Appeal No. 15290/2020 Hidayatullah vs Grot

.01.2021

11.01.20201

Mr. Muhammad Ghanzafar Ali, Advocate, for appellant is present. He submitted application for withdrawal of the appeal with permission to file a fresh appeal in view of a fresh notification dated 01.01.2021 wherein a fresh cause of action has accrued. The contents of application were reiterated to the learned counsel for appellant which he accepted as correct. Accordingly, the appeal stands dismissed as withdrawn. The appellant is at liberty to file fresh appeal, if he so desired. File be consigned to the record room. ANNOUNCED

(MUHAMMAD JAMAL KHAN) MEMBER (JUDICIAL)

usin A Form A

FORM OF ORDER SHEET

Court of

Case No.-

S.No.

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2-

/2020

Date of order Order or other proceedings with signature of judge proceedings 3 2 The appeal of Mr. Hidayatullah presented today by Mr. Khaled 23/11/2020 Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR This case is entrusted to S. Bench for preliminary hearing to be put up there on 11012021. **CHAIRMAN**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.____/2020

Hidayatullah Khan Appellant

Versus

The Govt. of KPK and others Respondents

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Appellant Through Khaled Rahman Advocate, Supreme Court of Pakistan & Muhammad Amin Ayub Advocate, High Court & Muhammad Ghazanfar Ali

Muhammad Ghazanfar Ali Advocate, High Court

4-B, Haroon Mansion Khyber Bazar, Peshawar Off: Tel: 091-2592458 Cell # 0345-9337312

Dated: ___/11/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. /2020

Knyber Pakhtukhwa Service Eriberal

..... <u>Appellant</u>

Diry No13225

Mr. Hidayatullah Khan

Ex-Senior Clerk, Public Library, Lakki Marwat

VERSUS

- <u>The Govt. of Khyber Pakhtunkhwa</u> through Secretary Higher Education Department, Civil Secretariat, Peshawar
- 2. <u>The Director</u> Archives & Libraries Khyber Pakhtunkhwa, Peshawar

3. <u>The Deputy Director</u>

Archives & Libraries Khyber Pakhtunkhwa Lakki Marwat......<u>Respondents</u>

SERVICE UNDER SECTION APPEAL 4 OF THE **KHYBER** PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 30.07.2020 OF RESPONDENT NO.2 WHEREBY MAJOR PUNISHMENT OF REDUCTION TO LOWEER POST OF JUNIOR CLERK (BPS-11) FOR FIVE YEARS HAS BEEN **IMPOSED UPON THE APPELLANT AGAINST WHICH HE PREFERRED** DEPARTMENTAL APPEAL TO RESPONDENT NO.1 ON 19.08.2020 BUT THE SAME HAS NOT BEEN REPLIED WITHIN THE STATUTORY PERIOD OF 90 DAYS.

3 11 3 PRAYER:

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dto-day

On acceptance of the instant appeal, the impugned order dated 30.07.2020 passed by Respondent No.2 may graciously be set aside and appellant may be restored to his substantive post of Senior Clerk w.e.f. 30.07.2020 with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

- 1. That the appellant was recruited in the Respondent Department as Junior Clerk way back in the year 2008 and has rendered meritorious service for the Department. Later on, appellant was offered promotion against the post of Senior Clerk and since then he has been performing his duties to the entire satisfaction of the high-ups.
- 2. That the appellant while performing duties at Public Library Lakki Marwat, was issued Charge Sheet and Statement of Allegations (*Annex:-A*) for the reasons mentioned therein. Since the charges were unfounded, misplaced therefore, appellant refuted the same and furnished a detailed reply thereto on 17.02.2020 (*Annex:-B*) explaining his position before the competent authority. Copy of the reply may be considered as integral part of this appeal.
- 3. That thereafter without taking into consideration the reply of the appellant a summary and irregular inquiry was conducted by the Inquiry Officers at the back of the appellant and Report (*Annex*;- C) was then submitted on 02.07.2020 to the Competent Authority. The Enquiry Committee recommended appellant for major punishment of removal from service without following the mandatory requirements of law.
- 4. That thereafter upon the recommendations of the Fact Finding Enquiry Committee, appellant was served with a Show Cause Notice on 07.07.2020 (*Annex:-D*) containing the same allegations which was once again duly replied (*Annex:-E*) by the appellant explaining his position to the competent authority, but the same was not taken into consideration and the appellant was imposed upon major penalty of reduction to lower post of Junior Clerk (BPS-11) for five years vide impugned order dated 30.07.2020 (*Annex:-F*) which prompted appellant to approach the Appellate Authority/ Respondent No.1 by way of preferring Departmental Appeal (*Annex:-G*) on 19.08.2020 but the same remained un-responded till date.

That appellant, being aggrieved of the impugned order ibid, files this appeal, inter-alia, on the following grounds:-

GROUNDS:

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- A. **That** Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned order, which is unjust, unfair and hence not sustainable in the eye of law.
- B. That it is momentous to aver that Rule- 14 of the Government of Khyber Pakhtunkhwa Government Servants (Efficient and Discipline) Rules, 2011 maintains:-
 - (1) "On receipt of report from the inquiry office or inquiry committee, as the case may be, the competent authority shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of these rules.
 - (2) If the competent authority is satisfied that the inquiry has been conducted in accordance with the provisions of these rules, it shall further determine whether the charge or charges have been proved against the accused or not.
 - (3) Where the charge or charges have not been proved, the competent authority shall exonerate the accused by an order in writing, or it shall follow the procedure as given in sub-rule (6) of this rule.

In the light of the aforementioned provisions, the question arises whether the Competent Authority was not supposed to examine the report of the Inquiry Committee by applying judicial mind as the Committee exonerated appellant of the charge of unanimous complaint of misbehavior however, it unlawfully held that the charge of complaint of Mr. Muhammad Rafiq, Junior Clerk was proved but it is abundantly necessary to note that *the same was not part of the Charge Sheet and Statement of Allegations and should not have been taken into account*. The most important aspect of the matter for which appellant was subjected to the major penalty was tempering into Service Book. In this regard the Inquiry Committee reached to the conclusion by upholding *"the committee observed that under these circumstances, it is possible that the accused might have done the subject* *tempering*". Thus, the Inquiry Committee even on the charge of tempering was swayed by mere speculation. The Competent Authority wrongly concluded and passed the impugned order which is against the law and hence not sustainable.

- C. That the Inquiry Committee has outright discarded the statement of Mr. Anwar Jalal who categorically alleged in his written reply (*Annex:-H*) that maintenance of the Service Book is the responsibility of the Dealing Assistant, he further upheld that overall conduct and behavior of the appellant with the library users and the staff was good. Furthermore, this fact was also appreciated by the Inquiry Committee that if the same was the situation then why the same was not brought into the notice of the high-ups timely before initiating proper action against the appellant for holding his Service Book in personal custody. This fact finds support that the charge is frivolous and misplaced, therefore, the impugned order and the inquiry proceedings are unwarranted and therefore, liable to be quashed.
- D. That Article-10A of the Constitution of the Islamic Republic of Pakistan, 1973 read with Section-16 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 provides for the right of fair trial as per prescribed law and Rules but the appellant was not fairly treated in disciplinary proceedings and the impugned order, thus the impugned order is void ab-initio as well as against the principle of natural justice
- E. That instead of a regular enquiry, an irregular, fact finding enquiry was conducted in a highly pre-judicial manner and without any evidence the conclusion was jumped upon suddenly on the basis of mere surmises and conjectures declaring charges as proved in utter deviation of the procedure and Rules on the subject which has resulted into serious miscarriage of justice.
- F. That it is a settled legal principle that where major penalty is proposed then only a regular enquiry is to be conducted wherein the accused must be associated with all stages of the enquiry including the collection of oral and documentary evidence in his presence and he must be confronted to the same and must be afforded an opportunity of cross-examining the witnesses. In the case in hand a summary enquiry was concluded in an

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irregular manner and appellant was illegally found guilty without any evidence. Thus the impugned enquiry being irregular and the impugned order based thereon is nullity in the eye of law and hence liable to be set aside.

- G. That no opportunity of personal hearing was afforded to the appellant neither by the competent authority nor by the Enquiry Committee or by the appellate authority which are the mandatory requirements of law. Thus appellant was condemned unheard as the action has been taken at the back of the appellant which is against the principle of natural justice.
- H. That clear violation of Section-24A of the General Clauses Act, 1897 has been made by not responding to the departmental appeal of the appellant which is not sustainable in the eye of law. It is settled law that authorities having statutory powers must exercise the same in fair, just and reasonable manner. The acts of the Respondents are unfair, unjust and therefore not maintainable.
- That the appellant served the Department, ever since 2008 and during this period, overall conduct and behavior of the appellant with the Library staff of District Lakki Marwat was satisfactory as is evident from the joint statement (*Annex:-I*) of the officials of the Public Library, Lakki Marwat.
- J. That the earlier minor penalties were also relied upon by the Inquiry Committee as well as by the Competent Authority while passing the impugned order whereas the appellant had already been punished. Thus the appellant has been punished twice for the same charge rather in the instant proceeding with a major penalty which is violative of Article-13 of the Constitution of Islamic Republic of Pakistan, 1973.
- K. **That** appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

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Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through

Appellant Chaled-Rahman, Advocate, a Supreme Court of Pakistan

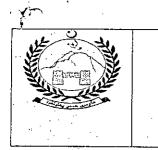
&

&

Muhammad Appin Ayub Advocate, High Court

Muhammad Ghazanfar Ali Advocate, High Court

Dated:___/11/2020



DIRECTORATE OF ARCHIVES & LIBRARIES, KHYBER PAKHTUNKHWA, PESHAWAR. Phone: - 091- 9210100 Website: - <u>www.kpdal.gov.pk</u>, <u>www.facebook.com/KParchivesandlibraries</u>

Azure A

No. <u>187</u>/3/10/DA Dated <u>03</u>/02/2020.

CHARGE SHEET

I, Zahir Ullah Khan, Director of Archives and Libraries, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Hidayat Ullah, Senior Clerk(BPS-14), Public Library, Lakki Marwat, Directorate of Archives & Libraries, Khyber Pakhtunkhwa, as follows: -

02- That you, while posted as Senior Clerk at Public Library, Lakki Marwat, have committed the following irregularities: -

That, you have an undesirable track record of habitual absence and misconduct since your appointment on 07-08-2008 which has resulted into imposition of minor penalties upon you from time to time. Inspite of the aforesaid, you have been again reported for misconduct as evident from the complaint No. KP090120-625847 lodged on Pakistan Citizen Portal as well as manually received. Thus, you have badly failed to bring improvement in your overall misconduct during the course of time spanning over more than eleven years.

ii)- That, you have tampered the record of penalty entered with Red Entries on page-17 of your service book by overwriting the same with blue pen, besides, failed to put satisfactory explanation thereof in your reply dated 20-01-2020.

03- By reasons of the above, you appear to be guilty of misconduct under rule 03 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties as specified in the Section 04 of the aforementioned rules.

04- Your written defense, if any, should reach the Inquiry Committee within 15days of the receipt of this Charge Sheet, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you

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Intimate whether you desire to be heard in person.

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A statement of allegations is enclosed.

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(Zahir Ullah Khan) Director of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar.

DISCIPLINARY ACTION

I, Zahir Ullah Khan, Director of Archives & Libraries, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Hidayat Ullah, Senior Clerk, Public Library, Lakki Marwat, Directorate of Archives & Libraries, Khyber Pakhtunkhwa, has rendered himself liable to be proceeded against as he has committed the following acts/omissions, within the meaning of Section-03 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:-

STATEMENT OF ALLEGATIONS

That, he has an undesirable track record of habitual absence and misconduct since his appointment on 07-08-2008 which has resulted into imposition of minor penalties upon him from time to time. Inspite of the aforesaid, he has been again reported for misconduct as evident from the complaint No. KP090120-625847 lodged on Pakistan Citizen Portal as well as manually received. Thus, he has badly failed to bring improvement in his overall misconduct during the course of time spanning over more than eleven years.

That, he tampered the record of penalty entered with Red Entries on page-17 of his service book by overwriting the same with blue pen, besides, failed to put satisfactory explanation thereof in his reply dated 20-01-2020.

02- For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Inquiry Committee, consisting of the following members is constituted under Rule10(1)(a) of the rules ibid: -

Mr. Naveed Ullah Jan, Librarian, Directorate of Archives & Libraries, Peshawar.

ii)- Mr. Nadeem Jehan, Database Administrator, Directorate of Archives & Libraries, Peshawar.

iii)-

i)-

i)-

ii)-

Mr. Abdul Bari, Caretaker, Directorate of Archives & Libraries, Peshawar.

03- The Inquiry Committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within 15(fifteen) days of the receipt of this order, recommendations as to punish or to take other appropriate action against the accused.

(Zahir Ullah Khan) Director of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar

Endst: No. & Date Even.

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A copy of the above is forwarded to: -

M. Naveed Ullah Jan, Librarian, Mr. Nadeem Jehan, Database Administrator and Mr. Abdul Bari, Caretaker, Directorate of Archives & Libraries, Peshawar for initiating proceedings against the accused under relevant provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules. 2011.

Mr. Anwar Jalal, Librarian, Public Library, Lakki Marwat.

Mr. Hidayat Ullah, Senior Clerk, Public Library, Lakki Marwat.



Director of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar,



i)-

ii)-

DIRECTORATE OF ARCHIVES & LIBRARIES, KHYBER PAKHTUNKHWA, PESHAWAR. Phone: - 091- 9210100 Website: - <u>www.kpdal.gov.pk</u>, <u>www.facebook.com/KParchivesandlibraries</u>

STATEMENT OF ALLEGATIONS.

That, you, Mr. Hidayat Ullah while posted as Senior Clerk(BPS-14) at Public Library, Lakki Marwat, Directorate of Archives & Libraries, Khyber Pakhtunkhwa, has committed the following irregularities and thus rendered yourself liable for disciplinary action.

That, you have an undesirable track record of habitual absence and misconduct since your appointment on 07-08-2008 which has resulted into imposition of minor penalties upon you from time to time. Inspite of the aforesaid, you have been again reported for misconduct as evident from the complaint No. KP090120-625847 lodged on Pakistan Citizen Portal as well as manually received. Thus, you have badly failed to bring improvement in your overall misconduct during the course of time spanning over more than eleven years.

That, you have tampered the record of penalty entered with Red Entries on page-17 of your service book by overwriting the same with blue pen, besides, failed to put satisfactory explanation thereof in your reply dated 20-01-2020.

Director of Archives & Libraries, Khyber Pakhturkhwa, Peshawar.

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Annex B.

عنوان: - جواب برائے جارج شیٹ

بخدمت جناب انكوائري كميثي صاحبان ذائر يكثوريث آف آركا ئيوزاً ينذ لائمير مريز ذيبا رشمنت خيبر پختونخو ايشاور

جناب عالى!

جناب عالى!

ذائر یکٹرصاحب نے بذریعہ آرڈ رنبر 3383/3/1/DA مورند 2018-12-00 میر ے ٹرانسفر کے آرڈر پلک لائیر یری کلی مردت کے بجائے بنوں پبک لائیر یری جاری کردیتے گئے۔ پھر میں نے اپنی ادائیول رپورٹ بنوں پبک لائیر یری کے آفس اسٹنٹ کے آفس میں جع کرادی۔قانون نے ہر ملازم کیلئے اُن کے ڈیوٹی کاطریقہ کارداضح کیا گیا ہے۔ آفس اسٹنٹ کی بنیادی ذمدداری یہ ہوتی ہے کہ ہر نئے بھرتی ہونے والے ملازم یا ٹرانسفر کے صورت میں آنے والے ملازم کا تمام مرکاری ریکارڈا سپے تحویل میں لیکر جع کرنا ہوتا ہے۔ پھراُن کی سردس بک میں گھا ایل پی تی (LPC) کی ذریع ان مالازم کی تما ان کو نے مرکاری ریکارڈا سپے تحویل میں لیکر جع کرنا ہوتا ہے۔ پھراُن کی سردس بک میں گلی ایل پی تی (LPC) کی ذریع ان ملازم کی تخواہ بنا نااور پھر چالو کرنے کیلئے اکاؤنٹ آفس لیکر جانا اور پھروا لیس لیکر جن کر کا ہوتا ہے۔ پھراُن کی سردس بن ملی گا میل پی تی (LPC) کی ذریع ان ملازم کی مردس بیک میں کوئی بھی تخویل میں لیکر جن کر ناہوتا ہے۔ پھراُن کی سردس بی ملی گا میل پی تی (LPC) کی ذریع ان ملازم کی تخواہ بنا نااور پھر چالو کرنے کیلئے اکاؤنٹ مردس بیک میں کوئی بھی تحویل میں لیکر جن کر ناہوتا ہے۔ پھراُن کی سردس بی ملی کی ایل پی تی (LPC) کی بھی ملازم کی مردس بی میں کوئی بھی تھی تم ایل جن کی کو شر کر سے قطر کی میں تع کر ناور اُن کا خیال کر نا آفس اسٹنٹ کی ڈیوٹی کی ذمہ داری میں آتا ہے۔ خدانا خواستدا کر کی بھی ملازم کی مردس بی میں کوئی بھی تھی بی ایک رڈ منانے کی کوش کر سے تو اُن کی تمام تر ذمہ داری آفس اسٹنٹ پی عائد ہو تھا اور تا ہیں دہ جواب دے ہوگا۔ کیونکہ قانون میں صاف کا مل گیا ہے ۔ کہ آفس اسٹنٹ اُن تمام امور کو سرانجا میں تی کی تھی کی میں تا ہے۔ کی کو تھی تھی دہ جو ا میں صاف کا مل گی ہو جو اب دے ہوگا۔

جناب عالي!

جب ہیڈافس پناور ہے مجھے بنوں پلبک لائیر ری تبدیل کیا گیا۔تو بنوں پلبک لائیر ری میں دوماہ ڈیوٹی ادا کرنے کے بعد کلی مروت پلبک لائیر ری کو میرا تبادلہ کردیا گیا۔ان مینوں سنیشنز پرڈیوٹی سرانجام دینے کے بعد مجھے بالکل پیہ نہیں کہ میر - سروس بی کو نے سروس سنیشن پر دیکارڈ کیم کرانے کی کوشش کی گئی ہےا در میر کی سروس اور شخصیت کو تراب کرنے کیلئے کسی نے قصد امیر - سروس بک میں ریکارڈ میم کرانے کی کوشش کی گئی ہے در می میں ریکارڈ شیم یا بلیو چین سے مثانے کی کوشش کی گئی ہے۔ کیونکہ ان مینوں جگہوں پر سرکاری ڈیوٹی ادا کرنے کے بعد کلی نے میں میں روس بک اسٹنٹ کے ذمہ داری کے ذمرے میں آتا ہے۔

آپ صاحبان سے گذارش ہے کہ چارج شیٹ کا جواب مثبت پہلو میں تسلیم کیا جائے اور چارج شیٹ میں لگائے الزامات کوانسانی ہمدردی کی بناء پر مستر دکیا جائے ۔اس سلسلے میں سائل آپ صاحبان کو ہرشم کی صفائی/ تسلی کرنے کیلئے تیار ہے۔آپ صاحبان کی مہر بانی ہوگی۔ نوٹ :۔ سٹاف اورلائمیر بریز ممبر کے میر بے حق میں صفائی کا درخواست ہمراہ لف ہے۔

عین نوازش ہوگی ۔

العارض

AT(TES)ED ېېرايت الله خان سينه کلرک بېلک لائير مړی کلی مروت ـ

NOUIRY REPORT IN LIGHT OF THE DIRECTOR, ARCHIVES & LIBRARIES, KHYBER PAKHTUNKHWA ORDER NO. 187/3/10/DA DATED 03-02-2020.

Anna

01. BACKGROUND

In pursuance of the recommendations contained under para-04.4 of the Inquiry 01.1-Report dated 10-01-2020, annunciating to the effect that "In future, entries regarding penalties in the service books and annual performance & evolution reports/confidential reports of the concerned officials may invariably be recorded", the Incharge Librarian, Public Library, Lakki Marwat was requested vide letter dated 09-01-2020 to provide service book and some payroll record in respect Mr. Hidayat Ullah, Senior Clerk(hereinafter as accused). On checking, Red Entries on account of minor penalty No. 3403/3/10/DA dated 11-12-2018 entered on page 17 of service book of the accused, were found overwritten with blue pen. Mr. Anwar Jalal, Incharge Librarian and Mr. Saleh Mahmood, dealing Assistant expressed their ignorance about the said tampering, the latter apprised that the accused is holding his service book in personal custody, whereof, an explanation was called from the accused vide letter dated 20-01-2020. The accused in his reply received on 28-01-2020 denied any involvement in the subject tampering. Moreover, a complaint regarding alleged misbehaviour of the accused with library staff and public, lodged on Pakistan Citizen Portal, was also received on 13-01-2020. Accordingly, a charge sheet bearing No. 187/3/10/DA dated 03-02-2020 was served upon the accused with constitution of the following Inquiry Committee for probing into the matter:- (Annex-A, pages-01 to 20).

	Mr. Naveed Ullah Jan, Librarian,	
ii)-		ase Administrator, Directorate of Archives & Libraries, Peshawar.
iii)-	Mr. Abdul Bari, Caretaker,	

Note. On objection of the accused, Mr. Naveed Ullah Jan, Librarian was withdrawn (from representation in the committee vide No. 293/3/10/DA dated 26-02-2020. (Annex, A, page-19,supra)

01.2- Crux of the allegations mentioned in the charge sheet, is as under:

i)	i) That, the accused has an undesirable track record of habitual absence and misconduct since his appointment on 07-08-2008 which has resulted into imposition of minor penalties upon him from time to time. Inspite of the aforesaid, he has been again reported for misconduct as evident from the complaint No. KP090120-6258474 lodged on Pakistan Citizen Portal as well as manually received. Thus, he has badly failed to bring improvement in his overall misconduct during the course of time spanning over more than eleven years.	
ii)-	That, the accused has tampered the record of penalty entered with Red Entries on page-17 of his service book by overwriting the same with blue pen, besides, failed to put satisfactory explanation thereof in his reply dated 20-01-2020.	

ATTESTED

01.3- Moreover, Mr. Muhammad Rafiq, Junior Clerk, Public Library, Lakki Marwat submitted a complaint against misbehaviour of the accused (received on 10-03-2020). The complaint was also assigned to the committee for examination. It was alleged that in wake of the said complaint received on Pakistan Citizen Portal, the accused asked the complainant to write statement to the effect that "the accused is maintaining good working and friendly relations with his colleagues and library users". The complainant refused to do so for the reasons of being recently transferred to Public Library, Lakki Marwat and having no working experience with the accused. Infuriated by this response, the accused openly threatened & abused the complainant in presence of library staff namely Wahid Ullah, Computer Operator, Sadiq Khan, Jr. Clerk and Saleem Khan, Naib Qasid. (Annex-A, page-21-22).

02- PROCEEDINGS

01.1- The committee discussed and recorded written statements regarding the matter from all concerned officials. Crux of their statements, are as under: -

i)- The accused in his written statement dated 17-02-2020 denied the allegation of doing any tampering in his service book, the dealing Assistant is responsible for all issues relating to physical custody and maintenance of entries in service books, hence, he will be in better position to explain the same. The accused alleged that the subject tampering has been done with malafide intentions to damage his reputation and service career during any of his posting period at Peshawar, Bannu or Lakki Marwat. He denied the charges of misbehaving with any staff or library user as reported in the complaint lodged against him on Pakistan Citizen Portal. He made assurance to provide written reply to the charges of misbehaviour leveled against him by Mr. Muhammad Rafiq, Jr. Clerk in his complaint (Annex-B, page-23-24).

ii)- Mr. Anwar Jalal, Incharge Librarian in his written statement bearing No. (23/3/10/ LPL dated 12-02-2020 explained that possession and maintenance of service books is not part of his job description and the accused will be in better position to explain the issue of tampering in his service book. He further explained that in compliance to the penalty imposed on the accused vide No. 3403/3/10/DA dated 11-12-2018, he stopped annual increment, 2019 granted to the accused with recovery of excess payment amounting to Rs. 1170. He is satisfied with overall conduct and efficiency of the accused and he has no knowledge about the alleged misbehaviour of the accused with Mr. Muhammad Rafiq, Junior Clerk as he was not present during the incident. (Annex-B, page-25-26)

iii)- Mr. Salih Mahmood, Assistant in his verbal & written statement dated 26-02-2020 clarified that at the time of his assumption of charge as Assistant at Lakki Marwat, some staff members including the accused, were keeping their service books in personal custody, however, with exception of the accused, all staff members returned their services books to him for official custody. The accused produced his service book for the

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first time on 10-04-2020 for the release of his pay and arrears from District Accounts Officer, Lakki Marwat. After serving of the purpose, the accused again collected his service book from Office of the DAO, Lakki Marwat in May, 2020 and did not return it despite his repeated verbal reminders confirmable from the staff. The accused produced his service book for the second time on 13-01-2020, for the deduction of his annual increment, 2019 with recovery of excess payment as per instructions received from the Head Office. Thereafter, Mr. Muhammad Farooq, Naib Qasid collected service book of the accused from Office of the DAO, Lakki Marwat which has been now forwarded to the Head Office. He has no knowledge about any tampering in service book of the accused. (Annex-B, page-28)

iv)- Mr. Wahid Ullah, Computer Operator stated that Mr. Salih Mahmood, Assistant telephonically informed him to approach the accused to handing over his service book. However, the Assistant again informed on 13-02-2020 that the accused has handed over his service book to him. Mr. Muhammad Farooq, Naib Qasid in his statement explained that he is witness to the fact that Mr. Salih Muhammad, Assistant repeatedly asked the accused to hand over his service book but he did not comply with. (Annex-B, page-29-30)

v)- Mr. Shaukat Nawaz, Assistant Director, Directorate of Archives & Libraries, Peshawar and Mr. Naheed Ullah Khan, Assistant, Public Library, Bannu stated that they handed over service book and LPC to the accused under proper receipt signed by the accused at the time of his transfers from Peshawar to Bannu and onward Lakki Marwat. (Annex-B, page-32-35)

vi)- In order to provide opportunity of cross examination of the deponents in the issue relating to tampering in service book of the accused, the Inquiry Committee arranged joint sitting of Mr. Salih Mahmood, Assistant, Mr. Wahid Ullah, Computer Operator and Mr. Muhammad Farooq, Naib Qasid, Incharge Librarian and the accused in Public Library, Lakki Marwat on 16-03-2020. The committee readout statements before the accused for cross examination, however, the accused did not raise any objection thereof and apprised the committee that he will submit written statement thereof. Moreover, Mr. Iqbal Hussain, Chowkidar, Mr. Hizb Ullah, Naib Qasid, Mr. Hammad Bari, Naib Qasid and Mr. Imran Ullah, Mali also recorded their statement to the effect that Mr. Salih Mahmood, Assistant repeatedly requested the accused to hand over service book to him. Statements of the latter were also got countersigned from the Incharge Librarian. (Annex-B, page-36-37)

v)- Regarding complaint of Mr. Muhammad Rafiq, Jr. Clerk containing allegation of misbehaviour against the accused(Annex-A, page-21-22, supra), the committee arranged joint sitting of Mr. Wahid Ullah, Computer Operator, Mr. Muhammad Sadiq, Jr. Clerk and Mr. Muhammad Salim Khan, Naib Qasid, the complainant and the accused in Public Library, Lakki Marwat on 16-03-2020 for recording their statement and providing opportunity to the accused for cross examination. The aforesaid officials in their joint statement dated

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16-03-2020 explained that the complainant and the accused had exchanged hot words over some issue on 05-03-2020, however, they have no knowledge regarding exact nature of their dispute or any subsequent scuffling between them. The complainant Mr. Muhammad Rafiq, Jr. Clerk reiterated his allegation in front of the accused, however, the accused kept silence and apprised the committee that he will submit written statement thereof. The aforesaid joint statement was got countersigned from the Incharge Librarian. (Annex-B, page-38)

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03- FINDINGS.

03.1- Findings based on the available record, verbal and written statements of the accused and other concerned officials, are as under:-

i)- Regarding allegation No. 01, Record reflects that the accused belonging to district Lakki Marwat was appointed from Zone-IV and posted at Mufti Mahmood Public Library, D.I.Khan on 07-08-2008. After rendering satisfactory service during initial period, he started availing excessive leaves and indulgence in habitual absence. In this regard, his 06,49&08-days absence on different occasions were converted into Leave Without Pay vide orders issued on 02-02-2011, 03-04-2012 and 30-12-2014 respectively. (Annex-C, page-39-40).

ii)- The record further reveals that as a result of previous inquiries conducted againt the accused on account of habitual absence & misconduct, three minor penalties i.e. two of Censure and one of withholding two annual increments, were imposed upon the accused in 2011, 2013 and 2018 respectively. Brief description of the said inquiries, is as under: -

a)- First inquiry was conducted against the accused vide No. 1101/3/10/DA dated 15-07-2011 for the charges of, i)- absence & leaving library at the mercy of Class-IV staff during leave of the Incharge Librarian on 08-07-2011, ii)- absence during visit of the Chief Planning Officer, Higher Education Department to the library on 08-07-2011 and iii)- failure of the accused to bring improvement in habitual absence(Annex-C, page-41-43). During inquiry proceedings, the accused failed to defend himself against the charges, whereof, on recommendations contained in the inquiry report, minor penalty of Censure was imposed upon him vide No. 1259/3/10/DA dated 12-09-2011(Annex-C, page-44-47). The accused did not submit departmental appeal against the penalty.

b)- Second inquiry was initiated against the accused vide No. 27/3/10/DA dated 10-01-2013 on the charges of, i)- failure of the accused in mending habitual absence & indiscipline, ii)- failure of the accused in improving attendance inspite imposition of first minor penalty of Censure, iii)- continued absence of the accused for the months of October & November, 2012 despite stoppage of his pay from 01-10-2012, iv)- absence from duty during visit of the Chief Librarian and Deputy Director to Mufti Mahmood Public Library, D.I.Khan from 1st to 3rd January, 2013(Annex-C page-48-51). During inquiry proceedings.



he accused submitted twenty seven(27) dubious medical certificates written under one hand on 04-12-2012 to justify his absence from 18-01-2012 to 25-06-2012(Annex-C, pages-52-60). On the basis of available record, the inquiry committee recommended imposition of major penalty of Removal From Service upon him, however, the competent authority afforded him another chance to improve his conduct and imposed second minor penalty of Censure with conversion of his 168 & 248-days absence into Earned Leave and Leave Without Pay respectively vide order No. 1253/3/10/DA dated 13-06-2013(Annex-C, page-61-65). The accused did not submit departmental appeal against the penalty.

Third inquiry was initiated against the accused vide No. 2302/3/10/DA dated c)-13-07-2018 on the charges of, i)- absence from duty w.e.f. 15-06-2018 without any information and ii)- Failure in improving habitual absence inspite imposition of two minor penalties in 2011 & 2013(Annex-C page-66-67). During inquiry proceedings, the accused submitted two medical certificates each for five & two weeks respectively to justify his forty nine(49) days absence from 15-06-2018 to 02-08-2018(Annex-C, page-68-69). In this regard, Medical Superintendent, Govt. City Hospital, Lakki Marwat and Director, General, Health Services, Khyber Pakhtunkhwa were requested vide letters dated 31-07-2018 & 09-08-2018 for provision of relevant rules reflecting competency of the Senior Medical Officer for advising 05-weeks medical leave and investigation of the matter but to no avail. Consequently, Standing Medical Board, Police Services Hospital, Peshawar justified the above referred medical leave on basis of the single test conduct by the accused in a private laboratory vide letter dated 05-09-2018(Annex-C, page-70-80). However, irrespective of justification of the said medial leave, the inquiry committee, found the accused guilty under Rule-03(d) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the reasons of habitually absenting himself from duties without prior approval of leave while the second allegation, stood proved against him on the basis of previous penalties imposed upon him on account of habitual absence and misconduct. Therefore, as per recommendations of the committee, minor penalty of withholding increments for two years with conversion of his 49-days absence into medical leave w.e.f 15-06-2018 to 02-08-2018 & notification of his 04-days absence during inquiry proceedings on 03rd, 13th, 20th and 24th August, 2018, was imposed upon him vide No. 3403/3/10/DA dated 11-12-2018 (Annex-C, page-81-86). In view of the aforesaid, the issues referred in allegation No. 1 of the instant charge sheet, to the extent of imposition of three minor penalties for habitual absence & misconduct upon the accused and his subsequent failure in bringing any improvement in his overall conduct, stand proved against him.

iii)- Regarding anonymous complaint of misbehaviour lodged on Pakistan Citizen Portal, the Incharge Librarian and other staff of the library confirmed that the accused has not misbehaved with any staff member or library user since his transfer to the Lakki Marwat on 13-02-2019, therefore, in absence of any supporting proof, the allegation pertaining to misbehaviour of the accused with library staff and users, could not be proved. However, in

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view of the complaint of Mr. Muhammad Rafiq, Junior Clerk dated 05-03-2020 against the accused and failure of the accursed to submit written reply thereof, the allegation stand proved against him to that extent. (Annex-C, page-87).

Regarding second allegation of tampering in service book of the accused, iv)statements of the concerned staff of Directorate of Archives & Libraries, Peshawar and Public Library, Bannu transpires that they had handed over service book and LPC to the accused under proper receipts signed by him at the time of his transfers from Peshawar to Bannu and onward to Lakki Marwat. Statements of staff of the Public library, Lakki Marwat also reflect that the accused was holding his service book in personal custody and did not return the same inspite repeated requests of the dealing Assistant. Statement of Mr. Salih Mahmood, dealing Assistant transpires that accused was holding his service book in personal custody since his transfer to Public Library, Lakki Marwat on 13-02-2019(Annex-D) and the accused produced his service book for the first time on 10-04-2019 for the release of his pay and arrears on account of the said transfer, where after, he again collected his service book from Office of DAO, Lakki Marwat in May, 2019. The accused again produced his service book to the dealing Assistant on 13-01-2020 for stoppage of annual increment, 2019 with recovery of excess payment as per penalty imposed upon him vide No. 3403/10/DA dated 11-12-2018 and instruction received from the Head Office, where after, Mr. Muhammad Farooq, Naib Qasid collected service book of the accused from Office of the DAO, Lakki Marwat which has been now forwarded to the Head Office. It is pertinent to mention that the accused in his statement held the dealing Assistant responsible for the said tampering while on the contrary he did not cross examine the dealing Assistant or other staff of the library on 16-03-2020 rather apprised the committee that he will submit written statement thereof, which was not received till finalization of the instant report. The committee observed that under these circumstances, it is possible that the accused might have done the subject tampering) with intentions of diverting first attention from the "Red Entries" highlighting record of the penalty on page 17 of his service book and concealing entries pertaining to imposition of withholding two annual increments for the year, 2019 & 2020 as evident from his silence over annual increment, 2019 which was later on recovered from him with arrears. The committee further noticed that both dealing Assistant and Incharge Librarian played irresponsible role in the matter by not brining the issue on record and not initiating proper action against the accused in time. Under the circumstances, the committee is of the view that the accused is responsible for the subject tampering.

v- Regarding complaint of misbehaviour submitted by Mr. Muhammad Rafiq, Jr. Clerk(the complainant) against the accused, joint statement of the staff namely Mr. Wahid Ullah, Computer Operator, Sadiq Khan, Junior Clerk and Mr. Muhammad Salim, Naib Qasid. (shown as witnesses to the incident by the complainant) transpire that the complainant and the accused had exchanged hot words over some issue on 05-03-2020 which confirms occurring of the incident. In this regard, the complainant reiterated his allegation in front of

the accused during cross examination of the complainant while the accused did not respond in his defense and apprised that he will submit written statement thereof which has not been received till finalization of the instant report. In wake of the evasive joint statement of witnesses and failure of the accused to cross examine the complainant or to forward any written explanation thereof, the committee is of the view that the complainant is justified in his complaint which warrants proper action against the accused.

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<u>CONCLUSION</u>

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On the basis of, three minor penalties imposed upon the accused on account of his habitual absence & misconduct in 2011, 2013 & 2018, non-submission of any appeal by the accused against any of the penalty reflecting justification of the penalties ibid, leniency shown to the accused by repeated conversion of his prolonged absence periods into Leave without Pay and Earned Leave, misconduct on part of the accused in terms of tactfully producing dubious medical certificates to cover up/justify his habitual absence at different times & illegally holding his service book in personal custody with malafide intentions and his failure to adopt conduct compatible to a responsible civil servant or a gentleman, the committee is of the view that the accused has been already given sufficient time and chances to improve his overall conduct, however, he has badly failed in doing so, consequently, his further retention in service will be of no use in the the public interest, therefore, the committee recommends that: -

- i)- Under Rule-04(b,iii) of the Khyber Pakhtunkhwa Government Servant(Efficiency & Discipline) Rules, 2011, major penalty of removal from service may be imposed upon Mr. Hidayat Ullah Khan, Senior Clerk, Public Library, Lakki Marwat.
 - A certificate to the effect that "Service Books of all staff are available updated and have been kept under official custody" may be obtained from all branch offices working under the Directorate of Archives & Libraries, Khyber Pakhtunkhwa.

Warnings may be issued to the Incharge Librarian and dealing Assistant on account of their failure in timely reporting or initiating proper action against the accused for holding his service book in personal custody.

(Nadeem Jehan) Network Administrator, Directorate of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar.

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(Abdul Bari) Caretaker, Directorate of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar

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the accused during cross examination of the complainant while the accused did not respond in his defense and apprised that he will submit written statement thereof which has not been received till finalization of the instant report. In wake of the evasive joint statement of witnesses and failure of the accused to cross examine the complainant or to forward any written explanation thereof, the committee is of the view that the complainant is justified in his complaint which warrants proper action against the accused.

04- <u>CONCLUSION</u>

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DIRECTORATE OF ARCHIVES & LIBRARIES, KHYBER PAKHTUNKHWA, PESHAWAR. Phone: - 091- 9210100 Website: - <u>www.kpdal.gov.pk</u>, <u>www.facebook.com/KParchivesandlibraries</u>. No. <u>827</u>/3/10/DA Dated <u>07</u>/07/2020.

To,

Mr. Hidayat Ullah, Senior Clerk, Public Library, Lakki Marwat. Resident of Village Dallo Khel, district, Lakki Marwat.

Subject: <u>SHOW CAUSE NOTICE</u>.

I, Zahir Ullah Khan, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Hidayat Ullah, Senior Clerk, Public Library, Lakki Marwat as follows:

02. (a)- That, consequent upon completion of the inquiry against you by the Inquiry committee during which you were given opportunities to clarify your position vide No. 187/3/10/DA dated 03-02-2020 & 213/3/10/DA dated 10-02-2020 regarding the allegations contained in charge sheet bearing No. 187/3/10/DA dated 03-02-2020, including provision of opportunity of hearing/cross examining statements of the concerned officials on 16-03-2020.

(b)- On going through the Findings and Recommendations of the inquiry committee, material on record including your reply/statements dated 17-02-2020, I am satisfied that you have been proved guilty for the allegation of : - (i)- having undesirable track record of habitual absence & misconduct and failure in bringing improvement thereof as evident from previous three minor penalties imposed upon you on that account in 2011, 2013 and 2018 (ii)- having tampered the Red Entries regarding penalty bearing No. 3403/3/1/DA dated 11-12-2018 entered on page-17 of your service book with malafide intentions as evident from your failure to justify illegal possession of your service book from 13-02-2019 to 13-01-2020.

03- As a result of the recommendations contained in the inquiry report dated 02-07-2020 and connected record, I, as competent authority, have tentatively decided to impose major penalty of "removal from service" upon you under Rule-04(b,iii-) of the rules ibid.

04- You are thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard in person.

05- If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case exparte action shall be taken against you.

06- Copy of the Inquiry Report along with enclosures, is attached.

(Zahir Ullah Khan) Director of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar.

Endst: No. & Date Even.

Copy forwarded to the Incharge Librarian, Public Library, Lakki Marwat with direction to hand over copy of this notice to Mr. Hidayat Ullah, Senior Clerk under proper written receipt and furnish the same to this Directorate for record.



Director of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar.

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بخدمت جناب انكوائري كميثى صاحبان ذائر يكثوريث آف آركا تيوزا ينذلا تبريريز ذيبار ثمنت خيبر فليتحو ابيثاور عنوان: - جواب برائے شوکا زنوش D میں ہدایت خان بطور سینئر کلرک پبلک لائبر ریری کلی مردت میں اپنی ڈیوٹی کے فرائض سرانجام دے رہا ہوں۔ آج مہور جہ 14-07-2020 شۇكازنونش ملاجىكانمبر 227/3/10/DA بى بتارىخ 2020-07-07 ب جناب عال! اب آب صاحبان کے نوٹس میں بہت ہی انمپارٹنٹ با توں کا ذکر کرنا چا ہتا ہوں۔ جو کہ قانونی نقطہ نگاہ سے بہت ہی اہمیت کے حامل *ہے۔ جو کہ درجہ ذیل ہے۔* سب ہے پہلے آفس اسٹنٹ کے ڈیوٹی کے طریقہ کار کے متعلق لکھنا چا ہونگا۔ جو قانون نے اُن کیلئے ڈیوٹی کا طریقہ کارواضح کیا ہے۔ آفس اسٹنٹ کی بنیادی ذمہ داری میں بیشام ہے۔ کہ وہ ہرسرکاری ملازم کی سروس بک پرسل فائل اورا کا ؤنٹ کے کاموں کو مینٹین رکھنا اُن کی بنیا دی ذمہ داری نے فرائض میں شامل ہے۔ ہرملازم کی سروس بک میں لگی LPC نے زریعے ہرملازم کی ٹی تخواہ بنانا اور پھر سروس بک میں ٹی سورس لگا کر تخواہ چالو کرنے کیلیج اکا وُنٹ آفس کے کرجانا اور پھر تخو اہ بننے کے بعد مردس بک کواپنے آف کے ریکا رڈیل جن کرنا اور اُن کا خیال کرنا آفس استنہ دی ک بنیادی ڈیوٹی کے ذمہ داری میں شامل ہے۔ اگر سی بھی ملازم کی سروس بک میں کوئی بھی تحص میم پاریکار ڈمٹانے کی کوشش کرے گا تو اُن کی تمام تر ذمہ دارى آفس استنت پر عائد ہوتى ہے۔ كيونكە قانون ميں صاف اور واضح طور پركھا كما ہے۔ كه قس استنت بى ان تمام اموركوسرانجام دينے كا اور ان کا خیال کرنے کا پابند ہوگا ۔ سی بھی نتم کا غفلت بھر نتے پر ہی اپنے ہی محکمے کےافسران بالا کو جواب دے ہوگا۔ جناب عالى! اب آب صاحبان کے نوٹس میں قانونی نقط نظر سے انمپارٹنٹ بانوں ذکر کرنا چا ہتا ہوں۔ جو کہ قانونی Point of Viewe کی بناء پر بہت ہی اہمیت کے حال ہے۔مورخہ 2020-01-14 کوآفس اسٹنٹ صالح محودصا حب چھٹی پر تھا۔جن کی دجہ سے حاضر کی رجٹر میں اُن کے پیچھیے مور ند 2020-14 کوأن کے بیچیے Casual Leav لگادی گئی۔ پھراس کے بعد ڈائری رجس میں مور ند 2020-01-14 بتاریخ اور سیریل نمبر 17 پرون ڈےone day Casual Leave درج کی گنی۔ پھراُس کے بعد Casual/Short Leave aplication form فارم میں مورخہ 2020-01 اس کی چھٹی کا سارار ریکارڈ درج کر دیا گیا۔جو کہ درخواست کے ساتھ تمام پر دفار موں کار ایکارڈ بطور ثبوت موجود ہے۔ پھراُس کے بعد آفس اسٹننٹ صالح محمود صاحب نے ڈائری رجسٹر میں ریکا رڈ ٹمپرنگ کی اور اپنے ہی نام کومٹا کراُس کی جگہ سعادت اللہ

نائب قاصد کانام کھودیا گیااور 7/1، Application for convances charges کومضا کر 3/1 نمبر دیا گیا۔ جناب عالی! آپ صاحبان کے نوٹس میں اُپرا تناتفصیل سے لکھنے کا مقصد ہیہ ہے۔ کہ جب استے بڑے برما یز ہر کہ یک روم میں برم میں م

آپ صاحبان کے نوٹس میں اُپرا تناتفصیل سے لکھنے کا مقصد سہ ہے۔ کہ جب استے بڑے پیانے پر سرکاری ریکارڈ میں عیرا پھیری اور ٹم پر تک کی جارہی ہو۔ تو دہاں پر دوسرے ملاز مین کے سردس بک کیسے تحفوظ رہیں گے۔ جناب عالی!

آنس اسٹنٹ کے حوالے سے اتنا کہونگا کہ دہ خود غیر بنجیدہ ادر غیر ذمہ دارا فیسر ہے۔ کیونکہ کے قانون میں صاف ادر داضح طور پر ہدایات در جب جس تفس سے کوئی بھی چیز خواہ دہ سر دس بک ہویا کوئی ادر دفتر کی چیز مسیلیس (Miss Place) ہوجا کمیں تو سب سے پہلے انچار ج مساحب کے نوٹس میں ہونی چاہیے ادر بھرا س کے بعد جو جو ذمہ در ان ہوتے ہیں۔ اُن سے اُسی دفت الگ الگ Explaination کال کی جائے۔ اس بناء پرایک تو قانونی نقاضے پورے ہوجا کمینے اور دوسری بات ہیہ ہے کہ میں نے فلاں شخص کو بید کہاں اُس نے جھ سے پھراد در کار کی



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باتل Just کپ شپ کے در اہ کار میں آتی ہے اور زبانی خرچ کے سوا کچھیں ہے اور اُن کی کوئی قانونی حیثیت نہیں ہوتی ہے۔ جس طرح آف اسشنٹ صاحب اپنی ڈیوٹی میں کوتا ہی بھرتنے کے بعدادھراُ دھرکی فضول باتیں کہ رہا ہے۔ کہ میں نے فلاح ملازم کو بیکہاں اور دوسرے ملازم کو پچھاد

جناب عالى!

تانون میں صرف اور صرف دیشن ورک (Written Work) جو لیٹر کی صورت میں کمی بھی طازم کے پیچھے جاری کی جاتی ہے۔ دہ قانونی نقطہ شکل اختیار کر لیتی ہے۔ وہ قانونی نقطہ نگاہ سے بہت ہی امپار شنٹ اہمیت کے حال ہوتی ہے اور باتی فضول تسم کی باتیں اور زبانی جمع خریج کی قانونی نقطہ نگاہ میں کوئی اہمیت نہیں ہے۔ جس طرح آفس اسٹنٹ صاحب اپنے ڈیوٹی میں کوتا ہی بھر سنے کے بعدا پنے آپ کو بے قصور ثابت کرنے کی لیلنے اوھر اُدھر کی فضول باتیں کہد ہا ہے اور اپنی ڈیوٹی میں کوتا ہی بھر سنے کے بعد دوسرے ملاز مین پر ملبہ ڈالنا چاہتا ہے۔ جن کا تھر ملا ذکر انچارج صاحب پلک لائم ہر میں کوتا ہی بھر سنے اور غیر سنجید کی کا مظاہر کرنے کے بعد دوسرے ملاز مین پر ملبہ ڈالنا چاہتا ہے۔ جن کا تھر ملا جناب عالی !

دوسرى اہم بات جو كەقانونى نقطەنگا، ئے بہت اى اہميت كا حال ب دو ، يە كەعاصم سليم جونير كلرك يېلك لا تجريرى كى مروت مور دىر 2019-04-05 ئىكر مور دىر 2019-12-23 تك اپ ذيونى كىنيشن سے غير حاضر ب رجب سے اپ نى ديونى كے شيشن سے يغير كى خاص اجازت ليے يغير غير حاضر رب بيل پى چرد دسرى اہم بات جو قانونى نقطەنگا، كے بناء پر بہت اى اہميت كے حال ب دو ، يە كېل تين مين يعنى حاص اجازت ليے يغير غير حاضر رب بيل پى چرد دسرى اہم بات جو قانونى نقطەنگا، كے بناء پر بہت اى اہميت كے حال ب دو ، يركى مين يعنى حاص اجازت ليے يغير غير حاضر رب بيل پى چرد دسرى اہم بات جو قانونى نقطەنگا، كے بناء پر بہت اى اہميت كے حال ب دو ، يە كېل بنى مين يعنى معاص اجازت ليے يغير غير حاضر رب بيل - يور دو مرى اہم بات جو قانونى نقطەنگا، كے بناء پر بہت اى اہميت كے حال ب دو مور دو 2019-05-04-2010 تك أس كانا ما شيند كى رجمير ميں كلاحا جا تا رہا - يو مراك كے بعد يعنى مور دند 2019-07-01 لين مور دو 2019-2010 سے كير والاح-2010 تك أس كانا ما شيند كى د جسر ميں كلاحا جا تا رہا - يو مراك كے بعد يعنى مور دند مور دو 2019-2010 مىلى مور خاص كانا ما شيند كى رجسر ميں كلاحا جا تا رہا - جو كە تما كلالا تا در درى ك ذمر مىلىم اتا ہے - دو ، اى مور دو 2019-2010 مىلى ام اشيند كى رجسر ميں كلاحا جا تا رہا - جو كە تما كلالا قانون ك خلاف در درى ك ذمر مىلى آ تا ہے - دو ، اى ليے ايك تو يغير كى خاص طريق سے اجازت ليے بغير اپ ذي ئى كە شيشن سے غير حاضر د با جا دور درى مى مىلى آ تا ہے - دو ، مى كە أن كانا م اشيند كى رجسر ميں تيں كلحا جا د دور كى كە شيشن سے غير حاضر د با جا دور دى كە خالى كر ماتھ كى جا دى

جب لائم مری کے اُپر کے افسران بالا اس قشم کے دیکارڈ میں کم پر تک ، حیرا پھیری اور دیکارڈ میں ردوبدل کرتے رہے تو اُس آفس کے کسی بھی ملا زم سے سروس بک میں پچھ بھی ہوسکتا ہے۔

لہذا آپ صاحبان سے نہایت ہی مود بانہ گذارش کی جاتی ہے۔ کہ ان تمام حقائق کو لکھنے اور آپ صاحبان کے نوٹس میں لانے کا مقصد سر کہ آپ صاحبان کواصل حقائق اور وجو ہات سے آگاہ کر سکوں۔ جو کہ آپ صاحبان کے علم سے باہر ہے۔لہذا اب آپ صاحبان کو قانون ک تناظر میں فیصلہ کرنے میں آسانی ہوگی۔ نوٹ:۔ آفس اسٹنٹ صاحب نے جور بیکارڈ میں ٹمپر تک کی این کا پی اور عاصم سلیم صاحب جو نیز کلرک کی غیر حاضری کار بیکارڈ درخواست کے

ہمراہ بطور ثبوت مسلک کردی تی ہے۔ جناب عالی !

اب بنوں پبلک لا ہم ریری کے آفس اسٹنٹ کے بارے میں لکھنا چا ہونگا۔ جو کہ اپنے آپ کو بڑا ذمہ دار سرکاری افسر سجھتا ہے ادر منوعن قانون کے مطابق اپنے ذیو ٹی سرانجام دینے کا پابندی سجھتا ہے۔ ڈائر یکٹر صاحب نے بذریعہ آرڈ را یک لیٹر جاری کیا گیا ہے۔ کہ آفس اسٹنٹ بنوں پبلک لاہم ریری اکا دُنٹ درک کے علاوہ اڈینور یم ہال ادرا شینڈس رجسٹر پر اپنے ڈیو ٹی کے فرائض سرانجام دے گا۔ بنوں پبلک لاہم ریری میں تعینات خور شید جہاں صلحہ کینا لاگر کم کلاسیفا ہزا پنے اریول رپورٹ کے بعد سے تقریبا ڈھائی سال سے اپنے ڈیو ٹی کے اسٹیش نے بغیر کی خاص دجہ سے غیر حاضر ہے



کماضری رجٹر میں اُن کے نام کے سامنے سے نہ ہی Casual Leave اور نہ ہی اُن کے نام کے سامنے غیر حاضر Absent from للمادى جاتى ب- خورشيد جهان صاحبه كينا لاكر كم كلاسيفا تراتيخ مص سے اپنے ڈیوٹی کے شیشن سے غیر حاضر ہے ادرابھی تک آفس استنت صاحب بنوں پبلک لائبر ری نے اُن کے غیر حاضری کے پیچھے کوئی قانونی چارہ جوئی نہیں کی ہےادر نہ اُن کی طویل غیر حاضری کی رپورٹ ہیڈ آفس پشاور بیجی ہے۔ جب آفس اسٹنٹ صاحب اس قسم کی غیر سنجیدگی اورلا پر داہی کا مظاہرہ کرر ہاہوتو وہاں پر دوسرے ملاز مین کا سرکاری ریکارڈ کیسے محفوظ رہے گا ؟اور بیصاحبان جو بڑے بڑے بلند با دوعوے اپنے ڈیوٹی کے حوالے سے کرر ہے ہیں۔ جب اُن کا دل چاہے تو اپنے پسندیدہ ملازم کورعایت دیتے ہیں تو چاہے دہاپنے ڈیوٹی کے اسٹین سے طویل عرصے سے غیر حاضر کیوں نہ رہے۔ جب کمی دوسرے ملاز مین کومزادیتے ہیں تو قصدا اُن کے ریکارڈ میں ٹمپر ت*گ ا*عیرا بھیری کر کے مسائل کھڑ ہے کرتے ہیں اور بغیر ثبوت کے اپنی مرضی کے مطابق سز اتجو یز کر لیتے ہیں۔جو کہ کھلا قانون کی خلاف درزی کے زمرے میں آتا ہے۔ نوٹ:۔ خورشید جہاں صاحب کیٹالا کر کم کلاسفائر بنوں پیلک لائبر مری کے غیر حاضری کی رپورٹ درخواست ہمراہ لف ہے۔ جناب عالى! اب آپ نے نوٹس میں محدر فیق جو نیر کم کرکا تذکرہ کرنا جا ہونگا مورخہ 2020-03-04 کوانچارج پبک لائبر ریک کمی مروت نے ایک آرڈ رجاری کردیا گیا۔جن کانمبر 30/03/01LPL ہے۔ اس آرڈ رے مطابق ہدایت اللہ خان سینٹر کلرک کے سپر دیژن میں نائب قاصدا در سو یپر لائبر میری کے اندرادر باہر مختلف نوعیت کے ڈیوٹی سرانجام دینگے۔ آج مورخہ 2020-03-05 کولائبر میرین صاحب کے آفس آرڈ رکے مطابق من د عن ہم نے افیسرز،ریسورس منٹر اریفرنس سیکش،انگاش جنرل،انگاش سائنس سیکشن اوراردو سیکشن کےعلاوہ آ ڈیٹوریم ہال صرف ملا پانی ہے دھویا۔ لائبر مری کے مختلف سیکشن میں صفائی کرنے کے بعدہم سناف ممبرز آفس میں چائے چینے کیلیج چلے گئے۔اس دوران محدر فیق جونیز کلرک باہر سے آ کر ہمارے ساتھ آفس میں بیٹھ گیا۔اس دوران لائبر ری کے ریکارڈ کومینٹین رکھنااوراُن کی صفائی اور سقرائی کی بارے میں بات چیت جاری تقی۔ ک اس دوران محمد رفق جونیز کلرک نے قانون کی خلاف ورزی کرتے ہوئے سٹاف کوڈ رایا اور اُن کو پریشانی سے دوچار کردیا گیا۔کہاں کے اس آ رڈ رکے مطابق جوبھی ملاز مین مسٹر ہدایت اللہ خان کے زیر ککرانی لائبر ری کے اندراور باہر سیشن میں کا منہیں کرے گا۔ نو اُن ملاز مین کے خلاف قانون کے مطابق مختلف نوعیت کے ایکشن لیے جائیں گے۔اس دوران میں نے محمد میں جونیئر کلرک کو مجھایا کہ آپ خائواہ ملاز مین کو پریشانی اور بغاوت ا کسانے پر تیار کرر ہے ہوادر آپ کا بیاقد ام قانون کے خلاف درزی کے ذمرے میں آتا ہے۔ جناب عالى!

آپ صاحبان سے پُرز درائیل کی جاتی ہے۔ کہ لائبر ری کے مفاد میں ہدایت اللہ خان سینئر کلرک نے زیر نگرانی کا م کرنے والے ملاز مین کو بغاوت پر اُئر وانے اور پریشانی سے دوچار کرنے والے جو نیئر کلرک محمد فیق خان کے خلاف قانون کے مطابق سخت سے سخت ایک آئندہ کوئی بھی سرکاری ملازم لائبر ری کے مفاد میں کا م کرنے والے ملاز مین کو بعاوت پر اُئر والے اور پریشانی سے ہمکنار نہ کریں۔ جناب عالی!

جس دن بیداقعه پیش آیا آفس میں اُس دن انچاری صاحب چھٹی پرتھا۔ پھراُس دافتے کی رپورٹ بذرید موبائل انچاری پبلک لائبر ری کو دی گئی۔ پھرانچاری صاحب نے کہاں کہ میرے آنے تک تو ڈاصبر سے کا ملوا در ڈائر یکٹر صاحب کو اطلاع مت دو۔ میں چھٹی کے بعد آفس آ کراس مسئلے کو دفتر کے اندرحل کرلیس گے لیکن تحدر فیق جو نیئر کلرک نے انچاری صاحب کی پر دانہیں کی اور سیدا ڈرائر یکٹر صاحب کو بذرید ہوبائل فون اطلاع دی اس دافتے کی اور سید ھاڈئرا یکٹوریٹ آف ارکا ئیوز اینڈ لائبر ریز ڈیپارٹسنٹ پیٹا در بیٹی تھی کھانے کم پلینٹ جنح کرادی۔ جناب عالی!



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جناب عالى!

آپ صاحبان سے پُرز درا پیل کی جاتی ہے کہ انچاری صاحب کے مرکاری آرڈر پڑمل درآ مد کر داتے ہوتے بید ستلہ در پیش ہوا ہے۔لہذا آپ صاحبان اس مسئلے کوقانون کے دائرے میں رہ کراس کوحل کرنے میں ہماری رہنمائی اور مدد فرما نیں۔ہم آپ صاحبان کے مشکور دبیں گے۔ نوٹ:۔ انچارج صاحب پیلک لائبر ری کلی مروت نے جو سرکاری آرڈ رینام ہدایت اللہ خان سینئر کلرک جاری کیے تھے۔اُس آرڈ رکی کا پی درخواست کے ہمراہ لف ہے۔

جناب عالى!



23 ا 202-03-16 ديا بوا ب_ میرے ساتھ ناانصافی اور دوہرے معیار کا سلسلہ کب تک چلے گا۔ کیونکہ انچارج صاحب جب بھی بھی دفتر کے سرکاری ملازم کوسر کاری کا مادا کرنے کا آرڈر جاری کرے گا۔ تو چاہے جوبھی سرکاری ملازم ہواُن کودہ ڈیوٹی احسن طریقے سے ادا کرنا چاہیے۔الحمد ملتہ جب بھی بھی انچارج صاحب نے مجھے سرکاری کام ادا کرنے کا کہاں ہے۔ تو میں نے اللہ تعالیٰ کے فضل وکرم سے بہت احسن طریقے سے ادا کیا ہے۔ انشاء اللہ ہمیشہ قانون کے دائزے میں رہ کرلائبر ری کے مفادمیں کرتار ہونگا۔ جناب عالی! گذارش ب که آپ صاحبان کودز راعظم کمپلینٹ سیل کی طرف سے ایک لیٹر آیا ہے۔ جن کانمبر (KP09120-625847) جس میں ذ کر کیا گیا ہے۔ کہ میں لا تبریری سٹاف اور مبرز کے ساتھ بدتمیزی کرتا ہوں۔ جناب عالي! جن ممبران صاحبان کی پلک لائبریری نے میرے خلاف وزیر اعظم کمپلینٹ سیل اور ڈائزیکٹر صاحب کولیٹر بھیجا ہے۔ تو ژاما اُن کے متعلق لکھنا جا ہونگا جو کہ قانونی نقطہ نگاہ ہے بہت ہی اہمیت کے حامل ہے۔ جن ممبران کی مردت پلک لائبر بری نے میر ۔ خلاف کمپلینٹ کیا ہے اُن کے نام درجہ ذیل ہے عزیز خان، اکبرزمان، خوشدل ادر شاہد۔ ان چاردل نام دالے ممبران کی مردت پبلک لائبر رہی کوہم نے سٹوڈنٹس رجسر اور نان سٹوڈنٹ رجسر میں چیک کرکے اُن کا نام دنشان تک <u>_</u>r نہیں پایا کمیا ادر نہ ہی بیہ چاروں نام والے ہمارے لائبر ریں کے ممبر ذہے۔ تيسرى اہم بات جو كەقانونى نقطەنگاە سے بہت اہم ہے وہ يەكەان چاروں ممبران كى مروت پېك لائبرىرى نے اپنے نام كے ساتھ دلد ۳_ صاحب کا نام شناختی کار ڈنمبر موبائل نمبرا درکمل پنڌ درج نہیں کی ہےاور نہ ہی اپناممبر شپ نمبرا درریکار ڈ درج کی ہے۔ چھوتی اہم بات جو قانونی لحاظ سے سب سے بڑی اہمیت کی حال ہے دہ پر کہ ان ممبران کی مردت پلک لائبر ری نے انچار ن صاحب الائبر یرین کے نوٹس میں نہیں لائی ہے۔ کہ فلال ساف دالے کی روپنے سے ہم لوگ تنگ ہے۔ میر سے انچارج صاحب نے جولیٹر میرے ڈیوٹی کے حوالے ہے،میرے کردار کے حوالے سے اور میرے اخلاق کے حوالے سے جو لیٹر آپ صاحبان کو بھیجاہے۔جس ممبران پبلک لائبر ریک کی مروت نے Citizain Portel پرجو ممیلیند میر _ خلاف درج کی تھی اُن کے جوت اور جواب کیلئے میر ۔ انچارت صاحب کالیٹر نمبر 23/3/10/LPL بادرتار في 2020-02-12 وهكاني ب- انچار بخ صاحب كاليشرد رخواست كے همراه لف ب-جتاب عالى! اب آپ صاحبان کے نوٹس میں اہم ادر قانونی نقطہ نگاہ ہے اہم بات کا ذکر کرنا چاہتا ہوں۔ وہ بیر کہ چھڑ صدبل ہمارے ساف ممبر زحماد باری تائب قاصداور فیض رسول ہمارے لائبر ریک کا جزل پبلک سٹوڈنٹ ہےاور اُن کاممبر شپ نمبر 22 ہے۔ اُن دونوں کے درمیان کتابوں کی ایشوز (Issues)اورریٹارنز (Returens) پر جھگڑا ہوا تھااور مسئلہ کانی باعث تشویش اور پریشانی کابن گیا تھا۔ دونوں کے درمیان تصادم کا خطرہ بڑ کیار تھا۔ عین اُسی دفت انچارج صاحب کو بذریعہ موبائل اطلاع دی گئی چونکہ عین اُسی دفت انچارج صاحب موقع پرموجو ذہیں تھا۔اللہ کے فضل کرم سے ہدایت اللہ خان سینئر کلرک نے موقع کے نزا کت کودیکھتے ہوئے حالات کو کنڑول میں کردیا اور دونوں کے درمیان لائبر بری کے بہتر مفاد میں صلحہ کرا ڈی می - اس دافعه کی بذات خود حماد باری نائب قاصد اور لائبر ری سٹاف گواہ ہے۔ جتاب عالى!



میں نے ہمیشہ لائبر ری کے مفاد میں کام کیا ہے۔ کبھی انچارج صاحب کے ساتھ ملک کرلائبر ریم ممبرز کی تعداد بڑھانے کیلئے کالجوں، سکولوں، ڈسٹر کٹ جیل کی مردت، TMO آفس، DC آفس، AC آفس اور یو نیورٹی کے دورے کیے ہیں۔ بھی لاہر یری مالی کے ساتھ لاہر ری لان کے متعلق مل جل کرمشاورت کرتے ہیں۔ کہلا تبریری لان میں کو نسے پھل داراور پھولدار درخت فائدہ مندر ہیں گے اور الجمد متَّدلا تبریری لان کی تیاری میں ہرمہینے صدقہ جاریہ کے طور پر مالی صاحب کی مالی عیانت کرتار ہتا ہوں۔اس بات کابذات خودانچارتی صاحب، مالی عمران اللہ اور دیگر لائبر ری سٹاف گواہ ہے۔ میرے لیے سب سے بڑے اعزاز کی بات سے کہ انچارت پلک لائبر ری کی مردت میرے ہر کام سے معمین ہے۔ جو میں لائبر مری کے مفادمیں دقنا فوا قباد اکرتار ہتا ہوں۔ جناب عالى!

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او پرا تناتفصیل سے لکھنے کا مقصد مد ہے کہ انگوائری کمیٹی صاحب کوتمام حقائق سے آگاہ کیا جائے۔ تا کہ آپ صاحبان کوقانون کے تناظر میں صحیح فیصلہ کرنے میں آسانی ہو۔ جب انچارج صاحب کسی طلازم کے ACR میں پازیٹیو (Positive)ریمار کس تحریر کرلیں۔ تو اُس پران کی پر دموشن کی جاتی ہے اور جب انچارج صاحب کسی طلازم سے ACR میں نیکٹیو (Negative)ریمار کس تحریر کرلیں تو اُن کی پر دموش زوک دی جاتی ہے۔ جناب عالی!

آپ صاحبان سے گذارش کی جاتی ہے کہ جب انچارج صاحب میری ڈیوٹی، میر ے اخلاق وکر دار، میر ے کام ادر میر بے پرفار من (Performance) سے طمین ہوں توباق لوگوں کی کیا حیثیت رہ جاتی ہے۔خواہ وہ لائبر ری کے ممبر زہویالائبر ری کے سناف دالے جو انچارج صاحب کے نوٹس میں لائے بغیر جھوٹی کم پلینٹ سیسیتے ہیں اور خواہ مخواہ دوہ لائبر ری کے ممبر زہویالائبر ری کے سناف دالے جو چارہ جوئی کا اپناحق محفوظ بجھتا ہوں ۔

مورند، 2020-07-22

لہذا آپ صاحبان ہے گذارش کی جاتی ہے کہ توکا زنوٹس میں لگائے گئے تمام الزامات کو یکسرختم کی جائے۔ نوت: - تمام دستاد پزشوت بمراه درخواست لف ب

العارض مستسبق میلکی کر کر ہرایت اللہ خان سینئر کلرک یبلک لائبر بری کلی مردت به

دالط نمبر:- 0334-5702487

ATTESTED

Annak F

DIRECTORATE OF ARCHIVES & LIBRARIES, KHYBER PAKHTUNKHWA, PESHAWAR.

Phone: - 091- 9210100 Website: - <u>www.kpdal.gov.pk</u>, <u>www.facebook.com/KParchivesandlibraries</u>.

No. 968 /3/10/DA Dated 30 / 2 /2020.

ORDER

No. _____/3/10/DA. WHEREAS, Mr. Hidayat Ullah, Senior Clerk(BPS-14), Public Library, Lakki Marwat was proceeded against under Section 5 of the Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline)Rules, 2011.

02- WHEREAS, a Show Cause Notice bearing No. 227/3/10/DA dated 07-07-2020 was sent to the official to defend his position regarding allegations of failing to improve overall conduct in wake of the previous three minor penalties imposed upon him for habitual absence & misconduct in 2011, 2013 & 2018 and keeping his service book in personal custody with malafide intentions of tampering record of the penalty entered on page-17 of his service book.

03- WHEREAS, the official in his reply dated 22-07-2020(received in this Office on 27-07-2020) furnished in response to the show cause notice, failed to substantiate justification or produce any evidence or witness to his defense, whereby, his reply was found irrelevant and dissatisfactory.

04- AND WHEREAS, the competent authority after considering the findings & recommendations of the inquiry report and dissatisfactory & irrelevant reply of the official to the show cause notice, is satisfied that the allegations mentioned in the said show cause notice, stand proved against Mr. Hidayat Ullah, Senior Clerk.

05- NOW THEREFORE, in exercise of powers conferred under rule-04(01,b,i) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the competent authority is pleased to impose major penalty of reduction to lower post of Junior Clerk(BPS-11) for five years upon Mr. Hidayat Ullah, Senior Clerk(BPS14) with posting against the existing vacancy in Public Library, Lakki Marwat, Directorate of Archives & Libraries, Khyber Pakhtunkhwa with immediate effect.

> (Zahir Ullah Khan) Director of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar.

> > ١

Endst: No. & date even.

Copy forwarded to : -

01- District Accounts Officer, Lakki Marwat.

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Mr. Hidayat Ullah S/O Haji Abdul Jalil, resident of Village, Dallo Khel, Lakki Marwat.

04- Office Orders File

Director of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar

P



The Hon'ble Secretary Higher Education, Achieves & Library Department, Peshawar.

A λ

Honce

Subject: Departmental Appeal against the impugned order dated: 30-07-2020 passed by Hon'ble Director Archives & Libraries, Peshawar vide which a major penalty of reduction to lower post of junior clerk for five years was imposed upon the appellant.

Respected Sir,

With profound respect, the appellant in reference to the subject cited above, most respectfully submits as under.

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- 1. That the impugned order dated: 30-7-2020 has been passed by the Hon'ble Director, without properly scanning the written reply and record of the case.
- 2. That the allegations leveled against the appellant are baseless and it has no foundation at all. The appellant duly submitted all medical documents to the inquiry committee and also placed the same before the Hon'ble Director/ competent authority for perusal, so as to justify the allegation of absentee against the appellant and to this effect, the appellant properly demanded payment of medical bills which have been submitted to the competent authority for onward action. It would be relevant to state that the appellant was seriously ill and all the explanations issued to him were duly replied with medical prescriptions. It would also be of axiomatic importance that the appellant never absented from the duty and if he made any leave, then for that matter he properly submitted application.
- 3. That the competent authority/Director, leveled allegations of misconduct against the appellant, but neither the record would suggest that any show cause or notice was ever issued to the appellant nor the appellant was provided any proof that which type of misconduct was committed by the appellant. Mere mentioning misconduct is not sufficient to penalize a civil servant, as it needs strong proof and documentary evidence which is lacking in the present case.
- 4. That no warning whatsoever issued to the appellant by the competent authority for improving the conduct, as alleged by the competent authority in the impugned show cause notice.
- 5. That the appellant was also charge sheeted and given show cause for tempering with the service book. In this context, it is submitted that service book is also kept in safe custody of the office and office custodian/office Assistant is the person who will justify the same. It is astonishing that how a service book was remained in the possession of the appellant, and if for the sake of discussion, it is presumed . to be correct then whether the office assistant was ever asked for the same.



6. That the appellant was never issued any explanation for having the alleged possession of service book. Which is sufficient to disprove the allegation of tempering in service book. As it has been allegedly noted by the inquiry committee that the appellant was allegedly in possession of service book since 13-02-2019 but they have been failed to bring on record that any notice / letter was ever issued to the appellant to return the service book.

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- 7. That as per law, it is the duty of dealing assistant/office assistant to maintain the safe custody of all record of office and if any negligence has been committed by them, then it can't be attributed to the appellant and the appellant can't be penalized for the same. It would be noteworthy that the inquiry committee also held responsible the dealing assistant and incharge librarian for their negligence.
- 8. That the appellant duly proved the tempering made by the office assistant in other record of the office and highlighted the same before the competent authority as well as inquiry committee wherein he made tempering in the office register of receipt of daily letter received/dak/mails.
- 9. That the impugned order of penalizing the appellant is very harsh and against the facts and record of the case.

It is, therefore, respectfully prayed that the impugned order dated: 30-07-2020 may kindly be set aside and the appellant may kindly be exonerated from the charges leveled against him.

Date - 19/08/2020

Appellant Hidayat ullah (Junior Clerk) Public Library, District Lakki Marwat.

OFFICE OF THE LIBRARIAN Lakki Public Library, Lakki Marwat. No. 23/3/10/LPL Dated: 12/02/2020

Ania

Mr. Naveed Ullah Jan Convener, Inquiry Committee

Subject:

То

WRITTEN STATEMENT/REPLY TO THE CHARGE SHEET NO. 17/3/10/DA.

Reference to the letter No. 214/3/10/DA dated: 10/02/2020 relating to the allegation upon Mr. Hidayat Khan, Senior Clerk BPS-14, Public Library Lakki Marwat.

The following reply is submitted.

- 1. Maintenance and custody of the service books of all the staff of the Library is not included in my Job Description.
- The same question may be asked from accused Mr. Hidayat Khan Senior Clerk BPS-14 Public Library Lakki Marwat.
- 3. When Hidayat Khan, was proceeded and Punished on 11/12/2018, at the same time he was transferred from Directorate of Archives and Libraries, Peshawar to Public Library Bannu. The detail for the increment for the year 2018 may be asked from the Directorate of Archives and Libraries as the accused was serving their in that period. However, when it was come to my knowledge that the accused has received the excess amount of his annual increment amounting to Rs. 1170 December 2019, the same has been reported to account office through source-2 for the recovery of annual increment 2019. (Copy enclosed).
- 4. As stated in question 4 in letter referred above, Copies of the Pay slips for the month of November, December 2019 and January 2020 is enclosed.
- 5. The detail of the attendance of the accused and all staff of the Library is enclosed. Over All Conduct and Behavior of the accused with the Library users and the staff was satisfactory during the year. He carried the assignment as directed by the undersign moreover no written complaint from general masses and officials of the library was received during the year 2019.

H

Anwar Jalal Librarian Lakki Public Library, Lakki Marwat



🕇 بتاب دائر يمثرما حب دائر يكوريت آف اكما تذايتز لاتبريرك فسيادتمنت، فيبر يخونونه، بتبادر

۲ جامعان گذارش برک ساجان کودن بعظم ممیلین سیل کار نسستایک میلین (KP090120-625847) آیا برج کا کان کا شن می کا 18773/10/DA Dated:03/02/2020 مین دکرایا کیا بر کا می ایس دیکرون کے ماہد مشخری کے اور کے میں میں میں کا باری میں ساتھ کی جم کا مذکری میں کی بر لیک نے قال اس دیک تو او بر دیک تو او بوخل کا کون او سو کرنے مجل کا کردت اور سان ک

ادر بوزی کودرے مج می اوران ادارد ب کوکس پر کاه بی چی -لا بر یری کا مناف ادر لا بر یری کی مرز ان پر کواه چی ، کستر ادد بر مرز ادر مناف کر آخذنهایت شت ، درگاراد در طان کی والی دنیش کی والے سے چی سان محالے مرے کردام کی اضارت کیا جاتے اور حمل میں مع مساقل کم کیلیٹ کیا ہے، ان کو هم ا

م تا تولى جاره جولى لخ ايما في مخوط كمتا بول.

مرز: 14/02/2020 N يثان فى يبك لاجزير كالىمردت Wahidullah Q بين عن من من من من من ون قد رب الله خان - عمر عنا رون Sacola + Ulh 309 Org M-Iblar - Ha Willing Mutaber leven Homad Basi abari مىران كى يلك لاجريرى كى مردت No Lecture Barkatallab Moin GPG colles e Lakei Marwood M. No= 174 Alla UN Rehman ANDA si, Hilayatullab is very ruce person and co-gpointe , III, M. No _ 165 Inlasec & Jaman Wasir our college stad out and all other members capte imed allah de 14 - 0 hrs 1 - 14 M.No-59 ATZESTED

15290/20 بحدالت سروس م، و) في م (بيلانك 22° منجانر محدور مد العمر تورجه بنام مقدمه دغوكى 7. باعث تحريرا نكه مقدمه مندرجة عنوان بإلايس ابنى طرف سه داسط بيردى وجواب دبى دكل كاردائي متعلقه آن مقام ____ كيلي طالاركان الم ولا مقرركر بے اقراركيا جاتا ہے۔ كەصاحب موصوف كومقدمہ كىكل كاروائى كاكال اختبار ، دگا۔ نيز وسیل صاحب کوراضی نامه کرنے دنقر رثالت ہ فیصلہ برحلف دیتے جواب دہی اورا قبال دعویٰ اور بسورت ذكرى كرين اجراءا ورصولى جبك دروب ارعرضى دعوى ادر درخواست برتتم كى تقدريق زرای پردستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیردی یا ڈگری کیطرفہ یا ہیل کی برارگی ادرمنسوخی نیز دائر کرنے اپنی نگرانی دنظر ثانی دیپروی کرنے کا اختیار ہوگا۔از بصورت ضرورت مقدمہ مذکور کے کل باجزوی کاردائی کے داسطےاوروکیل بامخارقا نونی کوایے ہمراہ یا اینے بجائے تقرر کا اختیار ہوگا۔اورمیا حب مقرر شدہ کوہمی وہی جملہ مذکورہ باا ختیا رات حاصل ہوں کے ادراس کا ساختہ برواخته منظور قبول موكار دوران مقدمه ميس جوخرجه دبرجانه التوايخ مقدمه سےسبب سے دہوگا۔ کوئی تاریخ بیش مقام دورہ پر ہویا حد ۔۔ باہر ہوتو وکیل صاحب پابند ہوں کے کہ بیروی فكذركرين بالهذاد كالت نامدكهمديا كهسندريه. المرتوم 23 ·2020 ______ 01 منظور ہے۔ معد م بمقام

Khyper pukhtunkhusa Service Torbunal, Peshawar S. A NO 14757. Hidayatullah U/S Govt of Kpk. Subject withdraws of Appeal with permission to file 9 fresh appeal. Respectfully sheweth ... i) The above titled case is pending before this august court and a fresh cause of action has abisen but as department has issued a fresh notification, wherein a fresh cause of action has taken place It is humbly prayed that on acceptance of It's application the above mentioned facts may please be considered. Dated . 11 - 1 - 2020 Appellant Tstruch Civic: 112010336251-9 Atrough

Advocate M. Ghazanfaz



GOVERNMENT OF KHYBER PAKHTUNKHWA HIGHER EDUCATION, ARCHIVES AND LIBRARIES DEPARTMENT

Dated Peshäwar the, 01 January, 2021.

NOTIFICATION. No. SO (C-1V)/HED/1-6/Hidayat Ullah/2020:- WHEREAS, Mr. Hidayat Ullah, Senior Clerk, Directorate of Archives & Libraries, was proceeded against and a major penalty of reduction to a lower post of junior clerk for 5 years, was imposed upon him on 30.07.2020, by the Director, Archives & Libraries, Khyber Pakhlunkhwa. The accused upon imposition of the penalty preferred an appeal to the worthy Secretary, Higher Education Department.

AND WHEREAS, he was transferred from Directorate of Archives & Libraries to Bannu Public Library and later on to Lakki Marwat Public Library on 13.02.2019. Since his transfer from Directorate of Archives till 13.01.2020, he failed to hand over his service book to the concerned authorities. Upon which an inquiry was conducted against him and in light of the inquiry report, the penalty was imposed upon him.

AND WHEREAS, the departmental appeal preferred by the accused was examined and processed in this department after following the due procedure in light of the relevant rules/laws of provincial government.

NOW THEREOF, the competent authority examined the appeal of the accused under Khyber Pakhtunkhwa Govt. Servants (Efficiency and Deficiency) Rules, 2011 and under Rule-17 (2) (c) of the rules ibid., is pleased to modify the penalty from reduction to a lower post of junior clerk for five (05) years to reduction to a lower post of junior clerk for one (01) year.

SECRETARY HIGHER EDUCATION DEPARTMENT

Endst; No. & Date as above.

Copy forwarded to the:

- 1. Director, Archives Education Khyber Pakhtunkhwa.
- 2. Incharge Public Library, Lakki Marwat.
- 3. Deputy Director (HEMIS CELL) Higher Education Department.
- 4. PS to Secretary Higher Education Department.
- 5. Mr. Hidayat Ullah, Junior Clerk, Public Library Lakki Marwat.
- 6. Master file

SECTION OFFICERTC-IV