7938/21

28th Oct., 2022

Counsel for the appellant present. Preliminary augments heard and record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. To come up for written reply/comments on 07.12.2022 before S.B.

(Fareeha Paul)
Member(E)

16.05.2022 Junior to counsel for the appellant present and requested for adjournment as senior counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing on 21.07.2022 before S.B.

(Mian Muhammad)
Member(E)

21.07.2022 Learned counsel for the appellant present and requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for preliminary hearing on 19.09.2022 before S.B.

(Mian Muhammad)
Member (E)

19.09.2022 Mr. Muhammad Amin Ayub, Advocate submitted his Wakalatnama and stated at the bar that he has been engaged fresh so he has not gone through the relevant file/documents, therefore, requested for adjournment. Adjourned. To come up for preliminary hearing on 28.10.2022 before S.B.

(Mian Muhammad)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7938 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/12/2021	The appeal of Mr. Muhammad Ismail presented today by Mr. Muhammad Saeed Khan Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2-		This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on 18/02/22. CHAIRMAN
	18.02.2022	Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 16.05.2022 for the same as before. Reader

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. 7938 /2021

Muhammad Ismail..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa, through Chief Secretary & others

.....Respondents

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5.	Copy of reply to the show cause	B	11-15
6.	Statement of allegation and charge sheet	C-D	16-18
7.	Copy of reply to charge sheet	E	19-23
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Dated: 27.12.2021

Appellant

Through

Muhammad Saeed Khan
Advocate Supreme Court

&

Junaid Islam
Advocate High Court

and Call deposit of the concerned contractor for which the contractor has already committed in his written statement to the enquiry committee already conducted in the case.

E) That in the instant case, there involves no inefficiency and malafide as alleged and also no loss to the government is caused, as the scheme is not closed/ completed, as yet. Security and call deposit etc of the contractor are also in the custody of the Divisional Office. In the circumstances, the previous paid bills from the contractor can be easily recovered by existing engineers/ staff from the next/ final bill of the contractor.

F) That the appellant has caused no loss to the government ex-chequer as all the payment procedure has been completed as per rules and regulations.

G) That payment to the contractor has been made as per the AS/ TS and enhanced cost and no excess over the approved cost has been made. The misunderstanding has been created as the Authority has taken into account the bid cost and estimated quantities thereby ignoring the enhancement issued by the competent authority. In the case under consideration, no excess payment i.e. over and above the approved/ enhanced cost has been made. Payment to the contractor was made for the work done which was properly pre-audited by the Divisional Accounts Officer physically checked/ inspected by the District Monitoring Committee constituted by the Deputy Commissioner. All these formalities indicate that payment made to the contractor for the work done is legal and fair where no loss, whatsoever, to government ex-chequer has been caused, in any form.

H) That the appellant is technically sound, efficient and never put the department in an embarrassing position. In fact the project in question was planned and executed, applying therein every

and full technical input. The work in progress was properly supervised time and again by the appellant and guided the concerned contractor to maintain quality of work. That is why the quantity and quality of work would hardly be objected by any authority/ corner.

I) That the verification of the prescribed coded proforma by Deputy Commissioner and physical verification and site inspection by Assistant Commissioner Takht-e-Nasrati show their satisfaction and there rise no question whatsoever of embarrassing position, as alleged. The provincial departmental authorities have initiated the disciplinary proceedings at their own i.e. without consultation and association of the real owner of the project, which is inappropriate in the eyes of law and justice.

J) That the work done at site was regularly supervised/ checked and verified not only by the appellant but also it was physically checked by the District Government Authorities i.e. the Assistant Commissioner Takht-e-Nasrati along with the appellant and shown his satisfaction.

K) That after all this process and procedure the payment was made by the competent authority i.e. XEN PHE Karak after proper verification by the District Accounts Officer Karak, which shows authenticity of the case. Besides the Deputy Commissioner Karak has raised no objection on the contractor's bills. So, it is not correct that payment was made without verification of work done at site.

It may be added that the disciplinary proceeding has been started by the provincial authority on a letter of sitting XEN of PHE Karak. The XEN wrote such letter for his vested interests as well as personal grudges with his colleagues to create problems for them and to satisfy his inner. In fact, he should have reported the irregularity and

(7)

illegality, if any, to the Deputy Commissioner i.e. the Principal Accounting Officer who is well aware of the project activities. The sitting XEN through his letter, has betrayed the Provincial Departmental Authorities thereby putting them to the wrong direction, which action of the officer tantamount in-disciplined attitude on his part thus liable to disciplinary action against him under the relevant rules.

Keeping in view the overall circumstances during the proceedings, no incriminating material has been brought on record against the appellant viz-a-viz the allegations contained in the show cause notice, therefore, it becomes crystal clear that the findings of Inquiry Officer regarding guilt of appellant are based on non-reading, misreading, surmises, conjectures, presumption and non-applying his independent judicial mind to the facts, circumstances, allegations and the evidence, resultantly arrived at perverse, arbitrary conclusion.

Keeping in view, what has been stated above, therefore, it is, humbly submitted that the impugned notification dated 31.08.2021 may graciously be set aside and the appellant be exonerated from the false and baseless charges leveled against him in the show cause notice

Any other relief though not specifically asked for may also be granted.

Appellant

Through

Muhammad Saeed Khan
Advocate Supreme Court

Dated: 28/12/021

(E)

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No._____/2021

Muhammad Ismail..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa, through Chief Secretary & others

.....Respondents

AFFIDAVIT

I, **Muhammad Ismail** Sub Engineer Public Health Engineering Division Nowshera do hereby affirm and declare on oath that the contents of the Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent

CNIC No.17102-1020725-1

ZAKARIA KHAN KHALIL
ADVOCATE HIGH COURT
NOTARY PUBLIC
25/12/21

(9)

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No._____/2021

Muhammad Ismail..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa, through Chief Secretary & others

.....Respondents

ADDRESSES OF THE PARTIES

APPELLANT:
Muhammad Ismail
Sub Engineer
Public Health Engineering Division Nowshera

RESPONDENTS:

1) Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.

2) Govt. of Khyber Pakhtunkhwa, through Secretary Public Health Engineering Department, Civil Secretariat, Peshawar.

3) Executive Engineer Public Health Engineering Department, Nowshera.

4) Superintending Engineer, Public Health Engineering Circle (PHE Circle), Peshawar.

5) Chief Engineer (South) Public Health Engineering Department, Khyber Pakhtunkhwa, Hayatabad, Peshawar

Appellant

Through

Muhammad Saeed Khan
Advocate Supreme Court

& Junaid Islam

Junaid Islam
Advocate High Court

Dated: 27.12.2021

(10) Annexure "A"

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 Ismail, the then Sub Engineer PHE Division Karak now Sub Engineer PHE Division Nowshera, as follows:-

1. (i) that consequent upon completion of inquiry conducted against you by the Inquiry Committee for which you were given opportunity of hearing vide communication No.207/DC.K/2020 dated 15-09-2020; and

   (ii) Ongoing through the findings and recommendations of the Inquiry Officer/ Inquiry Committee, the material on record and other connected papers including your defense before the said Inquiry Officer/Inquiry Committee;

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

   (a) Inefficiency;
   (b) Misconduct and
   (c) Corruption

2. As a result thereof, I, as the competent authority, have tentatively decided to impose upon you the following penalty / penalties under rule 4 of the said rules.

   a. "Recovery of Rs. 685,752/-"

   b. Withholding of one annual increment for two years.

3. You are, therefore, required to show cause as to why the aforesaid Penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

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 defense to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the inquiry officer/inquiry committee is enclosed.

(MAHMOOD KHAN)
CHIEF MINISTER
KHYBER PAKHTUNKHWA

Mr. Muhammad Ismail,
Sub Engineer PHE Division Nowshera

ATTESTED

(10 (A)

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

No.SO(Estt)/PHED/8-55/2019/02
Dated Peshawar, the November 30, 2020

MOST IMMEDIATE

To

Mr. Muhammad Ismail,
Sub Engineer, Public Health Engg: Division Nowshera

Subject: **DE-NOVO INQUIRY REGARDING PAYMENT UNDER FAKE SIGNATURE OF THE EXECUTIVE ENGINEER PHE DIVISION KARAK IMPRINTED ON CHEQUE CLASSIFICATION CODE PROFORMA.**

I am directed to refer to the subject noted above and to enclose herewith two copies of the Show Cause Notice containing tentative minor penalties each of **"Recovery of Rs.685,752/- & "Withholding of two (02) annual increments for two years"**, duly signed by the competent authority (Chief Minister Khyber Pakhtunkhwa) alongwith inquiry report conducted by an Inquiry Committee comprising of Mr. Mahmood Aslam (PMS BS-19), Deputy Commissioner Khyber and Engr. Naveed Khan, Executive Engineer (BS-18) C&W Division Kohat and to state that second copy of the Show Cause Notice may be returned to this department after having signed as a token of receipt immediately.

2. You are directed to submit your reply, if any, within 14-days of the issue of this letter otherwise it will be presumed that you have nothing to advance in your defence and that ex-parte action will follow.

3. You are further directed to intimate whether you want to be heard in person or otherwise.

Encls: As above.

SECTION OFFICER (ESTT)
30.11.2020

ENDST: OF EVEN NO. & DATE

Copy forwarded for information to the:-

1. PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
2. PS to Secretary PHE Department for information.

SECTION OFFICER (ESTT)

ATTESTED

(11) Annex B

To

1. Section Officer (ESTT) Government of Khyber Pakhtunkhwa
Public Health ENGG: DEPARTMENT.

SUBJECT: **REPLY TO THE SHOW CAUSE NOTICE**

Respected Sir,

I have the honor to enclose herewith parawise replies to the Show Cause Notice for your kind perusal and favorable consideration please.

(Muhammad Ismail) 14/12/20

Sub Engineer,

Public Health Engineering Division

Nowshera

ATTESTED

(12)

To,

1. Honourable Chief Minister of Khyber Pakhtunkhwa

Through Proper Chenal

SUBJECT: **REPLY TO THE SHOW CAUSE NOTICE**

Reference: - Reply to the show Cause Notice dated 30/11/2020 Containing tentative minor penalties each of **"ROCOVERY OF RS. 685,752/- AND WITHHOLDING OF TWO (2) ANNULA INCREMENTS FOR TWO YEARS"**

Respected Sir,

A: Background,

1. The Replying officer remained posted as Sub Engineer in PHE Karak for Six years i.e from 2013 to 2019, During his stay in PHE Karak, he worked as Sub Engineer in different Sub Divisions of the Divisional Officer. In the year, 2015-16, a project titled" Developmental Schemes out of Production Bonus funds" consists of following six different Water Supply Schemes was administratively approved and technically sanctioned by the competent authority at the cost of 16.800 and 17.016 million respectively. the project was funded out of Production Bonus (Gas Royalty District Karak):-

SI: NO	Name of Scheme	Cost (In million)
1.	WSS Pionoor Koroona	1.748
2.	WSS Adnan Koroona	3.047
3.	WSS Habibullah Kasteer	3.466
4.	WSS Lajmir Koroona	2.051
5.	WSS Maulana Pir Ghumlam Koroona	3.479
6.	WSS Wanki Suraj Khel Koroona	3.225
	Total	**17.016**

ATTESTED

2. Contract of the project was awarded to Mr. Habib-Ur-Rehman Govt: Contractor. The Project pertains to the District Government funds and the deputy Commissioner Karak is the principal accounting officer, in the administrative discipline and financial control in the utilization of these funds. The charge sheet has been issued to the Replying Officer by the worthy Secretary PHED instead of the Deputy Commissioner Karak i.e. the owner and custodian of funds relating to the district Government.
3. After having explained the above facts, the Replying officer however, has the honor tor refer to the PHE Secretariate Letter under reference and to submits his parawise to the charges leveled against him, as under:

(13)

Replies.

1. i) The charge is baseless and false hence denied. In fact, the contractor's claims were properly prepared by the Replying Officer duly examined/supervised by the SDO concerned and Accountant in-charge of the Account Branch of the Divisional Office. After thorough checking / examination, the contractor's claims were cleared on receipt of funds from the concerned quarter. The payment was made within the AA/ TS and enhanced cost and there involve no excess payment in the case.

ii) As regards the approved bid cost, the same was enhanced by the competent authority and payment for the work done was made accordingly to cover the site requirements. Moreover, the Replying Officer has prepared the 1st and not the 2nd running bill of the contractor, in light of the demand for funds made by the Xen PHE Karak vide his letter dated 15/04/2019 addressed to the DC Karak (**Annexure-A**). In the relevant column of the said letter the payment made to the contractor under Water Supply Schemes Lajmir Koroona and Suraj Khel Koroona has been shown as "nil". The Account Branch has also raised no objection on the bill. The Replying Officer, being new comer in the Sub Division, therefore, prepared 1st running bill of the contractor which was cleared accordingly. It is pertinent to mention that Replying Officer has not prepared/ cleared the 2nd running bill, as alleged. Therefore the question of retrenchment of the previous paid bill to the contractor does not arise.

iii) It is also added that the Replying Officer has retrenched the previous payments made to the contractor under the schemes i.e. Pionoor Koroona, Adnan Koroona, Habibullah Kasteer and Maulana Pir Ghulam Koroona, as payment to the contractor was shown against these schemes in the official record. Moreover, the work is not yet closed and is going on and the previous payment, if made, to the contractor can be retrenched at any time by the XEN PHE Office Karak from his next/ final bill and even from the security and Call deposit of the concerned contractor for which the contractor has already committed in his written statement to the Enquiry Committee already conducted in the case (**Annexure-B**).

iv) In the instant case, there involves no in-efficiency and malafide as alleged and also no loss to the Government is caused, as the scheme is not closed/ completed, as yet. Security and Call Deposit etc: of the contractor are also in the custody of the Divisional Office. In the circumstances, the previous paid bills from the contractor can be easily recovered by existing Engineers/ Staff from the next/ final bill of the contractor.

v) In light of the above narration, the Replying Officer has caused no loss to the Government ex-chequer as all the payment procedure has been completed as per rules and regulations.

ATTESTED

2. i) The charge is baseless hence denied in toto. As stated in the earlier paras, payment to the contractor has been made as per the A.A/ T.S and enhanced cost and no excess over the approved cost has been made. The misunderstanding has been created as the Authority has taken into account the bid cost and estimated quantities thereby ignoring the enhancement issued by the competent authority. In the case under consideration, no excess payment i.e. over and above the approved/ enhanced cost has been made. Payment to the contractor was made for the work done which was properly pre-audited by the Divisional Accounts Officer physically checked/ inspected by the District Monitoring Committee constituted by the Deputy Commissioner (**Annex-C**). All these formalities indicate that payment made to the contractor for the work done is legal and fair where no loss, what-so-ever, to government ex-chequer has been caused, in any form.

3) i) It is totally wrong that the Replying Officer is technically poor, negligent and has put the Department in an embarrassing position. In fact the project in question was planned and executed, applying therein every and full technical input. The work in progress was properly supervised time and again by the Replying Officer and guided the concerned contractor to maintain quality of work. That is why the quantity and quality of work could hardly be objected by any authority/corner.

ii) The verification of the prescribed coded proforma by Deputy Commissioner and physical verification and site inspection by Assistant Commissioner Takht-e-Nasratti show their satisfaction and there rise no question, what-so-ever, of embarrassing position, as alleged. The Provincial Departmental authorities have initiated the disciplinary proceedings at their own i.e. without consultation and association of the real owner of the project, which is inappropriate in the eyes of law and justice.

4. i) It has been alleged in the charge sheet that the payment was authorized by the Replying Officer without verification of work done at site and also the work over and above the approved quantity was not approved by any authority/ forum. In this connection, it is submitted that work done at site was regularly supervised/ checked and verified not only by the Replying Officer but also it was physically checked by the District Government Authorities i.e. the Assistant Commissioner Takht-e-Nasratti alongwith the Replying Officer and shown his satisfaction (**Annexure-D**).

ATTESTED

ii) After all this process and procedure the payment was made by the competent authority i.e XEN PHE Karak after proper verification by the District Accounts Officer Karak, which shows authenticity of the case. Besides the Deputy Commissioner Karak has raised no objection on the contractor bills. So, it is not correct that payment was made without verification of work done at site.

It may be added that the disciplinary proceeding has been started by the provincial Authority on a letter of sitting XEN of PHE Karak (Annexure-E). the XEN wrote such letter for his vested interests as well as personal grudges with his colleagues to create problems for them and to satisfy his inner. In fact, he should have reported the irregularity and illegality, if any, to the Deputy Commissioner i.e. the Principal Accounting Officer who is well aware of the project activities. The sitting XEN through his letter, has betrayed the Provincial Departmental Authorities thereby putting them to the wrong direction, which action of the officer tantamount in-disciplined attitude on his part thus liable to disciplinary action against him under the relevant rules.

Moreover, the Replying Officer desires to be heard in person.

Prayer.

In view of the aforesaid mentioned facts it is prayed that the Replying Officer may kindly be exonerated from the false and baseless charges leveled against him in the Show Cause Notice.

A lot of Thanks.

(Muhammad Iqbal) 4/12/22

Sub Engineer,

Public Health Engineering Division

Nowshera

ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

No.SO(Estt)/PHED/8-15/2019
Dated Peshawar, the February 13, 2020

(16)

MOST IMMEDIATE - CONFIDENTIAL

To

i. Mr. Mahmood Aslam (PMS BS-19),
Deputy Commissioner, Khyber

ii. Engr. Naveed Khan,
Executive Engineer (BS-18) C&W Division Bannu

Subject: **DE-NOVO INQUIRY REGARDING PAYMENT UNDER FAKE SIGNATURE OF THE EXECUTIVE ENGINEER PHE DIVISION KARAK IMPRINTED ON CHEQUE CLASSIFICATION CODE PROFORMA.**

Dear Sir,

I am directed to refer to this department letter of even number dated 07-01-2020 on the subject noted above and to state that the Executive Engineer PHE Division Karak informed that the report of Accountant General Office Peshawar shows the name of accused Sub Engineer as Ajmal Khan, however, actually, Mr. Muhammad Ismail, Sub Engineer has remained posted at PHE Division Karak and Mr. Ajmal Khan has never been posted at PHE Division Karak during the said tenure. Subsequently, the PHE Department withdraw the charge sheet and statement of allegations already issued in the name of Mr. Ajmal Khan Sub Engineer and got revised the same to be served upon the actual incumbent i.e. Mr. Muhammad Ismail, the then Sub Engineer PHE Division Karak presently posted at PHE Division Nowshera.

2. Consequently, the Competent Authority has further been pleased to appoint you as Inquiry Committee to investigate the charges/conduct a de-novo inquiry under the provision of the said Rules against the actual incumbent Sub Engineer Mr. Muhammad Ismail, the then Sub Engineer PHE Division Karak presently posted at PHE Division Nowsehra in light of the attached Charge Sheet/Statement of Allegations, with the request to submit your findings/ recommendations/ report within stipulated period.

Yours faithfully,

Encls: As above

SECTION OFFICER (ESTT)

ENDST: OF EVEN NO. & DATE

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar w/r to his office letter No.Admn-I/Inquiry/ PHE Divi Karak/1091 dated 02-09-2019..
2. Chief Engineer (South) Public Health Engg: Department Peshawar.
3. Executive Engineer Public Health Engg: Division Karak. He is directed to provide all relevant record to the Inquiry Committee as and when required to them during the inquiry proceedings.
4. Mr. Muhammad Ismail, Sub Engineer PHE Division Nowshera. He is hereby served with Charge Sheet & Statement of allegations, with the direction to appear before the Inquiry Committee on the date, time and venue fixed by them, for the purpose of inquiry proceedings and submit his reply to the Inquiry Committee within stipulated time.
5. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
6. PS to Secretary Public Health Engg: Department Peshawar.

SECTION OFFICER (ESTT)
13.2.2020

ATTESTED

(17) Annexure "C"

DISCIPLINARY ACTION

I, Dr. Kazim Niaz, Chief Secretary Khyber Pakhtunkhwa, as the Competent Authority, am of the opinion that Mr. Muhammad Ismail, the then Sub Engineer (BPS-12) PHE Division Karak presently posted at PHE Division Nowshera, has rendered himself liable to be proceeded against as he has committed the following acts/omissions within the meaning of Rule-3 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011:-

STATEMENT OF ALLEGATIONS

i) "That he failed to properly prepare and examine the contractor's claims, taking into consideration the approved bid cost, the amount actually payable and retrenchment of the previous paid bills from the second running bills. Thus huge losses to the Govt. exchequer were caused due to his ignorance, inefficiency and mala-fide intentions.

ii) That he made/allowed payments to the contractor over & above the permissible limit on bid cost & estimated quantities due to his ignorance, inefficiency and mala-fide intentions, and the Government exchequer sustained huge loss.

iii) That due to his poor technical inputs, negligence, lack of knowledge and such aptitude in performance of government duty, he put the department in embarrassing position.

iv) That he authorized payment without verification of work done at site because the work over & above approved quantity was not approved by any authority/ forum."

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. Mahmood Aslam, Dir (Khyber

ii) Engr. Naveed Khan, Dir (SW Banno,

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 submit report within thirty days of the receipt of this order.

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.

ATTESTED

(DR. KAZIM NIAZ)
CHIEF SECREARY
KHYBER PAKHTUNKHWA

(18)

Annexure "D"

CHARGE SHEET

I, Dr. Kazim Niaz, Chief Secretary Khyber Pakhtunkhwa, as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, hereby charge you, Mr. Muhammad Ismail, the then Sub Engineer (BPS-12) PHE Division Karak presently posted at PHE Division Nowshera, as follows:-

That you while posted as Sub Engineer (BPS-12) PHE Sub Division Takht-e-Nasrati Karak, committed the following irregularities:-

i) "That you failed to properly prepare and examine the contractor's claims, taking into consideration the approved bid cost, the amount actually payable and retrenchment of the previous paid bills from the second running bills. Thus huge losses to the Govt. exchequer were caused due to your ignorance, inefficiency and mala-fide intentions.

ii) That you made/allowed payments to contractor over & above the permissible limit on bid cost & estimated quantities due to your ignorance, inefficiency and mala-fide intentions, and the Govt. exchequer sustained huge loss.

iii) That due to your poor technical inputs, negligence, lack of knowledge and such aptitude in performance of government duty, you put the department in embarrassing position.

iv) That you authorized payment without verification of work done at site because the work over & above approved quantity was not approved by any authority/ forum."

2. By reason of the above, you appear to be guilty of inefficiency misconduct and corruption under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & 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 defence, if any, should reach the inquiry officer/inquiry committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

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

6. A statement of allegations is enclosed.

(DR. KAZIM NIAZ)
CHIEF SECREARY
KHYBER PAKHTUNKHWA

ATTESTED

Annexure "E"

(19)

To

1. Mr. Mahmood Aslam (PMS BS-19),
Deputy Commissioner, Khyber

2. Engr. Naveed Khan,
Executive Engineer (BS-18) C& *N* Division Bannu.

SUBJECT: - **REPLY TO THE CHARGE SHEET.**

Respect Sir,

I have the honor to enclose herewith parawise replies to the Charge sheet for your kind perusal and favorable consideration please.

(Muhammad Ismail)
Sub Engineer,
Public Health Engineering Division,
Nowshera.

ATTESTED

To,

(29)

1. Mr. Mahmood Aslam (PMS BS-19),
   Deputy Commissioner, Khyber.

2. Engr. Naveed Khan,
   Executive Engineer (BS-18) C&W Division Bannu.

Subject: - **REPLY TO THE CHARGE SHEET.**

Reference: - Section Officer (Estt) PHE Department Khyber Pakhtunkhwa Peshawar letter No. SO (Estt)/PHE/8-55/2019 dated 13/02/2020 addressed to your good self and a copy thereof endorsed to the Replying Officer.

Respected Sir,

A: Background.

1) The Replying Officer remained posted as Sub Engineer in PHE Karak for Six years i.e. from 2013 to 2019. During his stay in PHE Karak, he worked as Sub Engineer in different Sub Divisions of the Divisional Office. In the year, 2015-16, a project titled "Developmental schemes out of Production Bonus funds" consists of following six different Water Supply Schemes was administratively approved and technically sanctioned by the competent authority at the cost of 16.800 and 17.016 million respectively. The Project was funded out of Production Bonus (Gas Royalty District Karak):-

Sl:No.	Name of Scheme	Cost (in million).
1.	WSS Pionoor Koroona	1.748
2.	WSS Adnan Koroona	3.047
3.	WSS Habibullah Kasteer	3.466
4.	WSS Lajmir Koroona	2.051
5.	WSS Maulana Pir Ghumlam Koroona	3.479
6.	WSS Wanki Suraj Khel Koroona.	3.225
	Total:-	**17.016**

ATTESTED

2) Contract of the project was awarded to Mr. Habib-Ur- Rehman Govt: Contractor. The project pertains to the District Government funds and the Deputy Commissioner Karak is the Principal Accounting Officer, in which capacity he is responsible for looking-after and maintenance of the administrative discipline and financial control in the utilization of these funds. The charge sheet has been issued to the Replying Officer by the worthy Secretary PHED instead of the Deputy Commissioner Karak i.e. the owner and custodian of funds relating to the District Government.

3) After having explained the above facts, the Replying Officer however, has the honor to refer to the PHE Secretariat letter under reference and to submit his parawise replies to the charges leveled against him, as under:-

(21)

Replies.

1. i) The charge is baseless and false hence denied. In fact, the contractor's claims were properly prepared by the Replying Officer duly examined/supervised by the SDO concerned and Accountant in-charge of the Account Branch of the Divisional Office. After thorough checking / examination, the contractor's claims were cleared on receipt of funds from the concerned quarter. The payment was made within the AA/ TS and enhanced cost and there involve no excess payment in the case.

ii) As regards the approved bid cost, the same was enhanced by the competent authority and payment for the work done was made accordingly to cover the site requirements. Moreover the Replying Officer has prepared the 1st and not the 2nd running bill of the contractor, in light of the demand for funds made by the Xen PHE Karak vide his letter dated 15/04/2019 addressed to the DC Karak (**Annexure-A**). In the relevant column of the said letter the payment made to the contractor under Water Supply Schemes Lajmir Koroona and Suraj Khel Koroona has been shown as "nil". The Account Branch has also raised no objection on the bill. The Replying Officer, being new comer in the Sub Division, therefore, prepared 1st running bill of the contractor which was cleared accordingly. It is pertinent to mention that Replying Officer has not prepared/ cleared the 2nd running bill, as alleged. Therefore the question of retrenchment of the previous paid bill to the contractor does not arise.

iii) It is also added that the Replying Officer has retrenched the previous payments made to the contractor under the schemes i.e. Pionoor Koroona, Adnan Koroona, Habibullah Kasteer and Maulana Pir Ghulam Koroona, as payment to the contractor was shown against these schemes in the official record. Moreover, the work is not yet closed and is going on and the previous payment, if made, to the contractor can be retrenched at any time by the XEN PHE Office Karak from his next/ final bill and even from the security and Call deposit of the concerned contractor for which the contractor has already committed in his written statement to the Enquiry Committee already conducted in the case (**Annexure-B**).

iv) In the instant case, there involves no in-efficiency and malafide as alleged and also no loss to the Government is caused, as the scheme is not closed/ completed, as yet. Security and Call Deposit etc: of the contractor are also in the custody of the Divisional Office. In the circumstances, the previous paid bills from the contractor can be easily recovered by existing Engineers/ Staff from the next/ final bill of the contractor.

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v) In light of the above narration, the Replying Officer has caused no loss to the Government ex-chequer as all the payment procedure has been completed as per rules and regulations.

2. i) The charge is baseless hence denied in toto. As stated in the earlier paras, payment to the contractor has been made as per the A.A/ T.S and enhanced cost and no excess over the approved cost has been made. The misunderstanding has been created as the Authority has taken into account the bid cost and estimated quantities thereby ignoring the enhancement issued by the competent authority. In the case under consideration, no excess payment i.e. over and above the approved/ enhanced cost has been made. Payment to the contractor was made for the work done which was properly pre-audited by the Divisional Accounts Officer physically checked/ inspected by the District Monitoring Committee constituted by the Deputy Commissioner (**Annex-C**). All these formalities indicate that payment made to the contractor for the work done is legal and fair where no loss, what-so-ever, to government ex-chequer has been caused, in any form.

3) i) It is totally wrong that the Replying Officer is technically poor, negligent and has put the Department in an embarrassing position. In fact the project in question was planned and executed, applying therein every and full technical input. The work in progress was properly supervised time and again by the Replying Officer and guided the concerned contractor to maintain quality of work. That is why the quantity and quality of work could hardly be objected by any authority/corner.

ii) The verification of the prescribed coded proforma by Deputy Commissioner and physical verification and site inspection by Assistant Commissioner Takht-e-Nasratti show their satisfaction and there rise no question, what-so-ever, of embarrassing position, as alleged. The Provincial Departmental authorities have initiated the disciplinary proceedings at their own i.e. without consultation and association of the real owner of the project, which is inappropriate in the eyes of law and justice.

4. i) It has been alleged in the charge sheet that the payment was authorized by the Replying Officer without verification of work done at site and also the work over and above the approved quantity was not approved by any authority/ forum. In this connection it is submitted that work done at site was regularly supervised/ checked and verified not only by the Replying Officer but also it was physically checked by the District Government Authorities i.e. the Assistant Commissioner Takht-e-Nasratti alongwith the Replying Officer and shown his satisfaction (**Annexure-D**).

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ii) After all this process and procedure the payment was made by the competent authority i.e XEN PHE Karak after proper verification by the District Accounts Officer Karak, which shows authenticity of the case. Besides the Deputy Commissioner Karak has raised no objection on the contractor bills. So, it is not correct that payment was made without verification of work done at site.

It may be added that the disciplinary proceeding has been started by the Provincial Authority on a letter of sitting XEN of PHE Karak (**Annexure-E**). The XEN wrote such letter for his vested interests as well as personal grudges with his colleagues to create problems for them and to satisfy his inner. In fact, he should have reported the irregularity and illegality, if any, to the Deputy Commissioner i.e. the Principal Accounting Officer who is well aware of the project activities. The sitting XEN through his letter, has betrayed the Provincial Departmental Authorities thereby putting them to the wrong direction, which action of the officer tantamounts in-disciplined attitude on his part thus liable to disciplinary action against him under the relevant rules.

Moreover, the Replying Officer desires to be heard in person.

Prayer.

In view of the aforesaid mentioned facts it is prayed that the Replying Officer may kindly be exonerated from the false and baseless charges leveled against him in the charge sheet.

A lot of thanks.

(Muhammad Ismail)
Sub Engineer,
Public Health Engineering Division,
Nowshera.

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Annexure "F"

INQUIRY REPORT

SUBJECT: - **DE-NOVO INQUIRY REGARDING PAYMENT UNDER FAKE SIGNATURE OF THE EXECUTIVE ENGINEER PHE DIVISION KARAK IMPRINTED ON CHEQUE CLASSIFICATION CODE PROFORMA**

1. Background:-

The Competent Authority vide letter No. SO(ESTT)/PHED/8-55/2019 dated 07/01/2020 **(Annex-I)** notified the inquiry comprising of Mr. Mahmood Aslam (BPS-19), Deputy Commissioner Khyber and Engr. Naveed Khan (BPS-18), the Executive Engineer C&W Division Bannu to conduct a de-novo detailed inquiry against the following officers/officials of PHED Karak under the Khyber Pakhtunkhwa Govt. Servants (efficiency and discipline) rules 2011.

i. Mr. Amil Muhammad, the then XEN PHED Karak.
ii. Mr. Asif Faruq, the then SDO PHED Sub Division BD Shah Karak
iii. MR. Aziz Ur Rehman, the then SDO PHED Takht-e-Nasrati Karak
iv. MR. Ajmal Khan, Sub Engineer PHED Karak
v. Mr. Farid Khan, Ex SDA PHED Karak

The details of charges as per charge sheet and statement of allegations of the above accused's are as under:-

Name of Officer/ Officials	Allegations
Mr Amil Muhammad, the then XEN PHED Karak	i. That you failed to properly prepare and examine the contractor's claims, taking into considerations the approved bid cost, the amount actually payable and entrenchment of the previous paid bills from the 2nd running bills. Thus huge losses to the Govt. Exchequer were caused due to your ignorance, inefficiency and mala-fide intentions.
	ii. That you made/allowed payments to contractors over and above the permissible limit on bid cost and estimated quantities due to your ignorance, inefficiency and mala-fide intentions and the Govt. exchequer sustained huge loss.
	iii. That due to your poor technical inputs, negligence, lack of knowledge and such aptitude in performance of Govt. duty you put the department in embarrassing position.
	iv. That you authorized payment without verification of work done at site because the work over and above approved quantity was not approved by any authority/forum
Mr Asif Faruq, the then SDO	i. That you bypassed the SDO PHE Sub Division Takht-e-Nasrati Karak and XEN PHED Karak and illegally issued

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PHE Sub Division BD Shah Karak		cheque amounting to Rs 1,325,574/- vide cheque No A 701292 dated 19/06/2019 beyond your jurisdictions in favor of Mr Habib Ur Rehman Govt. Contractor with mala-fide intentions without consent/permission of the sitting XEN PHED Karak and SDO PHE Sub Division Takht-e-Nasrati, while you were in-charge of PHE Sub Division BD Shah and you have no concern whatsoever with the affairs of other sub division.
	ii.	that you managed to paste fake/bogus signature of the sitting XEN and DAO PHED Karak without pre-audit by the sitting DAO
	iii.	That you illegally issued the aforesaid cheque on 19/06/2019 prior to amount/cheque of production bonus paid into treasury, as the cheque bearing No A-58580670 dated 19/05/2019 to the tune of Rs 9,852,755/- issued by the DC Karak was deposited by the XEN PHED Karak on 20/06/2019 under production bonus.
Mr Aziz Ur Rehman, the then SDO PHE Sub Division Takht-e-Nasrati Karak	i.	That you failed to properly prepare and examine the contractor's claims, taking into considerations the approved bid cost, the amount actually payable and entrenchment of the previous paid bills from the 2nd running bills. Thus huge losses to the Govt. Exchequer were caused due to your ignorance, inefficiency and mala-fide intentions.
	ii.	That you made/allowed payments to contractors over and above the permissible limit on bid cost and estimated quantities due to your ignorance, inefficiency and mala-fide intentions and the Govt. Exchequer sustained huge loss.
	iii.	That due to your poor technical inputs, negligence, lack of knowledge and such aptitude in performance of Govt. duty, you put the department in embarrassing position
	iv.	That you authorized payment without verification of work done at site because the work over and above approved quantity was not approved by any authority/forum.
Mr Ajmal Khan/Muhammad Ismail, Sub Engineer, PHED Karak	i.	That you failed to properly prepare and examine the contractor's claims, taking into considerations the approved bid cost, the amount actually payable and entrenchment of the previous paid bills from the 2nd running bills Thus huge losses to the Govt. Exchequer were caused due to your ignorance, inefficiency and mala-fide intentions.
	ii.	That you made/allowed payments to contractors over and above the permissible limit on bid cost and estimated quantities due to your ignorance, inefficiency and mala-fide intentions and the Govt. exchequer sustained huge loss.
	iii.	That due to your poor technical inputs, negligence, lack of knowledge and such aptitude in performance of Govt.

		duty, you put the department in embarrassing position.
	iv.	That you authorized payment without verification of work done at site because the work over and above approved quantity was not approved by any authority/forum.
Mr Farid Khan/Muhammad Ismail, the then SDA PHED Karak	i.	That you failed to properly prepare and examine the contractor's claims, taking into considerations the approved bid cost, the amount actually payable and entrenchment of the previous paid bills from the 2nd running bills. Thus huge losses to the Govt. Exchequer were caused due to your ignorance, inefficiency and mala-ice intentions.
	ii.	That due to your poor technical inputs, negligence, lack of knowledge and such aptitude in performance of Govt. duty, you put the department in embarrassing position.

2. Proceedings

In pursuance of the SO(Estt) PHE Deptt Peshawar letter No SO(ESTT)/PHED/8-55/2019 dated 07/01/2020, the committee requested XEN PHED Karak to provide the attested record of 6 No WSS Schemes under Production Bonus Fund vide Xen C&W Division Bannu Letter No 2312/16-E(I) **(Annex-II)** dated 23/01/2020 followed by Reminder-I 2613-E(I) dated 14/02/2020 **(Annex-III)** and subsequent reminder-II, 2805-E(I) dated 28/02/2020 **(Annex- V)**,in response the Xen PHED-Karak submitted the relevant record vide his office letter NO 01/W-102 dated 27/02/2020 **(Annex-V)** wherein a host of information such as Procurement Documents and details pertaining to financial transactions to the contractor concerned were missing. These documents are not yet provided to the inquiry committee till finalization. The report was delayed due to outbreak of pandemic COVID-19, and many other factors.

Nonetheless, the inquiry committee conducted the site visits along with the field formation of PHED Karak on 06-07 August, 2020 to ascertain the executed works in light of the Administrative Approval (AA)/Technical Sanction (TS), work done payment made to the contractor and the allegations/charge sheet.

Consequently, the Inquiry committee issued 9 No questionnaires **(attached as Annex-VI)** to the concerned officers/officials of PHED Karak Vide letter NO 00205/DCK/2020 dated 15/09/2020 (addressed to Mr. Amil Muhamad, the then XEN PHED Karak), 00199/DCK/2020 dated 15/09/2020 (addressed to Mr. Asif Faruq, the then SDO BD Shah PHED Karak), 00204/DCK/2020 dated 15/09/2020 (addressed to Mr. Aziz Ur Rehman, the then SDO, Takht-e-Nasrati PHED Karak),

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00207/DCK/2020 dated 15/09/2020 (addressed to Mr.Muhammad Ismail, Sub Engineer PHED Karak), 00203/DCK/2020 dated 15/09/2020 (addressed to Mr. Farid Khan, SDA PHED Karak), 00202/DCK/2020 dated 15/09/2020 (addressed to Mr Rafi Ullah, incumbent XEN PHED Karak), 00201/DCK/2020 dated 15/09/2020 (addressed to Mr. Obaid Ullah Jan, incumbent DAO PHED Karak), 00200/DCK/2020 dated 15/09/2020 (addressed to Mr. Muhammad Tariq, the then DAO PHED Karak), 00206/DCK/2020 dated 15/09/2020 (addressed to Mr. Atif Rauf Niazi, incumbent SDO Takht-e-Nasrati PHED Karak).The respective replies of the aforesaid officers/officials of PHED Karak Submitted their replies to the inquiry committee **(Replies attached as Annex-VII).**

Moreover, the inquiry committee also give personal appearance to Mr. Hafeez Ullah, the then SDA, Sub Division BD Shah and Mr. Muhammad Farid Khan, the then SDA, Takht-e-Nasrati PHED Karak on dated 22/09/2020 to solicit explanations/clarifications regarding various quarries related to the questionnaires and official record/documentations. Both officials of PHED Karak appeared before the inquiry committee and submitted additional clarifications/written statement.

3. <u>Findings:-</u>

1. The instant inquiry covers 7 No WSS schemes pertaining to PHED Karak which were approved by Deputy Commissioner (DC) Karak vide No 2768//DCK/DA/DDC dated 05.08.2016 and 2673/DCK/DA/DDC dated 28/07/2016 for Rs 20.50 M under production bonus royalty fund 2015-16. The ensuing procurement process resulted in the award of contract/work order to M/S Habib ur Rehman with total bid cost of 7 No WSS schemes for Rs 12.62 M.The T.S of 6 out of 7 Schemes was accorded by the then XEN PHED Karak (Mr. Muhammad Amil) for RS 17.016 M. Fund for 7 schemes amounting to Rs 20.582 M was released by DC Karak and total payment of Rs 18.246 M was made to the contractor on account of 6 out of 7 No schemes. The scheme-wise detail is presented in the **<u>table T-01 (Attached as Annex-VIII)</u>**.
2. The name of Mr. Ajmal Khan Sub Engineer PHED Karak was erroneously intimated as site in-charge/sub engineer of the projects to whom the charge sheet/statement of allegations was issued. However, Mr. Ajmal Khan, Sub Engineer was not involved in these schemes and PHED Peshawar withdrawn

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charge sheet and allegation statement in the instant inquiry vide Section Officer Establishment PHED Peshawar letter No SO (ESTT)/PHED/8-55/2019 dated 12/02/2020 **(attached as Annex-IX)** issued to him earlier. After perusal of record, it was revealed that Mr. Muhammad Ismail, Sub Engineer was the concerned sub engineer of the schemes at PHED Karak and accordingly Mr. Muhammad Ismail was served upon with the direction to submit annotated replies to the questionnaires.

3. The approved scope of work for 6 WSS Schemes reflected at S.N 1, 2, 3,4,5,6 in **table T-01** comprised of Tube Well and Pumping Chamber and no provision for pipe distribution system was made. The pipe distribution system (total pipe length of 15,233m) was included in the T.S estimate for 5 out of 6 schemes reflected at S.No 2,3,4,5 and 6 **table T-01**. Scheme-wise cost of the work orders and approved T.S estimates are shown in **Table T-01** and Work orders are attached **(Annex-X)**

4. Funds amounting to Rs 2.00 M for the scheme "**WSS Kamran Koroona Chokara**" was released by DC Karak vide 1st release letter No 9464/DC/DA dated 21/09/2017 **(Annex-XI)** at the disposal of XEN PHED Karak. However, the same has neither been reported in utilization statement **(Annex-XII)** for the work nor surrendered to DC Karak. Moreover, the XEN PHED Karak failed to provide any relevant document i.e Tender documents, M.B and running bills etc.

5. The total bid cost of 6 out of 7 schemes amounting to Rs 10.222 M was enhanced to Rs 6.7878 M due to site requirement by the XEN PHED Karak being Engineer In-charge of the projects **(Copy of contract Enhancement notification/order attached as Annex-XIII)** and the enhanced cost/scope of work was in excess by more than 15% above bid cost as per KPPRA rules 2014 and paid to the same contractor M/S Habib ur Rehman. The same was endorsed through the questionnaire's reply.

6. ***From the perusal of record what so made available and field measurement revealed that an overpayment of Rs 5,486,014/- had been made to the contractor on account of overpayment made due to re-measurement as well as for unexecuted work.***

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Table T-02 (Overpayment)

S.No	Name of Work	Recovery amount Rs due to overpayment (Re measurement)	Recovery amount Rs/- due unexecuted distribution system	Total Amount Rs/-	Remarks
1	WSS Lajmir Khel Warana	1,032524	---	1,032 524	Overpayment Due to re-measurement in Tube Well
2	WSS Wanki Siraj Khel, Kotka Zardad Khan	768,955	711,737	1,480,692	Overpayment Due to re-measurement in tube well and unexecuted distribution system
3	WSS Maulana Habib Ullah Koroonaasteer Banda	--	950,863	950,863	Overpayment Due to re-measurement in tube well and unexecuted distribution system
4	WSS Piao Noor Koroona Tattar Khel	--	524,784	524,784	Overpayment Due to unexecuted distribution system
5	WSS Maulana Pir Ghulam Koroona Ghani Abad	--	240,821	240,821	Overpayment Due to unexecuted distribution system
6	WSS Adnan Koroona Ghundi Killa	--	1,256,330	1,256,330	Overpayment Due to unexecuted distribution system
	Total Recovery Rs	**1,801,479**	**3,684,535**	**5,486,014**	

7. It is evident from the record and the statement of officers/officials concerned that the collective failure of PHED Karak to follow SOP's and codal formalities has caused a host of problems at various levels:

   A. The cheque classification proforma was processed in advance along with running bill which was submitted to DC Karak for reimbursement which led to advanced payment to contactor.

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- ✓ After the funds were released by DC Karak, the same proforma made it possible to issue the cheque and excess amount was credited to the contractor.
- ✓ Mr. Amil Muhammad, the then XEN PHED Karak admitted his signature on cheque classification proforma and bill whereas all other officers/officials i.e. incumbent XEN and incumbent DAO denied in their annotated replies that signature on cheque classification proforma were affixed (not original).
- ✓ The issuer of the cheque also tried to justify his deed based on the same proforma which he alleged was duly signed by the then and incumbent XENs/DAOs which seems to be wrong.
- ✓ The entries/particulars of the proforma contain such details that it should not be processed in absence of funds and duly verified work.
- ✓ The Cheque issuer Mr. Asif Faruq, SDC BD Shah maintained in his reply to the questionnaires that duly verified bills along with cheque classification proforma (duly singed by the then and incumbent XENs/DAOs) was delivered to him from DC Karak Office "through Contactor" along with the instructions to issue the cheque which neither falls in the domain of DC Karak nor such like instructions can be issued by DC Karak. As the scheme did not fall in the purview of the SDO PHED Karak who issued cheque, the stance sheds light on the fact that the critical financial record was allowed in the hands of unauthorized personnel.
- ✓ Such slackness in dealing with official record may have given a window of opportunity to a culprit to forge signatures at any stage of the process while documentations movement among the offices of PHED Karak, DC Karak and Treasury leads to processing the cheque classification proforma in advance and overlooked the payment beyond 15% above bid costs, aptly shows that the accounts section of PHED Karak was not functioning properly.

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B. The 6 WSS schemes running bills were sent to DC Karak for re-imbursement of fund along with cheque classification proforma which was erroneously attached by XEN, who was transferred before the fund released by DC Karak. After the receipt of funds, SDO BD Shah PHED Karak released payment without bringing release of fund and payment to contractor into the knowledge of incumbent XEN by countersigning the previous bill. SDO BD Shah misused his powers by allowing the wrong payment to contractor.

C. The cheque bearing No A-701292 dated 19/06/2019 amounting to Rs 8,325,574/- was issued to M/S Habib ur Rehman by SDO BD Shah PHED Karak on account of 2nd Running Bill of 6 WSS schemes. However, these schemes fall in the jurisdiction of SDO Takht-e-Nasrati PHED Karak who was neither on leave nor absent from his duties as per annotated reply of incumbent XEN PHED Karak. The incumbent XEN also denied any instructions/approval to SDO BD Shah to issue the above cheque on his behalf. It once more reflects on improper coordination/disposal of documentation while dealing with official/financial matter. It is pertinent to mention that 2nd Running bill of 6 WSS schemes were sent to DC Karak for reimbursement and was not for making payment to contractor on the same bill as the measurements were not properly entered. Therefore, the issuer of cheque i.e. SDO BD Shah was supposed to check work done and submit a fresh bill to incumbent XEN PHED Karak for allowing payment which he couldn't do. It gave the mala-fide intentions of SDO BD Shah to throw responsibility of measurements on the then SDO/XEN, and further the instant bill if so considered as contractor bill then it was not countersigned by the incumbent Xen/DAO and SDO concerned at the time of issuance of cheque.

8. The perusal of MB of 2nd Running bill of WSS Wanki Siraj Khel Kotka Zardad Khan, WSS Maulana Habib Ullah Koroona Kasteer Banda, WSS Piao Noor Koroona Tattar Khel, WSS Maulana Pir Ghulam Koroona Ghani Abad revealed that Mr Muhammad Ismail sub engineer failed to enter record entries/detailed measurement for Subhead "Pumping Chamber" The same was endorsed in abstract of relevant M.B

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9. The record reveled that cheque bearing No A-58580 670 dated 19/05/2019 for Rs 9,852,755/- was issued by DC Karak which was credited into PHED Karak PWD-II account on 20/06/2019 whereas the cheque for Rs 8,325,574/- bearing No A 701292 dated 19/06/2019 was issued by the SDO BD Shah PHED Karak before crediting the amount in XEN account.

10. The personal appearance of Mr. Hafeez Ullah, the then SDA, Sub Division BD Shah, PHED Karak was conducted on 22/09/2020, he appeared before the inquiry committee, he submitted his written statement to the inquiry committee (**Copy of statement and relevant documents attached as Annex-XIV**) and it was revealed that he was on leave on 19 June, 2020 as his mother was seriously ill and he took his mother for medical check-up to HMC Peshawar and was admitted in HMC Peshawar and he was unaware of writing cheque to the contractor as cheque book was lying with SDO BD Shah.

11. The personal appearance of Mr. Farid Khan, the then SDA, sub division Takht-e-Nasrati, PHED Karak was conducted on 22/09/2020, he appeared before the inquiry committee and he submitted his written statement to the inquiry committee **(copy of written statement attached as Annex-XV)** that he was posted as SDA Takht-e-Nasrati w.e.f 28/05/2018 till 30 11/2018, cheque was neither prepared/ drawn by him nor cashbook was maintained by him during the above mentioned period. However 2nd R/bill was arithmetically scrutinized by him and 1st R/Bill was not deducted from 2nd R/Bill of 2 WSS schemes.

Conclusions:-

The following conclusions are drawn:-

Table T-03 Conclusions		
Mr Amil Muhammad, the then XEN PHED Karak		
Allegations/charge	**Conclusion**	**Reasons**
That you failed to properly prepare and examine the contractor's claims, taking into considerations the approved bid cost, the amount actually payable and entrenchment of the previous paid bills from the 2nd running bills. Thus huge losses to the Govt. Exchequer were caused due to your ignorance, inefficiency and mala-	Charge proved.	• Overpayment due to re-measurement allowed in 2nd running bills of 2 No WSS schemes. • Signing of Cheque classification proforma in absence of work

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fide intentions.		cone and available funds which leads to advance payment.
That you made/allowed payments to contractors over and above the permissible limit on bid cost and estimated quantities due to your ignorance, inefficiency and mala-fide intentions and the Govt exchequer sustained huge loss.	Charge partially proved.	• Enhancement allowed beyond 15% limit of original contract cost as per KPPRA Rule 2014 sub rule 18 (c) (v) (d), however, estimated quantities have been covered in TS estimate.
That due to your poor technical inputs, negligence, lack of knowledge and such aptitude in performance of Govt. duty you put the department in embarrassing position.	Charge proved.	• Overpayment in shape of improper re-measurement and unexecuted works was allowed. • The running bill was sent to DC Karak for re-imbursement whereas Cheque classification proforma in absence of work done and available funds which leads to advance payment
That you authorized payment without verification of work done at site because the work over and above approved quantity was not approved by any authority/forum.	Charge proved.	• Advance payment allowed to contractor.
Mr Asif Faruq, the then SDO PHE Sub Division 3D Shah Karak		
That you bypassed the SDO PHE Sub Division Takht-e-Nasrati Karak and XEN PHED Karak and illegally issued cheque amounting to Rs 8,325,574/- vide cheque No A 701292 dated 19/06/2019 beyond your jurisdictions in favor of Mr.Habib Ur Rehman Govt. Contractor with mala-fide intentions without consent/permission of the sitting XEN PHED Karak and SDO	Charge proved.	• Violation of jurisdiction and issuance of cheque , while concerned SDO was present and no instructions in writing had been issued by incumbent XEN which resulted in advancement

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PHE Sub Divisiuon Takht-e-Nasrati, while you were in-charge of PHE Sub Division BD Shah and you have no concern whatsoever with the affairs of other sub division.		payment.
That you managed to paste fake/bogus signature of the sitting XEN and DAO PHED Karak without pre-audit by the sitting DAO	Charge could not be proved.	• As no expertise available with inquiry committee to investigate the matter with regard to fake/bogus signatures. However, PHE Department Peshawar may investigate the matter through some technical agency.
That you illegally issued the aforesaid cheque on 19/06/2019 prior to amount/cheque of production bonus paid into treasury, as the cheque bearing No A-58580670 dated 19/05/2019 to the tune of Rs 9,852,755/- issued by the DC Karak was deposited by the XEN PHED Karak on 20/06/2019 under production bonus.	Charge proved.	• As cheque issued before crediting the amount into actual account.
Mr Aziz Ur Rehman, the then SDO PHE Sub Division Takht-e-Nasrati Karak		
That you failed to properly prepare and examine the contractor's claims, taking into considerations the approved bid cost, the amount actually payable and entrenchment of the previous paid bills from the 2nd running bills. Thus huge losses to the Govt. Exchequer were caused due to your ignorance, inefficiency and mala-fide intentions.	Charge proved.	• Overpayment due to re-measurement allowed in 2nd running bills of 2 No WSS schemes. • Signing of running bill in absence of work done and available funds which leads to advance payment. • Failed to carry out check measurement to ensure record entries of pumping chamber of 4 WSS schemes
That you made/allowed payments to contractors over and above the	Charge proved.	• Payment recommended beyond

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permissible limit on bid cost and estimated quantities due to your ignorance, inefficiency and mala-fide intentions and the Govt exchequer sustained huge loss.		15% limitation of original contract cost as per KPPRA Rules 2014, however, TS sanctioned by the Competent Authority.
That due to your poor technical inputs, negligence, lack of knowledge and such aptitude in performance of Govt. duty, you put the department in embarrassing position.	Charge proved.	• Overpayment due to re-measurement allowed in 2nd running bills of 2 No WSS schemes. • Signing of running bill in absence of work done and available funds which leads to advance payment.
That you authorized payment without verification of work done at site because the work over and above approved quantity was not approved by any authority/forum.	Charge Proved.	• Advance payment allowed to contractor.
Mr. Muhammad Ismail, concern Sub Engineer PHED Karak (Mr Ajmal Khan, Sub Engineer was erroneously communicated o the Competent Authority)		
That you failed to properly prepare and examine the contractor's claims, taking into considerations the approved bid cost, the amount actually payable and entrenchment of the previous paid bills from the 2nd running bills. Thus huge losses to the Govt. Exchequer were caused due to your ignorance, inefficiency and mala-fide intentions.	Charge proved.	• Overpayment due to re-measurement allowed in 2nd running bills of 2 No WSS schemes. • Signing of running bill in absence of work done and available funds which leads to advance payment. • Failed to carry out check measurement to ensure record entries of pumping chamber of 4 WSS schemes
That you made/allowed payments to contractors over and above the permissible limit on bid cost and estimated quantities due to your ignorance, inefficiency and mala-fide intentions and the Govt. exchequer	Charge proved.	• Payment recommended beyond 15% limitation of original contract cost as per KPPRA Rules

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sustained huge loss.		2014, however, TS sanctioned by the Competent Authority.
That due to your poor technical inputs, negligence, lack of knowledge and such aptitude in performance of Govt. duty, you put the department in embarrassing position.	Charge proved.	• Overpayment due to re-measurement allowed in 2nd running bills of 2 No WSS schemes. • Signing of running bill in absence of work done and available funds which leads to advance payment.
That you authorized payment without verification of work done at site because the work over and above approved quantity was not approved by any authority/forum.	Charge proved.	• Advance payment allowed to contractor.
Mr Muhammad Farid Khan, the then SDA PHED Karak		
That you failed to properly prepare and examine the contractor's claims, taking into considerations the approved bid cost, the amount actually payable and entrenchment of the previous paid bills from the 2nd running bills. Thus huge losses to the Govt. Exchequer were caused due to your ignorance, inefficiency and mala-fide intentions.	Charge proved.	• Overpayment allowed due to non-deduction of 1st R/bill from 2nd running bills of 2 No WSS schemes.
That due to your poor technical inputs, negligence, lack of knowledge and such aptitude in performance of Govt. duty, you put the department in embarrassing position.	Charge not proved	• The SDA is only responsible for arithmetic check of claims submitted by contractor and writing of cheque to enter in cashbook etc.

Recommendations:-

1. The work on 6 WSS schemes was actually carried out on the basis of MRS-2016 but now the recovery needs to be made on current MRS 2020 which is approximately 25% higher than MRS 2016 so the amounts needs to be

ATTESTED

recovered **6,857,517 (5,486,014+25% of 5,486,014 =6,857,517)** to avoid any losses to the Govt.

2. Apart from disciplinary action against officers/officials of PHED Karak, the recovery amounting to **Rs 6,857,517/-** as per following table shall be made from the contractor and responsible officers.

Table T-04
(% Share/recovery amount of Responsible Officer/Officials & Personnel, Designation

S.No	Responsible Officer/Officials & Personnel, Designation	Share (%)	Amount (Rs)
1	Contractor share as major defaulter	50.00	3,428,759
2	Mr. Muhammad Amil, the then XEN PHED Karak	12.50	857,190
3	Mr. Aziz-ur-Rehman, the then SDO Takht-e-Nasrati PHED Karak	12.50	857,190
4	Mr. Asif Faruq, the then SDO BD Shah PHED Karak	15.00	1,028,628
5	Mr. Muhammad Ismail,Sub Engineer PHED Karak	10.00	685,752
		Total Rs)	**6,857,517**

3. Following disciplinary action against the accused field staff of PHED Karak as mentioned in charge sheet is proposed:-

Table T-05
Proposed action on Officer/Officials of PHED Karak & Personnel, Designation

S.No	Name of Officer/Official	Penalty Proposed	Remarks By Higher Ups
1	Mr. Amil Muhammad, the then XEN PHED Karak.	Minor Penalty	
2	Mr. Aziz Ur Rehman, the then SDO Takht-e-Nasrati PHED Karak.	Minor Penalty	

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3	Mr. Asif Faruq, the then SDO BD Shah PHED Karak.	As Mr. Asif Faruq, SDO BD Shah, PHED Karak stands retired from service on 02/01/2020, therefore disciplinary action shall be taken against him as per service rules, recovery be made through anticorruption establishment
4	Mr. Muhammad Ismail, Sub Engineer PHED Karak.	Minor Penalty
5	Mr. Farid Khan, the then SDA sub Division Takht-e-Nasrati PHED Karak	Minor Penalty
6	Mr. Muhammad Tariq, the then DAO, PHED Karak	The then DAO PHED Karak being Federal Govt. employee, case shall be referred to Account General Office Peshawar for action.
7	M/S Habib Ur Rehman Contractor	Blacklisting the firm for execution of developmental works.

Engr. Naveed Khan (BPS-18)
Xen C&W Division Kohat.
Member Inquiry Committee

Mr. Mahmood Aslam (BPS-19)
Deputy Commissioner Khyber.
Member Inquiry Committee

ATTESTED

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OFFICE OF THE CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGG: DEPTT: KHYBER PAKHTUNKHWA, PESHAWAR
Ph #091-9217788 Fax #091-9217396 E-mail: Ce.s.phed.pe54@gmail.com, Plot: 10, Sector: U-II, Phase-V, Hayatabad, Peshawar (Nawab)

No. 12 /E-13/South/PHE,

Dated Peshawar, the 31 / 08 /2021,

To,

1. The Superintending Engineer
   PHE Circle Peshawar
2. The Superintending Engineer
   PHE Circle Kohat
3. The Superintending Engineer (Southern)
   PHE Circle Kohat (M.A)
   (Superintending Engineer Orakzai)

Subject: **NOTIFICATION.**

Ref: Secretary PHED Notification No.SO(ESTT)/PHED/4-55/2019 dated 16.08.2021

Enclosed find herewith a copy of the subject notification as referred above, received from Secretary to Govt. of Khyber Pakhtunkhwa Public Health Engineering Department Peshawar "which is self-explanatory".

Your attention is invited to the subject notification for strict compliance as per direction of the worthy Secretary PHED. Withholding of Two annual increments for two years and recovery of the following amounts as noted against each to which they submitted their replies:-

S.No	Name & Designation of the accused	Penalty
1.	Mr. Amil Muhammad, Executive Engineer (BPS-18) PHE Division Orakzai	"Recovery of Rs. 857,190/- and withholding of two annual increments for two years".
2.	Mr. Muhammad Ismail, The then Sub Engineer PHE Sub Division Karak	"Recovery of Rs. 685,752/- and withholding of two annual increments for two years".
3.	Mr. Farid Khan The then SDA PHE Sub Division Takht-e-Nasratti Karak	"Withholding of two annual increments for two years".

In view of the above, you are directed to provide copies of Challan on which payment is made and entry of withholding of two increments for two years in the Personal file/Service Book of the accused officer/officials may be provided to this office for clarification and onward submission to quarter concerned.

D.A/As above

Chief Engineer (South)

Copy for information is forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa.
2. The District Accounts Officer Concerned.
3. P.S to Secretary PHE Department, Khyber Pakhtunkhwa Peshawar.
4. a. Mr. Amil Muhammad, Executive Engineer PHE Division Orakzazai.
   b. Mr. Muhammad Ismail the Then Sub Engineer PHE Division Charsadda.
   c. Mr. Farid Khan the then SDA PHE Sub Division Takht-e-Nasratti Karak.

   They are directed to submit their replies for their penalties as noted above against each, at the earliest to the quarter concerned as well as to this office for further necessary action accordingly.

ATTESTED

Chief Engineer (South)

(40)

OFFICE OF THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING DIVISION NOWSHERA

:-nsrxen@gmail.com
0923-9220455

No. 03/E-2

Dated Nowshera the, 20/09/2021

To,

The Superintending Engineer
PHE Circle Peshawar.

Subject:- **DEPARTMENTAL APPEAL IN RESPECT OF NOTIFICATION NO.13/F/13/SOUTH /PHE/DATED 31-08-2021**

Please refer to the above the requisite appeal in respect of Mr. Ismail Sub Engineer is sent herewith for further necessary action as desired.

EXECUTIVE ENGINEER
PHE DIVISION NOWSHERA

ATTESTED

(41)

2764/E-3
21/09/2021

To

The Superintending Engineer
Public Health Engineering Circle (PHE Circle)
Peshawar.

Subject: **Departmental Appeal against the impugned notification dated 31.08.2021 whereby the penalty of recovery of Rs.685,752/- and withholding of two annual increments for two years was imposed upon the appellant.**

Respectfully Sheweth;

With profound respect the undersigned/ appellant submits as under:

1) That the appellant remained posted as Sub Engineer in PHE Karak for six years i.e. from 2013 to 2019. During his stay in PHE Karak, he worked as Sub Engineer in different Sub Divisions of the Divisional Officer. In the year, 2015-2016 a project titled "Developmental Schemes out of Production Bonus Funds" consists of following six different Water Supply Schemes was administratively approved and technically sanctioned by the competent authority at the cost of 16.800 and 17.016 million respectively. The project was funded bout of Production Bonus (Gas Royalty District Karak):-

Sr.No	Name of scheme	Cost (in million)
1	WSS Pionoor Koroona	1.748
2	WSS Adnan Koroona	3.047
3	WSS Habibullah Kasteer	3.466
4	WSS Lajmir Koroona	2.051
5	WSS Maulana Pir Ghulam Koroona	3.479
6	WSS Wanki Suraj Khel Koronna	3.225
	Total	**17.016**

ATTESTED

2) That contract of the project was awarded to Mr.Habib-ur-Rehman Govt. Contractor. The Project pertains to the District Government

funds and the Deputy Commissioner Karak is the principal accounting office, in the administrative discipline and financial control in the utilization of these funds. The charge sheet has been issued to the appellant by the worthy Secretary PHED instead of Deputy Commissioner Karak i.e. the owner and custodian of funds relating to the district government.

3) That the appellant was served with a show cause notice dated 30.11.2020 calling for the reply of the undersigned for allegations contained therein i.e. (a) Inefficiency (b) Misconduct and (c) Corruption. As a result thereof, the competent authority have tentatively decided to impose upon the appellant penalty/ penalties of each "recovery of Rs.685,752/- and withholding of two (2) annual increments for two years".

4) That the appellant submitted his detailed reply dated 24.12.2020 to the show cause notice by refuting/ denying the allegations contained in the referred show cause notice mentioned in para No.3.

5) That inquiry committee was constituted in which disciplinary proceedings were initiated and calling the report from Inquiry Committee and statement of allegation and charge sheet were also issued.

6) That the appellant submitted his detailed reply to the charge sheet by refuting/ denying the allegations contained in the referred statement of allegation and charge sheet.

7) That inquiry was conducted and inquiry report was submitted in which recommendation was made for imposing penalties and recoveries.

ATTEST

8) That the competent authority imposed/ Chief Engineer (South) Public Health Engineering Department issued a notification dated 31.08.2021 vide which imposed the penalty of "recovery of

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Rs.685,752/- and withholding of two (2) annual increments for two years" upon the appellant.

9) That the appellant feeling aggrieved and dissatisfied with the impugned notification prefers the instant departmental appeal on the before the appellate authority on the following amongst other grounds:

GROUNDS:

Firstly,

i) It is stated that the charges are baseless and false, hence denied. In fact, the contractor's claims were properly prepared by the appellant duly examined/ supervised by the SDO concerned and Accountant in-charge of the Account Branch of the Divisional Office. after through checking/ examination, the contractor's claims were cleared on receipt of funds from the concerned quarter. The payment was made within the AA/ TS and enhanced cost and there involve no excess payment in the case.

ii) It is further clarified that as regard to approved bid cost, the same was enhanced by the competent authority and payment for the work done was made accordingly to cover the site requirements. Moreover, the appellant has prepared the 1st and not the 2nd running bill of the contractor, in light of the demand for funds made by the Xen PHE Karak vide his letter dated 15.04.2019 addressed to the DC Karak. In the relevant column of the said letter the payment made to the contractor under Water Schemes Lajmir Koroona and Suraj Khel Koroona has been shown as "nil". The Account Branch has also raised no objection on the bill. The appellant being new comer in the Sub Division, therefore, prepared 1st running bill of the contractor which was cleared accordingly. It is pertinent to mention that appellant has not prepared/ cleared the 2nd running bill, as

ATTESTED

alleged. Therefore, the question of retrenchment of the previous paid bill to the contractor does not arise.

iii) It is also added that the appellant has retrenched the previous payments made to the contractor under the schemes i.e. Pioneer Koroona, Adnan Koroona, Habibul ah Kasteer and Maulana Pir Ghulam Koroona, as payment to the contractor was shown against them schemes in the official record. Moreover, the work is not yet closed and is going on and the previous payment, if made, to the contractor can be retrenched at any time by the XEN-PHE office Karak from his next/ final bill and even from the security and Call deposit of the concerned contractor for which the contractor has already committed in his written statement to the enquiry committee already conducted in the case.

iv) In the instant case, there involves no inefficiency and malafide as alleged and also no loss to the government is caused, as the scheme is not closed/ completed, as yet. Security and call deposit etc of the contractor are also in the custody of the Divisional Office. In the circumstances, the previous paid bills from the contractor can be easily recovered by existing engineers/ staff from the next/ final bill of the contractor.

v) In light of the above narration, the appellant has caused no loss to the government ex-chequer as all the payment procedure has been completed as per rules and regulations.

Secondly,

i) Charge is baseless, hence denied in toto. As stated in the earlier paras, payment to the contractor has been made as per the AS/ TS and enhanced cost and no excess over the approved cost has been made. The misunderstanding has been created as the Authority has taken into account the bid cost and estimated quantities thereby ignoring the enhancement issued by the

competent authority. In the case under consideration, no excess payment i.e. over and above the approved/ enhanced cost has been made. Payment to the contractor was made for the work done which was properly pre-audited by the Divisional Accounts Officer physically checked/ inspected by the District Monitoring Committee constituted by the Deputy Commissioner. All these formalities indicate that payment made to the contractor for the work done is legal and fair where no loss, whatsoever, to government ex-chequer has been caused, in any form.

ii) It is totally wrong that the appellant is technically poor, negligent and has put the department in an embarrassing position. In fact the project in question was planned and executed, applying therein every and full technical input. The work in progress was properly supervised time and again by the appellant and guided the concerned contractor to maintain quality of work. That is why the quantity and quality of work would hardly be objected by any authority/ corner.

iii) The verification of the prescribed coded proforma by Deputy Commissioner and physical verification and site inspection by Assistant Commissioner Takht-e-Nasrati show their satisfaction and there rise no question whatsoever of embarrassing position, as alleged. The provincial departmental authorities have initiated the disciplinary proceedings at their own i.e. without consultation and association of the real owner of the project, which is inappropriate in the eyes of law and justice.

iv) It has been alleged in the charge sheet that the payment was authorized by the appellant without verification of the work done at site and also the work over and above the approved quantity was not approved by any authority/ forum. In this connection, it is submitted that work done at site was regularly supervised/ checked and verified not only by the appellant but

ATTESTED

also it was physically checked by the District Government Authorities i.e. the Assistant Commissioner Takht-e-Nasrati along with the appellant and showr his satisfaction.

v) After all this process and procedure the payment was made by the competent authority i.e. XEN PHE Karak after proper verification by the District Accounts Officer Karak which shows authenticity of the case Besides the Deputy Commissioner Karak has raised no objection on the contractor bills. So, it is not correct that payment was made without verification of work done at site.

It may be added that the disciplinary proceeding has been started by the provincial authority on a letter of sitting XEN of PHE Karak. The XEN wrote such letter for his vested interests as well as personal grudges with his colleagues to create problems for them and to satisfy his inner. In fact, he should have reported the irregularity and illegality, if any, to the Deputy Commissioner i.e. the Principal Accounting Officer who is well aware of the project activities. The sitting XEN through his letter, has betrayed the Provincial Departmental Authorities thereby putting them to the wrong direction, which action of the officer tantamount in-disciplined attitude on his part thus liable to disciplinary action against him under the relevant rules.

Keeping in view the overall circumstances during the proceedings, no incriminating material has been brought on record against the appellant viz-a-viz the allegations contained in the show cause notice, therefore, it becomes crystal clear that the findings of Inquiry Officer regarding guilt of the undersigned are based on non-reading, misreading, surmises, conjectures, presumption and non-applying his independent judicial mind to the facts, circumstances, allegations and the evidence, resultantly arrived at perverse, arbitrary conclusion.

ATTESTED

Undersigned being innocent, vehemently denies the vague, non-specific and unsubstantiated allegations as contained in the show cause/

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inquiry and the impugned notification. therefore, it is, humbly submitted that the impugned notification dated 31.03.2021 may graciously be set aside and the appellant be exonerated from the false and baseless charges leveled against him in the show cause notice

Any other relief though not specifically asked for may also be granted.

Appellant-in-Person

16/9/21

Muhammad Ismail
Sub Engineer
Public Health Engineering
Division Nowshera
Cell; .....

Dated: 16/9/21

A. Dy. CD

(48)

وکالت نامہ

بعدالت جناب: سروس ٹریبونل پشاور

منجانب: Petitioner

محمد اسماعیل خان

بنام

صدر سیکرٹری ہیلتھ و دیگر

علت نمبر: ________

جرم: ________

مورخہ: ________

تھانہ: ________

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے **محمد سعید خان** ایڈووکیٹ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور 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 بھی وہی جملہ مذکورہ با اختیارات حاصل ہونگے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہونگے کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند رہے۔

المرقوم 28/12/02

العبد گواہ شد العبد

مقام ________ کے لئے منظور ہے۔

محمد اسماعیل خان AC Public Health Nowshera

محمد سعید خان ایڈووکیٹ پشاور

بار کونسل نمبر: BC-10-8020

موبائل نمبر: 0300-9020797

قیمت 50 روپے

39871

ایڈووکیٹ: محمد عارف ایوب

بارکونسل/ایسوسی ایشن نمبر: 16-6633

رابطہ نمبر: 0313-9040434

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سید محمد کوثر بخاری سینئر سول جج

دعویٰ: _____

علت نمبر: _____

مورخہ _____

جرم: _____

تھانہ _____

منجانب: سہیل بابر خٹک

باعث تحریر آنکہ

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

آن مقام _____ کیلئے محمد عارف ایوب ایڈووکیٹ کو وکیل مقرر

کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے وتقرر ثالث وفیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست ازہر 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 ونظر ثانی وپیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی 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 بااختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور وقبول ہوگا دوران مقدمہ میں جو خرچہ ہرجانہ 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، لہٰذا وکالت نامہ لکھ دیا تا کہ سند رہے

المرقوم: _____

PESHAWAR BAR ASSOCIATION KHYBER PAKHTOONKHWA

العبد _____ العبد

مقام _____ کے لیے منظور ہے

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

GS&PD-444/1-RST-12,000 Forms-22.09.21/PHC Jobs/Form A&B Ser. Tribunal/P2

Regd AD

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. SR

Appeal No. 7938 *of* 2022

Muhammad Ismail
.....*Appellant/Petitioner*

Versus

Chief Secy Peshawar.
.....*Respondent*

Respondent No. (1)

Notice to: — Govt of KPK through Chief Secy Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....07/12/2022.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

✓

Copy of appeal is attached. ~~Copy of appeal has already been sent to you~~ vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 01

Day of Nov 2022.

For Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

GS&PD-444/1-RST-12,000 Forms-22.09.21/PHC Jobs/Form A&B Ser. Tribunal/P2

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. SB

Appeal No. 7938 *of 20* 21

Muhammad Ismail
.....*Appellant/Petitioner*

Versus

Chief Secy Peshawar.
.....*Respondent*

Respondent No. (2)

Notice to: — Through Secy Public Health Engineering Department Civil Secretariat Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 07/12/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you~~ vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 02 **Day of** Nov **20**22.

For Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. Regd AD SB

Appeal No. 7938 *of 20* 21

Muhammad Ismail .....*Appellant/Petitioner*

Versus

Chief Secy Peshawar. .....*Respondent*

Respondent No. (3)

Notice to: — Executive Engineer Public Health Engineering Department Nowshera.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....07.12.2022.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~ office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 02

Day of Nov **20**22

For Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

GS&PD-444/1-RST-12,000 Forms-22.09.21/PHC Jobs/Form A&B Ser. Tribunal/P2

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. Regd 7938 SB

Appeal No. 7938 *of 20* 21

Muhammad Ismail
Appellant/Petitioner

Versus

Chief Secy Peshawar.
Respondent

Respondent No. (4)

Notice to: — Superintending Engineer, Public Health Engineering Circle (PHE Circle) Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 07/12/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 02 Nov **Day of.....20** 22.

For Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

GS&PD-444/1-RST-12,000 Forms-22.09.21/PHC Jobs/Form A&B Scr. Tribunal/P2

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. Registrar SB

Appeal No. 7938 of 2021

Muhammad Ismail
.....Appellant/Petitioner

Versus

Chief Secy Peshawar.
.....Respondent

Respondent No. (s)

Notice to: — Chief Engineer (South) C&W Deptt: KPK Hayatabad Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....07/12/2022.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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✓

Copy of appeal is attached. ~~Copy of appeal has already~~ been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 02

Day of Nov 20 22.

For Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
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