

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Service Appeal No. 8283/2020

Date of Institution ... 21.07.2020

Date of Decision ... 07.06.2022

Dr. Gul Nabi, Assistant Professor Government College Shabqadar.

... (Appellant)

VERSUS

The Secretary Higher Education Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and two others.

... (Respondents)

MR. TAIMUR ALI KHAN,
Advocate

--- For appellant.

MR. NASEER-UD-DIN SHAH,
Assistant Advocate General

--- For respondents.

MR. SALAH-UD-DIN
MS. ROZINA REHMAN

--- MEMBER (JUDICIAL)
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Precise facts forming the background of the instant service appeal are that the appellant while posted as Assistant Professor of Chemistry in Government Degree College Shabqadar was communicated adverse remarks recorded in his PER for the period from 01.01.2018 to 31.12.2018. The departmental appeal of the appellant was regretted vide order dated 12.06.2020, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions made by the appellant in his appeal.

3. Learned counsel for the appellant has contended that adverse remarks have been recorded in the PER of the

appellant for the year 2018 without any counseling, warning or advise, therefore, the instructions relating to recording of adverse remarks in PER of a Government Servant have not been complied with. He next contended that adverse entry has been made in the PER pertaining to the year 2018 but the same were communicated to the appellant after considerable delay on 09.12.2019, which fact has made the adverse entry liable to be set at naught. He further contended that the appellant was not at all given any opportunity of personal hearing or self defense and even his appeal was disposed of in a cursory manner. He further argued that except the adverse entry in question, the appellant has been throughout earned very good PERs, which fact shows that the adverse entry in question was result of bias on part of the Principal concerned.

4. On the other hand, learned Assistant Advocate General for the respondents has contended that the appellant was neither performing his duty properly nor he was obeying directions of the Principal, therefore, several explanations were called from him. He next contended that the appellant failed to mend his ways, therefore, adverse entry was rightly recorded in his PER for the year 2018.

5. Arguments have already been heard and record perused.

6. A perusal of the record would show that the appellant is aggrieved of the adverse remarks recorded in his Performance Evaluation Report for the period from 01.01.2018 to 31.12.2018. The appellant was rated as *below average* and *not yet fit for promotion*. Similarly, the integrity of the appellant was considered as *manipulated and biased*, while the remarks recorded in the column of *pen picture* are as below:-

"He does not show respect to super-ordinate's and colleagues. Aggressive, intolerant and non-cooperative. He handles in the smooth running of college administration."


7. According to the guide lines for filling of PERs, Reporting Officer is required to ensure that the officer under report is



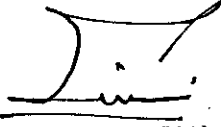
properly counseled before recording any adverse remark in his PER. Nothing is available on the record, which could show that the appellant was given counseling prior to recording of adverse remarks in his PER for the concerned period. Moreover, except the adverse remarks in question, the appellant has not earned any adverse entry during his career. It appears from the record, that relations between the appellant and the Reporting Officer remained strained, therefore, the contention of the appellant that the adverse entry was recorded in his PER on account of biasness, holds force.

8. Consequently, the appeal in hand is allowed and the impugned adverse remarks pertaining to the year 2018 are expunged. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
07.06.2022



(ROZINA REHMAN)
MEMBER (JUDICIAL)



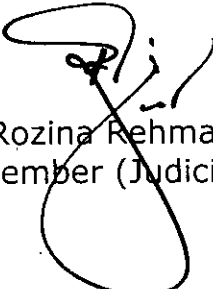
(SALAH-UD-DIN)
MEMBER (JUDICIAL)


ORDER
07.06.2022

Learned counsel for the appellant present. Mr. Farhan Ahmad, Assistant alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present. Arguments have already been heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed and the impugned adverse remarks pertaining to the year 2018 are expunged. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
07.06.2022


(Rozina Rehman)
Member (Judicial)


(Salah-Ud-Din)
Member (Judicial)



19.05.2022

Learned counsel for the appellant present. Mr. Farhan Ahmad, Assistant Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned Member Judicial Ms. Rozina Rehman is on leave, therefore, the bench is incomplete. Adjourned. To come up for order on 31.05.2022 before the D.B.



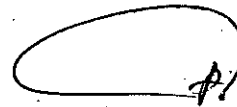
(Salah-ud-Din)
Member (Judicial)

31.05.2022

Counsel for the appellant present.

Naseer Ud Din Shah learned Assistant Advocate General for respondents present.

Learned Member Judicial Mr. Salah-ud-Din is on leave, therefore, the Bench is incomplete. Adjourned. To come up for order on 07.06.2022 before D.B.

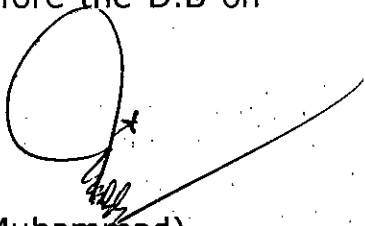


(Rozina Rehman)
Member (J)

17.11.2021

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

The learned Member (Judicial) Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments before the D.B on 03.02.2022.


(Mian Muhammad)
Member (E)

03.02.2022


Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 16.05.2022 for the same as before.



Reader

16.05.2022

Counsel for the appellant present. Mr. Farhan Ahmad Assistant alongwith Mr. Naseer Ud Din Shah Assistant Advocate General for the respondents present.

Arguments heard. To come up for order on 19.05.2022 before the D.B .


(Rozina Rehman)
Member (J)


(Salah-Ud-Din)
Member (J)

16.02.2021

Junior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Jehanzeb, Superintendent, for the respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Last chance is given to the respondents for filing of written reply/comments on 08.04.2021 before S.B.


(Muhammad Jamal Khan)
Member

08.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 06.07.2021 for the same as before.


READER

06.07.2021

Appellant in person and Mr. Kabirullah Khattak, Addl. AG alongwith Jehanzaib, Superintendent for respondents present.

Respondents have furnished reply/comments. The appeal is entrusted to D.B for arguments on 17.11.2021.


Chairman

14.09.2020

Counsel for the appellant present.

Contends that before incorporation of adverse remarks the respondents were obligated to issue warning/undertake counselling of the appellant. Further, the appellate authority had also not cared to investigate the nature of adverse remarks before deciding the departmental appeal.

Subject to all just exceptions, instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 16.11.2020 before S.B.

Appellant Deposited
Security & Process Fees

14/9/20


Chairman

16.11.2020

Junior to counsel for the appellant and Addl. AG alongwith Qazi Ayaz, Litigation Officer for respondents present.

Representative of the respondents seeks time to furnish reply/comments. Adjourned to 04.01.2021 on which date the requisite reply/comments shall positively be submitted.


Chairman

04.01.2021

Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks further time to furnish reply/comments. He is required to contact the respondents and submit requisite reply/comments on 16.02.2021 positively.

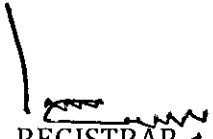


Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 8283 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/07/2020	<p>The appeal of Mr. Gul Nabi presented today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>14/09/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 8283 /2020

Gul Nabi

VS

Govt of KPK etc.

INDEX.

S.NO	DOCUMENTS	ANNEXURE	PAGE.
1.	Memo of appeal.	---	1-4
2.	Copy of appreciation letter.	-A-	5
3.	Copy of ACR.	B	6
4.	Copy of the departmental Appeal	C	7-9
5.	Copy of rejection order	D	10
06.	Vakalat nama.	---	11


APPELLANT

GUL Nabi

THROUGH:


M.ASIF YOUSAFZAI

ADVOCATE SUPREME COURT,

& 
SYED NOMAN ALI BUKHARI

ADVOCTE, HIGH COURT PESHAWAR.

(1)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 8282/2020

Dr. Gull Nabi,
Assistant professor Government collage shabqadar.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7507

Dated 21/7/2020

(APPELLANT)

VERSUS

1. The Secretary Higher Education Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Director, Higher Education Directorate, Khyber Pakhtunkhwa Peshawar .
3. The Principal, Govt: Degree College, Shabqadar.

(RESPONDENTS)

THIS APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNALS ACT 1974 AGAINST THE ADVERSE REMARKS RECORDED IN ACR/PER FOR THE YEAR 2018, COMMUNICATED TO APPELLANT ON 09.12.2019 AND AGAINST THE ORDER DATED. 12.06.2020 COMMUNICATED TO APPELLANT ON 30.06.2020, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

Filed to-day

Registrar

21/7/2020.

PRAYER:

THAT AN ACCEPTANCE OF THIS APPEAL THE IMPUGNED ORDER DATED. 12.06.2020 MAY BE SET-ASIDE AND ADVERSE REMARKS RECORDED IN THE ACR OF APPELLANT FOR THE YEAR 2018 MAY BE EXPUNGED BEING BASELESS AND IN

**VIOLATION OF GOVT: INSTRUCTION REGARDING
ACR.**

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant initially joined the respondent Deptt: in the year 2002 as lecturer and with the passage of time he was promoted to BPS-18 due to his good service record and the appellant is also a PhD qualified Associate Professor and performing his duty with zeal and zest and with the entire satisfaction of his Superior.
2. That the appellant was serving as a teacher and teaches Chemistry on both level FSC and BS in the Degree College of the Higher Education Deptt:. The performance of the appellant is evident from the appreciation letter issued to him on 12.04.2018. **Copy of the appreciation letter is attached as Annexure – A.**
3. That vide memo dated. 09.12.2019, the competent authority conveyed the adverse remarks to the appellant for the year 2018, which are baseless and without any proof. **Copy of adverse remarks is attached as Annexure-B.**
4. That the appellant being feeling aggrieved ,filed the departmental appeal for expunction of adverse remarks .But the authority turned down the appeal of the appellant without showing any reason vide order dated 12-6-2020 ,which was communicated to appellant on dated 30-6-2020. Hence the present appeal on the following grounds. **Copy of Departmental Appeal & Rejection order dt: 22.06.2020 are attached as Annexure-C & D.**

GROUND

- A. That the adverse remarks communicated to the appellant vide memo 9-12-2019 and rejection order dated 22-06-2020 is against the law, fact, norms of the justice and material on record, therefore, not tenable and liable to be set-aside and expunction.
- B. That the adverse remarks are the performance evaluation report is baseless and having no proof at all. The said adverse remarks can be termed as biased attitude of the Principal towards appellant.

- C. That all negative points/ remarks in the ACR are not correct and that is why the appellant denied all the negative remarks in his departmental appeal which were even not taken into consideration by the appellate authority.
- F. That the appellant has been condemned unheard because neither an inquiry was conducted in respect of adverse remarks recorded in ACR to substantiate the adverse remarks before communication nor the appellant was given a personal hearing in respect of such remarks.
- G. The adverse PER/ACR for the year 2018 are time barred as not communicated well before the end of June, nor any reasons has been given by the respondents to explain such delay communication. Thus being time barred remarks are liable to be set-aside.
- H. That the adverse remarks are given to appellant in violation of ACR Instructions, issued by the Govt: because neither the appellant was warned nor counseled before recording adverse entries in his ACR. Thus the adverse remarks are liable to be expunged.
- I. That the entries of Part-III are repeated in the Pin Picture which is basic violation of instruction. This proved that the writer of ACR has not acted with free and independent mind and his remarks are biased.
- J. That the adverse remarks needs full fledged inquiry to substantiate and without any such inquiry the adverse remarks in the PER cannot be sustained.
- K. That the appellant has not been treated in accordance with law and rules and as per spirit of Article 10(A) of the Constitution of 1973.
- A. That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

Handwritten signature
(4)
APPELLANT

Gul Nabi

THROUGH:

Handwritten signature
(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT
OF PAKISTAN.

&

Handwritten signature
(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

&

Shakar Khan Advocate.

(A) (S)

OFFICE OF THE PRINCIPAL GOVT DEGREE COLLEGE SHABQADAR

PH# 601-6290600 Email shabqadacollege@gmail.com

No. 151

Date 12/09/2002

To whom May it Concern!

This is to certify that Dr. Gul Nabi S/O Abdul Ghafoor has joined this Department as lecturer in chemistry on Permanent basis on 20/08/2002. He is working in this Department since 20/08/2002 till this date. Currently he is working as Assistant Professor of Chemistry in this college.

He possesses good moral character and is dedicated to his work.

We wish him all the success in his Career!

[Signature]
ATTESTED

[Signature]
13/4/18

[Signature]
Dy. Director Higher Education
Khyber Pakhtun
Khyber Road, Peshawar

[Signature]

Principal

Govt Degree College Shabqadar

PRINCIPAL

Govt: Degree College
Shabqadar Gharsadda



DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA, RANO GARHI CHAMKANI PESHAWAR

E-mail:- dhekpkpesh@gmail.com

(3)
(6)

Office No. 286/0 /AD(ACR)

Dated: 9 / 12 /2019

✓ Mr. Gul Nabi

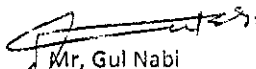
I am directed to convey to you the following adverse remarks recorded in your Performance Evaluation Report for the period from 01.01.2018 to 31.12.2018.

PART-IV (REPORTING OFFICER EVALUATION)

- Please comment on the officer's performance on the job given in part II (2) with special reference to knowledge of work, quality and quality of output. How far was the officer able to achieve targets? Do you what has been stated in part II (2)**
I do not agree with the statements given above in part II (01) & (02).
- Integrity.**
Manipulated and biased.
- Pen Picture.**
He does not show respect to the superordinate's and colleagues. Aggressive. Intolerant and non-cooperative. He handles in the smooth running of college administration.
- Overall Grading.**
Below Average.
- Fitness for Promotion.**
Not yet fit.

I hope you will try your best to remove these defects. One spare copy of this D.O. letter is enclosed. This may be signed and returned to this office for placement in your Character Roll. Please note that nothing is to be written on it except merely putting your signature and dates in token of having received this letter. In case the acknowledgement is not received in this office within a week, it will be presumed that you have accepted the remarks and no appeal will be entertained after the specified time.

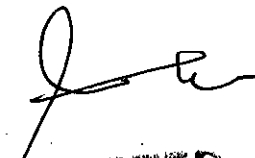
ASSISTANT DIRECTRESS (ACR)


Mr. Gul Nabi
Assistant Professor in Chemistry.
GDC, Shabqadar.

Endst; No. 286/11-12

Copy of the above is forwarded for information and necessary action to:

- The Principal GDC, Shabqadar.
- A.O. Local Directorate.


ATTESTED

ASSISTANT DIRECTRESS (ACR)

To

The Director
Higher Education
Government of Khyber Pakhtunkhwa

(C)
(7)

Subject - Response to Adverse Remarks of Principal in My PER and Appeal for Re-Evaluation of PER for the Period 01-01-2018 to 31-01-2019

Dear Sir

Reference this office's letter No 28610/AD(ACR), dated 9/12/2019 from Assistant Directress(ACR) on the subject mentioned above I have the honour to state that report submitted by the Principal has nothing with reality rather than a reflection of perpetual and extremely biased attitude that the Principal has adopted especially towards me among others. Being adamant for achieving his personal motives he always transcends all boundaries and even never hesitates to exacerbate his subordinates' career. Such subliminal aversion has no other motive than excruciating pain for the poor fellows that ultimately discourage those who leave no stone unturned for educating the youngsters of the nation.

This evaluation report is the next episode of the Principal's firm and non-tottering determination in the form of explanatory letters that he launched last year and the subsequent enquiry against me. When these baseless explanatory letters could not produce the desired results, the Principal launched this new episode in which the role the Judge is played by the writer himself.

In the following lines I would like to bring your attention viz a viz to these biased evaluation remarks along with my response.

1. Please comment on the officer's performance on the job as given in Part II(2) with special reference to knowledge of work, quality and quantity of output. How far was the officer able to achieve targets? Do you agree with what has been stated in Part II (2)?

Principal's Remarks: I do not agree with the statements given in part (II) (01) & (02)

In Part (II), I have mentioned my duties and classes one by one along with other duties and then written the result as provided by the Principal's office. These may be crosschecked from time tables (Both Inter and BS). The Principal has no knowledge of chemistry, nor has he ever bothered to visit my class and acquire the view of students. Then how could he evaluate my knowledge of work? He has provided no evidence in this regard. It is to mention here that I had got scholarship after qualifying a written test across the country from Ministry of Education Pakistan for obtaining PhD in a record time from a reputed foreign university having world ranking far better than the top universities of Pakistan.

I request this office to ask the Principal for providing written proof supported by the general and BS chemistry timetables along with the remarks of concerned clerk that I have not performed these duties in the college and provide the names of those persons who were teaching these classes, who was performing HOD duties of BS Chemistry and who were the Head of Admission Committee BS Chemistry and who were writing clerical works for BS chemistry?

2. Integrity (Morality, uprightness and honesty)

Principal's Remarks: Manipulated and biased


ATTESTED

Kindly notice the spelling of these remarks. I checked these words to the best of my efforts by surfing the Internet but failed to find such words. Kindly ask the Principal to provide an English dictionary for these words so that I may be able to comprehend the remarks proper response to those remarks.

(2)

My integrity is my non-tottering devotion of work that may be checked anytime and anywhere from my past or current student of the college along with my previously earned PER's which will testify that the Principal's remarks are totally not only biased but manipulated with devil mind to harass my spirit.

3. Pen Picture

Principal's Remarks: He does not show respect to the superordinate's and colleagues. Aggressive, intolerant and non-cooperative. He handles in the smooth running of college administration.

These are highly and intentionally false statements without any cogent grounds that reflect a feeble mindset. I have great respects both for my seniors and juniors and that is why they are also showing the same respect to me. The Principal must provide the written statements of my colleagues to prove his statements otherwise withdraw these self made demoralizing statements.

In fact the Principal has dedicated all his inborn traits to me. This is well in your notice that all these behaviors and attitudes are being constantly shown by the Principal himself. This is evident from the fact that he did not follow the order issued by Secretary Higher Education, Director Higher Education and JMC Head of Charsadda District when he tore into pieces the internal detailment order of a peon made by JMC head. Similarly a detailment order made by Director Higher Education and transfer order made by Secretary Higher Education was not followed and even telephonic calls in this regard were not entertained from the higher authorities. Now how will you imagine his behaviour towards the poor subordinates in the college?

It will be my pleasure, that the Director Higher Education himself visit the college and inquire about my behaviour towards not only my colleagues but also clerical staff members, Laboratory assistants, class IV and even the security guards of the college.

The last remarks again show poor and ambiguous English. Still I request the Director Higher Education to ask about any documentary proofs, letter or even events where I hampered the college administration or showed any non-cooperation. In fact I have always provided cooperation to my colleagues. This is supported by clerical work that I am doing for BS chemistry using my personal computer, printer and papers at home. In this regard let me mention that when purchase committees were made for BS, not only I produced, compiled and printed comprehensive tender documents, comparative statements, supply orders for BS Chemistry using my personal computer, printers and papers but also did the same for another committee. I myself composed and compiled the calendar-wise attendance register for the BS departments.

6. Overall Grading

Principal's Remarks: Below Average

The Principal must provide his grading formula that how after PHD from a reputed foreign university with publications in peers reviewed international journals along with M.Ed. (the only single person in the entire college) and more than 17 years experience of teaching chemistry in public sector institutes and top attendance in the college among other colleagues with far better results is ranked below average. Then what ranks have been awarded to those who were getting their salaries at home without coming to the college, not to talk about those faculty members having availed more casual leaves than me. And how biometric leave record of absent persons was manually tempered and converted into their fake presence.

7. Fitness for promotion

Principal Remarks: Not yet fit.

The Principal must explain how other college members including those who were getting salaries at homes are fit for promotions but I am, who lost three annual increments for the sake of obtaining PHD


ATTESTED

degree abroad with no motives other than to provide not only the best knowledge but also introduced the students to the educational and research facilities available in an advanced country. The Principal should also provide grounds how other having lower educational qualifications with little academic activities are fit for promotion?

Thus in the aforesaid lines it has been revealed that Principal's remarks have no relation with reality, rather these remarks exposed him for obtaining his ulterior motives via using a public chair. The Principal has ignored my duties and responsibilities and has provided no proof and instead has poured all his efforts in designing this preplanned dissension.

The Principal has also violated the guidelines under the rules and regulations, written overleaf on the PER book in the form of guidelines where he has written the remarks in secret and felt no need for providing proper counseling before writing adverse remarks as required by these rules. This is highly surprising for me that such adverse remarks are communicated exactly after one year by the Assistant Directress (ACR). So why not an explanation be served upon the Principal that why he violated rules and regulations by keeping these remarks and did not give me prior counseling so that I could improve my performance as soon as possible?

This is ironical to inform you that the Principal who is always sitting idle in his office except playing on mobile could not write an official letter in English. For this purpose he always obtains the services of a staff member and recalls him from his classes when he abandon his running class and start writing letter for the Principal.

I request the higher authorities to ask the Principal to refrain from using his chair for obtaining his ulterior motives otherwise these activities will cause an un-reparable harm to our educational institute when the highly educated and committed scholars will lose their hearts after being victimized by such non-professional persons. I hope the higher authorities will try their best for selection of the most suitable and competent persons for these chairs in educational institutes.

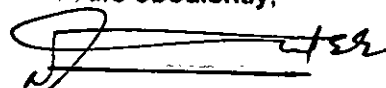
I would like you to kindly invite the PER's of all staff members of the said duration and compare my work viz a viz to see how the Principal violated all the rules and regulations in writing such adverse remarks. As for my work load is concerned I would like you to kindly refer to the general and BS time tables and compare my classes with other colleagues.

I request the Director Higher Education, the countersign officer, to ask the Principal to provide factual data supporting his adverse remarks in my PER with immediate effect otherwise disciplinary actions should be taken for writing such malicious report. I again appeal to the Director Higher Education to expunge these biased remarks and if necessary make a committee in this matter comprising honest and unbiased officers to evaluate my PER for this period.

Thanks!

Dated: 16/12/2019

Yours obediently,



(GUL NABI)

Ph.D. Organic Chemistry (Jilin)

Assistant Professor of Chemistry

Government Degree College Shabqadar



ATTESTED

(10)



**GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

No. SO (C-II)HED/3-4(15)/2018/ACR/PER/Gul Nabi/Chemistry
Dated Peshawar the, 12.06.2020.

5825

To

The Director,
Higher Education Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: - ADVERSE PER FOR THE YEAR 2018 IN R/O OF MR. GUL NABI ASSISTANT PROFESSOR OF CHEMISTRY

I am directed to refer to your letter No:788/AD (ACR) dated 11.02.2020 on the subject noted above regret to inform that adverse remarks in the PER of Mr. Gul Nabi Assistant Professor of Chemistry (BS-18), Govt; Degree College Shabqadar, (Charsadda) could not be expunged.

It is, therefore, requested to inform the officer concerned accordingly.

Encl: ACRs in original through special messenger

CA-II
M
22/6/2020
DD/E2/AD/ACR
Form/A.P.
22/6/2020

Tahir Khan
(TAHIR KHAN)
SECTION OFFICER (C-II)

RECEIVED
22 JUN 2020
Diary # 1926 Page # 1242
By: Clerk

J. Khan
ATTESTED



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA**

Rano Garhi, Peshawar

Tel # 091-2650025 / 2650024

E-mail:- dhekpesh@gmail.com Facebook.com/dhekpeshawar Twitter.com/dhekpeshawar1

Endst: No. 1029-13 /CA-I/ Estt: Branch/ A-12/Gul Nabi/Chem:

Dated Peshawar the 30/6 /2020

Copy of the overleaf is forwarded to the:-

1. Principal, Govt: Degree College, Shabqadar, Charsadda.
2. ✓ Mr. Gul Nabi, Assistant Professor of Chemistry, Govt: Degree College, Shabqadar, Charsadda.
3. Section Officer (Colleges-II), Govt; of Khyber Pakhtunkhwa, Higher Education Department, Peshawar with reference to his letter No. referred above.
4. Assistant Director (ACR), Local Directorate.

B 30/6/2020
DY: DIRECTOR (ESTABLISHMENT)

VAKALAT NAMA

NO. _____/20

IN THE COURT OF KP Service Tribunal Peshawar

Gul Nabi

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

The Govt. of KPK etc.

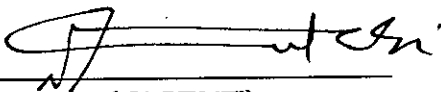
(Respondent)
(Defendant)

I/We, Gul Nabi


Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20


(CLIENT)

ACCEPTED


M. ASIF YOUSAFZAI
Advocate Supreme Court
Peshawar.
B.C NO# 10-7327
CNIC # 17301-5106574-3

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)

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

Service Appeal # 8283/2020


Dr. Gul Nabi.....
Appellant

Versus

Govt. of Khyber Pakhtunkhwa
Through Secretary, Higher Education Department,
& Others Respondents

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Respondents
Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

BEFORE THE HONOURABLE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal # 8283/20

Dr. Gull Nabi.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa
Through Secretary, Higher Education
& others.....

Respondents

SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 3

Respectfully Sheweth:- The respondents submit as under:

Preliminary Objections:-

1. That the appellant has neither got cause of action nor locus standi to file the instant Service Appeal.
2. That the appellant has not come to the Honourable Tribunal with clean hands.
3. That the appellant is estopped by his own conduct to file the instant Service Appeal.
4. That the instant Service Appeal is badly time-barred.
5. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.

Facts: -

- 1- Incorrect. The appellant was working with the utter dissatisfaction of Principal and students. When he was posted at Swabi, complaints were received from students and explanations were also called from him and on complaint from students, he was transferred from Swabi. **(Annex-A)**
- 2- Pertains to the record. However, the appellant was not performing his duties and was negligent towards directions of the Principal. In this regard explanation was also called from him vide letter dated: 18-09-2018 **(Annex-B)** and subsequent reminders dated: 28-09-2018, 15-10-2018 **(Annex-C,D)** and again when he did not comply with the directions of Principal and did not attend the college meetings, another explanation was called from him vide letter dated: 24-10-2018 but he did not submit his reply and lastly, when directions were received from Directorate of Higher Education, wherein warning was also given to the appellant then the appellant submitted his reply which clearly shows his unprofessional attitude towards Principal **(Annex-E)**
- 3- Correct to the extent that vide letter dated: 09-12-2019, the adverse remarks were communicated to the appellant. **(Annex-F)**
- 4- Correct to the extent that his departmental appeal was regretted vide order dated: 12-06-2020. **(Annex-G)**

Reply on Grounds: -

- A. Incorrect. As already explained in the preceding paras.
- B. Incorrect. As already explained in preceding paras and proof are attached in the form of explanations/complaints.
- C. Incorrect. That his departmental appeal was turned down after proper scrutiny.
- F. Incorrect. As already explained in preceding Paras.
- G. Pertains to record.
- H. Incorrect. As already explained in preceding Para. Several explanations are called from the appellant and warning was also given vide letter dated:06-11-2018.
- I. Incorrect. As already explained in preceding paras.
- J. Incorrect. It is submitted that two fact finding inquiries are conducted. (**Annex-H**)
- K. Incorrect. As already explained in preceding paras.
- L. That the respondents may be allowed to raise additional grounds at the time of arguments.

Prayers:-

It is, therefore, humbly prayed that the instant Service Appeal is based on misconception/mis-statement, hence may graciously be dismissed with appropriate cost.



Secretary,

Higher Education, Archives
& Library Department
Respondent No. 01



Director,

Higher Education, Khyber Pakhtunkhwa
Respondent No. 02



Principal,

Govt. Degree College, Shabqadar
Respondent No. 3

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal # 8283/2020

Dr. Gul Nabi..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa
Through Secretary, Higher Education Department,
& Others Respondents

AFFIDAVIT

I, Jehanzeb Awan, Superintendent (Litigation), Higher Education Department do hereby declare and affirm on oath that the contents of Para Wise Comments are correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

Identified by:



Deponent
Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

صاحب عالی

گزارش ...
طلب ...
A

پیش نواری

صورت کار

APPEAL

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

صاحب عالی

① Form ...
② ...
③ ...
④ ...
⑤ ...
⑥ ...

Office of the Principal Govt Degree College Yar Hussain Swabi..

AS
177

No. _____

Dated 29/9/ /2012.

To

Mr. Gul Nabi
Lecturar in Chemistry
GDC Yar Hussain (Swabi).

Subject:- Explanation
Memo:-

You were absent from duty on 27.9.2012 and 28.9.2012 without information/application to the undersigned ~~to the undersigned~~. You are therefore, directed to explain your position that why disciplinary action should not be taken against you under & E&D rules 1973 your reply should reached the undersigned within three days otherwise strick action will be taken against you.

Edl
Principal
GDC Yar Hussain
District Swabi.

398
Endst:No. _____

Copy to the :-

Director Higher Education KPK Peshawar with the request that the above named officer is not suitable person for this college and provide us another lecturar in place of Gul Nabi lecturar in chem: because the time of the students will not be sufferved.

ATTESTED

[Signature]
Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

[Signature]
Principal
GDC Yar Hussain
District Swabi.

Sweet

CA II
13008

5-10-12

Office of the Principal Govt Degree College

Swabi..

16

No.

387

Dated

29/9/2012

To

Mr. Gul Nabi
Lecturer in Chemistry
GDC Yar Hussain (Swabi).

Subject:- Explanation
Memo:-

You were absent from duty on 27.9.2012 and 28.9.2012 without information/application to the undersigned to the undersigned. You are therefore, directed to explain your position that why disciplinary action should not be taken against you under S.E.D rules 1973 your reply should reached the undersigned within three days otherwise strict action will be taken against you.

Principal
GDC Yar Hussain
District Swabi.

Endst:No.

388

Copy to the :-

Director Higher Education KPK Peshawar with the request that the above named officer is not suitable person for this college and provide another lecturer in place of Gul Nabi lecturer in chem: because the time period of the students will not be suffered.

ATTESTED

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

Principal
GDC Yar Hussain
District Swabi.

Swabi
13/10/12
8-10-12

A 7
175

Office of the Principal
Govt Degree College Yar Hussain
District Swabi.

No. 288 / PF Gal Nabi Lec:

Dated 15/8 /2012.

To

Mr. Gal Nabi Lecturer
(Chemistry)

SUBJECT:- EXPLANATION
Memo:-

You were found absent from duty on 15/8/2012.

You are directed to explain, why disciplinary action against you may not be taken against you under E&D rules 1973.

Your explanation should reach to the undersigned within two days positively.

Enclat No. 288

Copy to the :- Director Higher Education KPK Peshawar.

ATTESTED

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

Principal
GDC Yar Hussain
District Swabi.

Principal
GDC Yar Hussain
District Swabi.

CAF
13/08
8-10-12

1788

Office of the Principal
Govt Degree College Yar Hussain
District Swabi.

No. _____ / PF Gul Nabi Lec.

Dated 15/9/2012.

To

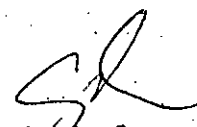
Mr. Gul Nabi Lecturer
(Chemistry)

SUBJECT:- EXPLANATION
Memo:-

You were found absent from duty on 15/9/2012.

You are directed to explain, why disciplinary action against you may not be taken against you under E&D rules 1973.


Your explanation should reach to the undersigned within two days positively.

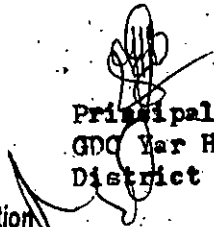

Principal
GDC Yar Hussain
District Swabi.

Encl No. 788

Copy to the :- Director Higher Education KPK Peshawar.

ATTESTED


Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar


Principal
GDC Yar Hussain
District Swabi.

CAH
13007

Office of the Principal GDC Yar Hussain Swabi
No: 362 Dated: 08/10/2012

A 9
179

To

The Director,
Higher Education, KPK.

Subject: Transfer on Administrative Basis.

Memo:-


It is submitted that **Mr. Gul Nabi**, lecturer in Chemistry, direly lacks the spirit to perform his duties and often remains absent without permission and information. He is not ready nor has the will to observe the sanctity of the precious time of his students which puts a question mark over their future. Twice an occasion he was asked to explain his position but these measures have been of no avail. Even his students have time again lodged complaint against this teacher. A copy of their complaint is attached herewith. I regrettably have to say that his behaviour and stay in this college hardly help in boosting its educational environment.


The discipline of Chemistry is a major subject for science students and therefore it cannot be left at the mercy of a reluctant teacher who has no regard for the valuable time of his students.

I, therefore, request that Mr. Gul Nabi may be transferred from this college on administrative basis and replaced the same with an energetic and dutiful lecturer in the interest of the public.

Copies of earlier explanations are attached herewith.

ATTESTED


Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar


Principal
(Muhammad Uzair Ali)
Govt Degree College
Yar Hussain Distt. Swabi

CA II

13105

8-10-12

**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR**

Phone # 091-9210242, 9211025/Fax # 921021

No. 83 / CA-II/ Estt: Branch / A-12/Gul Nabi/ Chemistry

Dated Peshawar the 21 / 01 / 2012

To

The Section Officer (Colleges-II)
Govt; of Khyber Pakhtunkhwa
Higher Education Department Peshawar.

SUBJECT
Memo:

TRANSFER OF ADMINISTRATIVE BASIS.

I am directed to refer to your letter No. SO (Colleges-II) HED/12-5/2012/Gul Nabi dated 26.11.2012 on the subject cited above and to state that the complaint lodged by the Principal Govt; Degree College, Yar Hussain (Swabi) had lodged a complaint against Mr. Gul Nabi Lecturer in Chemistry of his College wherein he had recommended to transfer him on administrative grounds. Therefore, this office had proposed to place his services at the disposal of Director Education (FATA) vide this office letter No. 24099 dated 22.10.2012, please.

ATTESTED

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

ADDITIONAL DIRECTOR

Office Of The Principal
Govt. Degree College, Shabqadar.

Ph.# 091-6290600. Email. bssqr@gmail.com Date: 18/09-2018

11

B

To,

Dr. Gul Nabi.
Assistant Professor,
Govt. Degree College.
Shabqadar.

Subject: EXPLANATION.

WHEREAS on 17-09-2018 you were found absent from your gate duty without any cogent and reasonable ground. Needless to mention that you had not performed the said duties in the previous week as well.

You are therefore directed to explain your position as to why you should not be forwarded to the competent authority for disciplinary action.

Your reply must reach this office within two days

ATTESTED

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

c/o

Principal,
Govt. Degree College,
Shabqadar.

Office Of The Principal
Govt. Degree College, Shabqadar.

Ph.# 091-6290600. Email. bssqr@gmail.com Date: 28-09-2018

[Handwritten initials]
[Handwritten mark]

To,

Dr. Gul Nabi,
Assistant Professor of Chemistry,
Govt. Degree College,
Shabqadar.

Subject: REMINDER.

WHEREAS, you were called for explanation, vide Endstt: No, 256, dated 18-09-2018, for your negligence towards the directive of the undersigned regarding your gate duty with other staff members of the college. But you showed no response to the explanation by submitting no reply to the same within the given days.

However, you are again directed to furnish your reply to the cited explanation within two days, failing which you will be forwarded to the competent authority for the requisite disciplinary action.

ATTESTED

[Handwritten signature]
Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

[Handwritten signature]
Principal,
Govt. Degree College, Shabqadar.

33/13

OFFICE OF THE PRINCIPAL GOVT DEGREE COLLEGE SHABQADAR

PH# 091-6290600, Email: bsgdcsqr@gmail.com

Dated: 15-10-2018

No:

Inc/Reminder

To,

D

Dr. Gul Nabi,
Assistant Professor of Chemistry,
Govt. Degree College,
Shabqadar.

Subject: EXPLANATION.

Whereas, you were called for explanation, vide Endost: No, 256, Dated 18/09/2018, and 28/09/2018 for your negligence towards the directive of the undersigned regarding your gate duty with other staff members of the college. But you showed no response to the explanation by submitting no reply to the same within the given days.

2. Furthermore during the round of the undersigned, it was noticed that you have remained absent from your gate duty and joined your/class late by 25 minutes today on 15/10/2018.

However, you are once again directed to furnish your reply to the cited explanation within two days, failing which you will be forwarded to the competent authority for the requisite disciplinary action.

ATTESTED

Principal,

Govt. Degree College Shabqadar

Endst: No _____

Copy forwarded to the:-

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

✓ Director Higher Education Khyber Pakhtunkhwa, Peshawar.

Principal,

E 14



GOVT: DEGREE COLLEGE SHABQADAR
CHARSADDA



No. 298

Dated: 24-10-2018

To,


Dr. Gul Nabi,
Assistant Professor of Chemistry,
GDC Shabqadar.

Subject: **EXPLANATION**

WHEREAS, today on 24-10-2018, you were called for an urgent meeting (held at 11:30 hours) regarding BS programme along with other HODs and Time Table In charge of this college. They all attended the meeting but you failed to do so despite you were personally called through Rehman Malik, Naib Qasid of the office of undersigned.

You are therefore directed to explain your position as to why you should not be forwarded for disciplinary action against you by the competent authority. Your reply must reach this office within **TWO DAYS (02)** positively.

ATTESTED


Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar


PRINCIPAL
GDC SHABQADAR

Copy for information to,

1. The Director, Higher Education Department, KPK, Peshawar.

✓ 2. Office record.


PRINCIPAL
GDC SHABQADAR



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
KHYBER ROAD, PESHAWAR**

Tel # 091-9210242 / 9211025 Fax # 091-9210215

E-mail:- dhekpkes@gmail.com Facebook.com/dhekpkeshawar Twitter.com/dhekpkeshawar1

No. 29699 / CA-I/ Estt; Branch/A-12/Dr. Gul Nabi/, Chemistry Dated Peshawar the 16 / 11 / 2018

To

The Principal
Govt; Degree College, Shabqadar,
Charsadda.

SUBJECT EXPLANATION.

Respected Sir, السلام عليكم

I am directed to refer to your letter No. 292 dated 15.10.2018 on the subject cited above and to state that the reply to the explanation of the officer concerned may be sent to this office alongwith your comments.

S. Bahi 05/11/18
DY: DIRECTOR (ESTABLISHMENT)

Endst; No. _____/

Copy of the above is forwarded to Dr. Gul Nabi, Assistant Professor of Chemistry, Govt; Degree College, Shabqadar, Charsadda with the direction to improve your performance towards official duties, otherwise disciplinary action will be initiated against you under Efficiency and Discipline Rules, 2011.

ATTESTED

[Signature]
Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

DY: DIRECTOR (ESTABLISHMENT)



DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA, RANO GARHI CHAMKANI PESHAWAR

E-mail:- dhekpkpesh@gmail.com

Office No. 286/0 /AD(ACR)

Dated: 7 / 11 / 2019

✓ Mr. Gul Nabi

I am directed to convey to you the following adverse remarks recorded in your Performance Evaluation Report for the period from 01.01.2018 to 31.12.2018.

PART-IV (REPORTING OFFICER EVALUATION)

1. Please comment on the officer's performance on the job given in part II (2) with special reference to knowledge of work, quality and quality of output. How far was the officer able to achieve targets? Do you what has been stated in part II (2)
I do not agree with the statements given above in part II (01) & (02).
2. Integrity.
Manipulated and biased.
3. Pen Picture.
He does not show respect to the superordinate's and colleagues. Aggressive. Intolerant and non-cooperative. He handles in the smooth running of college administration.
6. Overall Grading.
Below Average.
7. Fitness for Promotion.
Not yet fit.

I hope you will try your best to remove these defects. One spare copy of this D.O. letter is enclosed. This may be signed and returned to this office for placement in your Character Roll. Please note that nothing is to be written on it except merely putting your signature and dates in token of having received this letter. In case the acknowledgement is not received in this office within a week, it will be presumed that you have accepted the remarks and no appeal will be entertained after the specified time.

ATTESTED

ASSISTANT DIRECTRESS (ACR)

Mr. Gul Nabi
Assistant Professor in Chemistry.
GDC, Shabqadar.

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

Endst; No. 286/11-12

Copy of the above is forwarded for information and necessary action to:

1. The Principal GDC, Shabqadar.
2. A.O. Local Directorate.

ASSISTANT DIRECTRESS (ACR)

Address: RANO GARHI CHAMKANI PESHAWAR



(10) 9 7
**GOVT. OF KHYBER PAKHTUNKHWA
 HIGHER EDUCATION, ARCHIVES &
 LIBRARIES DEPARTMENT**

No. SO (C-II)HED/3-4(15)/2018/ACR/PER/Gul Nabi/Chemistry
 Dated Peshawar the, 12.06.2020. 5825

To

The Director,
 Higher Education Khyber Pakhtunkhwa,
 Peshawar.

**SUBJECT: - ADVERSE PER FOR THE YEAR 2018 IN R/O OF MR. GUL NABI
 ASSISTANT PROFESSOR OF CHEMISTRY**

I am directed to refer to your letter No:788/AD (ACR) dated 11.02.2020 on the subject noted above regret to inform that adverse remarks in the PER of Mr. Gul Nabi Assistant Professor of Chemistry (BS-18), Govt; Degree College Shabqadar, (Charsadda) could not be expunged.

It is, therefore, requested to inform the officer concerned accordingly.

Encl: ACRs in original through special messenger

ATTESTED

Superintendent
 Directorate of Higher Education
 Khyber Pakhtunkhwa Peshawar

(TAHIR KHAN)
 SECTION OFFICER (C-II)

CA-12
 M
 22/6/2020
 DD/E/AD/ACR
 Adm/Pl
 22/6/20

RECEIVED ON
 22 JUN 2020
 Diary # 1926 Page # 1222
 DC/Clk

OFFICE OF THE PRINCIPAL

Postgraduate College Charsadda
Charsadda@yahoo.com Ph No: 091-6512541
Fax No: 091-6510262
GC Charsadda

Dated 16th January, 2019



22/1/19
H

E-

Keed

To

The Director
Higher Education
Khyber Pakhtunkhwa, Khyber Road, Peshawar.

Subject: EXPLANATION/INQUIRY

219

Memo:

Please refer to the Directorate of Higher Education Letter No. 33676/CA-I/Estt:Branch/A-12/Gul Nabi/Chemistry dated 14/12/2018 and to enclose herewith the requisite inquiry report for further necessary action please.

ATTESTED

[Signature]
Superintendent

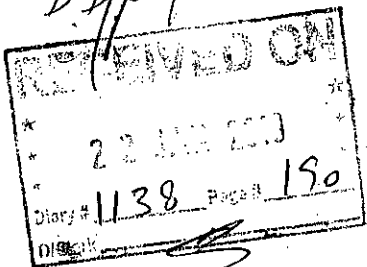
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

[Signature]

Bukhari Shah

Associate Professor (Inquiry Officer)
Govt. Postgraduate College
Charsadda

DDE/CAI



[Signature]
22/1/19

REPORT OF THE INQUIRY OFFICER

Directorate of Higher Education vide its letter No. 33676/CA-1/Estt: Branch/A-12/Gul Nabi/Chemistry Dated 14-12-2018 appointed the undersigned as an inquiry officer to probe into the allegations against Mr. Gul Nabi, Assistant professor of Chemistry, GDC Shabqadar and to conduct a fact finding inquiry in the matter.

PROCEEDINGS:


The inquiry officer visited GDC Shabqadar on 5th and 7th January 2019. The Principal was asked about the academic and administrative duties being performed by Mr. Gul Nabi and which he has mentioned in his reply to the explanation served upon him. The Principal recognized and endorsed the duties—academic and administrative being performed by Mr. Gul Nabi and which he has listed in his reply to the explanation. However, the Principal made the following complaints/allegations against Mr. Gul Nabi:

1. Mr. Gul Nabi was unwilling to perform the Gate duty assigned to him.
2. He was late by 25 minutes for a class on 15-10-2018.
3. He did not attend an urgent meeting regarding BS Program held on 24-10-2018.
4. The Behavior of Mr. Gul Nabi is not appropriate.

The inquiry officer confronted Mr. Gul Nabi regarding the complaints/allegations whose response/defense on the same is given below:

1. Mr. Gul Nabi informed that he had efficiently performed the gate duty assigned to him in the past. This was confirmed by the chief proctor of the college and another faculty member present on the spot. However, he could not performe the gate duty recently assigned to him due to his engagement in the admission process being the chairman of the Admission Committee for BS Chemistry.
2. Regarding the second complaint/allegation, Mr. Gul Nabi informed that due to a clash in the time table for BS and Intermediate classes and new timings notified by the Principal for BS and Intermediate classes, he got late as he was lecturing in another class during the time for which he was considered late.

ATTESTED


Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

220

Regarding the third allegation Mr. Gul [redacted] that he did not intentionally miss the meeting. According to him he did not know the exact time of the meeting and intended to visit the Principal's office to attend the meeting after taking his class however the meeting was over by the time, when he finish the class.

4. He termed his behavior with the Principal as quite appropriate.

FINDINGS:

1. It was found that the reply of Mr. Gul Nabi to the explanation served upon him by the principal is inappropriate and the allegations made therein were also found baseless.
2. The allegations/complaints against Mr. Gul Nabi by the Principal and most of them could not be substantiated.
3. It is further stated that reconciliation was made between the Principal and the said faculty member. Mr. Gul Nabi was apologetic and the Principal accepted his apology with open heart. Both reiterated to work in an amicable manner in future.

RECOMMENDATION:

Since the matter stands settled, the inquiry officer recommends that the instant case may be filed.

15th Jan, 2019

Bukhari Shah
Associate Professor (Inquiry Officer)
GPGC Charsadda

ATTESTED

Superintendent
Directorate of Higher Education,
Khyber Pakhtunkhwa Peshawar

2180



OFFICE OF THE PRINCIPAL

Govt. Postgraduate College Charsadda

E-Mail: gpgc_charsadda@yahoo.com Ph. No: 091-6510254

Fax No: 091-6510262

No: 1691 / GPGC Charsadda

Date: 4 March, 2019

To

The Director
Higher Education, Khyber Pakhtunkhwa,
Rano Ghari, New Chamkani, Peshawar

Subject: AGGRESSIVE AND MANIPULATING ATTITUDE OF GUL NABI ASSISTANT
PROFESSOR OF CHEMISTRY

Memo:

Please refer to the Directorate of Higher Education letter No 5234/GA-I/Estt-
Branch/A-12/Nasarullah/ Statistics dated 25/02/2020 on the subject noted
above and to enclose herewith the requisite inquiry report for your kind perusal
please.

ATTESTED

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

Prof. Muhammad Raza Shah
Principal/Inquiry Officer
GPGC Charsadda

FACT FINDING INQUIRY REPORT

Subject: AGGRESSIVE AND MANIPULATING ATTITUDE OF GUL NABI ASSISTANT PROFESSOR OF CHEMISTRY

BACKGROUND

The Principal, Govt. Degree College Shahqadar, Charsadda requested the Director Higher Education on 23/01/2020 for the Transfer of Mr. Gul Nabi, Assistant Professor of Chemistry due to his aggressive attitude and manipulating the staff and students against the Principal. Consequently, the Director Higher Education nominated the undersigned to conduct a fact finding inquiry and to submit clear cut recommendations in the matter.

PROCEEDINGS/FINDINGS

The undersigned had visited the college on 1/2/2020 regarding hiring of teaching staff for 9S Chemistry. During the interview it was observed that a Junior Lecturer was sitting as subject expert inspite of fact that a senior Ph.D faculty member in the subject was available in the college. This showed that the Principal was at loggerhead with Mr. Gul Nabi, Assistant Professor of Chemistry on the issue explained below:

The Principal had made some adverse remarks against Mr. Gul Nabi, Assistant Professor of Chemistry in his PER for the Year 2018. The same remarks were conveyed to the Officer by Directorate of Higher Education for the purpose of correction and reformation of his behavior. This resulted in resentment on the part of Mr. Gul Nabi which was quite a natural human behavior.

Hence, this issue had already come to the knowledge of the undersigned. With the help of senior faculty members of the college, the matter had been resolved amicably. Both the Principal and Professor agreed to forget past and to work together for the betterment of the college.

RECOMMENDATION

The case may be filed.

*Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar*

*Prof. Muhammad Raza Shah
Principal/Inquiry Officer
GDC Charsadda*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

For appellant
Gul Nisar
DC

Appeal No. 1153/2013

Date of Institution 24.07.2013

Date of Decision 27.10.2017



Taza Gul AST, Photography Section, Forensic Science Laboratory, Khyber
Pakhtunkhwa, Peshawar
(Appellant)

VERSUS

Director, Forensic Science Laboratory, Khyber Pakhtunkhwa, Peshawar and
two others
(Respondents)

MR. FAZAL SHAH
Advocate

For appellant

MR. USMAN GHANI
District Attorney

For respondents

MR. NIAZ MUHAMMAD KHAN
MR. AHMAD HASAN

CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN

Arguments of the

learned counsel for the parties heard and record perused:

FACTS

2. The appellant is aggrieved from adverse remarks in his ACR for the period from 01.01.2012 to 21.12.2012, communicated to him on 13.05.2013.

REGISTERED

Against which he filed representation on 20.05.2013 which was not responded to and thereafter, he filed the present service appeal on 24.07.2013.

ARGUMENTS.

3. The learned counsel for the appellant argued that the adverse entry for the year, 2012 given to the appellant without any counseling, warning, advice or complaint. That such remarks could not be sustained.

4. On the other hand, the learned District Attorney argued that the appellant was given counseling as is clear from the comments submitted in the present appeal by the respondents. That the present service appeal is premature, which has been filed without waiting for 90 days after filing of the representation.

CONCLUSION

5. The instructions on the Performance Evaluation Report clearly lay down that no adverse entry can be given unless the civil servant is counseled, advised or warned but there is nothing in black and white in this regard. The argument of the learned District Attorney that counseling was made verbally to the appellant cannot be believed because under the rules all verbal communications should be maintained in the form of a Kacha Register but nothing of the sort has been produced. Mere comments of the respondents cannot be believed in this regard. So far as the premature appeal is concerned, the time of 90 days was completed during pendency of the present appeal and hence the appellant cannot be non suited on this ground.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



For approval

DIRECTORATE OF HIGHER EDUCATION
Khyber Pakhtunkhwa, Near Chamkani Mourh
RANO GARHI, PESHAWAR

Email: dhekpesh@gmail.com facebook.com/dhekpeshawar twitter.com/dhekpeshawar1

No. 16834 /RTI File/ DD(S),

Dated Peshawar the 28/9 /2020.

To

Dr. Gul Nabi,
Assistant Prof. of Chemistry,
Government Degree College, Shabqadar (Charsadda).

Subject: - **REQUEST FOR PROVISION OF EARNED PER DURING MY SERVICE AND CORRESPONDING QUANTIFICATION UNDER THE KHYBER PAKHTUNKHWA RIGHT TO INFORMATION ACT 2013.**

Memo:

I am directed to refer to the subject cited above and to enclose herewith copy of the PER's Quantification in the subject request. I am further directed that the ACR's / PER's considered to be exempted information covered under RTI act 2013.

With best regards.

Enclosed as above.

28/9/2020
(Abdur Rashid Khan)

DEPUTY DIRECTOR SPORTS

**PER GRADING AND QUANTIFICATION FORM IN RESPECT OF
MR. GUL NABI ASSISTANT PROFESSOR IN CHEMISTRY
REGULAR PROMOTION TO B-18 TO B-19**

Seniority No.

DOB: 08.01.1974

Year	Period of PER		Pen Picture		PERs Assessment	Fitness for Promotion	Score
	From	To	Reporting Officer	Countersigning Officer			

Present Scale B-17

2005	23.7.2005	31.12.2005	The Officer is hard working and a devoted teacher.	Agreed with R.O.	V.Good	Fit	4.16
2006	1.1.2006	31.7.2006	A good teacher and has zeal for further studies.	Agreed with R.O.	V.Good	Fit	10
	1.8.2006	31.12.2006	Popular among students due to his character, hard working & sincerity.	Agreed with R.O.	V.Good	Fit	
2007	1.1.2007	30.6.2007	The officer is dutiful and obedient.	Agreed with R.O.	Good	Fit	8.5
	1.7.2007	31.12.2007	V.Good teacher. He has command over his subject.	Agreed with R.O.	V.Good	Fit	
2008	1.1.2008	4.9.2008	The officer is dutiful and obedient.	Agreed with R.O.	Good	Fit	4.66
2009 & 2010	5.9.2008	4.9.2010	He was on Ex-Pakistan Leave.				
2010 & 2011	5.9.2010	11.7.2011	He was on Extra Ordinary Leave.				
2011	12.7.2011	31.12.2011	The officer is cooperative and is always busy with his students.	Agreed with R.O.	Good	Fit	3.5
2012	1.1.2012	31.12.2012	The officer knows his responsibility.	Agreed with R.O.	Good	Fit	7
						37.82/4.57	8.27X4=33.08

Present Scale B-18

2013	1.1.2013	14.5.2013	A cooperative and encouraging team mate.	Agreed with R.O.	Good	Fit	7
	15.5.2013	31.12.2013	A competent teacher with a lot of qualities and having a very positive attitude, very cooperative and hard working.	Agreed with R.O.	Good	Fit	
2014	1.1.2014	31.12.2014	A very good devoted teacher with a lot of knowledge.	Agreed with R.O.	Good	Fit	7
2015	1.1.2015	31.12.2015	He is a scholar and very good teacher.	Agreed with R.O.	Good	Fit	7
2016	1.1.2016	31.12.2016	Performance confined to teaching only.	Agreed with R.O.	Average	Recently promoted/ appointed/ assesment premature.	5

2017	1.1.2017	31.12.2017	Dutiful, punctual and hardworking.	Agreed with R.O.	Good	Fit	7.
2018	1.1.2018	31.12.2018	He does not show respect to the superordinates and colleagues. Aggressive, intolerant and non-cooperative. He handles in the smooth running of college administration.	Adverse conveyed vide letter No.28610 dated 9.12.2019.	Below Average	Not yet fit	1
2019	1.1.2019	31.12.2019	The officer keeps cold relations with the superiors and shows little interest in shouldering responsibilities.	in this regard I have met with Dr. Nabi three times at my office and talked to the principal several times. Dr.Gul nabi seemed reasonable and doesn't deserve average PER.	Good	Fit	7
						41/7	5.85X6=35.1

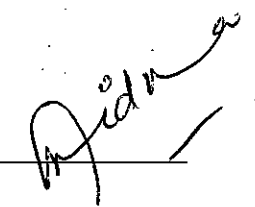
COMPREHENSIVE EFFICIENCY INDEX

PERs	Basic Scale	Agregate Score	Weightage Factor	Point Obtained
Quantified	Present Scale	35.1	35.1X42/50	29.48
Score 42:28 @	Previous Scale	33.08	33.08X28/50	18.52
70%	(i)Additions*			
	(ii)Deletions**	48-1=47		47
	Total	0	0	47

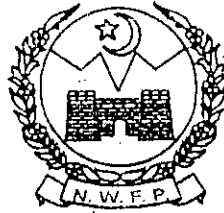
Required threshold on CEI for Promotion to BS-19 is 70

Prepared by M.Waqas Khan J/C

Quantified & Checked by AD (ACR)



Gul nabi



**INSTRUCTIONS
ON
PERFORMANCE EVALUATION
REPORT**

Compiled by
Establishment & Administration Department
Government of N.W.F.P.

CIVIL SECRETARIAT, PESHAWAR.

Corrected
upto March, 2006



Efficiency and Discipline Rules/RSO 2000 should also be placed on the Character Roll. Similarly, the result of an appeal, if filed, should also be reflected in the report.

(b) In partial modification of the instructions contained in the Establishment Division's O.M.No 9(4)/54- SE, dated 27.9.1954 it has been decided that:

- I. On initiation of disciplinary proceeding against an officer, a copy of original order/show cause notice should be placed on his CR Dossier.
- II. If an officer is exonerated or some punishment is awarded, a copy of the final order should be placed on the dossier as per instructions 5.1(a)(b) and (c).

3.6

1.6 Warning/Counseling: It has been noted that the requirements of warning/counseling are not being fulfilled before recording adverse remarks in the PERs of the Government Servants. Resultantly, these are expunged under the orders of the NWFP Service Tribunal.

In order to minimize litigations, the Provincial Government have reviewed the position and have decided that:

- a. Counseling may be ensured in all cases before initiation an adverse report or grading the PERS;
- b. The officers who give adverse remarks without any solid grounds shall be personally held responsible for deviation from rules;
- c. Non-observance of the Government instructions amounts to misconduct under clause (e) of sub-rule (1) of rule 2 of the NWFP Civil Servants (Efficiency and Discipline) Rules, 1973 and can attract disciplinary action;

1.7 Officers with average Reports: (1) An officer who is superseded or whose promotion is deferred comes to know about it automatically when his juniors are promoted to higher scale posts. He need not, therefore, be informed of average reports, unless the Countersigning Officer decides otherwise. The cases of officers whose promotion is deferred may be reconsidered on the basis of their PERs for the next year.



DIRECTORATE OF HIGHER EDUCATION
Khyber Pakhtunkhwa, Near Chamkani Mourh
RANO GARHI, PESHAWAR

Email: dhekpesh@gmail.com [facebook.com/dhekpeshawar](https://www.facebook.com/dhekpeshawar) twitter.com/dhekpeshawar1

No. 2947 /RTI File/ DD(S).

Dated Peshawar the 9/12/2021

To

Mr. Gul Nabi, Associate Professor of Chemistry,
Government Degree College, Charsadda.

Subject: - **REQUEST FOR INQUIRY REPORT UNDER RIGHT TO INFORMATION ACT-2013 KP.**

I am directed to refer to the subject cited above and to enclose herewith the requisite information/inquiry report against Mr. Shoukat Ullah Principal of Government Degree College, Shabqadar (Charsadda) as requested by you under right to information act-2013, Khyber Pakhtunkhwa, please.

With best regards.

Enclosed as above.

(Abdur Rashid Khoso)

DEPUTY DIRECTOR SPORTS



Government Degree College Lahor (Swabi)

Principal: Prof. Bakhtiar
Cell #: 0315-5682440 / 0370-5682440
Email: profbakht@gmail.com

Ref No: 25

Date: 2/12/2020

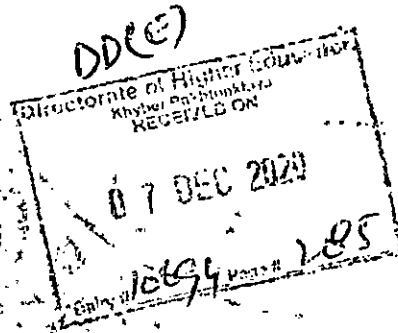
To The Director,
Higher Education, Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: INQUIRY REPORT.

Sir,

Reference to DHE Letter No, 21821/CA-1/Estt: Branch/A-12/General Complaint File dated 19.11.2020, the undersigned is to submit fact finding inquiry report against the Principal GDC Shabqadar on a complaint letter of Dr. Gul Nabi A/P of GDC Shabqadar.


PRINCIPAL



15

**FACT FINDING INQUIRY ON A COMPLAINT AGAINST THE PRINCIPAL,
GDC SHABQADAR**

Reference to DHE Letter No, 21821/CA-1/Estt: Branch/A-12/General. Complaint File dated 19.11.2020, the undersigned has been assigned a fact finding inquiry against the Principal GDC Shabqadar on a complaint letter of Dr. Gul Nabi A/P of GDC Shabqadar in which the DHE has been requested to direct the Principal to stop complainant's workplace emotional harassment.

QUESTIONS RAISED IN THE COMPLAINT (19-11-2020)

(His Complaint Letter is Attached as Annexure-)

1. The complainant, being the HOD of Chemistry was incharge of Admission of BS Chemistry and was replaced by a newly transferred lecturer.
2. That the Principal wants to ruin his career.
3. That the Principal has started an endless chain of unjustified and baseless explanatory letters since 2018.
4. He wrote his PERs adverse in 2018 and recorded Average in 2019.
5. That the Principal alleged that the complainant is to instigate students against the college administration/faculty.
6. That due to his instigation one of the BS Chemistry students migrated to GPGC Charsadda.
7. That the Principal neither called him to his office to clarify his position nor provided any proof of instigation.
8. That the complainant is very dutiful and in collaboration with the other staff members of the Department prepared documents for tender in ADP for BS Strengthening and Remuneration to purchase Chemical/ Instruments for Lab but no purchase by the Principal.
9. The Principal allowed migration of a student without counseling.
10. My dutifulness needs verification from the students/faculty members.

STEPS TAKEN

1. Scrutiny of the college record.
The undersigned scrutinized the file of the teacher concerned and all other relevant record in the college office.
2. Verbal interview of the Principal.

3. Verbal interview of the Complainant.
4. Interviews of the other employees.

POINTWISE ANALYSIS:

1. Replacement of the complainant as admission officer for the BS Chemistry: The fact was accepted by the Principal and he added that there are no clear rules for appointing admission officers in BS Program. It is the sweet will of the Principal to appoint any suitable and active staff member as admission officer to ensure quickness and transparency in admissions. On the other side the complainant stressed that he was replaced by the Principal to degrade him by appointing a junior officer as admission officer.
2. The complainant emphasizes the point that the Principal has decided to destroy his career on any cost. The Principal said that he has no personal differences or likes/dislikes with the complainant but just wants compliance of his official orders in letter and spirit. In case of non-compliance the Principal has the right to point out non-compliance in PER and award grade in the PER accordingly.
3. As per official record/file of the complainant, various explanations have been called in 2018 and 2020 by the Principal where the complainant either remained silent to respond or replied very late and used harsh language. The Principal said that inspite of focusing on the body of the explanation, the complainant alleged him in reverse.
(Record Attached as Annexure-1, 18 pages).
4. His PER 2018, 2019 as per Principal's statement were written and graded keeping in view his rigid behavior and non-compliance. Many explanations were called but fruitless and so, the Principal had no option but to record his PER, accordingly and even requested the DHE for his transfer. Various explanations were found in the record in the year 2018 which justifies the Principal to record PER negative but nothing was found throughout the year 2019 against DR. Gul Nabi while another series of explanations has been found in the year 2020. (As Attached Annexure-1)
5. As far as instigation of the students by the complainant is concerned, the complainant said that there was no any proof of instigating the students. The Principal stated that the students of BS Chemistry repeatedly entered his office using harsh insulting attitude to refrain from transferring Dr. Gul Nabi. The staff present on the occasion recorded the situation and signed a joint statement (Copy Attached as Annexure-2).
6. One of the students, Dawood Khan, of BS Chemistry migrated to GPGC Charsadda. According to the Principal the student concerned was a leader of a student federation and used to supervise the college administration. He

P-2

A. H. Khan


had very warm relationship with Dr. Gul Nabi. (Copy of his application for migration is attached as Annexure-3). No original application has been found in the college record.

His application for migration is purely on technical grounds i.e. lack of Lab facilities in BS Chem. Both, the Principal and the complainant, accept the lack of lab chemicals/instruments.

7. No any proof of instigation of the students was found. No office record was found to investigate the instigation or provide opportunities to the complainant to clarify his position.
8. During Scrutiny of the record, it was found that the complainant in collaboration of the other faculty members, prepared very authentic, orderly and systematic document/demands for the purchase of Lab Chemicals/Instruments out of the ADP of Strengthening of BS Program but unfortunately, budget allocated for labs was not released and released only for Plants and Machinery only. (Attached as Annexure-4, 2 pages)
9. The Principal stated that he advised the student no to migrate and that he will request the JMC to provide Chemistry Lab of GPGC Charsadda to the BS Chemistry students of GDC Shabqadar but the student stressed his migration.
10. I verified the complainant's duties and attitude from the other employees and many of them replied but conditionally i.e. to keep their names secret. About all of them, including the Principal, admitted that the complaint is the best and devoted teacher but slightly rigid in his behavior.
11. During scrutiny of documents, an office order of an ex-Principal was found in which Dr. Gul Nabi was assigned the duty as Security Incharge in 2016 but in a written reply he had requested to assign this duty to some other staff member. (Attached as Annexure-5, 2pages). It reveals his lack of interest in other assignments.
12. The complainant said that the origin of this confrontation lies in a purchase issue with an ex-principal. The issue remained alive in the period of another ex-principal, Prof. Maqsood Gul, and hence reached to the period of the sitting Principal. Prof. Maqsood Gul, ex-Principal, on inquiring said that Dr. Gul Nabi is a very good teacher but a hardliner also.

FACTS FOUND:

1. Dr. Gul Nabi is a very good and devoted teacher.
2. The Principal accepts Dr. Gul Nabi's focus on his teaching work but on the other side, denies his compliance of the office orders which is true.

P-3


- 12
3. The office record and verbal statements of the other employees of the college confirm that he is a very good and committed teacher but his attitude is slightly rigid and harsh.
 4. Although the student of BS Chemistry repeatedly pressurized the Principal and used abused language but no proof of their instigation against the Principal was found.
 5. Various explanations were called. The complainant either delayed the reply or alleged the chair unnecessarily without any solid proof.

CONCLUSIONS

- P-4
4/11/2020
- a) The complainant, Dr Gul Nabi, is a devoted, committed and a good teacher who wants to give priority to teaching and does not give importance to other assignments and shows rigidity.
 - b) The Principal accept his teaching work but rightly expects unquestionable compliance of his office orders in which the compliant seems equivocal.
 - c) The issue between the Principal and Dr. Gul Nabi is more a conflict of ego and less an official issue and the end of this war is the transfer of Dr. Gul Nabi to GPGC Charsadda on 5/11/2020 due to his promotion to BPS-19.



4/11/2020

Prof. Bakhtiar

Principal, GDC, Lahor.





KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

No. _____/ST Dated ____/____/2022

To:

The Principal, Government Degree College, Shabqadar.

SUBJECT:- JUDGMENT IN SERVICE APPEAL NO. 8283/2020, DR. GULL NABI VERSUS THE SECRETARY HIGHER EDUCATION DEPARTMENT, KHYBER PAKHTUNKHWA, PESHAWAR ETC.

I am directed to forward herewith a certified copy of order dated 07.06.2022, passed by this Tribunal in the above mentioned appeal for compliance.

Encl. As above.

(WASEEM AKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

No. _____/ST Dated ____/____/2022

To:

The Principal, Government Degree College, Shabqadar.

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Encl. As above.

(WASEEM AKHTAR).
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.



DIRECTORATE OF HIGHER EDUCATION

Khyber Pakhtunkhwa, Near Chamkani Mourh

RANO GARHI, PESHAWAR

Email: dhekpesh@gmail.com [facebook.com/dhekpeshawar](https://www.facebook.com/dhekpeshawar) twitter.com/dhekpeshawar1

No. 29477 /RTI File/ DD(S).

Dated Peshawar the 9/12/2021

To

Mr. Gul Nabi, Associate Professor of Chemistry,
Government Degree College, Charsadda.

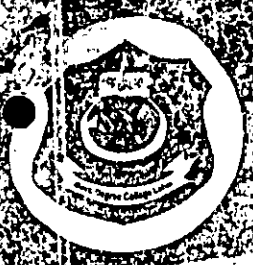
Subject: - **REQUEST FOR INQUIRY REPORT UNDER RIGHT TO INFORMATION ACT-2013 KP.**

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With best regards.

Enclosed as above.

(Abdur Rashid Khan)
08-12-2021
DEPUTY DIRECTOR SPORTS



Government Degree College Bahawalpur (S.W. Bd)

Principal: Prof. Bakhtiar
Cell: 0315-5682440, 030-5682440
Email: profbakhti@gmail.com

Ref No: 25

Date: 07/12/2020

To The Director,
Higher Education, Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: INQUIRY REPORT.

Sir,

P-9

Reference to DHE Letter No, 21821/CA-1/Estt: Branch/A-12/General.Complaint
File dated 19.11.2020, the undersigned is to submit fact finding inquiry report
against the Principal GDC Shabqadar on a complaint letter of Dr. Gul Nabi A/ of
GDC Shabqadar.

[Signature]
PRINCIPAL

DDCE
Directorate of Higher Education
Khyber Pakhtunkhwa
RECEIVED ON
07 DEC 2020
10694-2020-285

10

FACT FINDING INQUIRY ON A COMPLAINT AGAINST THE PRINCIPAL,
GDC SHABQADAR

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(His Complaint Letter is Attached as Annexure-)

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2. Verbal interview of the Principal.

- 14
3. Verbal interview of the Complainant.
 4. Interviews of the other employees.

POINTWISE ANALYSIS:

1. Replacement of the complainant as admission officer for the BS Chemistry. The fact was accepted by the Principal and he added that there are no clear rules for appointing admission officers in BS Program. It is the sweet will of the Principal to appoint any suitable and active staff member as admission officer to ensure quickness and transparency in admissions. On the other side the complainant stressed that he was replaced by the Principal to degrade him by appointing a junior officer as admission officer.
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(Record Attached as Annexure-1, 18 pages).
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13

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10. I verified the complainant's duties and attitude from the other employees and many of them replied but conditionally i.e. to keep their names secret. About all of them, including the Principal, admitted that the complainant is the best and devoted teacher but slightly rigid in his behavior.

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12. The complainant said that the origin of this confrontation lies in a purchase issue with an ex-principal. The issue remained alive in the period of another ex-principal, Prof. Maqsood Gul, and hence reached to the period of the sitting Principal. Prof. Maqsood Gul, ex-Principal, on inquiring said that Dr. Gul Nabi is a very good teacher but a hardliner also.

FACTS FOUND:

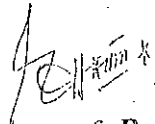
1. Dr. Gul Nabi is a very good and devoted teacher.

2. The Principal accepts Dr. Gul Nabi's focus on his teaching work but on the other side, denies his compliance of the office orders which is true.

- 12
3. The office record and verbal statements of the other employees of the college confirm that he is a very good and committed teacher but his attitude is slightly rigid and harsh.
 4. Although the student of BS Chemistry repeatedly pressurized the Principal and used abused language but no proof of their instigation against the Principal was found.
 5. Various explanations were called. The complainant either delayed the reply or alleged the chair unnecessarily without any solid proof.

CONCLUSIONS

- P-4
A
Bakhtiar
- a) The complainant, Dr Gul Nabi, is a devoted, committed and a good teacher who wants to give priority to teaching and does not give importance to other assignments and shows rigidity.
 - b) The Principal accept his teaching work but rightly expects unquestionable compliance of his office orders in which the compliant seems equivocal.
 - c) The issue between the Principal and Dr. Gul Nabi is more a conflict of ego and less an official issue and the end of this war is the transfer of Dr. Gul Nabi to GPGC Charsadda on 5/11/2020 due to his promotion to BPS-19.



Prof. Bakhtiar

Principal, GDC, Lahor.



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

Service Appeal # 8283/2020


Dr. Gul Nabi.....
Appellant

Versus

Govt. of Khyber Pakhtunkhwa
Through Secretary, Higher Education Department,
& Others Respondents

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Respondents
Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

BEFORE THE HONOURABLE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal # 8283/20
Dr. Gull Nabi.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa
Through Secretary, Higher Education
& others..... Respondents

SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 3

Respectfully Sheweth:- The respondents submit as under:

Preliminary Objections:-

1. That the appellant has neither got cause of action nor locus standi to file the instant Service Appeal.
2. That the appellant has not come to the Honourable Tribunal with clean hands.
3. That the appellant is estopped by his own conduct to file the instant Service Appeal.
4. That the instant Service Appeal is badly time-barred.
5. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.

Facts:-


- 1- Incorrect. The appellant was working with the utter dissatisfaction of Principal and students. When he was posted at Swabi, complaints were received from students and explanations were also called from him and on complaint from students, he was transferred from Swabi: (Annex-A)
- 2- Pertains to the record. However, the appellant was not performing his duties and was negligent towards directions of the Principal. In this regard explanation was also called from him vide letter dated: 18-09-2018 (Annex-B) and subsequent reminders dated: 28-09-2018, 15-10-2018 (Annex-C,D) and again when he did not comply with the directions of Principal and did not attend the college meetings, another explanation was called from him vide letter dated: 24-10-2018 but he did not submit his reply and lastly, when directions were received from Directorate of Higher Education, wherein warning was also given to the appellant then the appellant submitted his reply which clearly shows his unprofessional attitude towards Principal (Annex-E)
- 3- Correct to the extent that vide letter dated: 09-12-2019, the adverse remarks were communicated to the appellant. (Annex-F)
- 4- Correct to the extent that his departmental appeal was regretted vide order dated: 12-06-2020. (Annex-G)


Reply on Grounds: -


- 2
- A. Incorrect. As already explained in the preceding paras.
- B. Incorrect. As already explained in preceding paras and proof are attached in the form of explanations/complaints.
- C. Incorrect. That his departmental appeal was turned down after proper scrutiny.
- F. Incorrect. As already explained in preceding Paras.
- G. Pertains to record.
- H. Incorrect. As already explained in preceding Para. Several explanations are called from the appellant and warning was also given vide letter dated:06-11-2018.
- I. Incorrect. As already explained in preceding paras.
- J. Incorrect. It is submitted that two fact finding inquiries are conducted. (Annex-H).
- K. Incorrect. As already explained in preceding paras.
- L. That the respondents may be allowed to raise additional grounds at the time of arguments.

Prayers:-

It is, therefore, humbly prayed that the instant Service Appeal is based on mis-conception/mis-statement, hence may graciously be dismissed with appropriate cost.


Secretary,
Higher Education, Archives
& Library Department
Respondent No. 01


Director,
Higher Education, Khyber Pakhtunkhwa
Respondent No. 02


Principal,
Govt. Degree College, Shabqadar
Respondent No. 3

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ATTESTED

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Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

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① Faraman

②

③

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Office of the Principal Govt Degree College Yar Hussain Swabi..

No. _____

Dated 29/9/ 2012.

To

Mr. Gul Nabi
Lecturar in Chemistry
GDC Yar Hussain (Swabi).

Subject:- Explanation
Memo:-

You were absent from duty on 27.9.2012 and 28.9.2012 without information/application to the undersigned ~~to the undersigned~~. You are therefore, directed to explain your position that why disciplinary action should not be taken against you under & E&D rules 1975 your reply should reached the undersigned within three days otherwise strick action will be taken against you.

ATTESTED

398
Superintendent
Directorate of Higher Education
Khyber Pakhtunhwa Peshawar

Enclst: No. _____

Copy to the :-

Director Higher Education KPK Peshawar with the request that the above named officer is not suitable person for this college and provide us another lecturar in place of Gul Nabi lecturar in chem: because the time of the students will not be suffered.

Edl
Principal
GDC Yar Hussain
District Swabi.

Edl
Principal
GDC Yar Hussain
District Swabi.

Sweet

CA II
13008

5-10-12

758

Office of the Principal
Govt Degree College Yar Hussain
District Swabi.

No. _____ / PF Gul Nabi Lec.

Dated 15/9/2012.

To

Mr. Gul Nabi Lecturer
(Chemistry)

SUBJECT:- EXPLANATION
Memo:-

You were found absent from duty on 15/9/2012.

You are directed to explain, why disciplinary action against you may not be taken against you under E&D rules 1973.

Your explanation should reach to the undersigned within two days positively.

ATTESTED

[Signature]
Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

[Signature]
Principal
GDC Yar Hussain
District Swabi.

Enclat. No. 788

Copy to the :- Director Higher Education KPK Peshawar.

[Signature]
Principal
GDC Yar Hussain
District Swabi.

CAN

13007

Office of the Principal GDC Yar Hussain Swabi
No: 302 Dated: 08/10/2012

A 9
179

To

The Director,
Higher Education, KPK.

Subject: Transfer on Administrative Basis.

Memo:-

It is submitted that Mr. Gul Nabi, lecturer in Chemistry, direly lacks the spirit to perform his duties and often remains absent without permission and information. He is not ready nor has the will to observe the sanctity of the precious time of his students which puts a question mark over their future. Twice an occasion he was asked to explain his position but these measures have been of no avail. Even his students have time again lodged complaint against this teacher. A copy of their complaint is attached herewith. I regrettably have to say that his behaviour and stay in this college hardly help in boosting its educational environment.

The discipline of Chemistry is a major subject for science students and therefore it cannot be left at the mercy of a reluctant teacher who has no regard for the valuable time of his students.

I, therefore, request that Mr. Gul Nabi may be transferred from this college on administrative basis and replaced the same with an energetic and dutiful lecturer in the interest of the public.

Copies of earlier explanations are attached herewith.

ATTESTED

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

Principal
(Muhammad Uzair Ali)
Govt Degree College
Yar Hussain Distt. Swabi

CA II

12/08

2-10-22

**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR**

No. 83 / CA-II / Estt. Branch / A-12 / Gul Nabi / Chemistry

Dated Peshawar the 21 / 01 / 2012


To

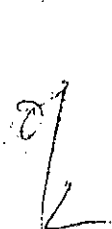
The Section Officer (Colleges-II)
Govt; of Khyber Pakhtunkhwa
Higher Education Department Peshawar.

SUBJECT
Memo:

TRANSFER OF ADMINISTRATIVE BASIS.

I am directed to refer to your letter No. SO (Colleges-II) HED/12-5/2012/Gul Nabi dated 26.11.2012 on the subject cited above and to state that the complaint lodged by the Principal Govt; Degree College, Yar Hussain (Swabi) had lodged a complaint against Mr. Gul Nabi Lecturer in Chemistry of his College wherein he had recommended to transfer him on administrative grounds. Therefore, this office had proposed to place his services at the disposal of Director Education (FATA) vide this office letter No. 24099 dated 22.10.2012, please.


Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar


AD
ADDITIONAL DIRECTOR

Office Of The Principal
Govt. Degree College, Shabqadar.

Ph.# 091-6290600. Email. bssqr@gmail.com Date: 18/09-2018

To,

Dr. Gul Nabi.
Assistant Professor,
Govt. Degree College.
Shabqadar:

Subject: EXPLANATION.

WHEREAS on 17-09-2018 you were found absent from your gate duty without any cogent and reasonable ground. Needless to mention that you had not performed the said duties in the previous week as well.

You are therefore directed to explain your position as to why you should not be forwarded to the competent authority for disciplinary action.

Your reply must reach this office within two days

ATTESTED

Supintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

c/o

Principal,
Govt. Degree College,
Shabqadar.

1. The hours
2. Always qu

and Gazetted Holidays

Office Of The Principal
Govt. Degree College, Shabqadar.

Ph.# 091-6290600, Email. bssdr@gmail.com Date: 28-09-2018

To,

Dr. Gul Nabi;
Assistant Professor of Chemistry,
Govt. Degree College,
Shabqadar.

Subject: REMINDER.

WHEREAS, you were called for explanation, vide Endstt: No, 256, dated 18-09-2018, for your negligence towards the directive of the undersigned regarding your gate duty with other staff members of the college. But you showed no response to the explanation by submitting no reply to the same within the given days.

However, you are again directed to furnish your reply to the cited explanation within two days, failing which you will be forwarded to the competent authority for the requisite disciplinary action.

Supervendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

Principal,
Govt. Degree College, Shabqadar.

OFFICE OF THE PRINCIPAL GOVT DEGREE COLLEGE SHABQADAR

PH# 091-6290600, Email: bsgdcsqr@gmail.com

Dated: 15-10-2018

No: _____

To, _____

Dr. Gul Nabi,
Assistant Professor of Chemistry,
Govt. Degree College,
Shabqadar.

Subject: EXPLANATION.

Whereas, you were called for explanation, vide Endost: No, 256, Dated 18/09/2018, and 28/09/2018 for your negligence towards the directive of the undersigned regarding your gate duty with other staff members of the college. But you showed no response to the explanation by submitting no reply to the same within the given days.

2. Furthermore during the round of the undersigned, it was noticed that you have remained absent from your gate duty and joined your/class late by 25 minutes today on 15/10/2018.

However, you are once again directed to furnish your reply to the cited explanation within two days, failing which you will be forwarded to the competent authority for the requisite disciplinary action.

ATTESTED

Principal,

Govt. Degree College Shabqadar

Endst: No _____

Copy forwarded to the:-

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

✓ Director Higher Education Khyber Pakhtunkhwa, Peshawar.

Principal,



**GOVT. DEGREE COLLEGE SHABQADAR
CHARSADDA**



No. 298

Dated: 24-10-2018

To,

Dr. Gul Nabi,
Assistant Professor of Chemistry,
GDC Shabqadar.

Subject: EXPLANATION

WHEREAS, today on 24-10-2018, you were called for an urgent meeting (held at 11:30 hours) regarding BS programme along with other HODs and Time Table In charge of this college. They all attended the meeting but you failed to do so despite you were personally called through Rehman Malik, Naib Qasid of the office of undersigned.

You are therefore directed to explain your position as to why you should not be forwarded for disciplinary action against you by the competent authority. Your reply must reach this office within TWO DAYS (02) positively.

RECEIVED

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

PRINCIPAL
GDC SHABQADAR

Copy for information to,

1. The Director, Higher Education Department, KPK, Peshawar.

✓ 2. Office record.

PRINCIPAL
GDC SHABQADAR



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
KHYBER ROAD, PESHAWAR**

Tel # 091-9210242 / 9211025 Fax # 091-9210215

E-mail: - dhekpesh@gmail.com Facebook.com/dhekpeshawar Twitter.com/dhekpeshawar1
No. / CA-I/ Est: Branch/A-12/Dr. Gul Nabi, Chemistry Dated Peshawar the / / 2018

To

The Principal
Govt; Degree College, Shabqadar,
Charsadda.

SUBJECT

EXPLANATION.

Respected Sir,

السلام عليكم

I am directed to refer to your letter No. 292 dated 15.10.2018 on the subject cited above and to state that the reply to the explanation of the officer concerned may be sent to this office alongwith your comments.

S. Nabi 05/11/18
DY: DIRECTOR (ESTABLISHMENT)

Endst; No. _____

Copy of the above is forwarded to Dr, Gul Nabi, Assistant Professor of Chemistry, Govt; Degree College, Shabqadar, Charsadda with the direction to improve your performance towards official duties, otherwise disciplinary action will be initiated against you under Efficiency and Discipline Rules, 2011.

ATTESTED

[Signature]
Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

DY: DIRECTOR (ESTABLISHMENT)



DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA, RANO GARHI CHAMKANI PESHAWAR

E-mail:- dhekpkpesh@gmail.com

Office No. 286/0 /AD(ACR)

Dated: 9 / 12 / 2019

Mr. Gul Nabi

I am directed to convey to you the following adverse remarks recorded in your Performance Evaluation Report for the period from 01.01.2018 to 31.12.2018.

PART-IV (REPORTING OFFICER EVALUATION)

- Please comment on the officer's performance on the job given in part II (2) with special reference to knowledge of work, quality and quality of output. How far was the officer able to achieve targets? Do you what has been stated in part II (2)
I do not agree with the statements given above in part II (01) & (02).
- Integrity.
Manipulated and biased.
- Pen Picture.
He does not show respect to the superordinate's and colleagues. Aggressive, Intolerant and non-cooperative. He handles in the smooth running of college administration.
- Overall Grading.
Below Average.
- Fitness for Promotion.
Not yet fit.

I hope you will try your best to remove these defects. One spare copy of this D.O. letter is enclosed. This may be signed and returned to this office for placement in your Character Roll. Please note that nothing is to be written on it except merely putting your signature and dates in token of having received this letter. In case the acknowledgement is not received in this office within a week, it will be presumed that you have accepted the remarks and no appeal will be entertained after the specified time.

RECEIVED

ASSISTANT DIRECTRESS (ACR)

Mr. Gul Nabi
Assistant Professor in Chemistry
GDC, Shabqadar.

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

Endst; No. 286/12

Copy of the above is forwarded for information and necessary action to:

- The Principal GDC, Shabqadar.
- A.O. Local Directorate.

ASSISTANT DIRECTRESS (ACR)

Address: RANO GARHI CHAMKANI PESHAWAR



(10)

GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

No. SO (C-II)HED/3-4(15)/2018/ACR/PER/Gul Nabi/Chemistry
Dated Peshawar the, 12.06.2020.

5825

To

The Director,
Higher Education Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: - ADVERSE PER FOR THE YEAR 2018 IN R/O OF MR. GUL NABI ASSISTANT PROFESSOR OF CHEMISTRY.

I am directed to refer to your letter No:788/AD (ACR) dated 11.02.2020 on the subject noted above regret to inform that adverse remarks in the PER of Mr. Gul Nabi Assistant Professor of Chemistry (BS-18), Govt; Degree College Shabqadar, (Charsadda) could not be expunged.

It is, therefore, requested to inform the officer concerned accordingly.

Encl: ACRs in original through special messenger

ATTESTED

Superintendent

Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

(TAHIR KHAN)

SECTION OFFICER (C-II)

CA-1

22/6/2020

DD/E/AD/ACR
F. M. A. P.

22/6/2020

RECEIVED
22 JUN 2020
DIARY # 1926
B-Clk

قیمت
50 روپے

9765

ایڈوکیٹ: شہسوہا علی خان

بار کونسل/ ایسوسی ایشن نمبر:

رابطہ نمبر:



پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:

مخاطب: گل نبی	دعویٰ: رجسٹرڈ نمبر 8283/20
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
آن مقام مہیشا جوبہ اکیلی شہسوہا علی خان اور سید کبریٰ علی کو وکیل مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے لے کر اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ برداختہ منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے



المقوم:

الع بد

مقام کے لیے منظور ہے

[Handwritten signature]

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