

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1404/2020

Date of Institution ... 10.03.2020  
Date of Decision ... 15.09.2021

Fazal Wahid Ex-DM S/O Haji Abdul Hai GMS Kati Tehsil Pattan  
District Lower Kohistan.

... (Appellant)

**VERSUS**

District Education Officer (Male) District Lower Kohistan and  
three others.

... (Respondents)

Muhammad Arif Jan,  
Advocate

... For appellant.

Javid Ullah,  
Assistant Advocate General

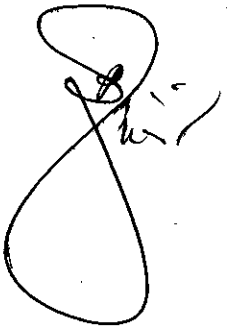
... For respondents.

AHMAD SULTAN TAREEN  
ROZINA REHMAN

... MEMBER (J)  
... MEMBER (J)

**JUDGMENT**

ROZINA REHMAN, MEMBER (J): The relevant facts leading to filing of instant appeal are that appellant was appointed as Drawing Master by the competent authority by way of relaxing the requisite criteria as the appellant hailed from hard and backward area. He was initially posted at GMS Bar Bela Kohistan, where he submitted his arrival report. The impugned order was passed in respect of removal from service against the appellant without any inquiry. He, therefore,



preferred departmental appeal which was dismissed, hence, the present service appeal.

2. We have heard Muhammad Arif Jan Advocate for appellant and Javid Ullah learned Assistant Advocate General and for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. It has been contended by the learned counsel for appellant that the impugned orders are wrong, illegal against law and without lawful authority. He submitted that the competent authority rightly appointed the appellant by exercising his powers and relaxed the requisite criteria but the respondents violated rules and regulation governing the subject matter and issued the removal order without holding any proper inquiry into the matter. He further contended that his Service Book was rightly maintained and the same was signed on different occasions but the respondents never raised any objection upon the qualification of the appellant. It was contended that no regular inquiry was conducted and the appellant was not afforded the opportunity to defend his case. Since regular inquiry was not conducted which was necessary before awarding major penalty, therefore, the impugned order may kindly be set aside. Reliance was placed on 2005 P.L.C (C.S) 1197 and 2011 P.L.C (C.S) 222.

4. Conversely learned A.A.G submitted that appellant Fazal Wahid was appointed by the office of District Coordination Officer Kohistan Upper as Drawing Master in B.P.S-09 while the D.C.O was competent for appointment at district level for posting in B.P.S-11 to

15 and that the subject appointment was not under the domain of D.C.O. He contended that the appointment order of the appellant was fake and bogus as the required qualification for the post of D.M at that time was H.S.S.C and D.M Diploma, whereas, the appellant was not qualified. He was having low qualification as compared to the required qualification for the post which is evident from the inquiry report.

5. Perusal of record would reveal that appellant Fazal Wahid was appointed as D.M upon the approval of Departmental Selection Committee vide endorsement No.7824-30 dated 13.08.2007 of District Coordination Officer. The fact finding inquiry is available on file, wherein, it has been clearly mentioned that the appointment order of the appellant was issued by the D.C.O Kohistan. His S.S.C qualification was also not disputed however, that qualification was mentioned as low qualification as compared to the required qualification for the post. It is also not denied that he served for 13 years and his Service Book entries were properly signed by the D.D.O. No charge sheet and statement of allegations were issued and no proper inquiry was conducted. In cases, where imposition of major penalty is contemplated, holding of regular inquiry is a must, as laid down by the Hon'ble Supreme Court of Pakistan in a number of case laws but it was not done in this case. The appellant has been punished without procuring adequate evidence, therefore, the impugned orders passed by the authority are not sustainable under the law and the same are hereby set aside.



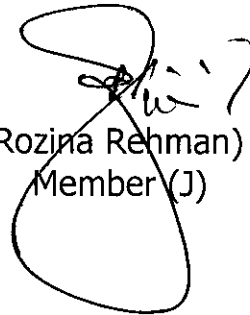
6. For the reasons given above, this appeal is allowed, impugned orders passed by the authority are set aside. Appellant stands reinstated into service for the purpose of de-novo inquiry and case is remitted to the respondent Department for holding proper regular inquiry regarding the allegations leveled against the appellant. The issue of back benefits shall be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

15.09.2021



(Ahmad Sultan Tareen)  
Chairman



(Rozina Rehman)  
Member (J)

**Order**

15.09.2021


Counsel for appellant present.

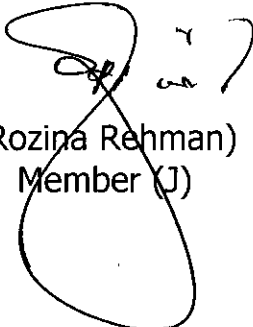
Javid Ullah learned Assistant Advocate General for respondents present. Reply on behalf of respondent No.4 was not submitted. Hence, the respondent No.4 placed ex-parte. Arguments heard and record perused.

Vide our judgment of today of this Tribunal placed on file, this appeal is allowed, impugned orders passed by the authority are set aside. Appellant stands reinstated into service for the purpose of de-novo inquiry and case is remitted to the respondent Department for holding proper regular inquiry regarding the allegations leveled against the appellant. The issue of back benefits shall be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

Announced.

15.09.2021

  
(Ahmad Sultan Tareen)  
Chairman

  
(Rozina Rehman)  
Member (J)

27.05.2021

Junior to counsel for the appellant and Mr. Javidullah, Asstt. AG alongwith Hafiz Muhammad Nawaz, DEO for respondents present.

Written reply on behalf of respondents No. 1 to 3 have already been submitted. On previous date last opportunity was given to respondent No. 4 for filing of reply/comments who happened to be the DCO Dasso Kohistan with new nomenclature as Deputy Commissioner Upper Kohistan. On a query as to relevancy of his reply, learned DEO informed that at the relevant time respondent No. 4 was appointing authority and accordingly his reply is necessary. Even having been given the last opportunity, reply has not been submitted by respondent No. 4. Moreover, no one is in attendance on his behalf. Another opportunity is granted subject to payment of further cost of Rs. 2000/- for filing of reply by respondent No. 4 in office within 15 days positively. If the written reply/comments are not submitted within the stipulated time, the office is required to submit the file with a report of non-compliance. File to come up for arguments on 15.09.2021 before the D.B. Learned Asstt. AG has been apprised for conveying this order to respondent No. 4 for compliance.

*Stipulated time has passed and reply has not been submitted.*

  
Chairman

P.S

11.06.2021

Learned Addl. A.G be reminded about the omission and for submission of reply within extended time of 10 days.

  
Chairman

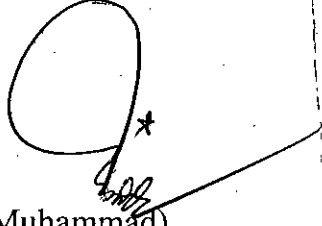
*Learn*

18.03.2021

Appellant in person present. Addl: AG alongwith Hafiz Muhammad Nawaz, DEO for respondents present.

Written reply on behalf of respondent No. 1 to 3 have already been submitted. Written reply/comments on behalf of respondent No.4 not submitted despite last opportunity. Requested for further adjournment. Adjournment granted subject to payment of cost of Rs. 2000/- which shall be borne by respondents from their pockets. Notices be also issued to the respondent No. 4 for submission of written reply/comments.

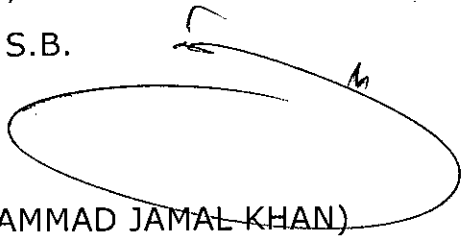
Adjourned to 27.05.2021 before S.B.

  
(Mian Muhammad)  
Member (E)

30.11.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Muhammad Maaz, DEO, for respondents No. 1 to 3 are present.

Representative of respondents No. 1 to 3 submitted written reply on behalf of the said respondents which is placed on record. Neither written reply on behalf of respondent No. 4 submitted nor anyone present on his behalf, therefore, learned Additional Advocate general is directed to ensure presence of representative of respondent No. 4 and submit reply on the next date. File to come up for written reply/comments on behalf of respondent No. 4 on 20.01.2021 before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

20.01.2021: Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Written reply on behalf of respondent No.4 is still awaited. Learned A.A.G made a request for time to furnish written reply/comments. Last opportunity is granted. To come up for written reply/comments of respondent No.4, on 18.03.2021 before S.B.

  
(Rozina Rehman)  
Member (J)



22.07.2020

Mr. Muhammad Arif Jan, Advocate for appellant and appellant himself are present.

Preliminary hearing on the point was made to consider as to whether the then DCO was competent to issue appointment order of the appellant alongwith other candidates while virtually the matter is directly pertaining to the Education Department, the record placed on file nowhere suggest of conferring any powers on the aforesaid official. Learned counsel for the appellant is directed to assist this Tribunal on the point so that the issue of this appeal could be resolved according to the legal phenomenon. Adjourned to 30.09.2020. File to come up for further arguments before S.B.

(MUHAMMAD JAMAL KHAN)  
MEMBER

30.09.2020

Counsel for the appellant present.

Contends that the appellant was awarded major penalty of removal from service but with retrospective effect. Further states that the appellant was not allowed participating in the departmental enquiry proceedings which is all the more necessitated in cases where major penalty is awarded. Learned counsel relied on the judgment of this Tribunal passed in Appeal No. 620/2016.. In the referred case respondents were directed to hold denovo enquiry after reinstatement of appellant therein.

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 30.11.2020 before S.B.

The respondents shall also make available the record pertaining to departmental proceedings against the appellant.

Chairman

Appellant Deposited  
Security & Process Fee  
30/9/20

Form- A


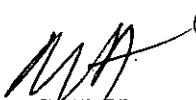

### FORM OF ORDER SHEET

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

Case No.-

1404

/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/03/2020	<p>The appeal of Mr. Fazal Wahid, presented today by Mr. Muhammad Arif Jan Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 10/3/2020</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/04/2020</u>.</p> <p style="text-align: right;"> MEMBER</p> <p>21.04.2020</p> <p>Due to COVID19, the case is adjourned to 22.07.2020 for the same as before.</p> <p style="text-align: right;"> Reader</p>
2-	13/03/20	

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

1404/20

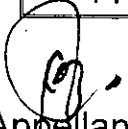
Fazal Wahid.....Appellant

VERSUS

District Education Officer and others .....Respondents

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6.	Copy of removal from service	C	15
7.	Copy of departmental appeal and order dated 4-3-2020	D & E	16-17
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Appellant

Date: 10/3/2020

Through

  
Muhammad Arif Jan

Advocate, Peshawar

Office: Office No.218 Al-Mumtaz Hotel G.T.  
Road Peshawar.

Cell: 0333-2212213

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No. 1404 /2020

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1613

Dated 10/3/2020

Fazal Wahid Ex-DM S/o haji Abdul Hai GMS Kati Tehsil Pattan District  
lower Kohistan.....Appellant

VERSUS

- ✓ 1. District Education Officer (M) District Lower Kohistan.
- ✓ 2 Director Elementary and Secondary Education Khyber  
Pakhtunkhwa G.T Road Peshawar.
- / 3. Govt, of Khyber Pakhtunkhwa through Secretary (E&S)  
Education Secretariats Peshawar
4. District Coordination Officer Dassu Kohistan now Deputy  
Commissioner Upper Kohistan.....Respondents.

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 4-3-  
2020 PASSED BY THE RESPONDENT NO-2 WHEREBY THE REMOVAL  
FROM SERVICE ORDER DATED 22-2-2020 OF RESPONDENT NO-1  
AGAINST THE APPELLANT WAS UPHELD.

Filed to-day

Registrar

10/3/20 PRAYER IN APPEAL:

On acceptance of the instant appeal, the impugned order dated  
4-3-2020 and order dated 22-2-2020 passed by respondent No-2 & 1  
respectively may kindly be set-aside and the appellant may

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verygraciously be reinstated into his service with all back benefits and further may kindly be allowed to keep and continue his duties.

Any other relief which deems fit and not specifically asked for may also be allowed in favor of appellant against respondents.

**Respectfully Sheweth:**

1. That the appellant is/was equipped with the qualification of Matriculation Arts but being belonging to hard areas, the then competent authority respondent No-4 by way of relaxing the requisite criteria, appointed the appellant as Drawing Master (DM) vide order dated 13-08-2007 and the appellant was initially posted GMS Bar Bela Kohistan, where after submitting the arrival report, the appellant join his duties. (Copies of Testimonials and appointment order are attached as ANNEX-A & B respectively).
2. That the appellant performing his duties with full devotion and determination and to the entire satisfaction of his superiors and the respondent-1 continuously maintained the service book of the appellant till now.
3. That the inquiry which has been shown in the impugned order has not been initiated against the appellant and the respondent

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No-1 passed an order dated 22-2-2020 in respect of removal from service against the appellant. (Copy of removal order dated 22-02-2020 is attached as ANNEX-C).

4. That the appellant being aggrieved preferred department appeal before respondent No-2 which was too dismissed vide order dated 4-3-2020. (Copies of Departmental appeal and order dated 4-3-2020 are attached as ANNEX-D & E respectively).
5. That the appellant having no other remedy except to file the instant appeal on the following amongst other grounds;

**GROUND:**

- A. That the act, commission and omission of the respondents by way of depriving the appellant from his lawful right of service and service benefits and the office orders dated 22-2-2020 and 4-3-2020 passed by respondents No-1 & 2 respectively (hereinafter impugned) is patently, illegal, unlawful, without lawful authority, of no legal effect hence having no value in the eyes of law thus liable to set aside and the appellant may graciously be reinstated into his service with all back benefits.
- B. That the then competent authority i.e respondent No-4 rightly appointed the appellant by exercising his powers and relaxed the requisite criteria which is even followed till now but keeping in view the real facts and circumstance, the respondent No-1 violating the laid

down rules and regulations governing the subject matter, issued the removal order against the appellant and that too without holding any proper inquiry into the matter. (Copy of advertisement is attached as ANNEX-F).

- C. That it is worth mentioned here that the inquiry was conducted into the matter and the appellant appeared and submitted all the required recorded and also recorded his statement moreover the inquiry officers submitted their lenient view in favor of the appellant but respondent No-1 totally ignored the finding of the inquiry and passed the impugned order based upon a fake and frivolous inquiry which is illegal act and thus invites the consideration of this Hon'ble Tribunal. (Copy of inquiry report is attached as ANNEX-G).
- D. That the respondent No-1 himself maintained the service book of the appellant and signed it on different occasion but never ever raised any objection over the qualification of the appellant furthermore the respondent No-4 also did not associated in the inquiry for the fair ends of Justice.
- E. That respondent No-1 being the custodian of the record tampered the service book with his mala fide intentions just to strengthen the impugned order and to deprive the appellant from his right of service. (Copies of relevant pages of service book are attached as ANNEX-H).
- F. That the respondent No-1 adopted the policy of "**Might is Right**" and ignored the law, rules and regulations governing the subject matter thus committed illegality.

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G. That the impugned order passed by respondent No-1 based upon the so called inquiry where in fact that inquiry is/was not conducted and the respondent No- himself constituted inquiry which was conducted and the appellant appear with all record and also recorded his statement bring all the facts of the case but the finding of the inquiry has not been followed and the impugned order has been passed which is totally illegal and against the norms of Justice.

H. That the respondent No-1 himself issued show cause notice which was replied by the appellant moreover the respondent No-1 well aware of the facts of second inquiry but intentionally ignored the same without any reason and justification or the reason best known to him.

I. That the respondents also ignored the volume of service of the appellant while passing the impugned order moreover the principal of Locus Ponitencia also attract in the circumstance in favor of the appellant.

J. That any other grounds which have not been mention may also be permitted to raise at the time of arguments.

**It is, therefore, most humbly prayed that On acceptance of the instant appeal, the impugned order dated 4-3-2020 and order dated 22-2-2020 passed by respondent No-2 & 1 respectively may kindly be set-aside and the appellant may very graciously be reinstated into his**



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service with all back benefits and further may kindly be allowed to keep and continue his duties.

Any other relief which deems fit and not specifically asked for may also be allowed in favor of appellant against respondents.



Appellant

Through



Muhammad Arif Jan

Dated://2020  
Advocate, Peshawar

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

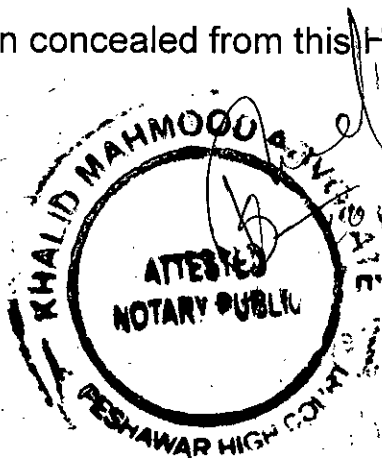
Fazal Wahid.....Appellant

VERSUS

District Education Officer and others .....Respondents

AFFIDAVIT

I, Fazal Wahid Ex-DM S/o haji Abdul Hai GMS Kati Tehsil Pattan District lower Kohistan, do hereby solemnly affirm and declare that the contents of the **appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



20/2/24  
*[Signature]*

DEPONENT

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

Fazal Wahid.....Appellant

VERSUS

District Education Officer and others.....Respondents

**ADDRESSES OF PARTIES**

**APPELLANT:**

Fazal Wahid Ex-DM S/o haji Abdul Hai GMS Kati Tehsil Pattan District  
lower Kohistan

**RESPONDENTS:**

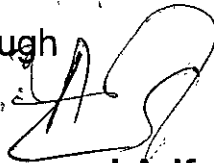
1. District Education Officer (M) District Lower Kohistan.
2. Director Elementary and Secondary Education Khyber  
Pakhtunkhwa G.T Road Peshawar.
3. Govt, of Khyber Pakhtunkhwa through Secretary (E&S)  
Education Secretariats Peshawar  
District Coordination Officer Dassu Kohistan now Deputy  
Commissioner Upper Kohistan.

**Appellant**



Date: //2016

Through



**Muhammad Arif Jan**  
Advocate, Peshawar.

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Fazal Wahid.....**Appellant**

**VERSUS**

District Education Officer and others .....**Respondents**

**APPLICATION FOR SUSPENSION OF THE OFFICE ORDER DATED 22-2-2020 PASSED BY RESPONDENT NO-1 TILL FINAL DISPOSAL OF THE MAIN APPEAL.**

**Respectfully Sheweth:**

1. That the appellant file the enclosed appeal before this Honble Tribunal where in no date has yet been fixed.
2. That the appellant has a good arguable case and clear hope of success.
3. That all the three ingredients like strong prima facie case, balance of convenience and irreparable loss are in favor of the appellant against the respondents.

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4. That if the impugned order has not been suspended, then the appellant will suffer a lot.

5. That the appellant is also suffered from stoppage of salaries and are facing a lot of troubles.

*It is, therefore, most humbly prayed that the operation of the impugned order dated 22-2-2020 passed by respondent No-1 may graciously be suspended till final disposal of the main appeal and mean while the salaries of the appellant may also be released in the best interest of justice and the appellant may kindly be allowed to keep and continue his duties.*

Appellant

Through

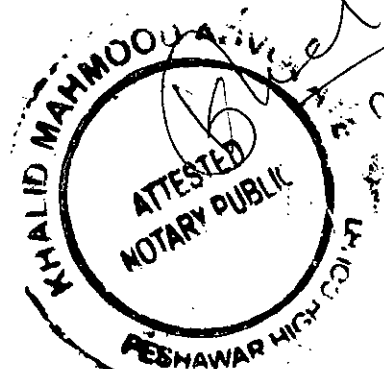
  
Muhammad Arif Jan

Date: 10/3/2020

Advocate, Peshawar

### AFFIDAVIT

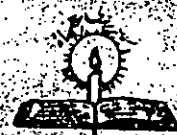
I, Fazal Wahid Ex-DM S/o haji Abdul Hai GMS Kati Tehsil Pattan District lower Kohistan, do hereby solemnly affirm and declare that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



  
DEPONENT

Annexure - A

OFFICE OF HEAD MASTER Govt. High School  
PATTAN KOHISTAN



CHARACTER CERTIFICATE

Certified that Mr. Fazal e Waheed S/o Mr. Abdul Haq  
and a resident of Village Pattan Kohistan Dist. Pattan, was a  
regular student of this School w.e.f. 29-04-99 to 1-3-2001  
He passed his S.S.C Annual/Suply Examination, 19   under Roll No  
His Date of Birth according to the School record is: (05-01-1983)

Five January 1999 and Eighty Three  
His Conduct during his stay at this School was Very good  
Dated Pattan the 22-6-2001

Prepared by DILNAWAZ

Head Master,  
G. H. S. Pattan  
Distt. Kohistan

*Attested*

*Gulam Nabi*  
SS- BPS-16 G.H.S  
Pattan Kohistan  
20-4-019

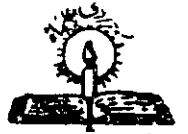
*[Signature]*  
PRINCIPAL  
Govt. High School  
PATTAN Distt. Kohistan

ATT/STED

Q B (12)

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

OFFICE OF HEAD MASTER Govt. High School  
PATTAN KOHISTAN



PROVISIONAL CERTIFICATE

This is to Certify that Mr. Fazal-e-Wahid S/o Mr. Abdul Han  
Roll No 16256 Board of Intermediat and Secondary Education  
of Peshawar Registration No 14462 AR IPTN 99 Passed his  
Secondary School Certificate Annual/Supply Examination, of the B. I. S. E.  
Peshawar held on 13 March 192001 Obtaining 371 Marks with  
67.77 Grades

He passed in 1, Urdu 2, English 3, Islamiyat 4,  
Pakistan Studies 5, Mathematics 6, General Science 7, Islamic Studies 8, Art & Music  
as his compulsory and elective Subjects.

He was a regular student of the Govt: High School PATTAN  
w. e. f. 19-04-1999 to 1-3-2001

His Date of Birth according to the School record is (05-01-1983)  
Five January NHT and Eighty three

Station GHS Pattan

Dated 19-6-2001

Prepared by [Signature]

Principal  
Higher Secondary School  
PATTAN Distt Kohistan

Head Master,  
G. H. S. Pattan  
Distt. Kohistan

[Signature] Hested

[Signature]  
SST BPS-16 G.H.S  
Pattan Kohistan

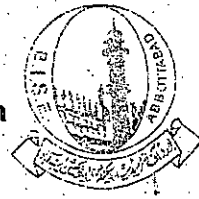
[Signature]

G.No. 188678



13

Board of Intermediate & Secondary Education  
ABBOTTABAD  
DETAILED MARKS CERTIFICATE  
Secondary School Certificate Examination  
(GENERAL GROUP)  
Session 200 } (Annual/Supplementary)



Name Fazal E walid

Father's Name Muhammad Hai

Roll No. 16256

SUBJECT		MARKS OBTAINED	
		In figure	In words
1. English	150	60	Three hundred and Seventy one
2. Urdu	150	61	
3. Islamiyat Comp:	75	25	
4. Pakistan Studies	75	25	
5. Gen. Mathematics	100	53	
6. General Science	100	53	
7. Art	100	54	
8. ES	100	50	
Total	850	371	D

This certificate is issued. Errors and omission excepted.

Prepared by: AW

Checked by: [Signature]

Controller of Examinations

Board of Intermediate & Secondary Education  
Abbottabad

Dated 200

20 JUN 2001

*Attested*

*[Signature]*  
SST BPS-16 G.H.S  
Mazroc Pattan Kohistan  
20-11-000

ATTESTED



Annex-4

B

14

OFFICE OF THE DISTRICT COORDINATION OFFICER  
KOHISTAN AT DASSU.

APPOINTMENT ORDER.

Consequent upon the approval of Departmental Selection Committee the Competent authority has been pleased to appoint the following (M)CT,PET, DM Fresh candidates of District Kohistan against the vacant post of DM in BPS 09 Rs.(3185-190-8885) plus usual allowances as admissible under the rules, on Contract basis for a period of three years according to the merit policy issued by the Government of NWFP Schools & Literacy Department in the Schools noted against each with immediate effect in the interest of public Service.

S.No	Name Of Candidate	Father's Name	Residance	Appt:as	School where posted	Remarks
1	Ezaz Wahid	Abdul Hai	Kohistan	DM	GMS Bar Bela	A.V.Post
2	Gul Rahman	Sarbaz	Kohistan	DM	GMS Shatal	A. V.Post

CONDITONS.

- 1-Their appointments are purely on temporary basis and liable to termination at any time/stage with out assigning any reason/notice.
- 2-Charge reports should be submitted to all concerned.
- 3- No TA/DA is allowed to any one.
- 4-they will be governed by such rules and regulations enforced and as prescribed by the Government from time to time for the category of the Government Servants to which they.
- 5-in case any of the above candidates failed to assume the charge of their posts with in fifteen days,their appointments will automatically stand cancelled.
- 6-they should not be allowed to take over charge if their age is less than 18-years and above-35 years
- 7-they should produce age and Health Certificate from EDO Health Kohistan before taking of charge.
- 8- they should not be handed over charge and their salaries should not be drawn by Drawing&Disbursing officers concerned till verification of their Degrees/Certificates e.t.c from the concerned Universities/Boards/institutions by the concerned DDO,S.

*[Signature]*  
District Coordination Officer  
Kohistan at Dassu.

Endust No- 7824-37 App/CT(F)Merit/2006 Dated Kohistan the. 13-3 /2007

- Copy of the above is forwarded to the.
- 1-Director Schools & Literacy NWFP Peshawar
  - 2-P/S to Minister of Education NWFP Peshawar
  - 3-P/S to Secretary Govt of NWFP Peshawar
  - 4- District Nazim Kohistan
  - 5-Executive District Officer Schools & Literacy Kohistan
  - 6-District Account Officer Kohistan.
  - 7-District Officer (M&F) S&L Kohistan
  - 8- Candidates concerned.

*[Signature]*  
District Coordination Officer  
Kohistan at Dassu

~~ATTESTED~~



Annexure: (15)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)  
KOHISTAN LOWER

Email: deokohistan@gmail.com

Face Book: DEO Male Kohistan Lower



Removal from Service

- 1- Whereas Mr Fazal Wahid S/O Abdul Hai was appointed by Office of District Coordination Officer Kohistan Dasru, as DM at GMS Bar Bela Kohistan Upper vide NO. 7824-30 Dated 13-08-2007 in BPS-09, while the District Coordination Officer was competent for appointment at District level for posts in BS-11 to BS-15 vide Notification of Government of Khyber Pakhtunkhwa Establishment and admn: Department (regulation wing) No.SOR-V(E&AD)2-7/2003 dated Peshawar the 17/11/2005 the subject appointment was not under domain of District Coordination Officer in the light of above referred Notification.
  - 2- Whereas during the verification of appointment order from Deputy Commissioner Kohistan upper he stated that appointment order bearing Endstt:No 7824-30 dated 13/08/2007 is found FAKE AND BOGUS vide his letter No. 1113-14/DC-(KH) dated 30/01/2020.
  - 3- Whereas as per record of his service book at page 05, he was adjusted at GMS Jalkot from GMS Hukkam Ahad on 01-01-2011 and Source-I was verified by DAO for activation of his pay on 21-10-2011 after a period of more than 04 years after his appointment is unjustified.
  - 4- Whereas in the service book of above named DM, the record of his medical shows that the medical report was signed by concerned Medical superintendent on 23-11-1999, about 08 years prior to his appointment and original also not found on the record as well as DHO Office.
  - 5- Whereas office of the DEO (M) Lower Kohistan, (newly separated district) started proper functioning w.e.f mid of April 2019. Two letters No.47/5A/ACE.KH and NO 35/5A.ACE. of CO ACE, were received on 19-06-2019 and 27-06-2019 respectively from CO ACE Kohistan Lower demanding record of Mr Fazal Wahid DM. Only available record was got from office of DEO (M) Kohistan Upper, through special messenger, and was handed over to CO ACE vide this office NO 558 dated 27-06-019.
  - 6- Whereas under the recruitment policy at that time the required qualification for the DM post was HSSC and DM diploma, but the above named teacher has not been acquired the qualification up till now. On the basis of above two letters of Anti-corruption Establishment, this office sent the available academic certificates of the above named DM to BISE Abbottabad for verification vide No 819 dated 24-07-2019. It is worth mentioning here that in the record of service book of above named DM, verified record of academic certificates was not available.
  - 7- Whereas in the response of this office NO 819 dated 24-07-2019, BISE Abbottabad vide No 866/AB/BISE/HSSC/SECRECY dated 17-09-2019, received by this office on 03-10-2019, declared his academic certificates found FAKE and BOGUS.
  - 8- Whereas a letter was received containing subject ENQUIRY vide NO. 3079-82 dated 02/12/2019 from office of th Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar as Mr Bakhtiar Anjum, Principal (B-18) GHSS Paimal Sharif Battagram, was nominated as inquiry officer.
  - 9- Whereas this office provided the available record to the inquiry officer at the time of his visit to this office in connection with the said inquiry on 16/12/2019.
  - 10- Whereas the inquiry officer completed his inquiry and final report submitted Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar vide No.121/File.Inq./2019 dated 28/12/2019 with the recommendation that Major penalty of removal from service under 4(b) (III) of E&D rules 2011. The Director EASE KP, enclosed the above inquiry report and sent to this office for necessary action in the light of inquiry vide No.73/F.No.complaint against the DM, dated Peshawar the 13/2/2020.
- In view of the above fact, District Education Officer (M) Kohistan Lower being competent authority as Under Govt: of Khyber Pakhtunkhwa efficiency and disciplinary rules 2011 4(b) (III), is fully satisfied to impose upon Mr Fazal Wahid DM GMS Kotia, the major penalty of REMOVAL FROM SERVICE with effect from 01/07/2019.

*Sd/-*  
District Education Officer (M)  
Kohistan Lower

22/02/2020

ndst: 1270-75 JEST/ENQ/FAKEDOC/DM/DEO (M) KHL Dated.

Copy forwarded to the:-

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar with reference No. Quoted above
2. Deputy Commissioner Lower Kohistan with request to please direct the CO ACE Lower Kohistan for necessary recovery from above named Ex-Teacher, if any, as per rule please.
3. CO ACE Lower Kohistan with reference his Nos 47/5A/ACE. KH dated 24-06-19 and 35/5A.ACE dated 06-05-2019
4. Deputy District Education Officer (M) Kohistan Lower
5. District Monitoring Officer (HML) Kohistan Lower
6. Mr. Fazal Wahid Ex-DM GMS Kotia Pailan

*[Signature]*  
22/02/2020  
District Education Officer (M)  
Kohistan Lower

*[Handwritten mark]*

خدمت جناب ڈائریکٹر صاحب ایجوکیشن ایڈمنسٹریشن

موضوع: اپیل برخلاف غیر قانونی برہنہ DE (M) نمبر 1270-75

Sec Eds

آڈر نمبر 1270-75 مورخہ 22-02-2007

Mr. Anwar ul Haq  
Member of the  
Provincial Council  
relevant Policy.

APC

29/2/2007

موربانہ گزارش کی جاتی ہے کہ سائل کالج تعلیم کثیت DM

Mushtaq Ahmad Gha  
Speaker  
Khyber Pakhtunkhwa Assemb

کو کوئی ایک ایسا بیان منطقی ہے۔ اس کے بعد 2007 میں DM نے  
یورے کرے اسی وقت سے صورتوں آمدوار کی مدد سنا  
کے وقت سے اسی وقت مجاز آفیسر DE نے صحت یاس

191  
Date 21-2-2007

2/2

2019 میں ڈیوٹی کرنا تھا اور تھوڑے دنوں میں  
اس کے بعد اس کے خلاف ایسا ایجوکیشن کثیت  
مقررہ وقت میں ضروریات میں رہا ہے۔

مقررہ وقت میں ضروریات میں رہا ہے۔  
مقررہ وقت میں ضروریات میں رہا ہے۔  
مقررہ وقت میں ضروریات میں رہا ہے۔

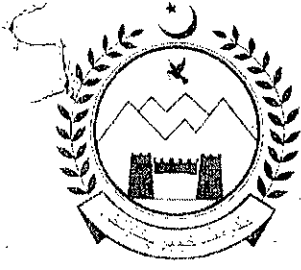
717  
26/2

ATTEST

ADDE (M)

ادنی ناہور راجہ ڈی ایم 3 ایم ڈی

Annex - E 17



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

No. \_\_\_\_\_ / F.No. Complaint against DM.  
Dated: 04/3/2020

To

The District Education Officer  
(Male) Kohistan Lower.

Subject: - **DEPARTMENTAL APPEAL.**

I am directed to refer to the subject cited above and to ask you that appeal in respect of Mr. Fazal Wahid Ex: DM GMS Kotia District Kohistan Lower, has been rejected.

I am further directed to ask you to inform the appellant concerned accordingly under intimation to this office.

*Sd*  
Assistant Director Estab (Male)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Endst No. 5079

Copy of the above is forwarded to: -

1. Mr. Fazal Wahid Ex: DM GMS Kotia District Kohistan Lower.
2. PA to Director E&SE local Office.
3. Master File.

*Amir*  
4/3/2020  
Assistant Director Estab (Male)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

**ATTESTED**

نئی نئی سب سے نئی نئی

۲۰۱۱ تک دور رس نئی طلب ہیں درخواست نام FTS کی ویب سائٹ (www.ftspak.net) پر دستیاب ہے۔

35 19	سال	(BPS-15)	لی	(1) کسی بھی تسلیم شدہ شعبہ عدالتی سے بطور آرگنیزیشن اور تقرری کے بعد 19 کی لازمی طریقہ تک پیشگی کوئی RITE / PITE سے حاصل کرتی ہوگی۔
35 19	سال	(BPS-12)	2	(2) کسی بھی تسلیم شدہ ادارے سے بکنڈ اور پلان انٹرویو سے بطور آرگنیزیشن اور تقرری کے بعد 19 کی لازمی طریقہ تک پیشگی کوئی RITE / PITE سے حاصل کرتی ہوگی۔
35 19	سال	(BPS-15)	3	(1) کسی بھی تسلیم شدہ شعبہ عدالتی سے بطور آرگنیزیشن اور تقرری کے بعد 19 کی لازمی طریقہ تک پیشگی کوئی RITE / PITE سے حاصل کرتی ہوگی۔
35 19	سال	(BPS-15)	4	(1) کسی بھی تسلیم شدہ شعبہ عدالتی سے بطور آرگنیزیشن اور تقرری کے بعد 19 کی لازمی طریقہ تک پیشگی کوئی RITE / PITE سے حاصل کرتی ہوگی۔
35 19	سال	(BPS-15)	5	(1) کسی بھی تسلیم شدہ شعبہ عدالتی سے بطور آرگنیزیشن اور تقرری کے بعد 19 کی لازمی طریقہ تک پیشگی کوئی RITE / PITE سے حاصل کرتی ہوگی۔
35 19	سال	BPS-15	6	(1) کسی بھی تسلیم شدہ شعبہ عدالتی سے بطور آرگنیزیشن اور تقرری کے بعد 19 کی لازمی طریقہ تک پیشگی کوئی RITE / PITE سے حاصل کرتی ہوگی۔
35 19	سال	(BPS-12)	7	(1) کسی بھی تسلیم شدہ شعبہ عدالتی سے بطور آرگنیزیشن اور تقرری کے بعد 19 کی لازمی طریقہ تک پیشگی کوئی RITE / PITE سے حاصل کرتی ہوگی۔
35 19	سال	BPS-12 (PST)	8	(1) کسی بھی تسلیم شدہ شعبہ عدالتی سے بطور آرگنیزیشن اور تقرری کے بعد 19 کی لازمی طریقہ تک پیشگی کوئی RITE / PITE سے حاصل کرتی ہوگی۔

سیکشن کرپٹو یا اساتذہ کے سیکشن کیلئے کہ بٹرو اور ان ذیل ہیں۔ کل 200 لیبرٹ کی تقسیم اس طرح سے کی جائے گی۔

(1) - کو بیکنگ ٹیسٹ بذریعہ FTS = 100 نمبر (ب) - تقسیم لایٹ = 100 نمبر جس کی کو بیجے تقسیم اس طرح ہوگی

تسلیم قابلیت	تقسیم نمبر
ایس ایس سی	مائل کردہ نمبر 20x تقسیم کل نمبر
ایف ایے / ایف ایس سی	مائل کردہ نمبر 20x تقسیم کل نمبر
لی ایے / لی ایس سی	مائل کردہ نمبر 20x تقسیم کل نمبر
ایچ ایے / ایچ ایس سی	مائل کردہ نمبر 20x تقسیم کل نمبر
لی ایے	مائل کردہ نمبر 05x تقسیم کل نمبر
ایچ ایے	مائل کردہ نمبر 05x تقسیم کل نمبر
ایس ایے	مائل کردہ نمبر 05x تقسیم کل نمبر
لی ایے	مائل کردہ نمبر 05x تقسیم کل نمبر

ATT: SUI

19

Annexure - G

CI (A)

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (M)

PATTAN



No: \_\_\_\_\_ /SDEO (M) PATTAN

Dated: \_\_\_\_/\_\_\_\_/2020

INQUIRY: Fazal Wahid DM GMS Kotia Pattan BPS-15.

INTRODUCTION:-

Inquiry, in respect of Mr. Fazal Wahid DM GMS Kotia Pattan BPS 15. In compliance with the order of DEO (M) Kohistan Lower order No. Even date 12-10-2019, we Mr. Muhammad Nawab SDEO (M) Pattan and Mr. Sultani Room SST GHS Jijal Kohistan Lower were been appointed as inquiry committee to conduct inquiry of the charges levelled against the teacher and submit report and recommendations.

Charge Sheet / Allegations:-

1. Guilty of misconduct.
2. Guilty of Corruption.
3. Concealing of Facts.
4. Fraudulently Activities.

Brief History of the Employee.

1. Mr. Fazal Wahid DM, was appointed in BPS - 09 vide DCO Kohistan Endst: No 7824-30 dated 13-08-2007.
2. According to Mr. Fazal wahid he is SSC passed with the subject of Drawing as Optional Subject.
3. Soon after his appointment his Service Book was maintained by the then DDO concerned.
4. The Department alleged that his SSC and Intermediate Certificates were been verified from the concerned Boards and proved as Faked.

Procedure:-

- A. We called the teacher by issuing him a letter to attend the Office of the DEO (M) Kohistan lower for personal hearing and to defend himself. We served a questionnaire upon him, whereof he replied as,
  - i. He is Matric pass, with Arts and Model Drawing as Optional Subject.
  - ii. He stated that at the time of his appointment, in Kohistan, no other candidate, having such qualification was ~~not~~ available and the then Government had relaxed the recruitment policy, especially for District Kohistan, being Backward Area. He did not produced the then such relaxed policy, but he produced an advertisement of recruitment in 2019 by NTS, wherein it has been mentioned, that the basic qualification for the post of PST is BA/BSc, in case of non-availability of such qualified candidates,

9

ATTEST

*[Signature]*

- (20)
- then FA/FSc candidates will be recruited, and if, FA/FSc not available then, SSC passed candidates should be recruited. (The photocopy of Advertisement is attached)
- III. He further stated that in his Service Book, on the Qualification page someone has made entry of Fake Intermediate Certificate, that is a conspiracy against my career. I am only Matric pass and he handed over his original certificate to the inquiry committee.
- B. To probe into the Fact Findings we approached, the Nominated representative of the office of the DEO (M) Kohistan, Mr. Abdul Haq Budget & Accounts Officer of the Office of the DEO (M) Kohistan Lower, on 14-12-2019, we served him, a Questionnaire, regarding the allegations levelled against the teacher. Whereof he stated / alleged as:-
- I. He produced both SSC & Intermediate Certificates Roll No. 16256 Session 2001, BISE Abbottabad and Roll No.26873 Session 1998 BISE Abbottabad respectively of Mr. Fazal Wahid DM, gotten verified, proved as Fake & Bogus. (Certificates are attached)
  - II. He stated that these documents were available in his Service Book.
  - III. He further alleged that at the time of appointment the minimum required qualification for the post of DM was Intermediate.
  - IV. He also alleged that the appointing of BPS-09 was not in the Authority Domain of DCO.
  - V. He also alleged that his salary had been started from 2011 but no proof has been provided for the official representative.
- C. To probe into the Questioned Qualification of Mr. Fazal Wahid DM, we being Inquiry Committee got verification of SSC Certificate of Mr. Fazal Wahid bearing roll no 16256 Session Annual 2001 BISE Abbottabad and proved as Genuine and Correct. Art and Model Drawing as optional subjects in his Detail Marks Certificate.

### Conclusion/Findings

1. It is admitted fact that the appointment order of Mr. Fazal Wahid DM had been issued by the DCO Kohistan.
2. It is also admitted fact that Mr. Fazal Wahid had passed his SSC Examination from BISE Abbottabad under Roll No 16256 in the session Annual 2001.
3. It is also clear that Mr. Fazal Wahid DM has low qualification as compare to the required qualification for the post, he did not produced any qualification relaxation policy, granted to him or granted to special Back-Ward Area but he provided the advertisement of 2019, in which the qualification for the posts were been relaxed in Special Circumstances/in case of non-availability of required qualified candidates. This analogy and logic is well convincing
4. It is clear that the teacher has served as long as 13 years of service.
5. It is also admitted fact that the Service Book entries of the teacher are signed by the ~~then~~ DDO, are original (Verification of the then DDO Mr. Mukhtiar Khan is attached).

AM/STEU

Alorim

Annex - H (22)

(For use in Police Department only)

(Annex 18)

SSC

Passed SSC Examination from BISE Board  
Abbatabad in 1995. Under Roll No 16256.  
Obtained marks 541/850-

Verification Roll No.

FA

dated

received back

Do not disturb

(2) Passed FA Examination from BISE Board Abbatabad  
Under Roll No. 26873 - Held in 15-8-1998. - obtained  
marks 568/1100

Left Thumb Impression

Do not disturb

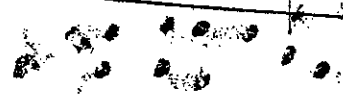
Qualification

Date

Qualification

Date

English



First Arts

Pushto

B.L. or B.A.

Urdu

Pleadership examination

Plan-drawing

Training School Final examination

Finger Print

Other qualifications—

Drill Instructing

Court Duties

Reserve Duties

Signature

Signature  
Head of  
Officer.



(3) 23

1983

... in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 to be dated.

Name: FAZAL E. WAHAB

Race: SAID MURKHEEL

Residence: Village & P.O. - Pattan, Teh - Pattan, District - Kohistan


Father's name and residence: ABDUL HAI


Date of birth by Christian era as nearly as can be ascertained: 1983 (05-01-1983)


Exact height by measurement: 5-6


Personal marks for identification: MB


Left hand thumb and Finger impression of (Non-Gazetted) officer:

Little Finger: 

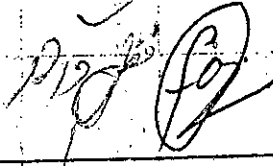
Ring Finger: 


Middle Finger: 

Fore Finger: 

Thumb: 

Amended as per Record in this office  
A. H. S. J.

Signature of Government Servant: 

Signature and designation of the Head of the Office, or other Attesting Officer: 

A

24

(Amex VI)

MEDICAL CERTIFICATE

*Fajal Usab*

Official

Face

Name

*Abdul Khayes*

Place

*Village Bata Dori Kish*

Date of birth

*1983*

*05-01-1983*

Exact height by measurement

*Scar on back*

Personal mark of identification

Signature of the official

*[Signature]*

Signature of head of office

Seal of Office

*Annexed as per Record in this office*  
*[Signature]*

I do hereby certify that I have examined *Fajal Usab* in  
employment in the office of the *[Signature]*  
and can not discover that he had any disease communicable or other constitutional  
affection or bodily infirmity except *[Signature]*

I do not consider this as disqualification for employment in the office of the *[Signature]*

*Defect*... His age according to his own statement.. *20* years and by  
appearance about *20* years.

*Two (yes) Scar on the back*

LEFT HAND THUMB AND FINGER IMPRESSIONS



Medical Superintendent  
Civil Hospital, Sialkot

*23/11/89*

*A*

25

**WAKALATNAMA**

IN The Appel KP Service Tribunal  
Pesh.

Fazal Wahid  
(Petitioner)  
(Plaintiff)  
(Applicant)  
(Complainant)  
(Decree Holder)

**VERSUS**

D E O. Sohu  
(Respondent)  
(Defendant)  
(Accused)  
(Judgment Debtor)

Case 2020

I/We, Appellant do hereby appoint and constitute **Muhammad Arif Jan Advocate** High Court, Peshawar, to appear. Plead, act, compromise, withdraw or refer to arbitration to me/ us as my/ our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Attested & Accepted

CLIENT/S

Muhammad Arif Jan  
Advocate, High Court, Peshawar.  
Office No. 6, 1<sup>st</sup> Floor  
Pabbi Medical Centre, G.T. Road  
Peshawar.  
Mobile: 0333-2212213

[Signature]  
[Signature]  
[Signature]

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Fazal Wahid ..... **Appellant**

**VERSUS**

District Education Officer and Others ..... **Respondents**

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3	DC Letter	B	8
4	Recruitment Policy Rules	C	9
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6	Fake & Bogus Documents	E	13-16
7	Service Book Pages	F	17-22
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P=1

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Service Appeal No 1404/2020.

Fazal Wahid Ex-DM S/O Abdul Hai GMS Kati Tehsil Pattan District

Kohistan Lower ..... **Appellant**

**VERSUS**

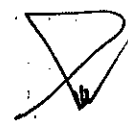
1. District Education Officer (M) Kohistan Lower.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar G.T Road Peshawar.
3. Government of Khyber Pakhtunkhwa through Secretary (E&SE) Education Secretariats Peshawar
4. District Coordination Officer Dassu Kohistan now Deputy Commissioner Upper Kohistan

..... **Respondents**

**PARAWISE COMMENTS BAHLF ON THE RESPONDENT NO. 1**

**PRILIMINARY OBJECTIONS:**

1. That the appellant is not a civil servant as he has got his appointment through Fake & bogus appointment order.
2. That the appellant has not come to this honorable court with clean hands.
3. That the appellant has got no cause of action.
4. That the appeal has been filed to pressurize the respondent.
5. That the appellant is estopped to sue through his own conduct.
6. That the present appeal is not maintainable due to misjoinder and non-joinder of necessary parties.
7. That the appellant has concealed the material facts from this honorable court.
8. That the appellant has been removed from service due to his fake and bogus appointment, hence the appeal is liable to be dismissed. Even now he has not qualification required for the post of DM.
9. That the competent authority has removed the appellant after fulfillment of all codal formalities, hence the instant appeal is liable to dismissed.
10. That the appellant authority has also rejected his appeal, hence the instant appeal is liable to be dismissed.
11. That the Appeal is time barred, hence liable to be dismissed.
12. That the Appeal is hit by the principle of laches.
13. That any other ground or case law will be submitted at the time of humble submission at the bar.



**FACTUAL OBJECTIONS:-**

1. That the Para No. 1 is incorrect, strongly denied with the facts that Mr. Fazal Wahid S/O Abdul Hai was appointed by office of District Coordination Officer Kohistan upper as Drawing Master at GMS Bar Bela Kohistan Upper vide No. 7824-3 dated 13-08-2007 in BPS-09 while the DCO was competent for appointment at District level for posts in BS 11 to 15 vide Notification of Government of Khyber Pakhtunkhwa Establishment and Admin: Department (Regulation Wing) No. SOR-V (E&AD) dated 02-07-2003 Peshawar the 17-09-2005 the subject appointment was not under domain DCO in the light of above referred notification. (Notification is annexed as annexure A).

Whereas, during the verification of appointment order from Deputy Commissioner Kohistan Upper, he stated that appointment order mentioned above is FAKE AND BOGUS vide his letter No. 1113-14/DC-(KH) dated 30-01-2020. (Letter is annexed as annexure B).

Whereas the recruitment policy at that time the required qualification for the DM post was HSSC and DM Diploma, but the above named Teacher has not been acquired the qualification up till now. (Recruitment policy is annexed as annexure C).

It is clear that Mr. Fazal Wahid DM has low qualification as compared to the required qualification for the post. (Enquiry report dated 08-02-2020 is annexed as annexure D).

Whereas this office verified his academic documents available in his Service Book, from BISE Abbottabad, vide No. 819 dated 24-7-2019 BISE vide No. 866/AB/BISE/HSSC/SECREACY Dated 17-09-2019 and SSC 819 vide No. 412/F/SSC/SECREACY Dated 13-09-2019 Abbottabad, received by this office on 03-10-2019 declared as FAKE AND BOGUS. (Certificates are annexed as annexure E).

2. That the para No. 2 is incorrect, strongly denied with the facts that as per record of his service Book at page No. 5. He was appointed at GMS Bar Bela Jalkot 13-08-2007 and source-I was verified by DAO Kohistan for activation of his pay on 21-10-2011 after a period of more than 4 years after his appointment is unjustified. (Service Book Pages are annexed as annexure F).

It is worth mentioning here that the appellant was appointed on 13-08-2007, while the record of his medical certificate available in his service book shows that the medical report was signed by Concerned DHO on 23-11-1999 about 8 years prior to his appointment and original also not found on the record as well as in the DHO Office (Medical certificate is annexed as annexure G).

3. Para No. 3 is incorrect, strongly denied with the facts that a letter was received containing subject enquiry vide No. 3079-82 dated 02-12-2019 from office of the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar as Mr. Bkhtiar Anjum Principal (B-18) GHSS Paimal Sharif Battagram, was nominated as enquiry officer and then this office provided the available record to the enquiry officer at the time of his visit to this office in connection with the same enquiry on 16-12-2019 and then the enquiry officer completed his enquiry and final report submitted to the Director Elementary and Secondary Education Khyber Pakhtunkhwa

vide No. 121/(file-ing) 2019 dated 28-12-2019 with the recommendation that the major penalty of **REMOVAL FROM SERVICE** under 4(b)(III) of E&D rules 2011, so in view of the above facts, District Education Officer Kohistan lower being competent authority as under Government of Khyber Pakhtunkhwa efficiency and disciplinary rules 2011 4(b)(III) was fully satisfied to impose upon Mr. Fazal Wahid DM GMS Kotia, the major penalty of **REMOVAL FROM SERVICE** with effect from 01-07-2019. (Inquiry report and removal order are annexed as annexure H).

4. Para No. 4 is incorrect as the Departmental appeal was dismissed by respondent No. 2 according to rules and regulation.

5. Para No 5 is incorrect.

**GROUNDS:**

- a) That the ground "A" is incorrect, as the office order dated 22-02-2020 passed by respondent No 1 is legal according to law and lawful authority , hence having great value in the eyes of law, thus liable to be maintained.
- b) That the ground "B" is incorrect as it has been discussed in Para No 1 and 3.
- c) That the ground "C" is incorrect strongly denied that inquiry Committee clearly mentioned in their inquiry report that the appellant was appointed on low qualification however the competent authority disagreed with the report of the inquiry committee and also called explanation from the inquiry committee and agreed with the report of inquiry officer as nominated by the respondent No 2 as discussed in Para No. 3.
- d) That the ground No "D" is incorrect as partially discussed in Para No 1 and 2 then the responded No 1 is informed by a written application bearing diary No 464 dated 18-10-2019 on the basis of this application, action has been taken and the respondent No 4 has given a letter bearing diary No. 410 dated 26-09-2019 in which he said that the subject case does not fall under the domain DCO Kohistan. (Letter and Notification are annexed as annexure I)
- e) That the ground "E" is incorrect.
- f) That the ground "F" is incorrect.
- g) That the ground "G" is incorrect as discussed in para No. 1 & 3.
- h) That the ground "H" is incorrect as both enquiries went against the appellant and the competent authority has taken action against him.
- i) That the ground "I" is incorrect, the appellant has appointed on low qualification as well as BOGUS AND FAKE documents and appointed without authentic authority.
- j) That any other ground which has not been mention may also be permitted to rise at the time of arguments.

**PRAYER:-**

It is therefore, most humbly prayed that on acceptance of the Para wise reply and written comments, the appeal and application may kindly be dismissed with cost.

*[Handwritten Signature]*  
23/11/2020

**District Education Officer (Male)  
Kohistan Lower**

*[Handwritten Signature]*  
**Director Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar**

*[Handwritten Signature]*  
**Secretary Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Service Appeal No 1404/2020.

Fazal Wahid Ex-DM S/O Abdul Hai GMS Kati Tehsil Pattan District

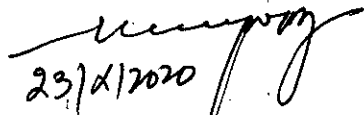
Kohistan Lower ..... **Appellant**

**VERSUS**

District Education Officer (M) Kohistan Lower & Others

**AFFIDAVIT**

I Hafiz Muhammad Nawaz Abbasi District Education Officer (Male) Kohistan Lower hereby solemnly affirm and declare that the Para wise comments of the Service Appeal No 1404/2020, titled as Fazal Wahid Vs Government of Khyber Pakhtunkhwa and others are true to the best of my conviction and belief and that nothing has been concealed from this Honorable Court.



23/12/2020

**DISTRICT EDUCATION OFFICER (M)  
KOHISTAN LOWER**

**Identified by**  
**Additional Advocate General**  
*Peshawar (Service Tribunal)*



P=5

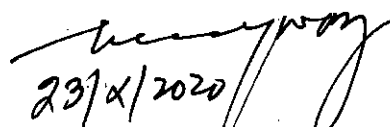
**WRITTEN REPLY ON BEHALF OF RESPONDENT NO. 1 AGAINST  
APPLICATION FOR SUSPENSION OF THE OFFICE ORDER DATED 22-  
02-2020 TILL FINAL DISPOSAL OF THE MAIN APPEAL.**

**PRILIMINARY OBJECTIONS:**

- i. That the applicant is not in aggrieved person and not come to this honorable court with clean hands.
- ii. That this written reply of the application may be considered as part and parcel of this comment.
- iii. That the applicant is not a civil servant as he has got his appointment on FAKE AND BOGUS way.
- iv. That the applicant has got no cause of action to file suspension application of the office order dated 22-02-2020.

**FACTUAL OBJECTIONS:**

1. That the para No. 1 of the application is about the court matter hence no comments.
2. That the para No. 2 of the application is incorrect with the fact that the applicant has not an arguable case, hence this application may be dismissed.
3. That the para No. 3 is incorrect with the fact that all three ingredients are in favour of the respondent against the applicant.
4. That the para No. 4 is incorrect with the fact that if the impugned order has been suspended, then the responded will suffer a lot.
5. That the para No. 5 is incorrect with a fact that the applicant is not suffered from stoppage of salary because, the applicant was not a civil servant as he has got his appointment on FAKE AND BOGUS way.

  
23/2/2020  
**District Education Officer (M)  
Kohistan Lower.**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Service Appeal No 1404/2020.

Fazal Wahid Ex-DM S/O Abdul Hai GMS Kati Tehsil Pattan District

Kohistan Lower ..... **Appellant**

**VERSUS**

District Education Officer (M) Kohistan Lower..... **Respondents**

**PARAWISE COMMENTS BAHLF ON THE RESPONDENT NO. 1**

**AFFIDAVIT**

I Hafiz Muhammad Nawaz Abbassi District Education Officer (Male) Kohistan Lower do hereby solemnly affirm and declare that the Para wise comments of the Service Appeal No 1404/2020, titled Fazal Wahid Vs Government of Khyber Pakhtunkhwa and others are true to the best of my conviction, belief and that nothing has been concealed from this Honorable Court

*[Handwritten Signature]*  
23/11/2020

**DISTRICT EDUCATION OFFICER (M)  
KOHISTAN LOWER**

Identified by  
Additional Advocate General

*Peshawar (Service Tribunal)*

P-6

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Service Appeal No 1404/2020.

Fazal Wahid Ex-DM S/O Abdul Hai GMS Kati Tehsil Pattan District

Kohistan Lower ..... **Appellant**

**VERSUS**

District Education Officer (M) Kohistan Lower..... **Respondents**

**PARAWISE COMMENTS BAHLF ON THE RESPONDENT NO. 1**

**AFFIDAVIT**

I Abdul Haq (Budget & Account Officer) BS-17, on the behalf of District Education Officer (Male) Kohistan Lower do hereby solemnly affirm and declare that the Para wise comments of the Service Appeal No 1404/2020, titled Fazal Wahid Vs Government of Khyber Pakhtunkhwa and others are true to the best of my conviction, belief and that nothing has been concealed from this Honorable Court

*[Handwritten Signature]*  
23/1/2020  
**DISTRICT EDUCATION OFFICER (M)  
KOHISTAN LOWER**

Identified by  
**Additional Advocate General**  
~~Honorable High Court, Peshawar~~

*Peshawar (Service Tribunal)*

Annexure - "A" Rules (282) (8)  
**GOVERNMENT OF N.W.F.P.**  
**ESTABLISHMENT & ADMN: DEPARTMENT**  
**(REGULATION WING)**

No.SOR-V(E&AD)2-7/2003.  
Dated Pesh: the 17<sup>th</sup> November, 2005

**P-7**

To  
All District Coordination Officer,  
In N.W.F.P.

SUBJECT:- COSTITUTION OF SELECTION BOARD.

Dear Sir,

I am directed to refer to this Department letter bearing No.SOR-V(E&AD)1-2/03 dated 30-7-2003 on the subject noted above and to state that due to amendment in Rule-6 in sub rule 1(b) of District Government Rules of Business 2001 notified vide Local Government, Elections and Rural Development Department No.SO(LG-I)3-196/E.M/05 dated 7-10-2005, the Departmental Selection Committees at District level are reconstituted as under:-

A) DEPARTMENTAL SELECTION COMMITTEE AT  
DISTRICT LEVEL FOR POSTS IN BS-11 TO BS-15.

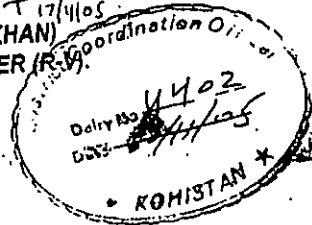
- |      |                                                              |          |
|------|--------------------------------------------------------------|----------|
| i.   | DCO.                                                         | Chairman |
| ii.  | EDO concerned.                                               | Member   |
| iii. | One member to be nominated by the Admn:<br>Deptt: concerned. | Member.  |
| iv.  | One member to be nominated by the Appointing<br>Authority.   | Member.  |

B) DEPARTMENTAL SELECTION COMMITTEE AT  
DISTRICT LEVEL FOR POSTS IN BS-1 TO BS-10.

- |      |                                       |           |
|------|---------------------------------------|-----------|
| i.   | EDO concerned.                        | Chairman. |
| ii.  | One member to be nominated by the DCO | Member.   |
| iii. | District Officer concerned.           | Member.   |

Yours faithfully,

  
(MUSHARAF KHAN)  
SECTION OFFICER (R.V.)



Endst: of even No & Date.

Copy forwarded to:-

All Administrative Secretaries to Govt. of NWFP.

  
SECTION OFFICER (R-V.)

*Annex B-11*  
*Deco*  
*30/11/05*

Annexure - B

OFFICE OF THE  
DEPUTY COMMISSIONER  
KOHISTAN AT DASSU

No.21 /Estt: / 1112 /DC (KH)  
Dated 30 / 01/2020

Phone No.0998-407002 Fax No.0998407001 Email: dckohistan321@gmail.com

P-8

Mr. Muhammad Nawab. (Inquiry Officer),  
SDEO (M), Pattan,  
Lower Kohistan.

Subject: - **CLEARANCE OF FACTUAL CONTROVERSY OF THE OFFICE  
DISPATCH RECORD AND OF THE STATEMENT**

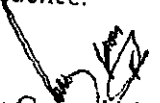
Reference your memo No.2823 dated 6/1/2020, on the subject noted above.

In this connection the undersigned has already provided the requisite record as well as factual position to the inquiry committee vide this office letter No.21/Estt:/15166/DC KH dated 24/12/2019.

It is, once again stated that this office has no any kind of record regarding appointments of these individuals and the subject case does not fall under the domain of Deputy Commissioner Kohistan and at that time the then DCOs were declared the chairman of District Selection Committees for BPS 11 to 15, vide Notification No. SOR-V(E&AD)2-7/2003 dated 17/9/2005. However the codal formalities i.e clarification of vacant post, Advertisement for fresh appointment, collection of application, their list maintenance, short listing, and conduction of their test, DSC committee Notification, circulation of agenda copies for DSC to all notified members before the fixation of DSC meeting, and preparation/maintenance before and after DSC/DPC of all that record was the responsibility of parent/concerned Department.

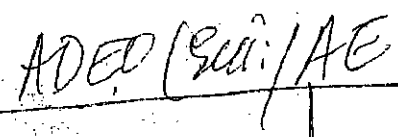
It is once again brought in to your notice that if proper procedure/basic requirement before and after DSC/DPC is not adopted for the selection, which is ~~mandatory/such orders will be considered null and void or fake and bogus.~~


Besides this, you are directed to avoid direct correspondence with undersigned. However, proper channel may be followed for correspondence.

  
Deputy Commissioner,  
Kohistan at Dassu


No. 1113-14 /DC (KH)

- Copy forwarded for information to the :-
1. Additional Deputy Commissioner (G) Kohistan.
  2. District Education Officer (M) Kohistan Lower w/r to this office letter No.21/Estt:/11102-4 dated 26/09/2019.

  
ADEO (G) / AE

  
Deputy Commissioner,  
Kohistan at Dassu

122  
13-2-2020

  
13/2/2020

RECRUITMENT POLICY FOR VARIOUS CATEGORIES, 2003.

Annexure 6C 99

Recruitment Notification No. SO(s) 6-2/93/Service Rules dated 15.8.1999. The salient features of recruitment policy are:

P-9

1. Qualification.

- i) SV/OT/CT: - HSSC From recognized Board with SV/OT/C.T certificate or an Equivalent Certificate.
- ii) PET: - HSSC from recognized board with IDPE or an equivalent Diploma.
- iii) DM: - HSSC from recognized board with IDPE or an equivalent Diploma.
- iv) T.T: - SSC with Sand Faragh from a religious institution recognized by the Government.
- v) Qari: - SSC with Qirat Sanad from a religious institution recognized by the Govt.
- vi) A.T: - i. Sanad in Darsi Nizam  
ii. Honour in Arabic  
OR  
Shahadt-ul-Alamin  
OR  
Equivalent Qualification from a recognized institution.

2. AGE.

- i. CT
- ii. DM
- iii. PET
- iv. TT 18-33 Years.
- v. Qari
- vi. AT

3. Age Relaxation.

Vide Notification No. SCR-VI (G&A) 11-10/2003, dated 9.8.2003.

- i. Relaxation in upper age limit for 5 years by Department.
- ii. For 10 years by Establishment Department.
- iii. Vide Notification No. SCR-V (E&D) 11-10/2003 dated 9.8.2003. Upper age limit relaxed by 5 years for initial recruitment. It will be valid up to 31.12.2004.

Quota.

- i. 75% batchwise year-wise and 25% open merit for CT/PET/DM.
- ii. Open merit for TT, Qari & AT.
- iii. Disable Quota 2% of 75% and 25%.

4/2/03

*[Signature]*  
 Assistant District Officer  
 Education  
 District Shri-rate  
 19/12/19

Annexure - 02 D<sup>66</sup>

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (M)

PATTAN



P-10

No: 2872 /SDEO (M) PATTAN

Dated: 8/2/2020

**INQUIRY: Fazal Wahid DM GMS Kotia Pattan BPS-15.**

**INTRODUCTION:-**

Inquiry, in respect of Mr. Fazal Wahid DM GMS Kotia Pattan BPS 15.  
In compliance with the order of DEO (M) Kohistan Lower order No. Even date 12-10-2019, we Mr. Muhammad Nawab SEEO (M) Pattan and Mr. Sultani Room SST GHS Jijal Kohistan Lower were been appointed as inquiry committee to conduct inquiry of the charges levelled against the teacher and submit report and recommendations.

**Charge Sheet / Allegations:-**

1. Guilty of misconduct.
2. Guilty of Corruption.
3. Concealing of Facts.
4. Fraudulently Activities.

**Brief History of the Employee.**

1. Mr. Fazal Wahid DM, was appointed in BPS - 09 vide DCO Kohistan Endst: No 7824-30 dated 13-08-2007.
2. According to Mr. Fazal wahid he is SSC passed with the subject of Drawing as Optional Subject.
3. Soon after his appointment his Service Book was maintained by the then DDO concerned.
4. The Department alleged that his SSC and Intermediate Certificates were been verified from the concerned Boards and proved as Faked.

**Procedure:-**

A. We called the teacher by issuing him a letter to attend the Office of the DEO (M) Kohistan lower for personal hearing and to defend himself.

We served a questionnaire upon him, whereof he replied as,

- I. He is Matric pass, with Arts and Model Drawing as Optional Subject.
- II. He stated that at the time of his appointment, in Kohistan, no other candidate, having such qualification was ~~not~~ available and the then Government had relaxed the recruitment policy, especially for District Kohistan, being Backward Area. He did not produced the then such relaxed policy, but he produced an advertisement of recruitment in 2019 by NTS, wherein it has been mentioned, that the basic qualification for the post of PST is BA/BSc, in case of non-availability of such qualified candidates,

*[Handwritten signature]*

*[Handwritten signature]*  
PATTAN  
8/2/2020

P-11

then FA/FSc candidates will be recruited, and if,FA/FSc not available then, SSC passed candidates should be recruited. (The photocopy of Advertisement is attached)

- III. He further stated that in his Service Book, on the Qualification page someone has made entry of Fake Intermediate Certificate, that is a conspiracy against my career. I am only Matric pass and he handed over his original certificate to the inquiry committee.
- B. To probe into the Fact Findings we approached, the Nominated representative of the office of the DEO (M) Kohistan, Mr. Abdul Haq Budget & Accounts Officer of the Office of the DEO (M) Kohistan Lower, on 14-12-2019, we served him, a Questionnaire, regarding the allegations levelled against the teacher. Whereof he stated / alleged as:-
  - I. He produced both SSC & Intermediate Certificates Roll No. 16256 Session 2001 BISE Abbottabad and Roll No.26873 Session 1998 BISE Abbottabad respectively of Mr. Fazal Wahid DM, gotten verified, proved as Fake & Bogus.(Certificates are attached)
  - II. He stated that these documents were available in his Service Book.
  - III. He further alleged that at the time of appointment the minimum required qualification for the post of DM was Intermediate.
  - IV. He also alleged that the appointing of BPS-09 was not in the Authority Domain of DCO.
  - V. He also alleged that his salary had been started from 2011 but no proof has been provided ~~from~~ the official representative.
- C. To probe into the Questioned Qualification of Mr. Fazal Wahid DM, we being Inquiry Committee got verification of SSC Certificate of Mr. Fazal Wahid bearing roll no 16256 Session Annual 2001 BISE Abbottabad and proved as Genuine and Correct. Art and Model Drawing as optional subjects in his Detail Marks Certificate.

### Conclusion/Findings

1. It is admitted fact that the appointment order of Mr. Fazal Wahid DM had been issued by the DCO Kohistan.
2. It is also admitted fact that Mr. Fazal Wahid had passed his SSC Examination from BISE Abbottabad under Roll No 16256 in the session Annual 2001.
3. It is also clear that Mr. Fazal Wahid DM has low qualification as compare to the required qualification for the post, he did not produced any qualification relaxation policy, granted to him or granted to special Back-Ward Area but he provided the advertisement of 2019, in which the qualification for the posts were been relaxed in Special Circumstances/in case of non-availability of required qualified candidates. This analogy and logic is well convincing
4. It is clear that the teacher has served as long as 13 years of service.
5. It is also admitted fact that the Service Book entries of the teacher are signed by the then DDO, are original (Verification of the then DDO Mr. Mukhtiar Khan is attached).

*[Handwritten signature]*

*[Handwritten signature]*  
 2019-10-23  
 10:43 AM  
 2019-10-23



**Recommendation:-**

P-12



In the light of the forgoing facts/findings, the following recommendations are submitted before your Honor.

- I. Keeping in view so much long service, the case of low qualification may be submitted to High Ups for guidelines with the request that the teacher may please be given a time opportunity to enhance his qualification, if your Honor agreed so.

**Muhammad Nawab Khan**  
**SDEO (M) Pattan**  
**Inquiry officer**

**Sultani Room**  
**SST GHS Jijal**  
**inquiry officer**

Attested  
SST GHS Jijal  
Inquiry Officer

Annexure E

P-13

BOARD OF INTERMEDIATE & SECONDARY EDUCATION ABBOTTABAD

No. 412 /FISSC/Secrecy

Dated: 13/09/2019

The District Education

Officer (M) Kohistan Lower

SUBJECT: FAKE DETAILED MARKS CERTIFICATE (DMC)

In reference to your letter No. 819/DEO(M) KHL Dated: 24-07-2019

Detailed Marks Certificate(s) attached herewith containing following particulars are FAKE.

Roll No	Exam	Session	Name	Father's Name
16256	1995	SSC (A)	Fazal E Wohid	Abdul Hadi
~	~	~	~	~
~	~	~	~	~
~	~	~	~	~
~	~	~	~	~

*[Signature]*

Assistant Controller of Examinations (Secrecy)  
BISE, Abbottabad  
Phone No. 0992-392013

85594

**OP-14**

*Fake*

Board of Intermediate & Secondary Education  
ABBOTTABAD

DETAILED MARKS CERTIFICATE  
Secondary School Certificate Examination  
(GENERAL GROUP)



Session 19 95 (Annual/Supplementary)

**FOUND FAKE**  
**FOUND FAKE**

Name Egmal F. Wahid

Father's Name Muhammad Hashim

Roll No. 16256

SUBJECT	Marks Allotted	MARKS OBTAINED	
		In Figure	In Words
1. English	150	20	<p><i>five hundred &amp; fifty</i></p> <p><b>FOUND FAKE</b></p> <p><b>FOUND FAKE</b></p> <p><i>Found Fake</i></p> <p><i>13-8-19</i></p>
2. Urdu	150	101	
3. Islamiyat Comp.	75	45	
4. Pakistan Studies	75	45	
5. Gen. Mathematics	100	73	
6. General Science	100	63	
7. <i>151</i>	100	74	
8. <i>100</i>	100	70	
<b>Total</b>	<b>850</b>	<b>541</b>	<b>B</b>

**FOUND FAKE**  
**FOUND FAKE**

SECRETARY OFFICER  
BISE ABBOTTABAD

This Certificate is issued errors and omission excepted.

Prepared by: [Signature]

Checked by: [Signature]

[Signature]

Date 18-8-1995

Controller of Examinations  
Board of Intermediate & Secondary Education  
Abbottabad

*[Signature]*  
Dr. Mohammad Geer  
M.O UC R.H.C  
Pattan

**BOARD OF INTERMEDIATE & SECONDARY EDUCATION ABBOTTABAD**

22 D

NO. 866 IAB/BISE/HSSC/SECRECY Dated: 17-SEP-19

To:

OFFICE OF THE  
DISTRICT EDUCATION OFFICER MALE  
KOHISTAN LOWER

Subject: Verification of Detailed Marks Certificate  
Reference to your Letter No. 819 Dated 24-JUL-19

After issuance of Computer generated verification report, Secrecy Section, BISE Abbottabad is not providing verified copies of Detailed Marks Certificates. Particulars have been verified as per following details:

S/No	ID-No	Roll N	Session	Name	Father Name	DOB SSC ONLY	Group	Marks	Grade	Remarks
1	3414	26873	HSSC ANNUAL (P-II) 1998	FAZAL WAHID	ABDUL HADI			568		FAKE

**FOUND FAKE**

*Alles as per Seced*  
*[Signature]*

*[Signature]*

Dealing Assistant Verification  
Secrecy HSSC  
Ph#0992-392014-Ext-248

*[Signature]*  
Assistant Controller  
Secrecy  
Ph# 0992-392013

R-15

0

0

1

7

20719

P-16

BOARD OF INTERMEDIATE & SECONDARY EDUCATION ABBOTTABAD



Name: Ejaz E. Walid  
Father's Name: Abdul Hai  
Group: \_\_\_\_\_

Session: 19\_95  
Roll No: 26573

Subjects	Marks	Marks Obtained				Total	Marks in Words
		Part-I		Part-II			
		Theory	Pract	Theory	Pract		
English	200	39	-	83	-	122	one hundred twenty
Urdu (Comp)	200	43	-	88	-	90	Ninety only
Islamic Education	50	-	-	-	-	28	Twenty eight only
Pakistan Study	50	-	-	-	-	26	Twenty six only
Civics	200	49	-	51	-	100	one hundred only
Islamic Studies	200	53	-	39	-	92	ninety two
Health & Physical Education	200	57	-	55	-	112	one hundred twelve
Total: 1100						568	Five hundred & sixty eight

As per feed  
Remarks:

Checked By: \_\_\_\_\_  
Date: \_\_\_\_\_

**FOUND FAKE**

Controller of Examinations  
Board of Intermediate & Secondary Education  
Abbottabad

Note: Errors / Omissions accepted

Dr. Mohammad Ghaib

*[Handwritten signatures and marks]*

(For use in Police Department only).

Annexure - "F"

**Dist**

The entries in this should be dated

Posts.

SSC

- 1.
- 2.
- 3.

1. Passed S.S.C Examination from BISE Board  
 2. Abbatatabad in 1995. under Roll No 16256.  
 3. Obtained marks 541/850-

**P-17**

Name: FA

Race: SA

Residence: K

Verification Roll No.

FA

dated

received back

*Do not*

**(2)**

Passed FA Examination from BISE Board Abbatatabad  
 under Roll No. 26873. Held in 15-8-1998 - obtained  
 marks 568/1100

*Do not*  
DIST  
E...

Father's name

Date of birth  
nearly as can

Exact height

Personal mark

Left hand thumb  
of (Non-Gazet

Little Finger:

Middle Finger

Thumb:

Signature of C

Signature and  
Head of the O  
Officer.

Qualification	Date	Qualification	Date
English		First Arts	
Pushto		B.L. or B.A.	
Urdu		Pleadership examination	
Plan-drawing		Training School Final examination	
Finger Print		Other qualifications—	
Drill Instructing			
Court Duties			
Reserve Duties			

N.B.— Line to be drawn under the qualification possessed.

The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

P-18

Name: FAZAL E WAHID

Race: SAID MURKHEEL

Residence: Village P.O. Pattan Teh. Pattan District Kohistan

Father's name and residence: ABDUL HAI

Date of birth by Christian era as nearly as can be ascertained:

( 1983 ) (05-01-1983)

Exact height by measurement:

5-6

Personal marks for identification:

MB

Left hand thumb and Finger impression of (Non-Gazetted) officer:

Little Finger:



Ring Finger:



Middle Finger:



Fore Finger:



Thumb:



Signature of Government Servant:

[Handwritten Signature]

Signature and designation of the Head of the Office, or other Attesting Officer.

[Handwritten Signature and Stamp]

1	2	3	4	5	6	7	8	9	10
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government Servant	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment
MS. Bar Bela DM		BPS 9 (3185-190-8885)	Rs 3185/-			14/8/2007	[Signature]	[Signature]	30/01/2008
		BPS 9 (3185-270-15720)	Rs 3185/-			12/07/07	[Signature]	[Signature]	30/01/2008
		Revised BPS 9 (6200-3800-17600)	6200/-			12/2011	[Signature]	[Signature]	30/01/2012
	088: Twp.		6200/-			12/2012	[Signature]	[Signature]	30/01/2012
		Allowed BPS No 15 (8500-700-20500) due to upgradation on 01-7-2012	69%/-					[Signature]	30/01/2012
			8500/- Final			01/07/2012	[Signature]	[Signature]	30/01/2012
Emms Amin K Bule			Rs 9200/-	PA (Fixed) 8500		12/2012	[Signature]	[Signature]	30/01/2013
			9900/- pm	8500/-		12/2013	[Signature]	[Signature]	30/01/2014
Emms Madatohaid			10600/- pm	8500/-		12/2014	[Signature]	[Signature]	30/01/2015
			13700/-	10985/-		12/15	[Signature]	[Signature]	30/01/2015
			Rs 10985/-			12/2015	[Signature]	[Signature]	30/01/2015

OFRS  
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 1-2011  
 1-2011

District Officer  
 (E&S) Edu (M)  
 Distt. Kohistan  
 Dy. DEO  
 (M) Kohistan  
 Dy. DEO  
 (M) Kohistan  
 Dy. DEO  
 (M) Kohistan





P-19

to BPS No 15 w.e.f. 1 2011 in the Finance Department under Post No. O 15 6 2012 as well as well Education Act 188 temporary Socy I du 2012 ISSUED under this Office

Name and Designation of the head of the office for attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer	Remarks any reward punishment or contract or award or piece of the Government Servant
					Period	Government to which debitable		
DISTRICT	30/11/08	Fixed	[Signature]					Appointed against DM Post at CMS Rawala Mandi D/O Kohistan Endost No. 27924-30 DATED 13 8 2007
	30/11/08	S/Leave	[Signature]					
	30/11/2010	S/Leave	[Signature]					Admitted at CMS Jalkot against vacant post vide EDO (E&S) Edu Kohistan dated 9/5/2011 - No. 21-01-2011
	30/11/2011	Fixed	[Signature]					
District Officer (E&S) Edu (M) Distt. Kohistan		Entry provided to Scale up to BPS-15	[Signature]					Score verified for 10/2011
District Officer (E&S) Edu (M) Distt. Kohistan	30/11/2010	Aligne	[Signature]					
Dy. DEO (M) Kohistan	30/11/2010	Aligne	[Signature]					
Dy. DEO (M) Kohistan	30/06/15	Aligne	[Signature]					Provision Payroll on file of Annex of Advertisement No. 11/2011 to 30/8/2011
Dy. DEO (M) Kohistan	30/11/15	Aligne	[Signature]					Rs. 97443/2 vide S. No 14 dt. 20/11/2011
Dy. DEO (M) Kohistan	30/06/16	Aligne	[Signature]					District Accounts Officer Kohistan

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
DM GMS Kodla		13-15 (13510-1120-47110)	Rs. 13510/-			01-11-16	(Signature)
			Rs. 13510/-			12-01-16	(Signature)

Office of the Director General  
 Higher Education, Government of Punjab  
 Pay Fixed in the Revised Basic Pay Scales  
 R.B.S. ...  
 Pay Fixed ...  
 Add ...  
 Pay Fixed ...  
 R.M.S ...  
 Pay Fixed ...  
 Date of ...  
 Authorising Officer  
 Pay Fixation Party  
 ...

- ... 8400/-
- ... 16800/-
- ... 14700/-
- ... 5930/-

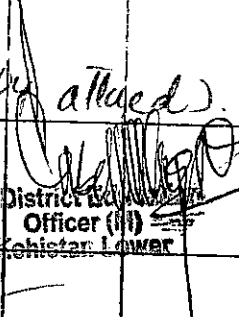
Rs. 45330/-

Signature and Designation  
 of head of the office  
 or other attesting officer  
 in attestation of  
 columns 1 to 8

(Signature) 3  
 D. J. D. G. O.  
 (Signature) 3  
 D. J. D. G. O.

7 P-20

8 Signature of Government Servant	9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
						Period			Government to which debitable
	<i>[Signature]</i> Dy. Dist. Officer Muz Kohistan	30/11/16	After notice	<i>[Signature]</i> Dy. Dist. Officer Muz Kohistan			<i>[Signature]</i> 30-11-16	14-8-09	
	<i>[Signature]</i> Dy. Dist. Officer Muz Kohistan	30/6/17					<i>[Signature]</i> District Officer (E&S) Edu. (M) Muz Kohistan		
					Service - II verified by order 9/2013 due to adj. of arrears scale up graded B-9 to B-15.				
					W.D. 1.7.2012 to 31.8.2013. C.No-96. dt= 29.9.13.				
					Rs: 65340/- adj. 9/2013.				
					29/8/2013.				
					Service verified w.e.f. 11/13 to 31-12-15 from Acy: Roll & other offic. Record.				
					<i>[Signature]</i> Dy. Dist. Edu. Officer (Muz) Kohistan.				
					30/11/16				
					<i>[Signature]</i> Dy. Dist. Edu. Officer (Muz) Kohistan.				

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371-C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Nature and Designation of the head of the office, other attesting officer in attestation of columns 1 to 8
D.M		BPS-15	16120	1330	56020			
GMS Kotla						16120/01-07-2017		Dy. DEO Kohistan
				Rs	16120	12/017		
				Rs	16120	12/018		
<u>REMOVAL FROM SERVICE</u>								Mos
Removal from Govt. Service vide								Fl
DEO (M) Kohistan Lower								veri
Endst. No. 1270-75 dated 22-02-2020.								1- S
K.P. 7. 01-07-2019 (copy attached)								2- 4
Dy: District Officer (II) Kohistan Lower 								3- 4
								4-
								WCC
								+ FA 9/9
								Dated

P-22221

e of Servant	9	10	11	12	13		14	15
	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Leave.		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debatable to another Government		
					Period	Government to which debatable		
	Dy. DEO Kohistan D.D.	30-10-2017	Fixed S/R	Dy. DEO Kohistan			Service verified w.e.f 01-12-2016 to 30-11-2017 from Acc. Roll and other Record of this Record office	
	Dy. DEO (M) Kohistan	30-11-018	Fixed	Dy. DEO (M) Kohistan	HEAD MASTER G.M.S Kotya Pattan Kohistan Muhib Gul			
								1-12-018
	Most Important							
	Following Documents were verified and found,							
	"FAKE"							
	1- SSC DME End No. 412 12-9-019							
	2- HSSC DMC End No. 866 17-9-019							
	3- Appointment order.							
	4- Medical certificate							
	vide this office No. BISE 819 dt 24-7-019 SSC (M) Kohistan.							
	+ FA 819 dt 24-7-019/1554 DC / 1552-DBO							
	dated 24-9-019							
	Sanction of Earned leave							
	with full pay w.e.f 01-4-2017 to							
	17-07-2017 (108) days by							
	DEO (M) Kohistan vide							
	End M No. 3438-40 Dated 4-5-017							
	DDO							

P-22



OFFICE OF THE DISTRICT COORDINATION OFFICER  
KOHISTAN AT DASSU.

APPOINTMENT ORDER.

Consequent upon the approval of Departmental Selection Committee the Competent authority has been pleased to appoint the following (M)CT,PET, DM Fresh candidates of District Kohistan against the vacant post of DM in BPS 09 Rs.(3185-190-8885) plus usual allowances as admissible under the rules, on Contract basis for a period of three years according to the merit policy issued by the Government of NWFP Schools & Literacy Department In the Schools noted against each with immediate effect in the interest of public Service .

S.No	Name Of Candidate	Father,s Name	Residance	Appt:as	School where posted	Remarks
1	Fazal Wahid	Abdul Hai	Kohistann	DM	GMS Bar Bela	A.V.Post
2	Gul Rahman	Sarbaz	Kohistan	DM	GHS Shatial	A. V,Post

ONDITIONS.

- 1-Their appointments are purly on temporary basis and liable to termination at any time/stage with out assigning any reason/notice.
- 2-Charge reports should be submitted to all concerned.
- 3- No TA/DA is allowed to any one.
- 4-they will be governed by such rules and regulations enforced and as prescribed by the Government from time to time for the category of the Government Servants to which they.
- 5-in case any of the above candidates failed to assume the charge of their posts with in fifteen days,their appointments will automatically stand cancelled.
- 6-they should not be allowed to take over charge if their age is less than 18-years and above-35 years
- 7-they should produce age and Health Certificate from EDO Health Kohistan before taking of charge.
- 8- they should not be handed over charge and their salaries should not be drawn by Drawing&Disbursing officers concerned till verification of their Degrees/Certificates e.t.c from the concerned Universities/Boards/institutions by the concerned DDO.S.

  
District Coordination Officer  
Kohistan at Dassu.

Endust No- 7824-39 Appt/TT(F)Merit/2006 Dated Kohistan the.. 13-8 /2007

Copy of the above is forwarded to the.

- 1-Director Schools & Literacy NWFP Peshawar
- 2-P/S to Minister of Education NWFP Peshawar.
- 3-P/S to Secretary Govt:of NWFP Peshawar
- 4- District Nazim Kohistan
- 5-Executive District Officer Schools & Literacy Kohistan
- 6-District Account Officer Kohistan.
- 7-District Officer (M&F) S&L Kohistan
- 8- Candidates concerned.

  
District Coordination Officer  
Kohistan at Dassu

Annexure Vol. 99



GS.EPD—RWFF—503 HS. 2,000 Ps of 100 8-10-57—P.

P-023

MEDICAL CERTIFICATE

Name of Official Fazal Usab Khan  
 Caste or race .....

Father's name Abdul Khayyos  
 Residence Village Bata Distt. Kshtr

Date of birth 1983 05-01-1983  
 Exact height by measurement 5 feet 6 inch  
 Personal mark of identification .....

Signature of the official [Signature]  
 Signature of head of office .....

Seal of Office .....

I do hereby certify that I have examined Mr. Fazal Usab Khan in  
 employment in the office of the Sub-Inspector Distt. Kshtr  
 and can not discover that he had any disease communicable or other constitutional  
 affection or bodily infirmity except None

I do not consider this as disqualification for employment in the office of the Sub-Inspector  
Distt. Kshtr... His age according to his own statement.. 20 ... years and by  
 appearance about 20 ... years. Two (yes)  
Scar on the lower chest

LEFT HAND THUMB AND FINGER IMPRESSIONS



[Signature]  
 Medical Superintendent  
 Civil Hospital, Distt. Kshtr  
23/11/89

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR.

DESTATCACH  
Director (E&SE)  
KPK Peshawar.

Annexure-64-29 No. 73 /F. No. Complaint against DM.  
Dated Peshawar the 13-2-2020.

P-024

The District Education Officer (M)  
Kohistan Lower.

Subject: INQUIRY AGAINST FAZAL WAHID.

Memo:-

I am directed to refer to the subject cited above enclosed herewith inquiry report in respect of Mr. Fazal Wahid DM GMS Kohistan Lower, and to ask you to take necessary action as per recommendations of inquiry report.

Assistant Director (Estab :)  
Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar.

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

Copy forwarded to the:-

1. P.A to Director Elementary and Secondary Education local office.

Assistant Director (Estab :)  
Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar.



DEO

122  
13-2-2020

Kohistan & Daser



No. 121/File.INQ/2019

Dated. 28/12/2019

P-25

To

The Director Elementary & Secondary Education,  
Khyber Pakhtunkhwa Peshawar

Subject: INQUIRY REGARDING FAZAL WAHID DM GMS KOTHIAN DISTRICT KOHISTAN LOWER

In compliance with your notification bearing Endst: No 3079-82 File. CMD Kohistan/ complaint cell/2018 dated 02.12.2019, the undersigned visited Office of the District Education Officer (M) Kohistan lower on 16.12.2019 and conducted the subject cited above inquiry.

Back Ground:

A complaint had been lodged by Mr. Syed Rahim S/O Mir Alam resident of Pattan Kohistan, to the CM Khyber Pakhtunkhwa, that Mr. Fazal Wahid DM Kothian Pattan Kohistan has been appointed on the basis of fake academic documents and that the teacher remains absent from his duty.

Procedure:

The District Education Officer (M) Kohistan lower had efficiently completed the process of verification of appointment order and academic documents of the teacher. The remaining relevant record was scrutinized and the statements of the Head Master of GMS Kothian (Annex-I) and the teacher under inquiry (Annex-II) were sought.

Finding:

The scrutiny of the relevant record led the undersigned to the following findings.

1. Mr. Fazal Wahid S/O Abdul Hai was appointed by District Coordination Officer Kohistan at Dassu as DM BPS 09 at Govt. Middle school Bar Bela Kohistan upper vide No 7824-30 dated 13.8.2007 (Annex-III)
2. As per entries on Page No.2 (Annex-IV) and Page No.3 (Annex-V) in the service book of the teacher the date of birth of the teacher is 05.01.1983, while he has passed his SSC Examination in 1995. It shows the teacher passed his SSC at the age of 12 years, which is astonishing.
3. The Medical Certificate of the teacher (Annex-VI) attached with his service book has been signed by the medical superintendent on 23.11.1999, about 8 years prior to his appointment.
4. The entries on page 5 of the service book (Annex-VII) discloses that the source- I for activation of his pay was verified by the concerned District Accounts officer on 21.10.2011 after more than 4 years of his appointment.

439  
2-1-2020

122  
13-2-2020

12/1/2020

F-20

Response to District Education Officer (M) Kohistan lower, the Deputy Commissioner Kohistan at Abbottabad vide his letter No 21/Estt:/11102-4 D(KH) dated 26.9.2019(Annex-VIII), has clarified that appointments in BPS 09 were under the exclusive domain of the Executive District Officer E&SE in 2008 notified by Government of NWFP Establishment & Admn: Department letter No SOR -V (E&AD) 2-2003 dated 17.9.2003 (Annex-IX).

In response to the DEO(M) Kohistan lower letter No 819 dated 24.7.2019 (Annex-X), the BISE Abbottabad has declared vide No 412/F/SSC Secrecy dated 13.9.2019 (Annex-XI) and letter No. 6/AB/BISE/HSSC/SECRECY Dated 17.09.2019 (Annex-XII) that the DMCs of SSC (Annex-XIII) & HSSC (Annex-XIV) of the teacher concerned were found fake.

The DM course certificate of the teacher was not available in the record. The teacher was of the opinion (Annex-II) that he had been appointed without having professional qualification due to relaxation.

The above mentioned facts have already been reported to your good self by the District Education Officer (M) Kohistan Lower while his letter No. 1608/EST/ENQ/FAKEDOC/DM/DEO(M)KHL Dated 4/10/2019 (Annex-XV)

All the above mentioned blunders in the record and given facts and factors prove that the appointment order as well as the academic documents of the teacher under inquiry are fake.

Despite of all the above mentioned blunders in the record the teacher was allowed to carry on his services in the department for about 12 years, Which is impossible without the support of officers/officials within the department.

As per record of the school (Annex-XVI) and the statement of the HM the teacher (Annex-I) remains present at the school, however the teacher has been reported absent twice by IMU (Annex-XVII).

#### RECOMMENDATIONS:

If agreed please:

1. Major penalty of removal from service under 4(b) (III) of E&D rules 2011 is recommended.

2. A High level inquiry may be ordered to disclose other such frauds as well as the official/officers involved in such type of fraudulent practices in order to give them exemplary punishment and to clean the department of such type of black sheep.

28/12/2019  
BAKHTIAR AN MUHAMMAD ANJUM  
PRINCIPAL  
GHSS PAIMAL SHARIF, BATTAGRAM.

f-27



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)  
KOHISTAN LOWER

Email. deokohistan@gmail.com

Face Book: DEO Male Kohistan Lower



**Removal from Service**

- 1- Whereas Mr Fazal Wahid S/O Abdul Hai was appointed by Office of District Coordination Officer Kohistan Dassu, as DM at GMS Bar Bela Kohistan Upper vide NO. 7824-30 Dated 13-08-2007 in BPS-09, while the District Coordination Officer was competent for appointment at District level for posts in BS-11 to BS-15 vide Notification of Government of Khyber Pakhtunkhwa Establishment and admin: Department (regulation wing) No.SOR-V(E&AD)2-7/2003 dated Peshawar the 17/11/2005 the subject appointment was not under domain of District Coordination Officer in the light of above referred Notification.
- 2- Whereas during the verification of appointment order from Deputy Commissioner Kohistan upper he stated that appointment order bearing Endstt:No 7824-30 dated 13/08/2007 is found FAKE AND BOGUS vide his letter No. 1113-14/DC-(KH) dated 30/01/2020.
- 3- Whereas as per record of his service book at page 05, he was adjusted at GMS Jalkot from GMS Hukkam Abad on 01-01-2011 and Source-I was verified by DAO for activation of his pay on 21-10-2011 after a period of more than 04 years after his appointment is unjustified.
- 4- Whereas in the service book of above named DM, the record of his medical shows that the medical report was signed by concerned Medical superintendent on 23-11-1999, about 08 years prior to his appointment and original also not found on the record as well as DHO Office.
- 5- Whereas office of the DEO (M) Lower Kohistan, (newly separated district) started proper functioning w.e.f mid of April 2019. Two letters No.47/5A/ACE.KH and NO 35/5A.ACE, of CO ACE, were received on 19-06-2019 and 27-06-2019 respectively from CO ACE Kohistan Lower demanding record of Mr Fazal Wahid DM. Only available record was got from office of DEO (M) Kohistan Upper, through special messenger, and was handed over to CO ACE vide this office NO 558 dated 27-06-019.
- 6- Whereas under the recruitment policy at that time the required qualification for the DM post was HSSC and DM diploma, but the above named teacher has not been acquired the qualification up till now. On the basis of above tow letters of Anti-corruption Establishment, this office sent the available academic certificates of the above named DM to BISE Abbottabad for verification vide No 819 dated 24-07-2019. It is worth mentioning here that in the record of service book of above named DM, verified record of academic certificates was not available.
- 7- Whereas in the response of this office NO 819 dated 24-07-2019, BISE Abbottabad vide No 866/AB/BISE/HSSC/SECURITY dated 17-09-2019, received by this office on 03-10-2019, declared his academic certificates found FAKE and BOGUS.
- 8- Whereas a letter was received containing subject ENQUIRY vide NO. 3079-82 dated 02/12/2019 from office of th Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar as Mr Bakhtiar Anjum, Principal (B-18) GHSS Paimal Sharif Battagram, was nominated as inquiry officer.
- 9- Whereas this office provided the available record to the inquiry officer at the time of his visit to this office in connection with the said inquiry on 16/12/2019.
- 10- Whereas the inquiry officer completed his inquiry and final report submitted Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar vide No.121/File.Inq./2019 dated 28/12/2019 with the recommendation that Mojar penalty of removal from service under 4(b) (III) of E&D rules 2011. The Director E&SE KP, enclosed the above inquiry report and sent to this office for necessary action in the light of inquiry vide No.73/F.No.complaint against the DM, dated Peshawar the 19/2/2020.

In view of the above fact, District Education Officer (M) Kohistan Lower being competent authority as Under Govt: of Khyber Pakhtunkhwa efficiency and disciplinary rule 2011 4(b) (III), is fully satisfied to impose upon Mr Fazal Wahid DM GMS Kotia, the major penalty of **REMOVAL FROM SERVICE** with effect from 01/07/2019.

*[Signature]*  
District Education Officer (M)  
Kohistan Lower

Endst: 1270-75 /EST/ENQ/FAKEDOC/DM/DEO (M) KHL Dated: 22/02/2020

**Copy forwarded to the:-**

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar with reference No. Quoted above.
2. Deputy Commissioner Lower Kohistan with request to please direct the CO ACE Lower Kohistan for necessary recovery from above named Ex-Teacher, if any, as per rule please.
3. CO ACE Lower Kohistan with reference his Nos 47/5A/ACE. KH dated 14-0619 and 35/5A.ACE dated 06-05-2019.
4. Deputy District Education Officer (M) Kohistan Lower
5. District Monitoring Officer (IMU) Kohistan lower.
6. Mr. Fazal Wahid Ex-DM GMS Kotia Pattan.

*[Signature]*  
22/02/2020  
District Education Officer (M)  
Kohistan Lower

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

DESPATCHER  
Director (E&SE)  
KPK Peshawar

No. 5029 / F.No. Complaint against DM.  
Dated: 04/3/2020

**P-28**

The District Education Officer  
(Male) Kohistan Lower.

Subject: - DEPARTMENTAL APPEAL

I am directed to refer to the subject cited above and to ask you that appeal in respect of Mr. Fazal Wahid Ex-DM GMS Kotia District Kohistan Lower, has been rejected.

I am further directed to ask you to inform the appellant concerned accordingly under intimation to this office.

*Amir*  
2/3/22  
Assistant Director Estab (Male)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Endst No. \_\_\_\_\_/

Copy of the above is forwarded to: -

1. Mr. Fazal Wahid Ex: DM GMS Kotia District Kohistan Lower.
2. PA to Director E&SE local Office.
3. Master File.

*AD ED (E&SE): AE*

*SA*  
Assistant Director Estab (Male)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar



*6*  
*14/3/2020*

4. Deputy
5. District
6. Mr. Fazal Wahid

122  
13-2-2020

~~Annexus-I~~ Rules (282)

**GOVERNMENT OF N.W.F.P.**  
**ESTABLISHMENT & ADMN: DEPARTMENT**  
**(REGULATION WING)**



No.SOR-V(E&AD)2-7/2003.  
Dated Pesh: the 17<sup>th</sup> November 2005.

P-29

To  
All District Coordination Officer,  
In N.W.F.P.

SUBJECT:- COSTITUTION OF SELECTION BOARD.

Dear Sir,

I am directed to refer to this Department letter bearing No.SOR-V(E&AD)1-2/03 dated 30-7-2003 on the subject noted above and to state that due to amendment in Rule-6 in sub rule 1(b) of District Government Rules of Business 2001 notified vide Local Government, Elections and Rural Development Department No.SO(LG-I)3-196/E.M/05 dated 7-10-2005, the Departmental Selection Committees at District level are reconstituted as under:-

**A) DEPARTMENTAL SELECTION COMMITTEE AT DISTRICT LEVEL FOR POSTS IN BS-11 TO BS-15.**

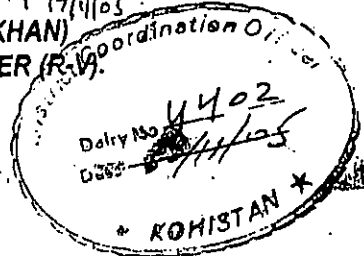
- |      |                                                              |          |
|------|--------------------------------------------------------------|----------|
| i.   | DCO.                                                         | Chairman |
| ii.  | EDO concerned.                                               | Member   |
| iii. | One member to be nominated by the Admn:<br>Deptt: concerned. | Member.  |
| iv.  | One member to be nominated by the Appointing<br>Authority.   | Member.  |

**B) DEPARTMENTAL SELECTION COMMITTEE AT DISTRICT LEVEL FOR POSTS IN BS-1 TO BS-10.**

- |      |                                       |           |
|------|---------------------------------------|-----------|
| i.   | EDO concerned.                        | Chairman. |
| ii.  | One member to be nominated by the DCO | Member.   |
| iii. | District Officer concerned.           | Member.   |

Yours faithfully,

  
(MUSHARAF KHAN)  
SECTION OFFICER (R-V).



Endst: of even No & Date.

Copy forwarded to:-

All Administrative Secretaries to Govt. of NWFP.

  
SECTION OFFICER (R-V).

Amir BSM  
Deco  
30/11/05



O.P.S.S. DEPARTMENT  
Director (G&SE)  
KPK Peshawar

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
KHYBER PAKHTUNKHWA, PESHAWAR**

Phone: 091-9225336, 9225342, E-mail: complaintcellese@gmail.com

No. 495 /File: Kohistan/13-1/Complaint Cell/2016

Dated Peshawar the 19-3-2020

**P-30**

The District Education Officer,  
(Male), Kohistan Lower.

Subject: - **APPLICATION/COMPLAINT. (filled by Mr. Fazal Wahid DM r/o Kohistan).**

I am directed to refer to the subject noted above and to enclose a letter received from Section Officer (Complaint) Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar vide No. SO (Comp) E&SED/KPK/1-7/2020/Mr. Fazal Wahid/SE-131, dated 27-02-2020, on the subject cited above.

You are therefore directed to take necessary action in the matter as per rules/policy and submit report within a week for onward submission to high ups.

(Enclose As Above)

Assistant Director (Complaint)  
Directorate of E&SE KPK

Endst No. \_\_\_\_\_/

Copy forwarded to the: -

1. Section Officer (Complaint) Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
2. PA to Director E&SE Khyber Pakhtunkhwa, Peshawar.

Assistant Director (Complaint)  
Directorate of E&SE KPK

*A/E  
Put up pl  
1-4-2020*

13-1/2016

Kohistan

134

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9223540

No. SO(C)E&SED/1-7/2020/Mr. Fazal Wahid SE-131 Dated February 27<sup>th</sup>, 2020

P-32

To

Director,  
E&SE Department,  
Khyber Pakhtunkhwa, Peshawar.

Subject: - APPLICATION/COMPLAINT. (filled by Mr. Fazal Wahid DM r/o Kohistan).

I am directed to refer to the subject noted above and to enclose herewith a copy of an application/ complaint along with its enclosures received from Mr. Fazal Wahid DM, GMS, Kotia district Kohistan Lower, with the request to look into the remarks recorded by honorable Speaker Khyber Pakhtunkhwa Assembly upon the application and action may be taken as per rules/ policy at the earliest.

Encl: As Above:

*(Signature)*

(DAWOOD JAN)  
SECTION OFFICER (COMPLAINT)

Endst: of even number & date:

Copy of the above is forwarded to the PA to Deputy Secretary (Budget), E&SE Department, Peshawar.

*1000 (P)*

*(Signature)*

*(Signature)*  
SECTION OFFICER (COMPLAINT)

95 ✓  
2-3-2020

1579  
2-3-20

محترم جناب! DEO صاحب میل لوئر کوہستان

درخواست برائے کاروائی

P-39  
جناب عالی

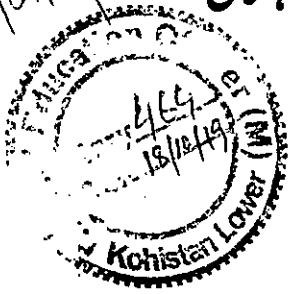
آداب مودبانہ گزارش ہے کہ جناب کے خدمت میں عرض ہے کہ سائل فضل واحد ولد عبدالحی  
سکنہ کللو پٹن پوسٹ D.M سنٹر سکول - GMS کوٹھاں پٹن کوہستان عرصہ 25 سال سے تعینات  
ہے۔ گزارش ہے کہ سائل کی ڈگری جعلی ہے اور جعلی ڈگری پر بھرتی ہوا ہے۔ اب سائل نے  
ریٹائرمنٹ کیلئے درخواست دی ہے۔ گزارش ہے کہ مکمل چھان بین کر کے اور انکوائری کر کے  
سائل کو جعل سازی میں سزا دی جائے۔ شکریہ

کاپی برائے۔ منسٹر ایجوکیشن خیبر پختونخواہ

کاپی برائے۔ سیکرٹری ایجوکیشن خیبر پختونخواہ

کاپی برائے۔ DEO میل لوئر کوہستان ✓

A/E  
18/11/19







KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

No. 2128 /ST

Dated: 22/10 /2021

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

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

To

The District Education Officer Male,  
Government of Khyber Pakhtunkhwa,  
Lower Kohistan.

Subject: JUDGMENT IN APPEAL NO. 1404/2020, MR. FAZAL WAHID

I am directed to forward herewith a certified copy of Judgement dated 15.09.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR

KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No. 603/2016

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 603

Abdul Saboor S/o. Molve Abdul Khaliq

Dated 09-6-2016

at GMS Dag Pattan, Kohistan

Appellant

VERSUS

1. District Education Officer (M) Kohistan.
2. Director - Elementary and Secondary Education Khyber Pakhtunkhwa G.T. Road Peshawar
3. District Accounts Officer District Kohistan
4. Govt. of Khyber Pakhtunkhwa through Secretary Education E&S Secretariats Peshawar Respondents.

Filed to-day  
vide order of  
Registrar  
9/6/16

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 18-  
05-2016 PASSED BY RESPONDENT NO-2 WHEREBY HE REJECTED  
THE APPEAL OF THE APPELLANT AND MAINTAINED THE OFFICE  
ORDER BEARING NO-12585-88 DATED 17-02-2016 OF RESPONDENT  
NO-1 IN RESPECT OF REMOVAL FROM SERVICE OF THE  
APPELLANT

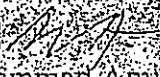
ATTESTED



13.02.2019

Learned counsel for the appellant and Mr. Kabirullah Khattak, learned Additional Advocate General for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 22.05.2019 before D.B.

  
(Hussain Shah)  
Member

  
(Muhammad Amin Khan Kund)  
Member

Order

22.03.2019


Counsel for the appellant present: Mr. Kabirullah Addl. AG alongwith Mr. Muhammad Ali ADEO and Mr. Shah Wali Ullah Computer Operator for respondents present. Arguments heard and record perused.

This application is also accepted as per detailed judgment of today placed on file in service appeal No. 620/2016 titled "Kifayatullah vs. District Education officer (M) Kohistan and four others". Parties are left to bear their own cost. File be consigned to the record room.

Announced:  
22.03.2019



(Ahmad Hassan)  
Member

  
(Hamid Farooq Durani)  
Chairman

Date

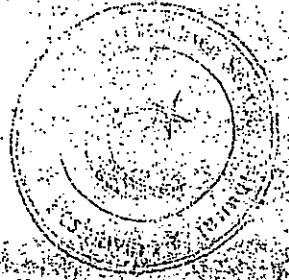


BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 620/2016

Date of Institution ... 09.06.2016

Date of Decision ... 22.03.2019



Kifayatullah S/o Maulvi Abdul Raziq, T.T GHS Pattan Kohistan.

(Appellant)

VERSUS

District Education Officer (M) Kohistan and four others.

(Respondents)

MR. MUHAMMAD ARIF JAN,  
Advocate

For appellant.

MR. KABIRULLAH KHATTAK  
Additional Advocate General

For respondents.

MR. AHMAD HASSAN,  
MR. HAMID FAROOQ DURRANI

MEMBER (Executive)  
CHAIRMAN

JUDGMENT

AHMAD HASSAN, MEMBER

This judgment shall dispose of the instant service appeal as well as connected service appeal no. 621/2016 titled Abdul Saboor and appeal no. 700/2016 titled Muhammad Nazir as similar question of law and facts are involved therein.

2. Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS

3. Learned counsel for the appellant argued that initially he joined the Education Department as Arabic Teacher on 26.04.2008. That he was declared surplus and thereafter adjusted through order dated 02.03.2009 and posted at GMS, Dag Pattan, Kohistan. Subsequently, on the allegations of being appointed



in violation of prescribed procedure, a show cause notice was served on him vide endorsement dated 14.12.2015 to which he replied. Allegedly, his appointment was declared fake and major penalty of removal from service was imposed on him vide impugned order dated 17.02.2016. To safeguard his service interests, a departmental appeal dated 27.02.2016 was filed and rejected vide order dated 18.05.2016.

4. He further argued that his appointment was made in the prescribed manner. Major penalty was awarded without holding proper inquiry and opportunity of defense/hearing also denied, which goes against the principles of natural justice.

5. Learned Additional Advocate General argued that appointment of the appellant as Arabic Teacher in the respondent department was fake/bogus. Posting order of the appellant bearing no. 2529-34 dated 26.08.2008 at GHS, Harighan Kohistan, was bogus as post of Arabic Teacher was not vacant, hence, the appellant could not assume the charge. The DCO Kohistan denied unequivocally about issuance of any such order from his office. After a gap eight months, he was readjusted through fake appointment order by the EDO Kohistan through order dated 20.03.2009, at GHS, Bada Kot, thereafter, at GMS, Dag Pattan. His appointment was made without proper advertisement and other codal formalities. Recruitment process was not carried out in 2007 by the Education Department in Kohistan.

  
D.S. J. /

CONCLUSION

The appointment of the appellant was declared fake and bogus. Appointments proceedings were conducted by issuing chow cause notice dated 17.12.2015 and thereafter he was removed from service vide impugned order dated 17.02.2016. According to the E&D Rules 2011 the respondents were bound to record reasons for dispensing with regular enquiry, however, no such justification is available on the case file. Major penalty without holding regular enquiry has been repeatedly held illegal and unlawful by the superior courts in its numerous judgments. Respondents failed to abide by the respondents procedure and resultantly the impugned order lost backing of law. Order being a void/illegal is nothing more than a mere piece of paper.

07. As a sequel to above, the appeal is accepted, impugned order dated 17.02.2016 and 17.05.2016 are set aside and the appellant is reinstated in service. The respondents are directed to conduct de-novo enquiry within a period of ninety days after the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo enquiry. The appeal is disposed off accordingly. Parties are left to bear their own costs. File be consigned to the record room.

(HAMID FAROOQ DURRANI)  
CHAIRMAN

(AHMAD HASSAN)  
MEMBER

ANNOUNCED  
22.05.2019

