higher Secondary School (Annual) Examination was started in the month of April; that the appellant alongwith other colleagues (appellants in the instant case) was deputed on the examination duty; that on 26.04.2019, an unpleasant occurrence took place in the examination Hall; that fact finding inquiry was conducted by Abdul Basit, Additional Secretary (Dev) E&SE Department Khyber Pakhtunkhwa vide office order dated 20.05.2019; that on 30.10.2019 an enquiry committee was constituted against the appellants and the enquiry



*Service Appeal No.15180/2020 titled "Muhammad Tariq Bhatti-vs-Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others", service appeal No. 14546/2020 titled "Muhammad Usman-vs- Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others" and service appeal No. 14547/2020 titled "Gul Nawaz-vs- Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others" decided on 06.10.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Mian Muhammad, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.*

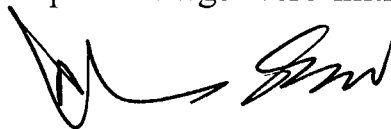
committee submitted report on 28.12.2019 recommending minor punishment of forfeiture of three annual increments upon the appellants of this appeal while in appeal No. 14546 titled "Muhammad Usman" was awarded punishment of "withholding of two annual increments for two years" and in appeal No. 14547 titled "Gul Nawaz" was awarded penalty of "reduction to a lower post for two years"; that the competent authority issued show cause notice on 25.02.2020 which was replied by the appellants; that the appellants were awarded penalty of "withholding of three annual increments for three years" vide impugned notification dated 06.07.2020 against which the appellants filed departmental appeal which was not responded within the stipulated statutory period, hence, the instant service appeal.

3. On receipt of the appeals and their admission to full hearing, the respondents were summoned, who, on putting appearance, contested the appeals by filing written replies raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellants.

4. We have heard learned counsel for the appellants and learned Assistant Advocate General for the respondents.

5. The learned counsel for the appellants reiterated the facts and grounds detailed in the memo and grounds of the appeals while the learned Assistant Advocate General controverted the same by supporting the impugned order.

6. It appears that the respondents had penalized all the three appellants in consequence of the recommendations of the enquiry report of the enquiry committee. The proceedings were initiated against the appellants by issuing



charge sheet, statement of allegations and appointment of enquiry committee comprising of Adil Siddique, Commissioner Bannu and Attiq-Ur-Rehman, Principal GHSS No. 1, Peshawar Cantonment but the Chief Secretary showing himself to be authority, while initiating the proceedings and the appointing the enquiry committee, in disregard to the provisions of Rule-10 sub-rule-1 clause-C of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, did not appoint departmental representative by designation. Similarly, the enquiry report is totally silent to state the name and designation of the departmental representative. The enquiry report reflects that only the statements of the accused officials including the appellants were shown to have been recorded but those are not annexed with the reply of the department. The enquiry report is found placed on file which has been perused. The recommendations in the enquiry report had not only found the appellants guilty but also proposed punishment which act was outside the domain of the enquiry committee as it could only suggest nature of penalty i.e. either major or minor etc while the quantum of the penalty was not the job of the enquiry committee which it did in this case. Rule-12 sub-rule-1 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 has vested the enquiry committee with the powers of a civil court trying a suit under the Code of Civil Procedure in 1908, in respect of the following matters namely:

- a) summoning and enforcing the attendance of any person and examining him on oath;
  - b) requiring the discovery and production of documents, and receiving evidence on affidavits;
- and



c) issuing commissions for the examination of witnesses or documents.

7. There is nothing found in the report of the enquiry committee as to how many witnesses were examined from either side so much so name of any witness was also not mentioned in the enquiry report what to talk about their examination or cross examination as required by the rules *ibid*. The report is silent regarding any question put by the enquiry committee to the accused officials or any witnesses, which was necessary because in the departmental enquiry the accused officials were not provided the facility to engage a lawyer to join the proceedings to defend them and thus the process is inquisitorial and the committee has only to find that the charge was proved or not proved by pointing towards the major or minor penalty without suggesting the punishment or at least the quantum of punishment. After conclusion of the enquiry under Rules-11 and 12 of the said rules, it is sent to the competent authority who has to examine the report and the relevant material and determine whether the enquiry had been conducted in accordance with rules but there is nothing in the impugned order to show that the authority had found that enquiry had been conducted in accordance with the provisions of the rules as required by rule-1 of Rule-14 of the rules *ibid*. Similarly, under Sub-rule-2 of Rule-14 of the Rules, the competent authority had to observe that it was satisfied that the enquiry had been conducted in accordance with the provisions of the Rules and that it had to further determine whether the charge or charges had been proved against the accused or not. Following further process was to be adopted by the competent authority under Rule-14 of



the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline)

Rules 2011:-

(4) Where the charge or charges have been proved against the accused, the competent authority shall issue a show cause notice to the accused by which it shall-

(a) Inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him;

(b) give him reasonable opportunity of showing cause against the penalty or penalties proposed to be imposed on him and to submit as to why one or more of the penalties as provided in rule-4 may not be imposed upon him and to submit additional defense in writing, if any, within a period which shall not be less than seven days and more than fifteen days from the day the charge or charges have been communicated to him: provided that the accused shall, in his reply to show cause notice, indicate as to whether he wants to be heard in person or not;

(c) Provide a cop of the inquiry report to the accused; and

(d) direct the departmental representative to appear, with all the relevant record, on the date of hearing.

(5) After affording personal hearing to the accused the competent authority shall, keeping in view the findings and recommendations of the inquiry officer or inquiry committee, as the case may be, facts of the case and defense offered by the accused during personal hearing, by an order in writing-

(i) Exonerate the accused if charges had not been proved; or

(ii) Imposed any one or more of the penalties specified in rule 4 if charges have been proved.

(6) Where the competent authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of these rules or the facts and merits of the case have been ignored or there are other sufficient grounds, it may, after recording reasons in writing, either remand the

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inquiry to the inquiry officer or the inquiry committee, as the case may be with such directions as the competent authority may like to give, or may order a de-novo inquiry through different inquiry officer or inquiry committee 1[subject to sub-rule(7) of rule 11].

(7) After receipt of reply to the show cause notice and affording opportunity of personal hearing the competent authority shall decide the case within a period of fifteen days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons.

(8) If the case is not decided by the competent authority within the prescribed period of fifteen days, the accused may submit an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period.



8. Under Sub-rule-7 the competent authority had to decide the case within a period of fifteen days after receipt of reply to the show cause notice and affording the opportunity of personal hearing. The impugned order shows that the personal hearing of Muhammad Tariq Bhatti was alleged to have been conducted on 08.04.2020 whereas the authority had to decide within fifteen days after 08.04.2020 but the impugned notification is of 06.07.2020 that is after more than fifteen days of personal hearing which is violation of sub-rule-7 of Rule-4 of the above rules. Last but not the least it is nowhere evident from the enquiry report that either the Addl: Deputy Commissioner, D.I.Khan as alleged in the statement of allegations to have witnessed the episode as well as the complainant that is Chairman of the BISE, D.I.Khan was neither mentioned as witness nor there is anything to show that they were examined and/or cross examined during the enquiry. The record also shows that the first charge sheet, statement of allegations, initiation of enquiry etc all were done by the Chief Secretary showing himself to be the Competent Authority




Service Appeal No.15180/2020 titled "Muhammad Tariq Bhatti-vs-Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others", service appeal No. 14546/2020 titled "Muhammad Usman-vs- Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others" and service appeal No. 14547/2020 titled "Gul Nawaz-vs- Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others" decided on 06.10.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Mian Muhammad, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

whereas the final show cause notice was signed by the Chief Minister showing himself to be the Competent Authority and similarly the impugned notification also shows that the punishment was awarded by the Chief Minister. But the personal hearing was not given by the Chief Minister himself, who claimed to be the Competent Authority rather, as the record shows the personal hearing was given by the Secretary to Government of Khyber Pakhtunkhwa Administration Department, who is not the Authority of the appellants. So it is not clear as to whether Chief Secretary was also Competent Authority because he initiated the disciplinary action and if he was not then the entire proceedings can safely be termed to be nullity in the eyes of law. In the circumstances, the punishments awarded to the appellants cannot sustain.

9. For what has been discussed above, we allow appeals and as a resultant consequence set aside the impugned orders leaving the department at liberty either to conduct enquiry afresh in accordance with law and rules or not. Costs shall follow the event. Consign.

10. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 6<sup>th</sup> day of October, 2022.*

  
**KALIM ARSHAD KHAN**  
Chairman

  
**MIAN MUHAMMAD**  
Member (Executive)

**ORDER**

06<sup>th</sup> Oct, 2022

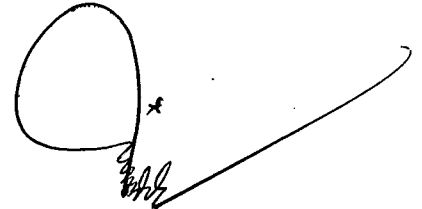
1. Learned counsel for the appellant present. Syed Naseer Ud Din Shah, Asst: AG alongwith Dr. Khalid Saeed, Litigation Officer and Mr. Fahim Khan, Assistant for respondents present.

2. Vide our detailed judgement of today placed on file (containing 09 pages), we allow appeals and as a resultant consequence set aside the impugned orders leaving the department at liberty either to conduct enquiry afresh in accordance with law and rules or not. Costs shall follow the event. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 06<sup>th</sup> day of October, 2022.*



**(Kalim Arshad Khan)**  
Chairman



**(Mian Muhammad)**  
Member(Executive)

28<sup>th</sup> Sept 2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Learned counsel for the appellant seeks time to prepare the case. Last chance is given to argue the case on the next date failing which the case will be decided without arguments. To come up for arguments on 27.10.2022 before D.B at camp court D.I.Khan.



(Salah Ud Din)  
Member(J)




(Kalim Arshad Khan)  
Chairman  
Camp Court D.I.Khan

29<sup>th</sup> Sept 2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Learned counsel for the appellant submitted an application for fixation of the appeal at principal seat Peshawar. Case file requisitioned. Application is placed on file. To come up for arguments on 06.10.2022 before D.B at Peshawar.

(Salah Ud Din)  
Member(J)




(Kalim Arshad Khan)  
Chairman  
Camp Court D.I.Khan

27.01.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, learned Addl. AG for respondents present.

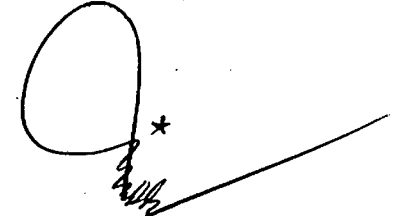
Reply/comments on behalf of respondent are still awaited. Learned Addl. AG sought time for submission of reply/comments. Granted. To come up for reply/comments before the S.B on 29.03.222.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)

29.03.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Faheem, Litigation Officer for respondents present.

Written reply/comments on behalf of respondents submitted which is placed on file. A copy of the same is handed over to the learned counsel for the appellant. Adjourned. To come up for rejoinder/arguments on 05.07.2022 before D.B.

  
(MIAN MUHAMMAD)  
MEMBER(E)

5-7-2022

Proper DB not available the case  
is adjourned 13-10-2022

  
Reader

07.07.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG along with for the respondents present.

Learned AAG seeks further time to submit reply/comments. He is required to contact the official respondents and submit reply/comments in office within 10 days, positively. If the written 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 30.11.2021 before the D.B.

*Stipulated period has passed and reply has not been submitted.*

  
Chairman

P.S

28.07.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.

*Dr*

  
Chairman

30.11.2021

None for the appellant present. Mr. Kabirullah Khattak, Addl: AG along with Dr. Khalid Saeed, Addl: Litigation Officer, DIK for respondents present.

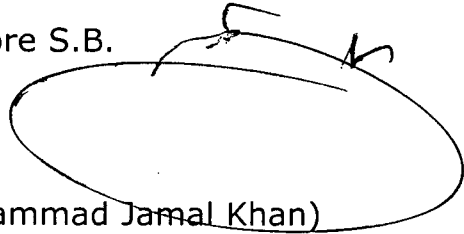
Representative of the respondents seeks time to submit written reply/comments. Adjourned. To come up for written reply/comments on 27.01.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)

22.02.2021

Junior to senior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, learned Additional Advocate General is directed to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 08.04.2021 on which date file to come up for written reply/comments before S.B.

  
(Muhammad Jamal Khan)  
Member

08.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 07.07.2021 for the same as before.

  
READER

28.12.2020

Mr. Pir Ghulam Khan Marwat, Advocate, for appellant is present.

The concise facts of what has been emphasized by the learned counsel representing appellant is that, the inquiry committee has wrongly indicted appellant of misconduct by finding him guilty for certain acts of commission thus resulting into suggestions of minor penalty of forfeiture of two annual increments for two years, followed by issuance of show-cause notice by the competent authority which was duly replied pointing to the omissions committed by the inquiry officer to which no head was paid culminating into passage of the impugned notification dated 06.07.2020 which was communicated to appellant on 21.07.2020 followed by review petition to the competent authority which remained undecided so far hence, necessitating the present service appeal.

The points so agitated at the bar need consideration. The appeal is admitted for regular hearing subject to all just legal exceptions. Appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 22.03.2021 before S.B.

Appellant Deposited  
Security & Process Fee


(MUHAMMAD JAMAL KHAN)  
MEMBER

Form- A

FORM OF ORDER SHEET

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

Case No.- 15180 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/11/2020	<p>The appeal of Mr. Muhammad Tariq Bhatti resubmitted today by post through Mr. Pir Ghulam Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on _____</p> <p style="text-align: right;">CHAIRMAN</p>
2-		



TO

THE REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUN KHAWA PESHAWAR

Subject: **RE SUBMISSION OF APPEAL**

R/Sir,

Please find enclosed here with the service tribunal appeal in r/o Muhammad Tariq Bhatti Principal GHSS.Mandran Kalan DIKhan after removing the objection mentioned in letter No 3852/S.T dated 19/11/2020.

From  
PIR GHULAM KHAN  
ADVOCATE DISTRICT BAR DIKHAN

Cell # 03469095236.

The appeal of Mr. Muhammad Tariq Bhatti Principal GHSS Mandhra Kalan D.I.Khan received today i.e. on 19.11.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Memorandum of appeal is drafted on A4 (Letter) size paper which is not acceptable which may be drafted on legal size paper.

No. 3852 /S.T,

Dt. 19/11 /2020.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Pir Ghulam Marwat Adv. D.I.Khan

**BEFORE THE HONOURABLE KHYBER  
PAKHTUNKHWASERVICE TRIBUNAL CAMP COURT DERA  
ISMAIL KHAN**

Service Appeal No. 15180 /2020

Muhammad Tariq Bhatii **VERSUS** Govt. of KPK and others

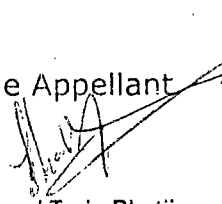
**SERVICE APPEAL**

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Date: 19/11/2020

Yours Humble Appellant

  
Muhammad Tariq Bhatii

①

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. \_\_\_\_\_/2020

**Muhammad Tariq Bhatti** son of Muhammad Yousaf Bhatti caste Bhatti resident of Dabba Tabakhi D.I.Khan serving as Principal BS-19 Govt: Higher Secondary School Mandhra Kalan, D.I.Khan.

.....Appellant

**Versus**

1. The Government of Khyber Pakhtunkhawa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. Secretary to the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
3. Secretary Establishment Government of Khyber Pakhtunkhwa Peshawar
4. Director Khyber Pakhtunkhwa Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.

.....Official Respondents

**APEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974, AGAINST PUNISHMENT IMPOSED UPON THE APPELLANT OF THE KIND "WITHHOLDING OF 03 ANNUAL INCREMENTS FOR THREE YEARS" VIDE IMPUGNED NOTIFICATION NO.SO(B/T)E&SED/9-2/2019/HSSC BISE D.I.KHAN/MUHAMMAD TARIQ BHATTI DATED 06-07-2020, AND AGAINST THE INDECISION OF THE REVIEW PETITION/REPRESENTATION OF THE APPELLANT.**

**PRAYER**

On acceptance of this appeal, it is earnestly and very graciously requested to set-aside the impugned notification D.I.Khan BISE No.SO(B/T)E&SED/9-2/2019/HSSC /Muhammad Tariq Bhatti Dated 06-07-2020, may kindly be set aside and appellant may kindly be exonerated from the baseless, false and frivolous charges leveled against him with all back benefits.

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**Note:** That the addresses of the Parties given in the heading of the Petition are true and correct for the purpose of service.

**Respectfully Sheweth:-**

I, Muhammad Tariq Bhatti, Principal (BS-19)/GHSS Mandhra Kalan DIKhan has been aggrieved beyond measure over award of punishment of the kind "withholding of 03 annual increments for three years" inflicted on me without observing due process of law and rule made there under.

**FACTS AND ASSUMPTIONS OF THE CASE:**

Brief facts and assumptions leading to my humble appeal are as under:-

1. That appellant belongs to a respectable family and serving the most respectful education profession and presently serving as Principal GHSS Mandra Kalan DIKhan. In 2019 HSSC (A) Examination was being started in the month of April 2019. Mr. Gul Nawaz (Vice Principal GHSS NO.2 D.I.Khan) was the resident inspector at GHSS No.2 examination hall. Present appellant was assigned inspection duty On 26-04-2019, an unpleasant occurrence happened having its detailed history for which the present appellant have to face facts finding inquiry conducted by Mr. Abdül Basit, Additional Secretary(Dev;) E&SE Department KPK

vide office order No.SO(B.T)/9-2/HSSC-BISE D.I.Khan Dated 20-05-2019. Copy of the order is annexed as **Annexure-A**.

2. That the appellant submitted written reply put forward all the detail of true and real facts. Copy of the reply is annexed as **Annexure-B**.
3. That vide Notification No.SO(B.T)/9-2/2019/HSSC INQUIRY/D.I.Khan Dated 30-10-2019 an inquiry committee was constituted against the appellant along with Gul Nawaz Ex-Vice Principal (BS-18) GHSS No.2 DIKhan, Mr. Atta Ullah Chohan Principal (BS 18) GHSS NO.2. D.I.Khan and Mr. Muhammad Usman, SIPE/Chief proctor (BS-18) GHSS No.2 DIKhan. Copies of Notification dated 30/10/2019, charge sheet and statement of allegation are annexed as **Annexure- C.D & E**, respectively.
4. That appellant submitted written reply and annexed all the relevant documents before the inquiry committee. Copies of reply along with relevant documents are annexed as **Annexure-F**.
5. That inquiry committee submitted inquiry report on 28/12/2019, and wrongly found the present appellant guilty to the extent of minor act of commission and suggested minor penalty of forfeiture of 03 annual increments. Copy of the Inquiry report is annexed is **Annexure-G**.
6. That upon the conclusion, competent authority issued show cause notice vide No SO(B.T)E&SED/9-2/2019/HSSC BISE DIKhan dated 25/02/2020. Copy annexed as **Annexure-H**.
7. That present appellant submitted reply of the show cause before the competent authority and submitted true and real facts and pointed out the omissions conducted by the inquiry committee. Copy of the reply is annexed as **Annexure-I**.
8. That appellant was awarded penalty of "**withholding of 03 annual increments for three years**" vide notification "No.SO(B/T)E&SED/9-2/2019/HSSC BISE

D.I.Khan/M. Tariq Bhatti Dated 06-07-2020. Copy of the impugned notification is annexed as **Annexure-J**.

9. That the appellant, feeling aggrieved from the impugned notification, the present appellant preferred review application/representation on 25.07.2020, before the Honorable Chief Minister KPK. Copy of the review is annexed as **Annexure-K** and the same has not yet being decided.
10. That feeling aggrieved from the impugned notification (being final order) and having no other remedy but to knock the doors of this Honourable Tribunal by invoking the jurisdiction under section 4 of Khyber Pakhtunkhwa Service Tribunal Act 1974, inter alia, on the following grounds.

#### GROUNDS FOR APPEAL

- a) That the impugned notification No.SO(B/T)E&SED/9-2/2019/HSSC BISE D.I.Khan/M. Tariq Bhatti Dated 06-07-2020 is against law rules and facts.
- b) That the authority has passed the impugned order without proper perusal of the record and thus caused virtually condemned the appellant on misconceived premises.
- c) That on 26.04.2019 when the appellant was performing his duties as inspector at GHSS No.2 DIKhan in Hall-A, in the meanwhile Chairman BISE DIKhan along with Secretary & Controller BISE DIKhan entered in the Hall-A and asked harshly to the appellant for my presence in examination hall. The appellant explained his position and showed written duty letter as Inspection member but the said chairman BISE snatched letter and very arrogantly ordered the appellant to get out from the Hall. To dismay of the appellant, departmental inquiry was initiated against not only the appellant but also against principal Mr. Atta Ulla Chohan, against Mr. Gut Nawaz (Ex-Vice principal GHSS No.2 DIKhan BS-18), Mr. Muhammad Usman SIPE/Chief proctor (BS-18) GHSS No.2 DIKhan.

d) That notification dated 30/10/2019 (annexure-C) constituting inquiry committee, is itself illegal and against the code as Mr. Atta Ullah Chohan Principal GHSS No.2 DIKhan was serving in BS-20. The inquiry committee comprising two members are also of the same grade which is itself is violation of the law, rules and regulations and the whole episode is void ab-initio.

e) Does it suits to a responsible officer of a responsible institution to behave arrogantly and abusively with a senior principal (BS-19), where he was just performing his duty as inspector. The thing the present appellant did was just to left the hall and silently sat in the office of the principal and no more. But even then inquiry committee found the present appellant guilty without relying and reasoning upon a single document and evidence respectively.

f) That pertinent to mentioned here that charge sheet and statement of allegation contains some allegations qua event of next day i.e 27.04.2019. the principal GHSS NO.2 Mr. Atta Ullah Chohan was also charge sheeted for the identical allegations. The inquiry committee exonerated Mr. Atta Ullah being not present on eventful day but found guilty the appellant even for the allegations occurred on next day i.e 27.04.2019.

g) That meticulous perusal of allegations requires avoidance of hearsay statements for the proof or disproof of the charge. The appellant along with others and especially the principal Mr. Atta Ullah Chohan were served with the identical allegations irrespective of the fact that all were performing their different respective duties in different official capacities. Charge sheet contain the allegation that appellant called the media persons to high light the issue. The inquiry committee while dealing with matters relating to automation/social media, it must be verified from concern agencies. Whether it was proved by any record that appellant or others called media. It is settled law of evidence that to prove a fact, if It is neither



6

others called media. It is settled law of evidence that to prove a fact, if it is neither prove nor disprove then it would be considered as not proved. Thus, the inquiry committee did not properly dig out the true facts and the real culprit behind the occurrence.

h) That the inquiry committee gave its findings qua appellant that "**Mr. Muhamamd Tariq Bhatti could not defend himself fully and was found guilty to the extent of minor act of commission**". The inquiry committee did not give its detailed findings as which allegation was proved against the appellant and which was not or either all the allegations were proved? The whole Inquiry report did not bear any single reasoning in support of findings which is sine quo non for any findings upon any fact.

i) That the inquiry committee found the present appellant guilty of minor act of commission but did not specify what act was committed by the present appellant which make part of the event/occurrence. This shows how much least interest and attention the competent authority has, while inflicting penalty upon a Principal of BS-19.

j) That appellant has been condemned unheard as no opportunity of personal hearing has been provided by the competent authority. The competent authority cannot delegate power of personal hearing to any other official.

k) That the appellant rely upon the record already attached with the previous replies rendered in consequence of departmental proceedings besides the grounds set up in this appeal and also request for raising additional grounds during course of arguments.

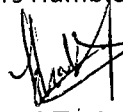
l) That the instant appeal is within time and within the jurisdiction of this honourable Tribunal.

On acceptance of this appeal, it is earnestly and very graciously requested to set-aside the impugned notification No.SO(B/T)E&SED/9-2/2019/HSSC BISE D.I.Khan /Muhammad Tariq Bhatti Dated 06-07-2020, may kindly be set aside and appellant may kindly be exonerated from the baseless, false and frivolous charges leveled against him with all back benefits.

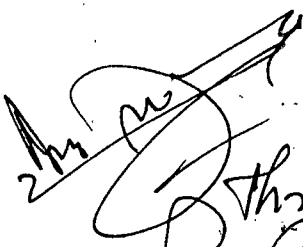
Any other relief which this honorable tribunal may deem fit may granted in the favor of the appellant.

Date: 19 /11/2020

Yours Humble Appellant



Muhammad Tariq Bhatti  
Principal GHSS Mandra Kalan DIK



Through counsel  
Pir Anwar ul Haq  
Advocate Distt. Bx  
D.I.Khan.

8

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. \_\_\_\_\_/2020

Muhammad Tariq Bhatti

**VERSUS**

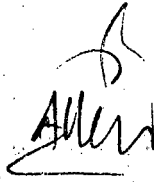
Govt. of KPK and others.

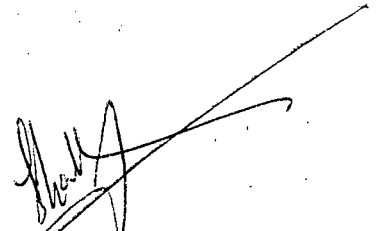
**SERVICE APPEAL**

**AFFIDAVIT**

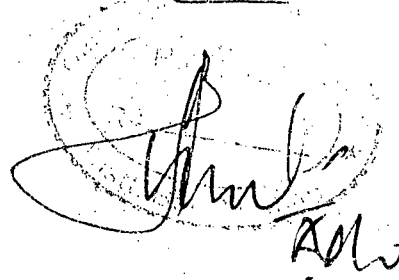
I, **Muhammad Tariq Bhatti** son of Muhammad Yousaf Bhatti caste Bhatti resident of Dabba Tabakhi DIKhan. Presently serving as Principal GHSS Mandhra Kalan, Dera Ismail Khan, do hereby solemnly affirm and declare on oath that contents of above Service Appeal are true & correct to the best of my knowledge and that nothing has been concealed from this Honourable Court.

Dated: 19 /11/2020

  
A handwritten signature in black ink, appearing to read 'Muhammad Tariq Bhatti'.

  
A handwritten signature in black ink, appearing to read 'Muhammad Tariq Bhatti'.

**DEPONENT**

  
A handwritten signature in black ink, appearing to read 'Adw'.

(9)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL CAMP COURT**

**DERA ISMAIL KHAN.**

Service Appeal No. \_\_\_\_\_/2020

Muhammad Tariq Bhatti **VERSUS** Govt. of KPK and others

**SERVICE APPEAL**

**APPLICATION FOR THE SUSPENSION OF OPERATION OF IMPUGNED NOTIFICATION  
No.SO(B/T)E&SED/9-2/2019/HSSC BISE D.I.Khan/M. TARIQ BHATTI Dated 06-07-2020 TILL  
THE FINAL DISPOSAL OF THE INSTANT APPEAL.**

Respectfully Sheweth;

The appellant humbly submits as under;

1. That the above titled service appeal is being filed before this honourable Tribunal and the instant application may kindly be treated as integral part of it.
2. That the appellant has prima facie case and balance of convenience also tilts in favour of the appellant.
3. That the respondents are intending to implement the impugned notification dated 06/07/2020 which must cause irreparable loss to the appellant and purpose of the institution of instant service appeal will become futile.
4. That this honourable Tribunal has got vast and ample powers to entertain the instant application.

**It is therefore, humbly prayed that the operation of impugned notification No.SO(B/T)E&SED/9-2/2019/HSSC BISE D.I.Khan/M. TARIQ BHATTI Dated 06-07-2020 may kindly be suspended till the final disposal of the instant service appeal to meet the ends of justice.**

Dated: 19/11/2020

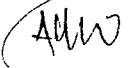
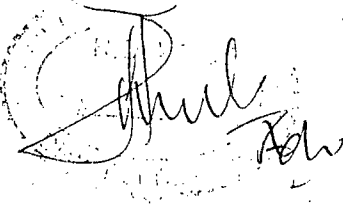
Your humble appellant

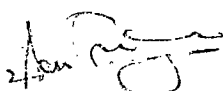
  
**Muhammad Tariq Bhatti**

**AFFIDAVIT:**

I, **Muhammad Tariq Bhatti**, the appellant, do hereby solemnly affirm and declare on Oath that contents of the application are true and correct to the best of my knowledge and nothing has been deliberately concealed from this Hon'ble Court.

Dated: 19/11/2020

  
**Deponent**  
Through Counsel  
Mr. Shulemi Khan  
Distt: Bar Dikhan



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar, the 20-05-2019

OFFICE ORDER

NO.SO(B.T)/9-2/HSSC-BISE.D.I.KHAN

The Competent Authority is pleased to appoint Mr. Abdul Basit, Additional Secretary (Dev.) Elementary & Secondary Education Department, Khyber Pakhtunkhwa as Inquiry Officer to conduct facts finding inquiry into the complaint allegations leveled against Mr. Gul Nawaz Resident Inspector (Vice Principal) GHSS No. 2 D.I.Khan and other staff lodged by Chairman BISE D.I.Khan. (Copy enclosed)

2. The Inquiry Officer shall conduct the inquiry and submit report to the Competent Authority within a week time positively.

SECRETARY

Encl: (A.A)

Endst: of even No. date.

Copy of the above alongwith a copy of complaint is forwarded for information and necessary action to the following:-

1. Additional Secretary (Dev.) E&S E Department.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar
3. Chairman BISE D.I.Khan.
4. Mr. Gul Nawaz Vice Principal GHSS No.2 D.I.Khan.
5. P.S to Secretary E&SE Department.

*Attended  
Hady*

*(Signature)*  
(LAL SAEED KHATTAK)  
SECTION OFFICER (BT)

B

Name : Muhammad Tariq Bhatti

Designation : Principal (BS-19)

School : GHSS Mandhran Kalan

Inquiry Officer : Abdul Basit sb

Add Secretary : E&SE Peshawar

### Answers Of The Questionnaire Given By Abdul Basit sb

1. According to your Facebook wall on 28 March 2019, you posted a picture and comments in which you discredited and defamed Mr Muhammad Saleem Principal (BPS-19) GHSS Dhakki D.I.Khan who was performing his duty as Inspector on SSC (A) Examination 2019? Being Government Official, please justify your act legally.

جناب عالی! میں فیس بک استعمال نہیں کرتا اور جہاں تک پرنسپل سلیم صاحب کی فوٹو کا تعلق ہے تو نہ میں نے وہ فوٹو وائرل کی اور نہ فیس بک میرے نام پر ہے۔ اس سوال کا 26/04/2019 کے گورنمنٹ ہائر سیکنڈری سکول نمبر 2 ذریعہ کے واقعہ سے کوئی تعلق نہیں ہے۔

Alter  
Mansoor

2. Under which capacity did you attend meeting at GHSS No 2 DIKhan on 26/04/2019 and invited lawyers, Teachers, Civil Society and instigated them against board officials? Did you take permission from the high ups? If yes, then please provide proof.

Mansoor

26/04/2019 کو میری سکول ہذا میں انسپیکشن ڈیوٹی تھی اور میں انسپیکشن ڈیوٹی امتحان ہال (A) میں سرانجام دے رہا تھا کہ چیرمین بورڈ ہال میں آئے (تفصیلی بیان میرا لف ہے) اور مجھے دیکھ کر کہا کہ آپ یہاں کیسے؟ تو میں نے کہا سر میری انسپیکشن ڈیوٹی ہے اور انہوں نے مجھے کہا کہ ڈیوٹی دکھائیں۔ جب میں نے انہیں ڈیوٹی لیٹر دکھایا تو انہوں نے کنٹرولر امتحانات طاہر اللہ جان کو ڈیوٹی دیتے ہوئے مجھے کہا کہ Get Out اور یہ جملہ انہوں نے طلباء، انسپیکٹر ز اور امتحانی عملہ کے سامنے کہا تو میں امتحان ہال سے چلا گیا اور اف تک نہیں کہا۔

چیرمین صاحب ایک ذمہ دار پوسٹ پر ہیں انہیں گریڈ 19 کے آفیسر کو ایسا کہنا زیب نہیں دیتا۔ ان کے اس طرز بیان سے صوبہ بھر میں میری ساکھ اور عزت نفس کو نقصان پہنچا۔ اساتذہ برادری اور سول سوسائٹی میں میری بڑی بے عزتی اور جگہ ہنسائی ہوئی اور میں پریشان حالت میں پرنسپل آفس میں آ کر بیٹھ گیا اور میرا بلڈ پریشر ڈاؤن ہو گیا اور دل کی دھڑکن تیز ہو گئی اور میں نے سخت پریشانی کی حالت میں پرنسپل آفس میں آرام کیا۔ چونکہ 26/04/2019 کا واقعہ سکول ہذا کا تھا تو یہ کہنا غلط ہے کہ میں نے وکلاء، اساتذہ اور سول سوسائٹی کے لوگوں کو بلایا۔ میں کوئی سکول ہذا کا پرنسپل ہوں؟

3. During your speech in the said meeting, you used threatening and unofficial language against Board Authorities? How would you refute your video recording?

گورنمنٹ ہائر سیکنڈری سکول نمبر 2 ذریعہ کانہ میں پرنسپل ہوں اور نہ میں نے طلباء کے والدین کو بلایا۔ 26/04/2019 کے واقعہ کے بعد والدین، وکلاء اور ناظمین جن کے سکول ہذا میں بچے اور رشتہ دار زیر تعلیم تھے اور ایف اے، ایف ایس سی کا امتحان دے رہے تھے۔ ان طلباء سے جو زیادتی ہوئی اور ہال کے اندر ان کے ساتھ جو ناروا سلوک روا رکھا گیا (جیسا کہ ویڈیوز میں طلباء نے خود بیان کیا) اس سے میں نابلد ہوں کیونکہ مجھے 26/04/2019 کو چیرمین بورڈ نے انسپیکشن ڈیوٹی کے دوران امتحان ہال سے غیر قانونی اور غیر اخلاقی طور پر سب کے سامنے بے عزت کر کے (Get Out) کہہ کر نکالا اور میرے خاندان کے وقار، شہرت اور عزت کو بری طرح نقصان پہنچایا۔

UC-3 کے ناظم افتخار بارکزئی ہیں جن کی یوسی میں گورنمنٹ ہائر سیکنڈری سکول نمبر 2 ہے۔ طلباء کے والدین اور قریبی رشتہ دار ناظم کے ہمراہ وائس پرنسپل کے ساتھ ہال میں تھے تو میرے بارے جب ناظم کو علم ہوا کہ چیرمین صاحب نے گریڈ 19 کے

Attest  
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Handwritten signature

پرنسپل محمد طارق بھی کوسب کے سامنے بے عزت کر کے دوران ڈیوٹی نکالا تو ناظم نے مجھے کال کر کے ہائیر سیکیڈری سکول نمبر 2 بلایا جو پرنسپل سکول ہذا سے ملنے آئے ہوئے تھے۔ میں ناظم کی کال پر پہنچا تو دیکھا کہ یہاں والدین کا جم غفیر تھا اور وہ غصہ سے تقاریب کر رہے تھے۔

ناظم صاحب نے سب کے سامنے مجھے کہا کہ آپ اپنا واقعہ بتائیں تو میں نے انہیں بیان کیا۔ میں نے تقریر میں ایسی کوئی بات نہیں کی جس سے کسی کی عزت نفس مجروح ہوئی ہو اور یہ کہا کہ اگر میری جگہ بڑی کلاس کا طالب علم ہوتا تو اس بے عزتی کے رد عمل میں ضرور ہاتھ اٹھا تاگر میں خاموشی سے ہال سے نکل گیا۔ چیرمین صاحب نے غیر قانونی اور غیر اخلاقی طریقے سے مجھے امتحان ہال سے بے دخل کیا اور ان کے کہے ہوئے Get Out کے دو الفاظ نے میری ساری سروس میں کمائی عزت کو خاک میں ملا دیا اور آج تک مجھے اور میرے معصوم بچوں کو سکول اور شہر میں مختلف سوالات کا سامنا کرنا پڑ رہا ہے۔ میرے ساتھ ساتھ میرے گھر والے بھی Depressed ہیں۔

حکومت کہتی ہے کہ استاد کو عزت دو مگر ادارے کے سربراہ نے استاد کی عزت کو پاؤں تلے روند ڈالا۔  
میری کھوئی ہوئی ساکھ اور عزت کون مجھے واپس کرے گا؟

4. In AKSSA Official Whatsapp Group you shared the proceeding of the meeting and instigated Teachers Community against Board Authorities. As per record, you called them Taleemi Dehshatgard, Please legally justify the same.

*Handwritten signature*

جناب عالی!-  
میں نے Whatsapp میں کچھ شیر کیا ہے اور نہ کسی کے خلاف کوئی بات کی ہے۔

5. Being Principal GHSS Mandhran Kalan DIKhan, you ordered SS and other Staff Members to condemn Board Officials and do black ribbon strike in your institution 27/04/2019? Please justify your position legally.

*Handwritten signature*



27/04/2019 کو آل ٹیچرز گریڈ الاٹنس جس میں ضلع کے تمام Unions کے سربراہان تھے نے بلیک ربن کی کال دی تھی۔ میں حلفاً کہتا ہوں کہ میں نے اپنے SS کو Motivate نہیں کیا۔ چونکہ SS نے ATG کی کال پر بلیک ربن باندھے۔

6. Why did you refuse to perform HSSC (A) Examination 2019 Duty?

کیونکہ میں اپنے گھریلو مسائل اور مصروفیات کی وجہ سے یہ ڈیوٹی سرانجام نہیں دے سکتا تھا۔

محمد طارق بھٹی

پرنسپل (BS-19) گورنمنٹ ہائر سیکنڈری سکول

منڈھراں کلاں ڈیرہ اسماعیل خان

dt: 20/06/2019

Attest  
Head



Board of Intermediate & Secondary Education  
Dera Ismail Khan, Khyber Pakhtunkhwa, Pakistan.

Phone: 0966-730501-03  
Fax: 0966-730501  
Email: [webmaster@bisedik.edu.pk](mailto:webmaster@bisedik.edu.pk)

No. 22/PA/BISE/DI Khan

Dated.08/04/2019

To Muhammad Tariq Bhatti, Principal  
GHSS Mandhayan Kalan DIKhan

Subject: - **INSPECTION ASSIGNMENT HSSC (ANNUAL) EXAMINATION, 2019.**

I am directed to inform that you have been appointed as Centre Inspector, for the fair and smooth conduct of HSSC (Annual) Examination, 2019 to the following centers on the dates given against each.

S.No	Date of Inspection	C.No.	Name of Centre
1.	18-04-2019	39,40	QDC #3 DIKhan (A+B) H
2.	22-04-2019	44,45	QDC Pillot Sharif DIK (A+B) H
3.	26-04-2019	55,56	GHSS No.2 DIKhan (A+B) H
4.			

*Attach sheet*

It is required please:

- 1- Reach the centre at least 15 minutes before the commencement of the paper and remain there till the termination of the paper.
- 2- Check the envelope (s) ensuring that the stickers & seals are intact.
- 3- Ensure sanctity of the examination conduct and see that it is cheating free.
- 4- Ensure that the Superintendent forwarded all the UFM cases detected by you as well as by the invigilating staff under a separate cover and memo.
- 5- Ensure that the material recovered from the candidate(s) is relevant to the paper /subject and the Roll No. of the candidate caught red-handed has been recorded on the recovered material as a solid proof.
- 6- Obtain signature of the Superintendent with date on all cheating material recovered as a token of having received the same.
- 7- Inspection report along with TA/DA bill must be sent to the undersigned within week after the termination of examination as no later submission will be honored as per KPBC decision.

❖ **IMPORTANT NOTE**

- a. Incomplete and late submission of inspection report will not be entertained.
- b. Inspection of centre where your near relative is appearing should be avoided under intimation to the undersigned. (Near relative includes "Son, daughter, wife, husband, full and half brother, sister, uncle, son-in-law, nephew and niece").
- c. The Inspector may if require, seek help of the District Administration to ensure sanctity of the examination and also should report on the assistance /Co-operation or otherwise.
- d. The Inspector is required to supervise the packing of Answer Books in cloth bags and sign these after sealing the bags properly.
- e. Use of personal car will be allowed to the Inspector who is in BPS-18 and above. No claim of damages will be entertained.
- f. Affix centre seal of the Superintendent legibly in the space provided for the purpose in the inspection report.
- g. Please attach this **LETTER IN ORIGINAL WITH YOUR TA/DA BILL**. Otherwise the bill will not be entertained.
- h. Please contact with Board Focal Person Mr. Muhammad Rehan (0333-995-9195) for online submitting the Inspection Report Via apps:

*[Signature]*  
Secretary  
BISE DI Khan

(16)

حضرت جناب عبدالباقر صاحب انکوٹری آفیسر

Additional Secretary (Development) Elementary  
Secondary Education Department

جناب عالی !!

میں محمد طارق نقوی پرنسپل (B-19) گورنمنٹ ہائر سیکنڈری  
سکول مندھوان گلڈن ڈیپارٹمنٹ اسماعیل خان حلقہ "طریقہ انڈیا" کراچی  
ہوں کہ وہ سات ڈیپارٹمنٹس پر مشتمل ہے

جناب عالی!

حوالہ 26/04/2019 کو گورنمنٹ ہائر سیکنڈری

سکول نمبر 2 اسمبلی ڈیپارٹمنٹ میں حال (A+B) پرنسپل الیکشن

ڈیپوٹی مینیجر

اللہ اعلم

میں پرنسپل آفس میں بطور تفریق اس دوران کہ بدل

محمد سلیم صاحب پرنسپل ڈپٹی مینیجر علی شاہ صاحب پرنسپل

آفس میں اور ایچ آر پرنسپل گل نواز صاحب کو تفریق ہماری الیکشن

ڈیپوٹی ہے تو ایچ آر پرنسپل گل نواز صاحب نے ہمیں کہا کہ اب ڈیپوٹی

سراپٹام دینے کیلئے جا سکتے ہیں۔ وہ تینوں الیکٹرز کے لئے

مگر میں ہائی سینے کیلئے بیٹھ گیا۔ اور جب میں امتحان میں (A)

پہنچا تو تقریباً 9 بجکر 10 منٹ یا 12 منٹ پہنچا اور میں اسٹیج پر

کھڑا ہوا۔ کہ اشتیاق صاحب پرنسپل کو موجود تھے۔ تحفہ ایک Inspector

نے آہستہ سے بتایا کہ میں کہ اشتیاق صاحب پرنسپل اور ایچ آر پرنسپل گل نواز صاحب

کے حاکمین ڈیپوٹی کیلئے دکانے اور پرنسپل آفس جا کر اخلاقاً پرنسپل کو آگاہ

کہ آرت پرنسپل ہوئے کہ اس دوران جب میں ڈیپارٹمنٹ بورڈ چیمبر اللہ شاہ صاحب

کنٹرولر امتحانات علامہ اللہ خان صاحب بورڈ کو سیکرٹری اور ایک Supt

اچانک داخل ہوئے۔ میں اسٹیج پر کھڑا تھا جیسے ہی چیمبر میں داخل

میں داخل ہوئے تو طلباء کی طرف اشارہ کرتے ہوئے کہا کہ سب

میں نے اپنے دل سے کہا کہ اگر میں نے اپنا دل  
کے لئے نہیں دیا تو اس سے کیا فائدہ ہے  
- ۱۹۰۱

میں نے اپنے دل سے کہا کہ اگر میں نے اپنا دل  
کے لئے نہیں دیا تو اس سے کیا فائدہ ہے  
- ۱۹۰۱  
Behnamہ سے اپنے دل سے کہا کہ اگر میں نے  
اپنا دل نہیں دیا تو اس سے کیا فائدہ ہے  
- ۱۹۰۱

میں نے اپنے دل سے کہا کہ اگر میں نے اپنا دل  
کے لئے نہیں دیا تو اس سے کیا فائدہ ہے  
- ۱۹۰۱

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کے لئے نہیں دیا تو اس سے کیا فائدہ ہے  
- ۱۹۰۱

Handwritten signature

دینے کیلئے پہنچا مگر مجھے بے عزت کر کے مجال سے نکال دیا گیا۔  
 اور بعد ازاں مجھے دوستوں کے ذریعے یہ پیغامات بھی ملتے  
 رہے کہ آپ کو صدر دروازے کے قریب سے پھانسی کی لکڑی سے  
 بھی تیار ہو رہی ہے۔

جناب عالی! مجھے بے عزت کر کے نکال دیا اور بعد ازاں دھمکیاں  
 بھی مجھے دی جانے لگیں۔

جناب عالی! یہ حقیقت تھی جو تحریر کر دی۔ مذکورہ باتوں  
 کے لئے میں قرآن پاک پر بھی حلف دے سکتا ہوں۔

~~29/06/19~~  
 سردار قادی

پرنسپل (B-19)

گورنمنٹ ہائی اسکول،

سکول مندرجہ بالا، گلبرگ ڈیپ

Altair  
 Huda

(e)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar, the 30-10-2019

**NOTIFICATION**

**NO.SO(B.T)/9-2/2019/HSSC INQUIRY/D.I.KHAN:**

In exercise of the powers conferred upon him under Rule-10 of the Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules 2011, the Competent Authority/Chief Secretary Khyber Pakhtunkhwa is pleased to constitute Inquiry Committee comprising the following officers to conduct formal inquiry against, Mr. Gul Nawaz Ex-Vice Principal (BS-18) GHSS NO.2 D.I.Khan now Senior Subject Specialist Maths GHSS No.2 D.I.Khan, Mr. Muhammad Tariq Bhatti.Principal (BS-19) GHSS Mandhran Kalan D.I.Khan. Mr. Atta Ullah Chohan Principal (BS-18) GHSS No.2 D.I.Khan and Mr. Muhammad Usman, SIPE/Chief Proctor (BS-18) GHSS No.2 D.I.Khan for the charges mentioned in the Charge Sheets and Statement of Allegations;

- i. Mr. Adil Siddique (PCS EG BS-20)  
Commissioner Bannu.
- ii. Mr. Attiq-Ur-Rehman, (BS-20),  
Principal GHSS No. 1, Peshawar Cantt.

2. The Inquiry Committee shall submit report to the Competent Authority within (30) days positively (copies of Charge Sheets & Statements of Allegations are enclosed for all concerned).

*Attested*  
*[Signature]*

SECRETARY

Encl: (A.A)  
Endst: of every No. date.

- 1. Director E&SE Department Khyber Pakhtunkhwa.
- 2. Mr. Adil Siddique Commissioner Bannu.
- 3. Mr. Attiq-Ur-Rehman, (BS-20),GHSS No .1, Peshawar Cantt.
- 4. Mr. Gul Nawaz Ex-Vice Principal (BS-18) GHSS NO.2 D.I.Khan now Senior Subject Specialist Maths GHSS No 2 D I.Khan.
- 5. Mr. Muhammad Tariq Bhatti Principal (BS-19) GHSS Mandhran Kalan D.I.Khan.
- 6. Mr. Atta Ullah Chohan Principal (BS-18) GHSS No.2 D.I.Khan.
- 7. Mr. Muhammad Usman, SIPE/Chief Proctor (BS-18) GHSS No.2 D.I.Khan.
- 8. PS to Secretary E&SE Department.

Encl: (Charge Sheets/Statement of Allegations)

*[Signature]*  
(LAL SAEED KHATTAK)  
SECRETION OFFICER (B/T)

(D)

CHARGE SHEET

I, Muhammad Salim, Chief Secretary, Khyber Pakhtunkhwa as Competent Authority, hereby charge you Muhammad Tariq Bhatti Principal (BS-19) GHSS Mandhran Kalan D.I.Khan as follows:-

That you, while posted as Muhammad Tariq Bhatti Principal (BS-19) GHSS Mandhran Kalan D.I.Khan committed the following irregularities:

- i. You alongwith other supporting staff of School Unnecessariiy started reasoning and shared annoyance regarding the monitoring visit which was personally witnessed by the Additional Deputy Commissioner D.I.Khan.
  - ii. You illegally called the Media Persons to highlight the issue in media to malign the Board efforts for the conduction of fair & transparent exam.
  - iii. You alongwith other staff instigated the young students not to allow the monitoring team for searching of cheating material, boycott the papers and block the roads.
  - iv. An inquiry was conducted against you, which held you responsible and found guilty of misconduct.
2. By reason of the above, you appear to be guilty of misconduct, inefficiency and corruption under Rule-3 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/ inquiry committee, as the case may be.
4. Your written defense, if any, should reach the inquiry officer/ inquiry committee within 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.
6. A Statement of Allegations is enclosed.

*Ally*  
*Shah*

*Muhammad Salim*  
(MUHAMMAD SALIM)  
CHIEF SECRETARY, KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

Muhammad Tariq Bhatti Principal (BS-19) GHSS Mandhran Kalan D.I.Khan

(1E)

DISCIPLINARY ACTION

I, Muhammad Salim, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Muhammad Tariq Bhatti Principal (BS-19) GHSS Mandhran Kalan D.I.Khan rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i. He alongwith other supporting staff of School Unnecessarily started reasoning and shared annoyance regarding the monitoring visit which was personally witnessed by the Additional Deputy Commissioner D.I.Khan.
- ii. He illegally called the Media Persons to highlight the issue in media to malign the Board efforts for the conductions of fair & transparent exam.
- iii. He alongwith other staff instigated the young students not to allow the monitoring team for searching of cheating material, boycott the papers and block the roads.
- iv. An inquiry was conducted against you, which held you responsible and found guilty of misconduct.

2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under Rule 10(1)(a) of the ibid Rules:

- i. Mr. Adil Siddique Commr. Panna
- ii. Mr. Sajid Khan Principal GHSS No. 1 Peshawar Cantt.

3. The inquiry officer/ inquiry committee shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/ inquiry committee.

*Attest*  
*Mally*

*Muhammad Salim*  
(MUHAMMAD SALIM)  
CHIEF SECRETARY KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

Muhammad Tariq Bhatti Principal (BS-19) GHSS Mandhran Kalan D.I.Khan.



To:

The Inquiry Officer / Inquiry Committee.

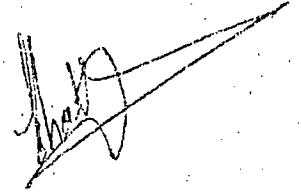
Subject: NOTIFICATION

In response to the notification issued by the office of Secretary to Govt. of Khyber Pakhtunkhwa, Peshawar No SO(BT)/9-2019.HSSCInquiry/DIKhan, dated 30-10-2019

I have the honour to submit my reply into the charge sheet served upon me vide above referred notification.


- 1- I solemnly affirm that I have not participated in any reasoning or agitation rather I reached in GHSS No.2, DIKhan at 09-00 AM for performing inspection duty in Hall A&B, GHSS No.2, DIKhan on 26-04-2019. I am a responsible Principal having Grade-19 and I don't believe in unlawful activity at all to achieve the target rather I believe in table talk.
- 2- This is merely a blame that I had called the media persons in order to highlight the issue occurred during the course of examination in GHSS No.2, DIKhan. While I, was performing inspection duty honestly and whole heartedly on 26-04-2019, all of sudden the Chairman Board of Intermediate & Secondary Education DIKhan entered into the examination hall on the same day and asked me to show the appointment letter. He examined the appointment letter and gave the same to Mr. Tahirullah Jan, Controller of Examination on the spot and ordered me harshly "Get Out" before the students and the invigilating staff and I left the examination hall without showing any sadism although he has insulted just for nothing. It is a fact that unpleasant issue was raised between the Board's authorities and the administration of GHSS No.2, DIKhan. I have no cause of action to do such illegal act because I am not Principal of the said school, however, I was performing the assigned duty honestly. I think that some ill natured elements are trying to involve me in this said issue only fulfilling their ulterior motives.
- 3- Again this is an-other blame against me. I did not instigate the young students and staff regarding not allowing searching of cheating material, boycott the papers and blockage of the roads as well as stoppage of monitoring visit. Once again I submit that neither I am Principal of GHSS.No.2, DIKhan nor students know me whereas I went to the school for performing duty. The duty letter bearing No. 22/PA/BISE/ DIKhan, dated 08-04-2019 had been received from the Board authorities *through mail* (Annex-A).

Attest  
Mulla

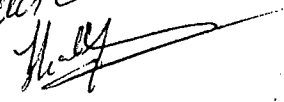


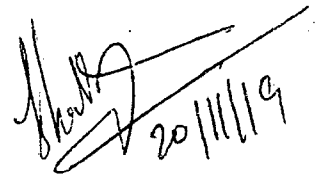
4- It is very much astonishing that enquiry committee has held me responsible and found guilty of misconduct whereas I have presented my innocence before the committee in black and white. Copy of my written defence already submitted to the enquiry committee is attached as Annex-B which depict that I was not involved at any stage in promoting the issue. I am still unable to understand that why I have been declared accountable of such mishap while I am not Principal of GHSS No.2, DIKhan and no interests/profit of such riot are receivable to the undersigned.

As a sequel to what has been explained above, it is earnestly requested that I may very kindly be exonerated from the charges leveled against me in the charge sheet. It is evident from the record of E&SE that I did not ever remain guilty of any misconduct; however, I performed unblemished and spotless services with the entire satisfaction of my superiors. I do hope your kind honour will consider my request sympathetically. *I wish to be heard in person please.*

  
(Muhammad Tariq Bhatti)  
Principal, GHSDS Mandhra Kalan  
DIKhan

- 1) statement of Suptl Hall (A) is attached (Annex-C)
- 2) statement of Inspecting team Hall (A) is attached (Annex-D)

Attest  


  
20/11/19

(23)



Board of Intermediate & Secondary Education  
Dera Ismail Khan, Khyber Pakhtunkhwa, Pakistan.

Phone: 0966-730501-03  
Fax: 0966-730501  
Email: webmaster@bisedlk.edu.pk

No. 22/PA/BISE/DI Khan.

Dated: 08/04/2019

To Muhammad Tariq Bhatti, Principal  
HSS Mandhyan Kalam DIKhan

Subject: INSPECTION ASSIGNMENT HSSC (ANNUAL) EXAMINATION, 2019.

I am directed to inform that you have been appointed as Centre Inspector, for the fair and smooth conduct of HSSC (Annual) Examination, 2019 to the following centers on the dates given against each.

S.No	Date of Inspection	C.No.	Name of Centre
1.	18-04-2019	39,40	QDC #3 DIKhan (A+B) HSS
2.	22-04-2019	44,45	QDC Pillot Sharif DIK (A+B) HSS
3.	26-04-2019	55,56	HSS No.2 DIKhan (A+B) HSS
4.			

It is required please:

- 1- Reach the centre at least 15 minutes before the commencement of the paper and remain there till the termination of the paper.
- 2- Check the envelope (s) ensuring that the stickers & seals are intact.
- 3- Ensure sanctity of the examination conduct and see that it is cheating free.
- 4- Ensure that the Superintendent forwarded all the UFM cases detected by you as well as by the invigilating staff under a separate cover and memo.
- 5- Ensure that the material recovered from the candidate(s) is relevant to the paper /subject and the Roll No. of the candidate caught red-handed has been recorded on the recovered material as a solid proof.
- 6- Obtain signature of the Superintendent with date on all cheating material recovered as a token of having received the same.
- 7- Inspection report along with TA/DA bill must be sent to the undersigned within week after the termination of examination as no later submission will be honored as per KPBC decision.

**IMPORTANT NOTE**

- a. Incomplete and late submission of inspection report will not be entertained.
- b. Inspection of centre where your near relative is appearing should be avoided under intimation to the undersigned. (Near relative includes "Son, daughter, wife, husband, full and half brother, sister, uncle, son-in-law, nephew and niece").
- c. The Inspector may if require, seek help of the District Administration to ensure sanctity of the examination and also should report on the assistance /Co-operation or otherwise.
- d. The Inspector is required to supervise the packing of Answer Books in cloth bags and sign these after sealing the bags properly.
- e. Use of personal car will be allowed to the Inspector who is in BPS-18 and above. No claim of damages will be entertained.
- f. Affix centre seal of the Superintendent legibly in the space provided for the purpose in the inspection report.
- g. Please attach this **LETTER IN ORIGINAL WITH YOUR TA/DA BILL**. Otherwise the bill will not be entertained.
- h. Please contact with Board Focal Person Mr. Muhammad Rehan (0333-995-9195) for online submitting the Inspection Report Via apps;

*Attest*  
*[Signature]*

*[Signature]*  
Secretary  
BISE DI Khan

**Name : Muhammad Tariq Bhatti**  
**Designation : Principal (BS-19)**  
**School : GHSS Mandhran Kalan**  
**Inquiry Officer : Abdul Basit sb**  
**Add Secretary : E&SE Peshawar**

**Answers Of The Questionnaire Given By Abdul Basit sb**

1. According to your Facebook wall on 28 March 2019, you posted a picture and comments in which you discredited and defamed Mr Muhammad Saleem Principal (BPS-19) GHSS Dhakki D.I.Khan who was performing his duty as Inspector on SSC (A) Examination 2019? Being Government Official, please justify your act legally.

جناب عالی! میں فیس بک استعمال نہیں کرتا اور جہاں تک پرنسپل سلیم صاحب کی فوٹو کا تعلق ہے تو نہ میں نے وہ فوٹو وائرل کی اور نہ فیس بک میرے نام پر ہے۔ اس سوال کا 26/04/2019 کے گورنمنٹ ہارسیکیڈٹری سکول نمبر 2 ذریعہ کے واقعہ سے کوئی تعلق نہیں ہے۔

2. Under which capacity did you attend meeting at GHSS No 2 DIKhan on 26/04/2019 and invited lawyers, Teachers, Civil Society and instigated them against board officials? Did you take permission from the high ups? If yes, then please provide proof.

*[Handwritten signature]*

26/04/2019 کو میری سکول ہذا میں انسپیکشن ڈیوٹی تھی اور میں انسپیکشن ڈیوٹی امتحان ہال (A) میں سرانجام دے رہا تھا کہ چیرمین بورڈ ہال میں آئے (تفصیلی بیان میرا لف ہے) اور مجھے دیکھ کر کہا کہ آپ یہاں کیسے؟ تو میں نے کہا میری انسپیکشن ڈیوٹی ہے اور انہوں نے مجھے کہا کہ ڈیوٹی دکھائیں۔ جب میں نے انہیں ڈیوٹی لیٹر دکھایا تو انہوں نے کنٹرولر امتحانات طاہر اللہ جان کو ڈیوٹی دیتے ہوئے مجھے کہا کہ Get Out اور یہ جملہ انہوں نے طلباء، انسپیکٹر ز اور امتحانی عملہ کے سامنے کہا تو میں امتحان ہال سے چلا گیا اور اف تک نہیں کہا۔

چیرمین صاحب ایک ذمہ دار پوسٹ پر ہیں انہیں گریڈ 19 کے آفسر کو ایسا کہنا زیب نہیں دیتا۔ ان کے اس طرز بیان سے صوبہ بھر میں میری ساکھ اور عزت نفس کو نقصان پہنچا۔ اساتذہ برادری اور سول سوسائٹی میں میری بڑی بے عزتی اور جگ ہنسائی ہوئی اور میں پریشان حالت میں پرنسپل آفس میں آ کر بیٹھ گیا اور میرا بلڈ پریشر ڈاؤن ہو گیا اور دل کی دھڑکن تیز ہو گئی اور میں نے سخت پریشانی کی حالت میں پرنسپل آفس میں آرام کیا۔ چونکہ 26/04/2019 کا واقعہ سکول ہذا کا تھا تو یہ کہنا غلط ہے کہ میں نے وکلاء، اساتذہ اور سول سوسائٹی کے لوگوں کو بلایا۔ میں کوئی سکول ہذا کا پرنسپل ہوں؟

3. During your speech in the said meeting, you used threatening and unofficial language against Board Authorities? How would you refute your video recording?

گورنمنٹ ہائر سیکنڈری سکول نمبر 2 ڈیرہ کاندھ میں پرنسپل ہوں اور نہ میں نے طلباء کے والدین کو بلایا۔ 26/04/2019 کے واقعہ کے بعد والدین، وکلاء اور ناظمین جن کے سکول ہذا میں بچے اور رشتہ دار زیر تعلیم تھے اور ایف اے، ایف ایس سی کا امتحان دے رہے تھے۔ ان طلباء سے جو زیادتی ہوئی اور ہال کے اندر ان کے ساتھ جو ناروا سلوک روا رکھا گیا (جیسا کہ ویڈیوز میں طلباء نے خود بیان کیا) اس سے میں نابلد ہوں کیونکہ مجھے 26/04/2019 کو چیرمین بورڈ نے انسپیکشن ڈیوٹی کے دوران امتحان ہال سے غیر قانونی اور غیر اخلاقی طور پر سب کے سامنے بے عزت کر کے (Get Out) کہہ کر نکالا اور میرے خاندان کے وقار، شہرت اور عزت کو بری طرح نقصان پہنچایا۔

UC-3 کے ناظم افتخار بارکنزی ہیں جن کی یوسی میں گورنمنٹ ہائر سیکنڈری سکول نمبر 2 ہے۔ طلباء کے والدین اور قریبی رشتہ دار ناظم کے ہمراہ وائس پرنسپل کے ساتھ ہال میں تھے تو میرے بارے جب ناظم کو علم ہوا کہ چیرمین صاحب نے گریڈ 19 کے

*[Handwritten Signature]*

پرنسپل محمد طارق بھٹی کو سب کے سامنے بے عزت کر کے دوران ڈیوٹی نکالا تو ناظم نے مجھے کال کر کے ہائیر سیکیڈری سکول نمبر 2 بلایا جو پرنسپل سکول ہذا سے ملنے آئے ہوئے تھے۔ میں ناظم کی کال پر پہنچا تو دیکھا کہ یہاں والدین کا جم غفیر تھا اور وہ غصہ سے تقاریر کر رہے تھے۔

ناظم صاحب نے سب کے سامنے مجھے کہا کہ آپ اپنا واقعہ بتائیں تو میں نے انہیں بیان کیا۔ میں نے تقریر میں ایسی کوئی بات نہیں کی جس سے کسی کی عزت نفس مجروح ہوئی ہو اور یہ کہا کہ اگر میری جگہ بڑی کلاس کا طالب علم ہوتا تو اس بے عزتی کے رد عمل میں ضرور ہاتھ اٹھاتا مگر میں خاموشی سے ہال سے نکل گیا۔ چیرمین صاحب نے غیر قانونی اور غیر اخلاقی طریقے سے مجھے امتحان ہال سے بے دخل کیا اور ان کے کہے ہوئے Get Out کے دو الفاظ نے میری ساری سروس میں کمائی عزت کو خاک میں ملا دیا اور آج تک مجھے اور میرے معصوم بچوں کو سکول اور شہر میں مختلف سوالات کا سامنا کرنا پڑ رہا ہے۔ میرے ساتھ ساتھ میرے گھر والے بھی Depressed ہیں۔

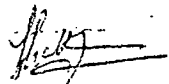
حکومت کہتی ہے کہ استاد کو عزت دو مگر ادارے کے سربراہ نے استاد کی عزت کو پاؤں تلے روند ڈالا۔ میری کھوئی ہوئی ساکھ اور عزت کون مجھے واپس کرے گا؟

4. In AKSSA Official Whatsapp Group you shared the proceeding of the meeting and instigated Teachers Community against Board Authorities. As per record, you called them Taleemi Dehshatgard; Please legally justify the same.

جناب عالی!

نہ تو میں نے Whatsapp میں کچھ شیئر کیا ہے اور نہ کسی کے خلاف کوئی بات کی ہے۔

5. Being Principal GHSS Mandhran Kalan DIKhan, you ordered SS and other Staff Members to condemn Board Officials and do black ribbon strike in your institution 27/04/2019? Please justify your position legally.



27/04/2019 کو آل ٹیچرز گریڈ ایس ایس جس میں ضلع کے تمام Unions کے سربراہان تھے نے بلیک ربن کی کال دی تھی۔ میں حلفاً کہتا ہوں کہ میں نے اپنے SS کو Motivate نہیں کیا۔ چونکہ SS نے ATG کی کال پر بلیک ربن باندھے۔

6. Why did you refuse to perform HSSC (A) Examination 2019 Duty?

کیونکہ میں اپنے گھریلو مسائل اور مصروفیات کی وجہ سے یہ ڈیوٹی سرانجام نہیں دے سکتا تھا۔

محمد طارق بھٹی

پرنسپل (BS-19) گورنمنٹ ہائر سیکنڈری سکول

مندرہاں کلاں ڈیرہ اسماعیل خان

dt: 20/06/2019

Attest  
Hally

(61)

(28)

## INQUIRY REPORT

Inquiry report in respect of:

- 1) Mr Gul Nawaz Ex-VP(B-18) GHSS NO.2 DIK now SSS GHSS No.2 DIK
- 2) Mr Muhammad Tariq Bhatti principal (B-19)GHSS Mandhran Kalan DIK
- 3) Mr Attaullah Chohan Principal(B-18) GHSS No.2 DIK
- 4) Mr Muhammad Usman SIPE/Chief Proctor (B-18) GHSS No.2 DIK

### Introduction

Mr. Adil Siddiq Commissioner Bannu Division and Atiq ur Rehman B-20 Principal Government Sahaed Mubeen Shah Afridi Higher Secondary School #1 Peshawar Cantt were assigned inquiry in respect of Mr Gul Nawaz, Mr Muhammad Tariq Bhatti, Mr Muhammad usman & Mr Attaullah Chohan vide No SO(BT/9-2/2019/HSSC Inquiry/DIK dated, 30-10-2019 (Annexure A) along with Charge Sheets (Annexure B,C,D&E) framed as a consequence of preliminary inquiry to be served upon them and Statement of Allegations (Annexures F,G,H&I)

### History of the case

History of the case is traced back to the occurrence on 26<sup>th</sup> April, 2019 during the HSSC(A) certain monitoring teams visited GHSS #2 DIK that annoyed the in charge Principal Mr Gul Nawaz refused to allow one of the monitors for the reason that he would have taken prior permission while entering Examination Center. As a matter of facts there had been a rivalry between two teacher union associations one belonging to the Mr.Gul Nawaz and Qari Usman and the other to the group of controller, Tahir Ullah Jan BISE, D.I.Khan.

### Procedure

1. With the receipt of the formal inquiry letter (Annexure A) the accused were called to the office of the Commissioner DIK on 20/11/2019 vide # 1288 dated 05/11/2019 (Annexure J). They submitted their reply to the charge sheets already served upon them.
2. Another round of enquiry was held on 6<sup>th</sup> December, 2019 (Annexure K) where in Mr Gul Nawaz was absent because of his ill relative so another round of the same enquiry was arranged in office of the Commissioner Bannu on 16<sup>th</sup> December, 2019. (Annexure L)

### Points on record:

(Annexure I)

1. The Chairman BISE, DIKhan had written a letter to Secretary, Elementary & Secondary Education Department vide No. 161/PS/BISE/DIKhan dated, 10-04-2019 conveying his apprehensions that Mr.Gul Nawaz and others may create problems in the HSSC exams 2019

Attest  
Heal



On 26<sup>th</sup> April, 2019 the Chairman, BISE again wrote a letter to the Secretary, Elementary & Secondary Education Department vide No. 164/PS/BISE/ DIKhan dated, 26 -04-2019(Annexure-2). Complaining that:-

- I. One of the monitoring teams headed by Mr Inayat Ali Shah AP had been resisted by the resident inspector Mr Gul Nawaz and did not allow them to enter the Exam Center for inspection.
- II. Furthermore , Mr Gul Nawaz instigated the candidates not to allow the monitoring team for body search for cheating material.
- III. With his connivance the students blocked the road.
- IV. Resorted to humiliation and insult of the monitoring team.
- V. Interference in the official business of BISE DIK.
- VI. The reports of the supervisory staff and that of the superintendent HSSC (A) 2019 also affirmed the interference of Mr Gul Nawaz and others (Annexure-3-4).
- VII. The inspection staff also affirmed the intervention of Mr Gul Nawaz and others in the exam. (Annexure-5-6).
- VIII. Mr Tariq Bhatti tried to defame the sanctity of the BISE DIK by floating statements in the social media (Annexure-7-17). ✓
- IX. Mr Tariq Bhatti has also tried to defame the sanctity of the BISE DIK by floating statements in the print media using and abusive language for BISE staff (Annexure-18-24).
- X. The accused approached high ups by passing the routine chain of command (Annexure-25-28).

### Statements of the accused

The enquiry committee on the dates of personal hearing had awarded the accused an opportunity of submission of replies whereupon they were cross questioned and examined in front of the departmental representative. They were provided a conducive environment to defend themselves.

1) Mr Gul Nawaz.

In replies to the allegations 1-5 (Annexure-29-31). he stated that:-

1. He had neither obstructed the monitoring team nor other inspectors
2. All the monitors had been greeted by him with warm well come.
3. He admitted that he was annoyed, with one of the inspectors namely Mr Ashfaq who entered the Examination Hall without prior introduction or permission.
4. That the parents and students were not called for the protest by him rather they by themselves visited the school with the social media after the arrival of their children to their homes complaining about the occurrence of the day.

2) Mr Tariq Bhatti

In replies to the allegations 1-5 (Annexure32-33).

1. Mr Tariq Bhatti recorded his statement that the viral picture of Mr Salim Principal does not relate to his face book account and not related to the occurrence of GHSS #2 on 26-04-2019.

*Attest*  
*Hally*

2. He stated that he was on inspection duty on 26-04-2019 and he was stopped from carrying out inspection duty by the Chairman BISE DIK insulting and humiliating him.
3. To another point he responded that he has neither instigated the student nor invited the public and parent for media trial of chairman BISE DIK.
4. He had blamed the chairman for all the ills and illegal actions done on the day.
5. Regarding sharing of the AKSSA meetings proceeding and protest against the board authorities he refused all charges but justification was not put forth.
6. The committee were provided with all the relevant material by departmental representative; he shared on internet, print electronic and social media, even the screen shots of his mobile on face book had been provided to the committee that clearly goes against him.

3) Mr Attaullah Chohan  
In replies to allegations 1-4 (Annexure34-35).

1. He denied altogether refusing that he was on inspection duty at GDC Pahr Pur DIK on 26/04/2019.
2. As he was out of station as inquired and investigated during the course of the enquiry proceedings and the charges leveled against him are not correct.

4) Mohammad Usman SIPE  
In replies to allegations 1-4 (Annexure36-37).

1. He denied altogether refusing that he neither met the monitoring team nor talked to any one of them.
2. That the parents and students were not called for the protest by him rather they by themselves visited the school with the social media after the arrival of their children to their homes complaining about the occurrence of the day.
3. He has not instigated the students to boycott Exam or block the road.


Findings:-

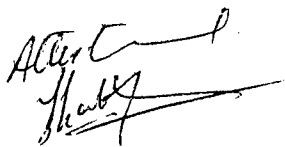
The committee during the proceedings of the enquiry, perusal of the record, other available material and through cross examination of their statements, concluded that:-

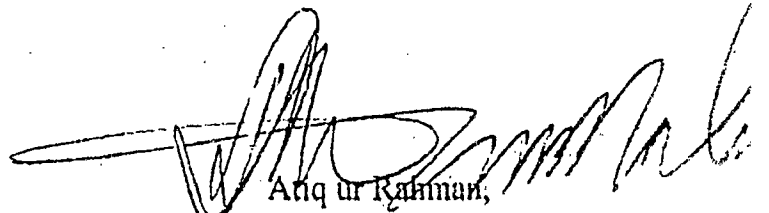
1. That Mr Gul Nawaz could not defend himself fully and was found guilty of misconduct.
2. Mr Mohammad Tariq Bhatti could not defend himself fully and was found guilty to the extent of minor act of commission.
3. Mr Mohammad Usman also could not defend himself fully and was found guilty of misconduct to the extent of minor act of commission.
4. Mr Attaullah Chohan could defended himself as he was out of station and was in no circumstances guilty of any act of omission or commission.

*Attaullah Chohan*  
*Shahid*

- Mr Gul Nawaz , Ex-VP(B-13) GHSS No.2 DIK now SSS GHSS No.2 DIK may be awarded a major penalty of reduction to a lower post as provided in section 4 (b) 1 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for the commission of misconduct.
2. Mr Tariq Bhatti was found guilty of misconduct as provided in grounds mentioned under rules 3 of the Govt: of Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules 2011 and awarded minor penalty of forfeiture of 3 annual increments as prescribed in Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 under section 4 (a) 1.
  3. Mr Mohammad usman was found guilty of misconduct as provided in grounds mentioned under rules 3 of the Govt: of Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules 2011 and awarded minor penalty of forfeiture of 2 annual increments as prescribed in Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 under section 4 (a) 1.
  4. Mr Attaullah chohan may be exonerated.
  5. A job description/ Guide lines for resident inspectors/inspectors may be devised by BOG or as the case may be to vividly describe rules for supervisory staff including body search.
  6. The Establishment department may devise and code of conduct for the unions using whatsapp and other social media links.

  
Adil Siddiq,  
Commissioner,  
Bannu Division.



  
Aniq ur Rahman,  
Principal,  
GHSS #1 Peshawar Cantt.

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LIST OF PENALTIES.

The following are the minor and the major penalties, namely.

(a). MINOR PENALTIES:-

- (i). Censure;
- (ii). Withholding, for a specific period, promotion or increment subject to a maximum of three years, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post;

Provided that the penalty of withholding increments shall not be imposed on a Government servant who has reached the maximum of his pay scale:

- (iii). Recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order;

(b). MAJOR PENALTIES:-

- (i). reduction to a lower post or pay scale or to a lower stage in a time scale.
- (ii). Compulsory retirement;
- (iii). Removal from service; and
- (iv). Dismissal from service.

*Attest*  
*[Signature]*

Board of Intermediate & Secondary Education  
Dera Ismail Khan, Khyber Pakhtunkhwa, Pakistan

Phone: 0966-730501-03  
Fax: 0966-730501  
Email: [webmaster@bisedik.edu.pk](mailto:webmaster@bisedik.edu.pk)

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Dated 10/04/19

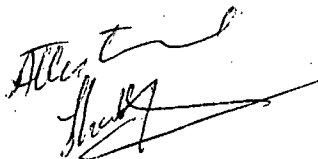
BISE/DIK  
The Secretary  
Elementary & Secondary Education  
Department Govt: of Khyber Pakhtunkhwa  
Peshawar.

HURDLES IN THE SMOOTH CONDUCT OF UPCOMING HSSC(A) EXAMINATION 2019.

It is submitted that your good self is well aware that subject examination is commencing from 16<sup>th</sup> April 2019 in the jurisdiction of BISE DIK. Conduct of smooth fair examination is the prime responsibility of administration of BISE DIK and at the same time it is one of the huge exercises for any BISE. The administration of BISE is trying its best to get done this activity fairly, smoothly and in most transparent way. However, some of the local teachers association, having vested interests led by Gul Nawaz, vice principal GHSS NO 2 DIK, Mohammad Ali Sadaqi Principal Darabankhurd DIK, etc are creating hurdles in the smooth conduct of said examination. They are trying for interference and are asking for duties of supervisory staff of their near and dears. They are illegally pressing administration of BISE for their undue favour and in case of not fulfilling their demands they may instigate teaching community for non-cooperation. They will also try to damage reputation and good outlook of BISE DIK through various means.

Keeping in view the above, it is apprehended that this group led by above through his colleague may leak question papers and may disseminate it through social media during the said examination. The BISE DIK, bring this on record and notice of high ups for necessary action against the above officer please.

  
Chairman 10/4  
BISE, D.I.Khan



REGISTERED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

No.SO(B.T)E&SED/9-2/2019/HSSC BISE D.I.Khan  
Dated Peshawar the February 25, 2020

34

H

To


Mr. Muhammad Tariq Bhatti, (BS-19),  
Principal GHSS Mandhran Kalan,  
D.I.Khan

Subject:- SHOW CAUSE NOTICE.

I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice wherein the Competent Authority (Chief Minister Khyber Pakhtunkhwa) has tentatively decided to impose minor penalty of "withholding of three annual increments for three years" upon you under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

2. You are therefore directed to furnish your reply to the Show Cause Notice as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

3. Your reply should reach this Department within Seven (07) days of the delivery of this letter otherwise ex-parte action shall be taken against you.

  
(LAL SAEED KHATTAK)  
SECTION OFFICER (B/T)

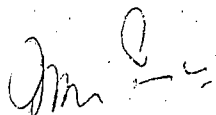
Encl: (A.A):

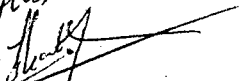
Endst: Even No. & Date:

Copy of the above is forwarded to the:-

1. Chairman BISE D.I.Khan.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar with the request to make sure the delivery of Show Cause Notice to the accused, *copy enclosed*
3. Section Officer (School Male), E&SE Department.
3. P.S to Secretary Elementary & Secondary Education Department.
4. P.S to Special Secretary Elementary & Secondary Education Department.
5. P.A to Additional Secretary Elementary & Secondary Education Department.
1. P.A to Deputy Secretary Elementary & Secondary Education Department.

*Encls (AA)*

  
SECTION OFFICER (B/T)

*Attest*  


35

SHOW CAUSE NOTICE

I, **Mahmood Khan, Chief Minister, Khyber Pakhtunkhwa** as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Muhammad Tariq Bhatti Principal (BS-19) GHSS Mandhran Kalan D.I.Khan as follows:-

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

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

a. Misconduct

- 2- As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of Withholding of 03 annual increments under rule 4 of the said rules. for 03 years.
- 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 or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
- 5- A copy of findings of the inquiry officer is enclosed.



(MAMOOD KHAN)  
CHIEF MINISTER KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

Muhammad Tariq Bhatti Principal (BS-19) GHSS Mandhran Kalan D.I.Khan



36

I

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

عزت مآب جناب محمود خان صاحب وزیر اعلیٰ خیبر پختونخواہ پشاور  
بوساطت جناب سیکرٹری ایجوکیشن خیبر پختونخواہ پشاور

No.SO(B.T)E&SED/9-2/2019/HSSC BISE DIKhan Dated بحوالہ

Peshawar the February 25, 2020

جناب عالی!

20/11/2019 کو انکوآری آفیسرز جناب عادل صدیقی صاحب کمشنر بنوں اور جناب عتیق الرحمن صاحب پرنسپل گورنمنٹ ہائیر سیکنڈری سکول نمبر 1 پشاور کینٹ کے روبرو کمشنر ڈیرہ کے آفس انکوآری بسلسلہ ڈیرہ بورڈ انتظامیہ اور گورنمنٹ ہائیر سیکنڈری سکول نمبر 2 ڈیرہ اسماعیل خان پیش ہوا۔

میں پرنسپل محمد طارق بھٹی (BS-19) گورنمنٹ ہائیر سیکنڈری سکول مندرائیں کلاں ڈیرہ اسماعیل خان نے انکوآری کمیٹی کے روبرو اپنے اوپر لگائے گئے من گھڑت الزامات کا جواب تحریری اور زبانی طور پر بمعد ثبوت کے پیش کیا۔ مگر میں نے اپنے اوپر لگائے گئے الزامات پر سیر حاصل دلائل بھی دیئے اور ثبوت بھی پیش کئے۔ مگر لگتا ہے جیسے میرے بیان کو سیاق و سباق کے حوالے سے نہیں لیا گیا۔ حقائق کے برعکس پسندنا پسند کو منتخب کر کے انکوآری کا حصہ بنا کر میرے 3 سالانہ انکریمنٹ بند کر دئے گئے۔

جناب عالی!

جو چارج شیٹ مجھے ملی اور سوال کا جواب میں نے بمعد ثبوت و دلائل کے تفصیلاً دیا۔ مگر لگتا ہے میرے تمام ثبوتوں کو یکسر نظر انداز کر کے یکطرفہ فیصلہ کیا گیا۔

پہلے الزام کے جواب میں میں نے کہا کہ میں گورنمنٹ ہائیر سیکنڈری سکول نمبر 2 ڈیرہ اسماعیل خان کا پرنسپل نہیں ازرنہ میں اور نہ طلباء مجھے جانتے ہیں۔ میں اپنی انپکشن ڈیوٹی "جو کہ سیکرٹری ڈیرہ تعلیمی بورڈ نے بذریعہ ڈاک میرے سکول کے ایڈریس پر بھیجی تھی" پر آیا ہوا تھا۔ مجھے تو یہ علم بھی نہیں کہ جب میں 9 بجے صبح انپکشن ڈیوٹی کے لیے پہنچا تو اس سے قبل کیا واقعہ رونما ہوا۔ جس طرح انپکشن ٹیم کے دوسرے افراد امتحان حال پہنچے میں بھی ان کے

ساتھ امتحان حال میں گیا۔ (Anx:A)

Page 1 of 4



جناب عالی!

انسپکشن ٹیم اور سپرنٹنڈنٹ امتحان حال نے چیئر مین ڈیرہ بورڈ کو جو رپورٹ پیش کی اس میں میرا ذکر تک نہیں اور نہ انہوں نے میرے خلاف ایک لفظ لکھا۔ میں نے اس سلسلے میں انسپکشن ٹیم اور سپرنٹنڈنٹ امتحان حال کا تحریری بیان لف کیا مگر لگتا ہے کہ انہوں نے اس کو یکسر نظر انداز کر کے پسندنا پسند کو مد نظر رکھا۔ (Anx: B&C)

دوسرے الزام کے جواب میں، میں نے قرآن پر حلف اٹھا کر انکو آری کمیٹی ممبران کو بتایا کہ جب میں گورنمنٹ ہائر سیکنڈری سکول نمبر 2 ڈیرہ اسماعیل خان کا پرنسپل نہیں ہوں اور نہ میرا 26/4/19 کے واقع سے کوئی تعلق ہے میں تو ڈیرہ بورڈ کی طرف سے دی جانے والی انسپکشن ڈیوٹی سرانجام دینے آیا تھا تو میں طلباء کو کیوں بورڈ انتظامیہ کے خلاف اکساؤں گا۔

جناب عالی!

گورنمنٹ ہائر سیکنڈری سکول نمبر 2 ڈیرہ اسماعیل خان میں 26/04/2019 کو جو ناخوشگوار واقعہ رونما ہوا اور چیئر مین بورڈ کے پولیس گارڈ نے جو ویڈیو بنائی اس میں طلباء نے جو احتجاج کیا اگر آپ بغور دیکھیں تو کہیں نظر نہیں آئے گا کہ میں طلباء کو اکسارہا ہوں۔ یہاں بھی انکو آری ٹیم کو ویڈیو فراہم کی گئی مگر انہوں نے حقائق کو مسخ کرتے ہوئے پسندنا پسند کو مد نظر رکھا اور انکو آری کو یکطرفہ لیتے گئے۔ (Anx: D)

جناب عالی!

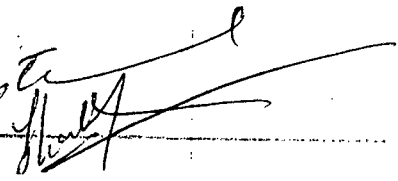
تیسرے الزام کا بھی میں نے بوجہ ثبوت و دلائل کے جواب دیا کہ مانیٹرنگ ٹیم نے جو اپنی رپورٹ چیئر مین ڈیرہ تعلیمی بورڈ کو پیش کی۔ اس میں میرا ذکر تک نہیں۔ انہوں نے میرے خلاف ایک فقرہ بھی تحریر نہیں کیا۔ اس طرح سپرنٹنڈنٹ امتحان حال نے بھی اپنی تحریری جواب میں میرے خلاف کچھ نہیں لکھا تو پھر انکو آری ٹیم نے ایسے ثابت کیا کہ میں نے مانیٹرنگ ٹیم کو امتحان حال میں داخل نہیں ہونے دیا یا طلباء کو Instigate کیا۔

جناب عالی!

چوتھے الزام میں تو ایسے لگتا ہے جیسے انکو آری ٹیم نے پہلے سے ہی Mind Set بنا رکھا تھا کہ انہوں نے ہمیں سزا دینی ہے اور ہمارے تمام ثبوتوں اور دلائل کو ردی کی ٹوکری میں پھینک کر پسندنا پسند کا فیصلہ صادر کیا۔

جناب عالی!

میں نے ثبوت کے طور پر Zong Franchise کا Bio Data لف کیا تھا۔ کہ -0310  
9006900 جس پر Whatsapp ہے یہ Sim میرے نام کی نہیں ہے۔ بلکہ میرے والد محترم محمد یوسف بھٹی

Attest  


(BS-19) ریٹائرڈ پرنسپل تھے کے استعمال میں تھی۔ چونکہ وہ ایجوکیشن کے ریٹائرڈ آفیسر تھے وہ کالم نگاری بھی کیا کرتے تھے اور ایجوکیشن گروپ بھی تھا۔ جس کا میرے ساتھ کوئی تعلق نہیں۔ (Anx: E)  
جناب عالی!

آپ بخوبی جانتے ہیں کہ اس Internet کے دور میں کیا کچھ نہیں ہو سکتا۔ سم کسی اور کی اور آپ کسی بھی نام سے Save کر سکتے ہیں بس یہی ہوا۔  
جناب عالی!

جب میں فیس بک استعمال ہی نہیں کرتا تو مجھے مسٹر سلیم پر نسل کی تصویر کے وائرل ہونے کا کوئی علم نہیں۔ اس بارے میں بھی میں نے Zong Franchise کا ریکارڈ پیش کیا۔ مگر اس مستند ریکارڈ کو بھی نظر انداز کیا گیا۔  
جناب عالی!

یہ حقیقت ہے کہ 26/04/2019 کو میں نے امتحان حال میں اپنی Inspection Duty سرانجام دے رہا تھا کہ چیئر مین نے طلباء اور امتحانی عملے کے سامنے مجھ سے Duty Letter لے کر مجھے Getout کیا اور میں BS-19 کا پرنسپل تھا۔ میرے پورے معاشرے میں جگ بگ مچائی ہوئی۔  
جناب عالی!

میں پرنسپل (BS-19) ہوں اور میں کسی ٹیچر یونین کا حصہ نہیں ہوں۔ ہمارے اپنے پرنسپل کی SOA یونین ہے۔ مجھے یہاں بھی AKSSA یونین کے ساتھ جوڑنے کی ناکام کوشش کی گئی اور نہ ہی میں کسی Protest کا حصہ تھا۔ بلکہ علاقے کے ناظم اختیار بار کزئی نے حلقہ MPA/MNA کے کہنے پر اسلامیہ سکول آئے والدین / سول سوسائٹی کی میٹنگ تھی۔ مجالے کی تہہ تک پہنچنے کے لیے ناظم نے مجھے کال کر کے بلایا اور مجھے کہا کہ آپ کے ساتھ 26/04/2019 کو چیئر مین ڈیرہ بورڈ نے جو ہٹک آمیز اختیار کیا۔ اس کے بارے میں بتائیں۔  
جناب عالی!

یہاں میں یہ بھی واضح کرتا چلوں کہ انکو آری کمیٹی کے ساتھ سیکرٹری ڈیرہ تعلیمی بورڈ بھی براہمان تھے۔ انہوں نے مجھ سے کوئی Cross Question نہیں کیا اور نہ اس نے اس وقت میرے روبرو کوئی ثبوت پیش کیا۔  
جناب عالی!

میں ایک ذمہ دار گریڈ 19 کا آفیسر ہوں۔ اتنا بڑا واقعہ رونما ہوا تو مجھے کیا ضرورت پڑی کہ میں میڈیا کو کال کروں یا سوشل میڈیا کو استعمال کروں۔ میں نے ثبوت کے ساتھ ثابت کیا کہ Whatsapp میرے استعمال میں

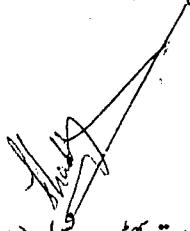
Attest  
[Signature]

نہیں۔ مگر میرے اس ثبوت کو بھی انکو ایئر کی کمیٹی نے یکسر نظر انداز کیا۔ اور مجھے Accused ثابت کرنے کے لیے پسند ناپسند کا مواد منتخب کیا۔

جناب عالی!

اس بوگس انکو ایئر کے باطل ہونے کی اور کیا دلیل ہوں کہ گورنمنٹ سیکنڈری سکول نمبر 2 کے پرنسپل عطاء اللہ چوہان جو کہ گریڈ 20 کے آفیسر ہیں کو شروع سے گریڈ 18 کا پرنسپل لکھا گیا۔ جو کہ آخر تک یہی رہا اور وہ 26/04/2019 کے واقعہ کے دن سکول ہذا میں موجود ہی نہیں تھا۔ مگر بورڈ انتظامیہ اور ضلعی انتظامیہ نے اس کو مورد الزام ٹھہرایا کہ وہ اس واقعہ کے دن موجود تھے۔ مگر بعد میں اسے مبرا کر کے یہ ثابت کر دیا کہ پوری انکو ایئر Fake تھی اور قانون کے مطابق ذرا بھی شک پیدا ہو جائے تو اس کا فائدہ ملزم کو ملتا ہے۔

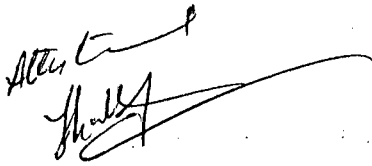
بجوالہ حقائق مذکورہ بالا کی روشنی میں مجھے بری کیا جائے۔ اگر کوئی مذکورہ حقائق میں ابہام ہو تو زبردستی سختی کو ذاتی شنوائی کے لیے بلایا جائے۔



محمد طارق بیٹھی پرنسپل (BS-19)

گورنمنٹ ہائر سیکنڈری سکول، مندرائ کلاں

ذیرہ اسماعیل خان



Board of Intermediate & Secondary Education  
Dera Ismail Khan, Khyber Pakhtunkhwa, Pakistan.

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Phone: 0966-730501-03  
Fax: 0966-730501  
Email: [webmaster@bisedik.edu.pk](mailto:webmaster@bisedik.edu.pk)

No. 22/PA/BISE/DI Khan

Dated. 08/04/2019

To

Muhammad Tariq Bhatti, Principal  
GHS Mandhrian Kalan DI Khan

Subject:

**INSPECTION ASSIGNMENT HSSC (ANNUAL) EXAMINATION, 2019.**

I am directed to inform that you have been appointed as Centre Inspector, for the fair and smooth conduct of HSSC (Annual) Examination, 2019 to the following centers on the dates given against each.

S.No	Date of Inspection	C.No.	Name of Centre
1.	18-04-2019	39, 40	QDC #3 DI Khan (A+B) HSSC
2.	22-04-2019	44, 45	QDC Pillot Sharif DI Khan (A+B) HSSC
3.	26-04-2019	55, 56	GHS No. 2 DI Khan (A+B) HSSC
4.			

It is required please:

- 1- Reach the centre at least 15 minutes before the commencement of the paper and remain there till the termination of the paper.
- 2- Check the envelope (s) ensuring that the stickers & seals are intact.
- 3- Ensure sanctity of the examination conduct and see that it is cheating free.
- 4- Ensure that the Superintendent forwarded all the UFM cases detected by you as well as by the vigilating staff under a separate cover and memo.
- 5- Ensure that the material recovered from the candidate(s) is relevant to the paper /subject and the Roll No. of the candidate caught red-handed has been recorded on the recovered material as a solid proof.
- 6- Obtain signature of the Superintendent with date on all cheating material recovered as a token of having received the same.
- 7- Inspection report along with TA/DA bill must be sent to the undersigned within week after the termination of examination as no later submission will be honored as per KPBC decision.

**IMPORTANT NOTE**

- a. Incomplete and late submission of inspection report will not be entertained.
- b. Inspection of centre where your near relative is appearing should be avoided under intimation to the undersigned. (Near relative includes "Son, daughter, wife, husband, full and half brother, sister, uncle, son-in-law, nephew and niece").
- c. The Inspector may if require, seek help of the District Administration to ensure sanctity of the examination and also should report on the assistance /Co-operation or otherwise.
- d. The Inspector is required to supervise the packing of Answer Books in cloth bags and sign these after sealing the bags properly.
- e. Use of personal car will be allowed to the Inspector who is in BPS-18 and above. No claim of damages will be entertained.
- f. Affix centre seal of the Superintendent legibly in the space provided for the purpose in the inspection report.
- g. Please attach this LETTER IN ORIGINAL WITH YOUR TA/DA BILL. Otherwise the bill will not be entertained.
- h. Please contact with Board Focal Person Mr. Muhammad Rehan (0333-995-9195) for online submitting the Inspection Report Via apps:

Attended  
[Signature]

[Signature]  
Secretary  
BISE DI Khan

Date 26/11/19

(41)

Inspection Report Team (11)

on dated 26<sup>th</sup> 11<sup>th</sup> 2019 at Centre NO (55)

Area - DSK Ram

Certified that we inspection team came at the centre to inspect and introspect it. We first met principal of the school in regards of courteous and dignity when we enter Examination Centre (H-A), NOOR ALAM SLS (ADCDIX) was there at the centre. After while NOOR ALAM SLS told to our team to arrange and room along with already Exam hall and one room because the students are congested and suffocated. As we informed the Superintendent and Deputy/superintendent they told to the so-called principal for another room arrangement but he refused bluntly. In the meanwhile when ADC NOOR ALAM SLS left centre, the Gul Nawaz S.S (Maths) president of school association came and told us to left the centre and violated sanctity of Exam Centre in a rough and rascal behaviour. Further he told us that do not check the students for centre materials too. He loudly told to the students to stop writing and boycott from paper and come to road to create hurdle and hindrances for smooth running of examination. We informed board concerned high ups and came on the spot at once at the whole situation with

Attest  
[Signature]

occasion of board BISP DDK the  
 chairman, secretary and controller, the witness  
 and inspector was held there, and murmuring  
 in an angry and emotional modes. He was  
 resisting conscientiously and insisted with  
 obstinate attitude of his earlier decision that  
 the inspection team should left the centre.

We were really harassed ethically, culturally  
 morally and financially in front of students.

After all these obstacles we performed the  
 duty along with Board officials, Supervisory  
 staff and

Inspection Team - II

① Inayat Ali Shah (Team leader)  
 Principal  
 GDC Samiala  
 (Dikhan)

② M. Sarfraz (Team member)  
 S.S (Principal)  
 GHS DAKKI (Dikhan)

③ ISHFAQ AHMED (Team member)  
 Lecturer in English  
 GDC Samiala (Dikhan)

Attest  
 [Signature]

Witnesses

- Inspector  
 Iqbal S.S GHS DAKKI  
 Dikhan \_\_\_\_\_ ✓
- Superintendent D.P.E (Safdar)  
 Centre GHS \_\_\_\_\_ X
- D/Superintendent Sahi walah  
 (CH/PA) \_\_\_\_\_ X

آڈیو کی شرح اور ADC کی شرح کے ساتھ ساتھ ان دونوں

کے لیے ہم کو لینے ایک اور تجربے کا بندوبست کریں

تاکہ وہ آزار سے بچ سکیں اور وہ صحیح لیکر ایڈیٹنگ

الیکٹرونک پاس گئے اور ایک تجربہ کرنے کی ہدایت کی

اس دوران الیکٹرونک سیم جو کہ میں چھپڑے پر مشتمل

کئی بال میں آئی۔ ریڈیو ڈسٹ الیکٹرونک نے استفادہ

صاحب سے کیا کہ وہ آفسیس اور سیم کے آگے

اور پورے میں جانے کے لیے میں چھپڑے میں

الیکٹرونک سیم عناصر کے ساتھ ساتھ ان کے اثر

کیا کہ سیم نہیں آتے اور اس کے اثر پر ان میں

کو تو میں میں ہو گئی اور ریڈیو ڈسٹ الیکٹرونک

ان سے کیا کہ قانون آپ کو باڈی سرج کی

اجازت ہیں۔ دیکھ لیتا اس سے گریز کریں

اس کے بعد جسٹریٹ میں ڈیڑھ گھنٹے کے اندر

Altaf  
Handwritten signature

د افغانستان د کورنیو کړيو د وزارت

د کورنیو کړيو د وزارت د کورنیو کړيو د وزارت



د کورنیو کړيو د وزارت

د کورنیو کړيو د وزارت د کورنیو کړيو د وزارت

Attest  
H. H. H.

د کورنیو کړيو د وزارت

د کورنیو کړيو د وزارت

د کورنیو کړيو د وزارت

د کورنیو کړيو د وزارت



44



Attent  
Helly

45

Card Payment

Query ID

Customer/Account Type: Individual  
ID Number: 1210121823669  
Customer Category: (-1)NONE  
DNC POP/Visa Expire Date: 24-06-2020

Signature Description: ...  
Signature Name: ...  
Signature Date: 15-06-2000

Change

Customer Information

TOUSAP

(1)CHIC  
(-1)NONE  
17-06-2014  
(-1)NONE

Address: ...  
Name: ...  
Passport: ...  
Address: ...  
Address: ...  
Address: ...  
Address: ...

*Attent*  
*Shelly*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY &-SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the, 06-07-2020

NOTIFICATION

- NO.SO(B/T)E&SED/9-2/2019/HSSC BISE D.I.KHAN/M.Tariq Bhatti: WHEREAS Mr. Muhammad Tariq Bhatti, Principal (BS-19), GHSS Mandhran Kalan D.I.Khan 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 Mr. Adil Siddique Commissioner Bannu and Mr. Atiq Ur Rehman Principal, GHSS No.1 Peshawar Cantt were appointed as Inquiry Committee to conduct Inquiry against the accused officer, for the charges leveled against him in accordance with the rules.
3. AND WHEREAS the Inquiry Committee after having examined the charges, evidence on record and explanation of the accused officer has submitted the report.
4. AND WHEREAS a Show Cause Notice was served upon Mr. Muhammad Tariq Bhatti, Principal (BS-19), GHSS Mandhran Kalan D.I.Khan which was communicated to the accused On 25-02-2020.
5. AND WHEREAS the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) has been pleased to grant personal hearing to Mr. Muhammad Tariq Bhatti, Principal (BS-19), GHSS Mandhran Kalan D.I.Khan and authorized Secretary to Govt. of Khyber Pakhtunkhwa Administration Department to grant personal hearing to the accused officer.
6. AND WHEREAS the accused officer Mr. Muhammad Tariq Bhatti, Principal (BS-19), GHSS Mandhran Kalan D.I.Khan was called for personal hearing by the Secretary to Govt. of Khyber Pakhtunkhwa Administration Department on 08-06-2020.
7. AND WHEREAS the Chief Minister/Competent Authority after having considered the charges and evidence on record, explanation of the accused officer in response to the Show Cause Notice, is of view that the charges against the accused officer have been proved.
8. NOW, THEREFORE, in exercise of the powers conferred under Rule-14 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose minor penalty of "WITHHOLDING OF 03 ANNUAL INCREMENTS FOR 03 YEARS" upon Mr. Muhammad Tariq Bhatti, Principal (BS-19), GHSS Mandhran Kalan D.I.Khan of the charges levelled against him.

Endst: of Even No. & Date:

SECRETARY

Copy forwarded to the: -

1. Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
2. Accountant General Khyber Pakhtunkhwa, Peshawar.
3. Director E&SE Khyber Pakhtunkhwa for further necessary action.
4. Chairman BISE D.I.Khan.
5. PSO to Chief Secretary Khyber Pakhtunkhwa.
6. District Education Officer (Male) D.I.Khan for further necessary action.
7. P.S to Secretary E&SE Department.
8. Officer concerned.

9. SO (S/M) E&SE D.I.Khan

(LAL SAEED KHATTAK)

SECTION OFFICER

(K)

(47)

وزیر اعلیٰ خلیفہ

وزیر اعلیٰ خلیفہ

عنوان: نظر ثانی اپیل برخلاف نوٹیفکیشن نمبر

No.SO(B.T) E&amp;SE D/9-2-2019/HSSC-BISE DIK/ Muhammad Tariq Bhatti Dated 06/07/2020

بحوالہ:

Rule 14 &amp; Rule 17 Efficiency &amp; Discipline rules 2011 Khyber Pakhtunkhwa

بوجہ درج ذیل حقائق و دلائل

جناب عالی!

1: یہ کہ درخواست کنندہ تاحال اپنے موقف پر قائم ہے جو کہ درخواست کنندہ نے اظہار وجوہ نوٹس SO(B.T) E&amp;SE D/9-2-2019 DIK Dated

25-2-2020 کی پاداش میں جواب آنجناب کے حوالے کیا تھا ہمراہ نظر ثانی اپیل لف ہے۔

2: جناب عالی حقائق کو توڑ موڑ کر پیش کیا گیا اور ہمارے موقف کو بالکل نظر انداز کر کے من پسند فیصلہ لیا گیا۔

3: جناب عالی! میں ڈیرہ تعلیمی بورڈ کی جانب سے 26/4/2019 کو مذکورہ سکول میں انسپکشن ڈیوٹی پر تھا۔ مذکورہ امتحانی سنٹر کے Suptt صاحب اور بورڈ کی

انسپکشن ٹیم نے جو رپورٹ دیں ان دونوں میں میرے خلاف ایک لفظ بھی نہیں تھا۔

4: جناب عالی! DEO(M) DIK اور Suptt امتحان ہال کو انکوائری میں مدعو تک نہیں کیا گیا اور نہ طلباء کے بیانات جو DEO(M) ڈیرہ نے قلمبند کئے تھے نہ

انکو انکوائری کا حصہ بنایا گیا۔

5: جناب عالی! چیئرمین ڈیرہ تعلیمی بورڈ حمید اللہ شاہ نے اپنے ذاتی اثر و رسوخ کو استعمال کر کے یہ انکوائری Conduct کر دئی جو کہ بدینتی پر مبنی تھی اور جس جس

نے انکوائری کی حمید اللہ شاہ اثر انداز ہوئے۔

6: جناب عالی! مختلف موقعوں پر مجھ پر مختلف الزامات لگائے گئے اور انکوائری آفیسرز من پسند تعینات کروائے گئے۔

7: جناب عالی میں گریڈ 19 کا پرنسپل تھا اور GHSS NO 2 کے پرنسپل عطاء اللہ چوہان گریڈ 20 کے تھے اور انکوائری آفیسر گریڈ 18 کا تھا۔

8: جناب عالی! میں GHSS مندرہاں کلاں کا پرنسپل تھا اور میری انسپکشن ڈیوٹی GHSS NO 2 ڈیرہ میں 26/4/2019 کو تھی میں طلباء کو کس بنیاد پر

Instigate کرونگا جبکہ عام سمجھ بوجھ کی بات ہے کہ طلباء میرے لئے اور میں طلباء کے لئے انجان تھا۔ یہ سراسر غلط اور من گھڑت بیان ہے۔

9: جناب عالی! میں امتحان ہال میں انسپکشن ڈیوٹی سرانجام دے رہا تھا کہ چیئرمین بورڈ حمید اللہ شاہ بسمہ کنٹرولر امتحانات ہال میں آئے تو میں اپنی ڈیوٹی سرانجام دے

رہا تھا۔ چیئرمین صاحب نے مجھے ہال سے بغیر بوجہ اور شکایت کے Get Out کہہ کر نکال دیا اور میری بے عزتی طلباء امتحانی عملہ اور انسپکشن ٹیم کے سامنے کی۔

10: جناب عالی! میرا اللہ تعالیٰ اور اسکے نبی آخر الزمان کی قسم اٹھا کر کہتا ہوں کہ مجھے ذرا بھی علم نہیں کہ میں نے میڈیا یا سوشل میڈیا کا استعمال کیا ہو جو ٹوٹے پر رب کی

اعتنا۔

11: جناب عالی! یہ کہ آنجناب کے پاس بحوالہ روٹری این ڈی رولز 2011 مذکورہ سزا کو ختم کرنے کے وسیع تر اختیار موجود ہیں۔

12: اہل اہم دراندہ اپیل کی جاتی ہے کہ سائل کی مذکورہ سزا ختم فرمائی جاوے سائل تاحیات آپ کی دونوں جہاں میں کامیابی کیلئے دعا گو رہے گا۔

آپ کا خیر اندیش  
25/07/2020

محمد طارق بھٹی پرنسپل B-19

GHSS Mandhra Kalan

ڈیرہ اسماعیل خان

Attest  
[Signature]

DR. GHULAM KHAN

Doc. No: 13-1198  
Date of issue: December 2018  
Valid upto: December 2021



PROFESSIONAL SEAL

وکالت نامہ

کورٹ  
فیس

بجالات صاحب کورٹ فیس  
محمد اعجاز خان  
صاحب کورٹ فیس  
KPK 12

تفصیل دعوی یا جرم

باعث تحریر آنکہ

مقدمہ بالا مندرجہ ذیل کے مطابق ہے کہ میں نے...

کو حسب ذیل شرائط پر اپنی مقرر کیا ہے کہ میں نے خود ہی بنا ہونے والا پروہاد نامہ...  
موصوف کو اطلاع دے کر حاضر حالت کروں گا اور ہر وقت پکارت جانے مقدمہ مکمل صاحب  
موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز میں صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا بیچے یا بعد از اپنی  
بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے عاوم اور جگہ حالت ہونے یا بعد از اپنی یا پکھری کے اوقات کے آگے یا پیچھے نہیں ہونے  
پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ والیں کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے بلکہ  
کو کل ممانعت پر داخستہ صاحب موصوف کی شکل کردہ ذات خود منظور قبول ہر کار اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اقرار نامے ڈگری  
نظر ثانی اپیل کرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پے ناٹھی یا رٹھی نامہ و فیصلہ برخلاف کرنے اقبال دعوی کا بھی اختیار ہوگا اور بصورت مقرر ہونے  
تاریخ پیش مقدمہ مزکور بیرون از پکھری صدر بیرونی مقدمہ مزکور نظر ثانی اپیل و کرانی و برآمدگی مقدمہ یا منسوی ڈگری یک طرفہ یا درخواست حکم امتناع یا قرنی  
یا گرفتاری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادا اسٹیٹمنٹ و ممانعت پر وٹی کا اختیار ہوگا اور تمام ممانعت پر داخستہ صاحب موصوف کی شکل کردہ  
از خود منظور و قبول ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مزکور یا اس کے کسی جزوی کارروائی یا بصورت درخواست نظر ثانی  
اپیل کرانی یا دیگر معاملہ و قدرہ مذکورہ کسی دوسرے وکیل یا پھر منکر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر اس میں وہی اور اپنے  
اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں نہ کچھ ہر جائے اپنا اپنا پاتے گا وہ صاحب موصوف کا حق ہوگا کہ  
صاحب موصوف کو پوری نہیں تاوان پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پروی نہ کریں اور اپنی بصورت  
میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہونگا

لہذا وکالت نامہ لکھوایا ہے تاکہ مسترد ہو  
مورخہ 16 نومبر 2020ء  
مضمون وکالت نامہ سن لیا ہے اور ایسی طرح کو لیا ہے اور منظور ہے

محمد اعجاز خان  
صاحب کورٹ فیس  
وکالت نامہ

Accepted  
Advocate  
16/11/2020

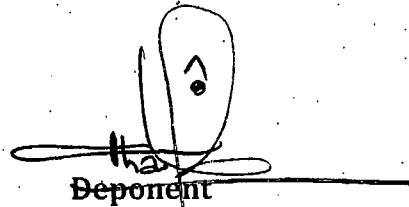
**BEFORE THE HONOURABLE SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA PESHAWAR**

**Service Appeal No. 15180/2020**

**Muhammad Tariq Bhatti VS Government of KPK**

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**Deponent**  
**Dr. Khalid Saeed Akbar**  
**Divisional Litigation Officer**  
**Secretariat & Directorate of E&SE KP Peshawar**

①

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

S.A.# 15180/2020

Muhammad Tariq Bhatti BS-19, GHSS NO.2 D.I.Khan.....Appellant

**VERSUS**

1. Chief Secretary, Khyber Pakhtunkhwa.
2. Secretary E&SE, Department.
3. Secretary Establishment Department
4. Director E&SE Khyber Pakhtunkhwa Peshawar..... **Respondents**

**JOINT PARAWISE COMMENTS FOR & ON BEHALF OF THE RESPONDENTS**

Respectfully Sheweth,

**The Respondents submit as under:-**

**Preliminary Objections**

1. The appellant has got no cause of action / locus standi.
2. The instant appeal is badly time barred.
3. The appellant has concealed the material facts from this Hon'ble Tribunal, hence is liable to be dismissed on this score.
4. The appellant has not come to this Hon'ble Tribunal with clean hands.
5. The appellant has filed the instant appeal with malafide intention just to pressurize the Respondent for gaining illegal service benefits.
6. The present appeal is liable to be dismissed for mis-joinder & non joinder of necessary parties.
7. The instant appeal is against the prevailing law & rules.
8. The appellant is estopped by his own conduct to file the instant appeal.
9. The instant appeal is not maintainable in its present form and also in the present circumstances of the issue.
10. That the order dated 06-07-2020 is legally competent and is liable to be maintained in favour of the Respondent.
11. That this Hon'able Tribunal has got no jurisdiction to entertain the instant service appeal, as Departmental Appeal has been filed by the Appellant barred by time as well as the Service Appeal.
13. That the appellant is not an aggrieved person under the relevant Article-212 of 1973 Constitution of Pakistan.

**FACTS**

1. Pertains to the Service record of the appellant, however the concern Chairman, BISE D.I.Khan lodged complaint against the appellant along with others (**Annex-A**).
2. That the Competent Authority is pleased to appoint Mr. Abdul Basit, Additional Secretary (Development) E&SE Department as Inquiry Officer to conduct fact finding inquiry into the matter. The Inquiry Officer recommended that the appellant and others engaged in arranging protests both inside and outside of the school premises and inserted to all extra official means except reporting the matter to the office of Secretary E&SE Department. Hence they have been found guilty of misconduct and may be proceeded against under relevant E&D Rules.

3. That the Competent Authority / Chief Secretary KP constituted inquiry committee to conduct formal inquiry against the appellant along with others for the charges mentioned in the charge sheet and statement of allegations.
4. Pertains to record.
5. That the inquiry committee submitted report, whereby recommended that the appellant namely Muhammad Tariq Bhatti was found guilty of misconduct as provided in grounds mentioned under Rule (3) of the Govt. of KP Civil Servant (Efficiency & Discipline) Rules 2011, and awarded minor penalty of forfeiture of 03 annual increments as prescribed in KP Govt. Servant (Efficiency & Discipline) Rules 2011 under Section 4 (a) 1.
6. That as per findings of the inquiry committee major charges leveled against the appellant has been proved; hence show cause notice was issued to the appellant.
7. Incorrect. The said / mentioned reply to the show cause notice is devoid of valid Grounds / justification.
8. That the Competent Authority has considered the charges against the appellant, evidence on record, inquiry report, explanations of the appellant and declared the charges against the appellant, have been proved. And after fulfilling all codal formalities the Competent Authority imposed minor penalty of withholding of 03 annual increments for two years.
9. Incorrect and not admitted. That the impugned notification was issued on 06-07-2020, while the departmental appeal annexed with Service Appeal having no dairy No. which indicates that departmental appeal never filed before the Competent Authority.
10. Incorrect and not admitted. The penalty imposed upon the appellant is according to law, rules on the subject, natural justice, Acts, material on record, inquiry report, evidence on record and confession of the appellant, hence legal, lawful, by the lawful authority hence, tenable / maintainable in the eye of law. The present appeal is liable to be dismissed inter alia on the following grounds.

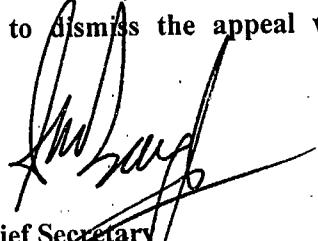
**Grounds**

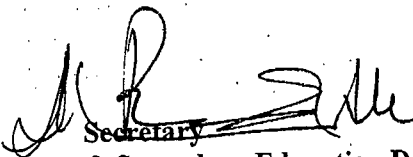
1. Incorrect and not admitted. The appellant has been treated in accordance with law and no right of the appellant has been violated. Hence denied being a false and baseless and against the facts, record and inquiry proceedings.
2. Incorrect as already explained in forgoing para, however the appellant has been provided full opportunity to defend himself during inquiry proceedings.
3. Incorrect and not admitted. The Appellant proved to have committed the offence.
4. Incorrect. The statement of the appellant in this para is false baseless, against the facts, record and inquiry report. In fact, proper proceedings were conducted against the appellant after obtaining approval of the Competent Authority.
5. As replied in para-D above.
6. Incorrect and not admitted. The statement of the appellant in this para is a mere concocted story. The allegations leveled against the appellant were detected by the inquiry officer.

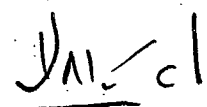


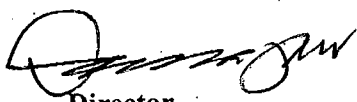
- 7. Incorrect and not admitted. The charges leveled against the appellant are based on fact which were proved within the meaning of law, thus the penalty imposed is tenable and liable to be maintained in the eye of law and justice. Hence this para is denied.
- 8. Incorrect and not admitted. The appellant has been treated in accordance with law and no right of the appellant has been violated, hence denied.
- 9. As already explained in forgoing para.
- 10. As already explained in forgoing para.
- 11. As already explained in forgoing para.
- 12. Incorrect and not admitted.
- 13. Incorrect and not admitted.
- 14. That the instant service appeal is badly time barred, hence on this score the present service appeal is not maintainable under the KP Service Tribunal Act 1974.

In view of the above made submissions, it is, therefore, most humbly prayed that this Honourable Tribunal may very graciously be pleased to dismiss the appeal with cost in favour of the Respondents.

  
 Chief Secretary  
 Government of Khyber Pakhtunkhwa  
 (Respondent #1)

  
 Secretary  
 Elementary & Secondary Education Department  
 (Respondent #2)

  
 Secretary  
 Establishment Department  
 (Respondent #3)

  
 Director  
 E&SE Khyber Pakhtunkhwa Peshawar  
 (Respondent #4)

4

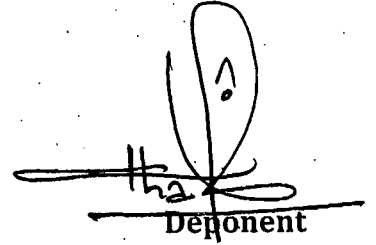
**BEFORE THE HONOURABLE SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA PESHAWAR**

**Service Appeal No. 15180/2020**

**Muhammad Tariq Bhatti VS Government of KPK**

**Affidavit**

I, Dr. Khalid Saeed Akbar Litigation Officer of the Secretariat and Directorate of Elementary & Secondary Education Department KPK Peshawar do hereby solemnly affirm and declared on oath that the contents of above mentioned service appeal are correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.



**Deponent**  
**Dr. Khalid Saeed Akbar**  
**12101-0899674-5**  
**0343-903-3399**

05

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

**Service Appeal No. 15180/2020**

**M Tairq Bhatti**

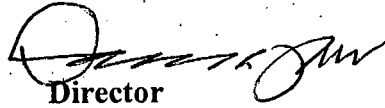
**VS**

**Government of KPK**

**Authority**

I, Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Respondent No. 4 do hereby authorized Dr. Khalid Saeed Akbar Litigation Officer of the Directorate and Secretrate of E&SE KPK Peshawar to attend this Honourable Service Tribunal KPK Peshawar on behalf of respondents in connection with submission of para wise comments and till the decision of the service appeal.

Respondent No.4



**Director**

**E&SE Khyber Pakhtunkhwa Peshawar**

Board of Intermediate & Secondary Education  
Dera Ismail Khan, Khyber Pakhtunkhwa, Pakistan

Phone: 0966-730501-03  
Fax: 0966-730501  
Email: webmaster@bisedik.edu.pk

Dated 10/04/19

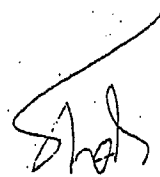
BISE/DIK

The Secretary  
Elementary & Secondary Education  
Department Govt: of Khyber Pakhtunkhwa  
Peshawar.

**HURDLES IN THE SMOOTH CONDUCT OF UPCOMING HSSC(A) EXAMINATION 2019.**

It is submitted that your good self is well aware that subject examination commencing from 16<sup>th</sup> April 2019 in the jurisdiction of BISE DIK. Conduct of smooth fair examination is the prime responsibility of administration of BISE DIK and at the same time it is one of the huge exercises for any BISE. The administration of BISE is trying its best to get done this activity fairly, smoothly and in most transparent way. However, some of the local teachers association, having vested interests led by Gul Nawaz, vice principal GHSS NO 2 DIK, Mohammad Ali Sadaqi Principal Darabankhurd DIK etc are creating hurdles in the smooth conduct of said examination. They are trying for interference and are asking for duties of supervisory staff of their near and dears. They are illegally pressing administration of BISE for their undue favour and in case of not fulfilling their demands they may instigate teaching community for non-cooperation. They will also try to damage reputation and good outlook of BISE DIK through various means.

Keeping in view the above, it is apprehended that this group led by above through his colleague may leak question papers and may disseminate it through social media during the said examination. The BISE DIK, bring this on record and notice of high ups for necessary action against the above officer please.

  
Chairman  
BISE, D.I. Khan

10/4

Board Of Intermediate & Secondary Education  
Dera Ismail Khan, Khyber Pakhtunkhwa, Pakistan

Phone: 0966-730501-3  
Fax: 0966-730501  
Email: webmaster@bisedik.edu.pk

Dated: 26-04-2019

/PS/BISE DIKhan.

Secretary to Govt. of Khyber Pakhtunkhwa,  
Elementary & Secondary Education Department,  
Peshawar.

(2)

**REPORT REGARDING (HSSC ANNUAL EXAMINATION 2019) DATED 26-04-2019**

ct:  
sir,

It is submitted that, in order to eradicate cheating and to conduct the subject Exam smoothly, Eleven monitoring team, (comprising of officers of Schools and Colleges) has been constituted to visit and monitor the exam centers. They submit their reports / recommendations to the Board authorities for corrective measures. The same practice was also invogue in recent SSC(A) Exam, 2019.

Today on 26-04-2019, one of the monitoring teams, (headed by Mr Inayat Ali Shah A/P) has to visit GHSS No.2, DIKhan Hall A & B as per given schedule. (Copy attached). When this monitoring team arrived at the exam center, the resident inspector Mr Gul Nawaz (Vice Principal) and some staff members of the School resisted and did not allow the Monitoring Team to enter the exam center for inspection. Further, the resident inspector instigated candidates not to allow them for searching of cheating material, boycott the Papers and to block the road. (Reports of Monitoring Team and Center Superintendent are attached).

Meanwhile, the Monitoring team informed the under signed regarding the above situation which was shared with the high ups of E&SE Department telephonically. Relevant authorities of the board (Chairman, Secretary and Controller) rushed to the exam center to assist the supervisory staff and to overcome the situation. Also, Additional Deputy Commissioner DIKhan was requested for administrative support and he personally witnessed the situation. The Resident Inspector and other supporting staff of the School started reasoning and showed their annoyance regarding the monitoring visit. This is obvious interference in the official business of the Board and facilitation of cheating. They also called media persons to highlight this issue in local media to malign the board efforts.

In this regard, it is pertinent to mention that BISE DIKhan has already conveyed its apprehensions prior to commencement of Exam regarding the intention of wrong doers (Copy attached).

Keeping in view, strict disciplinary action may please be initiated for interference in the official business and hindrance in the smooth conduct of HSSC Annual Examination, 2019.

Submitted please.

CHAIRMAN  
BISE DIKHAN

copy to:

1. The Deputy Commissioner, District Division, DIKhan.
2. Office record.

Direct  
PR P.U  
26/4/19

D.S (A)

SO (B T)

(7/8/5)

①

**BEFORE THE HON'BLE CHAIRMAN KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR.**

Put up to the worthy chair-man  
with relevant appeal.

T.A No:- \_\_\_\_\_/2022

In

Reference: SA# 15180/2020.



617/22. *Chairman*  
Muhammad Tariq Bhatti *Chairman* **versus** Govt of KPK & other

*Be sent to D.I. Khan but regarding the*  
*Be sent to D.I. Khan but regarding the*  
*Be sent to D.I. Khan but regarding the*

**APPLICATION FOR TRANSFER OF  
CASE/APPEAL NO.15180/2020 FROM THIS  
BENCH TO THE SEAT/BENCH OF DERA  
ISMAIL KHAN.**

**Respectfully Sheweth:-**

1. That the captioned case is pending for adjudication before this Hon'ble Tribunal / Bench which is fixed for 13/10/2022.
2. That the parties and subject matter is related to D.I.Khan, Therefore the case/appeal need to be transfer and heard by the bench/seat of D.I.Khan.
3. That there is no legal bar in transferring the case/appeal from this seat/bench to the D.I.Khan seat/bench.

2

*It is, therefore, prayed that on acceptance of this application, the above noted case/appeal may be transferred from this seat/bench to the seat of D.I.Khan.*

Dated:- 06-July-2022

Petitioner

Through:-

*Mukamil Shah*  
Mukamil Shah Taskeen  
Advocate, High court  
Peshawar

*Note:-*

*As per instruction of my client,  
no such like petition has earlier been filed by  
the Petitioner in this Honourable Tribunal*

Affidavit:

I, Mukamil Shah Advocate High Court Peshawar, do hereby solemnly affirm and declare on oath that all the contents of instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

*Mukamil Shah*  
Deponent

*Mukamil Shah Taskeen*  
Advocate Peshawar



6

**BEFORE THE HON'BLE CHAIRMAN KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR.**

T.A No:- \_\_\_\_\_/2022

In

Reference: SA# 15180/2020.

Muhammad Tariq Bhatti      **versus**      Govt of KPK & other

=====

**APPLICATION      FOR      TRANSFER      OF  
CASE/APPEAL NO.15180/2020 FROM THIS  
BENCH TO THE SEAT/BENCH OF DERA  
ISMAIL KHAN.**

*Respectfully Sheweth:-*

1. That the captioned case is pending for adjudication before this Hon'ble Tribunal / Bench which is fixed for 13/10/2022.
2. That the parties and subject matter is related to D.I.Khan, Therefore the case/appeal need to be transfer and heard by the bench/seat of D.I.Khan.
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2

*It is, therefore, prayed that on acceptance of this application, the above noted case/appeal may be transferred from this seat/bench to the seat of D.I.Khan.*

Dated:- 06-July-2022

Petitioner

Through:-

*Mukamil Shah Taskeen*  
Advocate, High court  
Peshawar

**Note:-**

*As per instruction of my client, no such like petition has earlier been filed by the Petitioner in this Honourable Tribunal*

**Affidavit:**




I, Mukamil Shah Advocate High Court Peshawar, do hereby solemnly affirm and declare on oath that all the contents of instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

*Mukamil Shah*

**Deponent**

*Mukamil Shah Taskeen*  
*Advocate Peshawar*



قیمت 50 روپے	60374	  
ایڈوکیٹ: <u>علی شاہ لکھنوی</u> بار کونسل/ایسوسی ایشن نمبر: <u>BF-10-7570</u> رابطہ نمبر: <u>03426000432</u>		
<b>پشاور بار ایسوسی ایشن، خیبر پختونخواہ</b>		

بعدالت جناب: محترم جسٹس سردرس زین العابدین

مخاطب: <u>محترم جسٹس</u>	دعویٰ:
<u>محمد عارف گل</u>	علت نمبر:
<u>بنام</u>	مورخہ:
<u>حکومت KP</u>	جرم:
	تھانہ:

**باعث تحریر آنکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام پشاور کیلئے محکمہ عدالت کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 8-12-20

العبد محمد عارف گل واہ شد العبد

مقام پشاور کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

①

**BEFORE THE HON'BLE CHAIRMAN KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR.**

T.A No:- \_\_\_\_\_/2022

In

Reference: SA# 15180/2020.

Muhammad Tariq Bhatti      **versus**      Govt of KPK & other

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**APPLICATION      FOR      TRANSFER      OF  
CASE/APPEAL NO.15180/2020 FROM THIS  
BENCH TO THE SEAT/BENCH OF DERA  
ISMAIL KHAN.**

***Respectfully Sheweth:-***

1. That the captioned case is pending for adjudication before this Hon'ble Tribunal / Bench which is fixed for 13/10/2022.
2. That the parties and subject matter is related to D.I.Khan, Therefore the case/appeal need to be transfer and heard by the bench/seat of D.I.Khan.
3. That there is no legal bar in transferring the case/appeal from this seat/bench to the D.I.Khan seat/bench.

(2)

*It is, therefore, prayed that on acceptance of this application, the above noted case/appeal may be transferred from this seat/bench to the seat of D.I.Khan.*

Dated:- 06-July-2022

Petitioner

Through:-

*Mukamil*  
Mukamil Shah Taskeen  
Advocate, High court  
Peshawar

**Note:-**

*As per instruction of my client, no such like petition has earlier been filed by the Petitioner in this Honourable Tribunal*

**Affidavit:**

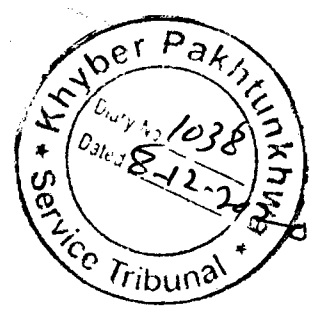
I, Mukamil Shah Advocate High Court Peshawar, do hereby solemnly affirm and declare on oath that all the contents of instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

*Mukamil*  
Deponent  
Mukamil Shah Taskeen  
Advocate Peshawar



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گیت نمبر - حسین علی



KPK سروسز ٹریبونل

مد طرف لیجسٹیٹو ڈویژن

درخواست گزار ڈاکٹر فرحانہ سہیل کی

تعمیراتی نوٹس کے خلاف

The appeal may be fixed for P.H. in last week of December, 2020 at Peshawar.

10/12/20

Recd. copy of the order of the Tribunal dated 10/12/20

۱۰/۱۲/۲۰

۱۱/۱۲/۲۰

Recd. ۱۱/۱۲/۲۰

۱۱/۱۲/۲۰

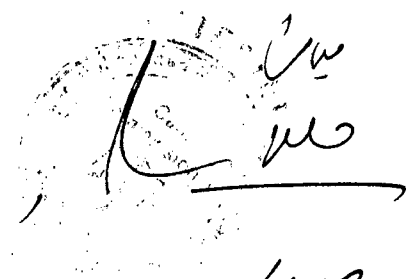
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۱۱/۱۲/۲۰

۱۱/۱۲/۲۰



08 DEC 2020

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL**

Service Appeal # \_\_\_\_\_/2020

Muhammad Tariq Bhatti

**Versus**

Government of KPK and others

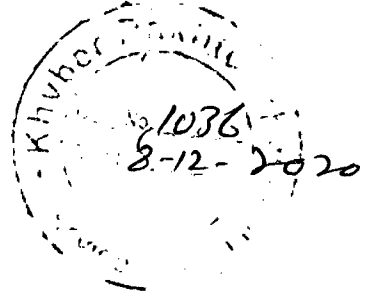
*put up to the court with  
relevant appeal.*

**APPLICATION FOR EARLY HEARING OF THE ABOVE**

**TITLE CASE**

*see,*  
Respectfully Sheweth,

1. That the above title case is pending in this Hon'ble Services Tribunal Court, KPK and submitted on 19-11-2020 and till pending.
2. That in the above titled case service appeal has been instituted in the Learned Service Tribunal and was pending for motion but date not fixed at Camp Court D.I.Khan which subsequently remained closed for indefinite period.
3. In the above titled Service Appeal, the Appellant has also prayed for suspension of the impugned order.
4. That if the instant appeal is not fixed earlier the appellant will suffer irreparable loss.



5. That the early fixation of the above titled case is in dispensable.
6. That there is no legal bar if the same is allowed by this Hon'ble Court.
7. It will be the best interest of justice to fixed the above title case for an early date of hearing before this Hon'ble Court.

*It is, therefore, most humbly prayed that on acceptance of this application the above title case may be fixed for an earlier date.*

Appellant

Through

Counsel,

  
**Pir Ghulam Khan**

Advocate, District Bar

Dera Ismail Khan.

Dated: 08-12-2020