

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 7747/2021

BEFORE: SALAH UD DIN --- MEMBER(J)
MIAN MUHAMMAD --- MEMBER(E)

Engineer Muhammad Asad presently posted as Design Engineer (OPS) O/O Chief Engineer foreign aid Communication and Works Department Peshawar R/o Muhallah Sarban, P.O Lachi Bala, Teshil Lachi, District Kohat..... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through its Chief Minister.
2. Government of Khyber Pakhtunkhwa through its Chief Secretary.
3. Secretary Communication and Works Department Peshawar.
4. Government of Khyber Pakhtunkhwa through Secretary Establishment.
5. Chief Engineer (Center) C&W Department, Peshawar.....**Respondents)**

Present:

SABAHAT ALI BUKHARI,
Advocate --- For Appellant.

ASIF MASOOD ALI SHAH,
Deputy District Attorney --- For respondents.

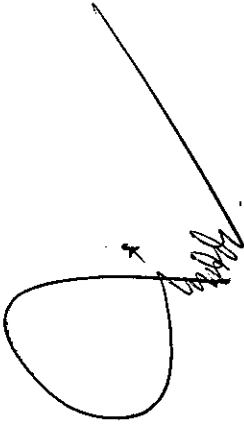
Date of Institution.....10.11.2021
Date of Hearing.....13.10.2022
Date of Decision.....13.10.2022

CONSOLIDATED JUDGEMENT.

MIAN MUHAMMAD, MEMBER(E):- Our this judgement, will dispose of the instant service appeal as well as connected service appeal bearing No. 7748/2021 titled "Yasir Mehmood versus Government of Khyber Pakhtunkhwa through its Chief Minister and four others", as both the appellants had

been jointly proceeded against under Rule 10 (1) (a) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and the same major penalty of "reduction to lower stage in a time scale for a maximum period of 05 years" was imposed upon them on 24.06.2021.


02. Both the service appeals have been instituted with the prayers that "on acceptance of the instant service appeal, the impugned Notification No. SOE/C&W D/8-5/2020 dated 24.06.2021 whereby the major penalty of "Reduction to Lower stage in a time scale of maximum period of 5 years" was imposed on the appellant may be declared as illegal, unlawful without lawful authority without jurisdiction, malafide, void-ab-initio and of no legal effect, hence be set aside and the appellant be exonerated of all the charges leveled against him."



03. Brief facts, as per memorandum of appeal, are that the appellant has been working in the respondent department since 06.12.1990. He was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for allegation of making full payment to the contractor on the basis of fake measurement in MB. On conclusion of the inquiry proceedings conducted by the inquiry committee, the competent authority finally imposed the major penalty of "reduction to a lower stage in time scale for maximum period of 05 years" upon the appellant on 24.06.2021. The

appellant challenged it through department appeal which was rejected on 11.10.2021 and thereafter the instant service appeal was instituted on 10.11.2021.

04. On admission of the service appeal in preliminary hearing on 03.01.2022, the respondents were put on notice to submit written defense through reply/para-wise comments. Reply/Parawise comments were submitted on 28.07.2022. We have heard arguments of learned counsel for the appellant as well as learned Deputy District Attorney for the respondents in Divisional Bench and gone through the record thoroughly with their assistance today.



05. Learned counsel for the appellant contended that the appellant was proceeded against on allegation to have made full payment to the contractor on the basis of fake measurement in Mb in the work regarding upgradation of GGMS to GGHS Hameed Abad Peshawar. In order to recapitulate history of the case, learned counsel for the appellant asserted that administrative approval of the scheme was accorded on 06.07.2015 whereas Technical sanction of the scheme was granted after 03 years owing to the dispute on site selection. The scheme was completed by the target time June 2019 and was inspected in July, 2019. However, certain rectifications were required which were duly communicated to the contractor on 22.08.2019 and 30.10.2019 by the appellant but due to outbreak

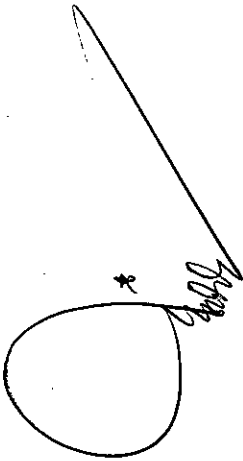
of Covid-19 and non availability of workers/labours, shortage of supply of the construction material as a result of lock down in the country, work on rectification and removal of deficiencies got delayed on part of the contractor. It was further argued that the inquiry committee categorically concluded that the deficiencies/incomplete work pointed out in the report of C&W department have been rectified and the delay was observed on the part of contractor. Moreover, the complainant (Deputy Speaker Provincial Assembly) on whose pointation, the enquiry proceedings were initiated, has submitted a certificate to the effect that deficiencies have been removed by the officer/officials. In the Show Cause Notice, the competent authority decided tentatively, to impose minor penalty of "withholding of two annual increments for two years" but in the impugned order dated 24.06.2021 it was converted into major penalty of "reduction to a lower stage in time scale for a maximum period of 05 years" which is not only illegal, unlawful, without authority, without justification, malafide, void ab-initio and of no legal effect but also in violation of Article 4, 8, 9, 25 and 27 of the Constitution, may graciously be set aside.

06. Learned Deputy District Attorney, on the other hand argued that the appellant was issued a proper charge sheet/statement of allegations. The enquiry committee submitted its report with findings to the effect that the deficiencies pointed

out in the inspection report, have been rectified while after examining the report, the enquiry committee stated that the charge with regard to full payment to the contractor on fake measurement has been proved. Similarly, the tentative penalty of withholding of two annual increments for two years was intimated to the appellant through Show Cause Notice. The Secretary Housing department who gave the appellant an opportunity of personal hearing on behalf of the competent authority came to the conclusion that there is no doubt left that advancement payment to the contractor was made without any justification. The authorized officer, therefore, recommended to the competent authority for imposition of the major penalty of reduction to a lower stage in a time scale for a minimum period of five years. Since all codal formalities have been fulfilled before imposition of the impugned penalty upon the appellant, the appeal may therefore, be dismissed with costs, he concluded.

07. Perusal of the record substantiates that the appellant was proceeded against departmentally and an enquiry committee comprising two member constituted on 06.10.2020 for the purpose to enquire into the allegation leveled against the appellant as contained in the charge sheet. The enquiry committee submitted its report with findings "after thorough investigation and going through the record provided by the department, report of M & E, inspection report of enquiry officer

as well as the replies of the accused officers, the deficiencies pointed out in the report of C&W have been rectified. However, delay has been observed on part of the contractor". It is quite obvious from the report of enquiry committee and particularly its findings that nothing has been mentioned as to whether charge against the appellant was proved or otherwise. Based on the enquiry report submitted by the enquiry committee, the competent authority issued the appellant a Show Cause Notice on 15.02.2021 indicating the tentative decision to impose minor penalty of "withholding of two annual increments for two years" which was enhanced to major penalty of "reduction to a lower stage in a time scale for a maximum period of 05 years" through the impugned order dated 24.06.2021. Had the competent authority not been satisfied with the findings of the enquiry committee, it should have either remanded back the case to the enquiry committee with specific directions in writing or might have ordered a de-novo enquiry, as per provision of sub rule 6 of Rule 14 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. No substantial and credible documentary evidence was produced in support of the conversion of minor penalty tentatively communicated to appellant in the Show Cause Notice into the imposition of major penalty imposed upon the appellant vide impugned order dated 24.06.2021.

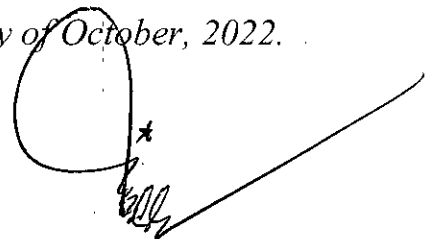
A handwritten signature in black ink is located on the left side of the page, partially overlapping the text. Below the signature is a large, hand-drawn circle. A small asterisk is visible near the top of the circle.

08. As a sequel to the preceding Paras, we are of the considered view that the impugned orders are badly suffering from legal infirmity and are not sustainable in the eyes of law. The impugned order dated 24.06.2021 as well as appellate order dated 11.10.2021 are therefore, set aside and the instant appeal as well as connected service appeal No. 7748/2021, are allowed as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

09. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 13th day of October, 2022.*



(SALAH UD DIN)
MEMBER (J)



(MIAN MUHAMMAD)
MEMBER (E)

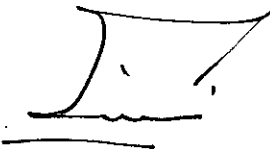
ORDER

13.10.2022

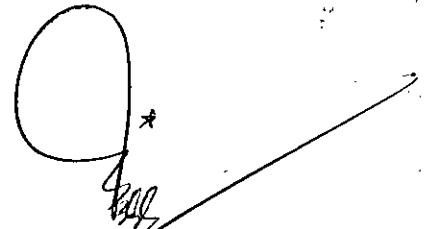
Mr. Sabahat Ullah Bukhari, Advocate for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgement of today, separately placed on file consisting (07) pages, we are of the considered view that the impugned orders are badly suffering from legal infirmity and are not sustainable in the eyes of law. The impugned order dated 24.06.2021 as well as appellate order dated 11.10.2021 are therefore, set aside and the instant appeal as well as connected service appeal No. 7748/2021, are allowed as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

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(SALAH-UD-DIN)
MEMBER (J)

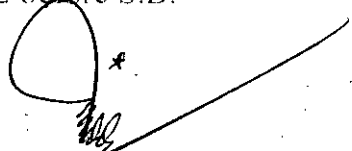


(MIAN MUHAMMAD)
MEMBER (E)

21.06.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.


Reply/comments on behalf of respondents are still awaited. Learned Additional Advocate General requested for time to submit reply/comments. Last opportunity is extended till the next date, In case, the respondents failed to submit reply/comments on the next date, their right for submission of reply/comments shall be deemed as struck off. Adjourned. To come up for reply/comments on 28.07.2022 before S.B.


(Mian Muhammad)
Member (E)

28.07.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Muhammad Abbas, Assistant Litigation for respondents present.

Written reply/comments on behalf of respondents No. 1 to 5 submitted which is placed on file. A copy of the same is handed over to the learned counsel of the appellant. To come up for rejoinder/arguments on 13.10.2022 before D.B.


(Fareeha Paul)
Member (E)

03.01.2022

Counsel for the appellant present. Preliminary arguments heard. Record perused.

Points raised need consideration. The appeal is admitted for hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments 10.03.2022 before the S.B.


(Rozina Rehman)
Member (J)

10.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 30.05.2022 for the same as before.



Reader.

Rs 700/-
Appellant Deposited
Security & Process Fee
25/5/22

30th May, 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General respondents present.

Written reply/comments not submitted. Learned AAG seeks time to submit written reply/comments on the next date. Granted but as a last chance. To come up for written reply/comments on 21.06.2022 before the S.B.

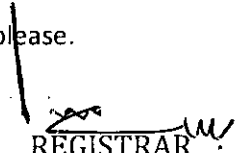

(Kalim Arshad Khan)
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7747/2021

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 11/11/2021 | <p>The appeal of Engineer Muhammad Asad resubmitted today by Mr. Sabahat Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>03/11/22</u>.</p> <p style="text-align: right;">CHAIRMAN</p> |
| 2- | | |

The appeal of Engr. Muhammad Asad, Design Engineer (OPS) O/O Chief Engineer Foreign Aid C&W Department received today i.e. on 10.11.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

not removed

1. Copy of minutes of meeting dated 10/01/2018 is not attached.
2. Annexures of the appeal is not in sequence which may be placed in order.
3. Annexure G, G-1, J-1 and K-1 attached with the appeal are illegible which may be replaced by legible/better one.
4. Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
5. The Law under which appeal is filed is wrong.

No. 2236 /S.T,

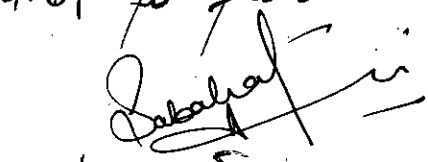
Dt. 11/11 /2021



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Sabahat Ali Bukhari Adv. Pesh.

Note:- All objections are removed, the annexures referred above are easily readable. May kindly be put up before Hon'ble Tribunal for further orders.


Advocate.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title:

Eng. M. ASAD

v/s

Government of KPK through C
ET

| S# | CONTENTS | YES | NO |
|----|--|-----|----|
| 1 | This Appeal has been presented by: <u>Counsel</u> | ✓ | |
| 2 | Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents? | ✓ | |
| 3 | Whether appeal is within time? | ✓ | |
| 4 | Whether the enactment under which the appeal is filed mentioned? | ✓ | |
| 5 | Whether the enactment under which the appeal is filed is correct? | ✓ | |
| 6 | Whether affidavit is appended? | ✓ | |
| 7 | Whether affidavit is duly attested by competent Oath Commissioner? | ✓ | |
| 8 | Whether appeal/annexures are properly paged? | ✓ | |
| 9 | Whether certificate regarding filing any earlier appeal on the subject, furnished? | x | ✓ |
| 10 | Whether annexures are legible? | ✓ | |
| 11 | Whether annexures are attested? | ✓ | |
| 12 | Whether copies of annexures are readable/clear? | ✓ | |
| 13 | Whether copy of appeal is delivered to AG/DAG? | ✓ | |
| 14 | Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents? | ✓ | |
| 15 | Whether numbers of referred cases given are correct? | ✓ | |
| 16 | Whether appeal contains cutting/overwriting? | x | ✓ |
| 17 | Whether list of books has been provided at the end of the appeal? | ✓ | |
| 18 | Whether case relate to this court? | ✓ | |
| 19 | Whether requisite number of spare copies attached? | ✓ | |
| 20 | Whether complete spare copy is filed in separate file cover? | ✓ | |
| 21 | Whether addresses of parties given are complete? | ✓ | |
| 22 | Whether index filed? | ✓ | |
| 23 | Whether index is correct? | ✓ | |
| 24 | Whether Security and Process Fee deposited? On _____ | ✓ | |
| 25 | Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____ | ✓ | |
| 26 | Whether copies of comments/reply/rejoinder submitted? On _____ | ✓ | |
| 27 | Whether copies of comments/reply/rejoinder provided to opposite party? On _____ | ✓ | |

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Sabahat Ali Bulebar

Signature:

Sabahat Ali Bulebar

Dated:

10-11-2021

BEFORE THE HONORABLE KHYBER PAKHTUNKHWASERVICE

TRIBUNAL, PESHAWAR

Service Appeal No. 7747 /2021

Engineer Muhammad Asad presently posted as Design Engineer (OPS) O/O chief engineer foreign aid Communication and Works Department APPELLANT
R/o Mohallah Sarban, P.O Lachi Bala, Tehsil Lachi, District Kohat
VERSUS

Government of Khyber Pakhtunkhwa through its Chief Minister and others

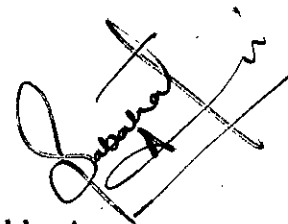
.....RESPONDENTS

I N D E X

| S.No | DESCRIPTION OF DOCUMENTS | ANNEX | PAGES |
|------|---|-------------------|-------|
| 1. | Service Appeal | | 1-5 |
| 2. | Affidavit | | 6 |
| 3. | Addresses of the parties | | 7 |
| 4. | Copy of appointment order | A | 8-9 |
| 5. | Copy of Administrative Approval by Secretary E&SE | A/1 | 10-11 |
| 6. | Copy of work order | B | 12-13 |
| 7. | Copy of minutes of meeting & change of site | C & D | 14-15 |
| 8. | Bi annual reports from 6/2015 till 12/2017 | E | 16-27 |
| 9. | Copy of letter and reminder | F & F/1 | 28-30 |
| 10. | Copy of PC-IV along with completion certificate and replies of contractor | G, G/1, G/2 & G/3 | 31-39 |
| 11. | Copy of inspection report dated 31-08-2020 along with written reply on behalf of Appellant before inquiry committee, inquiry report and order of suspension | H, H/1, H/2 & H/3 | 40-58 |
| 12. | Copy of show cause along with re-instatement order and reply to show cause | I, I/1 & I/2, I/3 | 59-63 |
| 13. | Copy of impugned notification along with order | J & J/1 | 64-65 |
| 14. | Copy of order dated 11-10-2021 | K, K/1 | 66-68 |
| 15. | Copy of order of withdrawal | L | 69 |
| 16. | Wakalatnama | | 70 |

Through

Appellant



Sabahat Ali Bukhari
Advocate, Peshawar
Cell: 0315-9194742

Dated: 10.11.2021

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS

TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7869

Dated 10/11/2021

Service Appeal No. 47/2021

1. Engineer Muhammad Asad presently posted as Design Engineer (OPS) O/O chief engineer foreign aid Communication and Works Department Peshawar, District Kohat, R/O Mohallan Sarban, P.O Lachi Bada, Jensis Lachi, District Kohat, APPPELLANT

VERSUS

1) Government of Khyber Pakhtunkhwa through its Chief Minister

2) Government of Khyber Pakhtunkhwa through Chief Secretary

3) Secretary Communication and Works Department Peshawar

4) Government of Khyber Pakhtunkhwa through Secretary Establishment

5) Chief Engineer (center) C&W Department, Peshawar.

RESPONDENTS

**APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNALS
ACT 1974 AGAINST IMPUGNED OFFICE ORDER SOE/C&W D/8-5/2020 DATED 24-
06-2021 OF THE RESPONDENTS WHEREBY MAJOR PENALTY OF "REDUCTION
OF LOWER STAGE IN A TIME SCALE OF MAXIMUM PERIOD OF 5 YEARS" BY
RESPONDENT NO.3 IN A CLASSICALLY CURSORY AND WHISICAL MANNER.**

Respectfully Sheweth,

1. That the appellat is a respectable citizen of Islamic Republic of Pakistan and is appointed as Sub Engineer vide order dated 6-12-1990 and now serving as Design Engineer (OPS) O/O chief engineer foreign aid Peshawar in Communication and work Department Khyber Pakhtunkhwa.

(Copy of appointment order is attached as Annexure A)

2. That back in the year (2014-2015) in a "umbrella scheme" upgradation of 50 middle schools to higher level in province of Khyber Pakhtunkhwa (Boys and Girls on need bases) in various Districts were planned by Elementary and Secondary Education (E&S) Department on the basis of ADP NO 172/130341. As per the procedure, field information building division-1 Peshawar prepared detailed cost estimates (DCE's) and sent to the Elementary and Secondary Education Department for further approval. Which was approved by the Secretary E&S for Rs16.00 (Million) while CPO/SPO-I/E&S/1-1/A.A/2013-2014/Peshawar Dated 06-07-2015. (Copy of Administrative Approval by Secretary E&S is attached as annexure A/1).

11/11/2021
Submitted to - day
and filed.
Registrar
Filed to day
10/11/2021

3. That after the administrative approval by Secretary E&SE Department Peshawar, XEN Building Division-I Peshawar called the bidding process and resultantly the work order was issued to MS SaeedUllah Construction Co, for 15.62(Million) on 14-05-2015 after adopting due course of law and fulfilling of all codal formalities.

(Copy of work order is attached as Annexure B).

4. That it is important to note here that after the issuance of work order to the contractor when appellant along with his sub engineer visited the site spots, Government Girls Middle School, ShahiBala for execution of work the site spot was found disputed. Resultantly the scheme was shifted to Government Girls Middle School Darmangi and then to Government Girls Middle School GrangaBala and finally shifted to Government Girls middle School Hameed Abad, in short the scheme was shifted thrice for execution of work by the department and finally Government Girls Middle School Hameed Abad was approved in DDPW meeting dated 10-01-2018.

(Copy of minutes of meeting & change of site is Annexure C & D)

5. That MS SaeedUllah construction being lowest bidder was awarded the contract and due to the Lapse of 3 years from (14-05-2015 till 10-01-2018) the contractor was reluctant to carry work on changed site Government Girls Middle School Hameed Abad due to escalated prices of material and labor and by the continuous efforts of the appellant, contractor was convinced to carry his work and eventually the contractor commenced his work in Government Girls middle School Hameed Abad on 04-05-2018 and for this purpose 6 bi-annual progress reports (06/2015, 12/2015, 06/2016, 12/2016, 16/2016, 12/2017) were issued which clearly reveals non handling of sites for commencement of his work till December 2017.

(Bi annual reports from 6/2015 till 12/2017 are attached as Annexure E).

6. That the Elementary and Secondary Education Department Peshawar was keen to close and complete the umbrella ADP Scheme by June 2019 and Communication and work Department tried utmost to accomplish the job well within time and the contractor was also in effort to complete the work on change site. All the major required work was completed by contractor and respective 7th running bill was prepared to complete the work because the payment was essential and there was no reason to carry forward scheme for financial year(2019-2020).

7. The appellant along with sub engineer inspected scheme in July 2019 and scheme was found completed. However certain rectifications in item i-e Internal Water Supply, Sanitary Installation, internal electrification, roof treatment work, plastering and courtyard paving were pointed out to contractor on site, and contractor was directed to complete all rectifications/deficient works vide letter no 780/1-C Dated 22-08-2019 and was reminded again on 30-10-2019.

(Copy of letter and reminder are attached as annexure F and F/1).

8. That thereafter during course of time the contractor experienced some domestic issues and replied to the letter and reminder of Appellant by asking for some time to rectify the

deficiencies and to enable the scheme to be handed over to Elementary and Secondary Education Department. The work on rectification as communicated to contractor by the appellant herein was resumed but later on due to outbreak of Covid-19 and non-availability of workers as well as stoppage of supply of construction material and due to overall lockdown in country the work was stopped. The private contractor resumed his work and all the deficiencies pointed out to the contractor were removed and the work was duly completed in year 2020.

(Copy of PC-IV along with completion certificate and replies of contractor are attached as annexure G,G/1, G/2, and G/3).

9. That in the meanwhile inspection committee was constituted for inspecting ADP,s scheme upgrading of 50 middle schools to higher levels on need basis upon the complaint of the deputy speaker provincial assembly Khyber Pakhtunkhwa as the subject school is situated in his constituency and thereby the officials concerned visited the subject spot and pointed out deficiencies on 31-08-2020, wherein the conclusion of reporting Engineer M.Asghar Khan Monitoring Officer-I after pointing out some rectifications, alleged shocking allegations against the appellant along with sub engineer as well as upon the contractor and upon the recommendation of monitoring officer an inquiry was initiated against the appellant ,XEN building Division-I Peshawar and sub Engineer Building Division-I and by suspending the above 3 officials they were directed to appear in person before the inquiry committee whereby a written reply was submitted by appellant before the inquiry committee and from the report of findings of inquiry committee it is crystal clear that deficiencies pointed out by communication and works department Peshawar were rectified but only delay have been observed on part of contractor for completion of his work.

(Copy of inspection report dated 31-08-2020 along with written reply on behalf of Appellant before inquiry committee, inquiry report and order of suspension is attached as annexure as H,H/1 ,H/2 and H/3).

10. That in the meanwhile a show cause notice was also issued by worthy Chief Minister to the Appellant on 15 February 2021, whereby a minor penalty of "holding of 2 annual increments for 2 years" was imposed on appellant and on 1st March ,2021 all the three officials were re-instated into their service by secretary Khyber Pakhtunkhwa Communication and work Department Peshawar and on the same day the appellant herein replied to the show cause notice of the worthy Chief Minister whereby all the facts were replied in detail before the worthy Chief Minister. Later on 6th march 2021 the letter was issued to appellant to appear before the secretary housing department, Peshawar in his office for personal hearing on 19-05-2021.

(Copy of show cause alongwith re-instatement order and reply to show cause are attached as I, I/1,I/2&I/3)

11. That afterwards an order was issued in the name of appellant by Secretary Communication and work department dated 24-06-2021, whereby the major penalty of "reduction of a lower stage in a time scale period of 5years" was imposed on the appellant and on the very same

day the then XEN Division 1, Peshawar presently XEN Highway Division Kohat was exonerated by imposing a minor penalty of "censure".

(Copy of impugned notification along with order dated 24-06-2021 is attached as Annexure J to J/1)

12. That feeling aggrieved from the order no SOE/C&W D/8-5/2020 Dated 24 June 2021 by the secretary Government of Khyber Pakhtunkhwa Communication and work Department. The Appellant filed the review/appeal dated 01-07-2021 before the competent Authority (Worthy Chief Minister and later on representation/appeal of appellant was rejected by the Worthy Chief Minister Khyber Pakhtunkhwa on 11-10-2021.

(Copy of order dated 11-10-2021 is attached as annexure as K,K/1).

13. That feeling aggrieved from the above the appellant approaches this Honorable Service Tribunal on following grounds inter-alia.

GROUNDS:

A. That the impugned notification No. SOE/C&W D/8-5/2020 Dated 24-06-2021, whereby major penalty of "REDUCTION OF LOWER STAGE IN A TIME SCALE OF MAXIMUM PERIOD OF 5 YEARS" by respondent no.1 was imposed on the appellant is illegal, unlawful, without lawful authority, without jurisdiction, malafide, offends judgment of the superior court, void-ab-initio and of no legal effect, therefore, the same is liable to be set aside.

B. That Mr. Engineer Naveed Khan (BS-18) the then XEN, Building Division No.1 Peshawar, now working as XEN C&W Division Kohat was relieved of all the charges by imposing a minor penalty of "Censure" is discriminatory towards the appellant and in violation of rules and law, hence the impugned notification is not sustainable in the eye of law.

C. That the impugned notification offends Article-4, 8, 9, 25 and 27 of the Constitution of Islamic Republic of Pakistan, 1973.

D. That the impugned notification is in conflict with the principles of natural justice and also infringed the legal and accrued right of the appellant, therefore, warrants interference.

(E.) That deficiencies as pointed out to the contractor were rectified by contractor and the scheme stands completed, the scheme has also been handed over to the E & SE department and no loss to the government exchequer is sustained, In addition the complainant has also conveyed to the respondents that the complaint lodged in this regard after the removal of deficiencies is considered to be resolved, moreover the inquiry committee in its report has concluded that "the

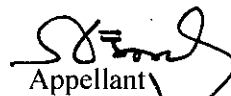
5
deficiencies pointed out in report of C&W department have been rectified". Hence warrants interference.

(Copy of order of withdrawal dated 25-01-2021 is attached as annexure "L")

F. That the appellant seeks leave of this Honorable Tribunal to raise/ argue any additional point at the time of arguments.

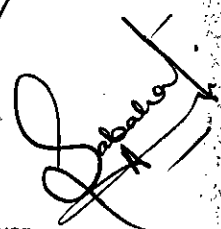
It is, therefore, most humbly prayed that on acceptance of this Service Appeal, the impugned notification No. SOE/C&W D/8-5/2020 Dated 24-06-2021, whereby major penalty of "REDUCTION OF LOWER STAGE IN A TIME SCALE OF MAXIMUM PERIOD OF 5 YEARS" was imposed on the appellant may be declared as illegal, unlawful, without lawful authority, without jurisdiction, malafide, void-ab-initio and of no legal effect, hence be set aside, and the appellant be exonerated of all the charges leveled against him.

Through


Appellant

Hassam Raon
LLM U.K

&


Sabahat Ali Bukhari
Advocate (s) Peshawar

Dated: 10.11.2021

CERTIFICATE: AS per instruction/ Information provided by client
It is duly certify before this honorable
tribunal that no such like appeal
has been filed earlier before the
honorable tribunal


DEPONENT

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

Service Appeal No. _____/2021

Engineer Muhammad Asad presently posted as an S.D.O Provincial Building (Construction Division No 1 Peshawar) Construction and Works Department

.....APPELLANT

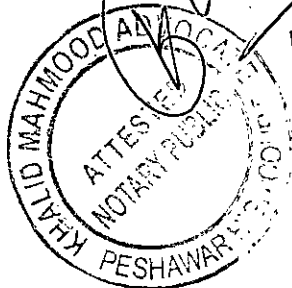
VERSUS

Government of Khyber Pakhtunkhwa through its Chief Minister and others

.....RESPONDENTS

AFFIDAVIT

I, Engineer Muhammad Asad, presently posted as an S.D.O Provincial Building (Construction Division No 1 Peshawar) Construction and Works Department do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.



[Handwritten Signature]
DEPONENT

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. _____/2021

Engineer Muhammad Asad**APPELLANT**

VERSUS

Government of Khyber Pakhtunkhwa through its Chief Minister and others
**RESPONDENTS**

ADDRESSES OF THE PARTIES

APPELLANT:

Engineer Muhammad Asad presently posted as an S.D.O Provincial Building (Construction Division No 1 Peshawar) Construction and Works Department.

RESPONDENTS:

- 1) Government of Khyber Pakhtunkhwa through its Chief Minister, Civil Secretariat Peshawar.
- 2) Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
- 3) Government of Khyber Pakhtunkhwa through Secretary C&W department, Civil Secretariat Peshawar
- 4) Government of Khyber Pakhtunkhwa Secretary Establishment, Civil Secretariat Peshawar.
- 5) Chief Engineer (center) C&W Department, Civil Secretariat, PTCL Colony Peshawar.

Through

Appellant

Hassam Raon
 LLM U.K

&

Sabahat Ali Bukhari
 Advocate (s) Peshawar

Dated: 10.11.2021

Annexure 'A'

93
11

OFFICE OF THE CHIEF ENGINEER
GEN DEPARTMENT NWFP PESHAWAR

NO. 2681 / 2070 (2)
Dated Peshawar the 6/12/1970

Mr. Muhammad Anad S/O Ghuncha Gul,
Mohallah Sarhan Vill, & PO Lachi,
Tehsil & Distt Kohat.

(B-9.c. Civil)

Subject: APPOINTMENT AS SUB. ENGINEER

1. On your selection by the public service Commission NWFP, you are hereby offered a post of temporary sub. Engineer, Civil/ Mechanical on Rs. 910/- PM in the S.I. No. 5210 (S.I. No. 12-46-1830) plus usual allowance as admissible under the rules.
2. The appointment is purely temporary and your services can be terminated at any/fortnight, days notice at any time without any reason being assigned irrespective of the fact that you may be holding post other than the one to which you were originally recruited or on payment of 14 days pay in lieu of the notice.
3. In case you wish to resign at any time you will have to give 14 days notice otherwise you shall be liable for forfeit 14 days pay.
4. The offer of appointment is subject to your producing the following documents and accepting the following conditions:-
 - i- Original Domicile Certificate showing that you are of NWFP Domicile or Adjacent Tribal Areas
 - ii- A Medical Certificate from the Medical Officer of your district certifying that you are fit for Govt. service and are not suffering from any communicable disease.
 - iii- A certificate duly signed and dated by you to the effect that you are not a dismissed Govt. servant.
 - iv- Original Matric Certificate and Diploma from the Recognised Government Technical Institute.
5. No T.A. will be allowed to you for joining this appointment and your pay will commence from the date you report for duty, if in the forenoon, otherwise from the date following.
6. You shall be governed by such rules and orders relating to conditions of service, leave, T.A., Medical Attendance Pay and Pension etc; as may be issued by the Govt. from time to time.
7. You will have to serve anywhere in the NWFP, including NATA and in any Deptt. of the Govt. of NWFP/Pakistan when called upon to do so in the interest of public service.
8. If you accept the offer on the above conditions you should report for duty/further posting orders to the Executive Engineer Primary Education Project-II Divn. Kohat.
9. This offer of appointment will be kept open to you upto 31-12-1970. If you failed to join your duty by the above date this offer shall stand cancelled.

TESTED

[Signature]

CHIEF ENGINEER

Copy to the:-

- 1- Chief Engineer
- 2- Superintending Engineer
- 3- Executive Engineer, Primary Education Project-II Divn. Kohat.
- 4- Project Director, Peshawar, Peshawar, Peshawar
- 5- Chief of the office at Kohat.

CHIEF ENGINEER

9
OFFICE OF THE CHIEF ENGINEER
C&W DEPARTMENT NWFP PESHAWAR

No. _____/2681 /B-I(2)
Dated Peshawar the 6/12/1990.

To

Mr. Muhammad Asad S/o Ghuncha Gul
Mohallah Sarban Vill: & PO Lachi
Tehsil & Distt Kohat.

Subject: **APPOINTMENT IS SUB ENGINEER**

1. On your selection by the Public Service Commission NWFP, you are hereby offered a post of temporary Sub Engineer, Civil on Rs. 910/- PM in the Basic Pay Scale No. 11/Rs. 910-46-1830) plus usual allowance as admissible under the rules.
2. The appointment is purely temporarily and your services can be terminated at 14 (Fourteen) days notice at key time without any reason being assigned irrespective of the fact that you may be holding post other than the one to which you were originally recruited or on payment of 14 days pay to lieu of the notice.
3. In case you wish to resign at any time you will have to give 14 days notice otherwise you shall be liable to forfeit 14 days pay.
4. The offer of appointment is subject to your the following documents and accepting the following conditions:
 - i. Original Domicile Certificate showing that you are of NWFP. Domicile or adjoined Tribal areas.
 - ii. A Medical Certificate from the Medical Supdt: of your listt / certifying that you are fit for Govt: service and are not suffering from any disease.
 - iii. A certificate duly signed and dated by you to the effect that you are not disclose government servant.
 - iv. Original Matric Certificate and Diploma from the recognized Government Technical Institute.
5. No T.A will be allowed to you for jointing this appointment and your pay will commence from the date you report for duty, if in the forenoon, otherwise from the date following.
6. You shall be governed by such rules and orders relating to conditions of service, leave, T.A, Medical Attendance Pay and pension etc; as may be issued by the Govt: from time to time.
7. You will have to serve anywhere in the NWFP, including FATA and in any Deptt: of the Govt: of NWFP/Pakistan when called upon to do so in the interest of public services.
8. If you accept the offer on the above conditions you should report for duty/ further posting orders to the Executive Engineer Primary Education Project-II Divn, Kohat.
9. This offer of appointment will be kept open to you upto 31.12.1990. If you failed to join your duty by the above date this offer shall stand cancelled.

Sd/-
Chief Engineer

Copy to the:

1. Chief Engineer.
2. Superintending Engineer
3. Executive Engineer Primary Education Project-II Divn, Kohat.
4. Project Director
5. PP of the official concerned.

Better Copy

Annexure-A/1

TO BE SUBSTITUTED FOR THIS DEPARTMENT LETTER EVEN NO. DATED 07-01-2015 & 16-02-2015

GOVT. OF KHYBER PAKHTUNKHWAEL; &
SECOND EDUCATION DEPARTMENT

No. CPO/SPO-I/E&SE/I-I/A.A/2013-14 Peshawar

Dated Peshawar the, 0607-2015

To

The Director.

Elementary & Secondary Education,

Khyber Pakhtunkhwa Peshawar.

Subject: **130341 Un-graduation of 50 Middle School to High Level of Khyber Pakhtunkhwa (B & G 30:70 or need basis ADP No. 172, SB Un-graduation of 04 Middle Schools in District Mardan**

In exercise of powers designed nide S.NO 6 part-II of the delegation of powers under the Financial Rules and the powers of re-Appropriation rule appropriation rules 2001, the government of Khyber Pakhtunkhwa is pleased to record admiration approval to the scheme up-gradatation 130341 ___ of 50 middle schools to high level in Khyber Pakhtunkhwa ADP No. 172 SH Un-graduation of 04 middle school to high level in district Peshawar "an a cost of Rs. 62,513 (Sixty two million five hundred and thirteen)" for furniture and equipment as per following breakup:-

| Name of Scheme | Approval Cost (Rs. In Million) | | |
|---|--------------------------------|---------|--------|
| Up-gradatation of 0-1 Middle Schools to High Level in District Peshawar | Capital | Revenue | Total |
| | 61.013 | 1.500 | 62.513 |

Annual Phasing of the scheme is as unader;

| Year | Item of work | Financial requirement Rs. In Million |
|-----------------------|----------------------|--------------------------------------|
| Expd: upto 30-06-2015 | Building Cost | 6.040 |
| 2015-16 | Building Cost | 55.013 |
| 2015-16 | Equipment /furniture | 62.513 |

Expenditure involved for building or Chargeabl subject classification 09-Education Affairs & services 092 - Government education Affairs & service -0921 Secondary Education Affairs & Service 092101-secondary Education 1303-11-A12470 up-gradatlon No. 59 of the budget Book Demands for grants Development Expenditure for 2014-15.

Expenditure involved for purchase of furniture/equipment Debatable to functional cum object classification 09-Education affairs & Service -092 secondary education affairs & services 0921 secondary education affairs & services -092101-secondary education 130341-5170 up-graduation of 50 middle schools to high level in Khyber Pakhtunkhwa (U&G 30:70) on need basis ADP No. 172 "NC No. 12099" demand No. 59 of the Book Demands for Grants Development Expenditure for 2014-15.

The scheme has been approved in meeting of DDWP held on 24-12-14, 01-15-18-01-15 subject to following condition:-

- The required land id acquired for construction of building would be mutated in the name E & S Education department before starting the work
- The Executive Engineer (C&W) and the Executive district offier (E&S Education) will ensure that the land for building fulfills the planning criteria and technically suitable centrally located and easily accessible.
- The cost of the scheme will based on MRS 2013.
- The Executive engineer (C&W) Division Peshawar will not start the construction work without ensuring the mutation of land and release of funds
- The cost of the scheme will be based on MRS 2015 for the scheme approved after 01-04-2015.
- The contingency will not be allowed in all the construction project.
Please acknowledge receipt.

-SD-

Secretary to Given of Khyber Pakhtunkhwa

Above:

Copy forwarded to the:

- Accountant general Khyber Pakhtunkhwa Peshawar
- Secretary to Govt: of Khyber Pakhtunkhwa Peshawar Communication & Work Department
- Chief Engineer communication & Work Khyber Pakhtunkhwa Peshawar.
- Chief (Education) Planning & Development department Govt Khyber Pakhtunkhwa Peshawar
- Director (P & M) Communication & Works department Govt Khyber Pakhtunkhwa Peshawar
- The Deputy Commissioner, District Peshawar
- The District Account Officer, District Peshawar
- The District Education Officer (M/F) (E&ES), District Peshawar
- The Executive Engineer (Communication & Works) District Peshawar
- Deputy database Administration EMIS, E&S Edcation Department Govt. Khyber Pakhtunkhwa Peshawar
- Section officer (Dev-I) Govt, Khyber Pakhtunkhwa Peshawar Finance Department
- PS to Secretary, E&S Education department, Govt of Khyber Pakhtunkhwa Peshawar

Better Copy

List of Middle School Up-graded to High level is District Peshawar.

| SNo | School Name | Meeting date | Total Cost | Remarks |
|-----|------------------------------|--------------|------------|------------|
| 1. | GGMS Shahi Bala (PK-07) | 24-12-2014 | 16375 | Approval |
| 2. | GMS Hatti Bala (PK-09) | 04-02-2015 | 28748 | Approval |
| 3. | GMS Mushtarzai (PK-11) | 04-02-2015 | 17390 | Approval |
| 4. | GMS Talim Khan Kaley (PK-11) | 18-06-2015 | 62-513 | 04-02-2015 |

ADP No. 172/ 130341 (2014-15)

24/130341 (2015-16)

60

New Scheme of BD-I

- 1) GMS Talim Khan kaley (PK-11)

Annexure 49/1

MRS-2015

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

Subject: 130341- Up-gradation of 50 Middle Schools to High Level in Khyber Pakhtunkhwa (U&G 30:70) on need basis, ADP No. 172, 811; Up-gradation of 04 Middle Schools in District Peshawar.

In exercise of Powers delegated vide S.No.6 Part-II of the Delegation of Powers under the Financial Rules and the Powers of Re-appropriation Rules 2001, the Government of Khyber Pakhtunkhwa is pleased to accord administrative approval to the scheme "130341- Up-gradation of 50 Middle Schools to High Level in Khyber Pakhtunkhwa, ADP No. 172, 811; Up-gradation of 04 Middle Schools to High level in District Peshawar" at a cost of Rs. 62,513 million (Rupees Sixty Two Million, Five Hundred & Thirteen Thousands Only) including Rs. 1,500 million for Furniture and Equipment as per the following breakup:

| Name of Scheme | Approved Cost (Rs. in Million) | | |
|---|--------------------------------|---------|--------|
| | Capital | Revenue | Total |
| Up-gradation of 04 Middle Schools to High level in District Peshawar. | 61,013 | 1,500 | 62,513 |

Annual Phasing of the scheme is as under:

| Year | Item of Work | Financial Requirements Rs. in Million |
|------------------------|---------------------|---------------------------------------|
| Exptd. upto 30.06.2015 | Building Cost | 6,000 |
| 2015-16 | Building Cost | 55,013 |
| 2015-16 | Equipment/Furniture | 1,500 |
| | Total | 62,513 |

Expenditure involved for building is chargeable to functional cum object classification 09-Education Affairs & Services-092-Secondary Education Affair & Services-0921-Secondary Education Affair & Services-092101-Secondary Education-130341-A12-70- Up-gradation of 50 Middle Schools to High level in Khyber Pakhtunkhwa (U&G 30:70) on need basis, ADP No.172"NC No.12099 under demand No.59 of the Budget Book, Demands for Grants Developmental Expenditure for 2014-15".

Expenditure involved for purchase of furniture/equipment chargeable to functional cum object classification 09-Education Affairs & Services-092-Secondary Education Affair & Services-0921-Secondary Education Affair & Services-092101-Secondary Education-130341-A12-70- Up-gradation of 50 Middle Schools to High level in Khyber Pakhtunkhwa (U&G 30:70) on need basis, ADP No.172"NC No.12099 under demand No.59 of the Budget Book, Demands for Grants Developmental Expenditure for 2014-15".

- The scheme has been approved in meeting of DDWP held on 24.12.14, 04.02.15, 18.05.15 subject to following conditions:-
- The required land if acquired for construction of building would be mutated in the name of E&S Education Department before starting the work.
 - The Executive Engineers (C&W) and the Executive District Officers (E&S Education) will ensure that the land for the building fulfills the planning criteria, and technically suitable, centrally located and easily accessible.
 - The cost of the scheme will be based on MRS 2013.
 - The Executive Engineer (C&W) Division Peshawar will not start the construction work without ensuring the mutation of land and release of funds.
 - The cost of the scheme will be based on MRS 2015 for the schemes approved after 01.01.2015. ←
 - The contingency will not be allowed in all the construction projects.
- Please acknowledge receipt.

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

Copy as above:

- Copy forwarded to the:
- Accountant General, Khyber Pakhtunkhwa, Peshawar.
 - Secretary to Govt. of Khyber Pakhtunkhwa, Communication & Works Department
 - Chief Engineer, Communication & Works, Khyber Pakhtunkhwa Peshawar.
 - Chief (Education), Planning & Development Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
 - Director (P&M), Communication & Works Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
 - The Deputy Commissioner, District Peshawar.
 - The District Account Officer, District Peshawar.
 - The District Education Officers (M/P), (E&S), District Peshawar.
 - The Executive Engineer, (Communication & Works), District Peshawar.
 - Deputy Database Administrator, EMIS, E&S Education Department, Govt. of Khyber Pakhtunkhwa.
 - Section Officer (Dev-I), Govt. of Khyber Pakhtunkhwa, Finance Department.
 - PS to Secretary, E & S Education Department, Govt. of Khyber Pakhtunkhwa.

Senior Planning Officer-I

ATTESTED

Set: 5

| List of Middle Schools Up-graded to High level in District Peshwar | | | | |
|--|------------------------------|--------------|------------|----------|
| S.No. | Schools Name | Meeting Date | Total Cost | Remarks |
| 1 | GGMS Shahi Bala (PK-07) | 24.12.2014 | 16.375 | Approved |
| 2 | GMS Jatti Bala (PK-09) | 04.02.2015 | 28.748 | Approved |
| 3 | GMS Mushtarzal (PK-11) | 18.06.2015 | 17.390 | Approved |
| 4 | GMS Talim Khan Kaley (PK-11) | | 62.513 | |
| Total: | | | | |

ADP No. 172/134341 (2015-15)
 247/134341 (2015-16)

new schemes for BO-E 60

1) GMS Talim Khan Kaley (PK-11)

ATTESTED

16.375
 0.375

 16.750
 0.250

 17.000
 0.500

 17.500
 C.U.

Annexure B

12

No. 3302 /3/1-M
Dated Peshawar the 14 /5/ 2015.

To

M/S Saeed Ullah Construction Co,
Govt. Contractor.

Subject: - ADP No.172/130341 (2014/15) Up-GRADATION OF 50 MIDDLE SCHOOLS TO HIGH SCHOOLS IN KPK (B&G 30:70) ON NEED BASIS
SH: Up-GRADATION OF 03 MIDDLE SCHOOLS IN DISTT: PESHAWAR
SUB HEAD: GGMS SHAHI BALA (PK-07) PESHAWAR

Reference:- Your Tender dated 25/03/2015

The item rate offered by you for the following items of BOQ with net Bid Cost of Rs. 15462285/- (Rupees Fifteen million Four Hundred Sixty Two Thousand Two Hundred & Eighty Five only) for the above noted work being lowest has been approved by Chief Engineer, (Centre) C&W Deptt: KPK Peshawar vide No.CEC/GST/7-2/5367, date 02/6/2015 as per following detail.

MAIN BUILDING (CIVIL WORK)

| S/N | Description | Qty | Unit | Rate | Amount (Rs). |
|-----|--|--------|------|---------|--------------|
| 01 | Excavation in foundation of building, bridges etc complete: In ordinary soil. | 465.09 | M3 | 156.10 | 72600.55 |
| 02 | Spraying anti-termite liquid mixed with water in the ratio of 1:40 | 618.40 | M2 | 11.39 | 7043.58 |
| 03 | Plain Cement Concrete incl. placing, compacting, finishing & curing (Ratio 1:4:8) | 51.68 | M3 | 4714.80 | 243660.8 |
| 04 | RCC in raft foundation slab, base slab of column & ret. wall etc, not inc in 06-06. Type C (1:2:4) | 179.00 | M3 | 7080.61 | 1267429. |
| 05 | Erecting & removing formwork to concrete in any shape / position (Vertical) | 84.46 | M2 | 415.31 | 35077.0 |

ATTESTED

| | | | | | |
|-----|--|--------|------|------------------------|----------|
| 09. | S&E transpower auto circuit breaker 3-phase, 400V fungus moisture proofing : 30 Amp. | 1.00 | Each | 4268.74 | 4268.74 |
| 10. | S&E single phase imported auto circuit breaker 6 Amp. | 15.00 | Each | 461.60 | 6924.00 |
| 11. | S&E single phase imported auto circuit breaker 15 Amp. | 5.00 | Each | 557.46 | 2787.30 |
| 12. | S&E girder clamp hook, 5/8" dia. for hanging ceiling fans | 32.00 | Each | 136.92 | 4381.44 |
| 13. | S&E best quality AC ceiling fan complete with GI rod, canopy, blades & regulator : 56" sweep | 25.00 | Each | 2943.95 | 73598.75 |
| 14. | S&E single core PVC insulated copper conductor 250/440 V grade cable : 3/0.029" | 150.00 | M | 30.08 | 4512.00 |
| 15. | S&E single core PVC insulated copper conductor 250/440 V grade cable : 7/0.029" | 950.00 | M | 51.54 | 48963.00 |
| 16. | S&E single core PVC insulated copper conductor 250/440 V grade cable : 7/0.044" | 120.00 | M | 114.64 | 13756.80 |
| 17. | S&E PVC pipe for wiring purpose complete Recessed in walls incl. chase etc : 1" i/d | 500.00 | M | 157.94 | 78970.00 |
| 18. | S&E best quality exhaust fan complete with shutter & regulator : 12" sweep | 4.00 | Each | 2220.57 | 8882.28 |
| | | | | Total Rs. 516000. | |
| | | | | G.Total Rs. 15462285.1 | |

Your are directed to execute Contract Agreement and start the work in consultation with Sub Divisional Officer incharge.

Time for completion of work is 18 months

NOTE:-

1. The work should be executed according to Specification/design as per approved PC-I/ Estimated Cost.
2. The scope of work should be restricted to the Administrative Approval and no deviation should be allowed under any circumstances except prior approval from the competent authority.
3. The work must be started under the instruction of Sub Divisional Officer incharge.

ATTESTED

GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

14

Annexure C

NO. CP/SPD-VPO/E&SE/I-5/DDWP/2017-18

Dated Peshawar the: 30-01-2018

- To
1. The Secretary,
Communication & Works Department,
Govt. of Khyber Pakhtunkhwa, Peshawar.
 2. The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
 3. The Chief (Education),
Planning & Development Department,
Govt. of Khyber Pakhtunkhwa, Peshawar.
 4. The Section Officer (Dev-I),
Finance Department, Govt. of Khyber Pakhtunkhwa.

SUBJECT: MINUTES OF THE DDWP MEETING HELD ON 10.01.2018 AT 10:30 AM UNDER THE CHAIRMANSHIP OF THE SECRETARY ELEMENTARY & SECONDARY EDUCATION DEPARTMENT IN THE COMMITTEE ROOM OF ELEMENTARY & SECONDARY EDUCATION DEPARTMENT.

I am directed to refer to the subject noted above and to forward herewith an original minutes of the DDWP meeting held on 10-01-2018 at 10.30 AM under the chairmanship of the Secretary Elementary & Secondary Education Department in the committee room of Elementary & Secondary Education Department for further necessary action please.

ATTESTED

(Fida Muhammad)
Planning Officer

Encl: Even No. and Date:

Copy to the: -

1. District Education Officers, (M&F), E&S Education, Districts Mardan, Nowshera, Swabi, Tank, Lakki Marwat, Swat, Bannu, Dir Lower, Shangla, Buner, Chitral, Charsadda, Abbottabad, Dir Upper, Haripur, Kohat, Karak & Peshawar for necessary action.
2. Executive Engineers, Communication & Works, Divisions Mardan, Nowshera, Swabi, Tank, Lakki Marwat, Swat, Bannu, Dir Lower, Shangla, Buner, Chitral, Charsadda, Abbottabad, Dir Upper Haripur, Kohat, Karak & Peshawar for necessary action.
3. Senior Planning Officer-I, Elementary & Secondary Education Department, Peshawar.
4. Senior Planning Officer-III, Elementary & Secondary Education Department, Peshawar.
5. Planning Officer-II, Elementary & Secondary Education Department, Peshawar.
6. Monitoring Officer (Tech), E&S Education Department, Peshawar.
7. PS. to Secretary, E&S Education Department, Govt. of Khyber Pakhtunkhwa.
8. PS. to Additional Secretary, E&S Education Department, Govt. of Khyber Pakhtunkhwa.

Officer

(15)

Annexure 4D

District Education Officer
Female Peshawar
No. 1493
Dated 28/10/2017

To,

Senior Planning Officer
Elementary & Secondary Education
Govt: of Khyber Pakhtunkhwa
Peshawar.

Subject: - CHANGE OF SITE.

Memo,

I am to refer to the subject cited above and to request for the following change of sites as per below details on need basis and in the interest of public service.

| S.No. | ADP No. | Name of Scheme | Approved/Present Site | Proposed Site |
|-------|------------|----------------------------|---|------------------------|
| 1. | 251/140193 | Const. of Science Lab | GGHS Urmar Miana | GHS Mian Gujjar |
| 2. | 247/130341 | Upgradation Middle to High | GGMS Shahi Bala S/T GGMS Darmangi S/T GGMS Garanga Bala | GGMS Hameed Abad PK-07 |
| 3. | 251/140193 | Const. of Science Lab | GGHS Malogo | GGHS Daman Afghani |

W.F.
District Education Officer
o/c (Female) Peshawar

Endst: No, _____

Copy forwarded to the: -

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

ATTESTED

W.F.
District Education Officer
o/c (Female) Peshawar

FOR THE MONTH OF 06/2015

Annexure - E

16

| S. No | Scope of the Scheme | Achievement to the End of Previous Year | Physical Target Dg CFY | Achievement Dg CFY | Total Achievement Since Commencement | Physical Progress | Scheduled Date of Completion | Remarks |
|-------------|---|---|------------------------|--------------------|--------------------------------------|-------------------------------|------------------------------|-------------------------------------|
| | | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 1671/130336 | Upgradation of 50 Primary Schools to Middle Level in Khyber Pakhtunkhwa | | | | | | | Total = 05 Work In Progress = 02 |
| 1 | Class Rooms = 02 No | | | | | DPC Level | | |
| 2 | Principal Office = 1 No | | | | | RA not received | | |
| 3 | Group Lavatory = 4 No | | | | | Roofing in Progress | | Work Order Issued |
| 4 | TubeWell boore | | | | | | | |
| 5 | BMWall | | | | | | | |
| 6 | Internal Electrification Work | | | | | | | Sub work handed over |
| 1711/130340 | Upgradation of 25 Govt High Schools to Higher Secondary level in Khyber Pakhtunkhwa (B&G) on need basis | | | | | | | |
| 1 | Scope: | | | | | Super Structure in progress | | |
| 1721/130341 | Upgradation of 50 Middle schools to High level in Khyber Pakhtunkhwa (B&G) (30:70) on need basis. | | | | | Super Structure in progress ✓ | | Total = 03 Work in Progress = 1 |
| 1 | Scope: 3-Nos C/Rooms + Veranda Head Master Rqom BMWall, TMWall G. Lawn Internal Electrification | | | | | Super Structure in progress | | Work order Issued |
| 2 | | | | | | | | |
| 3 | | | | | | | | Work order Issued |

ATTESTED

Sector: - School & Literacy
Sub Sector: -Secondary Education (New Schemes)

PROGRESS REPORT / REVIEW

| ADP S.NO | Name of Scheme | Total Cost | Status of Scheme | | Date of Comment | Expri Ending PFY | Allocation of Bg CFY | | | Expenditure during the | | Progressive Expenditure | Financial Utilization during CFY |
|-----------------------|---|------------|------------------|---------------|-----------------|------------------|----------------------|-----------|-------|------------------------|-------|-------------------------|----------------------------------|
| | | | AA with Date | T/S with Date | | | Origin al | Release s | Month | Year | | | |
| 1 | Up-gradation of 50 Primary Schools to Middle level in Khyber Pakhtunkhwa (02 units) 01 Unit in PK-11 | | | | | | | | | | | | |
| 1 | (GGPS Yousaf Khel Umar Payan) | | 11.492 | 15.2.2015 | 25.4.15 | | | | | | | | |
| 2 | GGPS Baghbanan PK-10 Peshawar | | 9.993 | 15.2.2015 | | | | | | | | | |
| 3 | GPS Mera Sama Badaber Hurizai | | 9.993 | 15.2.2015 | 23.4.15 | | | | 2.073 | 5.296 | 5.296 | | |
| 4 | GPS No.2 Badabar Hurizai | | 9.993 | | | | | | | | | | |
| 246 1777 130340 | Up-gradation of 25 Govt High Schools to Higher Secondary level in Khyber Pakhtunkhwa (B&G) on need basis. (01 unit) | | | | 18.5.15 | | | | 6.342 | 6.342 | 6.342 | 6.342 | 100% |
| 1 | GHS Budni (PK-09) | | 22.989 | 16.2.2015 | | | | | 6.342 | 6.342 | 6.342 | 6.342 | 100% |
| 247 1727 130341 | Up-gradation of 50 Middle schools to High level in Khyber Pakhtunkhwa (B&G) (30.70) on need basis. | | | | | | | | 6.000 | 6.000 | 6.000 | 6.000 | 100% |
| 1 | GMS Jati Bala (PK-09) | | 13.99 | 15.2.2015 | 23.5.15 | | | | 6.000 | 6.000 | 6.000 | 6.000 | 100% |
| 2 | GGMS Shahi Ba a PK-07 | | 16.00 | 15.2.2015 | | | | | | | | | |
| 3 | GMS Musharza PK. | | 13.99 | | | | | | | | | | |
| | | | 15.2.15 | | | | | | | | | | |

ATTESTED

(1)

PROGRESS REPORT / REVIEW

Sector : - School & Literacy

Sub Sector: - Secondary Education

(Rupees in Million)

| ADP/SL NO | Name of Scheme | Total Cost | Status of Scheme | | Date of Commencement | Expf. Ending PFY | Allocation Dg CFY | | Expenditure during the | | Progressive Expenditure | Financial Utilization during CFY |
|----------------|---|------------|---------------------|--------------|----------------------|------------------|-------------------|----------|------------------------|--------|-------------------------|----------------------------------|
| | | | AA with Date | TD with Date | | | Original | Releases | Month | Year | | |
| 1 | Up-gradation of 50 Primary Schools to Middle level in Khyber Pakhtunkhwa (02 units) 01 Unit in PK-11 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 243/ 130336 | Up-gradation of 50 Primary Schools to Middle level in Khyber Pakhtunkhwa (02 units) 01 Unit in PK-11 | | 11,492 16.2.2015 | | 25.4.15 | 3,203 | | 13,444 | | 4,741 | 13,241 | 35% |
| 1 | (GGPS Yousaf Khel Urmar Payan) PK-11 | | 16.2.2015 | | | | | | | | 3,203 | |
| 2 | GGPS Baghbanan PK-10 Peshawar | | 9,993 16.2.2015 | | | | | | | | | |
| 3 | GPS Mera Sama Badaber. PK- 10 | | 9,993 16.2.2015 | | 23.4.15 | 5,296 | | | | | 10,037 | |
| 4 | GPS No.2 Badabar Hurzai PK-10 | | 9,993 | | | | | | | | | |
| 246/ 130340 | Up-gradation of 25 Govt High Schools to Higher Secondary level in Khyber Pakhtunkhwa (8&G) on need basis. (01 unit) | | | | 18.5.15 | 6,342 | | 14,274 | 5,857 | 10,095 | 16,437 | 71% |
| 1 | GHS Budni (PK-09) | | 22,989 16.2.2015 | | | 6,342 | | | | 4,237 | 10,579 | |
| 247/ 130341 | Up-gradation of 50 Middle schools to High level in Khyber Pakhtunkhwa (8&G) (30-70) on need basis. | | | | | 6,000 | | 20,250 | 0,046 | 6,247 | 12,247 | 30% |
| 1 | GMS Jatti Bala (PK-09) | | 13,99 16.2.2015 | | 23.5.15 | 6,000 | | | | 4,460 | 10,460 | |
| 2 | GGMS Shahi Bala PK-07 | | 16 16.2.2015 | | | | | | | | | |

ATTACHED

18

PROGRESS REPORT / REVIEW

Sector:- School & Literacy

Sub Sector:- Secondary Education

(Rupees in Million)

| ADP/SL NO | Name of Scheme | Total Cost | Status of Scheme | | Date of Comment | Expr. Ending PTV | Allocation Dg CFY | | Expenditure during the | | Progressive Expenditure | Financial Utilization during CFY |
|----------------------|---|------------|----------------------|----------------------|-----------------|------------------|-------------------|----------|------------------------|--------|-------------------------|----------------------------------|
| | | | AA with Date | T.S with Date | | | Original | Releases | Month | Year | | |
| 1 | Up-gradation of 25 Govt High Schools to Higher Secondary level in Khyber Pakhtunkhwa (B&G) on need basis. | 26.25 | 22.989 | 21.599 | 18.5.15 | 21.950 | 2.548 | 2.548 | 2.548 | 2.548 | 24.498 | 0% |
| 1 | GHS Budni (PK-09) | | 22.989 16.2.2015 | 24.609 16-05-2017 | 15.05.2015 | 21.950 | 0 | 0 | 2.548 | 2.548 | 24.498 | |
| 252/ 130341 OG | Up-gradation of 50 Middle schools to High level in Khyber Pakhtunkhwa (B&G) (30-70) on need basis. | 60.056 | 60.995 | 44.952 | - | 21.420 | 10.144 | 10.144 | 5.172 | 10.144 | 31.564 | |
| 1 | GMS Jari Bala (PK-09) | | 13.999 16.2.2015 | 13.999 29.07.2015 | 23.5.15 | 11.649 | 0 | 0 | 0 | 0 | 11.649 | |
| 2 | GGMs Shahi Bala PK-07 | | 16.000 16.02.2015 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| 3 | GMS Musharza (PK-11) | | 13.999 16.2.15 | 14.080 30.12.2016 | 25.05.2015 | 5.828 | 0 | 0 | 0 | 0 | 6.789 | |
| 4 | GGMs Talim Khan Kakey (PK-11) | | 17.015 | 16.633 30-12-2015 | 26.01.2016 | 3.94 | 0 | 0 | 5.172 | 13.123 | 13.123 | |

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ATTESTED

| S. No | Scope of the Scheme | Achievement to the End of Previous Year | Physical Target Dg CFY | Achievement Dg CFY | Total Achievement Since Commencement | Physical Progress | Scheduled Date of Completion | Remarks |
|----------------|--|---|------------------------|--------------------|--------------------------------------|--|------------------------------|--|
| 14 | | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 251/ 130340 | Upgradation of 25 Govt High Schools to Higher Secondary level in Khyber Pakhtunkhwa (B&G) on need basis | 95,480 | 11,084 | 106,564 | 202,044 | | | Total =01 Work in Progress=01 |
| 1 | Scope of Work: 1. 4 Nos. Class Room 30'x20' 2. 4 Nos. Lab. 25'x30' 3. 4 Nos. Store 10'x10' 4. 4 Nos. offices 10'x10' 5. B/W, G/L. | | | | | M/Bidge: Completed, G/L: Completed B/W: Completed T/W: Completed. | | Rs. 2,649 (M) Liability. |
| 252/ 130341 | Upgradation of 30 Middle schools to High level in Khyber Pakhtunkhwa (B&G) (30.76) on need basis. | 35,118 | 16,631 | 51,749 | 86,866 | Work Completed & Roof Treatment in Progress | Beyond | Total =04 Work in Progress=3 Site Not H/O=01 |
| 1 | | | | | | Work order Issued Site not H/O. | | Reminder-IX issued to EKSE Deptt. vide letter No. 2050/1-WB dated 04.7.2017 regarding non clearance of site. |
| 2 | 1. C/Rooms 3x25x16+ Veranda + Head Master Offices 2. B/Wall 3. T/Wall 4. G/L 5. Internal Electrification 6. W/Supply | 1,11,99 | | | | C/F Roof Laid & Masonry Work Completed. B/W: Upo DPC Level Completed. | | |
| 3 | | | | | | M/G: Roof Laid & Plaster Completed B/W: Completed T/W: Completed G/L: Roof Laid & Plaster Completed | | |
| 4 | | | | | | | | |

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ATTESTED

PROGRESS REPORT / REVIEW

Sector:- School & Literacy

Sub Sector:- Secondary Education

(Rupees in Million)

| ADPST NO | Name of Scheme | Total Cost | Status of Scheme | | Date of Commencement | Expr. Ending PFY | Allocation Dg CFY | | Expenditure during the | | Progressive Expenditure | Financial Utilization during CFY |
|----------|------------------------|----------------------------------|---------------------|--------------|----------------------|------------------|-------------------|----------|------------------------|-------|-------------------------|----------------------------------|
| | | | AA with Date | TS with Date | | | Original | Releases | Month | Year | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 5 | CGPS Gulacai (PK-09) | 656250(G) RDWPF 09-10-2013 | 17842 12-01-2016 | 24600 | 18.5.15 | 24498 | 6718(G) 1011 | | | 0.790 | 25288 | 7754 |
| 1 | GHS Budni (PK-09) | 250700(G) RDWPF 09-10-2013 | 22989 16-02-2015 | 24600 | 15.05.2015 | 24498 | | | | 0.790 | 25288 | |
| 1 | GMS Janti Bala (PK-09) | 1399 | 16-02-2015 | 133999 | 23.5.15 | 11649 | | | | 2.625 | 13975 | |
| 2 | CGMS Shahi Bala PK-07 | 16000 | 16-02-2015 | | 14.05.2015 | | | | | | | |

(21)

NOTED

FOR THE MONTH OF 12/2017

| S. No | Scope of the Scheme | Achievement to the End of Previous Year | Physical Target Dg CFV | Achievement Dg CFV | Total Achievement Since Commencement | Physical Progress | Scheduled Date of Completion | Remarks |
|-------|---|--|------------------------|--------------------|--------------------------------------|--|------------------------------|---|
| 5 | Operation of 25 Govt High Schools (M/J) & Secondary level in Khyber Pakhtunkhwa (B&G) on need basis. | 100% | - | - | 100% | Work Order Issued Site Not H/O | Beyond | Reminder-XV issued to E&SE Deptt. vide letter No. 2784/1-WB dated 27-12-2017 Regarding non clearance of site. |
| 1 | Scope of Work: 1. 4 Nos. Class Room 30'x20' 2. 4 Nos. Lab. 25'x30' 3. 4 Nos. Store 10'x10' 4. 4 Nos. offices 10'x10' 5. B/W, G/L | 100% | - | 3% | 100% | Work Completed & Handred Over. | | |
| 1 | Upgradation of 50 Middle Schools (High Leveling) & 100 Primary Schools (B&G) (M/J) on need basis. | 57% | - | 92% | 91% | | DEC | Total = 04 Work in Progress = 3 Site Not H/O = 01 |
| 1 | 1. C/Rooms 3x25x16+ Veranda + Head Master Offices 2. B/Wall, 3. T/Wall 4. G/L | 1. 14.99 2. 1.516 3. 1.00 4. 1.25 | 83% | 19% | 100% | M/B: Completed G/L: Finishing in progress B/W: Completed | | |
| 2 | 5. Internal Electrification 6. W/Supply | 5. 0.576 6. 0.2 | - | - | - | Work order Issued Site not H/O | | Reminder-XV issued to E&SE Deptt. vide letter No. 2784/1-WB dated 27-12-2017 Regarding non clearance of site. |

22

ATTESTED

| S. No | Scope of the Scheme | Achievement to the Target Dg CFY | Physical Achievement Since Commencement | Physical Progress | Scheduled Data of Completion | Remarks |
|------------|--|----------------------------------|--|-------------------|------------------------------|--|
| | | 15 | 17 | 19 | 20 | 21 |
| 243/130336 | Upgradation of 50 Primary Schools to Middle level in Khyber Pakhtunkhwa | 3.96 | Root Laid, G/L completed, B/W in progress | PC-1 submitted | | Total = 04 Work in Progress = 03 PC-1 Submitted = 01 |
| 1 | Class Rooms = 02 No Principal Office = 1 No Group Lavatory = 4 No Tubewell boore, B/Wall Internal Electrification Work | | | | | |
| 2 | | | | | | |
| 3 | | | M/B Finishing in progress G/L Bore & B/W completed Dev/Works in progress. | | | |
| 4 | | | S.S completed, Bore completed | | | |
| 246/130340 | Upgradation of 25 Govt High Schools to Higher Secondary level in Khyber Pakhtunkhwa (B&G) on need basis | | | | | Total = 01 Work in Progress = 01 |
| 1 | Scope: | | B.B Work /Flooring | | | |
| 247/130341 | Upgradation of 50 Middle schools to High level in Khyber Pakhtunkhwa (B&G) (30:70) on need basis | | | | | Total = 04 Work in Progress = 2 Work Order Issues = 1 Tender = 01 |
| 1 | | | Plaster Flooring in progress | | | T.S submitted |
| 2 | Scope: 3-Nos C/Rooms + Veranda Head Master Room B/Wall, T/Well G. Lawn Internal Electrification | | | | | Work order issued Shifted to Deraingi Site not H/O. |

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ATTESTED

Sector:- School & Literacy
Sub Sector:- Secondary Education

| ADP SL NO | Name of Scheme | Total Cost | Status of Scheme | | Date of Commencement | Expr. Ending PFY | Allocation Dg CFY | | Expenditure during the | | Financial Utilization during CFY | |
|------------|---|------------|----------------------|---------------------|----------------------|------------------|-------------------|----------|------------------------|-------|----------------------------------|----|
| | | | AA with Date | T.S with Date | | | Original | Releases | Month | Year | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 254/130341 | Up-gradation of 50 Middle schools to High level in Khyber Pakhtunkhwa (B&G) (30:70) on need basis. | | 13.99 16.2.2015 | | 23.5.15 | 11.649 | | | 0.368 | 0.639 | 21.788 | |
| 1 | GMS Jatti Bala (PK-09) | | | | | | | | | | 11.649 | |
| 2 | GGMS Shahi Bala PK-07 | | 16.000 16.02.2015 | | 14.05.2015 | | | | | | | |
| 3 | GMS Musharraf (PK-11) | | 13.99 16.2.15 | 13.93 | 25.05.2015 | 5.828 | | | | | 5.828 | |
| 4 | GGMS Talim Khan Kaley (PK-11) | | 17.015 | | 26.01.2016 | 3.94 | | | 0.368 | 0.639 | 4.211 | |
| 255/130342 | Education Sector Reforms Programme- Up-Gradation of 50 Primary Schools (B&G) to Middle level on need basis in KPK(SBSE) | | | | | 29.700 | | 2.462 | 0.648 | 1.479 | 31.179 | 0% |
| 1 | GGPS Hamid Abad Salar Qila PK-07 Peshawar. | | 9.900 16.2.2015 | 9.900 02-03-2016 | 20.04.2015 | 9.827 | | | | 0.111 | 9.938 | |
| 2 | GGPS Kattar PK-09 | | 9.900 16.2.2015 | 9.408 25.11.2016 | 13.03.2015 | 7.606 | | | | | 7.606 | |
| 3 | GPS Kaniza (PK-07) | | 9.996 16.2.2015 | 9.912 25.11.2016 | 20.04.2015 | 6.802 | | | | 0.1 | 6.902 | |
| 4 | GPS Umar Mina No.4 (PK-11) | | 9.996 16.2.2015 | | 22.4.2015 | 4.864 | | | | 0.62 | 5.484 | |

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| S.No | Scope of the Scheme | Achievement to the End of Previous Year | Physical Target Dg (%) | Achievement Dg (%) | Total Achievement Since Commencement | Physical Progress | Scheduled Date of Completion | Remarks |
|------|--|---|------------------------|--------------------|--------------------------------------|--|------------------------------|---|
| 1 | 254/ 130341 Upgradation of 50 Middle schools to High level in Khyber Pakhtunkhwa (B&G) (30-70) on need basis. | 15 | 16 | 17 | 18 | 19 M/B: Plastering Completed B/W: Completed | 20 | 21 Total =04 Work in Progress=3 Site Not H/O=01 Completed=01 Reminder-IV issued to E&SE Deput. vide letter No. 1393/1-WB dated 03-01-2017 regarding non clearance of site. |
| 2 | Scope: 3-Nos C/Rrooms + Veranda Head Master Room B/Wall, T/Wall, G. Lawn Internal Electrification | | | | | G/F: Roof Laid S.S Masonary Completed | | Rs. 2.50 (M) Liability. |
| 3 | Education Sector Reforms Programme. Up-Gradation of 50 Primary Schools (B&G) to Middle level on need basis in (KPK(SBSE)) | | | | | M/B: Roof laid S.S BB Work Completed B/W: S.S Masonary Completed T/W: Completed | | Total =11 Work in Progress= 04 Complete=01 W/O issued=05 DCCE Submitted= 01 |
| 4 | 1 Scope of Work: 1. 3 Nos. Class Room 25x16' 2. Head Maier 16x16' 3. B/W 4. Ind. Electn 5. T/W. | | | | | Completed H/O | | |
| 3 | 2 Scope of Work: 1. 3 Nos. Class Room 25x16' 2. Head Maier 16x16' 3. B/W 4. Ind. Electn 5. T/W. | | | | | M/B: Completed B/W Completed G/L: Completed | | Rs. 0.70 (M) Liability. |
| 4 | 3 Scope of Work: 1. 3 Nos. Class Room 25x16' 2. Head Maier 16x16' 3. B/W 4. Ind. Electn 5. T/W. | | | | | M/B: Flooring in Progress B/W: Completed Bore: Completed G/L: Roof Laid | | Rs. 5.13 (M) Liability. |

25

ATTESTED

NOTED

Sector :- School & Literacy
Sub Sector: - Secondary Education

(Rupees in Million)

| ADPST NO | Name of Scheme | Total Cost | Status of Scheme | | Date of Commencement | Expir Ending FY | Allocation Dg CFY | | Expenditure during the | | Progressive Expenditure | Financial Utilization during CFY |
|------------|--|------------|---------------------|---------------------|----------------------|-----------------|-------------------|----------|------------------------|-------|-------------------------|----------------------------------|
| | | | AA with Date | T5 with Date | | | Original | Releases | Month | Year | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 247/130341 | Up-gradation of 50 Middle schools to high level in Khyber Pakhtunkhwa (B&G) (30:70) on need basis. | | | | | 6000 | | 15420 | 2800 | 15420 | 21420 | 100% |
| 1 | GMS Jatti Siala (PK-09) | | 1399 16.2.2015 | | 23.5.15 | 6000 | | | | 5649 | 11649 | |
| 2 | GGMS Shehri Bala PK-07 | | 16000 16.07.2015 | | 14.05.2015 | | | | | | | |
| 3 | GMS MUSTERZAI (PK-11) | | 1399 16.2.15 | 13.93 | 25.05.2015 | | | | 28 | 5828 | 5828 | |
| 4 | GGMS Farim Khan Kaley (PK-16) | | 17015 | | 26.01.2016 | | | | | 394 | 394 | |
| 248/130342 | Education Sector Reforms Programme: Up-Gradation of 50 Primary Schools (5 & 6) to Middle level on need basis in KPK(SBSE) | | | | | 14700 | | 15000 | 0417 | 15000 | 29700 | 100% |
| 1 | GGPS Haraid Abad Salar Qala PK-07 Peshawar. | | 9900 16.2.2015 | 9.900 02-03-2016 | 20.04.2015 | 3465 | | | | 6362 | 9827 | |
| 2 | GGPS Kattar PK-09 | | 99 16.2.2015 | | 13.03.2015 | 5047 | | | | 2559 | 7606 | |
| 3 | GPS Kaniza (PK-07) | | 9995 16.2.2015 | 99788 | 20.04.2015 | 4762 | | | 0417 | 2457 | 6802 | |

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ATTACHED

| S.No | Scope of the Scheme | Achievement to the End of Previous Year | Physical Target Dg CFY | Achievement Dg CFY | Total Achievement Since Commencement | Physical Progress | Scheduled Date of Completion | Remarks |
|----------------|--|---|------------------------|--------------------|--------------------------------------|--|------------------------------|---|
| 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | |
| 247/ 130342 | Upgradation of 50 Middle schools to High level in Khyber Pakhtunkhwa (B&G) (30:70) on need basis. | | | | | | | Total =04 Work in Progress=3 Site Not H/O=01 |
| 1 | | | | | | Flooring & in progress Roof LAID | | |
| 2 | Scope: 3-Nos C/Rooms + Veranda Head Master Room B/Wall, T/Well G. Lawn Internal Electrification | | | | | 1. Work order issued 2. Site not H/O | | |
| 3 | | | | | | Roof in progress | | |
| 4 | | | | | | S/S Column In Progress | | |
| 248/ 130342 | Education Sector Reforms Programme. Up-Gradation of 50 Primary Schools (B&G) to Middle level on need basis in KPK(SBSE) | | | | | | | Total =11 Work In Progress= 04 Tender=05 DCE Submitted= 02 |
| 1 | Scope of Work: 1. 3 Nos. Class Room 25'x16' 2. Head Mater 16'x16' 3. B/W 4. Int. Electn. 5. T/W: | | | | | Completed | | |
| 2 | | | | | | Finishing in progress | | |
| 3 | | | | | | M/B: Finishing in progress G/L: Finishing in progress B/W: in progress | | |

27

ATTESTED



28

OFFICE OF THE SUB DIVISIONAL OFFICER III
BUILDING DIVISION-I PESHAWAR

Annexure 'F'

No. 780/L-c

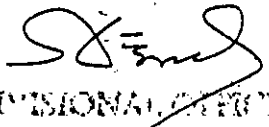
Dated Peshawar the 22/08/2019

MR. YASIR MEHMOOD
CONSTRUCTION CO.

UP-GRADATION OF GOVERNMENT HANMURAH SCHOOL HIGHER SECONDARY

During my visit to the school yesterday the work was found incomplete. However many deficiencies and rectification work in P.V.S.S, Internal Electrical wiring, roof treatment were found.

You are hereby strictly directed to employ your labour force at site and complete all the works requiring rectification as pointed out in the visit so as the scheme can be handed over to education department for early functioning.


SUB DIVISIONAL OFFICER III
Building Division-I
Peshawar

Copy to:-

- 1- Executive Engineer building division - 1 for information
- 2- Mr Yasir Mehmood Sub Engineer for necessary action and to update the under signed regularly

SUB DIVISIONAL OFFICER III
Building Division-I
Peshawar


TESTED

29

Annexure F
Better Copy

**OFFICE OF THE SUB DIVISIONAL OFFICER III
BUILDING DIVISION PESHAWAR**

No. 780/1-C

Dated: Peshawar the 22/08/2019

To

M/S SAEED ULLAH
CONSTRUCTION CO

Subject: **UP-GRADATION OF GGMS HAMMID ABAD TO HIGH LEVEL.**

During my visit to the scheme yesterday the work was found completed. However, many deficiencies and rectification work in IWSS, internal Electrification roof treatment were found.

You are hereby strictly directed to employ your labour force at site and complete all the work requiring rectification pointed out in the visit so as the scheme can be handed over to education department for early functioning.

Sd/-
**SUB DIVISIONAL OFFICER III
BUILDING DIVISION-I
PESHAWAR**

Copy to:

1. Executive Engineer building division-I for information.
2. Mr. Yasir Mehmood Sub Engineer for necessary action and to update the under signed regularly.

Sd/-
**SUB DIVISION OFFICER III
PESHAWAR**



(30) *Annexure - F/1*
OFFICE OF THE SUB DIVISIONAL OFFICER III
BUILDING DIVISION-I PESHAWAR

No. 803/1-C

Dated Peshawar the 30/10/2019

To

M/S SAEED ULLAH
CONSTRUCTION CO.

Subject: UP-GRADATION OF GGMS HAMMID ABAD TO HIGH LEVEL.

During visit to the scheme, it was reveled and Chokidar of the school informed that the work is stopped for the last one week . It is astonishing to note that you abandoned the site and stopped the work without any intimation to this office.

You are hereby directed to explain the reasons for stopping the work and resume the work immediately and complete the rectification work with in three weeks .

for
o/c
SUB DIVISIONAL OFFICER III
Building Division-I
Peshawar

Copy to:-

- 1- Executive Engineer building division -I for information
- 2- Mr.Yasir Mehmood Sub Engineer for necessary action .

for
SUB DIVISIONAL OFFICER III
Building Division-I
Peshawar

(Signature)
ATTESTED

(31)

Annexure-6
ES-001

PC-IV FORM

GOVERNMENT OF PAKISTAN
PLANNING COMMISSION

ATTESTED

PROFORMA FOR DEVELOPMENT PROJECTS
(PROJECT COMPLETION REPORT)

NAME OF WORK: UP-GRADATION OF 50 MIDDLE SCHOOLS TO HIGH LEVEL
IN KHYBER PAKHTUNKHWA (B&G) 30:70 ON NEED BASIS
ADP# 172/130341 (2014-15) IN DISTRICT PESHAWAR.

SUB HEAD:- GGMS SHAIH BALA S/T HAMMID ABAD (PK-07) DISTRICT
PESHAWAR.

32

Government of Pakistan
Planning Commission

ES-001
Program PC-IV

To be furnished immediately after completion of Project regardless of whether or the accounts of the Project have been closed.

| | | | |
|------|------------------------|--|-----------------------|
| 1 | Name of the Project | ADP No 172/130341(2014-15) NAME OF WORK: UP-GRADATION OF 50 MIDDLE SCHOOLS TO HIGH LEVEL IN KHYBER PAKHTUN KHWA (B&G) 30:70 ON NEED BASIS. S.H: GOVT GIRLS MIDDLE SCHOOL SHAHI BALA S/T HAMMID ABAD (PK-07) IN DAISTRICT PESHAWAR. | |
| 2 | Sponsoring Ministry | | |
| 3 | Executing Agency | Communication & Works Department Education Department | |
| 4 | Main Objectives | | |
| 5 | Date of Approval | 06/07/2015 | |
| | • Original | 16.375 (Million) | |
| 6 | Implementation Period. | Commencement | Completion 18Month |
| | • As per PC-I | 01/05/2018 | |
| | • As per Actual | | |
| 7 | Capital Cost. | Planned | (Million Rs.) |
| | • Original | 13.839 (Million) | Actual |
| | • Revised | | 13.839 (Million) |
| 7(a) | Recurring Cost | Planned | (Million Rs.) |
| | • Original | | Actual |
| | • Revised | | |

ATTESTED

8. Financial Phasing as per PC-I and Expenditure.

| Year | Funds Requirement | | PSDP Allocation | | Releases | | (Million Rs.) Expenditure. | |
|------|-------------------|-----|-----------------|-----|-----------|-----|----------------------------|-----|
| | Total | FEC | Total | FEC | Total | FEC | Total | FEC |
| 1 | 13.839 | | | | 13.839 | | 13.839 | |
| | (Million) | | | | (Million) | | (Million) | |
| | | | | | | | | |

9. Physical Targets and Achievements.

33

| S. No | Items as per PC-I | Unit | Quantity | Actual Achievements |
|-------|--|------|----------|---------------------|
| 1. | ADP No 172/130341(2014-15) NAME OF WORK: U.I. GRADATION OF 50 MIDDLE SCHOOLS TO HIGH LEVEL IN KHYBER PAKHTUNKHWA (B&C) 30:70 ON NEED BASIS. S.H: GOVT GIRLS MIDDLE SCHOOL, SHAHI BALA S/T HAMMID ABAID (PK-07) IN DISTRICT PESHAWAR | 1 | 1 | 100% |

10. Item-wise Planned & Actual Expenditure.

| Item | PC-I Estimates | | | Actual Expenditure | | |
|-----------------------|----------------|-------|-----|--------------------|-------|-----|
| | total | Local | PEC | Total | Local | PEC |
| NOT APPLICABLE | | | | | | |

10 (a). Item-wise Recurring Cost (Planned & Actual)

| Item | PC-I Estimates | | | Actual Expenditure | | |
|-----------------------|----------------|-------|-----|--------------------|-------|-----|
| | total | Local | PEC | Total | Local | PEC |
| NOT APPLICABLE | | | | | | |

11. Quantifiable Benefits. Of the Project.

- (a) Technological. Yes
- (b) Social. Yes
- (c) Services. Yes
- (d) Financial. Yes
- (e) Economics. Yes
- (f) Employment Generated. Yes
- (g) HRD. Yes

TESTED

12. Financial/Economic results based on actual cost.

(a) Financial.

- Net present worth.
- Benefit cost ratio.
- Internal financial rate of return.

(b) Unit cost analysis. 13.839 (Million)

(c) Economic.

- Net present worth. 13.839 (Million)
- Benefit Cost ratio.
- Internal economic rate of return.

For Social Sectors: Provide only unit cost analysis.

17. Whether the Project has been implemented as per approved scope of the project. If not provides details justification of variation. Yes

13. Achievement of Objectives, as envisaged in the Project. Yes

14. (a). Impact of the Project. It would enhance education in masses, create additional employment.

15. Lessons learned in

- (a) Project identification O.K
- (b) Project preparation. O.K
- (c) Project approval. O.K
- (d) Project financing. Sec. PC-I provision with actual release.
- (e) Project implementation. N.A.

16. Suggestions for planning & implementation similar projects.

- The site should be handed over by Client Department, prior to its approval of scheme.
- The financing should be as per provision of PC-I.

ATTESTED

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CERTIFICATE:

We the undersigned handed over/taken over the building after spot inspection with regard to

NAME OF WORK: -ADP No. 172/130341 (2014-15).UP-GRADATION OF 50 GOVT MIDDLE SCHOOL TO HIGH LEVEL IN KHYBERPAKHTUNKHWA, (B&G) 30:70 ON NEED BASIS

SUB HEAD:- GGMS SHAHI BALA S/T HAMMID ABAJ (PK-07) PESHAWAR.

| S.No. | ITEMS | SIZE | Nos. |
|-------|-----------------|----------------|----------|
| 1 | SCIENCE LAB | 30' X 24' | 02 |
| 2 | STORE / PREP | 10' X 11' | 02 |
| 3 | STORE | 24' X 10' | 01 |
| 4 | CLASS ROOMS | 20' X 24' | 02 |
| 5 | H.M OFFICE | 14' X 13' | 01 |
| 6 | STAFF ROOM | 20' X 14' | 01 |
| 7 | CLERK OFFICE | 14'-8" X 9'-3" | 01 |
| 8 | BATH | 05' X 7' | 03 |
| 9 | STORE | 5' X 4' | 01 |
| 10 | VERANDAH | 0' | OVER ALL |
| 11 | GROUP LAVATORY | 6' X 4' | 04 NOS |
| 12 | Tube lights | 4' | 32 NOS |
| 13 | Calling Fans | 56" | 35 NOS |
| 14 | TUBEWELL BORING | COMPLETE | 01 |
| 15 | EXCAST FAN | 12" | 07 NOS |

TAKEN OVER:

ATTESTED

HANDED OVER:

Signature Asaf Ullah District Edu: Officer
(Name in Block letters of the Reporting Officer of Education Department, Peshawar)

Signature _____
(Name in Block letters of the Reporting Officer of C & W Department) Sub Divisional Officer Building Sub Divn: No III Peshawar

The Officer/Official of the Education Department who took over the Building should write actual portion of the following points: -

1. Quality of Construction Work** Satisfactory.
2. Total Covered Area " _____
3. Scheme year under which Construction approved. "
4. Whether newly constructed building is being used for housing etc.
5. Any other relevant information.

(Name and Designation in Block letter Signature. _____)

COMPLETION CERTIFICATE

Certified that the construction of "ADP No. 172/130341 (2014-15).

NAME OF WORK : UP-GRADATION OF 50 GOVT MIDDLE SCHOOL TO HIGH LEVEL IN
 KHYBERPAKHTUNKHWA (B&G) 30:70 ON NEED BASIS
 SITE (AD):- GCMS SHAHI BALA S/T HAMMID ABAD (PK-07) PESHAWAR.

| S.N. | ITEMS | SIZE | Nos. |
|------|-----------------|----------------|----------|
| 1 | SCIENCE LAB | 30' X 24' | 02 |
| 2 | STORE / PREP | 10' X 11' | 02 |
| 3 | STORE | 24' X 10' | 01 |
| 4 | CLASS ROOMS | 20' X 24' | 02 |
| 5 | H.M OFFICE | 14' X 13' | 01 |
| 6 | STAFF ROOM | 20' X 14' | 01 |
| 7 | CLERK OFFICE | 14'-8" X 9'-3" | 01 |
| 8 | BATH | 05' X 7' | 03 |
| 9 | STORE | 5' X 4' | 01 |
| 10 | VERANDAH | 9' | OVER ALL |
| 11 | GROUP LAVATORY | 6' X 4' | 04 NOS |
| 12 | Tube lights | 4' | 32 NOS |
| 13 | Celling Fans | 36" | 35 NOS |
| 14 | TUBEWELL BORING | COMPLETE | 01 |
| 15 | EXCAST FAN | 12" | 07 NOS |

[Signature]
 Assistant District Officer
 (P&D) School & Literacy
 Peshawar
 Asstt. District Edu: Officer
 (Female) Peshawar

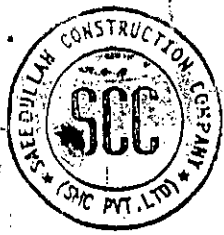
[Signature]
 Sub Divisional Officer
 Building Sub Division-III
 Peshawar
 Sub Divisional Officer
 Building Sub Division-III
 Peshawar

ATTESTED

[Signature] 17/12/2020
 DISTRICT OFFICER FEMALE
 SCHOOLS & LITERACY
 PESHAWAR
 District Education Officer
 (Female) Peshawar

27/12/20
 ADC (F&P)
 DC Office Peshawar

[Signature]
 EXECUTIVE ENGINEER
 BUILDING DIVISION-I
 PESHAWAR



SAEEDULLAH CONSTRUCTION COMPANY

(SMC - PVT.) LTD.

Annexure - 92

Govt. Contractor & General Order Suppliers

Works and Services Department P.H.E. PPWD Irrigation Deptt F.H.A. K.P.K.

M.D. Saeed Ullah
Mob: 0312-8887717
0300-9033019

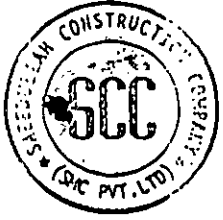
Date: 26/07/2019

خدمت جناب آئیٹیشن بلڈنگ ڈیپارٹمنٹ پشاور
 حکوٹہ چوٹی کراچی ڈسٹرکٹ نوٹس 21-5036/2019 مورثہ 19.07.19
 حاکم سیکرٹری سید سعید اللہ شکیبہ دار میں حوزہ 2019 میں
 مسخوردہ ناکہ اسٹاکس لکھ کر دیا تو لیکن معذرتاً دوران کیمپ میں
 جسٹس قائم کی نشان دہی کر لی ہے جس میں نا اہل بلڈنگ
 ڈیپارٹمنٹ میں بے فائدگی کے انداز میں اسٹاکس ساز اور ہٹاؤں سے
 پیدا ہوا جس میں وہ ہے سید سعید اللہ شکیبہ دار صاحبانہ محدود پشاور
 آج 26 جولائی 2019 کو ہٹاؤں کو اس لئے اسٹیٹہ

ATTESTED

Address: Village & Post Office Nahaqi Daudzai District Peshawar

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SAEEDULLAH CONSTRUCTION COMPANY

(SMC - PVT.) LTD.

Govt. Contractor & General Order Suppliers

Work and Services Department P.H. & P.W.D. Irrigation Dept. P.H. & K.P.K.

Date: 21/8/2019

M.D. Saeed Ullah

0312-8887717

Mob: 0300-9033019

کی جانے کے لیے محکمہ کے لیے فوری وقت میں فراہم
کے لئے اس کو فوری طور پر مقرر کیا گیا ہے

| | |
|---------------|------------|
| XEN C&W Bldg: | |
| Divn: | |
| D.No: | 339/89-M |
| Date: | 29/08/2019 |
| SDO: | |
| JAN: | |
| H.C: | |
| H.O: | |

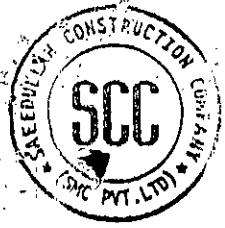
H/c (SDO-III)
Issue notice to contractor to remove the deficiency of SDO watch to have SDO scheme in P.H. & K.P.K. Dept. client

Mr. Yasir S/Engr
Look into the matter personally.

SDO
ATTESTED

SAEED ULLAH
Construction compan
(SMC PVT) LTD

Address: Village & Post Office Nahaqi Daudzai District Peshawar



SAEEDULLAH CONSTRUCTION COMPANY

(SMC - PVT.) LTD.

Govt. Contractor & General Order Suppliers

Works and Services Department P.H.E. PPWD Irrigation Deptt F.H.A.K.P.K

M.D. Saeed Ullah

0312-8887717

Mob: 0300-9033019

Date: 18/3/2020

خدمت صواب SDO بلڈنگ ڈسٹریکشن ورنل اور کوالٹی کنٹرول کے لئے
 SDO بلڈنگ ورنل اور کوالٹی کنٹرول کے لئے 803/1-10 مہینہ 2019-20
 ایجنڈہ کے تحت سب سے کم قیمت پر دو بارہ شرونگ ڈاٹا کی فراہمی کے لئے
 میں توجہ دیا کہ وہ سب سے کم قیمت پر فراہم کریں اور ان میں سے
 اور ان میں سے سب سے کم قیمت پر فراہم کریں اور ان میں سے
 اور ان میں سے سب سے کم قیمت پر فراہم کریں اور ان میں سے

ATTESTED

SAEED ULLAH
 Construction compan
 (SMC PVT) LTD

دعا علی
 سید اللہ

Mr. Yasir S/Engineer - G
 To hold for
 inf/nr
 Also update
 on receipt
 program

Address: Village & Post Office Nahaqi Daudzai District Peshawar

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INSPECTION REPORT

Annexure H

As per directions of the Competent Authority the undersigned inspected the ADP scheme up gradation of 50 middle Schools to High level in KPK. ADP No. 172/130341 (2014-15)- Upgradation of 50 Middle Schools to High Level in Khyber Pakhtunkhwa (B&G 30:70) on need basis (SBSE) Sub Head: GGMS Shahi Bala shifted to GGMS Hamid Abad pertaining to C&W Building Division -I Peshawar, along with Executive Engineer Engr. Zafer Ali and Engr. Naveed Khan, Sub Divisional Officer, and Sub-Engineer concern on 31.08.2020, reports is as follows:

GGMS SHAHI BALA SHIFTED TO GGMS HAMID ABAD ADP #172/130341(2014-15)

The scheme has been approved in DDWP meeting held on 24-12-2014, , for amounting to Rs 16.375 (M) vide letter No. CPO/SPO-I/E&SE/1-1/A.A/2013-14/Peshawar dated 06-07-2015. The relevant PC-I/DCE is attached as Annexure-I.

| | | |
|----|-------------------------|--------------------------------|
| 1. | Administrative Approval | Rs. 16.375 M dated 06-07-2015 |
| 2. | Technical Sanction | Rs. 13.839 M |
| 3. | Date of Commencement: | 05.04.2018 |
| 4. | Date of Completion: | 28.05.2019 |
| 5. | Name of XEN: | Engr Naveed Khan |
| 6. | Name of SDO: | Muhammad Asad |
| 7. | Sub Engineer: | Yaser Mehmood |
| 8. | Name of Contractor | M/S Seed Ullah Construction.CO |
| 9. | Work Order issued | 14-05-2015 |

PROJECT PROFILE:

1. Main Building (class rooms/labs)
2. Group Lavatory block
3. Internal water supply
4. Developmental work

ATTESTED

ANALYSIS/ OBSERVATIONS:

After scrutiny of the office record of Executive Engineer Building Division No.1 it has been noted that the subject Scheme has been completed financially in all respect in F.Y year June 2019 and dropped from ADP, but physically the scheme is incomplete although full payment has been made to the contractor, even after laps of 14 months.

During the inspection following short comings /defects observed in the said school building, at the time of inspection no constructional activity observed at site.

1. On the entrance to the School premises, found lot of dumps of debris in court yard.
2. That in class rooms /labs the steel Almiraha were not provided.
3. That in class rooms/laboratories black boards were not finished.
4. That 5 mm thick glass panes were not fixed in all steel windows.
5. That on steel windows cheap/substandard design of grill and wire gauze was fixed.
6. That in laboratories sinks were not provided along with water supply connection.
7. That grinding/polishing of marble tiles in class rooms and verandahs were not done.

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8. That the steel railing was fixed around the stairs but completely rusted.
 9. That roof treatment .i.e. lying of brick tiles as per specification has not been done.
 10. That eclectic wiring completed without all related accessories like fixing of ceiling fans, main boards, buttons, switches, and holders etc.
 11. That group lavatory block was incomplete in all respect along with sanitary fixtures.
 12. That lavatory block Septic tank and soakage pit were not constructed.
 13. That the Leveling and dressing still remaining in the court yard of the School.
 14. That Tuff tiles/brick on edge still remaining in court yard of the School.
 15. That plinth protection /steps not provided around the School building.
 16. That partially primary coat of Color wash/white wash and painting was done. But the remaining coats are yet to be done.


CONCLUSION:

1. The above deficiency / incomplete work is the negligence, irregularity, recording fack measurement in the MB and releasing advance payment to the Contractor and not completing the balance work even after laps of one year and four months on part of C&W staff i.e. Sub Divisional Officer and Sub Engineer.
2. The contractor is recommended for black listing as per leaving the work incomplete despite full payment has been released by the Department.

RECOMMENDATIONS

1. Sub Divisional Officer and Sub Engineer be charge sheeted and suspended for above irregularity and detail inquiry be conducted against them.
2. Contractor be black listed and all the balanced amount be recovered from his security deposit and work be completed on his risk and cost.

ATTESTED


(ENGR. M. ASGHAR KHAN)
MONITORING OFFICER - I

To,

Dated:- 11/11/2020

Annexure 42
11/11

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1. Mr Nauman Afzal Afridi (PAS BS-19)
Chief Economist,
P&D Department, Govt of Khyber Pakhtunkhwa Peshawar.
2. Engr. Muhammad Nawaz,
Superintending Engineer (BS-19),
Provincial Building Construction, Peshawar

SUBJECT: UPGRADATION OF 50 MIDDLE SCHOOLS TO HIGH LEVEL IN KHYBER PAKHTUNKHWA (B&G) ON NEED BASIS ASP NO 172/130341 (2014-15) CHIEF MINISTER'S DIRECTIVE SH: GGMS SHAHI BALLA S/T HAMID ABAD

- REF NO: 1. SOE/C&WD/8-5/2020 DATED 06/10/2020
2. P&D Deptt Letter NO P&D/PS/CE/2020 dated 07/10/2020

Reference to the personal hearing held in O/O the Chief Economist, P&D Department Peshawar on 11/11/2020 and letters quoted above, where in the inquiry committee asked for separate reply to the observations / findings of the fact finding report. The original reply regarding charge sheet/statement of allegations leveled against me was submitted to your good office on 23/10/2020.

Most of the observations / findings in the inspection report of the monitoring officer relates to fixing of detachable items such as sanitary/electrical fixtures which are usually fixed at the time of handing / tanking of the scheme. These observations have already been communicated to the contractor earlier and were under rectification by the time which have been rectified and the scheme stands completed.

The supplementary reply regarding observations mentioned in the inspection report of Monitoring Officer inquiry are as under:

| S. No | Observation / Finding | Reply |
|-------|---|---|
| 1 | On the entrance to the School premises, found lot of dumps of debris in court yard. | The debris resulted from removal of already identified defective works have been cleared. |
| 2 | That in class rooms / Labs the steel | Steel Almirahs were supplied to site and were |

ATTESTED

| | | |
|---|---|--|
| | Almirah were not provided. (43) | under the custody of contractor as the final paint coat of building was still under process; the contractor stated that he will immediately fix steel almirah after finalization of final coat. Moreover, it was informed by contractor that workers may dent the almirah while working on the rectification directed to him. the almirahs are installed just before handing over of scheme and the same have been fixed. (Photograph attached) |
| 3 | That in class rooms / laboratories black boards were not finished. | Black boards in class rooms / laboratories have been finished and properly painted. (Photograph attached) |
| 4 | That 5mm thick glass panes were not fixed in all steel windows. | The Glass panes are usually fixed before handing over of scheme to client deptt; as it is commonly observed that the panes get damaged by the workers or targeted by the trouble makers. However, the glass panes were supplied by the contractor earlier and were in his custody and the same have been fixed. (Photograph attached) |
| 5 | That on steel windows cheap/substandard design of grill and wire gauze was fixed. | The wire gauze/grill of approved design as pointed out to contractor earlier have been fixed as per specifications. (Photograph attached) |
| 6 | That in laboratories sinks were not provided along with water supply connection. | The sinks were supplied by the contractor to the site and were in custody of contractor and were to be fixed before handing over of scheme to client department as sinks get usually clogged due to debris. The same have been fixed (Photograph attached) . |
| 7 | That grinding/polishing of marble tiles | Most of the grinding/polishing of marble tiles |

ATTESTED

| | | |
|----|--|---|
| | in class rooms and verandahs were not done. | was completed , however, at certain locations the quality of grinding/polishing was not upto the mark for which the contractor was directed on site and the same has been carried out as per specifications. . (Photograph attached) |
| | (44) | |
| 8 | That the steel railing was fixed around the stairs but completely rusted. | The final coat was being applied on the stair railing at the time of visit and it was pointed out by the field formation to immediately complete the same . (Photograph attached) |
| 9 | That roof treatment .i.e laying of brick tiles as per specification has not been done. | The contractor was directed to remove the brick tiles and relay the same in proper specifications ensuring proper level for effective roof drainage. The same was removed by contractor and as pointed out earlier the debris were dumped in court yard but due to pandemic COVID-19 the rectification was delayed .The same is now completed as per specifications. (Photograph attached). |
| 10 | That electric wiring completed without all related accessories like fixing of ceiling fans ,main boards, buttons,switches,and holders etc. | The electrical fixtures were supplied by the contractor and were in his custody and such item are usually fixed before handing over of scheme which have been fixed. (Photograph attached). |
| 11 | That group lavatory block was incomplete in all respect along with sanitary fixtures. | Sanitary fixtures i/c flushing cistern and cocks have been fixed in lavatory block (Photograph attached). |
| 12 | That lavatory block Septic tank and soakage pit were not constructed. | SEPTIC TANK; The septic tank was constructed earlier .However, due to the debris laying in the court yard the septic tank was not visible. The monitoring office during his visit mistakenly considered that it has not |

ATTESTED

| | | |
|----|---|---|
| | (45) | <p>been constructed.</p> <p>SOAKAGE PIT; The area surrounding GGMS HAMID ABAD is water logged and the construction of soakage pit in such area is not recommended .The effluent from septic tank has been managed to external drain.</p> |
| 13 | That the Leveling and dressing still remaining in court yard of the School. | The school ground was leveled and dressed earlier but due to debris and material from roof top of rectification work , the leveling and dressing was disturbed. Also the waste from grinding of marble spread on ground which was observed by monitoring officer has been removed and court yard is in proper level condition. |
| 14 | That Tuff tiles/brick on edge still remaining in court yard of the School. | The brick on edge was complete in all respect, however some rectification work communicated to the contractor earlier . Due to dumping of debris material from removal of brick tiles of roof treatment and plinth protection waste material and frequent movement of loaded tractor trolley , some of brick on edge paving got damaged and displaced and required relaying .The same has been rectified . (Photograph attached) |
| 15 | That plinth protection / steps not provided around the school building. | Plinth protection around the building and steps have been provided along with court yard development as per specification . (Photograph attached) |
| 16 | That partially primary coat of color wash / white wash and painting was done. But the remaining coats are yet to be done. | White / color wash and painting have been completed in overall building. |

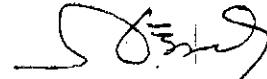
ATTESTED

It is further added that the scheme has been completed and PC IV has been forwarded to E&SE department for proper handing / taking over of the scheme and representative of Education department has paid visit to the scheme to handing over.

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In view of the above submissions it is begged that the charges leveled against me, may please be withdrawn and the undersigned be exonerated of the charges .

SINCERELY YOURS

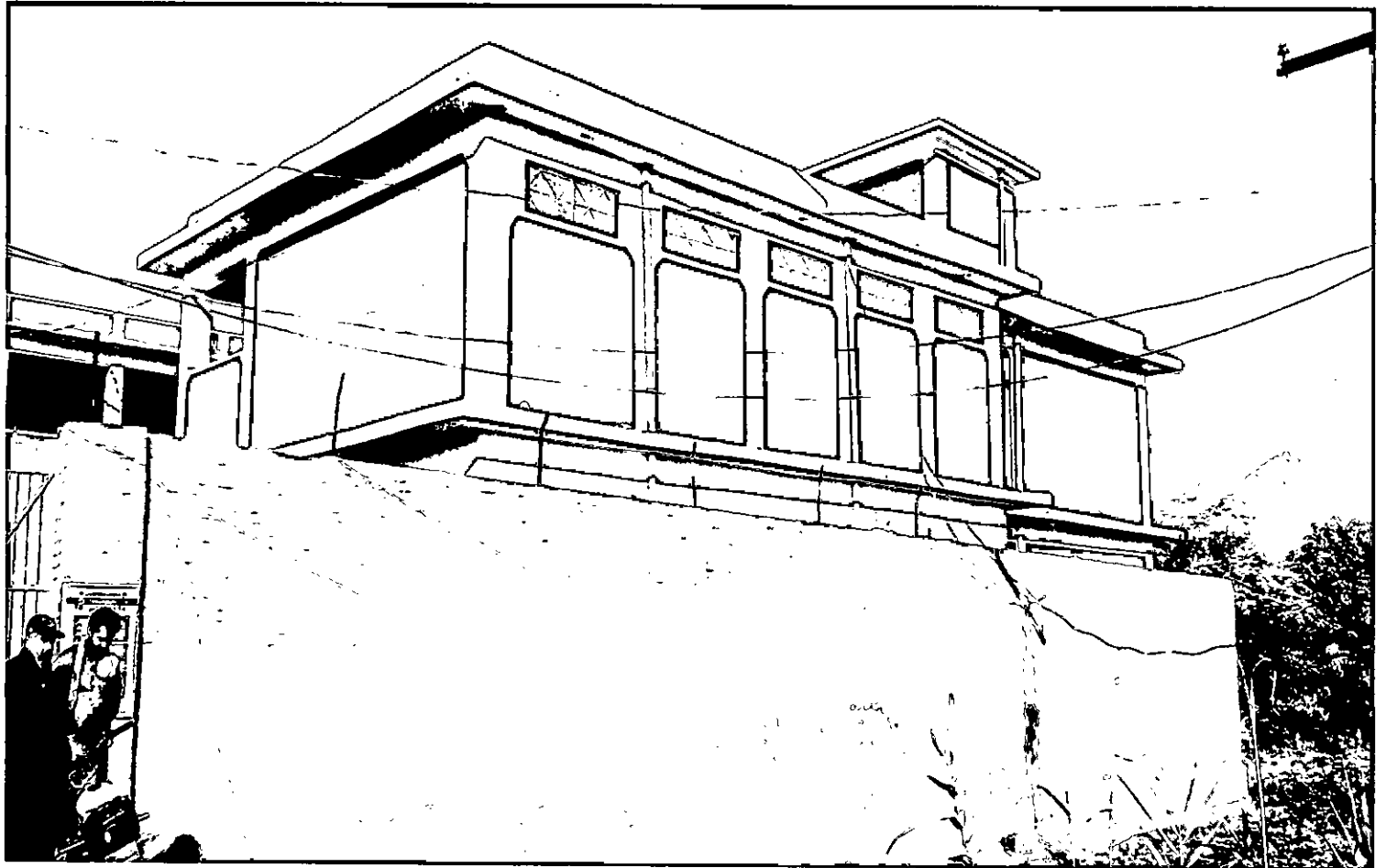


(Engr. Muhammad Asad)
SDO C&W Department Peshawar

ATTESTED

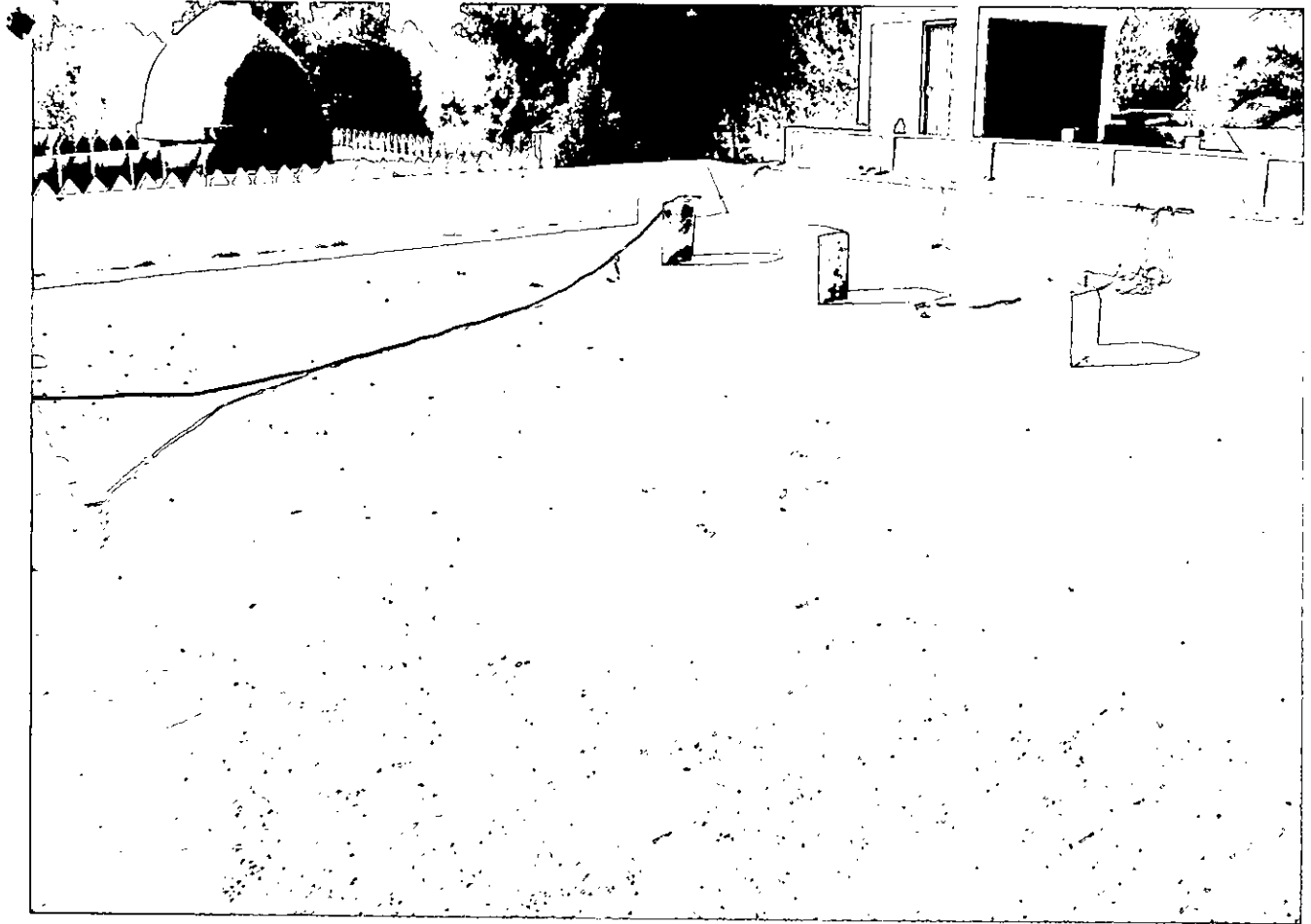
97

GGMS HAMEED ABAD



ROOF TREATMENT

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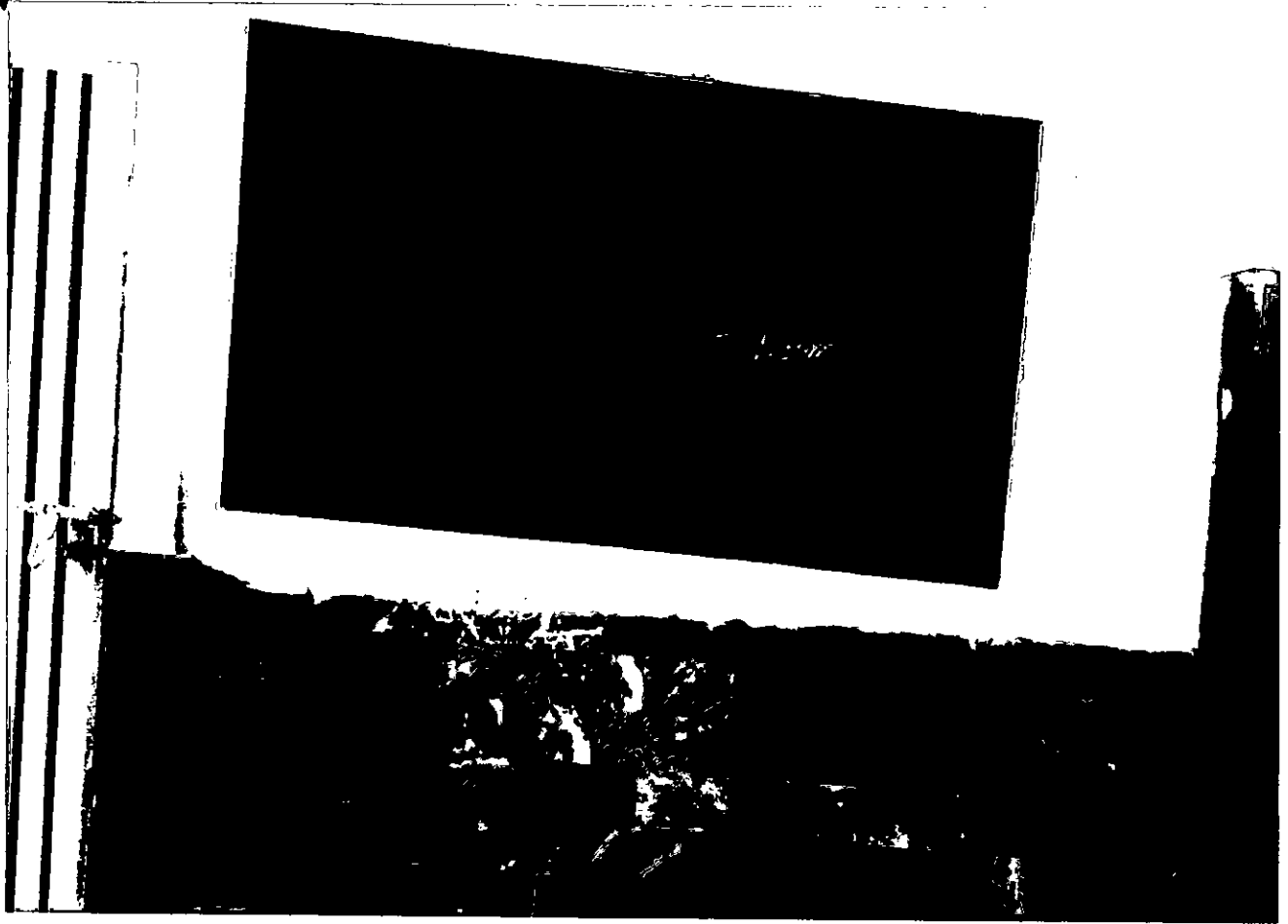


PCC PLINTH PROTECTION



BLACK BORD

49

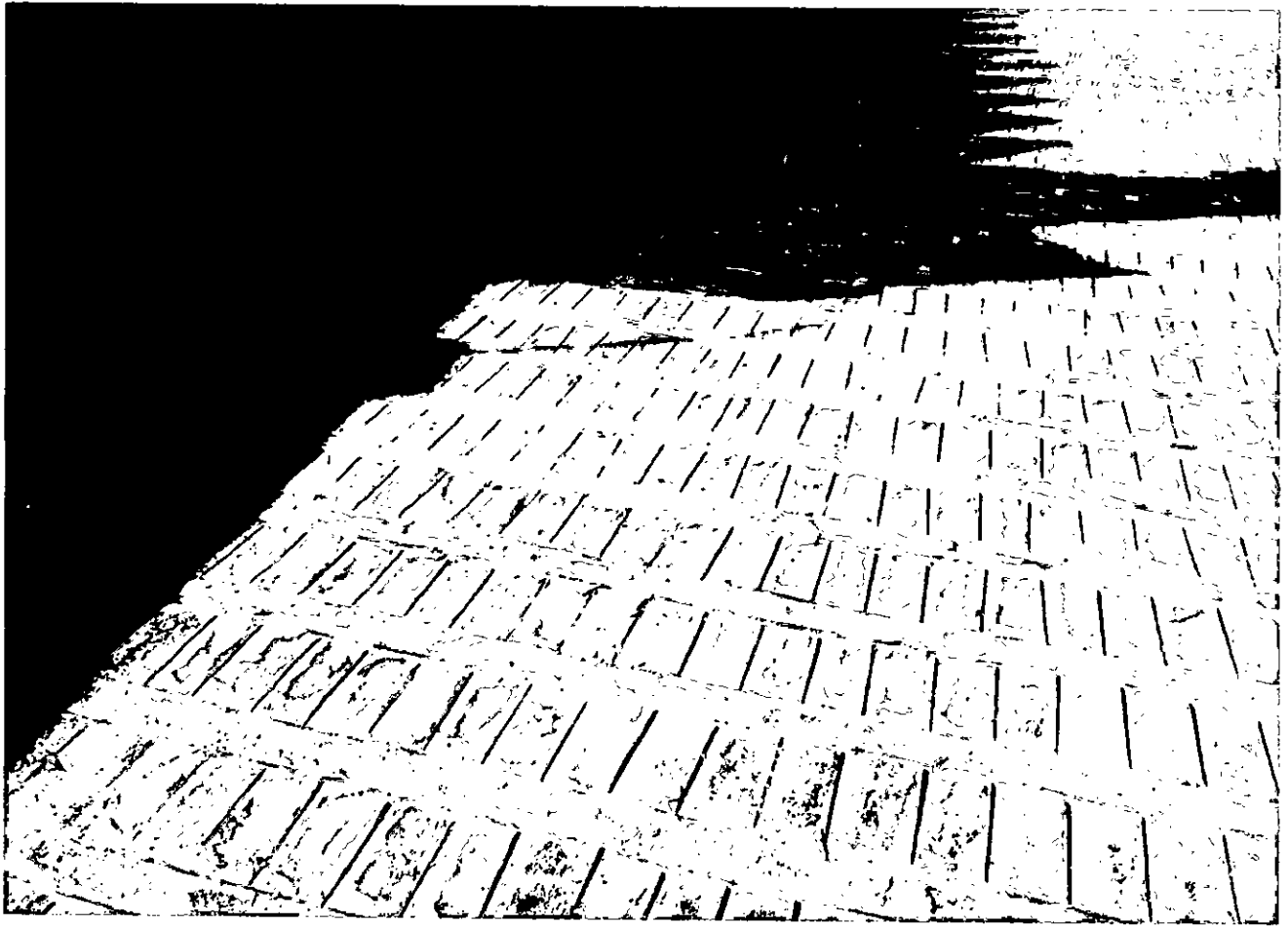


GRINDING OF MARBLE FLOOR



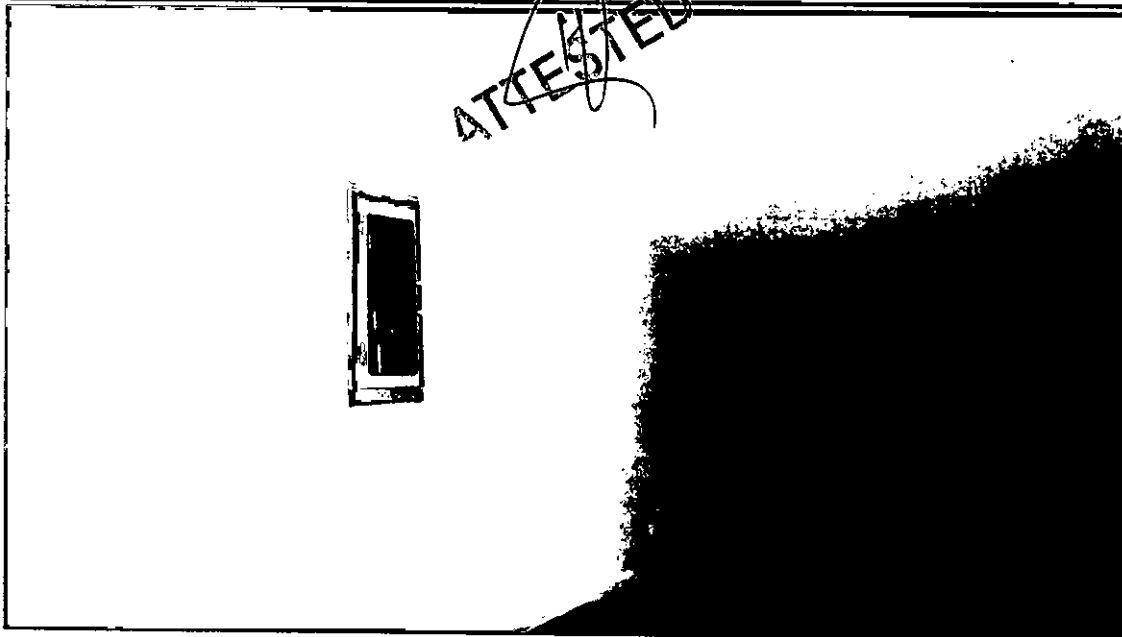
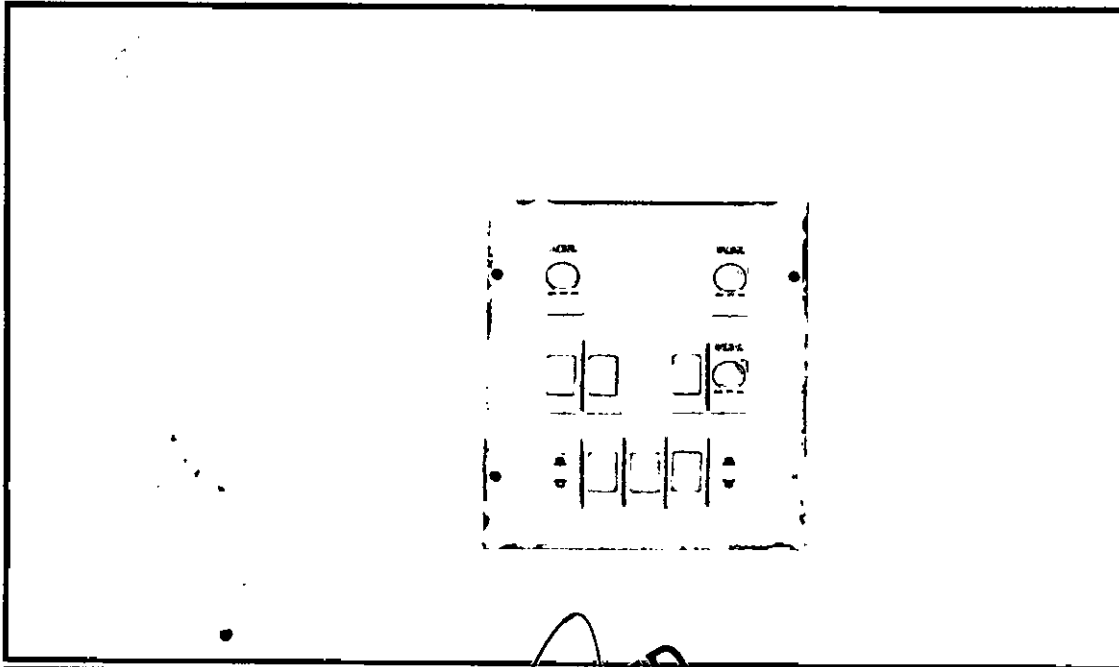
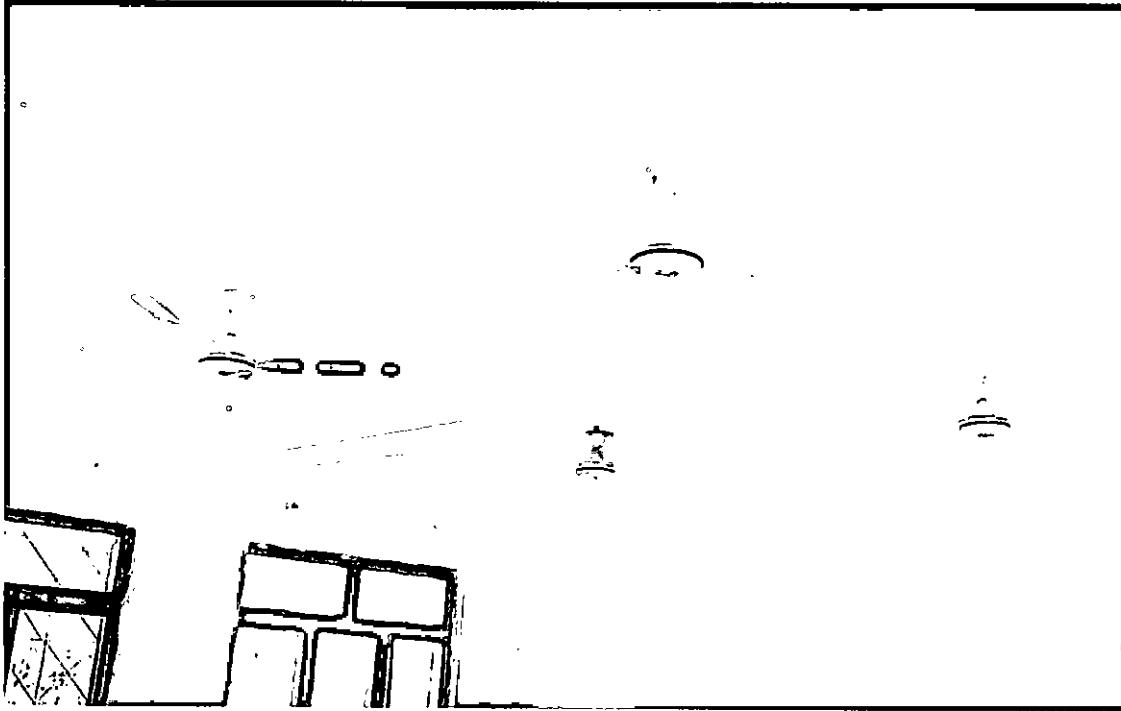
50

BRICK ON EDGE



(51)

ELECTRIFICATION FIXTURES



ATTESTED

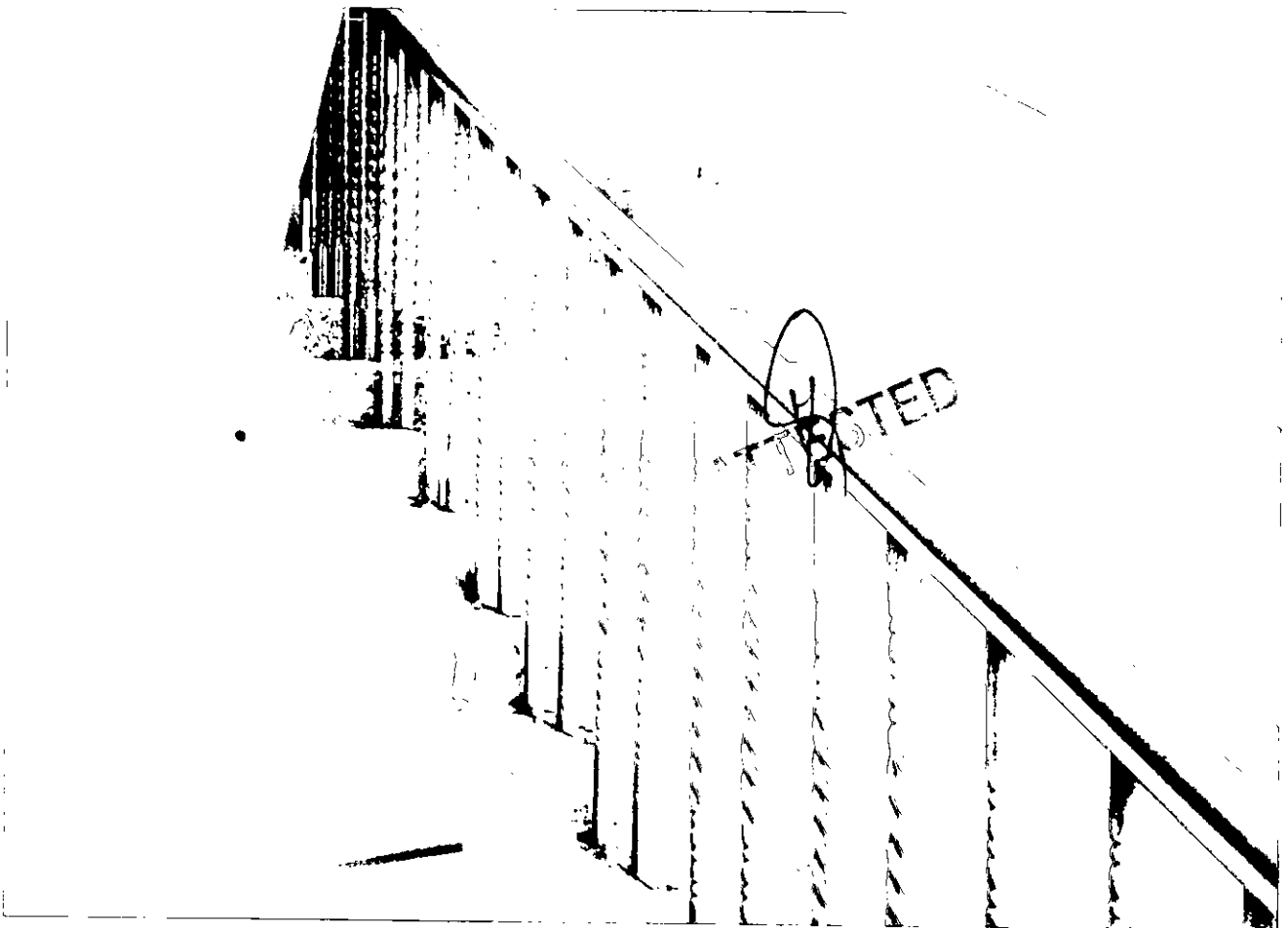
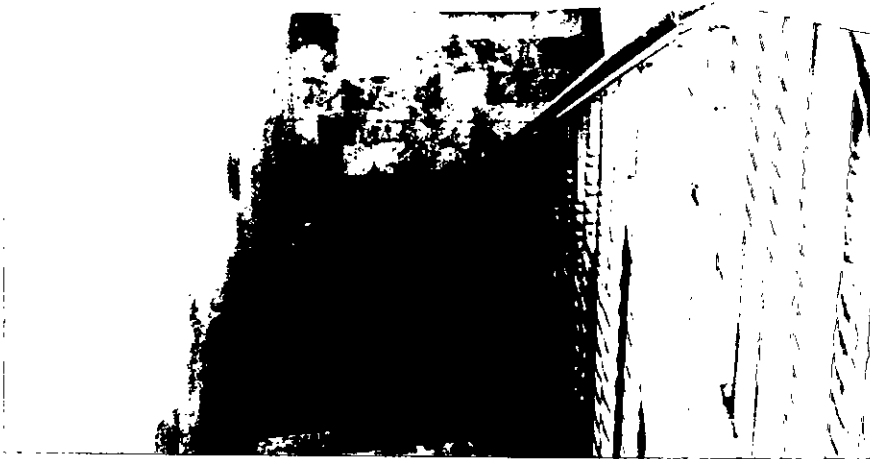
SANITARY FIXTURES

(52)

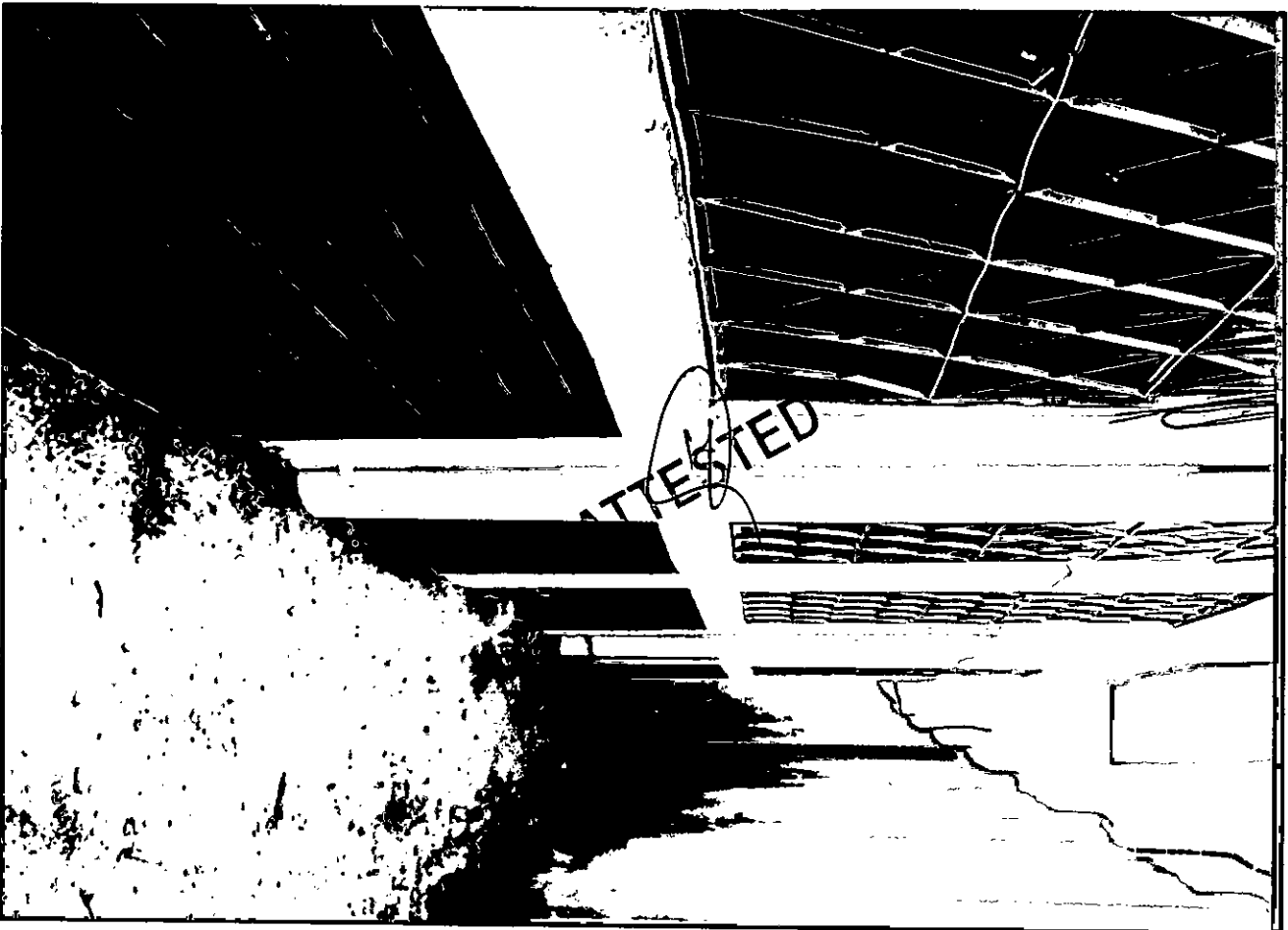
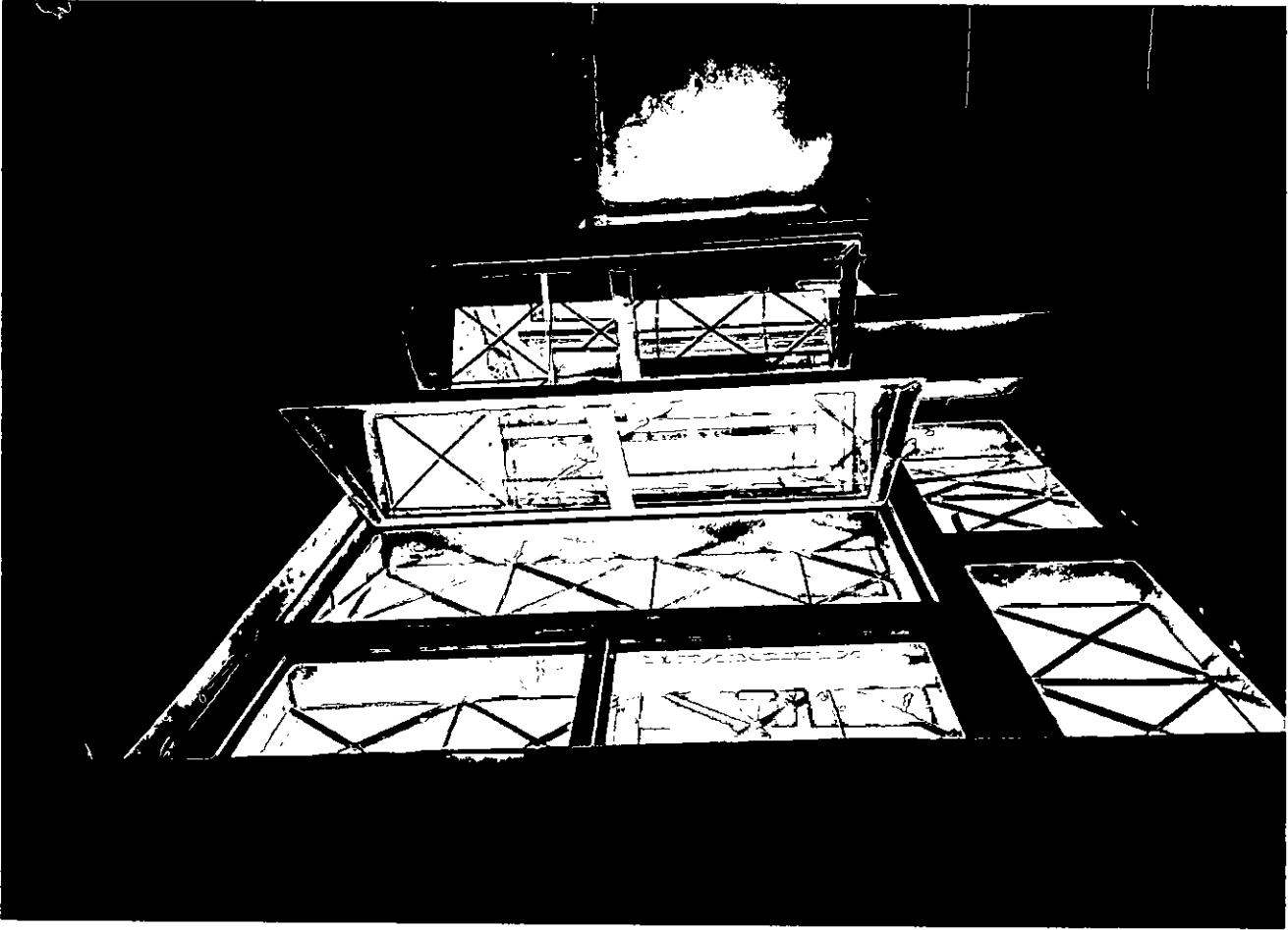


STAIR RAILING

(S-3)



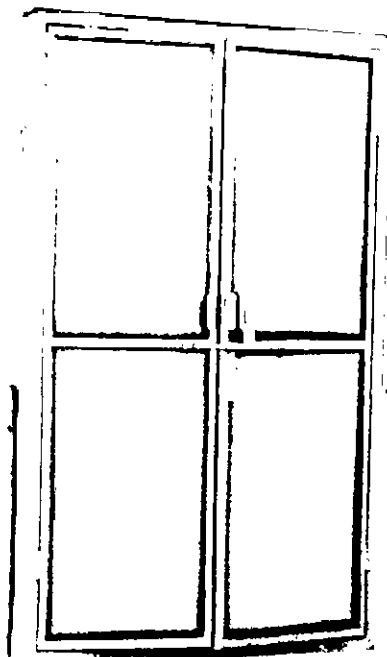
59



GLASS PAINES

WINDOW GRILL

ALMIRAH



LAB SINK



ENQUIRY REPORT

Annexure - 1/2

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Subject: NOTICE: UPGRADATION OF 50 MIDDLE SCHOOLS TO HIGH LEVEL IN KHYBER PAKHTUNKHWA (B&G) 30:70 ON NEED BASIS (ADP NO. 172/130341/2014-15 CHIEF MINISTER'S DIRECTIVE SH: GGMS SHAHI BALA S/T HAMID ABAD PESHAWAR.

The competent authority has appointed the following inquiry committee vide C&W Department Notification No. SOE/C&WD/8-5/2020 dated 06.10.2020 (Annex-I):-

1. Mr. Nauman Afzal Afridi, Chief Economist P&D Department
2. Engr. Muhammad Nawaz, Superintendent Engineer C&W Department
Provincial Building (Construction)

The inquiry Committee was tasked to probe against the following accused officers for charges mentioned in the Charge Sheet and Statement of Allegations (Annex-II):

1. Engr. Naveed Khan (BS-18) the then XEN Building Division NO.1 Peshawar, now working as XEN C&W Division, Kohat.
2. Engr. Muhammad Asad (BS-17) the then XEN Building Division No.1 Peshawar, now working as SDO Provincial Building (Construction Division No.1 Peshawar.
3. Mr. Yasir Mehmood,
Sub-Engineer o/o XEN Building Division No.1, Peshawar.

Background:

The accused officers were charged that they made full payment to the contractor on the basis of fake measurement in MB in the work regarding up-gradation of GGMS to GGHS at Hameed Abad Peshawar; rather the same work at site found deficient/incomplete meaning thereby the work is still incomplete even after lapse of 14 months.

Proceedings:

After receipt of the letter from C&W Department, the accused officers were directed to submit their written defense vide letter dated 07.10.2020 (Annex-III). After receipt of their written defense, they were directed to appear before the inquiry committee on 11.11.2020 at 1100 hrs. (Annex-IV)

The accused attended the proceedings and submitted their written replies (Annex-V, VI & VII).

In reply, the accused officers did not admit the charges and labeled them as incorrect. They were then directed to provide written defense in light of the inspection report of C&W Department to which they submitted their replies (Annex-VIII, IX & X). Subsequently, the inspection report furnished by the C&W Department was forwarded to Monitoring &

ATTESTED

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Evaluation (M&E), P&D Department for physical verification (Annex-XI). Report furnished by M&E, P&D Department is attached at Annex-XII. The enquiry officer also made a visit to the site in person and compiled an inspection report. (Copy attached at Annex-XIII)

Findings:

After thorough investigation and going through the record provided by the department, report of M&E, inspection report of enquiry officer as well as the replies of the accused officers, the deficiencies pointed out in the report of C&W Department have been rectified. However, delay has been observed on part of the contractor.

(Nauman Afzal Afridi)
Chief Economist, P&D Department

(Engr. Muhammad Nawaz)
Superintendent Engineer (HQ),
O/O Chief Engineer (North) C&W Peshawar

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the Nov 02, 2020

Appendix
58

ORDER:

No.SOE/C&WD/8-5/2020: In terms of Section-6 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority is pleased to order the suspension of the following officers/official on account of their act/omission committed in the scheme "Up-gradation of 50 Middle Schools to High level in Khyber Pakhtunkhwa (B&G) 30:70 on need basis (ADP No.172/130341/2014-15 Chief Minister's Directive SH: GGMS Shahi Bala S/T Hamid Abad Peshawar", with immediate effect, in the public interest.

- i. Engr. Naveed Khan (BS-18) the then XEN Building Division No.I Peshawar, now working as XEN C&W Division Kohat.
- ii. Engr. Muhammad Asad (BS-17) the then SDO O/O XEN Building Division No.I Peshawar, now working as SDO Provincial Building (Construction) Division No.I, Peshawar.
- iii. Mr. Yasir Mehmood the then Sub Engineer Building Division No.I, Peshawar now working as Sub Engineer C&W Division Charsadda

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. Chief Engineer (Centre), C&W Peshawar
3. Superintending Engineer C&W Circle Peshawar/Kohat
4. Superintending Engineer Provincial Building (Construction) Peshawar
5. Executive Engineer Building Division No.I, Peshawar
6. Executive Engineer Provincial Building (Construction) Division No.I, Peshawar
7. Executive Engineer C&W Division Kohat/Charsadda
8. District Accounts Officer Kohat/Charsadda
9. Engr. Naveed Khan XEN C&W Division Kohat
10. Engr. Muhammad Asad SDO Provincial Building (Construction) Division No.I, Peshawar
11. Mr. Yasir Mehmood Sub Engineer C&W Division Charsadda.
12. PS to Secretary C&W Department, Peshawar
13. PA to Additional Secretary C&W Department, Peshawar
14. PA to Deputy Secretary C&W Department, Peshawar
15. Office order File/Personal File

ATTESTED

They are directed to report to C&W Secretariat, Peshawar immediately

Zahoor Shah

02.11.2020

(ZAHOOR SHAH)
SECTION OFFICER (Estb)

Handwritten notes and signatures at the bottom left of the page.

Annexure - I

(59)

SHOW CAUSE NOTICE

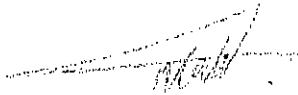
I, Mehmood Khan Chief Minister Khyber Pakhtunkhwa as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Engr. Muhammad Asad Assistant Engineer (BS-17), presently under suspension; as follows.

1. (i) That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you were given an opportunity of hearing vide communication letter dated 11.11.2020; and;
- (ii) On going through the report of the inquiry Committee, the material on record and other connected papers including your defence before the inquiry committee;

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

- i. You made full payment to the contractor on the basis of fake measurement in MB in the work regarding Up-gradation of GGMS to GGHS at Hameed Abad Peshawar; rather the same work at site found deficient/incomplete meaning thereby the work is still incomplete even after laps of 14 months, thus render yourself liable to strict disciplinary action against you under E&D Rules, 2011.
2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of "withholding of pay" under Rule 4 of the said rules.
3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven (07) days or not more than fifteen (15) days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
5. A copy of the findings of the inquiry officer is enclosed.

ATTESTED


(MEHMOOD KHAN)
Chief Minister
Khyber Pakhtunkhwa

gunning/polishing of marble tiles in class rooms and verandahs were not done.



60

Annexure I/1

GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/8-5/2020
Dated Peshawar, the Feb 15, 2021

To

Engr. Muhammad Asad
Assistant Engineer/SDO
C&W Department
(Presently under suspension)

Subject: Up-gradation of 50 Middle Schools to High level in Khyber Pakhtunkhwa (B&G) 30:70 on need basis (ADP No.172/130341/2014-15 Chief Minister's Directive SH: GGMS Shahi Bala S/T Hamid Abad Peshawar"

I am directed to refer to the subject noted above and to enclose herewith two copies of the show cause Notice containing tentative minor penalty of **"withholding of two annual increments for two years"** along-with inquiry report conducted by inquiry committee comprising of Mr. Nauman Afzal Afridi Chief Economist, P&D Department and Engr. Muhammad Nawaz SE (HQ) O/O CE (North) C&W Peshawar and to state that the 2ND 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 7 days of the delivery of this letter**, otherwise, it will be presumed that you have nothing to put in your defence and ex-party action will follow.

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

ALIESTED

Zahoor Shah
15.02.2021

(ZAHCOOR SHAH)
SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to PS to Secretary C&W Department, Peshawar

SECTION OFFICER (Estb)

(61)

Annexure - I/2

GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the March 01, 2021

NOTIFICATION:

No.SOE/C&WD/8-5/2020: The Competent Authority has been pleased to reinstate the following officers/official into Government Service, in the interest of public service, with immediate effect:

1. Engr. Naveed Khan, XEN
2. Mr. Muhammad Asad, SDO
3. Mr. Yasir Memood, Sub Engineer

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Chief Engineer (Centre) C&W Peshawar
3. Chief Engineer (Merged Areas) C&W Peshawar
4. Executive Engineer C&W Division Kohat
5. Executive Engineer Provincial Building (Construction) Peshawar
6. Executive Engineer Building Division No.1, Peshawar
7. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar
8. PS to Secretary, Establishment Department Peshawar
9. District Accounts Officer Kohat
10. PS to Minister for C&W Khyber Pakhtunkhwa Peshawar
11. PS to Secretary, C&W Department Peshawar
12. PA to Deputy Secretary (Admn), C&W Department Peshawar
13. Officers/official concerned
14. Office order File/Personal File

Zahoor Shah
02.03.2021

(ZAHOOR SHAH)
SECTION OFFICER (Estb)

TESTED

To.

The Honorable Chief Minister,
Khyber Pakhtunkhwa Peshawar.
(THROUGH PROPER CHANNEL).

Diary No: 2/85
Date: 13-02-2021
Secretary C&W Deptt

07/02/2021

Annexure - I/3

SUBJECT: SHOW CAUSE REPLY REGARDING UPGRADATION OF 50 MIDDLE SCHOOLS TO HIGH LEVEL IN KHYBER PAKHTUNKHWA (B&G) 30:70 ON NEED BASIS ADP NO 172/130341 (2014-15) CHIEF MINISTER'S DIRECTIVE SH: GGMS SHAHI BALLA S/T HAMID ABAD PESHAWAR


REF NO: SOE/C&WD/8-5/2020 DATED 15/02/2021

Respected sir,

1. An Umbrella Scheme "Up-Gradation Of 50-Middle Schools To High Level in the Khyber Pakhtunkhwa (boys & Girls) 30:70 ON NEED BASIS in various Districts were planned by the Elementary & Secondary Education (E&SE) Department under ADP No.172/130341 for the year, 2014-15 . As per procedure, the field formation of C&W Building Division-1 Peshawar prepared. Detail cost estimates (DCE's) and sent to E&SE Department Peshawar for approval.
2. The Secretary E&SE Department Peshawar accorded Administrative Approval of the scheme for Rs.16.00 (M) vide CPO/SPO-I/E&SE/1- 1/A.A/2013-14/Peshawar dated 06/07/2015 (copy of AA attached as Annex-1).
3. After the receipt of Administrative Approval, XEN Building Division-I Peshawar called bidding and consequently, work order was issued to M/S Saeed Ullah Construction Co, for Rs 15.462 M. on 14-05-2015 (copy attached as Annex-II) after fulfillment of codal formalities.
4. I the undersigned with Sub engineer, approached E&SE department Peshawar for possession and visited GGMS Shahi bala but the site was found disputed and could not be managed for execution of the scheme and subsequently the scheme was shifted thrice. a) Originally the scheme was identified at GGMS Shahi Bala: b) shifted to GGMS Darmangi, c) then shifted to GGMS Garanga Bala: d) and finally shifted to GGMS Hameed Abad and finally school shifting to GGMS Hamid Abad was approved in DDWP meeting held on 10-01-2018 (copy of minutes of the meeting attached Annex-III).
5. Technical Sanction of the scheme for Rs.13.839 (M) was accorded by competent Authority on dated 25/11/2019 (copy of T.S attached as Annexure-IV) .
6. All the required work was completed by the contractor and the respective last 7th running bill was prepared and submitted to XEN Building Division -I and accordingly cheque was issued to contractor in June 2019. The scheme was Due for completion in financial year 2018- 19.
7. The undersigned with Sub Engineer inspected the scheme in July 2019 and the scheme was found completed. However certain deficiencies being of detachable nature i.e internal water supply and sanitary installation, internal electrification and courtyard debris clearance and leveling /dressing were pointed out to contractor on site and the contractor was directed to remove all rectification / deficient works.

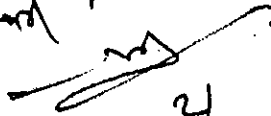
- 8. The work on rectification as communicated to contractor was resumed but due to contractor personal domestic problems and outbreak of COVID-19 the work was stopped. However after easing of lockdown, the work was restarted and all the deficiencies / rectifications were removed and work has been completed. The scheme has been taken over by E&SE Deptt: (Signed copy of PC-IV is attached for ready reference as Annex-V).
- 9. As far as charge regarding fake measurements and payment is concerned, the charge is denied as payment was made as per work done. The deficiencies as pointed out to contractor in Para-VII were rectified by contractor and the scheme stands completed, the scheme has also been taken over by E&SE deptt: and no loss to the Govt Ex-chequer is sustained. Furthermore the complainant has conveyed that "the complaint lodged in this regard is considered to be resolved" (the certificate is attached as Annex-VI). Moreover the inquiry committee in last Para of findings states that "The deficiencies pointed out in report of C&W Department have been rectified"
- 10. The scheme has been complete in all respect and take over by E&SE Department ,the complainant conveyed that issue has been resolved and inquiry committee also intimated that deficiencies in C&W Department Monitoring report have been rectified.
- 11. Hence keeping in view above facts it is humbly requested that charges leveled against me may kindly be withdrawn and tentative minor penalty of withholding of two annual increments for two years may kindly be waived off and the undersigned may be exonerated from charges please.
- 12. Further the undersigned also desires to be heard in person in order to may advance any other submission.

ATTEST



 ENGR. MUHAMMAD ASAD
 (SUB DIVISIONAL OFFICER)
 C&W DEPARTMENT PESHAWAR

Copy forwarded to the Section Officer (Estb), C&W Department, Peshawar for information & necessary action please.

Returned with 1/3/21



P/S


 ENGR. MUHAMMAD ASAD
 (SUB DIVISIONAL OFFICER)
 C&W DEPARTMENT PESHAWAR

Annexure



64

GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the June 24, 2021

ORDER:

No.SOE/C&WD/8-5/2020:

WHEREAS, Engr. Muhammad Asad the then SDO Building Division No.I, Peshawar, presently performing duty as Design Engineer (OPS) O/O Chief Engineer Foreign Aid Peshawar was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for alleged act/omission with regard to scheme "Up-gradation of 50 Middle Schools to High level in Khyber Pakhtunkhwa (B&G) 30:70 on need basis (ADP No.172/130341/2014-15 Chief Minister's Directive SH: GGMS Shahi Bala S/T Hamid Abad Peshawar":

2. AND WHEREAS, for the said act/omission specified in rule-3(a) of the rules ibid, they were served with charge sheet/statement of allegations.

3. AND WHEREAS, an inquiry committee Mr. Nauman Afzal Afridi Chief Economist, P&D Department and Engr. Muhammad Nawaz the then SE (HQ) O/O CE (North) C&W Peshawar was appointed, who conducted inquiry and submitted the report.

4. NOW THEREFORE, the Competent Authority after having considered the charges, material on record, inquiry report of the inquiry committee, explanation and personal hearing of the officer concerned, in exercise of the powers under Rule-14(5)(ii) of Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose the major penalty of "Reduction of a lower stage in a time scale for a maximum period of 05 years" upon the aforementioned officer.

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded for information to:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Chief Engineer (Centre) C&W Peshawar
3. Chief Engineer (South-I) C&W Peshawar
4. Chief Engineer (Foreign Aid) Peshawar
5. Superintending Engineer C&W Circle Peshawar
6. Executive Engineer Building Division No.I, Peshawar
7. PS to Secretary Establishment Department, Peshawar.
8. PS to Secretary C&W Department, Peshawar.
9. PA to Deputy Secretary (Admn) C&W Department, Peshawar.
10. Officer concerned.
11. Office order File/Personal File.

ATTESTED

Zahoor Shah
(ZAHOOR SHAH)
SECTION OFFICER (Estb)



65

GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Annexure - J/1

Dated Peshawar the June 24, 2021

ORDER:

No. SQE/C&WD/6-S/2020

WHEREAS, Engr. Navood Khan the then XEN Building Division No.1, Peshawar, presently performing duty as XEN Highway Division Kohat was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for alleged act/omission with regard to scheme "Up-gradation of 50 Middle Schools to High level in Khyber Pakhtunkhwa (B&G) 30:70 on need basis (ADP No.172/130341/2014-15 Chief Minister's Directive S/M: GGMS Shahi Bala S/T Hamid Abad Peshawar"

2. AND WHEREAS, for the said act/omission specified in rule-3(a) of the rules ibid, they were served with charge sheet/statement of allegations.

3. AND WHEREAS, an inquiry committee Mr. Nauman Afzal Afridi Chief Economist, P&D Department and Engr. Muhammad Nawaz the then SE (HQ) O/O CE (North) C&W Peshawar was appointed, who conducted inquiry and submitted the report.

4. NOW THEREFORE, the Competent Authority after having considered the charges, material on record, inquiry report of the inquiry committee, explanation and personal hearing of the officer concerned, in exercise of the powers under Rule-14(5)(ii) of Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose the minor penalty of "Censure" upon the aforementioned officer

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

End of even number and date

Copy is forwarded for information to:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Chief Engineer (Centre) C&W Peshawar
3. Chief Engineer (South-I) C&W Peshawar
4. Superintending Engineer C&W Circle Peshawar/Kohat
5. Executive Engineer Building Division No.1, Peshawar
6. Executive Engineer Highway Division Kohat
7. District Accounts Officer Kohat.
8. PS to Secretary Establishment Department, Peshawar.
9. PS to Secretary C&W Department, Peshawar.
10. PA to Deputy Secretary (Admin) C&W Department, Peshawar.
11. Officer concerned.
12. Office order File/Personal File.

RECEIVED
6370/482
24/06/2021
ATTESTED

(ZAMMOOR SHAH)
SECTION OFFICER (ES&D)



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/8-5/2020

Dated Peshawar, the October 11, 2021

To

Engr. Muhammad Asad
Design Engineer (OPS)
O/O Chief Engineer (Foreign Aid)
Peshawar

Subject: Review/Appeal against the order bearing No.SOE/C&WD/8-5/2020 dated 26.06.2021: Up-gradation of 50 Middle Schools to High level in Khyber Pakhtunkhwa (B&G) 30:70 on need basis (ADP No.172/130341/2014-15 Chief Minister's Directive SH: GGMS Shahi Bala S/T Hamid Abad Peshawar"

I am directed to refer your appeal/representation dated 01.07.2021, which was examined and submitted to Competent Authority (Chief Minister). The Competent Authority has rejected your appeal/representation.

2. You are hereby informed accordingly.

Zahoor Shah
11.10.2021
(ZAHOOR SHAH)
SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to PS to Secretary C&W Department, Peshawar

Zahoor Shah
11.10.2021
SECTION OFFICER (Estb)

ATTESTED

To,

(67)

Annexure - K/1

The Honorable Chief Minister,
Khyber Pakhtunkhwa, Peshawar.
THROUGH PROPER CHANNEL

Subject

REVIEW / APPEAL AGAINST THE ORDER BEARING NO. SOE/C&WD/8-5/2020, DATED: 24-06-2021.

Sub Head

UPGRADATION OF 50 MIDDLE SCHOOLS TO HIGH LEVEL IN KHYBER PAKHTUNKHWA (R&G) 30:70 ON NEED BASIS (ADP #172/130341/2014-15 CHIEF MINISTER'S DIRECTIVE, SH: GGMS SHAHIBALA S/T HAMID ABAD, PESHAWAR)

Respected Sir,

It is with great honor to state that the undersigned was served with a show cause notice (Annex - A) duly signed by your good self with imposition of tentative minor penalty of "withholding of two annual increments for two years", reply to which was submitted. The charges leveled in the charge sheet were not found correct by the inquiry committee, however, the undersigned has been received the order bearing No. SOE/C&WD/8-5/2020, dated 24-06-2021 (Annex - B), whereby, a major penalty of "Reduction of a lower stage in a time scale for a maximum period of 05 years", has been imposed.

2. The undersigned while posted as SDO in the office of Executive Engineer Building Division No. 1, Peshawar, supervised the subject scheme, the Department initiated Departmental proceedings against the then XEN/SDO/Sub Engineer of Building Division No. 1 Peshawar, for which I was served with a charge sheet / statement of allegation (Annex - C) in reply to the charge sheet (Reply Annex - D), it was categorically explained that the umbrella scheme, which included up-gradation of GGMS Shahi Bala was approved, however, due to dispute of site, the scheme could not be started within the stipulated time framework. The site of the scheme was shifted / transferred thrice, finally, the land was provided by the inhabitants of Hamid Abad and the client Department handed over the site in 2018. The client Department was keen interested to close and complete the umbrella ADP scheme by June 2019.

3. Since, the site of the scheme identification was delayed, the contractor was reluctant to start the work due to increase in prices of the material, as the work order was issued to the contractor on 14-05-2015, after identification of the site / shifting from Shahi Bala to Garanga Bala and then shift to Darmangi and finally to Hamid Abad, duly approved in DDWP meeting held on 10-01-2018 (Minutes of the meeting Annex - E), it is worth mentioning that due to the best efforts of the undersigned and Sub Engineer, the contractor was compelled to start the work, who started the work on 04-05-2018. The completion period of the scheme as per work order was "18 months", according to which the completion period was supposed to expire up to 30-10-2019.

4. As stated above, the Education Department decided to close the above mentioned umbrella scheme of the up-gradation of schools by 30-06-2019, the Education Department in several meetings issued directions for completion of the scheme up to 30-06-2019, in order to avoid creating liabilities for the Provincial Government and to throw forward the scheme to the next year ADP, the contractor was allowed payment for completion of the scheme, few minor items like electrical / plumbing fixtures remained incomplete, which have been completed, as verified by the M&E, P&D Department, as mentioned in the inquiry report of the inquiry committee (Annex - F).

FILED

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5. Furthermore, the inquiry committee, after thorough investigation going through the record provided by the Department, report of M&E, inspection report of the inquiry officer, based on the factual position explained in my reply to the charge sheet / show cause, the deficiencies pointed out in the preliminary inquiry report have been rectified, delay completion of the scheme was reportedly on the part of the contractor, who was reluctant in the start of the scheme due to non availability of site in time. The undersigned had been exonerated from the charge by the inquiry committee.

6. It is pertinent to mention here that although in the inquiry report, the undersigned was not found responsible for the delay of the scheme, however, a show cause notice was served upon me for imposition of minor penalty "withholding of two annual increments for two years", the position was explained in detail in reply to the show cause notice attached as Annex - G.

7. In view of all above detail explanation, the imposition of major penalty as referred to above, whereas, the undersigned in the light of inquiry report was not found guilty and instead of imposition of minor penalty tentatively decided in the show cause notice served upon me, by your good self needs to be reviewed / reconsidered, it is humbly prayed that the order of imposition of major penalty "REDUCTION OF A LOWER STAGE IN A TIME SCALE FOR A MAXIMUM PERIOD OF 05 YEARS", may be reviewed and I may kindly be exonerated from the charge, being innocent, the work has been completed to satisfaction of the client Department handed over to the concerned department.

Thanking for anticipation,

Yours Sincerely,


(Engr. Muhammad Asad)
Design Engineer (OPS),
O/O Chief Engineer, Foreign Aided Project
C&W Department.


ATTESTED

4 Annexure-L

(69)



PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NO.PA/KP/DS/PS/2021/-
Dated January 25, 2021.

TO WHOM IT MAY CONCERN

Name of Work: ADP No. 130341-Upgrade of 50 Middle Schools to High level in Khyber Pakhtunkhwa
Sub Head: GGMS Shahi Bala S/T Hameed Abad

The Executive Engineer Building Division No.1, C&W Department, Peshawar will inspect the status of the work at the newly upgraded GGMS Hameed Abad Kafoor Dheri, PK-66, Peshawar and ensure that the deficiencies have been removed by the Officer/Officials of Building Division No.1 C&W Department, Peshawar and handed over to the E&SE by the C&W Department.

Then the Complaint lodged in this regard, is considered to be resolved.


(MAHMOOD JAN)
Deputy Speaker,
Khyber Pakhtunkhwa Assembly


ATTESTED

قیمت
50 روپے

97344



ایڈوکیٹ: صاحبہ فارسیہ حسام الدین

بار کونسل/ ایسوسی ایشن نمبر: 4884-14-BC

رابطہ نمبر: 0315-9196742

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

محترم سر سید سمن شاہ میسرز صاحب مدد

| | |
|-------------------|-----------------|
| منجانب: Appellant | دعویٰ: |
| | علت نمبر: |
| | مورخہ: |
| | جرم: |
| | تھانہ: |
| | باعث تحریر آنکہ |

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

آن مقام میں سر سید سمن شاہ صاحب مدد کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرہے و تقریر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانون کو اپنے ہمراہ مال اپنے بجائے تقریر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور ان کا ساختہ پرداخت منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ انوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم:

العبد

مقام کے لیے منظور ہے۔

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

Accepted by
 11/11/2024
 Accepted by
 11/11/2024



Muhammad Asad & Yasir Mehmood
Versus
Government etc

APPLICATION FOR SUBMISSION OF SECURITY FOR SERVICE OF NOTICES TO THE DEFENDANTS

Respectfully sheweth,

1. That the subject suit is pending adjudication dated 30-5-2022.
2. That the above titled suit has been admitted in first hearing and the date so fixed was 10-3-2022.
3. That on the date of suit i-e 10-3-2022, the Service Tribunal was dysfunctional as well as the staff was not performing its duties.
4. That due to this reason, notices were not issued on the defendants and next date of hearing was fixed 30-5-2022.

It is, therefore, most humbly prayed that on acceptance of this application, the notice branch may kindly be directed to furnish security money in order to issue/send notices upon the defendants for fair and just adjudication upon the matter.

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

APPLICANT

Through,

Dated: 25-5-2022-

25/5/2022

Counsel.

Reader

Handwritten signatures and dates at the bottom of the page, including '25/5/22' and '25/5/22'.

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No.7747/2021/

Engr Muhammad Asad

Appellant

Versus

Govt of Khyber Pakhtunkhwa
through Secretary C&W and another

Respondents

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| 8 | Imposed Major Penalty | VI | |

Deponent



Muddasir Khan
Section Officer (Litigation)
C&W Department, Peshawar

①

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR
APPEAL NO. 7747 OF 2021

Engr. Muhammad Asad
Design Engineer (OPS) O/O
Chief Engineer (Foreign Aid), Peshawar

--- Appellant

Versus

- | | | |
|--|-----|-------------|
| 1. Govt of Khyber Pakhtunkhwa through Chief Minister | --- | Respondents |
| 2. Chief Secretary Khyber Pakhtunkhwa Peshawar | | |
| 3. Secretary to Govt of Khyber Pakhtunkhwa C&W Department, Peshawar | | |
| 4. Secretary to Govt of Khyber Pakhtunkhwa Establishment Department, Peshawar | | |
| 5. Chief Engineer (Centre) C&W, Peshawar | | |

Joint Parawise Comments on behalf of Respondents No. 1 to 5

Respectfully Sheweth

Preliminary Objections

1. That the appeal is not maintainable.
2. That the petitioner has never challenged in time any order in which his rights were ignored
3. That the appellant has no cause of action and locus standi.
4. That the appeal is time barred.
5. That the appeal is liable to be rejected on ground of non-joinder and mis-joinder of necessary parties
6. That the appellant is estopped by his own conduct to file the instant appeal

Facts

1. Pertains to record
2. Pertains to record
3. Pertains to record
4. Pertains to record
5. Pertains to record
6. Pertains to record
7. Pertains to record
8. Pertains to record

Incorrect. Monitoring Officer of C&W Department inspected the work, during the inspection various shortcomings/defects were observed in the said scheme. In this connection a formal inquiry was conducted through inquiry committee under E&D Rules, 2011 against the officers/official. Beside this, a proper charge sheets/SOAs were served upon the responsible officers/official, including the appellant (Annex-I). The inquiry committee submitted the report (Annex-II) with the findings that the deficiencies pointed out in the report of C&W Department have been rectified. However, delay has been observed on the part of contractor, while after examining the report stated that the charge with regard to full payment to the contractor on fake payment has been proved. The same was processed and submitted to Competent Authority with the proposal that minor penalty of "withholding of 02 annual increments for 02 years" may be imposed upon the accused officers/official including the appellant and their suspension order may be withdrawn.

10. As per record, show cause notices containing tentative minor penalty of "withholding of 02 annual increments for 02 years" were served upon the accused, including appellant on 15.02.2021 with the directions to submit their replies to the show cause notices (Annex-III) to which they replied (Annex-IV).

11. The replies to the show cause notice were examined but did not find any weight-age in their replies including in the reply of the appellant. Therefore, the department was suggested that the minor penalty of "withholding of 02 annual increments for 02 years" already imposed tentatively upon the involved officers/official, including the appellant may be confirmed. The same was further processed in Establishment Department and submitted to Chief Minister Khyber Pakhtunkhwa for orders. The Competent Authority Khyber Pakhtunkhwa authorized Secretary to Govt of Khyber Pkhtunkhwa Housing Department to give personal hearing to accused officers/official on their behalf to which he accorded with the conclusion that there is no doubt left that advance payment to the contractor was made without any justification. Hence, the authorized officer recommended the imposition of minor penalty of "censure" upon Engr. Naveed Khan XEN, while major penalty of "reduction to a lower stage in a time scale for a maximum period of five years" recommended upon officer/official, including appellant. The Competent Authority approved (Annex-V).

12. Incorrect, the Competent Authority after having considered the charges mentioned in record, inquiry report of the inquiry committee, personal hearing of the officers/official, including the appellant in exercise of power under E&D Rules, 2011 imposed the major penalty of "reduction of a lower stage in a time scale for a maximum period of 05 years" (Annex-VI).

13. As per record, the appellant review petition received which was processed and regretted by the Competent Authority having no weight-age nor any justification in his appeal.

Grounds

A. Incorrect, the charges leveled against the appellant were properly enquired and were proved against him as per para-9 of the facts and penalty order is in accordance with law.

B. Incorrect, during the personal hearing of Engr. Naveed Khan XEN (BS-18) C&W Department, the Competent Authority in exercise of the powers under Rule-15(5)(ii) of Khyber Pakhtunkhwa E&D Rules, 2011 has been imposed minor penalty of "Censure" upon him.

7.


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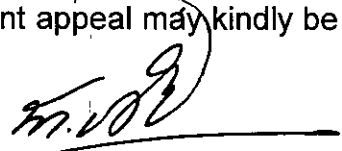
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3

- C. Incorrect and misconceived, all relevant rules have been followed and action taken are within the prescribed law as explained in para -9 of the facts
- D. Incorrect as explained in para-B grounds of the facts
- ~~E~~. Incorrect as explained in para-9 of the facts
- F. The Respondents would like to seek permission of this Hon'able Tribunal to advance more grounds during the time of arguments.

In view of the above, it is humbly prayed that the instant appeal may kindly be dismissed with cost.


SECRETARY TO GOVT OF
Khyber Pakhtunkhwa
C&W Department
(Respondents No. 1, 2 & 4)


CHIEF ENGINEER (CENTRE)
C&W Peshawar
(Respondent No. 5)

(9)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No.7747/2021

Engr Muhammad Asad

Appellant

Versus

Govt of Khyber Pakhtunkhwa
through Secretary C&W and another^s

Respondents

AFFIDAVIT

I, Muddasir Khan, Section Officer (Litigation), C&W Department, Peshawar hereby affirm and declare that all the contents of the Parawise comments are correct to the best of my knowledge and belief and nothing has been concealed.

Deponent

Muddasir Khan
28-7-22
MIR SIRHAT ULLAH SHAM
St. Advocate
Oath Commissioner / Notary Public
High Court Peshawar

Muddasir Khan
Muddasir Khan
Section Officer (Litigation)
C&W Department, Peshawar

Immediate



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/8-5/2020
Dated Peshawar, the October 06, 2020

Anex-1

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To

1. Mr. Nauman Afzal Afridi (PAS BS-19)
Chief Economist, P&D Department
Peshawar
2. Engr. Muhammad Nawaz (BS-19)
Superintending Engineer
Provincial Building (Construction) C&W Peshawar

Subject: UP-GRADATION OF 50 MIDDLE SCHOOLS TO HIGH LEVEL IN KHYBER PAKHTUNKHWA (B&G) 30:70 ON NEED BASIS (ADP NO.172/130341/2014-15 CHIEF MINISTER'S DIRECTIVE SH: GGMS SHAHI BALA S/T HAMID ABAD PESHAWAR"

I am directed to refer to the subject noted above and to state that the Competent Authority (Chief Secretary Khyber Pakhtunkhwa) has been pleased to appoint you as inquiry committee to conduct formal inquiry under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in the subject case against the following officers/official of C&W Department:-

- i. Engr. Naveed Khan (BS-18) the then XEN Building Division No.1 Peshawar, now working as XEN C&W Division Kohat.
- ii. Engr. Muhammad Asad (BS-17) the then SDO O/O XEN Building Division No.1 Peshawar, now working as SDO Provincial Building (Construction) Division No.1, Peshawar.
- iii. Mr. Yasir Mehmood Sub Engineer O/O XEN Building Division No.1, Peshawar

2. Copies of the charge sheets and statement of allegations duly signed by the Competent Authority (Chief Secretary Khyber Pakhtunkhwa) are enclosed, with the request to serve these upon the above mentioned accused officers/official and initiate proceedings against them under the provision of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and submit **report within 30 days positively.**

Encl: As above

(ZAHOR SHAH)
SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to the:

1. Chief Engineer (Centre) C&W Peshawar. He is requested to depute an officer well conversant with the case to assist the inquiry committee and provide them all relevant record required by the inquiry committee.
2. Copy along-with copy of the charge sheet/statement of allegations is forwarded to Engr. Naveed Khan XEN C&W Division Kohat, Engr. Muhammad Asad SDO Provincial Building (Construction) Division No.1, Peshawar and Mr. Yasir Mehmood Sub Engineer O/O XEN Building Division No.1, Peshawar with the direction to appear before the inquiry committee on the date, time and place fixed for the purpose of inquiry proceedings.

SECTION OFFICER (Estb)

(6) 26

CHARGE SHEET

I, Dr. Kazim Niaz, Chief Secretary Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Engr. Muhammad Asad Assistant Engineer (BS-17) C&W Department; presently working as SDO O/O XEN Provincial Building (Construction) Division No.I, Peshawar:

1. "That you, while posted as SDO O/O XEN Building Division No.I, Peshawar committed the following act/omission in the scheme "Up-gradation of 50 Middle Schools to High level in Khyber Pakhtunkhwa (B&G) 30:70 on need basis (ADP No.172/130341/2014-15 Chief Minister's Directive SH: GGMS Shahi Bala S/T Hamid Abad (PK-07) Peshawar":

i. You made full payment to the contractor on the basis of fake measurement in MB in the work regarding Up-gradation of GGMS to GGHS at Hameed Abad Peshawar; rather the same work at site found deficient/incomplete meaning thereby the work is still incomplete even after laps of 14 months, thus render yourself liable to strict disciplinary action against you under E&D Rules, 2011.

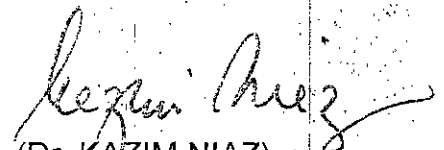
2. By reason of the above, you appear to be guilty of misconduct & inefficient under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 ibid.

3. You are, therefore, required to submit your written defence within seven (07) days of the receipt of this charge sheet to the Inquiry Officer/Committee.

4. Your written defence, if any, should reach the Inquiry Officer/ Committee within specified period, failing which it shall be presumed that you have no defence 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 Secretary

DISCIPLINARY ACTION

I, Dr. Kazim Niaz, Chief Secretary Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Engr. Muhammad Asad Assistant Engineer (BS-17) C&W Department; presently working as SDO O/O XEN Provincial Building (Construction) Division No.1, Peshawar has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011:

STATEMENT OF ALLEGATIONS

- i. He made full payment to the contractor on the basis of fake measurement in MB in the work regarding Up-gradation of GGMS to GGHS at Hameed Abad Peshawar; rather the same work at site found deficient/incomplete meaning thereby the work is still incomplete even after laps of 14 months, thus render himself liable to strict disciplinary action against him under E&D Rules, 2011.
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. Nauman Afzal Afzidi (PAS-19)
- ii. Engr. Muhammad Nawaz (BPS-19) - SE. PHB

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

4. The accused and a well conversant representative of the Department shall join the proceedings on the date, time and place fixed by the Inquiry Officer/ Inquiry Committee.


(Dr. KAZIM NIAZ)
Chief Secretary

Am-12 (8) 34

ENQUIRY REPORT

Subject: NOTICE: UPGRADATION OF 50 MIDDLE SCHOOLS TO HIGH LEVEL IN KHYBER PAKHTUNKHWA (B&G) 30:70 ON NEED BASIS (ADP NO: 172/130341/2014-15 CHIEF MINISTER'S DIRECTIVE SH: GGMS SHAHI BALA S/T HAMID ABAD PESHAWAR.

The competent authority has appointed the following inquiry committee vide C&W Department Notification No. SOE/C&WD/8-5/2020 dated 06.10.2020 (Annex-I):-

1. Mr. Nauman Afzal Afridi, Chief Economist P&D Department
2. Engr. Muhammad Nawaz, Superintendent Engineer C&W Department
Provincial Building (Construction)

The inquiry Committee was tasked to probe against the following accused officers for charges mentioned in the Charge Sheet and Statement of Allegations (Annex-II):

1. Engr. Naveed Khan (BS-18) the then XEN Building Division NO.1 Peshawar, now working as XEN C&W Division, Kohat.
2. Engr. Muhammad Asad (BS-17) the then XEN Building Division No.1 Peshawar, now working as SDO Provincial Building (Construction Division No.1 Peshawar.
3. Mr. Yasir Mehmood
Sub-Engineer o/o XEN Building Division No.1, Peshawar.

Background:

The accused officers were charged that they made full payment to the contractor on the basis of fake measurement in MB in the work regarding up-gradation of GGMS to GGHS at Hameed Abad Peshawar; rather the same work at site found deficient/incomplete meaning thereby the work is still incomplete even after lapse of 14 months.

Proceedings:

After receipt of the letter from C&W Department, the accused officers were directed to submit their written defense vide letter dated 07.10.2020 (Annex-III). After receipt of their written defense, they were directed to appear before the inquiry committee on 11.11.2020 at 1100 hrs. (Annex-IV)

The accused attended the proceedings and submitted their written replies (Annex-V, VI & VII).

In reply, the accused officers did not admit the charges and labeled them as incorrect. They were then directed to provide written defense in light of the inspection report of C&W Department to which they submitted their replies (Annex-VIII, IX&X). Subsequently, the inspection report furnished by the C&W Department was forwarded to Monitoring &

① 30

Evaluation (M&E), P&D Department for physical verification (Annex-XI). Report furnished by M&E, P&D Department is attached at Annex-XII. The enquiry officer also made a visit to the site in person and compiled an inspection report. (Copy attached at Annex-XIII)

Findings:

After thorough investigation and going through the record provided by the department, report of M&E, inspection report of enquiry officer as well as the replies of the accused officers, the deficiencies pointed out in the report of C&W Department have been rectified. However, delay has been observed on part of the contractor.

(Nauman Afzal Afridi)
Chief Economist, P&D Department

(Engr. Muhammad Nawaz)
Superintendent Engineer (HQ),
O/O Chief Engineer (North) C&W Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/8-5/2020
Dated Peshawar, the Feb 15, 2021

To

Engr. Muhammad Asad
Assistant Engineer/SDO
C&W Department
(Presently under suspension)

Subject: Up-gradation of 50 Middle Schools to High level in Khyber Pakhtunkhwa (B&G) 30:70 on need basis (ADP No.172/130341/2014-15 Chief Minister's Directive SH: GGMS Shahi Bala S/T Hamid Abad Peshawar"

I am directed to refer to the subject noted above and to enclose herewith two copies of the show cause Notice containing tentative minor penalty of "withholding of two annual increments for two years" along-with inquiry report conducted by inquiry committee comprising of Mr. Nauman Afzal Afridi Chief Economist, P&D Department and Engr. Muhammad Nawaz SE (HQ) O/O CE (North) C&W Peshawar and to state that the 2ND 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 7 days of the delivery of this letter**, otherwise, it will be presumed that you have nothing to put in your defence and ex-party action will follow.

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

Zahoor Shah

15.02.2021

(ZAHOOR SHAH)
SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to PS to Secretary C&W Department, Peshawar

SECTION OFFICER (Estb)

SHOW CAUSE NOTICE

I, Mehmood Khan Chief Minister Khyber Pakhtunkhwa as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Engr. Muhammad Asad Assistant Engineer (BS-17), presently under suspension; as follows.

1. (i) That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you were given an opportunity of hearing vide communication letter dated 11.11.2020; and;
- (ii) On going through the report of the inquiry Committee, the material on record and other connected papers including your defence before the inquiry committee;

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

- i. You made full payment to the contractor on the basis of fake measurement in MB in the work regarding Up-gradation of GGMS to GGHS at Hameed Abad Peshawar; rather the same work at site found deficient/incomplete meaning thereby the work is still incomplete even after laps of 14 months, thus render yourself liable to strict disciplinary action against you under E&D Rules, 2011.
2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of "withholding of 100% of the monthly increments for two years" under Rule 4 of the said rules.
 3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
 4. If no reply to this notice is received within seven (07) days or not more than fifteen (15) days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
 5. A copy of the findings of the inquiry officer is enclosed.



(MEHMOOD KHAN)
Chief Minister
Khyber Pakhtunkhwa

grinding/polishing of marble tiles in class rooms and verandahs were not done.

To,

The Honorable Chief Minister,
Khyber Pakhtunkhwa Peshawar.
(THROUGH PROPER CHANNEL).

Diary No: 2185
Date: 1-3-2021
Secretary C&W Dept.

01/03/2021

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(2)

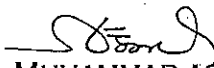
SUBJECT: SHOW CAUSE REPLY REGARDING UPGRADATION OF 50 MIDDLE SCHOOLS TO HIGH LEVEL IN KHYBER PAKHTUNKHWA (B&G) 30:70 ON NEED BASIS ADP NO 172/130341 (2014-15) CHIEF MINISTER'S DIRECTIVE SH: GGMS SHAHI BALLA S/T HAMID ABAD PESHAWAR"

REF NO: SOE/C&WD/8-5/2020 DATED 15/02/2021

Respected sir,


1. An Umbrella Scheme "Up-Gradation Of 50-Middle Schools To High Level in the Khyber Pakhtunkhwa (boys & Girls) 30:70 ON NEED BASIS" in various Districts were planned by the Elementary & Secondary Education (E&SE) Department under ADP No.172/130341 for the year, 2014-15. As per procedure, the field formation of C&W Building Division-1 Peshawar prepared Detail cost estimates (DCE's) and sent to E&SE Department Peshawar for approval.
2. The Secretary E&SE Department Peshawar accorded Administrative Approval of the scheme for Rs.16.00 (M) vide CPO/SPO-I/E&SE/1- 1/A.A/2013-14/Peshawar dated 06/07/2015 (copy of AA attached as **Annex-1**).
3. After the receipt of Administrative Approval, XEN Building Division-I Peshawar called bidding and consequently, work order was issued to M/S Saeed Ullah Construction Co, for Rs 15.462 M. on 14-05-2015 (copy attached as **Annex-II**) after fulfillment of codal formalities.
4. I the undersigned with Sub engineer, approached E&SE department Peshawar for possession and visited GGMS Shahi bala but the site was found disputed and could not be managed for execution of the scheme and subsequently the scheme was shifted thrice. a) Originally the scheme was identified at GGMS Shahi Bala: b) shifted to GGMS Darmangi, c) then shifted to GGMS Garanga Bala: d) and finally shifted to GGMS Hameed Abad and finally school shifting to GGMS Hamid Abad was approved in **DDWP** meeting held on 10-01-2018 (copy of minutes of the meeting attached **Annex-III**).
5. Technical Sanction of the scheme for Rs.13.839 (M) was accorded by competent Authority on dated 25/11/2019 (copy of T.S. attached as **Annexure-IV**).
6. All the required work was completed by the contractor and the respective last 7th running bill was prepared and submitted to XEN Building Division -I and accordingly cheque was issued to contractor in june 2019. The scheme was Due for completion in financial year 2018- 19.
7. The undersigned with Sub Engineer inspected the scheme in July 2019 and the scheme was found completed. However certain deficiencies being of detachable nature i.e internal water supply and sanitary installation, internal electrification and courtyard debris clearance and leveling /dressing were pointed out to contractor on site and the contractor was directed to remove all rectification / deficient works.

- 8. The work on rectification as communicated to contractor was resumed but due to contractor personal domestic problems and outbreak of COVID-19 the work was stopped. However after easing of lockdown, the work was restarted and all the deficiencies / rectifications were removed and work has been completed. The scheme has been taken over by E&SE Deptt: (Signed copy of PC-IV is attached for ready reference as Annex-V).
- 9. As far as charge regarding fake measurements and payment is concerned, the charge is denied as payment was made as per work done. The deficiencies as pointed out to contractor in Para-VII were rectified by contractor and the scheme stands completed, the scheme has also been taken over by E&SE deptt: and no loss to the Govt Ex-chequer is sustained. Furthermore the complainant has conveyed that "the complaint lodged in this regard is considered to be resolved" (the certificate is attached as Annex-VI). Moreover the inquiry committee in last Para of findings states that "The deficiencies pointed out in report of C&W Department have been rectified"
- 10. The scheme has been complete in all respect and take over by E&SE Department, the complainant conveyed that issue has been resolved and inquiry committee also intimated that deficiencies in C&W Department Monitoring report have been rectified.
- 11. Hence keeping in view above facts it is humbly requested that charges leveled against me may kindly be withdrawn and tentative minor penalty of withholding of two annual increments for two years may kindly be waived off and the undersigned may be exonerated from charges please.
- 12. Further the undersigned also desires to be heard in person in order to may advance any other submission.


 ENGR. MUHAMMAD ASAD
 (SUB DIVISIONAL OFFICER)
 C&W DEPARTMENT PESHAWAR

Copy forwarded to the Section Officer (Estb), C&W Department, Peshawar for information & necessary action please.

Handwritten notes:
 P/F :
 Received on 13/2/21


 ENGR. MUHAMMAD ASAD
 (SUB DIVISIONAL OFFICER)
 C&W DEPARTMENT PESHAWAR



CNW-6389

GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Annex - IV

19



NOTE FOR CHIEF SECRETARY

Subject: Up-gradation of 50 Middle Schools to High level in Khyber Pakhtunkhwa (B&G) 30:70 on need basis (ADP No.172/13034/1/2014-15 Chief Minister's Directive SH: GGMS Shahi Bala S/T Hamid Abad Peshawar"

Monitoring Officer of C&W Department has inspected the subject work. During the inspection various shortcoming/defects were observed in the School building, rather any constructional activity not found at site. In the conclusion, it has mentioned that **(Annex-I)**:

- i. The deficiency/incomplete work is negligence and irregularity. Recorded fake measurement in the MB and released payment to the contractor. The balance work is still incomplete even after lapse of 14 months, which is rest on part of C&W staff i.e. SDO and Sub Engineer.
- ii. The contractor is recommended for blacklisting as he left the work incomplete despite full payment released by the Department.

2. The Monitoring Officer has further recommended i.e. (a) SDO and Sub Engineer may be charge sheeted, besides their suspension on the basis of irregularity and detail inquiry be conducted against them (b) the contractor may be blacklisted and the balance amount be recovered from his security deposit. Moreover, the work may also be completed on his risk and cost.

3. The incumbency of officers/official of C&W Department as well as contractor may be perused as under:

- i. Engr. Naveed Khan (BS-18) the then XEN Building Division No.1 Peshawar, now working as XEN C&W Division Kohat.
- ii. Engr. Muhammad Asad (BS-17) the then SDO O/O XEN Building Division No.1 Peshawar, now working as SDO Provincial Building (Construction) Division No.1, Peshawar.
- iii. Mr. Yasir Mehmood Sub Engineer O/O XEN Building Division No.1, Peshawar
- iv. Contractor i.e. M/S Saeed Ullah Construction CO

4. In view of above, C&W Department proposes disciplinary action against the aforementioned officers/official under Rule-3(a) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. The Chief Secretary Khyber Pakhtunkhwa, being Competent Authority in terms of Rule-2(1)(f)(ii) of E&D Rules 2011 is requested to sign the charge sheets/ statement of allegations (duly flagged), appoint inquiry officer/committee out of the panel of following officers, and insert name(s) of the officer in the statement of allegations, while the case of contractor (M/S Saeed Ullah Construction CO) may be referred to Chief Engineer (CDO) C&W Peshawar for blacklisting under KPPRA procurement Rules.

- i. Engr. Muhammad Nawaz (BS-19) Superintending Engineer C&W Department
- ii. Engr. Qaisar Zaman (BS-19) Superintending Engineer PHE Department

Secretary Establishment
CHIEF SECRETARY

[Signature]
SECRETARY
C&W
10/9/2020

PS/S: (F&AD) KP
Diary
FTS No.
Date

29.5.20
11.9.2020

7-10-2020

15

5. Note for Chief Secretary moved by C&W Department regarding disciplinary action against the officers/official in pursuance of inspection report of the Monitoring Officer of C&W Department with regard to Upgradation of 50 Middle Schools to High level in Khyber Pakhtunkhwa has been examined (Annex-I).

6. Proposal of Administrative Department contained in Para-4 read with Para-3 of the Note is endorsed for approval of Chief Secretary Khyber Pakhtunkhwa being competent authority under Rule-2(1)(f)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 (Annex-II). The Chief Secretary may like to sign Charge Sheets and Statements of Allegations (duly flagged) and appoint an Inquiry Officer/ Inquiry Committee from the following panels by indicating the name(s) in the space left blank in the Statements of Allegations:-

Panel of PAS/PMS Officers

1. Mr. Nauman Afzal Afridi (PAS BS-19)
Chief Economist, P&D Department.
2. Mr. Jehanzeb Khan (PMS BS-19),
Additional Secretary Auqaf, Hajj, Religious &
Minority Affairs Department.

Panel of Technical Officers

1. Engr. Muhammad Nawaz (BPS-19),
Superintending Engineer, C&W Department.
2. Engr. Qaisar Zaman (BPS-19),
Superintending Engineer, PHE, Department.

(Mutahir Zeb)
Secretary Establishment
25, September, 2020

Chief Secretary Khyber Pakhtunkhwa

7. Mr Nauman Afzal and Engr. Muhammad Nawaz (BS-19)
Secy Estab

29/9
Chief Secretary
Govt. of Khyber Pakhtunkhwa

PSA Sec 4/2020
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5/10
5/10
29/9

28.9.2020

Diary No. 2020-21
FYS NO. 2020-21
Date: 28/9/20

Para 1-7/N refers

8. In compliance of para-7 of the Note, inquiry committee comprising of Mr. Nauman Afzal Afridi (PAS BS-19) Chief Economist, P&D Department Peshawar and Engr. Muhammad Nawaz (BS-19) Superintending Engineer Provincial Building (Construction) C&W Peshawar has been constituted to conduct formal inquiry under E&D Rules, 2011 against the responsible officers/official as per para-3 of the Note (Annex-III). The C&W Department was also proposed that the case of contractor (M/S Saeed Ullah Construction CO) may be referred to Chief Engineer (CDO) C&W Peshawar for blacklisting under KPPPRA procurement Rules vide para-4 of the Note. However, the Hon'able Chief Secretary signed the charge sheet/statement of allegations, while an orders/approval with regard to blacklisting under KPPPRA procurement Rules of the concerned contractor is remained unattended by the Competent Authority. In order to complete formal inquiry proceedings initiated against the delinquent officers/official (Annex-III) in a fair and transparent manner, C&W Department intends to place them under suspension.

9. In view of above, C&W Department proposes that the case of contractor (M/S Saeed Ullah Construction CO) may be referred to Chief Engineer (CDO) C&W Peshawar for blacklisting under KPPPRA procurement Rules. It is further proposed that the officers/official appearing at para-3 of the Note may be placed under suspension from service under Rule-6 of the E&D Rules, 2011 forthwith.

10. The proposal contained in para-9 of the Note is submitted for approval, please.

Secretary Es&W:
CHIEF SECRETARY

[Signature]
SECRETARY
C&W 09.10.2020

N.P.P.

Diary No. *[Signature]*
FTS No. *9-10-20*
Date. *9-10-20*

11. Note for Chief Secretary regarding disciplinary action against the officers/official of C&W Department was earlier examined. The charge sheets and statement of allegations have been signed by the Competent Authority (duly flagged) and an Inquiry Committee comprising of Mr. Nauman Afzal Afridi (PAS BS-19) Chief Economist P&D Department and Engr. Muhammad Nawaz (BS-19) Superintending Engineer Provincial Building (Construction) C&W has been constituted in compliance to Para-7 of the Note.

12. Now, the Administrative Department vide Paras-9 of the Note, has proposed that the case of contractor may be referred to Chief Engineer (CDO) for blacklisting under KPPRA Procurement Rules. Further proposed that in order to complete formal inquiry proceedings initiated against the delinquent officers/official in fair and transparent manner, they may be placed under suspension.

13. It is pointed out that under Rule-44 of the Khyber Pakhtunkhwa Public Procurement of Goods, Works & Services Rules, 2014 (Annex-II), blacklisting of the contractor is domain of the Procuring Entity, the Administrative Department may therefore, proceed further in the light of ibid rules.

14. Proposal of the Administrative Department contained in Para-9 of the Note to the extent of suspension of the accused officers/official appearing at Para-3(i-iii) of the Note is submitted for approval of the Chief Secretary being Competent Authority under Rule-2(1)(f)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 (Annex-IV).

(Mutaher Zeb)
Secretary Establishment
22nd October, 2020

Chief Secretary, Khyber Pakhtunkhwa

Secy Estab

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23/10

Chief Secretary
Govt. of Khyber Pakhtunkhwa

16 Sec / C & W

g
24/10

S.No. _____
Date: 22/10/20

(12)

Paras 1 to 16 refer.

17. In compliance to para-16 of the Note, Mr. Nauman Afzal Afridi Chief Economist, P&D Department and Engr. Muhammad Nawaz SE (HQ) O/O CE (North) C&W Peshawar was constituted as inquiry committee to conduct formal inquiry under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 against the accused officers/official, who submitted the report (Annex-V). In the findings, it has mentioned that after thorough investigation and going through the record provided by the department, report of M&E, inspection of inquiry officer as well as the replies of the accused officers/official, the deficiencies pointed out in the report of C&W Department have been rectified. However, delay has been observed on part of contractor.

18. The report examined in the Department and found that the charge with regard to full payment to the contractor on fake payment has been proved against the accused officers/official as the inquiry committee has clearly mentioned in the findings that the deficiencies pointed out in the report of C&W Department have been rectified, meaning thereby the building at that time was left incomplete. Therefore, C&W Department is of view that minor penalty of "withholding of two annual increments for two years" may be imposed upon the following officers/official:

- i. Engr. Naveed Khan XEN
- ii. Engr. Muhammad Asad SDO
- iii. Mr. Yasir Mehmood Sub Engineer

19. Show cause notices are prepared and placed at Annex-VI. It is further proposed that the said officers/official may be re-instated into service and withdraw/cancel their suspension order issued on 06.10.2020 (Annex-VII). So far action against contractor is concerned, in this regard, the department has been asked CE (CDO) C&W Peshawar for blacklisting the contractor i.e. M/S Saeed Ullah Construction Co. under Rule-44 of KPPPRA Rules (Annex-VIII).

20. Proposal contained in para 18 & 19 ante are submitted for perusal of the Chief Minister Khyber Pakhtunkhwa and orders please.

Diary No = 619/2021
Dated = 15-1-2021

SPECIAL ASSISTANT TO CHIEF MINISTER
KHYBER PAKHTUNKHWA FOR C&W

CHIEF SECRETARY

Proposal Contained in Para-18-19/S
are endorsed.

[Handwritten signature]

[Handwritten signature]
SECRETARY
C&W 14.1.2021

[Handwritten signature]
Special Assistant to CM for C&W
Khyber Pakhtunkhwa

22. Summary for Chief Minister, Khyber Pakhtunkhwa regarding disciplinary action against the following officers/official of C&W Department has been examined.

- i) Engr. Naveed Khan, XEN
- ii) Engr. Muhammad Asad, SDO
- iii) Mr. Yasir Mehmood, Sub Engineer

✓ 23. The Inquiry Committee has submitted inquiry report with the findings that the deficiencies pointed out in the report of C&W Department have been rectified. However, delay has been observed on part of the contractor (Annex-V) while, the Administrative Department after examining the report stated that the charge with regard to full payment to the contractor on fake measurement has been proved and proposed minor penalty of "withholding of two annual increments for two years" to be imposed upon the accused officers/official and their suspension orders may be withdrawn (Annex-VII). However, it is the power of the competent authority to award a penalty according to the gravity of the crime.

24. Summary is submitted for orders of the Honorable Chief Minister, Khyber Pakhtunkhwa being competent authority under Rules-14(4) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 (Annex-IX) and sign the show cause notices placed at (Annex-VI) and insert penalties out of the list at (Annex-X) as deemed appropriate.

(Mutaher Zeb)
 Secretary Establishment
 4th February, 2021

Chief Secretary, Khyber Pakhtunkhwa

Chief Minister

[Handwritten signature]

... 24 approval.

[Handwritten signature]
 10-2-2021

CHIEF MINISTER
 Khyber Pakhtunkhwa



Paras 1 to 25 refer

26. In compliance to para-25 of the summary, show cause notices containing tentative minor penalty of "withholding of two annual increments for two years" were served upon the following accused officers/official:-

- i. Engr. Naveed Khan XEN
- ii. Engr. Muhammad Asad SDO
- iii. Mr. Yasir Mehmood Sub Engineer

27. All accused submitted their replies vide (Annex X, XI & XII), and requested for personal hearing.

28. **Engr. Naveed Khan XEN:** In his reply denied the charges on the grounds that the payment was made according to the scheme work done. The deficiencies pointed out were rectified, besides taken over the scheme by Elementary & Secondary Education (E&SE) Department Peshawar. Due to rectification no loss sustained to Govt exchequer. Moreover, the complainant has reported that "the complaint lodged in this regard may be considered as resolved". Furthermore, the inquiry committee in their findings stated that "the deficiencies pointed out in report of C&W Department have been rectified".

29. **Engr. Muhammad Asad SDO** denied from charges on the grounds that he inspected the scheme along-with Sub Engineer in July 2019 and the scheme was found completed. However some minor deficiencies were found i.e. internal water supply & sanitary installation, internal electrification, courtyard debris clearance, leveling/dressing and accordingly they directed the contractor to remove all rectification/deficient works, which were stopped due to COVID-19. Accordingly the work restarted and removed the deficiencies. The scheme has been taken over by E&SE Department.

30. **Mr. Yasir Mehmood Sub Engineer** denied from charges on the grounds that he inspected the scheme along-with SDO in July 2019 and the scheme was found completed. However some minor deficiencies were found i.e. internal water supply & sanitary installation, internal electrification, courtyard debris clearance, leveling/dressing and accordingly they directed the contractor to remove all rectification/deficient works, which were stopped due to COVID-19. Accordingly the work restarted and removed the deficiencies. The scheme has been taken over by E&SE Department.

31. The replies of the accused officers/official have been examined but did not find any weight-age in their replies. Therefore, this Department proposes that the already tentatively imposition of minor penalty of "withholding of two annual increments for two years" may be confirmed. However prior to that each accused may be granted an opportunity of personal hearing as per requirements of E&D Rules, 2011.

32. Proposal contained in para-31 ante is submitted for orders of Chief Minister Khyber Pakhtunkhwa, please.

SECRETARY
C&W 29.3.2021

~~SPECIAL ASSISTANT TO CHIEF MINISTER
KHYBER PAKHTUNKHWA FOR C&W~~

~~CHIEF SECRETARY~~

Special Assistant to C.M for C&W
Khyber Pakhtunkhwa


21

33. Summary for Chief Minister regarding disciplinary action against the following officers/official of C&W Department has been examined.

- i. Engr. Naveed Khan, XEN
- ii. Engr. Muhammad Asad, SDO
- iii. Mr. Yasir Mehmood, Sub Engineer


34. The competent authority has tentatively imposed minor penalty of "withholding of 02 Annual Increments for two years" upon the accused officers/official vide show cause notices placed at (Annex-VI). The accused have submitted their replies vide (Annex-X, XI & XII). The Administrative Department vide Para-27 of the summary, examined the replies of the accused and did not found any weightage in their replies. Therefore, proposes that the tentative penalty of "withholding of 02 Annual Increments for two years" may be confirmed.

35. The Honourable Chief Minister, Khyber Pakhtunkhwa being competent authority under Rule-4(1)(a) of Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 may afford opportunity of personal hearing to the accused officers/official in terms of Rule-15 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 (Annex-XIII) before confirmation of the penalties already imposed tentatively upon the accused.


(Mutaher Zeb)
Secretary Establishment
15th April, 2021

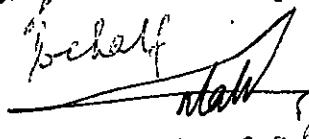
Chief Secretary Khyber Pakhtunkhwa

Chief Minister


19/4

7: This is approved. Muhammad
Secretary Housing &
on my behalf

grant personal


23-4-2021
Chief Minister
Khyber Pakhtunkhwa

UP-GRADATION OF 50 MIDDLE SCHOOLS TO HIGH LEVEL IN KHYBER PAKHTUNKHWA (B&G) 30:70 ON NEED BASIS (ADP NO. 172/130341/2014-2015 CHIEF MINISTER'S DIRECTIVE SH: GGMS SHAHI BALA S/T HAMID ABAD PESHAWAR

38. The Chief Minister Khyber Pakhtunkhwa vide orders contained in para 37/ante, authorised the undersigned to afford the opportunity of personal hearing to accused Engr. Naveed Khan, Executive Engineer (BS-18), Engr. Muhammad Asad, Assistant Engineer (BS-17) and Mr. Yasir Mehmood, Sub. Engineer in terms of Rule 15 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline Rules) 2011. All the accused officers/ official were summoned by the undersigned for personal hearing along with the departmental representatives on 19-05-2021 (Annex-I). Report is submitted as under:

Brief facts of the case

39. During the upgradation work of GGMS to GGHS at Hameed Abad, District Peshawar, it transpired that they made full and final payment to the contractor on the basis of fake measurement in MB, whereas the work done on site was found deficient/ incomplete by the monitoring team of the department even after the lapse of 14 months. This caused the initiation of disciplinary proceedings against them. Mr. Nauman Afzal Afridi (PAS BS-19) and Engr. Muhammad Nawaz, SE PHE (BPS-19) were nominated as inquiry officers by the Competent Authority. The inquiry report dated 18-22-2020 concluded that;

“ After thorough investigation and going through the record provided by the department, report of M&E, inspection report of enquiry officer as well as the replies of the accused officers, the deficiencies pointed out in the report of C&W Department have been rectified. However, delay has been observed on part of the contractor.”

40. Keeping in view the findings of the inquiry committee, the Competent Authority (Chief Minister Khyber Pakhtunkhwa) served separate show cause notices upon above mentioned officers. Both the officers and one official submitted their written replies to the show cause notices with the request to be heard in person by the Competent Authority under the provisions of Rule 15 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline Rules) 2011.

41. **Engr. Naveed Khan, Executive Engineer (BS-18)**

During personal hearing of the accused, he reiterated the stance which he held during the proceedings of the inquiry. As an additional defence, he referred to the initial monitoring report wherein the monitoring officer had fixed the responsibility of advance payment and fake entries in the measurement book upon sub divisional officer and sub engineer concerned (Annex-II). He also referred to section 220 of Central Public Works Department Code (Annex-III) as well as section 2.98 (b) of 'The West Pakistan Buildings & Roads, Department Code (Annex-IV) wherein it is stated that the sole responsibility of ensuring quality/ quantity of work being billed is upon the SDO concerned and in case of any default in this regard, SDO concerned will be personally responsible.

Recommendations

Keeping in view the fixation of responsibility by the monitoring report upon the sub engineer and SDO concerned as well as the documents produced by the officer, it is evident that he has been sinned against more than sinning. Although preparation of MB and preparation of bill come under the sole responsibility of sub engineer and SDO concerned, he being Divisional head should have ensured that every penny paid is against the work done on ground. Having said that, the penalty of withholding two increments for two years seems to be harsher one. Minor penalty of Censure is recommended against him please. //

42. **Engr. Muhammad Asad, Assistant Engineer (BS-17)**

During personal hearing of the accused, he reiterated the stance that the bill has been prepared as per actual work done on site and no advance payment has been made to the contractor on this account. His attention was invited to the written statement he submitted in reply to the show cause notice wherein he has stated that on 7th of September, 2020 he along with sub engineer concerned visited the site and told the contractor to address the minor works which were left by him. When he was confronted with the monitoring report which mentioned 16 acts of omission on part of the contractor, he could not justify his stance. His response to the role assigned to him vide section 220 of Central Public Works Department Code (Annex-III) as well as section 2.98 (b) of 'The West Pakistan Buildings & Roads, Department Code (Annex-IV) was that he made the payments as per work done and no advance payments had been made to contractor.

Recommendations

Keeping in view his consistent refusal in discharging his duties as per role assigned to him, there is no doubt left that advance payment to the contractor was made without any justification. Had the report of the monitoring team not unearthed this grave action on his part, contractor in criminal collusion of the SDO must have bagged the money at the cost of the public exchequer. Had he been cognizant of his responsibilities and taken interest in the job assigned, he could have done his assigned job as per expectations. But it seems that he opted to keep himself aloof from the whole process, prima facie, for ulterior motives and caused the whole process damaged by irregularities, lack of transparency and procedural observances. Keeping in view the above, major penalty of reduction to a lower post or pay scale or to a lower stage in a time scale for a maximum period of five years is recommended please.

43. **Mr. Yasir Mehmood, Sub Engineer**

During personal hearing of the accused, he reiterated the stance that the bill has been prepared as per actual work done on site and no advance payment has been made to the contractor on this account. His attention was invited to the written statement he submitted in reply to the show cause notice wherein he has stated that on 7th of September, 2020 he along with SDO concerned visited the site and told the contractor to address the minor works which were left by him. When he was confronted with the monitoring report which mentioned 16 acts of omission on part of the contractor, he reiterated that MB was prepared as per actual work done and no fake entries have been recorded therein.

Recommendations

Keeping in view his consistent refusal in discharging his duties as per role assigned to it, there is no doubt left that advance payment to the contractor was made without any justification. Had the report of the monitoring team not unearthed this grave action on his part, contractor alongwith the criminal collusion of the sub engineer must have bagged the money at the cost of the public exchequer. Had he been cognizant of his responsibilities and taken interest in the job assigned, he could have done his assigned job as per expectations. But it seems that he opted to collude with the contractor during the whole process, prima facie, for ulterior motives and caused the whole process damaged by irregularities, lack of transparency and procedural observances.

Keeping in view the above, major penalty of reduction to a lower post or pay scale or to a lower stage in a time scale for a maximum period of five years is recommended please.

21
26.5.2021

Muhammad Ali Shah
Secretary Housing
Secretary
Housing Department
Govt. of Khyber Pakhtunkhwa

Chief Secretary Khyber Pakhtunkhwa

Chief Minister

Approved
11

MS
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MS
11-6-21
Chief Minister
Khyber Pakhtunkhwa



Amend-47
26 24

Dated Peshawar the June 24, 2021

ORDER:

No.SOE/C&WD/8-5/2020:

WHEREAS, Engr. Muhammad Asad the then SDO Building Division No.I, Peshawar, presently performing duty as Design Engineer (OPS) O/O Chief Engineer Foreign Aid Peshawar was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for alleged act/omission with regard to scheme "Up-gradation of 50 Middle Schools to High level in Khyber Pakhtunkhwa (B&G) 30:70 on need basis (ADP No.172/130341/2014-15 Chief Minister's Directive SH: GGMS Shahi Bala S/T Hamid Abad Peshawar":

2. AND WHEREAS, for the said act/omission specified in rule-3(a) of the rules ibid, they were served with charge sheet/statement of allegations.

3. AND WHEREAS, an inquiry committee Mr. Nauman Afzal Afridi Chief Economist, P&D Department and Engr. Muhammad Nawaz the then SE (HQ) O/O CE (North) C&W Peshawar was appointed, who conducted inquiry and submitted the report.

4. NOW THEREFORE, the Competent Authority after having considered the charges, material on record, inquiry report of the inquiry committee, explanation and personal hearing of the officer concerned, in exercise of the powers under Rule-14(5)(ii) of Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose the major penalty of "Reduction of a lower stage in a time scale for a maximum period of 05 years" upon the aforementioned officer.

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded for information to:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Chief Engineer (Centre) C&W Peshawar
3. Chief Engineer (South-I) C&W Peshawar
4. Chief Engineer (Foreign Aid) Peshawar
5. Superintending Engineer C&W Circle Peshawar
6. Executive Engineer Building Division No.I, Peshawar
7. PS to Secretary Establishment Department, Peshawar.
8. PS to Secretary C&W Department, Peshawar.
9. PA to Deputy Secretary (Admn) C&W Department, Peshawar.
10. Officer concerned.
11. Office order File/Personal File.


24.6.2021
(ZAHOOOR SHAH)
SECTION OFFICER (Estb)