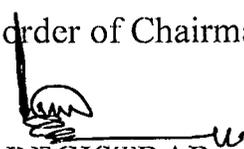


# FORM OF ORDER SHEET

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

Case No.- 1670/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/11/2022	<p>The appeal of Mr. Muhammad Idrees presented today by Mr. Ashraf Ali Khattak Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on <u>24/11/2022</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;"> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1670/2022

Muhammad Idrees.....Appellant.

Versus

The Director Education, (E & SED) & others.....Respondents.

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Service Appeal with affidavit.			1-13
2.	Copy of the transfer order dated 20-01-2022 and relieving order dated 31-01-2022.		A	14-16
3.	Copies of the adjustment order dated 07-03-2022 and departmental appeal.		B	17-18
4.	Copies of the application along with audit notes on the account of GGHS Kotigram Dir Lower dated 27-11-2021 and Bank Statement		C	19-23
5.	complaint before the District Education Officer Female Dir Lower at Timergara (respondent No.3).	14-03-2022	D	24-26
6.	Copy of the reply to the complaint / allegations of Head Mistress.	21-05-2022	E	27-
7.	Copy of the application of the appellant.	17-06-2022	F	28-29
8.	Copy of show cause Endstt; No.6101-03 Dated 18-07-20022 and reply to the Show Cause Notice.		G	30-41
9.	Copy of letter Endstt:No.2156/F.No./A-23/MS/Complaint/Dir Lower Dated 01-08-2022 along with questionnaire.		H	42-43
10.	Copy of Notification No.5364-67 Dated 11-08-2022 from the office of respondent No.1 recieved on 12-08-2022.		I	44-
11.	Copy of letter No. 5618 issued from the District Education Officer Male Dir (respondent No.2)	05-08-2022	J	45-
12.	Copy of Notification Endstt: No.6103-07.	22-08-2022	K	46-
13.	Copy of departmental appeal of the appellant	26-08-2022	L	47-52
14.	Wakalatnama			53-55

Appellant

Through

Ali Bakht Mughal  
Advocate.

District Courts, Peshawar

Dated: \_\_\_/11/2022

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1670/2022

Muhammad Idress.  
 Ex-Junior Clerk.  
 R/o Ouch East, Tehsil Adenzai, Dir Lower .....Appellant.

Versus

1. The Director Education. (E & SED).  
 Near Malik Saad BRT, Terminal.  
 G.T. Road Firdous, Peshawar  
 Kohat Region, Kohat.
2. The District Education Officer (Male).  
 (E & SED), Dir Lower.
3. The District Education Officer (Female),  
 (E & SED), Dir Lower. ....Respondents.

**SERVICE APPEAL UNDER SECTION 4 OF THE  
 KHYBER PAKHTUNKHWA SERVICE  
 TRIBUNAL ACT 1974 READ WITH RULE-19 OF  
 KHYBER PAKHTUNKHWA GOVERNMENT  
 SERVANT (EFFICIENCY AND DISCIPLINE)  
 RULES, 2011 AGAINST THE IMPUGNED  
 ORDER NO.6103-07 DATED 22-08-2022 OF THE  
 RESPONDENT NO.2, WHEREIN HE IMPOSED  
 UPON THE APPELLANT MAJOR PENALTY OF  
 COMPULSORY RETIREMENT FROM  
 SERVICE AND AGAINST WHICH APPELLANT  
 FILED DEPARTMENTAL APPEAL VIDE  
 DIARY NO.1554 DATED 26-08-2022.**

**PRAYER:**

On acceptance of the instant service appeal, this Hon'ble Tribunal may graciously be pleased to:-

- i. **Declare impugned order No.6103-07 dated 22-08-2022 of the respondent No.2, wherein he imposed upon the appellant major**

**penalty of compulsory retirement from service as illegal, unlawful and without lawful authority and set aside the same.**

- ii. **Direct** the respondents to re-instate the appellant into service with all back benefits.
- iii. **Any other relief** as deemed appropriate under the circumstances of the case may also graciously be allowed to the appellant.

Respectfully Sheweth.

The facts given rise to the present service appeal are as under:

1. That appellant was the serving as junior clerk in the respondent department. He had more than 26 years service at his credit.
2. That appellant remained as Junior Clerk, GGHS Kotigram from October 2019 to 30 January 2022. He was relieved from GGHS Kotigram on 31-01-2022 in pursuance of the transfer order dated 20-01-2022 and his service was placed at the disposal of District Education Officer Male Dir Lower for further adjustment. Copy of the transfer order dated 20-01-2022 and relieving order dated 31-01-2022 is attached as **Annexure-A**.
3. That appellant was then further adjusted at the SDEO (M), Adenzai, Dir Lower against the vacant post computer operator vide order dated 07-03-2022. Appellant filed departmental appeal against the transfer order. Copies of the adjustment order dated 07-03-2022 and departmental appeal are attached as **Annexure-B**.
4. That story/facts leading to the impugned order were such that on 26-11-2021, vide Dispatch No.24 Mst: Zaitoon Begum, (the than Head Mistress GGHS Kotigram), who was going to be retired w.e.f 02-04-2022 on attaining the age of superannuation, Submitted application

for retirement so as to obtained "No Demand Certificate" (NDC) before her retirement. The application duly processed and resultantly Audit process for the purpose of NDC / Retirement Order was carried out on 27-11-2021. During the audit proceeding, it was unearthed that Mst: Zaitoon Begum (the than Head Mistress GGHS Kotigram), has miss appropriated Rs. 150500/- of Pupil Fund. It is humbly submitted that being a Junior Clerk and that is why he by virtue of his job description was nothing to do with the Pupil Fund. The fund is collected from the student directly by the Class Teachers and then handed over to the Head Mistress, who further deposits the same into the Bank Account of the School. The bank account of the school could only be operated upon by the Headmistress being the Drawing and Dispersing Officer of the school. The Head Mistress misappropriated the Pupil Fund and failed to deposit the same in concerned Bank Account. She has neither handed over the amount of pupil fund to Appellant for further onward deposit in the concerned Bank Account nor did she deposit the same in the school account at the relevant time. It is further submitted that the above cited action of the Head Mistress was not for the first time but she was habitually interested to deposit School Fund with delay. This fact can best be judged from the statement of account of the School. It is pertinent to note that the audit has been carried out on 27-11-2021 and whereas the Bank statement concerned account shows that till 10-12-2021, no such amount was deposited in the Bank Account. The Bank Statement further provide that Pupil Fund Rs. 150500/- has been deposited on 30-12-2021 i.e after the audit proceeding, Copies of the application along with audit notes on the account of GGHS Kotigram Dir Lower dated 27-11-2021 and Bank Statement attached as Annexure-C. It is worth mentioning that the Head Mistress by herself deposited the Pupil Fund amount Rs.150500/- on 30-12-2021 which is Evident from the Bank Statement.

5. That When the above narrated anomaly of Audit Para surfaced on earth; Head Mistress got annoyed and thereafter made complaints against the appellant. Appellant being a low paid employee became the victim of high ups for no fault on his part.
6. That After the above explained proceeding, Head Mistress GGHS Kotigram submitted a bogus complain to the District Education Officer Female Dir Lower (respondent No.3) that the appellant has submitted her bogus retirement application to the District Education Officer Female concerned. The District Education Officer Female Dir Lower without any enquiry sent the case to Directorate (respondent No.1) vides letter No. 82 dated 11.07.2022 with request for transfer of Appellant to any Male School. On the basis of concocted Application; the Hon'ble respondent No.1 transferred Appellant and placed him on the Disposal of DEO (Male) Dir Lower for further adjustment vides Endstt: No.7861-65 dated 20-01-2022. The Head Mistress concerned relieved Appellant on 31-01-2022 and she stop the salary of the applicant w.e.f 01-02-2022. Appellant started duty at SDEO (MALE) Adenzai at chakdara Dir Lower against the post of Computer Operator. Appellant filed departmental appeal against his transfer order. Copies of posting and transfer are already annexed as annexure-a.
7. That the enmity of the Head Mistress did not come to an end and she lodged another complaint before the District Education Officer Female Dir Lower at Timergara (respondent No.3), on **14-03-2022 (Annexure-D)** wherein she has leveled frivolous and baseless allegations against Appellant and resultantly the office of respondent No.1 nominated DEO (M) Dir Lower as an inquiry officer for the purpose of scrutinizing the real fact of the allegation leveled by Mst Zaiton Begum (The Then Head Mistress of GGHS Kotigram). It is pertinent to mention here that Appellant has never seen the inquiry officer with his own eyes. Appellant has never been served with any charge sheet and statement

of allegation. Appellant was contacted through ADEO Male Primary (Establishment) Mr. Shahid Anwar who called Appellant through Mr. Raza Shah, SDEO Male Adenzai on 20-05-2022 to appear before Mr. Shahid Anwar Worthy ADEO Male Primary (Establishment) on 21-5-2022. The Appellant appeared before him on the date and time whereby he was informed that complaint has been received from Mst: Zaitoon Begum then the Head Mistress, GGHS Kotigram. He showed a copy of complaint and directed to take picture/photo of the same and submit answer of the complaint immediately at the spot. The Appellant answered the allegations on the spot and denied the same in written form. Copy of the reply dated 21-05-2022 is attached as Annexure-E.

8. That inquiry Officer District Education Officer Male Dir Lower conducted a slipshod inquiry in the absence and at back of the appellant and submitted one sided inquiry report before the office of respondent No.1. It is pertinent to mention here that the said inquiry report has never been communicated and shared with the appellant. Appellant has not bothered to record the statement of any witness as mentioned in the complaint of the complainant.
9. That it is also pertinent to bring into the notice of this Hon'ble Tribunal The Appellant approached the office of respondent No.1 with written representation / appeal on 17-06-2022, against ex parte enquiry report of the enquiry Officer (District Education Officer (Male) Dir Lower). The Worthy Director E&SED Khyber Pakhtunkhwa (respondent No.1) accepted the representation of the appellant and marked it to the Add: Director Establishment E&SED Khyber Pakhtunkhwa Peshawar for further proceeding. Copy of the application is attached as Annexure-F.

10. That during this period the District Education Officer Male Dir Lower (respondent No.2) issued show cause to the Appellant vide Endstt; No.6101-03 Dated 18-07-20022 with the direction to submitted the reply of show cause within 7 days of its delivery. Appellant according submitted his reply Copy of show cause Endstt; No.6101-03 Dated 18-07-20022 and reply are attached as **Annexure-G**.
  
11. That respondent No.1 Called the Appellant vide letter Endstt:No.2156/F.No./A-23/MS/Complaint/Dir Lower Dated 1-8-2022 to appear before him at Peshawar for personal hearing on 04-08-2022. Appellant accordingly appeared on 04-08-2022 for personal hearing, questioner was served upon him and he replied the questioner on the same date. Copy of letter Endstt:No.2156/F.No./A-23/MS/Complaint/Dir Lower Dated 1-8-2022 along with questionare are attached as **Annexure-H**.
  
12. That Appellant received Notification No.5364-67 Dated 11-08-2022 from the office of respondent No.1 on 12-08-2022 with the remarks that appellant is exonerated of the charges, however "the appellate authority, the Director E&SE Khyber Pakhtunkhwa has decided to issue warning to Muhammad Idrees J/Clerk to perform his duty regularly with the entire satisfaction of high-ups, otherwise strict action will be taken against him." Copy of Notification No.5364-67 Dated 11-08-2022 from the office of respondent No.1 received by the appellant on 12-08-2022 attached as **Annexure-I**.
  
13. That the SDEO Male Adenzai called the Appellant on 13-08-2022 in his office, and handed over a letter No. 5618/ Dated Timergara the 05-08-2022 issued from the District Education Officer Male Dir Lower with the remarks that your reply to show cause notice is not convincible you are directed to appear before the District Education Officer Male Dir Lower at Timergara for personal hearing on 18-08-2022. Copy of



letter No. 5618/ Dated Timergara the 05-08-2022 issued from the District Education Officer Male Dir (respondent No.2) is attached as **Annexure-J.**

14. That Appellant appeared before the District Education Officer Male Dir Lower (respondent No.2) at Timergara for Personal Hearing on 18-08-2022 and answer the question on the spot, **and also submitted letter No.5364-67 dated 11-08-2022 of the worthy Director E&SED Peshawar** wherein he was exonerated from all the allegations and the matter of penalty remained to the extent of Warning only.
15. That respondent No.2 neither paid any head to reply of the appellant nor considered the Notification **No.5364-67 dated 11-08-2022 of the worthy Director E&SED Peshawar (respondent No.1),** wherein appellant was exonerated from the charges and imposed major penalty of **"Compulsory Retirement from Service"** upon the Appellant vide Notification Endstt: **No.6103-07 Dated 22-08-2022.** Copy of Notification Endstt: **No.6103-07 Dated 22-08-2022** attached herewith as **Annexure-K.**
16. That appellant being aggrieved from the impugned penal order dated 22-08-2022 submitted departmental appeal before the respondent No.1. on 26-08-2022. which is still pending with disposal (Copy of departmental appeal dated 26-08-2022 **Annexure-L.**)

Hence appellant being aggrieved of the above mentioned impugned orders and finding no adequate and efficacious remedy is constrained to file this service appeal on the following amongst other grounds:

#### **G R O U N D S**

- A. That the respondents have not treated the appellant in accordance with law, rules and policy on the subjected and acted in violation of Article 4 and 10A of the Constitution of Pakistan, 1973. Moreover the act of the respondents amounts to exploitations, which is the violation of

Article 3 of the Constitution, 1973. Mere allegation of commission of offence/misconduct and initiation of departmental disciplinary proceedings against a person would not ipso facto make him guilty, rather he would be presumed to be innocent and would have right to enjoy the presumption of innocence until proved through impartial inquiry proceedings with opportunity to defend himself against the allegation leveled against him. The impugned order has been passed without scrutiny of the available record, without any sort of evidence and without opportunity of defense therefore, cannot be clothed with validity and is liable to be interfered with by this Honorable Tribunal.

- B. That section 16 of the Civil Servant Act, 1973 provide that a civil servant is liable for prescribed disciplinary actions and penalties only through prescribed procedure. In instant case prescribed procedure has not been followed.
- C. That the Khyber Pakhtunkhwa E&D Rules 2011 provide a procedural mechanism for initiation and completion of inquiry proceedings against a delinquent Civil servant. Appellant has never been served with any charge sheet and statement of allegations, therefore, the question of submitting reply is out of context. The whole inquiry procedure has been conducted in the absence and at the back of Appellant, this fact has also been admitted by respondent No.1 vide notification Endst No. 5364-67 dated 11.08.2022. No evidence has been recorded by the inquiry officer in support of the allegations leveled against the Appellant, the main question of forged signature and submission of fake source-2 of the Headmistress (complainant), SST (IT) namely Lubna Kanwal and SST (General) namely Sarwat Begum along with fake transfer orders dated 09-02-2022 vide Token No. 682 and 684 have not been scrutinize through reliable and credible evidence. Appellant was relieved from the post of junior clerk vide relieving certificate dated 31-02-2022 and his salary was also stopped from 31-01-2022. In circumstance, how a prudent man can

presume that a person, who is not on the strength of the school can submit fake documents on behalf of Headmistress, when he was no more on the strength of school. The inquiry officer failed to obtain forensic test report of the alleged forged signature. No circumstantial or physical evidence is available on the record to burden the Appellant with such type of allegation. The whole procedure adopted by the inquiry officer was alien to the prescribed procedure, therefore, cannot be clubbed validity and liable to be brushed aside on this score alone.

- D. That the inquiry officer failed to strictly observed his legal obligation with respect to the inquiry proceedings, he contacted the appellant through Mr. Raza Shah SDEO (M) Adenzai, who was directed by ADEO (M) Primary (Establishment) Mr Shahid Anwar to contact Appellant and direct him to appear before him on 20.05.2022, whereby appellant was informed of the complaint of Mst Zaitoon Begum the then Head Mistress GGHS Kotigram. Appellant was directed by Mr Shahid Anwar to take photo picture of the complain and submit reply immediately. Appellant submitted his reply on the spot, this procedure was alien to the prescribed procedure provide in the statue and also against the provision of Article 4, 10-A of the Constitution of Islamic Republic of Pakistan. The so-called procedure adopted against the Appellant was in the humble view of the Appellant is not only unwarranted but highly undesirable.
- E. That the Hon'ble Supreme court of Pakistan in plethora of reported Judgment has laid down a law that in case of factual controversy where major penalty was proposed to be inflicted on the delinquent civil servant, there shall be regular inquiry. In the absence of regular inquiry no major penal order can be imposed. In the instant case Appellant has denied the very allegation of the complainant party from the very beginning, therefore, regular inquiry was mandatory as per law laid down by the Hon'ble Apex Court of Pakistan, in absence of

conformity with the law laid down by the Hon'ble Supreme Court of Pakistan, the impugned major penalty cannot be sustained in the eyes of law and is liable to be set aside.

- F. That regular inquiry demands that the inquiry officer shall call the prosecution evidence in the presence of delinquent Civil servant and shall provide the accused official with opportunity of cross examination. In the instant case the inquiry officer has not recorded any evidence of the prosecution witnesses including the complainant and the question of opportunity of cross examination does not arise.
- G. That the whole inquiry procedure was against the law and rules and even against the norms of natural justice, fair play and equity and therefore amounts to exploitation which is against the spirit of Article 3 of the constitution of Islamic Republic of Pakistan 1973.
- H. That so called slipshod inquiry has been conducted in the absence and at the back of the appellant. Appellant active participation during inquiry proceeding has been willfully and deliberately ignored. Inquiry proceedings are of judicial in nature in which participation of accused civil servant as per law condition sine qua non. On this ground the impugned orders are coarm non iudice and liable to be set back.
- I. That the well-known principle of law "Audi altram Partem" has been violated. This principle of law was always deemed to have embedded in every statute even though there was no express specific or express provision in this regard.

...An adverse order passed against a person without affording him an opportunity of personal hearing was to be treated as void order. Reliance is placed on 2006 PLC(CS) 1140. As no proper personal hearing has been afforded to the appellant before the issuing of the impugned order, therefore, on this ground as well the impugned order is liable to be set aside.

- J. That the non provision of the inquiry report amounts to deprive a civil servant from confronting and defending himself from evidence that may go against him, which is against the provision of Article 10A of the Constitution of Pakistan, 1973. In the instant case copy inquiry report has been denied to the appellant, which fact is evident from the perusal of the final show cause notice.
- K. That under the provision of Rule 14 of E & D Rule, 2011, the competent authority was under legal obligations to peruse the inquiry report and determine as to whether the inquiry has been conducted in accordance with prescribed procedure and whether the charge are proved or otherwise. The competent authority has made no such efforts and imposed major penalty upon the appellant with a single stroke of pen, which is nullity in the eyes of law and liable to be interfered with by this Honorable Tribunal.
- L. Accused is stated to be a favorite child of law and he is presumed to be innocent unless proved otherwise and the benefit of doubt always goes to the accused and not to the prosecution as it is for the prosecution to stand on its own legs by proving all allegations to the hilt against the accused. Mere conjectures and presumption, however strong, could not be made a ground for penalizing a civil servant [1999 Pl C (CS) 1332 (FST)].... Unless and until prosecution proves accused guilty beyond any shadow of doubt, he would be considered innocent [1983 Pl.C (CS) 152 (FST)].
- M. That Re-instated employee would be entitled to back benefits as a matter of course unless employer is able to establish by cogent evidence that concerned employee had been gainfully employed elsewhere. In this respect, initial burden would lie upon the employer and not upon the employee to prove that such employee was gainfully employed during period of termination from his service. 2010 ID (Labour) 41.

- N. That Civil servant who was dismissed or otherwise compulsory retired from service through arbitrary and whimsical action of the government functionaries and re instated through judicial order of Service Tribunal would have every right to recover arrears of salaries by way of back benefits due to them during the period of their dismissal and re instatement. It would be very unjust and harsh to deprive them of back benefits for the period for which they remained out of job without any fault on their part and were not gainfully employed during that period.....Supreme Court allowing their appeal and directing payment of back benefits to the appellant. 2006 T D (SERVICE) 551 (a).
- O. That the penal order is not a speaking order for the reason that no solid and legal grounds have been given by the penal authority in support of his penal order. On this score the impugned order is liable to be set aside.
- P. That appellant would like to seek the permission of Your Kind Honour for award of personal hearing. Appellant may kindly be granted the opportunity of personal hearing.

In view of the above explained positions, it is humbly prayed that the instant service appeal may be allowed as prayed for above.

Through

Appellant

Ashraf Ali Khattak  
Advocate.

Supreme Court of Pakistan

&

Ah Bakht Mughal  
Advocate.

District Courts, Peshawar

&

Sadia Umar  
Advocate.

District Courts, Peshawar

Dated: \_\_\_\_/11/2022

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

Service Appeal No. \_\_\_\_\_/2022

Muhammad Idress.  
Ex-Junior Clerk.  
R/o Ouch East. Tehsil Adenzai. Dir Lower .....Appellant.

**Versus**

The Director Education. (E & SED).  
Near Malik Saad BRT. Terminal.  
G.T. Road Firdous. Peshawar & others ..... Respondents.

**Affidavit**

I, Muhammad Idress. Ex-Junior Clerk. R/o Ouch East. Tehsil Adenzai. Dir Lower, do hereby solemnly affirm and declare on oath that the contents of this service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the notice of this Hon'ble Tribunal.

  
**DEPONENT**

CNIC: 15302-0937058-9



11 19

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR**  
Phons: 091-9225344 Email: ddadmn\_esc@gmail.com

13-8

**Office Order.**

The Services of Mr. Muhammad Idress, Junior Clerk, GGHS Kotigram Dir Lower is hereby placed at the disposal of District Education Officer (Male) Dir Lower for further adjustment.

- Note:
1. Compliance report should be submitted to all concerned.
  2. No TA/DA is allowed.

**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst. No. 786A-BS / F.No. /A-23/MS/Complaint/Dir Lower  
Dated Peshawar the 20/01 /2022

1. Copy forwarded to the District Education Officer (Female) Dir Lower w/r to her letter No. 82 dated 11.1.2022.
2. District Education Officer (Male) Dir Lower.
3. District Account Officer Concerned.
4. Principal GGHS Kotigram, Dir Lower.
5. Official concerned.
6. PA to Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
7. Master File.

*[Signature]*  
20/1/22  
**Assistant Director (Admn)**  
Directorate E&S Secondary Education,  
Khyber Pakhtunkhwa, Peshawar



## RELIEVING CERTIFICATE

In compliance of transfer order Endst: no 7881-65 dated 20-01-2022 issued by Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa.

Mr Muhammad idrees junior clerk is here by relieved off from his duties on 31-01-2022 and he is directed to report to District Education Officer Male Dir Lower.

21  
(M. A. KHAN)  
Govt. Girls High School  
Kotigram Dir (Lower)  
Head Mistress GGHS Kotigram

## Copy for information to the:

District Education Office Female Dir lower

District Education Office Male Dir Lower

Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa

Official concerned.

Office file

Annex - A

FORM: PAYR

Date

Page No. 1

Source 2

PAYROLL SYSTEM AMENDMENT FORM SINGLE EMPLOYEE ENTRY

OFFICE OF THE: Head Mistress, C.G.H.S., Kohagan Dir. (L)

FOR THE MONTH OF: February, 2022

ODD Code (Cost Center): 007079 Description: -

Personnel Number: 00264270

Grade (Pay Scale Group): 11

Employee Name: Muhammed Idrees

National ID Card Number: 1302-0937058-7

Salary Status:  Start  Stop

Info Type	Field ID	GENERAL DATA CHANGES			CHANGES IN PAYMENTS / DEDUCTIONS			Effective Date	Remarks
		New	Old	Amount	Payment	Deduction			
		Muhammed Idrees			14 Active		31-1-2022	Pay is active due to transfer from C.G.H.S Kohagan to D.E.O (male) - D.K Lower.	
		T/Grant BPS-11							

HEAD MISTRESS: [Signature]  
C.G.H.S. High School  
Prepared by: [Signature]

Entered / Verified By: [Signature]



OFFICE OF THE  
DISTT: EDUCATION OFFICER (M) #.9250082  
DISTRICT DIR LOWER

Fax. #. 0945-9250081



deomaledirlower@gmail.com



@DEOMaleDirLower



District Education Officer MaleDir Lower

**OFFICE ORDER:**

Mr. Muhammad Idress Junior Clerk BPS-11 GGHS: Kotigram Dir Lower is hereby further adjusted at the office of SDEO (M) Adenzai Dir Lower against Vacant Post of Computer Operator according to the office Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Letter No.7861-65/F.No./A-23/MS/Complain/Dir Lower Dated Peshawar 20-01-2022, in the best interest of public service with immediate effect.

**Note:**

No TA/DA is allowed.  
Charge Report should be submitted to all concerned.

*sd/-*  
DISTT: EDUCATION OFFICER (M)  
DIR LOWER AT TIMERGARA

Endst. No. 1346-53 / Dated Timergara the 07 / 03 /2022.

Copy of the above is forward to:

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The District Accounts Officer Dir Lower.
3. The Deputy District Education Officer (M) Dir Lower.
4. The District Education Officer (Female) Dir Lower.
5. The Head Mistress GGHS: Kotigram Dir Lower.
6. The District Monitoring Officer Dir Lower.
7. The Junior Clerk Concerned.
8. Personal file.

*M. J. G.*  
DY: DISTT: EDUCATION OFFICER (M)  
DIR LOWER AT TIMERGARA



**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER PAKHTUNKHWA**  
**AUDIT NOTES ON THE ACCOUNT OF GGHS KOTIGRAM DIR LOWER**

Name of DDO Ms. Zaitoon Begum Headmaster  
 Period of Audit 10-2018 to 04-2021  
 Date of Retirement 02-04-2022  
 Date of Audit 27-11-2021

C

ANX-C 19

**PARA-01 Introduction**

According to section-14 of Auditor General Ordinance 2001, read with Para-17 of GFR Vol-1 provides that audited record must be produced to audit for verification/audit check while Para-72 of CPWA code states that vouchers setting forth the clear particulars of the claim and all information necessary for its proper classification and identification in the accounts must support every payment for whatever purpose. Apart from above mentioned paras, Para-23 of FTR Vol-1 provides that every Government Officer should realized fully and clearly that he/she will be held personally responsible for any loss sustained by Government through fraud or negligence either on his part or on the part of his subordinate staff.

The present audit however embraces a close examination of both the accounts i.e. Govt, Pupils Fund, Conditional Grant, MPA Fund, Stipend and Sport Fund etc: as required vide Para No. 13 of GFR Vol-1 for Issuance of No Denial Certificate in connection with retirement of the above mentioned Principal/Headmaster/Headmistress concerned. The observations noticed during the course of audit are embodied as under:-

**PARA-02 Cash Book**

Cash Book was checked thoroughly. The present DDO has maintained cash book properly representing Nil Balance. No major irregularity was noticed. The minor omissions were discussed on the spot.

**PARA-03 AC bills**

Para-23 of GFR Vol-1 provides that every Govt Officer should realize fully and clearly that he will be held personally responsible for any loss sustained by Govt through fraud or negligence on his part or on the part of his subordinate staff.

During checking of contingences record, it was observed that the DDO Concerned has drawn the following amount and shown incurred on various items. The observation noted against each is as follows:-

S No	Chq-No/Date	Particulars	Amount	Short -Comings.
1	880498, 25-11-19	Electric Bill	Rs. 24179/-	Paid bills of Electricity covering the amount not shown to audit for verification.
2	0281411, 08-06-20	Stationery	Rs. 4500/-	Demand from Incharge, Detail of expdt and APR and stock entry (IF NEEDED) not shown to audit.
3.	--do--	T&T	Rs. 12000/-	Paid bills of Electricity covering the amount: not shown to audit for verification.
4.	--do--	Other Cont	Rs. 3750/-	Demand from Incharge, Detail of expdt and APR and stock entry (IF NEEDED) not shown to audit.
5.	1014461, 22-12-20	Electric Bill	Rs. 22145/-	Paid bills of Electricity covering the amount not shown to audit for verification.
6.	1087090, 22-02-21	H&C	Rs. 55800/-	Demand from Incharge, Detail of expdt and APR and stock entry (IF NEEDED) not shown to audit.
7.	Nil, 27-08-20	Financial Assistance	Rs. 150000/-	Sanction and APR now shown to audit.

**PARA-04 IRREGULAR EXPDT: OUT OF PUPIL FUND.**

During checking of school record the Ex-Headmistress was unable to produce Pupil fund register, complete record and relevant bank account statement to the audit in order to ascertain the factual position of income and expenditure made from Pupil Fund.

The Ex-DDO is directed to update and complete the Pupil Fund Register in all respect in collaboration with the sitting DDO to 27-11-2021 with the sitting DDO and complete record of Income and expenditure with Fund wise break-up of the fund produced to audit for verification.

**PARA-05 PUPILS FUND POSITION.**

As per Para 04 above.

During checking of Fund Register, the following observations were noticed.

Fund Register has not been maintained properly.

**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER PAKHTUNKHWA**  
**AUDIT NOTES ON THE ACCOUNT OF GGHS KOTIGRAM DIR LOWER**

Name of DDO	Ms. Zaltoon Begum Headmaster
Period of Audit	10-2018 to 04-2021
Date of Retirement	02-04-2022
Date of Audit	27-11-2021

**PARA 01 Introduction**

According to section-14 of Auditor General Ordinance 2001, read with Para-17 of GFR Vol-2 provides that suitable record must be produced to audit for verification/audit check while Para-72 of CPWA code states that vouchers setting forth full clear particulars of the claim and all information necessary for its proper classification and identification in the accounts must sur every payment for whatever purpose. Apart from above mentioned paras, Para-23 of FTR Vol-I provides that every Gove Officer should realized fully and clearly that he/she will be held personally responsible for any loss sustained by Government through fraud or negligence either on his part or on the part of his subordinate staff.

The present audit however embraces a close examination of both the accounts Le Govt, Pupils Fund. C Conditional Grant, MPA Fund, Stipend and Sport Fund etc. as required vide Para No. 13 of CFR Vol-I for issuance of No Demund Certificate in connection with retirement of the above mentioned Principal/Headmaster/Headmistress concerned. The observations noticed during the course of audit are embodied as under-

**PARA-02 Cash Book**

Cash Book was checked thoroughly. The present 000 has maintained cash book properly representing Nil Balance No major irregularity was noticed. The minor omissions were discussed on the spot.

**PARA. 02 AC bills**

Para-23 of GFR Vol-I provides that every Govt Officer should realize July and dearly that he wire old person responsible for any loss sustained by Govt through fraud or negligence on his part or on the part of his subordinate staff.

During checking of contingencies record, it was observed that the DOO Concerned has drawn the following amount and shown incurred on various items. The observation noted against each is as follows

S No	Chq-No/date	Particulars	Amount	Short Comings
1	880488. 25.11.19	Electricity Bill	Rs. 24179/-	Paid Bills of Electricity covering the amount not shown to audit for verification
2	0981411 06.06.20	Stationery	Rs. 4500/-	Demand from incharge, Detail of expdt and AFR and stock entry (ENEDED) not shown to audit
3	Do	T & T	Rs. 12000/-	Paid bills of Electricity covering the amount not shown to audit for verification
4	Do	Other Cont	Rs. 3750/-	Demand from Incharge. Detail of expdt and APR and stock entry (E NEEDED) not shown to audit
5	1014461,	Electricity Bill	Rs. 22145/-	Paid bits of Electricity covering the amount not shown to audit for verification
6	22.12.20	H & C	Rs. 55800/-	Demand from Incharge. Detail of expdt and APR and stock entry (E NEEDED) not shown to audit
7	NIL 17.08.20	Financial Assistance	Rs. 150000/-	Sanction and APA now shown to audit

**PARA-04 BREGULAR EXPOT: OUT OF PUPIL FUND**

During checking of school record the Ex-Headmistress was unable to produce Pupil fund register, complete and relevant bank account statement to the audit in order to ascertain the factual position of income and expenditure made from the pupil fund

The Ex-DDO is directed to update and complete the Pupil Fund Register in all respect in collaboration vic to 23-11-2021 with the sitting DDG and complete record of Income and expenditure with Fund sie break-up of the fund may be produced to audit for verification.

**PARA 05 PUPILS FUND POSITION**

As per Para 04 above.

During checking of Fund Register, the following observations were noticed.

Fund Register has not been maintained properly

iv- SSC Result gazette was not recorded in Library Stock register.

S#	Name of Fund	Amount
1.	Sports	Rs.
2.	Exams	Rs.
3.	Poor	Rs.
4.	Medical	Rs.
5.	Scout /Guide Fund	Rs.
6.	Red Crescent	Rs.
	Total	Rs.

20

**PARA-06** IRREGULAR PAYMENT / DRAWL OF CONVEYANCE ALLOWANCE DURING LEAVE PERIOD

From the perusal of record, pay roll and leave salary record it was observed that following teaching staff have proceeded on various kind of leave for the period given against names have drawn conveyance allowance regularly which is not permissible under the rules of the Finance Department vide No FD/(SR-II)8-2/70 dated 06-06-1977 duly endorsed by the Acc General Khyber Pakhtunkhwa Peshawar vide No Computer/HR-Lab/CIC/203 dated 04-08-221 and need recovered and deposited into Govt: Treasury through Challan or through source deduction. therefore, directed to furnish the copy of the same to audit or verification.

S#	Name & Designation	Duration leave	Nature of leave
1.	Ms. Sawera Begum STT	07-2021 to 90 Days	Maternity Leave
2.	Ms.		Maternity Leave
3.	Ms. Reham Gul Qaria	13-4114-2021 to 04-12-2021	Medical Leave
4.	Ms. Lubna Kawal	03-03-2021 to 90 days.	Maternity Leave
5.	Ms. Lubna Kawal	05-01-2021 to 90 days.	Maternity Leave

**PARA-07** IRREGULAR PAYMENT / DRAWL OF CONVEYANCE ALLOWANCE DURING SUMMER / WINTER VACATION

The Ex-Principal/Headmaster is directed to submit a certificate to the audit effect that during his DDO-Ship period no teacher has been paid Conveyance Allowance during and winter vacation:

**PARA-08** Non-affixing/Less affixing of Revenue Stamps aggregating Rs. 1500/-

Under the GFR Rules on each and every payment APR / Acquaintance Rolls revenue of appropriate value should be affixed. During the course of audit it was observed that no stamps of appropriate value were affixed on APR / Acquaintance Rolls. As per calculation, found that total value of revenue stamps amounting to Rs. 1500/- needs to be deposited into Treasury under Head C-02814-Education General, Recoveries of Overpayment (PR-5207) and a copy of Challan be produced to audit for verification.

**PARA-09** Completion/Satisfactory Certificate of PTC Funds

Para-72 of CPWA code states that vouchers setting forth full and clear particulars of the claim and all information necessary for its proper classification and Identical accounts must support every payment for whatever purpose.

According to rule 77(ii) of CTR, every Officer receiving money on behalf of the school should maintain a cash book in Form TR-4 and all monetary transactions should be entered in the cash book as soon as they occur and attested by the Head of the office in token of check.

While checking the accounts record of local Institution it was observed that the following amount has been allocated to the said school under various objects.

S#	Object	Amount	Remarks
	Additional Classrooms	Rs. 800,000/-	Satisfactory work completion certificate duly signed by all the PTC members and concerned staff be produced to audit for verification. Approval of PTC with reference to expenditure incurred through PTC not provided/shown to audit. Proper register showing work done / constructions/ repair etc not provided to audit for verification
	----	Rs. 38000/-	As per record amount has been transferred to the school bank account but no record of income and expdt: was maintained in the PTC cash book. The EX-DDO and sitting DDO are directed to complete the cashbook by showing the amount on income side and complete detail of expdt: on expdt side.
	----	Rs. 40500/-	-do-
	----	Rs. 35671/-	-do-

iii- The PTC Committee has not certified the work carried out for the amount mentioned above.

The DDO is further directed to rectify the abovementioned observations with documentary proof to audit.

**Para-10** FREE TEXT BOOKS.

The Govt of Khyber Pakhtunkhwa E&SE Deptt: trying best to improve the learning process throughout the Province in the best interest of innocent students. To achieve target, the Govt of Khyber Pakhtunkhwa is providing free text books to the students. The HM is bound to maintain proper record of free text books.

While checking record of local institution, it was observed that concerned Principal has not maintained proper record of free text books to know the actual quantity of old stock, new received, issued and balance/ required books while the same is burning at the moment and under process in the NAB.

The present DDO is directed to maintain proper record under intimation to audit.

**PARA-11** Non Maintenance of Service Books & Personal Files

While checking of original service books and personal files it was observed that service books and personal files of staff members are still lying incomplete which needs to be completed in all respect. The DDO is directed to do the needful under intimation to audit.

**PARA-12** Expenditure Statement

During the audit it was observed that monthly expenditure statement was not shown/provided to audit. The DDO is directed to furnish the expenditure statement for the months 04-2018, 06-2019, 05-2020, 04-2021 duly reconciled by the DAO.

**PARA-13** Library Certificate

A certificate to the effect that no book is missing/outstanding against the Officer/Official of the school may be provided to the audit duly signed by the Library Incharge and countersigned by present DDO.

**PARA-14** Physical Verification

According to GFR- Vol-1 Para-159, A physical verification of all stores should be made at least once in every year under rules prescribed by competent authority, and Para-148, materials/ goods received should be examined, counted, measured/ weighted as the case may be, and delivery is taken, and they should be taken in charge by a responsible Govt Officer who should ensure that the quantities are correct and quality is good and record a certificate to the effect that the Officer receiving the stores should also be required to give a certificate that he was actually received the materials and recorded them in the appropriate stock register.

While checking the stock of Local Institution, it was observed that no proper registers for Science Equipment's, Library, Furniture, Sports, perishable and non perishable registers, I.T & Free Text Books have been maintained by retired DDO which is a great neglect. Resultantly Annual physical verification of store/stock as required vide Para-159 of GFR Vol-1 is not carried out by the HM Concerned.

**PARA-15** Other Liability Certificate

A Certificate to the following pattern may be obtained from the DEO concerned and furnish to this office alongwith annotated replies.

CERTIFICATE

Apart from the internal audit for the purpose of NDC/ Pension, it is hereby certified that there is no liability on the part of Ms. Zaitoon Begum Headmistress GGHS Kotgram District retiring /retired from Govt Service on 02-04-2022. It is further certified that there is no outstanding against him/her in any Departmental/Anti-Corruption/Judicial case and no Advance against Para is outstanding against his/her school in DAC/PAC during his/her DDO Ship period.

District Education Officer,  
(Female) Dir Lower

**PARA-16** General

Subject to the fore-going observations, the accounts record of the Govt of Khyber Pakhtunkhwa institution was maintained satisfactorily.





# The Bank of Khyber



## Account Statement

Page 1 of 2

Statement Date: 25/07/2022 10:24

Account Title: GGHS KOTIGRAM

Account Number: 014900086009

Statement Period:

From Date: 01/01/2021

To Date: 25/07/2022

Home Address: GOVT GIRLS HIGH SCHOOL KOTIGRAM DIR  
LOWER  
CHAKDARA

Product Name: BOK Raast Saving Account

IBAN: PK95KHYB014900000086009

Customer No: 10511378

Account Start Date: 27/01/2015

Account Type: Provincial Govt Account

Opening Balance: 0.00

Branch Name: 0149-ChakdaraLower Dir

Currency: Pakistan Rupee

Account Status: ACTIVE

Contact #: 03449634015

### Transaction Information:

Transaction Date	Value Date	Transaction Number	Transaction Type	Debit	Credit	Balance
5-06-21	05-06-21	FT21156ZB2N5	Transfer In From Acc.No. - PKR149620J215149	0.00	19,247.03	19,247.03
2-06-21	22-06-21	TT211738PQ4Y	Cash Withdrawal By cheque No: 22076654	15,000.00	0.00	4,247.03
12-07-21	01-07-21	AAACT21193C9YLXQ3G	Profit - Capitalise Profit on Savings A/c (Islamic) Capitalise	0.00	42.46	4,289.49
18-07-21	01-07-21	FT212096QLH0	Profit Adjustment Diff rate Jun-21	0.00	0.44	4,289.93
18-07-21	01-07-21	AAACT21193C9YLXQ3G	Profit - Capitalise Profit on Savings A/c (Islamic) Capitalise	42.46	0.00	4,247.47
18-07-21	01-07-21	AAACT21209D5ZBV90B	Profit - Capitalise Profit on Savings A/c (Islamic) Capitalise	0.00	42.46	4,289.93
16-08-21	01-07-21	AAACT21209D5ZBV90B	Profit - Capitalise Profit on Savings A/c (Islamic) Capitalise	42.46	0.00	4,247.47
16-08-21	01-07-21	AAACT2121815D9BHL2	Profit - Capitalise Profit on Savings A/c (Islamic) Capitalise	0.00	37.05	4,284.52
7-08-21	01-07-21	AAACT2121815D9BHL2	Profit - Capitalise Profit on Savings A/c (Islamic) Capitalise	37.05	0.00	4,247.47
7-08-21	01-07-21	AAACT21219QPCX0FV	Profit - Capitalise Profit on Savings A/c (Islamic) Capitalise	0.00	42.46	4,289.93
9-08-21	01-08-21	AAACT2122150FLZ07J	Profit - Capitalise Profit on Savings A/c (Islamic) Capitalise	0.00	10.93	4,300.86
3-09-21	01-09-21	AAACT21256QQS9S54T	Profit - Capitalise Profit on Savings A/c (Islamic) Capitalise	0.00	10.59	4,311.45
1-10-21	01-10-21	AAACT2128448XCTCM	Profit - Capitalise Profit on Savings A/c (Islamic) Capitalise	0.00	10.63	4,322.08
18-11-21	01-11-21	AAACT21312D5QH4W0	Profit - Capitalise Profit on Savings A/c (Islamic) Capitalise	0.00	10.28	4,332.36
10-11-21	01-11-21	AAACT21312D5QH4W0	Profit - Capitalise Profit on Savings A/c (Islamic) Capitalise	10.28	0.00	4,322.08
10-11-21	01-11-21	AAACT2131473ZQNPLY	Profit - Capitalise Profit on Savings A/c (Islamic) Capitalise	0.00	10.28	4,332.36
10-12-21	01-12-21	AAACT213449SPF499P	Profit - Capitalise Profit on Savings A/c (Islamic) Capitalise	0.00	10.68	4,343.04

Statement was electronically generated and does not require a signature

P.T.C

Account Statement

Statement

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Account Title: GGHS KOTIGRAM

Account Number: 014900086009

Statement Period:  
From Date: 01/01/2021

Transaction Information:

Transaction Date	Value Date	Transaction Number	Transaction Type	Debit	Credit	Balance
30-12-21	30-12-21	TT21364WP92Z	Cash Deposit 4042020	0.00	150,500.00	154,843.04
30-01-22	01-01-22	AAACT220161F1K9TR7	Profit - Capitalise Profit on Savings A/c (Islamic) Capitalise	0.00	35.81	154,878.85
08-02-22	01-02-22	AAACT22039G142L8F3	Profit - Capitalise Profit on Savings A/c (Islamic) Capitalise	0.00	526.16	155,405.01
14-03-22	11-03-22	AAACT22073241BGFST	Profit - Capitalise Profit on Savings A/c (Islamic) Capitalise	0.00	441.09	155,846.10
25-03-22	01-03-22	AAACT22073241BGFST	Profit - Capitalise Profit on Savings A/c (Islamic) Capitalise	441.09	0.00	155,405.01
25-03-22	01-03-22	AAACT22054TH2FLRD1	Profit - Capitalise Profit on Savings A/c (Islamic) Capitalise	0.00	441.09	155,846.10
28-03-22	20-03-22	TT22087WK150	Cash Withdrawal By cheque No: 22076058	25,000.00	0.00	130,846.10
11-04-22	11-04-22	AAACT22151AW8L4640	Profit - Capitalise Profit on Savings A/c (Islamic) Capitalise	0.00	545.71	131,391.81

Manager Operation  
The Bank of Khyber  
100, Ahmad Ali Road, Kotigram  
Muzaffargarh District, Punjab (71400)

Annex-D

24

ADEC Begum  
Rajni Begum

DDFCF  
Din...

The District Education officer (I)  
Dir Lower Timergara

Date: 07/03/2022

Subject: Request for reality based inquiry against JC M. Idrees.

R. Madani

It is hereby stated that we got a phone call from Account office of Education that M. Idrees junior clerk have submitted three sources for salary block of Headmistress Zaitoon Begum (Retired from services), Lubna Kanwal SST (IT) (Letter No 259-62 fake signature of DEO (I) and Saryat Begum SST (G) (Letter No 9792-96 fake signed by Deputy Director, Female) find attached. We requested to account office to process it for further inquiry but they refused to do so, just handed over the file back to us.

M. Idrees Junior clerk is an expert person in such fake and fabricated activities as already he misguided EDO (I) office concerned and issued a letter of DDO ship of a contract teacher on the basis of illegal fake signature of Headmistress Zaitoon Begum. He also put forwarded so many complaints against GGHS Kotigram from different names of local villagers.

Our honorable request that please an impartial inquiry should be conducted for confirmation and termination of M. Idrees because he is not fit for any kind of Government offices and also inquiry should be made from those offices where he worked as a clerk.

Yours truly

Zaitoon Begum

Headmistress  
GGHS Kotigram  
Dir Lower  
14/3/22





خدمتِ صبا انٹوائٹری اسٹریٹجی

آج بموثر 21/05/2022 پر ایسے و مسالمت سے ایک لکھڑ  
 صومول ہوا۔ جو کہ ریٹائیرڈ ہیڈ مسٹر لیس صہابہ زینتوں بلکیم  
 کے طرف سے لکھا گیا ہے۔  
 جس میں مجھ پر کچھ بے بنیاد الزامات لگائے گئے ہیں۔

لہذا اس سلسلے میں عرض گزار ہوں کہ

گورنمنٹ گریڈ ہائی سکول سے مجھے 31/01/2022 پر  
 ریٹائر کیا گیا تھا۔ اور جو الزامات مجھ پر لگائے ہیں۔  
 وہ بے بنیاد اور من گھڑت ہے۔ اور یہ مجھے ایذا  
 رسائی کیلئے کی گئی ہے۔ اس الزامات کا مجھے  
 کوئی علم نہیں۔

21/05/2022 بموثر

العاض

محمد ادریس جوئیہ فکرن حکمہ تعلیم سرگودھا

بخدمت جناب ڈائریکٹر صاحب محکمہ ابتدائی و ثانوی تعلیم خیبر پختونخوا پشاور

عنوان  
ہمدردانہ اپیل

جناب عالی۔

گزارش حسب ذیل ہے

- (1) یہ کہ سائیل محمد ادریس ولد فضل رازق ساکن اوج تحصیل ادینزی ضلع دیر لور کا اصل سکونتی ہے۔ اور من سائیل محکمہ ابتدائی و ثانوی تعلیم دیر لور میں بحیثیت جوئیئر کلرک سب ڈویژن مردانہ ادینزی میں خدمات سرانجام دے رہا ہوں۔
- (2) یہ کہ من سائیل کو انتہائی باخبر ذرائع سے معلوم ہوا ہے کہ من سائیل کے خلاف محکمہ ہڈانے انکوائری کی ہے۔ جو کہ مذکورہ انکوائری کی رو سے من سائیل کی جبری ریٹائرمنٹ کیلئے سفارش کی گئی ہے۔
- (3) یہ کہ مذکورہ انکوائری میں نہ ہی سائیل کو سنا گیا ہے اور نہ ہی من سائیل کو طلبہ ہے۔ جو کہ مذکورہ انکوائری محض یکطرفہ طور پر کی گئی۔ بدیں وجہ سائیل کو کیا گیا مذکورہ انکوائری میں سننا اور طلب کرنا ضروری اور قرین انصاف ہے۔
- (4) یہ کہ اگر من سائیل مذکورہ میں طلب نہ کیا گیا اور نہ ہی دفاع کا موقع فراہم نہ کیا گیا۔ تو من سائیل کے ساتھ ظلم و زیادتی ہوگی۔

بحالات بالا استدعا کی جاتی ہے کہ حسب استدعا اپیل منظور کر کے من سائیل کے خلاف کی گئی انکوائری میں وضاحت طلب کرنے کے احکامات صادر فرمادیں۔

مورخہ 17/06/2022

الحارث

سائیل محمد ادریس ولد فضل رازق جوئیئر کلرک محکمہ E&SED دیر پائین





SHOW CAUSE NOTICE.

1. I Muhammad Amin District Education Officer (Male) Dir lower as a competent authority, under the Khyber Pakhtunkhwa Govt, servants (Efficiency & Discipline) rules, 2011, do hereby serve you Mr. Muhammad Adnan IC Office of the SDEO Adenzai (EX. IC GGHS Kotigram)

2- In the light of findings of the inquiry committee you have committed the following negligence.

(A). you have submitted bogus / designed / fake application to DEO (F) for the Retirement the Head Mistress GGHS Kotigram.

(B). you have submitted a fake letter to DEO (F) for cancellation of DDO Ship of The Head Misters GGHS Kotigram.

(C) you also submitted a bogus transfer order of Mst Rabia SST from GGHS Kotigram to GHS Nul Malakand Agency.

(D) you have also been removed from service on 30/10/2009 on similar charges.

Your kind of act is against the E&D rules and liable to be proceeded further.

3. I am satisfied that you committed the above acts/ omission specified in the section-3 of the said rules.

4. As a result thereof, I being a competent authority have tentatively decided to impose upon you any penalty as mentioned in Rule 4 of the ibid rules under the E & D/ conduct rules

5. You are therefore required to show cause as why the aforesaid penalty should not be imposed upon you.

6. If no reply to this notice is received within 7 days its delivery in the normal course of circumstances it shall be presumed, that you have not defense to put in, in that case, ex party decision will be taken against you.

  
District Education Officer  
(Male) District Dir lower  
X

Encls. No. h/01-03 / Dated Timergara the 16/17/2022

Copy forwarded to:-

1. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
2. The SDEO (M) Adenzai with the direction to serve the showcause upon the ~~Director~~ concerned.
3. The official Concerned.

District Education Officer  
(Male) District Dir lower.

The District Education officer (Male)  
Elementary & Secondary Education Department  
District Dir Lower

Subject REPLY TO THE SHOW CAUSE NOTICE  
ENDST: No.6 0 DATED TAIMARGARA THE  
18/07/2022 RECEIVED ON 22/07/2022

Respected Sir,

With due respect the undersigned humbly submits as  
under:

**Grounds**

It is humbly submitted that the undersigned has remained as a junior Clerk GGHS Kotigram from October 2019 to January \_\_\_ 2022. He was relived from GGHS Kotigram on 31-01-2022 in pursuance of the transfer order dated 20-01-2022 and his services were placed at the disposal of District Education Officer (Male) Dir Lower form further adjustment (Copies of the transfer and reliving under dated 20-01-2022 and 30-01-2022 are attached as Flag-I.

On 26-11-2021 vide dispatch No. 24 Mst. Zaitoon Begum. Head Master GGHS Kotigram who was going to the retred on 02-04-2022on attaining the age of superamunation submitted an application from retirement so as to obtain NDC before her retirement the application was duly processed and resultantly audit process for the purposent NDC Retirement order was Camed out on 27-11-2021 during the audit proceeding it was unearthed that Mst. Zaitoon Begum has misappropriate Rs. 150500/- of pupil fund. It is humbly submitted that junior Clerk by virtue of his job description has nothing to do with the pupil fund. The fund is collected form the students.

To

The District Education Officer (Male),  
Elementary & Secondary Education Department,  
District Dir Lower.

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**Subject:** REPLY TO THE SHOW CAUSE NOTICE ENDSST: No.6101-03/  
DATED TIMERGARA THE 18/07/2022, RECEIVED ON  
22/07/2022.

Respected Sir,

With due respect the undersigned humbly submits as under:

**Back Ground:**

It is humbly submitted that the undersigned has remained as a Junior Clerk, GGHS Kotigram from October, 2019 to January 1<sup>st</sup>, 2022. He was relived from GGHS Kotigram on 31-01-2022 in pursuance of the transfer order dated 20-01-2022 and his services were placed at the disposal of District Education Officer (Male), Dir Lower for further adjustment. Copies of the transfer and reliving order dated 20-01-2022 and 31-01-2022 are attached as **Flag-1**.

On 26-11-2021 vide dispatch No.24 Mst: Zaitoon Begum, Head Mistress, GGHS Kotigram, who was going to be retired w.e.f 02-04-2022 on attaining the age of superannuation, submitted an application for retirement so as to obtain NDC before her retirement. The application was duly processed and resultanty audit process for the purpose of NDC / Retirement Order was carried out on 27-11-2021. During the audit proceedings, it was unearthed that Mst: Zaitoon Begum has misappropriated Rs.150500/- of Pupil Fund. It is humbly submitted that Junior Clerk by virtue of his job description has nothing to do with the Pupil Fund. The fund is collected from the students

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directly by the Class Teacher and then is handed over to the Head Mistress, who further deposits the same into the Bank Account of the School. The Head Mistress misappropriated the Pupil Fund and failed to deposit the same in the concerned Bank Account. It is pertinent to note that the audit has been carried out on 27-11-2021 and whereas the Bank Statement of the concerned account shows that till 10-12-2021, no such amount was deposited in the Bank Account. The Bank Statement further shows that the Pupil Fund amount Rs.150500/- has been deposited on 30-12-2021 i.e. after the audit proceedings. Copies of application alongwith audit notes on the account of GCHS Kotigram Dir Lower dated 27-11-2021 and Bank Statements are attached as **Flag-II.**

It is humbly submitted that the Head Mistress named above directed the undersigned to complete the documentary proof of the Pupil Fund and its expenditures. The undersigned requested the Head Mistress that *"since the questioned fund has been utilized by you (Head Mistress) directly and the undersigned has nothing to do with the said fund therefore, you (Head Mistress) may kindly provide necessary documentation regarding the utilization of subject fund so that the undersigned could further processed the legal proceedings in respect of the fund but she failed to provide any sort of document."*

It is worth mentioning that the Head Mistress by herself deposited the Pupil Fund amount Rs.150500/- on 30-12-2021 which is evident from the Bank Statement.

This got the Head Mistress annoyed and she bent upon to penalize the undersigned and in connivance with higher authorities primarily got the undersigned transferred from the school vide order dated 20-01-2022 and placed the undersigned at the disposal of DIO (Male). It is also worthy to note that the undersigned was relieved by the said Head

Mistress vide reliving order dated 31-01-2022. The pay of the undersigned was also made inactive by the said Head Mistress on 31-01-2022. The undersigned has now been adjusted at SDEO (Male) Adenzai at Chakdara against the post of Computer Operator. It is also worth mentioning that the salary of the undersigned for the month of February, 2022 has not been paid, which is still outstanding.

The enmity of the Head Mistress does not end and she lodged complaint before the District Education Officer (Female) Dir Lower, Timergara on 14-03-2022 wherein she has leveled frivolous and baseless allegations against the undersigned and resultantly a slipshod inquiry was initiated in the absence of undersigned.

The ASDEO (Establishment Primary) Mr. Shahid Anwar Sahib called the undersigned through Mr. Raza Shah, SDEO (Male) Adenzai to appear before him on 20-05-2022. The undersigned appeared before the worthy ASDEO (Establishment Primary) Mr. Shahid Anwar Sahib on 21-05-2022 wherein the undersigned was informed that complaint has been received from Mst: Zaitoon Begum, the then Head Mistress, GGHS Kotigram. He showed copy of the complaint and directed to take picture of the same and submit answer to the complaint immediately at the spot. The undersigned answered the allegations on the spot and denied the same in written form. Copy of the reply of the undersigned is attached as **Flag-III**.

It is humbly submitted that the undersigned has never been served with any charge sheet / statement of allegations. The undersigned is unaware as to whether any inquiry/ order has been made and whether any inquiry officer or as the case may be, inquiry committee has been constituted on the complaint of Head Mistress. The undersigned was later on came across the information that a report has been submitted before the worthy Director Education, F&SE wherein it has been

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proposed to penalize the undersigned with major penalty of compulsory retirement.

The undersigned immediately approached the worthy Director, E&SE, Khyber Pakhtunkhwa and submitted application in this behalf on 22-06-2022 wherein he requested that since the undersigned has been condemned unheard in the whole proceedings. Neither the undersigned has been served with charge sheet and statement of allegations nor he has been associated with the alleged inquiry proceedings. The statement of the complainant and others, if any, were recorded. The same were at the back of undersigned with no opportunity of cross examination and defense therefore the whole proceedings against the undersigned was void ab initio and cannot be clothed with validity.

The worthy Director Education was pleased to allow the application and marked the same to additional Director on 22-06-2022 for further necessary action thereupon. It is also humbly submitted that the additional Director also marked the application of the undersigned to Assistant Director (Admn) for further process. It is very Sorry to say that no further action was taken on the application of the undersigned. Copy of the application is attached as **Flag-IV**.

That in meanwhile, undersigned was served with impugned Show Cause Notice Ends: No.6101-03 dated 18-07-2022, received on 22-07-2022.

The undersigned, after receiving the Show Cause, immediately approached the office of worthy Director, E&SE, Khyber Pakhtunkhwa on 25-07-2022 in order to scrutinize the fate of his earlier application cited *ibid*.

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The earlier application of the undersigned was requisitioned where it was unearthed that no step was taken on the application of the undersigned and the undersigned was also informed that the office of Director, E&SE, Khyber Pakhtunkhwa has already approved the recommendations of the District Education Officer (Male) Timergara for compulsory retirement of undersigned vide letter Endst:No.2961/F.No./A-23/MS/Complaint/DirLower Dated 27/06/2022 therefore, no further step could be taken on the application being in fruituous. Copy of the letter dated 27-06-2022 is attached as Flag-V.

It is very astonished that on one hand the undersigned has been served with show cause notice where is on the other hand without receiving the reply to the instant impugned show cause; the authority has already decided to penalize the undersigned with major penalty of compulsory retirement.

From the circumstances explain above it can be easily judged that the whole department proceedings has been initiated with mala fide intention to remove the undersigned from his legal service.

Reply to the Show Cause.

The undersigned humbly submit as under:-

Reply to allegation leveled against the undersigned in Final Show Cause.

A. Allegation No.A...“You have submitted bogus/designed/fake application to the DEO (F) for the retirement of Headmistress GGIS Kotigram”

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In this respect, it is humbly submitted that:-

- i. It is universally accepted principle that an illegal act is done for the sake of some monetary or otherwise benefits. In the instant case the question arises that what was the motive of the undersigned in fabricating bogus/designed and fake application?.....The answer is negative. As per rule application for retirement is submitted six month prior to the date of retirement so as to secure the NDC for the purpose of pension. Complainant herself submitted application vide dated 26-11-2021 and thereafter as the complainant was serving against the post of Headmistress therefore for the purpose of securing NDC; an audit of the accounts of GGHS Kotigram was carried out by the office of Director of Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar. This is the routine practice of the department. The complainant was herself beneficiary of the whole audit proceedings. In case if any audit para is endorsed against the complainant than how it can be presumed that it was unearthed due to the act of the undersigned.
- ii. In case the undersigned has falsely fabricated the signature of the complaint on the application then the best course for the inquiry officer would be to send the signature to FSI for verification and then to determine the genuineness or otherwise of the signature. In absence of any evidence, how it can be presumed that the undersigned has fabricated/designed bogus signature on the application.
- iii. In order to burden the shoulders of the undersigned with alleged accusation, the inquiry officer was legally bound to record the statement of the complainant in the presence of the undersigned and provide opportunity to scrutinize her statement with scrutiny



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of cross examination. The undersigned has not been associated with inquiry proceeding (if any) and has been condemned unheard which against the principle of natural justice and also against the provision of E & D Rules, 2011.

iv. It has been repeatedly held by the Hon'ble Supreme Court of Pakistan that in case of major penalty there must be regular inquiry. In the instant case no regular inquiry has been conducted. The undersigned has neither been served with any sort of charge sheet and statement of allegation nor any regular inquiry has been conducted. The undersigned is unaware of the inquiry proceeding if any. No inquiry is attached with the instant impugned show cause. The undersigned has also been denied with opportunity of personal hearing. The whole departmental proceeding is nullity in the eyes of law therefore, liable to set aside.

**B. "You have submitted a fake letter to DEO (F) for cancellation of DDO ship of the Headmistress GGHS Kotigram"**

IN Response, it is humbly submitted that the undersigned has never submitted any application or letter for cancellation of DDO ship of the Headmistress GGHS Kotigram. It is the prerogative of the competent authority to appoint or nominate any person on the post of DDO ship. No evidence is available on record that the undersigned has ever submitted application for cancellation of DDO ship of the complaint Headmistress. In case if there is any evidence the undersigned has right to be confronted with such type of evidence. In the instant case the undersigned has never been confronted with such type of evidence.

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C. "You also submitted a bogus transfer order of Mst: Rabia SST from Kotigram to GGHS Nul Malakand Agency."

In response it is humbly submitted that:-

- i. The undersigned was transferred from GGHS Kotigram on 20/01/2022 and was placed at the disposal of DEO Male Dir Lower at Timergara and was relieved by the complainant Head Mistress on 31/01/2022 and where his salary of the undersigned has also been withheld w.e.f 31-01-2022 to 28-02-2022 which is still outstanding.
- ii. It has been already explained above that an illegal act is committed with certain ulterior motive or financial benefits. The first question which would likely to be raised in a prudent mind would be as to what was the interest of the undersigned to fabricate/ prepare bogus transfer order of Mst: Rabia SST GGHS Kotigram. Mst. Rabia is neither relative of undersigned nor the undersigned any sort of relation with the concerned teacher. It is also humbly submitted that the undersigned has no enmity what so ever, with the concerned teacher. In absence of such type of relationship the question would be as to why the undersigned has prepared/fabricated a bogus transfer order of the said teacher?
- iii. The inquiry officer was under legal obligation to record evidence of all concerned persons including Mst: Rabia SST GGHS Kotigram and that to in the presence of undersigned with opportunity of cross examination. In the instant case no such evidence has been recorded by the enquiry officer and what to say of cross examination? In absence of compliance with mandatory provisions of law for the validity of accusation; how it can be presumed that the undersigned

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is guilty of submitting bogus transfer order of Mst: Rabia SST from GGHS Kotigram to GGHS Nul Malakand Agency. The undersigned has never been confronted with such type bogus transfer order.

**D. "You have also been removed from service on 30-10-2009 on similar charges"**

In response to this allegation, it is humbly submitted that the Hon'ble Service Tribunal Vide Judgment Dated 09-08-2010 re-instated the undersigned and declared all sort of allegations as illegal, unlawful and without lawful authority. It is also worth mentioning that denovo inquiry was conducted and the reinstatement order was withdrawn. The undersigned again approached the Service Tribunal and filed Service Appeal No. 556/2010 and resultantly the undersigned was reinstated with all back benefits. The order of the Hon'ble Service Tribunal and that of competent authority is worth perusal. Once a civil servant is honorably acquitted of the charges, the same cannot be made precedent for any subsequent allegation and no conviction can be made on the score of such type of allegations. It is also worth mentioning that the competent authority vide his comments dated 09-02-2011 has categorically admitted that the alleged accusations as flimsy in nature and have no nexus with the conduct of the undersigned therefore, liable to be set at naught. Copies of Judgment of Hon'ble Service Tribunal dated 09-08-2010 alongwith reinstatement order, Service Appeal No.556/2010, Order Sheet dated 05-09-2011, Comments of the competent authority dated 09-02-2011 and the reinstatement order with all back benefits dated 13-03-2014 are attached as Flag-VI.

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In view of the above explained humble submissions, the impugned Show Cause Notice has no backup and nullity in the eyes of law therefore, your honour may graciously be pleased to set aside the same and exonerate the undersigned with all types of accusations and accordingly filed the inquiry proceedings.

Yours faithfully



Muhammad Idrees

Junior Clerk

Office of the SDEO (Male),  
Adenzai, Chakdara, Dir Lower  
Cell No.0348-9837828

Dated: 28/07/2022



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR.**

No 2156 /F.No. /A-23/MS/Complaint/Dir Lower

Dated Peshawar the 21/08 /2022

Phone: 091-9225344

Email: ddadmn.es@gmail.com

Annex - M

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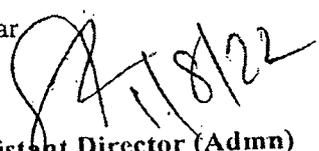
To

Muhammad Idrees Junior Clerk,  
GGHS Kotigram Dir Lower

Subject: **PERSONAL HEARING**

Memo:

I am directed to refer to your appeal dated 17.6.2022 on the subject cited above and to ask you to attend this Directorate on 4.8.2022 for personal hearing before the worthy Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

  
Assistant Director (Admn)  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. \_\_\_\_\_

Copy forwarded to the: -

1. District Education Officer (Male/Female) Dir Lower.
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Master File.

  
Assistant Director (Admn)  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Questions Issued to Muhammad Yousaf  
C.G. HS, Katigram (Dist. Lahore) regarding  
~~Complaint~~ Bogus / False orders. Page 43

1 you have made bogus DDO ship orders  
of Mst. Rabina Ayub SST of the Saini  
school.

2 you have submitted bogus retirement order  
of the school Head Mistress Mst. Zaitoon.

3 you have transferred Mst. Sazwat Begum  
in bogus way.

4 you have submitted bogus source of  
Mst. Lubna Kamal II and Sazwat  
Begum for Staffage of Salary  
to the DAC District.

5 All such activities ~~to~~ you have  
done what is your view about  
above illegal orders.

Chhat  
4-8-22

  
4-8-22

Annex I I

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DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR.  
Phone: 091-9225344 Email: ddadmn.ese@gmail.com

**NOTIFICATION**

1. **WHEREAS**, The District Education Officer (Female) Dir Lower has submitted a complaint against Muhammad Idrees Ex-JC GGHS Kotigram Dir Lower vide letter No.1138 dated 18/3/2022, now service placed at the disposal of DEO (M) Dir Lower vide office order issued under Endst: No.7861-65 dated 20/01/2022.
2. **WHEREAS**, an enquiry has been conducted by this Office through DEO (M) Dir lower vide Notification issued under Endst: No.4501-04 dated 30/03/2022.
3. **WHEREAS**, the District Education Officer (M) Dir Lower (Enquiry Officer) has Conducted enquiry and submitted detail enquiry report to this Directorate vide letter No.3593 dated 11/06/2022 with clear cut recommendations of compulsory Retirement from service in r/o Muhammad Idrees J/C.
4. **WHEREAS**, an appeal has been received in r/o Muhammad Idrees JC against the enquiry report with the request that the enquiry officer has conducted an ex-parte enquiry against him.
5. **WHEREAS**, the appellate authority has accepted his appeal and called Muhammad Idrees JC for personal hearing on 4/8/2022 vide this office letter No.2156 dated 1/08/2022.
6. **WHEREAS**, a questioner was served upon Muhammad Idrees JC during personal hearing dated 4/8/2022.
7. **AND WHEREAS**, Muhammad Idrees JC has submitted written reply of the Questioner on the same date..
8. **NOW, THEREFORE**, the appellate authority, the Director E&SE Khyber Pakhtunkhwa has decided to issue **warning** to Muhammad Idrees J/Clerk to perform his duty regularly with the entire satisfaction of the highups, otherwise strict action will be taken against him.

**DIRECTOR**

Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. 5364-67 /F.No. /A-23/MS/Complaint/ Dir Lower Dated. 12 / 08 /2022

Copy of the above is forwarded for information and n/action to the:-

- 1- District Education Officer (M/F) Dir Lower.
- 2- District Account Officer Dir Lower.
- 3- Principal/HM concerned.
- 4- Official concerned.
- 5- PA to the Director E&SE Khyber Pakhtunkhwa Peshawar.

  
**Deputy Director (F&A)**  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar



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Amriza J.

**OFFICE OF THE  
DISTRICT EDUCATION OFFICER (MALE)  
DIR LOWER AT TIMERGARA.**  
E- Mail: deomaledirlower@gmail.com    Tell: 0945-9250081-82

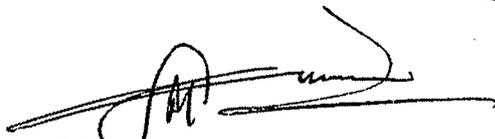
NO. 5618 / Dated Timergara the 05 /08/2022

To  
Mr. Muhammad Idress J/C  
SDEO (M) Adenzai.

Subject;- **PERSONAL HEARING.**

Memo.

Reference to the unconvincible reply of the Show cause Notice issued vide this office No.6101-3 dated 08/8/2022, you are hereby directed to attend office of the undersigned on 18/08/2022 at 11 am for personal hearing.

  
District Education Officer  
(M) Lower Dir.

Endst; No.          / Dated. 05 /08/2022  
Copy of the above is forwarded for information .o:-

1. SDEO (M) Adenzai.

District Education Officer  
(M) Lower Dir

*Received on 13/08/2022*  




Annex-K

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OFFICE OF THE  
DISTRICT EDUCATION OFFICER (MALE)  
DIR LOWER AT TIMERGARA.

E- Mail: deomaledirlower@gmail.com Tell: 0945-9250081-82

NOTIFICATION

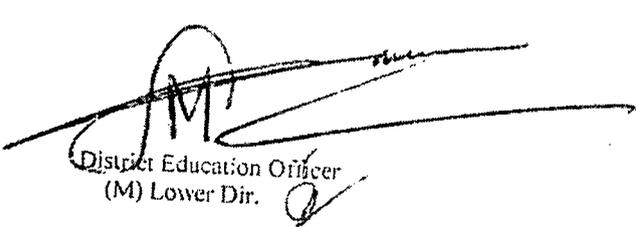
1. WHEREAS. You Mr. Muhammad Idress Jouner clerk were transferred on administrative ground from GGHS Kotigram and your services were placed on the disposal of DEO (M) vide No.7861-65 / F.No./A-23/ MS /Comp./Dir Lower dated 20/1/2022 and latteron you were adjusted at SDEO (M) office Adenzai vide No.1346-53 dated 7/3/2022.
  2. AND WHEREAS. You were proceeded under the Khyber Pakhtunkhwa Govt. servant (Efficiency and Discipline) Rules, 2011 as result of the request of Head Mistress GGHS Kotigram for reality based inquiry vide her office No. Nil dated 7/3/2022.
  3. AND WHEREAS. An inquiry was initiated against you vide No. 4701-04 /A-23 MS Comp. Dir Lower dated 30/3/2022.
  4. AND WHEREAS. the following charges have been proved against you during the inquiry.
    - i- You found involved in drafting fake letters for retirement of the Head Mistress and submit a bogus letter to DEO (F) for the change of DDO ship of the school.
    - ii- You provided a fake transfer order of Mst. Sarwat Begum SST from GGHS Kotigram to GGHS Nulo Mkd Agency.
    - iii- You have submitted a source for stoppage of pay of the teacher concerned.
    - iv- You have submitted a fake letter for the stoppage of pay of Mst. Lubna Kanwal SST IT as showed her abroad (Out of Country).
  5. AND WHEREAS. the inquiry officer recommended a penalty of Compulsory retirement upon you.
  6. AND WHEASE. the undersigned was directed for implementation of recommendation of the inquiry vide End. NO. 2961/ / F.No./A-23/ MS Comp./Dir Lower dated 27/6/2022.
  7. AND WHEREAS. a show cause notice vide this office No.6101-03 dated 18/7/2022 was served upon you.
  8. AND WHEREAS, due to un-convincible reply of the show cause notice you were called for personal hearing on 18 8/2022.
  9. AND WHEREAS, during personal hearing you failed to defend yourself against the charges framed against you.
  10. AND WHEREAS, As per office record you have also been removed from service on 30/10/2009 due to similar charges and was re-instated by taking oath that you will not repeat the same in future.
- Hence in the exercise of powers confirmed upon him under 4(B) of the government Servant (Efficiency and Discipline) Rules 2011. I Muhammad Amin DEO (M) Dir Lower, the competent authority is pleased to impose upon Mr. Muhammad Idress JC SDEO (M) Adenzai Dir Lower the major-penalty of "Compulsory Retirement from Service" with immediate effect.

(Muhammad Amin  
District Education Officer  
(M) Lower Dir.

Endst:No. 6103-07 / Dated. 22 /8/2022

Copy of the above is forwarded to:-

1. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
2. The District Accounts Officer Dir Lower.
3. The District Monitoring Officer Dir Lower.
4. SDEO Concerned.
5. Official Concerned.

  
District Education Officer  
(M) Lower Dir.

“Annex-L”

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To,

The Worthy Director  
E&SED Khybar Pakhtunkhwa Peshawar.

SUBJECT: - DEPARTMENT APPEAL AGAINST IMPUGNED ORDER No.6103-07 DATED  
22/08/2022 PASSED BY DISTRICT EDUCATION OFFICER MALE DISTRICT DIR  
LOWER.

Respected Sir,

It is humbly submitted that Appellant remained as Junior Clerk, GGHS Kotigram from October 2019 to 30 January 2022. He was relieved from GGHS Kotigram on 31-01-2022 in pursuance of the transfer order dated 20-01-2022 and his service was placed at the disposal of District Education Officer Male Dir Lower for further adjustment. Copies attached as annex:-A&B

On 26-11-2021, vide Dispatch No.24 Mst: Zaitoon Begum, Head Mistress GGHS Kotigram, who was going to be retired w.e.f 02-04-2022 on attaining the age of superannuation, Submitted application for retirement so as to obtained NDC before her retirement. The application duly processed and resultantly Audit process for the purpose of NDC / Retirement Order was carried out on 27-11-2021. During the audit proceeding, it was unearthed that Mst: Zaitoon Begum has miss appropriated Rs. 150500/- of Pupil Fund. It is humbly submitted that being a Junior Clerk and that is why he by virtue of his job description has nothing to do with the Pupil Fund. The fund is collected from the student directly by the Class Teachers and then handed over to the Head Mistress, who further deposits the same into the Bank Account of the School. The Head Mistress misappropriated the Pupil Fund and failed to deposit the same in concerned Bank Account. She has neither handed over the amount of pupil fund to Appellant for further onward deposit in the concerned Bank Account nor did herself deposit the same in the school account at the relevant time. It is further submitted that the above cited action of the Head Mistress was not for the first time but she was habitually interested to deposit School Fund with delay. This fact can best be judged from the statement of account of the School. It is pertinent to note that the audit has been carried out on 27-11-2021 and whereas the Bank statement concerned account shows that till 10-12-2021, no such amount was deposited in the Bank Account. The Bank Statement further provide that Pupil Fund Rs. 150500/- has been deposited on 30-12-2021 i.e after the audit proceeding, Copies of the application along with audit notes on the account of GGHS Kotigram Dir Lower dated 27-11-2021 and Bank Statement attached As Annexure-C.D.

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26/8/22

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It is worth mentioning that the Head Mistress by herself deposited the Pupil Fund amount Rs.150500/- on 30-12-2021 which is Evident from the Bank Statement. Copy attached as Annex-E

When the above anomaly of Audit Para surfaced on earth; Head Mistress got annoyed and thereafter made complaints against the undersigned.

After the above proceeding, Head Mistress GGHS Kotigram reported Appellant to District Education Officer Female Dir Lower that the applicant submitted my bogus retirement application to the District Education Officer Female concerned. The District Education Officer Female Dir Lower without any enquiry sent my case to this Directorate vide letter No. 82 dated 11.01.2022 and were requested for transfer of Appellant to any Male School. On the basis of concocted Application; this Hon'ble Directorate transferred Appellant and placed him on the Disposal of DEO (Male) Dir Lower for further adjustment vides Endstt: No.7861-65 dated 20-01-2022. The Head Mistress concerned relieved Appellant on 31-01-2022 and she stop the salary of the applicant w.e.f 01-02-2022. Appellant started duty at SDEO (MALE) Adenzai at chakdara Dir Lower.

The enmity of the Head Mistress does not end and she lodged again complaint before the District Education Officer Female Dir Lower at Timergara, on 14-03-2022 wherein she has leveled frivolous and baseless allegations against Appellant and resultantly this Hon'ble office nominated DEO (M) Dir Lower as an inquiry officer for the purpose of scrutinizing the real fact of the allegation leveled by Mst Zaiton Begum (The Then Head Mistress of GGHS Kotigram). It is pertinent to mention here that Appellant has never seen the inquiry officer with his own eyes. Appellant has never been served with any charge sheet and statement of allegation. Appellant was contacted through ADEO Male Primary (Establishment) Mr. Shahid Anwar who called Appellant through Mr.Raza Shah, SDEO Male Adenzai on 20-05-2022 to appear before Mr. Shahid Anwar Worthy ADEO Male Primary (Establishment) on 21-5-2022. The Appellant appeared before him on the date and time whereby the he was informed that complaint has been received from Mst:Zaitoon Begum then the Head Mistress, GGHS Kotigram. He showed a copy of complaint and directed to take picture of the same and submit answer of the complaint

immediately at the spot. The Appellant answered the allegations on the spot and denied the same in written form.

The inquiry Officer District Education Officer Male Dir Lower submitted inquiry report to this Directorate with clear cut recommendation of compulsory retirement from service of Appellant vide letter No.3593 dated 11-06-2022.

The Appellant approached this Directorate with written representation / appeal on 22-06-2022, against ex parte enquiry report of the enquiry Officer (District Education Officer (Male) Dir Lower). The Worthy Director E&SED Khyber Pakhtunkhwa accepted the appeal of the appellant and marked it to the Add: Director Establishment E&SED Khyber Pakhtunkhwa Peshawar for further proceeding.

The District Education Officer Male Dir Lower issued show cause to the Appellant vide Endstt; No.6101-03 Dated 18-07-2022 with the direction to submitted the reply of show cause within 7 days of its delivery. The Appellant received the show cause on 22-07-2022. The Appellant replied the show cause notice on 28-07-2022 vide Diary No.1928 dated 28-07-2022.

The Worthy Director E&SED Called the Appellant vide letter Endstt:No.2156/F.No./A-23/MS/Complaint/Dir Lower Dated 1-8-2022 to appear before him at Peshawar for personal hearing on 04-08-2022. Appellant appeared on 04-08-2022 for personal hearing, questioner was served upon him and he replied the questioner on the same date.

The Appellant received Notification No.5364-67 Dated 11-08-2022 from this worthy office on 12-08-2022 with the remarks that "the appellate authority, the Director E&SE Khyber Pakhtunkhwa has decided to issue warning to Muhammad Idrees J/Clerk to perform his duty regularly with the entire satisfaction of high-ups, otherwise strict action will be taken against him." Copy attached as Annex-F

The SDEO Male Adenzai called the Appellant on 13-08-2022 in his office, and handed over a letter No. 5618/ Dated Timergara the 05-08-2022 issued from the District Education Officer Male Dir Lower with the remarks that your reply to show cause notice is not convincing you are

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directed to appear before the District Education Officer Male Dir Lower at Timergara for personal hearing on 18-08-2022.

The Appellant appeared before the District Education Officer Male Dir Lower at Timergara for Personal Hearing on 18-08-2022 and answer the question on the spot, and also submitted letter No.5364-67 dated 11-08-2022 of the worthy Director E&SED Peshawar wherein he was exonerated from all the allegations and the matter of penalty remained to the extent of Warning only

The District Education Officer informed the Appellant that he is going to impose major penalty of Compulsory Retirement from Service upon you, and you may submit Departmental Appeal against the Major Penalty.

Now, finally the District Education Officer Male Dir Lower impose major penalty of "Compulsory Retirement from Service" upon the Appellant vide Notification Endstt: No.10-07 Dated 22-08-2022 Copy attached herewith as Annex-G.

The Appellant now being aggrieved of the impugned penalty, submit the instant Departmental Appeal inter alia on the following grounds:

**GROUNDS:**

That the penal authority has not treated the Appellant in accordance with law, rules and policy in the subject and acted in violation of Article 3, 4 10-A of the Constitution of Islamic Republic of Pakistan 1973. Section 16 of the Civil Servant Act provides that every Civil Servant is liable for prescribed disciplinary actions in accordance with the prescribed procedure. The Khyber Pakhtunkhwa E&D Rules 2011 provides a procedural mechanism for initiation and completion of inquiry proceedings against a delinquent Civil servant. Appellant has never been served with any charge sheet and statement of allegations, therefore, the question of submitting reply is out of context. The whole inquiry procedure has been conducted in the absence and at the back of Appellant, this fact has also been admitted by your good office vide notification Endst No. 5364-67 dated 11.08.2022. No evidence has been recorded by the inquiry officer in support of the allegations leveled against the Appellant, the main question of forged signature has not been scrutinize through reliable and credible evidence. The inquiry officer failed to obtain forensic test report of the alleged forged signature. No circumstantial or physical

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evidence is available on the record to burden the Appellant with such type of allegation. The whole procedure adopted by the inquiry officer was alien to the prescribed procedure, therefore, cannot be clubbed validity and liable to be brushed aside on this score alone.

The Appellant has been condemned unheard which is against the well known principal of law "Audi Altram Partem". The so called opportunity of personal hearing provided by the penal authority was nothing more than a formal fulfillment. The defence plea has not been given any credence and weight as the impugned order is without any legal and justifiable reason.

That the inquiry officer failed to strictly observed his legal obligation with respect to the inquiry proceedings, he contacted the appellant through Mr. Raza Shah SDEO (M) Adenzai, who was directed by ADEO (M) Primary (Establishment) Mr Shahid Anwar to contact Appellant and direct him to appear before him on 20.05.2022, whereby appellant was informed of the complaint of Mst Zaitoon Begum the then Head Mistress GGHS Kotigram. Appellant was directed by Mr Shahid Anwar to take photo picture of the complain and submit reply immediately. Appellant submitted his reply on the spot, this procedure was alien to the prescribed procedure provide in the statue and also against the provision of Article 4, 10-A of the Constitution of Islamic Republic of Pakistan. The so-called procedure adopted against the Appellant was in the humble view of the Appellant is not only unwarranted but highly undesirable.

That the Hon'ble Supreme court of Pakistan in plethora of reported Judgment has laid down a law that in case of factual controversy where major penalty was proposed to be inflicted on the delinquent civil servant, there shall be regular inquiry. In the absence of regular inquiry no major penal order can be imposed. In the instant case Appellant has denied the very allegation of the complainant party from the very beginning, therefore, regular inquiry was mandatory as per law laid down by the Hon'ble Apex Court of Pakistan, in absence of conformity with the law laid down by the Hon'ble Supreme Court of Pakistan, the impugned major penalty cannot be sustained in the eyes of law and is liable to be set aside.

That regular inquiry demands that the inquiry officer shall call the prosecution evidence in the presence of delinquent Civil servant and shall provide the accused official with opportunity of cross examination. In the instant case the inquiry officer has not recorded any evidence of the prosecution witnesses including the complainant and the question of opportunity of cross examination does not arise.

That the whole inquiry procedure was against the law and rules and even against the norms of natural justice, fair play and equity and therefore amounts to exploitation which is against the spirit of Article 3 of the constitution of Islamic Republic of Pakistan 1973.

That this Hon'ble Directorate has already exonerated the Appellant from the same allegations vide notification endst No. 5364-67/F.No/A-23/MC/Complaint/ Dir Lower dated 11.08.2022 and culminated the whole inquiry proceedings to the extent of "Warning" only.

In view of the above facts and grounds and keeping in view the earlier decision of your good self dated 11.08.2022 vide notification endst No. 5364-67/F.No/A-23/MC/Complaint/ Dir Lower, Your Honor may graciously be pleased to set aside the impugned penal order of "Compulsory Retirement from Service" of District Education Officer (M) Dir Lower Endst No. 6103-07 dated 22.08.2022 and reinstate the Appellant with all back benefits.

Yours faithfully,



MUHAMMAD IDREES,  
Junior Clerk,

Office of the SDEO Male Adenzai  
At Chakdara District Dir Lower.

Dated 24 / 08 / 2022.

WAKALAT NAMA

53

IN THE COURT OF The Khyber Pakhtunkhwa

Service Tribunal Peshawar

Muhammad Idrees Appellant(s) Petitioner(s)

VERSUS

The director education  
(E&SED) & others

Respondent(s)

I/We Muhammad Idrees do hereby appoint  
Mr. Ashraf Ali Khattak, Advocate Supreme Court of Pakistan in the  
above mentioned case. to do all or any of the following acts, deeds and  
things.

1. To appear, act and plead for me/us in the above mentioned case in  
this Court/Tribunal in which the same may be tried or heard and  
any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions,  
appeals, affidavits and applications for compromise or withdrawal  
or for submission to arbitration of the said case, or any other  
documents, as may be deemed necessary or advisable by them for  
the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may  
be or become due and payable to us during the course of  
proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from  
the prosecution of the said case if the whole or any part  
of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama  
hereunder, the contents of which have been read/explained to  
me/us and fully understood by me/us this

Attested & Accepted by

Ashraf Ali Khattak

Ashraf Ali Khattak  
Advocate,  
Supreme Court of Pakistan

[Signature]  
Signature of Executants



54

WAKALAT NAMA

IN THE COURT OF Khyber Pakhtunkhwa

Service Tribunal Peshawar

Muhammad Idrees Appellant(s) Petitioner(s)

VERSUS

The Director education  
(E SED & others)

Respondent(s)

I/We Muhammad Idrees do hereby appoint  
Mr. Ali Bakht Mughal Advocate, District Courts, Peshawar in the above  
mentioned case, to do all or any of the following acts, deeds and things.

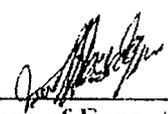
1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this \_\_\_\_\_

Attested & Accepted by

  
\_\_\_\_\_  
Signature of Executants

  
Ali Bakht Mughal  
Advocate,  
District Courts, Peshawar

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WAKALAT NAMA

IN THE COURT OF The Khyber Pakhtunkhwa

Service Tribunal Peshawar

Muhammad Iqbal Appellant(s)/Petitioner(s)

VERSUS

The Director of Education  
(E & SED) & others

Respondent(s)

I/We Muhammad Iqbal do hereby appoint  
Miss. Sadia Umar Advocate, District Courts, Peshawar in the above  
mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

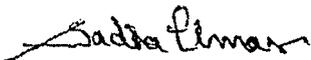
AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this \_\_\_\_\_

Attested & Accepted by

  
Signature of Executants



Sadia Umar  
Advocate,  
District Courts, Peshawar