


FORM OF ORDER SHEET

Court of _____

Case No.- 1902 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/12/2022	<p>The appeal of Mr. Tariq Mehmood received today by registered posted through Mr. Hamayun Khan Advocate. It is fixed for preliminary hearing touring before Single Bench at A.Abad on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR^{al}</p>

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

Service Appeal No. 1902/2022

Tariq Mehmood son of Mian Muhammad, (Assistant Treasury Officer, Account Office Swabi), resident of CB-19/33, Kakul Road Behind F.G Girls College, Abbottabad.

....APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary Peshawar & others.

...RESPONDENT

SERVICE APPEAL

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...APPELLANT

Through

Dated: 15/12 /2022


(HAMAYUN KHAN)

&


(FAZLULLAH KHAN)

Advocates High Court, Abbottabad

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

Service Appeal No. 1902 /2022

Tariq Mehmood son of Mian Muhammad, (Assistant Treasury Officer, Account Office Swabi), resident of CB-19/33, Kakul Road Behind F.G Girls College, Abbottabad.

....APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary Peshawar.
2. Finance Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.

...RESPONDENTS

**APPEAL UNDER ARTICLE 212 OF CONSTITUTION
OF ISLAMIC REPUBLIC OF PAKISTAN 1973 READ
WITH SECTION 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED REINSTATEMENT ORDER DATED
02/11/2021 PASSED BY RESPONDENT NO. 2,
WHEREBY APPELLANT WAS REINSTATED IN
SERVICE W.E.F 18/01/2017 BUT REFUSED BACK.**

FINANCIAL BENEFITS/ BACK BENEFITS AND SENIORITY ACCORDING TO SENIORITY LIST 2014-15 AND SIMILARLY PROMOTION TO NEXT SCALE BPS-18, WHICH ARE ILLEGAL, UNLAWFUL, WITHOUT LAWFUL AUTHORITY, PERVERSE, ARBITRARY, MISUSE OF POWER, HENCE NO LEGAL EFFECT UPON THE RIGHTS OF THE APPELLANT.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL, IMPUGNED REINSTATEMENT ORDER DATED 02/11/2021 PASSED BY RESPONDENT NO. 2 TO THE EXTENT OF NON-ISSUANCE OF BACK BENEFIT, SENIORITY AS WELL AS PROMOTION MAY GRACIOUSLY BE SET-ASIDE AS BEING ILLEGAL, UNLAWFUL, AB-INITIO, VOID AND ALL KIND OF BACK BENEFITS INCLUDING FINANCIAL, SENIORITY AND PROMOTION BE GIVEN TO THE APPELLANT W.E.F 18.01.2017. ANY OTHER RELIEF WHICH THIS HONOURABLE COURT DEEMS FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth;-

Appellant beg to solicit through instant service appeal on the following legal and factual grounds;-

1. That the appellant was appointed Sub-Accountant BPS-11 on 23.05.11990.
2. That thereafter the appellant continuously performed his duties and responsibilities with full devotion and liability till 11.01.2017.
3. That according to Rules and Policy the appellant was promoted time by time and in the year 2006 and was promoted to Assistant Treasury Officer BPS-17.
4. That in the year 2016 department initiated so-called inquiry against the appellant on the basis of so-called application filed by unknown person.
5. That thereafter on 11.01.2017 competent authority issued so-called dismissal order without justification. Copy of dismissal order is annexed as Annexure "A".

6. That the appellant filed departmental appeal before the respondent No. 1.
7. That thereafter, appellant filed Service Appeal 474/2017 before this Honourable Tribunal against the impugned order dated 18.01.2017 passed by respondent No. 2. Copy of Service Appeal No. 474/2017 is annexed as Annexure "B".
8. That on 13.01.2021 after hearing the arguments this Honourable Tribunal accepted the Service Appeal and set-aside the impugned order dated 18.01.2017. Copy of judgment dated 13.01.2020 is annexed as Annexure "C".
9. That thereafter, appellant filed execution petition No. 71/2021 before this Honourable Tribunal for implementation of judgment dated 13.01.2021. Copy of execution petition No. 71/2021 is annexed as Annexure "D".
10. That in the meanwhile, during pendency of execution petition, respondent No. 2 issued reinstatement order on 26.10.2021 and whereby appellant was reinstated in service w.e.f 18.01.2017, but refused other benefits including

financial, seniority and promotion. Copy of order dated 26.10.2021 is annexed as Annexure "E".

11. That on 03.08.2022, execution petition was disposed off with observation mentioned in Para No. 3 "be that as it may since, the compliance of judgment of the Tribunal has been complied with, therefore, this petition is filed. The petitioner is at liberty to take other legal step if at all in his view, his grievances are not redressed". Copy of order dated 03.08.2022 is annexed as Annexure "F".
12. That on 22.08.2022, appellant filed departmental appeal against the impugned order dated 02.11.2021 passed by respondent No. 2 before the respondent No. 1, but till date respondents not given any response to the appellant and similarly not passed any express order in this regard. Copy of departmental appeal of the petitioner is annexed as Annexure "G".
13. That feeling aggrieved, from the afore-said situation, appellant seeks indulgence of this Honourable Tribunal, on the following grounds:-

GROUNDS:-

- a. That the impugned order/ act of respondents is illegal, unlawful, without lawful authority, arbitrary, perverse, against the principle of natural justice, hence ineffective upon the rights of the appellant and thus liable to be set-aside.
- b. That all proceedings were conducted against a well known principle of natural justice and guaranteed fundamental rights of appellant and therefore as the appellant has been condemned unheard, therefore, the impugned order/ act is liable to be set-aside and appellant all kind of back benefits be granted to the appellant.
- c. That the impugned act of respondents is a sheer example of highhandedness and political motivation. Hence, liable to be set-aside.
- d. That the impugned act of respondents is a worst example of discrimination and misuse of power/ authority.

- e. That department/ Secretary Finance KPK issued re-instatement order on 02/11/2021 and appellant was reinstated in service w.e.f 18/01/2017, but refused benefits of the said period.
- f. That similarly department Secretary Finance reinstated another employee namely Ayaz and released his all back benefits without any delay but benefits of applicant still not released by the Department. Copy of source and reinstatement order is annexed as Annexure "H".
- g. That since re-instatement order Secretary Finance not include the name of petitioner in seniority list for the purpose of promotion, but till date not issued promotion order of the appellant and similarly not placed the name of the appellant at proper place in seniority list.
- h. That Secretary Finance included the names of junior officer namely Ishfaq ur Rehman Serial No. 36 and Muhammad Naeem at Serial No. 37, according to seniority list in

the year 2014 while applicant was at serial No. 34 according to seniority list issued by the Secretary Finance Department.

- i. That on 21.04.2022 Provincial Selection Board promoted both the above name Assistant Treasury Officer but not considered the name of applicant for promotion against the post of BPS-18 (DAO) while applicant is senior eligible and entitle for promotion in all respect.
- j. That learned Secretary Finance did not include the name of petitioner for promotion and similarly not forwarded working paper of the petitioner and issued the promotion order of the above named junior officers without lawful justification, rules and policy
- k. That on 18.05.2022 Worthy Secretary Establishment again called working paper for promotion for the post of District Account Officer (BPS-18) before 1st June 2022, but till date learned Secretary Finance not include the name of applicant and not

forwarded working paper for promotion and refused the same without any response.

- l. That since 02/11/2021 department miserably failed to granted back benefits including unpaid salary since 18/01/2017, seniority and promotion to next higher scale (BPS-18).
- m. That the act of department against the Article- 4 & 25 of the Constitution of Islamic Republic of Pakistan as well as natural justice and intentionally till date not released back benefits.
- n. That Act of the respondents also against well known Principles and Fundamental Rules 54.
- o. That valuable rights of the applicant are involved and all act of the finance department against the law, rules, policy and natural justice.
- p. That the other grounds shall be argued at the time of arguments with the kind permission of this Honourable Tribunal.

It is humbly requested that on acceptance of instant service appeal, impugned reinstatement order dated 02/11/2021 passed by respondent No. 2 to the extent of non-issuance of back benefit, seniority as well as promotion may graciously be set-aside as being illegal, unlawful, ab-initio, void and all back kind of back benefits including financial, seniority and promotion be given to the appellant w.e.f 18.01.2017. Any other relief which this Honourable Court deems fit and proper in the circumstances of the case may also be granted to the appellant.



...APPELLANT

Through

Dated: 15/12 /2022



(HAMAYUN KHAN)

&



(FAZLULLAH KHAN)

Advocates High Court, Abbottabad

VERIFICATION/ AFFIDAVIT:-

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



DEPONENT



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Dated Peshawar, the 18-01-2017

ANNEXURE 'A'

11

OFFICE ORDER

No.SO(Estt)/FD/5-14/B.Gram/. WHEREAS Mr.Tariq Mehmood, Assistant Treasury Officer (BS-17) office of the District Accounts Officer, Battagram was proceeded against the charges mentioned in the Charge Sheet and Statement of allegations dated 16-06-2016, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

AND WHEREAS, the said officer was served with the Charge Sheet/Statement of allegations under the said Rules and given an opportunity of personal hearing vide No. SO(Estt)FD/5-14/2016/Battagram dated 16-06-2016.

AND WHEREAS, the Inquiry officer Mr. Muhammad Asim Khattak, Additional Finance Secretary, Government of Khyber Pakhtunkhwa, Finance Department submitted the findings/inquiry report.

AND WHEREAS, a show cause notice indicating the imposition of major penalty of "dismissal from service" was served upon the above named accused officer and giving him the opportunity of personal hearing vide No.SO(Estt)FD/5-14/2016/Ayaz dated 06-10-2016

NOW THEREFORE, the undersigned after going through the record and reply of the accused officer, being competent authority in this case and in exercise of the powers conferred upon me under sub-rule 5 (ii) of the Section-14 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, confirmed the major penalty of "dismissal from service" + recovery of Rs.2,676,871/- (Rs.Twenty six hundred seventy six thousand eight hundred and seventy one only) upon the accused officer Mr.Tariq Mehmood, Assistant Treasury Officer (BS-17) of Provincial Treasuries Service.

CHIEF MINISTER
KHYBER PAKHTUNKHWA

Endst: No: & Date even

Copy forwarded for information and necessary action to:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa.
3. The District Accounts Officer, Battagram.
4. PSO to Chief Minister, Khyber Pakhtunkhwa.
5. PS to Secretary Finance.
6. Mr. Tariq Mehmood, Assistant Treasury Officer, o/o District Accounts Officer, Battagram
7. Office order file.

(MUHAMMAD AMAN)
Section Officer(Estt:)

P.No.O/Order(P-188)

*Sayfan Rehman. 1/2 Adman
Pl send the same
on his postal address.*

*Am
27/1*

Muhammad Aman

ANNEXURE "B"

12

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

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 505

Dated 16-5-2017

Service Appeal No. 474 /2017



Tariq Mehmood son of Mian Muhammad, resident of CB-29/33, Kakul Road, Behind F.G Girls College, Abbottabad.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Peshawar.
2. Chief Minister, Khyber Pakhtunkhwa, Peshawar.
3. Finance Secretary to the Govt., Khyber Pakhtunkhwa, Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.

...RESPONDENTS

Filed to-day

Registrar

16/5/17

Attested
u/s

SERVICE APPEAL UNDER ARTICLE 212 OF
THE CONSTITUTION OF ISLAMIC REPUBLIC
OF PAKISTAN 1973, READ WITH SECTION 4
OF KPK SERVICE TRIBUNAL ACT, 1974,
AGAINST THE IMPUGNED ORDER
NO.SO(ESTT)/FD/5-14/B.GRAM DATED


ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

18/01/2017, PASSED BY RESPONDENT NO.2
THROUGH SECTION OFFICER
ESTABLISHMENT TREASURIES, WHEREBY,
IMPOSING MAJOR PENALTY OF DISMISSAL
FROM SERVICE AND RECOVERY OF
RS.2,67,68,871/- IS IMPOSED, WHICH IS
ILLEGAL, UNLAWFUL, WITHOUT LAWFUL
AUTHORITY, PERVERSE, ARBITRARY AND
MISUSE OF POWERS, HENCE OF NO LEGAL
EFFECTS UPON THE RIGHTS OF THE
APPELLANT.

PRAYER: ON ACCEPTANCE OF THE
INSTANT APPEAL, THE IMPUGNED ORDER
DATED 18/01/2017 PASSED BY RESPONDENT
NO.2 MAY GRACIOUSLY BE SET ASIDE AS
BEING ILLEGAL, UNLAWFUL, AB-INITIO
VOID AND THE APPELLANT MAY KINDLY
BE REINSTATED IN THE SERVICE WITH
ALL BACK BENEFITS. ANY OTHER RELIEF
WHICH THIS HONOURABLE TRIBUNAL
DEEMS FIT AND PROPER IN THE
CIRCUMSTANCES OF THE CASE.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



Member

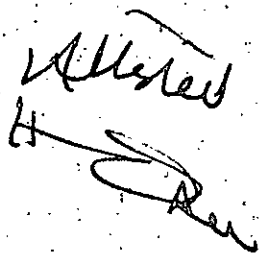
Respectfully Sheweth;-

Brief facts of the instant appeal are arrayed as under;-

1. That, appellant was appointed as Sub-Accountant (BPS-11) in the year 1990 in Finance Department, KPK.
2. That on the basis of good performance and length of service, appellant was promoted as Assistant Treasury Officer (ATO) BPS-17.
3. That on anonymous application, respondent No.4 initiated one sided inquiry besides other who were directly named in the so-called application also against the present appellant who was not even named in the so-called application. Copy of application is attached as Annexure "A".

ATTESTED

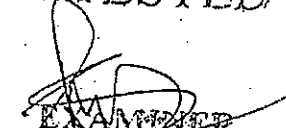

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

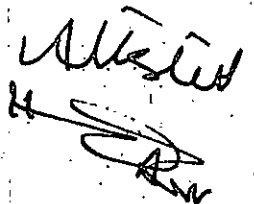

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4. That thereafter respondent No.4 conducted inquiry besides other also against appellant from 18/04/2016 to 20/04/2016 and after conclusion could not prove any kind of allegation against the present appellant in respect of corruption and embezzlement. Copy of inquiry attached as Annexure "B".

5. That thereafter within a span of two days on the same application in which present appellant was not even named another inquiry was conducted by respondent No.3 on the same allegations and charges mentioned in so-called complaint and after inquire into the matter by the respondent No.3, the inquiry officer appointed by respondent No.3 gave his findings to the said effect and at the same time failed miserably to prove any charges of corruption or otherwise against the present appellant. Copy of inquiry report is attached as Annexure "C".

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



6. That as behind the complaint there were some elements within the office as well as outside who aggrieved of the upright and honest approach and behaviour of the present appellant after coming of the knowledge of the exoneration of the present appellant from charges leveled against him. thereafter malafidely again approached respondent No.2 and pressurized him into re-inquiry against present appellant on which respondent No.1 took the cognizance of the allegations level against the appellant and issued directions to the respondent No.4 for conducting another inquiry into the matter and on the direction of respondent No.1 Additional Secretary Finance KPK again conducted inquiry against the appellant and on 16/06/2016 served charge sheet to the appellant and after receiving charge sheet appellant submitted reply to the same. Copies of charge sheet and reply are attached as Annexure "D" & "E".

ATTESTED

[Signature]
EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

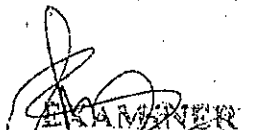
7. That thereafter on 06/10/2016, Inquiry Officer (Additional Secretary Finance)

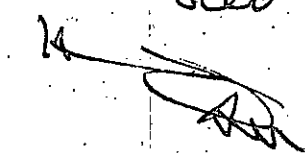
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[Signature]

issued show cause notice alongwith questionnaire to the appellant. Copies of show cause and questionnaire are attached as Annexure "F" & "G".

8. That on 17/10/2016, appellant submitted detailed reply to the show cause notice and described all actual facts and at the same time denied all the allegations leveled against him. Copy of reply is attached as Annexure "H".
9. That in the meanwhile, on the same application filed by person unknown, the National Accountability Bureau without going into deeper appreciation of evidence and without following the rules regulation and without proper investigation and reference straight away arrested the appellant vide warrant of arrest dated 11/01/2017. Copy of warrant of arrest dated 11/01/2017 is attached herewith as Annexure "I".

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Attested


10. That after the arrest of the appellant, the appellant thereafter filed constitution petition before the Honourable Peshawar High Court Peshawar for release on bail.
11. That after hearing the arguments and going through the record, the Honourable High Court seeing that there was no direct evidence against the appellant, released the appellant on bail vide order dated 08/03/2017.
12. That, during the period when the present appellant was in custody of NAB, the respondents malafidely and in order to humiliate the present appellant, vide order dated 18/01/2017 dismissed the appellant from service alongwith imposing of recovery of Rs. 2.6 million. Copy of impugned order is attached as Annexure "J".
13. That, on 06/02/2017 appellant filed departmental appeal before respondent No. 2

Attested

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

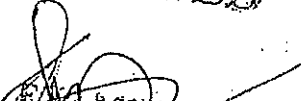
through Superintendent Central Jail Peshawar. Copy of departmental appeal is annexed as Annexure "K".

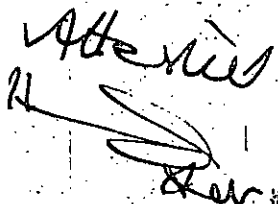
14. That on the departmental appeal of the present appellant, respondents department did not pass any order till date and similarly have not given any response to the appellant. Therefore, feeling aggrieved of the same, the present appellant files this appeal, inter-alia, on the following amongst many others grounds:-

GROUND:-

- a. That the impugned order/ act of respondents is illegal, unlawful, without lawful authority, arbitrary, perverse, against the principle of natural justice, hence, ineffective upon the rights of the petitioner and thus liable to be set-aside.

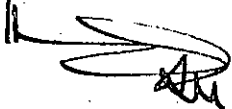
ATTESTED


Sd/-
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


Attested
R. Khan

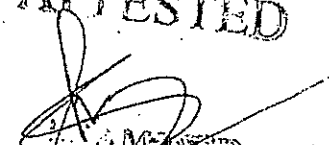
b. That, the so-called inquiry proceedings are illegal, arbitrary and grossly offensive against the rules governing the subject matter, hence not tenable.

c. That during the course of self styled inquiry, no evidence was recorded in the presence of appellant and no opportunity of cross examination through counsel or otherwise was allowed to the appellant nor any copy of the same were provided to the appellant therefore, the said inquiry was one sided, haphazard and cosmetic styled inquiry which if allowed will be a mockery to the justice system of the country and therefore, should be set aside and appellant reinstated into service with all back benefits.

Mushtaq


d. That there is no evidence whatsoever against the appellant of his any

ATTESTED


 MEMBER
 Khayber Pakhtunkhwa
 Service Tribunal

involvement within the so-called embezzlement regarding the ghost teacher salaries.

- e. That even otherwise according to the job description of the appellant, his job description is regards issuance of stamp papers and supervision of treasury establishment, as regards release of salary etc the same does not fall within the ambit of the appellant. Therefore, on this score also the said inquiry is based on malafide and has been made in order to please the local political figure and in order to settle scores with the appellant, therefore, as the whole inquiry is based on wrong facts, malafide, therefore, the impugned order is liable to be set aside on this score also.

- f. That the appellant has nothing to do with the federal or provincial establishment employees salaries nor

Attested

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ATTESTED

AW

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

he is involved in any way in release of their pays nor it was his job description therefore the appellant has wrongly been dismissed from service on account of a one sided, malafide inquiry, whereas, no involvement of the present appellant has been proved by the first two inquiries and as far as the third inquiry is concerned the same was one sided, without affording the appellant the right to cross examination or to bring evidence in his favour, therefore, on account of natural justice and on account of audi-altrum-paltrum the same is liable to be set aside.

g. That all proceedings were conducted against a well known principle of natural justice and guaranteed fundamental rights of appellant and therefore as the appellant has been condemned unheard, therefore, the impugned inquiry is liable to be set

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H. [Signature]

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 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

aside and appellant be reinstated into service with all back benefits.

h. That respondents issued impugned order against the appellant during period when appellant was in judicial lockup and impugned order has not provided within time.

i. That the impugned act of respondents is a sheer example of highhandedness and political motivation. Hence, liable to be set-aside.

j. That the impugned act of respondents is a worst example of discrimination and misuse of powers/ authority.

k. That inside the Account Office there are so many sections for so many different activities and responsibility making under different incharges. Amongst them, District Account

Attested
14

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Officer, Office Superintendent and Audit Officer play the key roll and appellant is none of them.

1. That even otherwise the distribution of salaries and other financial benefits falls within the ambit of Senior Auditor, Assistant Account Officer and District Account Officer and whereas the present appellant was working as Assistant Treasury Officer within the hierarchy of the department and had no direct role to play regarding the same.

m. That twice, the NAB authorities have made a thorough probe in the matter, but without any success.

n. That other points shall be urged at the time of arguments.

Attested
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CHIEF CLERK
Hydrabad Pakhankhwa
Service Tribunal
Peshawar

It is, therefore, humbly prayed that on acceptance of the instant appeal, the impugned order dated 18/01/2017 passed by respondent No.2 may graciously be set aside as being illegal, unlawful, ab-initio void and the appellant may kindly be reinstated in the service with all back benefits. Any other relief which this Honourable tribunal deems fit and proper in the circumstances of the case.

~~_____~~

...APPELLANT

Dated: 10-5 /2017

Through

F Saleh

(FAWAD SALEH)

Senior Advocate Supreme Court of Pakistan,
Abbottabad

& *H* ~~_____~~ *T Asw*

(HAMAYUN KHAN)

Advocate High Court, Abbottabad

Attested
H

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal

~~_____~~

...APPELLANT

Date of Presentation of Application 28/1/21
 Number of Words 5600
 Copying Fee 58/-
 Urgent 58/-
 Name of Applicant _____
 Date of Completion of Copy 4/02/21
 Date of Delivery of Copy 12/02/21

Certified to be true copy
[Signature]
 Kaybee Antunichwa
 Service Tribunal,
 Peshawar

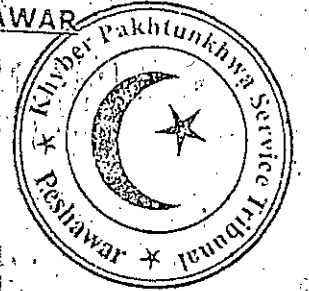
ANNEXURE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.474/2017

Date of Institution: 16.05.2017

Date of Decision: 13.01.2021



Tariq Mehmood son of Mian Muhammad, R/o CB-29/33, Kakul Road, behind FG Girls College, Abbotabad

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa, through Chief Secretary and three others

... (Respondents)

Mr. Hamayun Khan,
Advocate

Mr. Abdul Hameed,
Advocate

Mr. Masood Khan,
Advocate

... For Appellants

Mr. Riaz Ahmed Paindakhel,
Assistant Advocate General

... For Respondents

Mr. MUHAMMAD JAMAL
Mr. ATIQ UR REHMAN WAZIR
Mr. MIAN MUHAMMAD

MEMBER (J)
MEMBER (E)
MEMBER (E)

JUDGEMENT: -

Mr. ATIQ UR REHMAN WAZIR: - This judgement shall dispose of the instant service appeal as well as connected Service Appeal No. 673/2017 titled Hamid Younas and Service Appeal No 473/2017 titled Muhammad Ayaz, as similar question of law and facts are involved therein.

2. The instant service appeal was heard by a Division Bench of this Tribunal on 21-02-2019 and judgment was pronounced. The two learned Members, however, differed in their respective opinions essentially, on the point as to whether the appellants were

Attested
[Signature]

ATTESTED


[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

treated as per law or not. A larger Bench was, therefore, constituted which heard the matter on 09.12.2020.

3. The facts as laid in the memorandum of appeal in hand, suggest that appellants Muhammad Ayaz, Tariq Mehmood and Hamid Younas were posted as District Accounts Officer, Assistant Treasury Officer and Sub Accountant respectively in District Accounts Office Batagram. During the tenure, they were proceeded against on the charges of fraudulent drawl of money from government exchequer. To this effect, Finance Department as well as Accountant General Office conducted two separate preliminary inquiries each, based on which a formal inquiry was conducted and as per recommendations of the inquiry officer, all the three accused were proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Separate charge sheets and statement of allegations were served upon the appellants to the effect that they were involved in drawl of Rs. 80,30,314/ on account of pay and allowances to the ghost employees/fake appointees in District Education Office Batagram w.e.f. May 2013 to February 2015 and also transfer of pay of ghost employees to District Accounts Office Mansehra. The appellants responded to the charge sheet/statement of allegations, but the inquiry officer recommended that the amount of Rs. 80,30,614/ fraudulently drawn by the appellants may be recovered from them equally as well as recommended major penalty as defined in Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 and as a consequence, appellants were dismissed from service and recovery of Rs. 26,76,871/ was also ordered to be made from each appellant vide impugned order dated 18-01-2017. The appellants filed departmental appeals but of no avail, hence the instant service appeal with prayers that impugned orders dated 18-01-2017 may be set aside and the appellants may be re-instated into service with all back benefits.

4. We have heard learned counsel for the appellant as well as learned Deputy District Attorney on behalf of respondents and have thoroughly gone through the available record with their assistance.

Attested
K. E. A.

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EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

5. Learned counsel for the appellant (Mr. Muhammad Ayaz) contended that the charges leveled against the appellant were vague, evasive and in general terms without indicating details of the cases, breakup and apportionment of responsibilities, which clearly violates Rule 10(1)(b) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. He further added that during the course of inquiry proceedings, neither any departmental representative was appointed as required under Rule 10 (1) (c) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 nor the departmental representative performed his duties as such, as envisaged in Rule 13 of the rules ibid. Similarly, no copy of inquiry report along with enclosures was provided with show cause notice as was required under 14(4) of the rule ibid. Similarly, no departmental representative appeared along with relevant record on the date of hearing as was required under Rule 14 (4) (d) of the rule ibid to substantiate allegations, without which all the proceedings is nullity in the eyes of law.

Reliance was placed on 2018 PLC (CS) 997 and 2019 SCMR 640. The learned counsel further argued that the inquiry conducted by Finance Department was a fact finding inquiry, which speaks only of ten ghost employees with no mention of amount and the penalties were imposed on the basis of the stated fact finding inquiry, which is unlawful and the honorable court in case 2012 CLR 464 has turned down such practice. The learned counsel further added that there were no evidences, examination of prosecution witnesses or opportunity of cross-examination, which was illegal and unlawful and such practice has already been disapproved by the apex court contained in its judgments PLD 1989 SC 335, 1996 SCMR 802, 2018 PLC (CS) 997 and 2019 SCMR 640. That both the competent and appellate authorities have awarded the penalty on the recommendations of inquiry officer, which practice is quite incorrect and turned down by the apex court in a latest judgment contained in 2020 PLC (CS) 1291. The learned counsel contended that the impugned order is not a speaking order, lacking necessary ingredients and issued in violation of Section 24-A of the General Clauses Act.

Reliance was placed on 2015 PLC (CS) 1125-D and 2015 KLR. He further added that the respondents violated Article 10-A and 4 of the constitution due to non-provision of

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 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

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opportunity of free and fair trial and adherence to due process of law, rather it was restricted to selected questions of his choice through questionnaire. Such process of questionnaire has been deprecated by the apex court in its judgment 1993 SCMR 1440. He further added that preliminary inquiries conducted by Finance Department (FD) and Accountant General (AG) Office are contradictory to the effect that Finance Department suggested 10 cases of alleged ghost employees, while Accountant General Office listed it as 18. Besides employee Rahim Dad is shown as appointed on March 2011 by Finance Department, whereas in Accountant General list, the same is shown as appointed on August 2014. Similarly, another employee namely Fazal Wahab in the Finance Department list is shown as appointed on July 2008, while in Accountant General list on May 2013. It was added that both Finance Department and Accountant General lists contained eight appointments prior to the date of posting of appellant i.e. 31-12-2011. Such contradictions in the inquiry reports negate its credibility. He added that neither statement of prosecution witnesses nor other officials, including the alleged ghost employees have been recorded in support of allegations/charges nor was the opportunity of cross-examination afforded to the appellants. The charges against the appellant were firmed up on the basis of suspicion and surmises, therefore not sustainable in the eyes of law. The learned counsel further added that an alleged ghost employee at Sr. No 16 namely Khais Gul has been allowed pension from 2016. Another alleged ghost employee namely Fazal Wahab has already been re-instated in service by this Tribunal vide judgement dated 30-03-2018 in Service Appeal No. 1070/2017. Still another alleged ghost employee namely Mr. Malik Hayat stands re-instated in service by this Tribunal vide judgement dated 12-04-2018 in service appeal No 572/2017, who actually was recruited back in 1996. The stance of appellant to this effect is further substantiated with issuance of a certificate by District Accounts Officer Batagram that eight alleged ghost employees were appointed prior to posting period of the appellant. The learned counsel further added that the appellants have been discriminated to the effect that recovery is to be made from only three accused officials without taking into account the other co-accused of Accountant General Office and Education department,

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who were also held responsible by the inquiry officer in the same case, but no action whatsoever was taken against them inspite of clear recommendations of the inquiry officer to this effect. That responsibility of the appellant is restricted to 2% random checking of bills, as is evident from findings of the inquiry report, but the penalty so imposed does not commensurate with the offence.

6. Counsel for appellant (Mr. Tariq Mehmood) mainly relied on the arguments put forth by his fellow counsel for the appellant, Mr. Muhammad Ayaz with an addition that job description of the appellant was issuance of stamp paper from treasury and to maintain its record having no connections with fake appointments and drawl of illegal money from government exchequer. That there is no mention of the appellant in the preliminary inquiries conducted by Finance Department and Accountant General Office, but still the appellant was held responsible for an act not committed by him.

7. Learned counsel for the appellant (Hamid Younas) also relied on the arguments of his fellow counsels with an addition that Rule 10(3) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 have been violated by not affording opportunity of personal hearing to the appellant. He further argued that no opportunity of cross-examination was afforded to the appellant, which is unlawful and not sustainable in the eyes of law. Reliance was placed on 1998 PLC (CS) 1338-E, 2008 SCMR 1406, 2016 SCMR 108, 1997 SCMR 1073 and Service Appeal No. 613/2017.

8. Learned Assistant Advocate General on behalf of respondents opposed the contention of the appellants and stated that the appellants were properly proceeded against as per rule and law. Proper charge sheet/statement of allegations were served upon them, to which they responded accordingly. He further contended that proper opportunity of defense was afforded to the appellants. He further added that on the basis of fact finding inquiry, it was established that the appellants were involved in fraudulent drawl of Rs. 80,30,614/ and the charges leveled against them proved during the course of inquiry, hence after fulfilling the required formalities major penalty was awarded to the appellants.

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Dera Ismail Khan

Attested
H. Younas

9. We have heard learned counsel for the parties and perused record. It was found that District Accounts Office Batagram and District Education Office Batagram both were involved in the swindle, which was pointed out by an anonymous complainant. Staff posted in DAO Office Batagram comprised of Federal Employees of Accountant General Office as well as Provincial employees of Finance Department (Treasury), so preliminary inquiries were conducted simultaneously by Accountant General Office as well as Finance Department. Both the preliminary inquires recommended only Mr. Hamid Younas, Sub Accountant for disciplinary proceedings, as his user account has been used in the feedings of pay and allowances of ghost employees. The most important recommendation made in both the inquires, which was altogether ignored, was regarding detailed probe to be undertaken by Education Department against District Education Office Batagram for fraudulent drawl/ghost employees, who had drawn salaries from various cost centers of Education Department in District Batagram. The preliminary inquiry conducted by Finance Department however recommended initiating formal inquiry through a committee of Finance Department, Accountant General Khyber Pakhtunkhwa and Director General Audit, which however was conducted by a single inquiry officer from Finance Department and that too only against employees of Finance Department, whereas employees of Accountant General Office and District Education Office Batagram and the ghost employees were altogether ignored. The inquiry was conducted in a slipshod manner only to punish its own employees and no effort was made to broaden the scope of the inquiry to reach the real culprits sitting in the office of District Education Office Batagram as well as Accountant General Office, which was an act of discrimination on part of the respondents. Moreover, Mr. Aurangzeb, senior auditor of the office of DAO Batagram and an employee of the office of Accountant General was also involved in the scam, he however is still in service, which clearly manifests that the appellants were treated in a discriminatory manner and in violation of Article 25 of the constitution. Besides one Fazal Wahab whose name was included in the list of ghost employees was re-instated by this Tribunal vide judgement dated 12-04-2018 rendered in Service Appeal No.

ATTESTED

BY THE JUDGE
Khyber Pakhtunkhwa
Service Tribunal

Attested
H. [Signature]

572/2017. Though appeal was decided on technical grounds but gave credence to the fact that action against the appellants was against the norms of justice/fair play.

10. The formal inquiry conducted is replete with discrepancies, shortcomings, lacunae and illegalities. The inquiry officer was required to sift chaff from the grain, which could be done by following Rule 12 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, he however showed complacency and presented a cut and paste report by mostly relying on earlier fact finding inquiries. The inquiry officer failed to establish as to how in the absence of any incriminating evidence charges can be established against the accused. His findings were based on assumption/suppositions. We could not find basis of apportionment of embezzled amount to be recovered from the appellants, as no criteria, rationale and yardstick was applied by the inquiry officer in reaching the figure of Rs. 2.5 million to be recovered from each accused. The inquiry was also deficient to the effect that it was only conducted against employees of Finance Department. Had it been conducted jointly against staff of Education Department, Accountant General Office staff as well as against the ghost employees, it would have definitely helped in reaching the bottom of the fraud, but the inquiry officer, while ignoring the other co-accused, confined the inquiry only to its own staff and by doing so, apportioned the whole responsibilities pertaining to Education and Accountant General Office employees upon the appellants.

11. We are conscious of the fact that main beneficiary in the fraud were employees of Education department, whether fake or genuine and action against them would have definitely helped in reaching to the bottom of the fraud committed by the concerned. Fraudulent drawl of such a huge amount is not possible without connivance of the District Education Office Batagram, but record reveals that no action whatsoever was taken against either Employees of Accountant General Office or Office of Education in District Batagram inspite of the fact that inquiry officer recommended that Education Department and Accountant General Office may initiate action against their employees

involved in the scam. It was noted that most of the activities regarding appointment of

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CHAIRMAN
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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staff and other allied issues with regard to drawl of their pay and allowances have been initiated by education department and expenditure incurred was also reconciled and accepted by the department without any complaint. All this was done by the education department in connivance with staff of Accounts Office.

12. The penalties imposed upon appellants does not commensurate with the offense committed, as the District Accounts Officer, Mr. Muhammad Ayaz was charged for 18 ghost employees, who however was not responsible for all of them as record reveals that eight of the employees entered the system before his posting period as DAO Batagram, which shows that wrong doer was already present before his arrival to this post. Furthermore, yardstick for due vigilance is that the auditor concerned would check 100% calculations as a test check whereas the Assistant Accounts would check about 10% calculation as a test check and similarly the Account Officer is to check about 2% calculation as a test check and his responsibility to this effect was negligible. Similarly, Mr. Muhammad Tariq Assistant Treasury Officer was also responsible for 10% check, which also is negligible. Moreover, as his designation indicates that he was basically a treasury officer, having no apparent role in activation of salaries and allowances. Moreover, name of Mr. Muhammad Tariq was not mentioned in the preliminary inquiries, but his name appeared in the formal inquiry on the basis of doubt. They however, cannot totally be absolved of their responsibilities as they failed to properly supervise the activities as were required. The role of Mr. Hamid Younas Sub Accountant is of prime importance to the effect that he was 100% responsible for checking as well as he was dealing hand responsible for activation of pay and allowances. He was categorically held responsible by all the three inquiries conducted to this effect. Record also shows that all such fraudulent activities were initiated from his user account including activation of pay and its transfer to other cost centers.

13. In view of the situation, the impugned order is set aside to the effect that the appellant Mr. Muhammad Ayaz and appellant Mr. Tariq Mehmood are re-instated into service by converting major penalty of dismissal and recovery into minor penalty of

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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stoppage of two increments for two years each. Major penalty imposed upon the appellant Mr. Hamid Younas is maintained to the extent of dismissal. Respondents however are directed to conduct inquiry against District Education Office Batagram as well as the ghost employees within three months for recovery of the embezzled amount. No order as to costs. File be consigned to the record room.

ANNOUNCED
13.01.2020

(ATIQ UR REHMAN WAZIR)
MEMBER (E)

(MUHAMMAD JAMAL KHAN)
MEMBER (J)

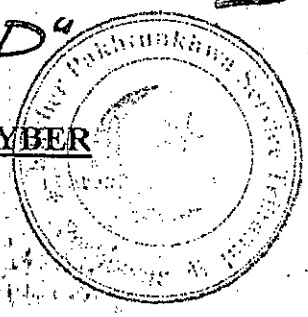
(MIAN MUHAMMAD)
MEMBER (E)

Certified to be true copy
EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

Date of Presentation of Application 28-01-2021
 Number of Words 3600
 Copying Fee 38.00
 Urgent —
 Total 38.00
 Name of Copyiest [Signature]
 Date of Completion of Copy 01-02-2021
 Date of Delivery of Copy 01-02-2021

Atiq
 [Signature]

ANNEXURE 'D'



BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

E.P No. 71 /2021
IN
Appeal No. 474/2017

Tariq Mehmood son of Mian Muhammad, resident of CB-29/33, Kakul Road Behind F.G Girls College, Abbottabad.

...PETITIONER
Khyber Pakhtunkhwa
Service Tribunal

Diary No. 343

Dated 22/02/2021

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.
2. Finance Secretary Govt. of Khyber Pakhtunkhwa, Peshawar.
3. Counter General Khyber Pakhtunkhwa, Peshawar.

...RESPONDENTS

Filed to-day
22/2/2021
Registrar.

APPLICATION FOR IMPLEMENTATION OF JUDGMENT DATED 13/01/2021 PASSED BY THIS HONOURABLE TRIBUNAL IN APPEAL NO. 474/2017 TITLED "TARIQ MEHMOOD V/S GOVT. OF KPK & OTHERS."

Respectfully Sheweth:-

1. That petitioner filed above mentioned service appeal against impugned order dated 18/01/2017

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar.

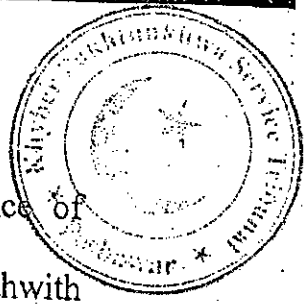
passed by respondent No. 2 in main service appeal.

Copy of appeal is attached as Annexure "A".

2. That on 13/01/2021 after hearing of arguments this Honourable tribunal accepted appeal of the petitioner and set aside impugned order. Copy of judgment is attached as annexure "B".
3. That thereafter on 20/01/2021 petitioner appeared before respondent No.2 for implementation of judgment dated 13/01/2021 and submit application.
4. That after laps of more than 01 month respondents not implemented judgment of this Honourable tribunal.
5. That respondents instead of complying with the direction of this Honourable Tribunal, straightaway refused to comply with the direction of this Honourable Tribunal.
6. That other point would be raised at the time of arguments kind permission of this Honourable Tribunal.


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EXAMINER
Karnataka
Service Tribunal



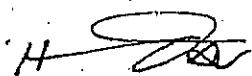
37

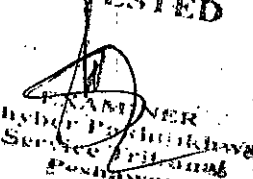
It is therefore, humbly prayed that on acceptance of instant application respondents be kindly be directed forthwith comply with the directions of this Honourable Tribunal contained in judgment dated 13/01/2021 in its true letter and spirit


...PETITIONER

Dated: 21/2/2021

Through


(HAMAYUN KHAN)
Advocate High Court, Abbottabad

ATTESTED

EXAMINER
Khaydar P. Chaudhary
Services Tribunal
Abbottabad



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar

www.dinard.gov.pk

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Dated Pesh. the 26.10.2021

OFFICE ORDER.

No.SO(Estt-I)FD/1-5/2021. In pursuance of Khyber Pakhtunkhwa Service Tribunal judgment dated 13.01.2020 in Service Appeal No 474/2017, the competent authority has been pleased to convert the major penalty of "Dismissal from service + recovery of Rs. 2,676,871/-" imposed upon Mr. Tariq Mehmood, Assistant Treasury Officer (BS-17), Treasuries & Accounts Establishment, Khyber Pakhtunkhwa vide order No SO(Estt)FD/5-14/B.Gram dated 18/01/2017, into minor penalty of "Stoppage of two increments for two years".

2. Consequent upon the above, the officer is re-instated in service w.e.f 18.01.2017.
3. The above conversion of major penalty in to minor penalty and re-instatement in service are subject to final decision of Supreme Court of Pakistan in CPLA No. 166/B/2021, against the Khyber Pakhtunkhwa Service Tribunal judgment, mentioned above.

SECRETARY FINANCE

Endst: No. SO(Estt-I)FD/1-5/2021.

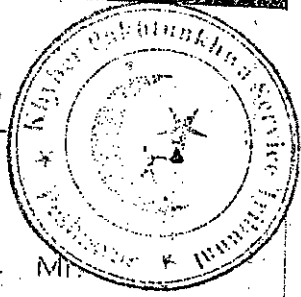
Dated 02.11.2021.

Copy forwarded for information to:-

1. Registrar, Service Tribunal, Khyber Pakhtunkhwa.
2. Accountant General, Khyber Pakhtunkhwa
3. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
4. PS to Secretary, Finance Department.
5. PS to Special Secretary, Finance Department.
6. PA to Additional Secretary (Admn), Finance Department.
7. PA to Provincial Coordinator (PIAC), Finance Department.
8. DAO Battagram.
9. Officer concerned.
10. Office Order file.

A. H. Khan
Section Officer (Estt)

ANNEXURE 'F' 39
Tariq Mahmood



Execution Petition 71/2021

3rd August, 2022. 1. Learned counsel for the petitioner present. Mr. Kabirullah Khattak. Addl: AG alongwith Mr. Naseeb Khan. So for respondents present.

2. Vide office order No. SO(Estu-1)FD/1-5/2021 dated 26.10.2021, the major penalty of dismissal from service as well as recovery, imposed upon the petitioner was converted into stoppage of two increments for two years, as directed by the Tribunal. This Tribunal in its judgment dated 13.01.2021. The order shows that the judgment of the Tribunal has been implemented but learned counsel for the petitioner desired that the co-petitioner namely Ayaz was granted some more benefits which were not granted to the petitioner to which the representative of the respondents submitted that his case was under process and he would be treated at par with the said petitioner.

3. Be that as it may, since the compliance of the judgment of the Tribunal has been complied with, therefore, this petition is filed. The petitioner is at liberty to take other legal steps if, at all, in his view, his grievances are not redressed. Consign.

4. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 3rd day of August, 2022.

(Kalim Arshad Khan)
Chairman

Date of Presentation of Application 13/12/22
Number of Words 1600
Copying Fee 18/-
Urgent 4/-
Total 22/-
Name of Case _____
Date of Completion of Copy 13/12/22
Date of Delivery of Copy 13/12/22

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

To

ANNEXURE "C" 40

The Worthy Chief Secretary
Khyber Pakhtunkhwa
Peshawar

Subject;

APPEAL/ REPRESENTATION AGAINST IMPUGNED REINSTATEMENT ORDER DATED 02/11/2021 PASSED BY SECRETARY FINANCE WHEREBY APPELLANT WAS REINSTATED IN SERVICE W.E.F 18/01/2017 BUT TILL DATE SECRETARY FINANCE NOT RELEASED BACK BENEFITS, SENIORITY ACCORDING TO SENIORITY LIST YEAR 2014-15 AND SIMILARLY NOT PROMOTED TO THE NEXT SCALE BPS-18.

Respected Sir,

1. That the applicant was appointed Sub-Accountant BPS-11 on 23.05.11990.
2. That thereafter the applicant continuously performed his duties and responsibilities with full devotion and liability till 11.01.2017.
3. That according to Rules and Policy the applicant was promoted time by time and in the year 2006 and was promoted to Assistant Treasury Officer BPS-17.
4. That in the year 2016 department initiated inquiry against the applicant on the basis of so-called application filed by unknown person.
5. That thereafter on 11.01.2017 competent authority issued so-called dismissal order without justification.

Attended
[Signature]

6. That the applicant filed service appeal before the Honourable Khyber Pakhtunkhwa Service Tribunal against the impugned dismissal order dated 11.01.2017.
7. That on 13.01.2021 after hearing the arguments learned Tribunal accepted the service appeal and declared impugned order dated 11.01.2017 void against the law.
8. That thereafter department/ Secretary Finance KPK issued re-instatement order on 02/11/2021 and appellant was reinstated in service w.e.f 18/01/2017.
9. That similarly department Secretary Finance reinstated another employee namely Ayaz and released his all back benefits without any delay but benefits of applicant still not released by the Department. Copy of source and reinstatement order is annexed.
10. That since re-instatement order Secretary Finance not include the name of petitioner in seniority list for the purpose of promotion.
11. That Secretary Finance included the names of junior officer namely Ishfaq ur Rehman Serial No. 36 and Muhammad Naeem at Serial No. 37 according to seniority list in the year 2014 while applicant was at serial No. 34 according to seniority list issued by the Secretary Finance Department.
12. That on 21.04.2022 Provincial Selection Board promoted both the above name Assistant Treasury Officer but not considered the name of applicant for promotion against the

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post of BPS-18 (DAO) while applicant is senior eligible and entitle for promotion in all respect.

13. That learned Secretary Finance did not include the name of petitioner for promotion and similarly not forwarded working paper of the petitioner and issued the promotion order of the above named junior officers without lawful justification, rules and policy
14. That on 18.05.2022 Worthy Secretary Establishment again called working paper for promotion for the post of District Account Officer (BPS-18) before 1st June 2022, but till date learned Secretary Finance not include the name of applicant and not forwarded working paper for promotion and refused the same without any response.
15. That since 02/11/2021 department miserably failed to granted back benefits including unpaid salary since 18/01/2017, seniority and promotion to next higher scale (BPS-18).
16. That the act of department against the Article- 4 & 25 of the Constitution of Islamic Republic of Pakistan as well as natural justice and intentionally till date not released back benefits.
17. That Act of the respondents also against well known Principles and Fundamental Rules 54.
18. That valuable rights of the applicant are involved and all act of the finance department against the law, rules, policy and natural justice.

A. H. Khan
H. Khan

43

It is humbly requested that on acceptance of instant departmental appeal, Finance Department may graciously be directed to release back benefits, seniority and promotion to next higher scale BPS-18.

Dated: 22-08 /2022

~~_____~~
22.08.2022

Tariq Mehmood
Assistant Treasury Officer (BPS-17)
District Account Office Swabi

Attested
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[Signature]

-43-

ANNEXURE 46

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

66



Finance Department Civil Secretariat Peshawar

Http://www.finance.gkp.gov.pk

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twitter.com/GORPFD

Dated Pesh: the 26.10.2021


OFFICE ORDER.

No.SO(Estt-I)FD/1-5/2021.

In pursuance of judgment of Khyber Pakhtunkhwa, Service Tribunal in Service Appeal No. 474/2017 dated 13.01.2021 the competent authority has been pleased to convert the major penalty of "Dismissal from service + recovery of Rs. 2,676,871/-" imposed upon Mr. Muhammad Ayaz, District Accounts Officer (BS-18) vide order No. SO(Estt)FD/5-14/B.Gram dated 18/01/2017 into minor penalty of "Stoppage of two increments for two years".

2. Consequent upon the above, the officer is re-instated in service w.e.f 18.01.2017 and shall stand retired from Government Service w.e.f 13.12.2018 (A.N) on attaining the age of superannuation as his date of birth is 14.12.1958.

3. The above conversion of major penalty in to minor penalty and retirement are subject to final decision of Supreme Court of Pakistan in CPLA No. 166/B/2021 against the Khyber Pakhtunkhwa Service Tribunal decision.


District Accounts Officer
Swabi


SECRETARY FINANCE

Endst: No. & Date even.

Copy forwarded for information to:-

1. Registrar, Service Tribunal, Khyber Pakhtunkhwa.
2. Accountant General, Khyber Pakhtunkhwa.
3. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
4. PS to Secretary, Finance Department.
5. PS to Special Secretary, Finance Department.
6. PA to Additional Secretary (Admn), Finance Department.
7. PA to Provincial Coordinator (PIAC), Finance Department.
8. DAO Battagram.
9. Officer concerned.
10. Office Order file.

A. Noshad


Assistant Secretary
Swabi



Section Officer (Estt-I)



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department Civil Secretariat, Peshawar (i) Finance Dept (ii) Finance Dept (iii) Finance Dept

OFFICE ORDER

Dated Pesh: the 26-10-2021

No.SO(Estt-I)FD/1-32//LPR/2021/Vol-III. In pursuance of sub-section (2) of section 13(A) of the Khyber Pakhtunkhwa civil servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973) read with sub-section (3) thereof, Mr.Muhammad Ayaz, Ex- District Accounts Officer, Battagram stands retired from Government service w.e.f. 13.12.2018 A.M on attaining the age of superannuation i.e sixtieth (60th) years as his date of birth is 14.12.1958.

2. Sanction is also hereby accorded to the grant of leave encashment of 365 days in lieu of leave preparatory to Retirement (LPR), in respect of the aforesaid retiring officer, in pursuance of Finance Department's notification No.SO(FR)FD/5-92/2005/Vol-V dated 31-12-2012.

SECRETARY FINANCE

Endst: No: & Date even

Copy forwarded to:-

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa Peshawar with reference to his letter No.1-32/DT&A/21/1314 dated 10.11.2021.
2. The District Accounts Officer, Battagram.
3. The Budget Officer-XI, Finance Department.
4. Mr.Muhammad Ayaz, Ex- District Accounts Officer, Battagram.
5. PS to Special Secretary (R&A), Finance Department.
6. Office order file.

Attended
Tariq Mehmood
Asst. Treas. Officer
Swabi

Section Officer (Estt-I)

Attended
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on board 19/11



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**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department, Govt. Secretariat, Peshawar

http://www.gkp.gov.pk

mailto:info@kpk.gov.pk

www.kpk.gov.pk

NO. BO-XI/FD/1-35/2021-22/OSD

Dated Peshawar the 06.01.2022

To

The Director Treasuries & Accounts,
Khyber Pakhtunkhwa,
Peshawar.

Subject:-

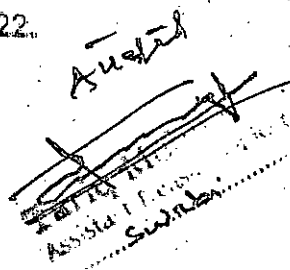
CREATION OF SUPERNUMERARY POST FOR THE PERIOD
W.E.F. 01.09.2017 TO 13.12.2018 IN R/O
MR. MUHAMMAD AYAZ, EX-DAO (BPS-18).

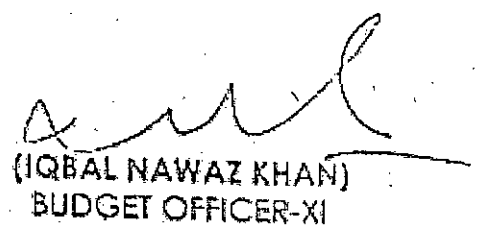
Dear Sir,

I am directed to refer to the Section Officer (Estt-I) Finance Department letter No. SO(ESTT-I)FD/19-25/2021/SNE dated 18.11.2021 on the subject noted above and to state that in light of Service Tribunal KPK decision and subsequent approval of the Competent Authority, Finance Department agrees to the creation of one supernumerary post of DAO (BPS-18) w.e.f 18.01.2017 to 13.12.2018 under DDO/Cost Centre BM4003-District Accounts Office, Battagram, for the purpose of drawl of pay and allowances in respect of Muhammad Ayaz (Ex-DAO), Battagram, subject to observance of all codal formalities before incurrence of expenditure.

2- The expenditure involved is debitible under Grant. 03 NC21003 (003) Function Classification, 01-General Public Service, 011-Executive & Legislative Organs, Financial, 0112-Financial and Fiscal Affairs, 011206-Accounting Services, BM4003-Treasury Establishment Battagram, and will be met out within the sanctioned budget during current financial year 2021-22.


Distt. A/Cs Officer
Swabi

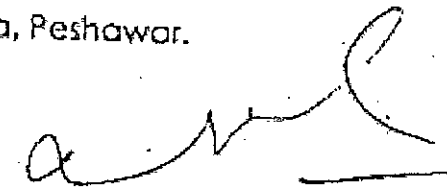

Assista. Finance Officer
Swabi


(IQBAL NAWAZ KHAN)
BUDGET OFFICER-XI

Endst: of even No. & Date

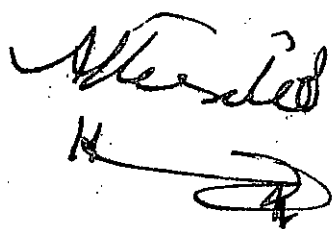
Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. District Accounts Officer, Battagram.
3. Master File.


BUDGET OFFICER-XI


Iqbal Nawaz Khan

92 (51) 3213024



47

-146-

Defair & Calculation

EXPENDITURE DETAIL IN R/O MR. MUHAMMAD AYAZ EX-DAO (B-18) W.E.F 19.01.2017 TO 13.12.2018

S.NO.	PARTICULAR	Amount	18.01.2017 To 31.01.2017	01.02.2017 TO 30.06.2021	PAY REQUESTED 2017	01.07.2017 TO 30.11.2018	01.12.2018 TO 13.12.2018	TOTAL IMPLICATION
1	Basic Pay	72,690	32827	363450	87140	1,481,380	36542	1,914,199
2	Qualification pay	1,200	541	6000	1200	20,400	503	27,444
3	House Rent Allowance	3,873	1749	19365	3873	65,841	1624	88,579
5	Medical Allowance	4,165	1881	20825	4165	70,805	1747	95,258
6	Adhoc Relief Allowance 2010 50%	10475	4730	52375				48,601
7	Adhoc Relief Allowance 2013 15%	2125	960	10625	2125	35,125	891	32,682
8	Adhoc Relief Allowance 2015 10%	1429	645	7145	1429	24,293	599	166,249
9	Adhoc Relief Allowance 2016 10%	7269	3283	36345	7269	123,573	3048	151,792
10	Adhoc Relief Allowance 2017 10%	8714			8714	148,188	3654	2,581,909
11	TOTAL FINANCIAL IMPLICATION							

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Assistant Secretary
S.M.A. 2017

DEPUTY DIRECTOR
TREASURERS & ACCOUNTS
KHYBER PAKHTUNKHWA

Handwritten signature
Muhammad Ayaz

2018

Sl. No.	Name	Grade	Post	Basic Pay	Qualification	Medical Allowance	House Rent Allowance	Audit & Accountancy	Total
334288	AYAZ MUHAMMAD	4100	Basic Pay	12.01.2022					2,370,628.00
334288	AYAZ MUHAMMAD	4104	Qualification	12.01.2022					27,444.00
334288	AYAZ MUHAMMAD	4108	Medical Allowance	12.01.2022					95,258.00
334288	AYAZ MUHAMMAD	4112	House Rent Allowance	12.01.2022					88,579.00
334288	AYAZ MUHAMMAD	4150	Audit & Accountancy	25.01.2022					216,445.00
									2,798,354.00

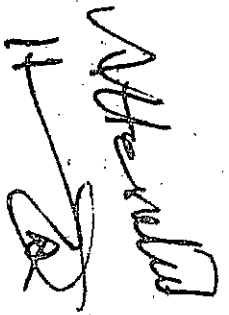
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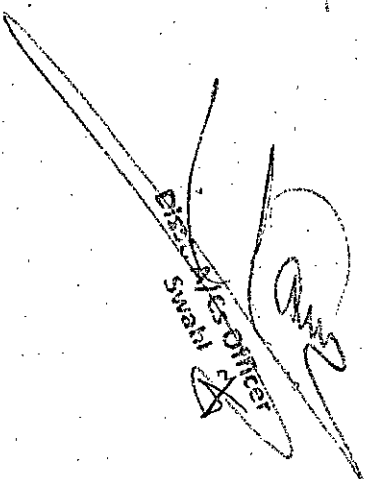
[Signature]
 District Officer
 Swat

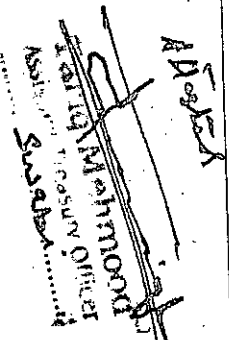
[Signature]
 Farid Mahmood
 Assistant Deputy Officer
 Swat

[Signature]

EMPLOYEE ID	NAME	GRADE	POST	DATE	AMOUNT
334288	AYAZ MUHAMMAD	4100	Basic Pay	12.01.2022	2,370,628.00
334288	AYAZ MUHAMMAD	4104	Qualification Allowance	12.01.2022	27,444.00
334288	AYAZ MUHAMMAD	4108	Medical Allowance	12.01.2022	95,258.00
334288	AYAZ MUHAMMAD	4112	House Rent Allowance	12.01.2022	88,579.00
334288	AYAZ MUHAMMAD	4150	Audit & Account	12.01.2022	2,581,909.00
334288	AYAZ MUHAMMAD	4050	Commutation (S)	25.01.2022	216,445.00
334288	AYAZ MUHAMMAD	0100	Monthly Pension	07.03.2022	3,213,225.00
334288	AYAZ MUHAMMAD	0101	Pension Increase	26.03.2022	40,195.00
334288	AYAZ MUHAMMAD	1599	Medical Allowance	26.03.2022	41,694.00
334288	AYAZ MUHAMMAD	1600	Med. All. 2015	26.03.2022	8,039.00
334288	AYAZ MUHAMMAD	5901	Arrears of Pension	26.03.2022	2,010.00
334288	AYAZ MUHAMMAD	0100	Monthly Pension	25.04.2022	3,305,163.00
334288	AYAZ MUHAMMAD	0101	Pension Increase	25.04.2022	40,195.00
334288	AYAZ MUHAMMAD	1599	Medical Allowance	25.04.2022	41,694.00
334288	AYAZ MUHAMMAD	1600	Med. All. 2015	25.04.2022	8,039.00
334288	AYAZ MUHAMMAD	0100	Monthly Pension	25.05.2022	2,010.00
334288	AYAZ MUHAMMAD	0101	Pension Increase	26.05.2022	41,694.00
334288	AYAZ MUHAMMAD	1599	Medical Allowance	26.05.2022	8,039.00
334288	AYAZ MUHAMMAD	1600	Med. All. 2015	26.05.2022	2,010.00
					91,938.00
					9,500,618.00

Attested


Director

 Director
 Swat
 11/11/22

Attested

 Attested
 Susana
 11/11/22

169 - 168



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar

http://www.finance.gkp.pk

facebook.com/GOKPFD

twitter.com/GOKPFD

Dated Pesh: the 21-04-2022

OFFICE ORDER

No.SO(Estt-1)/FD/1-4/2022/T&A/P.T On the recommendation of Provincial Selection Board, in its meeting held on 06.4.2022, following Assistant / Sub Treasury Officers (BS-17) are hereby promoted to the post of District Accounts Officers/ Treasury Officer (BS-18) on regular basis with immediate effect:-

Sr. No	Name of the officer	Present posting
1.	Mr. Ashfaq-ur-Rehman	DAO Haripur (OPS)
2.	Mr. Muhammad Naeem	DAO Torghar (OPS)

2. The officers, on promotion, will remain on probation for a period of one year, in terms of Section-6 (2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989,

3. Consequent upon above, the officers are allowed to actualize their promotions against already occupied posts of District Accounts Officer at Haripur & Torghar.

SECRETARY TO GOVERNMENT
KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Endst: No: & Date even

Copy forwarded for information & necessary action to:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
3. All DCAs/DAOs in Khyber Pakhtunkhwa.
4. PS to Minister for Finance.
5. PS to Secretary Finance.
6. PS to Special Secretary Finance.
7. PA to Add: Secretary (Admin) Finance.
8. Officers concerned.
9. Office Order file.

Attended

[Signature]

[Signature]
SECTION OFFICER (E-1)

21-4-22

کورٹ فیس

وکالت نامہ

BEFORE THE H.P.C. Semi-Tribunal Peshawar بعدالت

TARIQ MEHMUD عین الدین بنام Court of W.P.C.

Appellant

منجانب:

Semi Appeal

نوعیت مقدمہ:

باعث تحریر آنکے ATP/Psh

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آل مقام

Hamayun Khan, Fazlullah Khan

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت نالاش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المرقوم: 15/12/2022

Aceptably

بمقام