

**HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

7871/  
Service Appeal No: ~~7871~~ 2021

Mr. Abdur Rashid..... Appellant - Pakhtunkhwa  
Service Tribunal

**Versus**

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

Diary No. 2941  
Dated 13-1-2023

Respondents

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Respondent

**BEFORE THE HONOURABLE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL**  
**PESHAWAR**

7871/

Service Appeal # 7871/2021

Abdur Rashid.....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa  
Through Chief Secretary  
& others.....

Respondents

**SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1,4 ,5,6 & 7**

**Respectfully Sheweth:-**

**Preliminary Objections:-**

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

**Reply on Facts:-**

1. Pertains to record.
2. Incorrect. That the appellant was initially appointed as Director Physical Education (DPE) vide Notification No. 4255-304 dated: 28-02-2009 (**Annex-A**). Later on, all the DPE's were upgraded on the basis of Master Degree holding from BPS-16 to BPS-17 vide Notification No. SO (T)HE/17-1/2008/Vol-III dated: 01-01-2010. (**Annex-B**) and then absorbed in lecturer vide Notification No. SO (T) HE/17-2/2010 dated: 18-08-2010 (**Annex-C**)
3. That the appellant was posted as Inspector Physical Education (IPE) against the vacant post at Directorate of Higher Education vide Notification No. SO(A&L) HE/17-3/2010/11 dated 17-08-2011. (**Annex-D**)
4. Correct to the extent that the Directorate of Higher Education Advertised the posts of Teaching Assistant at fixed pay (Rs. 36000/- PM) in the year 2014 initially for two years and later on regularized as Lecturer through an Act called Khyber Pakhtunkhwa Regularization of Teachings Assistants as Lecturers Act, 2017.

Grievances Redressal committee was constituted vide Notification dated: 05-11-2014. (**Annex-E**) and meeting of the committee was held on 08-01-2015. Notification regarding appointment of Teaching Assistants was issued on 02-12-2015. Complaint was received from Mr. Majid one of the candidates that he being on merit is not appointed and those who are lower in merit are appointed (**Annex-F**) and the Competent Authority vide letter dated: 15-05-2018 nominated an inquiry officer to conduct fact finding inquiry (**Annex-G**) and the inquiry officer recommended to initiate disciplinary proceedings against responsible officers including the appellant (**Annex-H**). A formal inquiry was initiated against the appellant in light of fact finding inquiry, charge sheet (**Annex-I**) and statement of allegations (**Annex-J**) were served upon the appellant wherein the inquiry officer manifestly stated that all the allegations against the appellant stood partially proved (**Annex-K**). A Show Cause notice was served upon the appellant (**Annex-L**) and chance of personal hearing was also granted to the appellant (**Annex-M**) and after fulfilment of all codal formalities a minor penalty "withholding two annual increments for one year" was imposed upon the appellant. It is pertinent to mention here that Mr. Majid had also filed Writ Petition before Peshawar High Court, Peshawar which was decided in his favor vide judgment dated: 26-02-2019 (**Annex-N**) wherein it was also directed to conduct inquiry. Govt; filed CPLA against the said judgment which was dismissed vide order dated: 10-03-2022 by the august Supreme Court of Pakistan. (**Annex-O**)

5. Correct to the extent that the appellant field review petition which was regretted vide notification dated: 25-10-2021
6. Incorrect. As already explained in the preceding paras.

**Reply on Grounds: -**

- A. Incorrect. That the notifications are in accordance with law/rules.
- B. Incorrect. That the respondents acted in accordance with law.
- C. Correct to the extent that show cause notice was served upon the appellant, rest of the para is incorrect, as already explained in preceding paras.
- D. Incorrect. As already explained in paras 04 of facts.
- E. Incorrect. As already explained in preceding paras.
- F. Incorrect. As already explained in preceding paras.
- G. Incorrect. As already explained in preceding paras.
- H. Incorrect. As already explained in preceding paras.
- I. Incorrect. As already explained in preceding paras.
- J. Incorrect. As already explained in preceding paras.
- K. Incorrect. As already explained in preceding paras.
- L. Incorrect. As already explained in preceding paras.
- M. As already explained in preceding paras.

N. As already explained in preceding paras.

O. That the respondents may be allowed to raise additional grounds at the time of arguments.

**Prayer:-**

It is, therefore, humbly prayed that the instant Service Appeal is based on misconception/misstatements hence may graciously be dismissed.



**Chief Secretary,**  
Govt: of Khyber Pakhtunkhwa  
Respondent No. 01



**Secretary,**  
Higher Education, Archives  
& Library Department  
Respondent No. 04



**Additional Secretary (Dev),**  
Higher Education Department  
Respondent No. 5



**Director,**  
Higher Education Department,  
Respondent No. 06



**HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

787//  
Service Appeal No: 787/2021

Mr. Abdur Rashid..... Appellant

**Versus**

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

**AFFIDAVIT**

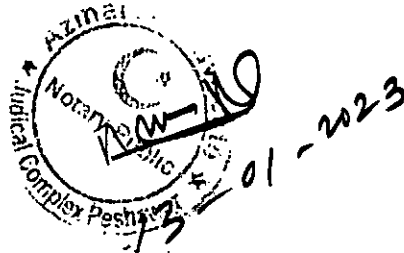
I, Farhan Ahmad, Assistant (Litigation), Higher Education Department do hereby declare and affirm on oath that the contents of "Parawise Comments" are correct to the best of my knowledge and belief that nothing has been concealed from this Honourable Court.



Identified by:

Deponent  
CNIC # 12101-1699891-1  
Contact # 0331-9802871

**ATTESTE**



**DIRECTORATE OF HIGHER EDUCATION, NWFP, PESHAWAR**  
Phone # 091-9211025/091-9210215, Fax # 091-9210242

Dated Peshawar, the \_\_\_\_\_/2009

**NOTIFICATION.**

Consequent upon the recommendation of NWFP, Public Service Commission, the competent Authority is pleased to appoint the following selectees against the post of Director Physical Education (Male) BPS-16 at the Government Colleges mentioned below:-

S.NO	NAME & ADDRESS	PLACE OF POSTING	REMARKS
1.	Shahid Ali S/O Shamsher Khan, Vill: Safiullah Killi, P.O Shaikhabad Khuley via Sardheri (Charsadda)	GDC, Zaroobi (Swabi)	AVP
2.	Abdur Rashid S/O Mohammad Anwar, Vill: & P.O Umerzai Moh: Bat-i-Khel, Tehsil & District Charsadda	GDC, Lachi (Kohat)	AVP
3.	Atta-ur Rehman S/O Lutful Haq, Moh: Inayat Khel Swabi Village & P.O Swabi Tehsil & District Swabi	GDC, Gandaf (Swabi)	AVP
4.	Yousaf Ali S/O Ghafoor Shah, Moh: Bakht Shah, Tehsil Village Shalbandi & P.O Daggar (Buner)	GDC, Totalai (Buner)	AVP
5.	Niaz Hussain S/O Amanullah, Village Gara, Tahir Khan, P.O Naivola Teshil Paroa District D.I. Khan	GDC, Tajori (Lakki Marwat)	AVP
6.	Raja Gul Faraz S/O Raja Mohammad Ashraf, Village & P.O Namli Maira Tehsil & District Abbottabad	GDC, Pattan (Kohistan)	AVP
7.	Akhtar Nawaz Khan S/O Daud Khan, Vill: Shah, Magsood P.O Saraisaleh Teshil & District Haripur	GDC Ghazi (Haripur)	AVP
8.	Mohammad Imran Khan S/O Daim Khan Cybernet Mobile Zone, Scouts Market P.O and Tehsil Khat Bajour Agency	GDC, Nawagai (Bajour Agency)	AVP
9.	Hamid Shakeel S/O Mohammad Nasib Khan, Village & P.O Ghoriwala Distt: Bannu	GDC, Isa Khel (Lakki)	AVP
10.	Gohar Ali S/O Sher Mohammad village & P.O Hathian, Tehsil Takht Bhai District Mardan	GDC, Jawar (Buner)	AVP
11.	Raham Niaz S/O Ghazi Rehman village Ghari Saidan P.O Mamash Khel District Bannu	GDC, Domail (Bannu)	AVP
12.	Mohammad Nazir S/O Abdur Rashid village & P.O Mirpur Tehsil & District Haripur VIA TIP	GDC, Balakot (Manshera)	AVP
13.	Shakeel Abdul Jabbar S/O Abdul Jabbar Moh: Qazianwala & District	GDC, Ghazni Khel (Lakki)	AVP

	Qabarwali Tank		
14.	Mohammad Raheem Khan S/O Gul Hashim Khan, Village Kotka Ayub Khan P.O Domal District Bannu	GDC, Thall (Hangu)	AVP
15.	Shamim ur Rehman S/O Mian Hikmat Shah Moh: Akramabad Village & P.O Dak Ismail Khel Tehsil & District Nowshera	GDC, Landi Kotal (Khyber Agency)	In place of Farid ur Rehman DPE
<b>ADJUSTMENT</b>			
1.	Tariq Iqbal DPE GDC, Nizampur (Nowshera)	GDC, Darra Adam Khel	AVP
2.	Farid ur Rehman DPE GDC, Landi Kotal (Khyber Agency)	GDC, Nizampur (Nowshera)	Vice S. No. 01

**TERMS & CONDITIONS.**

1. They shall for all interms and purpose be civil servants except for the purpose of pension and gratuity. In lieu of the same they shall be entitled to receive contributory provided fund. For the said fund 10% contribution will be made by the Provincial Government and 10% by the civil Servant concerned in the prescribed manner. Provided further that in the event of the death of the civil servant, whether before or after retirement, his family shall be entitled to receive the said amount, if it has already not been received by concerned deceased civil servant.
2. They will have all rights/privilege contained in NWFP Civil Servants Act, 1973 with all amendments made therein including NWFP, Civil Servant (Amendment) Act, 2005 and Rules made hereunder.
3. In case of resignation, the officer will have to give one month prior notice. In absence of such notice his one month pay shall be forfeited to Government.
4. The selectees should join their post within 30 days of the issue of this Notification. The Principal concerned will furnish a certificate to the effect that the selectee has join the post or otherwise, after one month of the issue of this Notification.
5. In case of disciplinary matters, NWFP, Civil Servants Act, 1973 and NWFP, Civil Servants Removal from Service (Special Powers) Ordinance 2000 shall be applicable.
6. They will get pay i.e. initial pay of BPS-16 including usual allowances as admissible under the rules. They will be entitled to annual increment like other civil servants.
7. The seniority position will be considered according to the merit orders assigned by the N WFP, Public Service Commission.

(Prof. Aftab Jahan)  
Director, Higher Education,  
NWFP, Peshawar

Endst. No. 4255-304 /Requ:/ DPEs/ Dated Peshawar, the 28-2-2009  
/2009

Copy of the above is forwarded to the :

1. Secretary NWFP, Public Service Commission 2-Fort Road, Peshawar.

GOVERNMENT OF N.W.F.P  
HIGHER EDUCATION, ARCHIVES  
AND LIBRARIES DEPARTMENT

Dated Peshawar the 01.01.2010

**NOTIFICATION:**

On the recommendation of the Departmental Promotion Committee, the Competent Authority is pleased to promote the following DPE's and Librarians (Male/Female) of College Cadre who hold Master Degree, working in B-16/B-17(Personal) to B-17 on regular basis, against the upgraded posts with immediate effect.

DPE's (Male)		
S. #	Name of Officer	Place of Posting
1	Sharfullah	G.C. Lahore (Swabi)
2	Ab Sher Khan	G.C. Ghoriwala, Bannu
3	Sultan Mohammad	G.C. Peshawar
4	Malik Asif	Directorate of H.E Deptt: NWFP Pesh:
5	Muhammad Ismail	G.C. Rakki Bannu
6	Abdullahi	Presently working at Science & Technology University, Bannu.
7	Muhammad Saad	G.C. D.I Khan No.01
8	Umar Bashir	G.C. Oghai
9	Sayidullah Khan	GPGC, Bannu
10	Aftab Ahmad	GPGC, Kohat
11	Ziaur Rehman	G.C. Dir
12	Juma Khan	G.C. Paharipur DIKhan
13	Hakim Khan	GPGC, Mardan
14	Gul Razin	G.C. Takht-e-Nasrati (Karak)
15	Fazle Rabbi	G.C. Kotha
16	Said Muhammad Jan	G.C. Thana (Malakand)
17	Muhammad Zaman	G.C. Fimergara Dir
18	Mohsin Shah	G.C.No.02, Mardan
19	Muhammad Abid Kamal	GSSC, Peshawar
20	Muhammad Abdul Latif	G.C. Kotachi
21	Manzoor Hussain	GPGC, Mandian A Abad
22	Abdur Rashid	G.C. KDA Kohat
23	Abdul Hamid	G.C. Puran
24	Rashidullah	GPGC, Abbottabad
25	Noorul Amin	G.C. Khair Abad
26	Asad Jan	G.C. No.01 DIKhan
27	Abdul Qayum	G.C. Tukky Marwat
28	Muhammad Ayaz	GPGC, Charsadda
29	Muhammad Younas Khan	G.C. No.02 DIK
30	Azizullah	G.C. Ahmed Abad (Karak)
31	Muhammad Shafiq	G.C. Miana





17					
16	GC, Bakhshali				
15	GC, Bakhshali (Peshawar)				
14	GC No. 2, Mangor				
13	GC, Dir				
12	GC, Peshawar				
11	GC, Wadpurg (Peshawar)				
10	GC, Lador (Swabi)				
9	GC, Takht Bhatti				
8	GC, Peshawar				
7	GC, Peshawar				
6	GC, Peshawar				
5	GC, Peshawar				
4	GC, Peshawar				
3	GC, Peshawar				
2	GC, Peshawar				
1	GC, Peshawar				
Librarians (Male)					
35	GC, Peshawar				
34	GC, Peshawar				
33	GC, Peshawar				
32	GC, Peshawar				
31	GC, Peshawar				
30	GC, Peshawar				
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7	GC, Peshawar				
6	GC, Peshawar				
5	GC, Peshawar				
4	GC, Peshawar				
3	GC, Peshawar				
2	GC, Peshawar				
1	GC, Peshawar				
DPes (Female)					

19	Muhammad Sharif	GC, Seoni Naurang
20	Zia Muhammad Rehman	GC, Sahiwal
21	Khusar Ali	GC, Land Khwar
22	Iqbal Ullah Khan	GC, Bai Khela
23	Abdul Latif	GC, Mathra
24	Rafiq-ur-Rehman	GC, Taji (Fangul)
25	Zahir Ullah	GC, Khan Kohi (NSR)
26	Iskhar	GC, Khairabad
27	Fazl Muhammad Khan	GC No. 2 Mardar
28	Muhammad Zafar Jan	GC, Piska Gurd
29	Imam Farid	GC, Mada (Swat)
30	Muhammad Iqbal	CPGC, Karak
31	Abdul Jabbar	GC, Agri (Malkandi)
32	Ilkhar Ali	GC, Dargah
33	Asghar Khan	GC, Dara Adam Khel
34	Muhammad Asif	GC, Havelian
35	Hidayat Ullah	GC, Akora Khatak
36	Masrur Kazim	GC, Haveliabad
37	Ahmed Ali	CPGC, Kohang
38	Fazal Hussain Fakhri	BS, Thimvera
39	Abul Kalam Ahmed	GC, Lachi
40	Zulqar Ali	GC, Mansehra
41	Muhammad Ali	CPGC, Hanam
42	Muhammad Shauq Jan	CPGC, Tangi
43	Dawood Shah	CPGC (NO. 1), Mardar
44	Muhammad Nawaz	CPGC No. 1, Albolabad
45	Muhammad Jorish	GC, Lower (Tangri)
46	Muhammad Iqbal	CPGC, Tangi
47	Syed Zahid Shah	CPGC, Ziarubi (Swat)
48	Rizwan Ullah	CPGC, Taji (Mardar)
49	Karim Khan	CPGC, Babu Zai, Mardar
50	Shah Khalid	CPGC, Yaf Hussain Swabi
51	Shaqir Rehman	CPGC, Hanam
52	Ahmed Rehman	CPGC, Chhotwala
53	Imam Ullah	CPGC, Peshawar
54	Hamidullah	CPGC, Peshawar
55	Muhammad Ayaz	CPGC, Swabi
56	Shaker Masood	CPGC No. 1, Albolabad
57	Imam Ullah Jan	CPGC No. 2, Albolabad (Mardar)
58	Shahid Ali	CPGC, Tangi
59	Khan Rashid	CPGC, Nawagai (Bahawal)
60	Zamir Khan	CPGC, Torkhan (Malkandi)
61	Faiz Jehanzeb Khan	CPGC, Larki Marwat
62	Abdullah Khan	CPGC, Tangi (D. J. Khel)
63	Imam Alam	CPGC, Chakresser
64	Sajid Ali	CPGC, Lakera, Mohmand Agency
65	Muhammad Faraz	CPGC, Tachal
66	Muzaffar Khan	CPGC, Chachal
67	Abdul Razzaq	CPGC, Khairpur
Librarians (Female)		
1	Naz Parwar	CPGC, Mardar
2	Isbat Jehan	CPGC, Thana
3	Rafia Naz	CPGC, Sheikh Mahoon Mardar
4	Mab Noor	CPGC, Pipal NSR
5	Shadana Mirza	CPGC (W) Pesh

6.	Safina Bibi	GGC Kohat
7.	Shaheen Akhtar	GGC Hayatabad
8.	Rashida Begum	GGC Takht Bhai
9.	Saima Noreen	GGC Hangu
10.	Asma Bashir	GGC Charsada
11.	Farhat Jabeen	GGC Dargai
12.	Zakia Begum	GGC Hayatabad
13.	Kalsoom Manan	GGC No.2 DI Khan
14.	Saima Gul	GGC Lund khawar
15.	Nida Aziz	GGC Nowshera
16.	Sadia Miraj Noor	GGC Bannu.
17.	Gul Bibi	GGC Nawan shere
18.	Humera Begum	GGC Jolagram
19.	Naseem Ara	GGC Timergara
20.	Bushra Khatoon	GGC Haripur
21.	Sabrina Nasir	GGC Kernal Sher Khan (Swabi)
22.	Hafiza Jalwa Bashir	GGC Gulshan Rehman Pesh:
23.	Shela Bashir	GGC Jamrud Khyber Agency
24.	Shaista Malik	GGC No.2: Mansehra.


SECRETARY TO GOVT. OF NWFP  
HIGHER EDUCATION, ARCHIVES  
AND LIBRARIES DEPARTMENT

Encls: NO.SO/THE/17-1/2007

Dated Pesh: the 01-01-2010

Copy is forwarded for information & necessary action to the:-

1. The Accountant General NWFP.
2. Secretary to Government of NWFP, Finance Department
3. Secretary to Government of NWFP, Establishment Department.
4. P.S to Chief Minister NWFP, Peshawar.
5. P.S to Chief Secretary NWFP, Peshawar.
6. P.S to Minister Higher Education NWFP, Peshawar.
7. P.S to Secretary Higher Education Arch: & Lib:, Dept: NWFP
8. Director Higher Education, NWFP, Peshawar.
9. Director Information, NWFP, Peshawar.
10. Director Education, FATA.
11. All District Account Officer in NWFP.
12. All Agencies Account Officer in NWFP.
13. PA to Deputy Secretary (Admin), Higher Education Deptt. NW
14. PA to Deputy Secretary-II, Higher Education Deptt. NWFP
15. All Principals of College in NWFP.
16. Officers concerned.



(SAIB BADSHAH)  
SECTION OFFICER (Arch: & Lib:)

Annex-C

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

Dated Peshawar, the 18 August 2010.

NOTIFICATION

No. No.SO(T)HE/17-2/2010. The Competent Authority is pleased to redesignate the following Directors of Physical Education (BS-17) regular as Lecturers in Physical Education and in relaxation of Rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment & Conditions of Service) Rules, 1974, and to absorb them in the General Cadre of Lecturers (Collegiate Branch) of Education Department, with immediate effect :-

DPE'S (MALE) EPS-17 (REGULAR)

S. #	NAME OF OFFICIAL
1.	Malik Asif, DPE Directorate of HE, Khyber Pakhtunkhwa, Peshawar.
2.	Muhammad Ismail, DPE G.C. Kakki Bannu
3.	Umar Bashir, DPE, G.C. Oghai
4.	Sanaullah Khan, DPE GPGC, Bannu
5.	Aflab Ahmad, DPE GPGC, Kohat
6.	Ziaur Rehman, DPE G.C. Dir
7.	Juma Khan, DPE G.C. Paharpur DIKhan
8.	Hakim Khan, DPE, GPGC, Mardan
9.	Gul Razim, DPE, G.C. Takht-e-Nasrati (Karak)
10.	Fazle Rabbi, DPE, G.C. Kolha
11.	Said Muhammad Jan, DPE, G.C. Thana
12.	Muhammad Zaman DPE, G.C. Timgara
13.	Mohsin Shah, DPE, G.C. No. 32, Mardan
14.	Muhammad Abid Kamal, DPE, GSSC, Peshawar
15.	Muhammad Abdul Latif, DPE, G.C. Kulachi
16.	Manzoor Hussain, DPE, GPGX, Mandian A/Abad.
17.	Abdur Rashid, DPE, G.C. KDA Kohat
18.	Abdul Hamid, DPE, G.C. Puran
19.	Rashidullah, DPE, GPGC, Abbottabad
20.	Noorul Amin, DPE, G.C. Khair Abad
21.	Asad Jan, DPE, G.C. No. 01 DIKhan
22.	Abdul Qayyum, DPE, G.C. Lakki Marwat
23.	Muhammad Ayaz, DPE, GPGC, Charsadda
24.	Muhammad Younas Khan, DPE, G.C. No. 02. DIK
25.	Azizullah, DPE, GDC, Ahmed Abad (Karak)
26.	Muhammad Shafiq, DPE, G.C. Malla
27.	Muhammad Ayaz Khan, DPE, GDC Laddah (S.W.A)
28.	Samiullah Khan DPE, GPGC, Nowshera.
29.	Bashir Ahmad, DPE, GPGC, Mardan.
30.	Muhammad Ibrahim, DPE, G.C. Gul Abad Dir
31.	Shahid Hussain, DPE, GDC, Bannu No. 02.
32.	Sabahat Ali Khan, DPE, G.C. Peshawar.

33. Khalid Mehmood, DPE, G.C. Haripur
34. Muhsin Anwar, DPE, G.C. Lakki Marwat
35. Saraj Khan, DPE, G.C. Lund Khawar (Mardan).
36. Farooq Hussain DPE, G.C. Peshawar.
37. Abdul Nahid Khan DPE, G.C. Sarai Naurang.
38. Muhammad Arif DPE, G.C. Mingora (Swat)
39. Faridur Rehman DPE, G.C. Hayalabad
40. Anwar Khan DPE, G.C. Baragram
41. Hussain Khan DPE, G.C. Tora Mardan
42. Asim Khan DPE, G.C. Tora Mardan
43. Asim Khan DPE, G.C. Tora Mardan
44. Asim Khan DPE, G.C. Tora Mardan
45. Saifur Khan DPE, G.C. Miranshah
46. Saifur Khan DPE, G.C. Malhra
47. Akhtar Ali DPE, G.C. Saidur Sharif Swat
48. Dilabaz Khan DPE, G.C. Sikandarkhel Bannu
49. Bakhtairud Din DPE, G.C. Akora Khattak
50. Abidullah DPE, G.C. Kotka Habibullah.
51. Muhammad Qasim DPE, G.C. Kallang
52. Muhammad Hafeez DPE, G.C. KTS, Haripur
53. Faisal Islam DPE, G.C. Dera Township.
54. Tariq Iqbal DPE, G.C. Darra Adam Khel
55. Haider Zaman DPE, G.P.G.C. Bannu
56. Jehanzeb, DPE, G.C. Daggar, Buner.
57. Khalid Rehman, DPE, G.C. B.D. Shah.
58. Arif Ali Shah, DPE, G.C. No.1 Abbottabad.
59. Tajmali Khan, DPE, G.C. Mir Ali.
60. Tahirullah, DPE, G.C. Saidur Sharif, Swat
61. Yousaf Ali, DPE, G.C. Yar Hussain.
62. Ghulam Mohammad, DPE, G.C. Mansehera.
63. Irfanullah, DPE, G.C. Lalamber.
64. Ghulam Mohammad, DPE, G.C. Parova
65. Arshad Hussain, DPE, G.C. Pabbi
66. Noor Sher, DPE, G.C. Kohi Sher Haider.
67. Abdul Hadi, DPE, G.C. Dargai.
68. Mohammad Naeem, DPE, G.C. Samar Bagh
69. Abdul Saboor, DPE, G.C. Khanpur.
70. Javed Noor, DPE, G.C. Saam (SWA):
71. Ishrat Ali, DPE, G.C. Bakhshali (Mardan).
72. Adalat Khan, DPE, G.C. Kabal, (Swat).
73. Altaullah, DPE, G.C. Babuzai (Mardan)
74. Hafeezullah, DPE, G.C. Jandola.
75. Bahar Hussain, DPE, G.C. Shawa (Swabi)
76. Tahir Mehmood, DPE, G.C. Havellian.
77. Shahid Ali, DPE, GDC Badaber
78. Abdur Rashid, DPE, GDC Wadpaga
79. Alta-ur-Rehman, DPE, GDC Gandaf (Swabi)
80. Niaz Hussain, DPE, GDC Panyala D I Khan.
81. Raja Gul Faraz, D.P.E. GDC Pailan (Kohistan)
82. Akhtar Nawaz, DPE, GDC Ghazi (Haripur).

- 82. Muhammad Imran, DPE, GDC Nawagai (Bajure Agency).
- 83. Hamid Shakeel, D.P.E. Ghoriwala Bannu
- 84. Gohar Ali, DPE, GDC Jawar (Buner)
- 85. Rahani Niaz, DPE, GDC Domail (Bannu).
- 86. Muhammad Nazir, DPE, GDC Balakot
- 87. Shakeel Abdul Jabbar, DPE, GDC Ghazni Khel.
- 88. Muhammad Rafiq Khan, DPE, GDC Tall (Hangu).

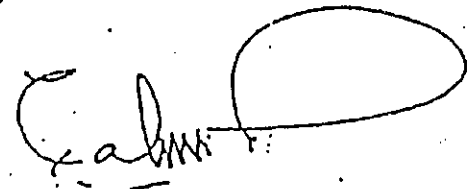
DPE'S SENIORITY LIST - REGULAR

- 89. Farhat Bibi, DPE, G.G.C. Peshawar.
- 90. Gulistan Begum, DPE, G.G.C. Peshawar.
- 91. Gulistan Begum, DPE, G.G.C. Mardan.
- 92. Shakia Khanum, DPE, G.G.C. Bannu.
- 93. Sarval Jabeen, DPE, G.G.C, No.2 DI Khan.
- 94. Farhad Begum, DPE, G.G.C, Nowshera.
- 95. Andalceb Firdous, DPE, G.G.C Thana MKD, Agency.
- 96. S. Nargis Abbas Bukhari, DPE, G.G.C, Lakki.
- 97. Sadia Anwar, DPE, G.G.C, No.1 A/Abad.
- 98. Rubina Khurshid, DPE, G.G.C, D.I.Khan No.1.
- 99. Shumaila Saeed, DPE, G.G.C, Tank
- 100. Sabrina Kousar, DPE, G.G.C, Manki (Swabi).
- 101. Samina Khalil, DPE, G.G.C, Nawasher Abbollabad.
- 102. Salma Naz, DPE, G.G.C, Kohat Road Peshawar.
- 103. Aysna Batool, DPE, G.G.C, Haripur.
- 104. Hijab Maryam, DPE, G.G.C, Mundan (Bannu).
- 105. Naima Gul, DPE, G.G.C, Mandian.
- 106. Shaista Saifdar, DPE, G.G.C, Hangu.
- 107. Samra Syed, DPE, G.G.C, Mavelian.
- 108. Saima, DPE, G.G.C, Timergara.
- 109. Noor-ul-Ain Khan, G.G.C, Sarisaleh Haripur.
- 110. Afshan Nisar, DPE, G.G.C, Mansehra No.
- 111. Alliha Mehmood, DPE, G.G.C, Mansehra No. 1.
- 112. Najma Naz Qazi, DPE, G.F.C. (W) Peshawar.
- 113. Unsia Zeb, DPE, G.G.C, City Gulbahar Pesh.
- 114. Nair Sultana, DPE, G.G.C, Surrani.
- 115. Aliya Khaloon, DPE, G.G.C, Ghazi.
- 116. Saqaf Masud, DPE, G.G.C, KTS Haripur.
- 117. Shagufta Mehreen, DPE, G.G.C, Karak.
- 118. Shakeela Jehan, DPE, G.G.C, K. Sher Khan.
- 119. Javaria Gul, DPE, G.G.C, Ekka Ghund.
- 120. Amina Bibi, DPE, G.G.C, Takht Bhai.
- 121. Kokab Tabbarani, DPE, G.G.C, Saidu Sharif (Swat).
- 122. Sumera Gul, DPE, G.G.C, Marguz (Swabi).
- 123. Surria Mumtaz, DPE, G.G.C, Pabbi.

2. They shall be placed at the bottom of existing seniority list of Lecturers General Cadre.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT.

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Dept.
4. Chief Minister, Khyber Pakhtunkhwa, Peshawar.
5. Deputy Secretary, Khyber Pakhtunkhwa, Peshawar.
6. Director of Higher Education, Khyber Pakhtunkhwa, Peshawar.
7. Secretary of Govt. Education, Health & Libr. Department.
8. Director of Higher Education, Khyber Pakhtunkhwa, Peshawar.
9. Public Information Khyber Pakhtunkhwa, Peshawar.
10. Director Education FATA.
11. All District Accounts Officers in Khyber Pakhtunkhwa..
12. All Agencies Accounts Officers in Khyber Pakhtunkhwa.
13. PA to Deputy Secretary (Admn), Higher Education Dept. Peshawar.
14. PA to Deputy Secretary-II, Higher Education Department.
15. All Principals of Colleges in Khyber Pakhtunkhwa.
- ✓ 16. Officers concerned.



SECTION OFFICER (A&L)  
HIGHER EDUCATION DEPT.





GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES AND  
LIBRARIES DEPARTMENT

Dated Peshawar the, August 17, 2011

**NOTIFICATION**

**No. SO(A&L)HE/17-3/2010/11** The Competent Authority is pleased to order the posting/transfer of Mr. Abdur Rashid, Lecturer in Health & Physical Education, Govt. Degree College, Wadpagga, Peshawar to Directorate of Higher Education against the vacant post of Inspector Physical Education with immediate effect.

2. No T.A/D.A will be allowed.

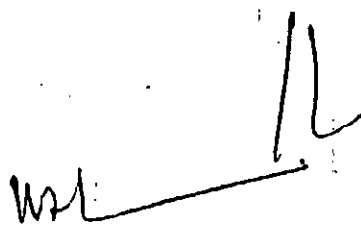
Secretary to Govt. of Khyber Pakhtunkhwa  
Higher Education Archives & Libraries Deptt:

Endst. No. & date even.

Copy forwarded for information and necessary to:

Copy to:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar w/r to his letter No.18658 dated 29-7-2011.
3. Principal, Govt. Degree College, Wadpagga, Peshawar.
4. Deputy Director (IT), Planning Cell, Higher Education Department.
5. P.S to Minister, Higher Education, Khyber Pakhtunkhwa, Peshawar.
6. PS to Secretary, Higher Education Department, Peshawar
7. ✓ Officer concerned.

  
(WAHEED KHAN)  
Section Officer (A&L.)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

Dated Peshawar 5<sup>th</sup> November, 2014.

**NOTIFICATION**

No. SO (C-II)/2-6/2014/HED/Teaching Assistants/ <sup>2101-3</sup> The Competent Authority is pleased to constitute a Grievance Redressal Committee comprising the following to redress all the issues related to engagement of Teaching Assistants.

- |   |          |
|---|----------|
| 1. Special Secretary Higher Education Department            | Chairman |
| 2. Deputy Secretary (Admn) Higher Education Department      | Member   |
| 3. Deputy Director (Estt.) Directorate of Higher Education  | Member   |
| 4. Deputy Director (Female) Directorate of Higher Education | Member   |

SECRETARY TO  
GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT

**Endst: No. & Date Even**

Copy forwarded to the:-

1. Chairman of the Committee concerned.
2. Members of the Committee concerned.
3. Director Higher Education, Khyber Pakhtunkhwa.
4. PS to Secretary Higher Education Department.
5. PA to Deputy Secretary (Colleges) Higher Education Department.

*ADLE 2*  
*A.O*  
*7/11/14*  
*7/11*

*[Signature]*  
SECTION OFFICER (C-II)

*CA 4.*  
**RECEIVED ON**  
\* 10 NOV 2014 \*  
Date: \_\_\_\_\_ Page: \_\_\_\_\_  
Click: \_\_\_\_\_



Annex E1



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

Dated Peshawar 6<sup>th</sup> November, 2014.

**CORRIGENDUM**

No. SO(C-II)/2-6/2014/HED/Teaching Assistants/ In partial modification of this department notification of even no dated 05-11-2014, the Competent Authority is pleased to include Deputy Secretary (Colleges) Higher Education Department as a Co-opt member in Grievance Redressal Committee.

SECRETARY TO  
GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT

**Endst: No. & Date Even**

Copy forwarded to the:-

1. Chairman of the Committee concerned.
2. Members of the Committee concerned.
3. Director Higher Education, Khyber Pakhtunkhwa.
4. PS to Secretary Higher Education Department.

*Handwritten notes:*  
 BDF  
 A.O.  
 7/11/14  
 7/11/14

*Signature*  
 SECTION OFFICER(C-II)

*CA II*  
 RECEIVED ON  
 \* 10 NOV 2014 \*  
 Day: \_\_\_\_\_  
 Date: \_\_\_\_\_

The Director

Office Education

Commission (Department)

KPR

Subject - Missing of an agent candidate in notification (and december 2015)

En,

It is stated with the above respect

that 2 are Mr-Majid s/o Sharif Khan

resident of District of Garhi Kapua

of Masdarupe appeared in TEN

entry test for teaching assistant.

According to the merit list

on PTA was 5th? am on merit

order 6th

According to the notification issued

on 21-12-15 (no. SUC/II/2-15)

and december 2015

the candidate

MR/PRACTICE assistants

candidate on

merit number 10 is Mirza Khan

candidate on position number 10

is Umar s/o Farid Khan also

present under my name is absent.

After the 2nd notification 2 visited

candidate after many times in

Keop myself up to date at last they

said one that will inform you.

But honorable Sir the selection is

quite different only name is out

of any kind of notification.

So it is requested that issue may

be very thoughtful

for you.

F/ 6/14

Annex-F

VISION Institute Office  
No 19, 1st Floor  
Mugam Chauri B/T Mandar  
KPK

Postal Address:-

*(Signature)*

6333-570 311

6344-9630 665

Order No

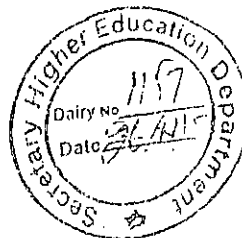
Majid Khan s/o Saad Khan  
KPK

Oblectant  
Dua

Annet-F1

To,

The Secretary  
Higher Education Department  
Khyber Pakhtunkhwa  
Peshawar



**Subject: NO REPLY OF THE APPLICATION THAT  
SUBMITTED IN CASE OF TEACHING  
ASSISTANT DATED 06.09.2016.**

Sir,

It is stated with great respect that me Mr. Majid Khan submitted an Application against the Director Higher Education Department for Non-Consideration of my case amongst meritorious candidates in notification (2<sup>nd</sup> Dec 2015). But dear sir still I did not receive any reply letter from your side.

Therefore it is requested in your honour to issue a letter while explaining my condition with reasons.

I will be very thankful and obliged to you.

Your's Obediently

Majid Khan S/o Sharif Khan  
R/o Kot doulat zai Moh; Awanan  
P/o Garhi Kapura Mardan  
CNIC # 16101-3945384-3  
Dated: 26.09.2017  
Cell # 0333-5710711

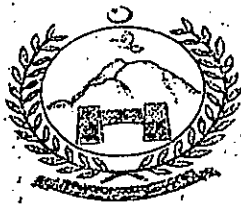
*Handwritten notes and signatures:*  
D.S.(C)  
2/110  
SA  
DFA  
11/11/17  
11/2/17  
16/9/17

Annex - G

17

10

**MOST IMMEDIATE**



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

No. SO (C-II)HED/2-6/ 2015/Majid Khan  
Dated Peshawar the 15.05.2018

526

To

The Deputy Secretary (Admn),  
Higher Education Department, Khyber Pakhtunkhwa,  
Peshawar.

SUBJECT: - NO REPLY OF THE APPLICATION THAT SUBMITTED IN  
CASE TEACHING ASSISTANT DATED 06.09.2016.

I am directed to refer to the subject noted above and to convey that the competent authority is pleased to nominate you as Inquiry Officer to conduct a fact finding inquiry within a week time positively and to the instant case and a report thereof to the competent authority.

I am further to state that the requisite/available record is herewith submitted to your goodself. Further/additional input may be demanded from Directorate of Higher Education please.

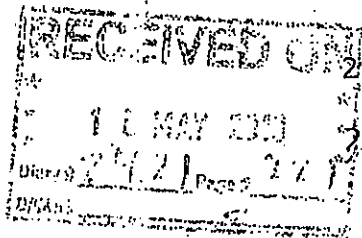
(MUHAMMAD FAYAZ KHAN)  
SECTION OFFICER (C-II)

Endst:- No. & Date Even.

Copy forwarded to the:-

1. Director Higher Education, Khyber Pakhtunkhwa w/r to his letter No.11820/ CA-II/Estt; Branch/A-12/Mardan/TA dated 12.04.2018 with request to provide relevant record to the IO. P.S to Special Secretary, Higher Education Department, Khyber Pakhtunkhwa.
2. P.A to Deputy Secretary, Colleges, Higher Education Department, Khyber Pakhtunkhwa.

SECTION OFFICER (C-II)





(17)

ENQUIRY REPORT

Annex-H

Annex - "F"BACKGROUND:-

The undersigned was nominated as Inquiry Officer by the Competent Authority to hold a Fact Finding Inquiry regarding No reply to the application submitted in case of Teaching Assistant dated 06.09.2016 in respect of Mr. Majid Khan S/O Sharif Khan and submit report in this regard (Annex-A).

History of the case reveals that the test for the post of Teaching Assistants was conducted on 27-06-2014 and the applicant, Mr. Majid Khan S/O Sharif Khan, secured 6<sup>th</sup> position in the merit list of Teaching Assistants in the subject of Chemistry in District Mardan. Candidates upto Serial No. 8 from the merit list of the subject of Chemistry were appointed, leaving behind the present applicant at serial number 6 which is a clear violation of merit. Since then, Mr. Majid Khan has been visiting the directorate and the administrative department but in vain. The Directorate of Higher Education vide letter No. 27495/CA-IV/Estt. Branch/A-12/Teaching Assistant/Mardan dated 17-10-2016 admitted that his name has been mistakenly left (Annex-B). The applicant was then informed that the Provincial Government has stopped further appointments from the list and, therefore, your request cannot be considered (Annex-C).

PROCEEDINGS:-

1- The undersigned called Mr. Majid Khan S/O Sharif Khan on 09-07-2018 to appear in person and to furnish written statement in this regard. In compliance, Mr. Majid Khan furnished his written statement on 09-07-2018 wherein he narrated his sad story and informed that being disappointed from the Department, he has now knocked the doors of the court (Annex-D).

2- The undersigned also called Mr. Abdur Rashid, Deputy Director (Sports) Directorate of Higher Education twice who was closely associated with the appointment of teaching assistants for discussion. He provided some documents relevant to the instant case. His main argument was that the applicant was left mistakenly and that later on his name was forwarded to the administrative department for notification but the later refused to appoint further from the old list. The fact has been admitted by the Deputy Director (Establishment) in his letter at (Annex-B).

Finding and Recommendations:

- I. The plea of the complainant that he deserved to be appointed as Teaching Assistant is correct.
- II. The Directorate of Higher Education did not forward his name for appointment as Teaching Assistant to the administrative

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JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

18

department and instead forwarded the proposals of candidates appearing at serial number 7 & 8. Thus merit was violated.

- III. The C-II section failed to examine the case and to ask reasons of leaving the candidate at serial number 6 while appointing the candidates at serial number 7 & 8. It seems that if the section was working under the administrative control of the Directorate at that time.
- IV. Even when the matter was reported on 17.10.2016, the section failed to initiate case for probing the matter and to bring it into the notice of the higher authorities for correction.
- V. The plea of the directorate that the name of the complainant was later on forwarded to the department for appointment is also not convincing because the list they handed over during the enquiry proceedings is unsigned and the name of the complainant appears at serial number 15 and that too without any special remarks that he had been left and that two persons low in merit had already been appointed (Annex-E). The list was provided without any covering letter as no such letter is available in the files. The directorate even did not bother to write a separate letter to highlight the issue so that it could be resolved.
- VI. It may be pointed out that the Teaching Assistants have now been regularized under an Act of the provincial assembly. The complainant has a right to be appointed as Teaching Assistant. In the changed scenario, however, opinion of Law and Establishment Department is required as to whether he can be appointed at this belated stage and if yes then as a Teaching Assistant or a lecturer because his other colleagues now officiate as lecturers. Moreover, the case has already been taken up with the Establishment Department but without any results. It may be pointed out that the complainant has now taken up the issue to the court and adverse decision against the government is evident on face of the available record.
- VII. It is evident from what has been stated above that the instant issue is resulted from the collective failure of both the directorate and C-II section. There seems connivance between the officers at the directorate and the administrative department for violating the merit for ulterior motives. The case was mainly dealt by Mr. Abdur Rashid, Deputy Director (Sports) as he was custodian of the merit list and the Deputy Director (Establishment), Mr Bashir Khan, who was communicating with the Administrative Department for issuing appointment orders and SO C-II at the administrative department

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level. Main fault lies at the directorate firstly because of the fact that his name has not been forwarded for appointment and secondly by not properly reporting the matter when the notification was issued leaving the complainant behind. No letter is available on record to show that the directorate has properly agitated the issue clearly stating clearly that Majid Khan has an established right to be appointed after two persons low in merit have been appointed. Disciplinary proceedings may, therefore, be initiated against the above for connivance, violation of merit, misconduct and inefficiency.

(MUHAMMAD ATAZ KHAN)  
INQUIRY OFFICER/DS (ADMIN)

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JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

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(28) I C  
Annexure "a"

## CHARGE SHEET

I, Muhammad Salim, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Abdur Rashid, lecturer (HPE), Directorate of Higher Education as follows:

That you, while posted as Deputy Director (Sports) Higher Education, Khyber Pakhtunkhwa committed the following irregularities:-

i. That you did not forward the name of deserving candidate, Mr. Majid Khan S/o Sharif Khan to Administrative Department for appointment as Teaching Assistant intentionally for your ulterior motives.

ii. That you violated the merit by forwarding the names of candidate being low in merit for appointment as Teaching Assistant to Administrative Department, leaving behind the meritorious candidates on the basis of favoritism.

iii. That you being custodian of the merit list concealed the factual position and misled the Administrative Department, which is a gross misconduct.

iv. That you created embarrassment and brought bad name to the Department by depriving a deserving candidate from his right and resultantly pushed the Govt; into unnecessary litigation.

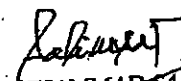
2. By reason of the above, you appear to be guilty of inefficiency and misconduct under rule 03 of the Khyber Pakhtunkhwa, Govt; Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 04 of the Rule ibid.

3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Officer/Committee, as the case may be.

7. Your written defence, if any, should reach the Enquiry Officer/Committee within the specific period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

8. Intimate whether you desire to be heard in person.

9. A statement of allegations is enclosed.

  
(MUHAMMAD SALIM)  
CHIEF SECRETARY,  
KHYBER PAKHTUNKHWA

(27)

Annex J

22  
24

## DISCIPLINARY ACTION

Annex - G

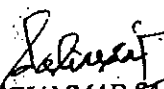
I, Muhammad Salim, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Abdur Rashid, lecturer (HPE) (BS-17), while posted as Deputy Director (Sports) Higher Education, Khyber Pakhtunkhwa has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of rule 03 of the Khyber Pakhtunkhwa Govt; Servants (Efficiency and Discipline) Rules, 2011.

### STATEMENT OF ALLEGATIONS

- i. That he intentionally did not forward the name of deserving candidate, Mr. Majid Khan S/o Sharif Khan to Administrative Department for appointment as Teaching Assistant for his ulterior motives.
  - ii. That he violated the merit by forwarding the names of candidate despite being low in merit for appointment as Teaching Assistant to Administrative Department, leaving behind the meritorious candidates on the basis of favoritism.
  - iii. That he being custodian of the merit list concealed the factual position and misled the Administrative Department, which is a gross misconduct.
  - iv. That he has created embarrassment and brought bad name to the Department by depriving a deserving candidate from his right and consequent unnecessary litigation.
2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under rule 10 (1) (a) of the ibid rules.

- i. Mr. Khatimullah As LG ERD
- ii. \_\_\_\_\_

3. The inquiry officer/ inquiry committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/ inquiry committee.

  
(MUHAMMAD SALIM)  
CHIEF SECRETARY,  
KHYBER PAKHTUNKHWA

Annex K

(21)

**INQUIRY REPORT**

**SUBJECT: DISCIPLINARY PROCEEDINGS AGAINST MUHAMMAD BASHEER, ASSISTANT PROFESSOR (BPS-18) CURRENTLY WORKING AS DEPUTY DIRECTOR (ESST) AND MR. ABDUR RASHID, LECTURER (HPE) WORKING AS DEPUTY DIRECTOR (SPORTS) HIGHER EDUCATION, KHYBER PAKHTUNKHWA**

**BACKGROUND**

As per letter dated 11/11/2019, (ANNEX-A) Hon'ble Chief Secretary Khyber Pakhtunkhwa has nominated the undersigned as an enquiry officer for conducting formal inquiry against Mr. Muhammad Basheer, Assistant Professor (BPS-18) currently working as Deputy Director (Establishment) Directorate of Higher Education Department and Mr. Abdur Rashid, lecturer (HPE) (BPS-17) working as Deputy Director (Sports) Higher Education, Khyber Pakhtunkhwa. Copies of statement of allegations and charge sheet in respect of both accused were found attached (ANNEX-A). In this case fact finding enquiry (ANNEX-B) was earlier conducted by Mr. Muhammad Ayiz Khan DS (ADMN), Higher Education Department.

A brief background is that Higher Education department advertised posts of Teaching Assistants and a test was conducted on 27-06-2014 by ETEA. One applicant named Mr. Majid Khan s/o Sharif Khan, secured 6<sup>th</sup> position in the merit list of Teaching Assistants in the subject of Chemistry in District Mandan. Candidates upto serial No. 3 from the merit list in the subject of Chemistry, District Mandan were appointed while Mr. Majid Khan at serial No. 6<sup>th</sup> was left/ not appointed. Mr. Majid Khan visited Higher Education Department / Directorate of Higher Education Department many times. At last Higher Education Department informed him that provincial Government has stopped further appointments and his request cannot be entertained at this stage. Being aggrieved by this reply, he filed a writ petition in Peshawar High Court and won the case. Higher Education department went into CPLA against him which is still pending in the August Supreme Court of Pakistan. Mr. Majid Khan has not been appointed uptill now while those who were appointed have been regularized. Higher Education Department conducted fact finding inquiry which became the basis of this enquiry. Hence this enquiry.

**PROCEEDINGS**

Charge sheet and statement of allegations were forwarded to the accused Mr. Muhammad Basheer, Assistant Professor (BPS-18) currently working as Deputy Director (Establishment) Directorate of Higher Education Department and Mr. Abdur Rashid lecturer (HPE) (BPS-17), working as Deputy Director (Sports) Higher Education, Khyber Pakhtunkhwa with the direction to appear before the inquiry officer on 26/11/2019 at 2.00PM, along with their verbal/written circumstantial evidence in their defense through letter dated 14/11/2019 (ANNEX-C).

Page 1 of 6

JAVED IKBAL GULSELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

2019  
39

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**Subject:-**

**DISCIPLINARY PROCEEDING AGAINST MUHAMMAD BASHIR ASSISTANT PROFESSOR (BPS-18) CURRENTLY WORKING AS DEPUTY DIRECTOR (ESST) AND MR. ABDUR RASHID, LECTURER (HPE) WORKING AS DEPUTY DIRECTOR (SPORTS) HIGHER EDUCATION KHYBER PAKHTUNKHWA**

**BACKGROUND**

As per letter dated 11.11.2019, (ANNEXE-A) Hon'ble Chief Secretary Khyber Pakhtunkhwa has nominated as an inquiry officer for conducting formal inquiry against Mr. Muhammad Bashir, Assistant Professor (BPS-18) currently working as Deputy Director (Establishment) Directorate of Higher Education Department and Mr. Abdur Rashid lecture (HPE) (BPS-17) working as Deputy Director (Sports) Higher Education Khyber Pakhtunkhwa. Copies of statement of allegation charge sheet in respect of both accused were found attached (ANNEX-A). In this case fact finding enquiry (ANNEX-B) was earlier conducted by Mr. Muhammad Ayaz Khan DS (ADMN) Higher Education Department.

A brief background in that Higher Education department advertised posts of teaching Assistants and a test was conducted on 27.06.2014 by ETEA. One applicant named Mr. Majid Khan S/o Sharif Khan, second 6<sup>th</sup> position in the merit first of Teaching Assistant in the subject of Chemistry and District Mardan candidates upto serial No.8 from the merit list in the subject of chemistry District Mardan were appointed while Mr. Majid Khan at serial No.6<sup>th</sup> was left/ not appointment. Mr. Majid Khan visited Higher Education Department / Directorate of Higher Education Department many times. At last Higher Education Department inform him that provincial Government has stopped further appointments and his request cannot be entertained at this stage. Being aggrieved by this reply, he filed a writ petition in Peshawar High Court and won the case. Higher Education department went into CPLA against him which is still pending in the August Supreme Court of Pakistan. Mr. Majid Khan has not been appointed until now while those who were appointed have been regularized. Higher Education Department conducted fact finding inquiry which became the basis of this enquiry. Hence this enquiry.

**PROCEEDINGS**

Charge sheet and statement of allegation were forwarded to the accused Mr. Muhammad Bashir, Assistant Professor (BPS-18) currently working as Deputy Director (Establishment) Directorate of Higher Education Department and Mr. Abdur Rashid lecturer (HPE) (BPS-17) working as Deputy Director (Sports) Higher Education Khyber Pakhtunkhwa with the direction to appear before the inquiry officer on 26.11.2019 at 2:00PM along with their verbal/written circumstantial evidence in their defense through letter dated 14.11.2019 (ANNEX-C).

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On 26/11/2019, Mr. Adnan Rashid and Mr. Abdur Rashid appeared before inquiry officer. Both of them submitted their written reply & statements. The statement of Mr. Muhammad Bashir is as ANNEX-B) and written reply of Mr. Abur Rashid is as ANNEX-F). List of their statements is as follows:-  
(ANNEX-F II) Gist of their statements is as follows:-

Charge	Gist of reply of Bashir (Accused)	Gist of reply of Mr. Abur-Rashid (Accused)
1. That he notionally did not forward the name of deserving candidate Mr. Majid Khan SO. Shari Khan to Administrative Department as Teaching Assistant for the vacant post of Dy. Director as he took charge on 09.05.2015 and list for said posts was held on 23.10.2014.	As per record he was not assigned any responsibility regarding proposal held for this vacant Dy. Director post was the focal person.	His job was to complete merit list and forward proposal for appointment. Bygged Khan did not lodge any counter order against his merit order while sending proposals were sent his duty.
2. That he violated the merit by forwarding the names of candidate despite being how he served for appointment as Teaching Assistant to Administrative Department, leaving behind the merit list candidates on the basis of favouritism.	He was not given an opportunity of his defence by the fact during inquiry.	A copy of duly signed final merit list was submitted in the office of Secretary Higher Education and Director of Higher Education.
3. That he being custodian of the merit list compiled the merit list and issued lateral position and issued the Administrative Department, which is a gross misconduct.	He proposed name of Mr. Wasil Khan in merit list on his appeal to Higher Education Department for appointment, but was rejected.	The merit list was maintained in a transparent manner and earn good name for the department.

During the proceeding of inquiry important documents were found not available. For example Notification of Grievances Redressal Committee, Minutes of meetings and the appointment notification wherein the aggrieved complainant (Ajmal Khan) was left and other two candidates below him in the merit list were appointed. The said notification was issued by Section Officer (C-III) of Higher Education Department. Section Officer (C-III) Higher Education Department was directed to appear before inquiry officer with complete relevant record (ANNEX-H).



JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)



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On 26.11.2019 Mr. Muhammad Rashid and Mr. Abdul Rashid appeared before inquiry officer. Both of them submitted their written reply / statement. The statement of Mr. Bashir is a (ANNEX-D) and written reply of Mr. Abdul Rashid is an (ANNEX-E) latter on accused Abdul Rashid submitted another written reply (ANNEX-E.II) Gust of their statement is as follows:-

S#	Charge	Gist of reply of Muhammad Basheer Accused	Gist of reply Mr. Abd-ur-Rashid (Accused)
I	That he intentionally did not forward the name of deserving candidate Mr. Majid Khan S/o Sharif Khan to Administrative Department for appointment as Teaching Assistant for his ulterior motives.	He was not holding the post of Dy. Director as he book charge on 09.05.2015 and test for said posts was held on 23.01.2014.	His job was to complete merit list not to forwarded proposed for appointment.
II	That He violated the merit by forwarding the names of candidate despite being low in merit for appointment as Teaching Assistant Administrative Department leaving behind the meritorious candidates on the basis of favoritism.	As per record was not assigned any responsibility regarding proposal and for this stance Dy. Director Sport was the Focal Person.	Majid Khan did not lodge any complaint against his merit order, while sending proposal was not his duty.
III	That he being custodian of the merit list concealed the actual position and misled the Administrative Department, which is a gross misconduct.	He was not given an opportunity of his decision by the fact finding inquiry officer.	A copy of duly signed final merit list was submitted in the office of Secretary Higher Education and Directorate of Higher education.
IV	That he has created embarrassment and brought bad name to the Department by deprived a deserving candidates from his right and consequence unnecessary litigation.	He proposed name of the complainant (Mr. Majid Khan) in light of his appeal to Higher Education Department for appointment, but was approved	The merit list was maintained in a transparent manner and can good name for the department.

During the proceeding of inquiry important documents were found not available. For example Notification of Grievances Redressal Committee, Minutes of meetings and the appointments notification wherein the aggrieved complainant (Majid Khan) was left and other two candidates below him in the merit were appointed. The said notification was issued by Sanction Officer (C-II) of Higher Education Department. Section Officer (C-II) Higher Education Department was directed to appear before enquiry officer along with complete relevant record (ANNEX-P).

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On 3<sup>rd</sup> December 2019 Section Officer (C-III) and both accused appeared before undersigned along with record. Notification of grievance redressal committee (ANNEX-G) was produced but supporting file of the notification was not produced. Accordingly they were directed to appear again on 13<sup>th</sup> December 2019 along with complete record.

On 13<sup>th</sup> December 2019 appointing notification of candidates at serial No. 7 and 8 (ANNEX-H), was produced but minutes of grievance redressal committee meeting in which candidates at Serial No 7 and 8 were recommended, were not made available. Section Officer (C-III) Higher Education Department was again directed to appear before undersigned on 19<sup>th</sup> December 2019 along with supporting documents.

On 19/12/2019 both of the accused appeared before undersigned. Note sheet of approval of list/proposal wherein candidates at serial No. 7 and 8 were proposed for appointment was also produced (ANNEX-I). Written statement of witness, Mr. Anjad Ali Senior Clerk Directorate of Higher Education Department was recorded (ANNEX-J). He was also cross examined. Mr. Anjad Ali senior clerk Directorate of Higher Education Department stated that list/proposal excluding candidate at serial No. 6 (Atajid Khan) and including names of candidates at serial No. 7 and 8 was given to him by Abdul-Rashid (accused) for approval, which the processed. Minutes of meeting of grievance redressal committee, in which candidate at serial No. 7 and 8 were recommended for selection, was again not produced to the undersigned and accordingly they were directed to produce said minutes in next hearing.

On 01/01/2020 Mr. Tahir Khan Section Officer (C-III) Higher Education Department submitted written certificates/statement (ANNEX-K), stating that relevant record was not traced in relevant sections although these documents were thoroughly searched by Mr. Ahsid Hussain, ex-record keeper with help of Mr. Saood Akhtar, junior clerk/ present record keeper. Statement of Mr. Ahsid Hussain, ex-record keeper is at (ANNEX-L). As per record of Directorate of Higher Education one meeting of Grievance Redressal Committee was held on 10/12/2014. The minutes of this meeting are available at (ANNEX-M). It was decided in this meeting that in future all proposals for the appointment of Teaching Assistants will be forwarded by Directorate of Higher Education. The second meeting of Grievance Redressal Committee was held on 27-02-2015. The minutes, attendance sheet etc of this meeting were also not produced to the Inquiry Officer.

Comments on the reply of accused, Hakim Ahmad

Charge No. 1  
Here the charge is that the intentionally did not forward the name of a deserving candidate Mr. Majeed Khan. The accused replied that he was not holding the post of Deputy Director. He says he took charge of Deputy Director on 09-05-2015. The reply of accused is not satisfactory because this incident of violation of merit happened in the notification dated 02-12-2015 during his tenure. Moreover, he signed and forwarded the responsible wherein applicant Mr. Majeed Khan was left and two other candidates below him were recommended. Copy of Note sheet is available in the record.

JAVED IQBAL QURESHI  
Advocate  
Supreme Court of Pakistan  
(ASC # 6317)

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On 3<sup>rd</sup> December 2019 Section Officer (C-II) and both accused appeared before undersigned along with record Notification of grievance redressal committee (ANNEX-G) was produced but supporting file of the Notification was produced. Accordingly they were directed to appear on 13<sup>th</sup> December 2019 along with complete record.

On 13<sup>th</sup> December 2019 appointed notification of candidates at serial No.7 and 8 (ANNEX-H), was produced but minutes of grievances redressal committee meeting in which candidates at Serial No.7 and 8 were recommended, were not made available, Section Officer (C-II) Higher Department was again directed to appear before undersigned on 19<sup>th</sup> December 2019 along with supporting documents.

On 19/12/2019 both of the accused appeared before undersigned. Note sheet of approval of list/proposal wherein candidates at Serial No.7 and 8 were proposed for appointment was also produced (ANNEX-II). Written statement of witness, Mr. Amjad Ali Senior Clerk Directorate of Higher Education Department was recorded (ANNEX-J). He was also cross examined. Mr. Amjad Ali Senior Clerk Directorate of Higher Education Department stated that list/proposal excluding candidates at serial No.6 (Majid Khan) and including names of candidates at Serial No.7 and 8 and was given to him by Abdu-Rashid (Accused) for approval, which he processed. Minutes of meeting of grievances redressal committee, in which candidates at serial No.7 and 8 were recommended for selection, was again not produced to the undersigned and accordingly they were directed to produce said minutes in next hearing.

On 01/01/2020 Mr. Tahir Khan Section Officer (C-II) Higher Education Department solemnized written certificate/statement (ANNEX-K), stating that relevant record was not traced in relevant sections although these documents were thoroughly searched by Mr. Abid Hussain, ex-record keeper with help of Mr. Sawood Akhtar junior clerk/present record keeper. Statement of Mr. Abid Hussain, ex-record keeper is at (ANNEX-L). As per record of Directorate of Higher Education one meeting of Grievance Redressal Committee was held on 10/12/2014. The minutes of this meeting are available at (ANNEX-M). It was decided in this meeting that in future all proposals for the appointment of Teaching Assistants will be forwarded by Directorate of Higher Education. The second meeting of Grievance Redressal Committee was held on 27.02.2015. The minutes, attendance sheet etc of this meeting were also not produced to the Inquiry Officer.

**Comments of the reply of accused Bashir Ahmad.**

**Charge No.1.**

Here the charge is that he intentionally did not forward the name of a deserving candidate Mr. Majid Khan. The accused replied that he was not holding the post of Deputy Director. He says he took charge of Deputy Directorate on 09.05.2015. The reply of accused is not satisfactory because this incident of violation of merit happened in the notification dated 02.12.2015 during his tenure. Moreover, he signed forwarded the proposal/list wherein applicant Mr. Majid Khan was left and two other candidates below him were recommended. (Copy of Note sheet is available in the record)

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(Annex-I). By virtue of his post as Deputy Director Establishment, it was his duty to ensure that each and every candidate included in the proposal/list, do meet requirement of merit as per merit list, which he badly failed.

Charge No. 2

Here the charge is that he forwarded names of candidate who were low in merit. The accused reply that he was not assigned any responsibility and Deputy Director Sports was the local person. The reply is not satisfactory. Here it is immaterial who ever gave him this proposal/list to further process it. He forwarded the said proposal to Director Higher Education which was approved by Director and sent to Secretary Higher Education Department. This error or omission was neither connected by him nor by Director Higher Education and nor by Secretary Higher Education Department office. Apparently all dealing hands are responsible for this act of omission or error.

Charge No. 3

Charge is that he concealed the factual position and misled the Administrative Department. The accused reply is that he was not given an opportunity of his defence in the fact finding inquiry. Here the reply is irrelevant. But during this inquiry the accused was given ample opportunity for his defence. He was heard patiently five times. He could not deny the Note sheet with his signature wherein he forwarded the proposal/list to Director Higher Education Department for approval.

Charge No. 4

The charge is that he created embarrassment for the Department by depriving a deserving candidate from his right and consequent unnecessary litigations. The reply of the accused is that he forwarded the complainant request which was regretted by the Administrative Department. Here again his reply is irrelevant.

Comments on the reply of accused, Abdur-Rashid

Charge No. 1

Here the charge is that he intentionally did not forward the name of a deserving candidate Mr. Majid Khan. The reply of the accused is that he compiled the merit list and it was not his job to forward proposals for appointment to the Administrative Department. This reply is not satisfactory. As it transpired during the proceedings that the accused (Abdur Rashid) designation was Deputy, Director Sports but he was also dealing with the issues of Teaching Assistants appointment at Directorate level. The same viewpoint was also endorsed by one witness Mr. Anjüd Khan, senior clerk Directorate of Higher Education Department who stated in his written statement that proposal/list where a deserving candidate Mr. Majid Khan was left and two other candidate below him in merit list were proposed was sent by accused Mr. Abdur Rashid, which he (Anjüd Senior Clerk) processed and put up. In the Note part, there is no signature of accused (Abdur-Rashid). The other accused Mr. Bashir Ahmad signed the note part and sent it to Director

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

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(Annex-I) by virtue of his post as Deputy Director Establishment, it was his duty to ensure that each and every candidates included in the proposal/list, do sheet requirement of merit of merit as per merit list, which he badly failed.

Charge No.2

Here the charge is that he forwarded names of candidates who low in merit. The accused reply that he was not assigned any responsibility and Deputy Director Sports was the total person. The reply is not satisfactory. Here it is inunerial whatsoever gave him this proposal/list to further process it. He forwarded the said proposal to Director Higher Education which was approved by Director and sent to Secretary Higher Education Department. This city or omission was neither corrected by him nor by Director Higher Education and nor by Secretary Higher Education Department office. Apparently all dealing hands are responsible for this act of omission or error.

Charge No.3

Charge is that be concealed the factual and misled the Administrative Department. The accused reply is that he was not given an opportunity of this defence in the fact finding inquiry. Here the reply is irrelevant. But during this inquiry the accused was given ample opportunity for his defence. He was heard patiently five times. He could not deny the Notice sheet with his signature wherein he forwarded the proposal/list to Directorate Higher Education Department for approval.

Charge No.4

The charge is that he created embarrassment for the Department by depriving a deserving candidates from the right and consequent unnecessary litigations. The reply of the accused is that he forwarded the complainant request which was regretted by the Administrative Department. Here again his reply is irrelevant.

**Comments of the reply of accused, Abd-Rashid.**

Charge No.1

Here the charge is that he intentionally did not forward the name of a deserving candidate Mr. Majid Khan. The reply of the accused is that he compiled the merit list and it was not his job to forward proposals for appointment to the Administrative Department. This reply is not satisfactory. As it transpired during the proceedings: that the accused (Abdu Rashid) designation was Deputy Director Sports but he was also dealing with the issues of Teaching Assistants appointment at Directorate level. The same viewpoint was also candidate by one witness Mr. Amjd Khan, senior clerk Directorate of higher Education Department who stated in his written statement that proposal/list where a deserving candidate Mr. Amjid Khan was left and two other candidates below him in merit list were proposed was sent by accused Mr. Abdr Rashid, which he (Amjid Senior Clerk) processed and pur up. In the Note part, there is no signature of accused (Abida-Rashid) The other accused Mr. Basheer Ahmad signature the note part and sent it to Director

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Higher Education Department (Aben-VIII). Whoever finalized this proposal / list, one thing is clear that accused Abdul Rashid was surely included in the process of preparation of this proposal / list.

Charge No. 2

Here the charge is that he forwarded names of candidate who were low in merit. The reply of accused is that complainant did not question his order in the merit list. While sending proposals for appointment was not his duty. (Comments may please be seen as in Charge No. 1)

Charge No. 3

The charge is that he concealed the factual position and misled the Administrative Department. The reply of accused is that a duly signed copy of final merit list was submitted in the office of Secretary Higher Education. It was also displayed on ETEA website. The reply seems correct as merit list was not something secret or confidential. It was well published on ETEA Website. It was a public document. Anyone can check it. But unfortunately its proper implementation / execution could not be made in this case.

Charge No. 4

The charge is that he created embarrassment for the Department by depriving a deserving candidate from his right and consequent unnecessary litigations. The reply and comments may be seen as mentioned in charge No. 1 above, please.

FINDINGS

On the basis of merit list of test conducted on 27-06-2014, by ETEA, total five appointment orders were issued, on different dates, from 30-10-2014 to 02-12-2015 by the Higher Education Department. In all these appointment orders total 1187 candidates were appointed as Teaching Assistants. This case relate to an appointment order dated 02-12-2015, wherein 32 candidates were appointed. During inquiry proceedings the main focus remained on the appointment order dated 2-12-2015 wherein Mr. Majid Khan (Merit position 6<sup>th</sup>) was left and candidates on merit position 7<sup>th</sup> & 8<sup>th</sup> below him were recommended / appointed, and later on regularized. Grievances Redressal Committee was notified on 5<sup>th</sup> November, 2014 to redress all issues about Teaching Assistants. It was headed by Special Secretary, Higher Education Department. Minutes of grievance redressal committee where in candidates at Serial No 7 and 8 were recommended and Mr. Majid Khan a deserving candidate at S.No. 6, was left, are missing and in this regard Section Officer (C-II), Higher Education Department, his staff and directorate of Higher Education were directed to furnish these documents but they failed. As per witness Mr. Anjar Ali, senior clerk Directorate of Higher Education Department, a proposal/list excluding candidate at serial No. 6 (Majid Khan) and including names of candidates at serial No. 7 and 8 and was given to him for approval of Director Higher Education Department by the accused Mr. Abdul Rashid.

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Higher Education Department (Annex-VIII). Whatsoever finalized this proposal / list, one thing is clear that accused Abdu Rashid was surely included in the process of preparation of this proposal/list.

**Charge No.2**

Here the charge is that the forwarded names of candidates who were low in merit. The reply of accused is that complained did not question his order in the merit list. While sending proposal for appointment was not his duty. (Comments may please be seen as in Charge No.1).

**Charge No.3**

The charge is that he concealed the factual position and misled the Administrative Department. The reply of accused is that a duly signed copy of final merit list was submitted in the office of Secretary Higher Education. It was also displayed on ETEA website. The reply seems correct as merit list was not something secret or confidential. It was well published on ETEA Website. It was a public document. Anyone can check it. But unfortunately its proper implementation Execution could not be made in this case.

**Charge No.4**

The charge is that he created embarrassment for the Department by depriving a deserving candidates from his right and consequent necessary litigations. The reply and comments may be seen as mentioned in charge No.1 above, please.

**FINDINGS**

On the bases of merit list of best conducted on 27.06.2014, by ETEA, total five appointment orders were issued, on different dates, from 30.10.2014 to 02.12.2015 by the Higher Education Department. In all these appointment orders total 1187 candidates were appointed as Teaching Assistants. This case relate to an appointment order dated 02.12.2015, wherein 32 candidates were appointed.

During inquiry proceedings the main focus remained on the appointment order dated 02-12-2015 wherein. Mr. Majid Khan (Merit position 6<sup>th</sup>) was left and candidates as merit position 7<sup>th</sup> & 8<sup>th</sup> below him were recommended / appointed, and later on regularized.

Grievances Redressal Committee was notified on 5<sup>th</sup> November, 2014 to redress all issues about Teaching Assistants. It was headed by Special Secretary, Higher Education Department.

Minutes of grievance redressal committee where in candidates at Serial No.7 and 8 were recommended and Mr. Majid Khan deserving candidates at S.No.6, was left, are missing and in this regard Section Officer (C-II), Higher Education Department, his staff and directorate of Higher Education were directed to furnish these comments but they failed.

As per witness Mr. Amjad Ali, Senior Clerk Directorate of Higher Education Department, a proposal/list excluding candidates at serial No.6 (Majid Khan) and including names of candidates at serial No.7 to 8 and was given to him for approval of Director Higher Education Department by the accused Mr. Addu Rashid.

His written statement is at (ANNEX-4). It means Mr. Abdul Rashid was dealing with the appointment related issues of Teaching Assistants.

- 6) The list / proposal of candidates was forwarded to Director Higher Education for approval by accused Deputy Director Higher Education Muhammad Bashir on 14-07-2015 (ANNEX-1) without ensuring as to whether this list / proposal is in accordance with merit list or otherwise.
- 7) No corruption or malafide was found on the part of both accused.
- 8) It may be an act of error, omission, laxity or inefficiency.
- 9) Its outcome/ result is that a deserving candidate (Mr. Majid Khan) has suffered a lot and he is still suffering and wandering from pillar to post.

CONCLUSION

Charges against accused Muhammad Bashir


Charge No. 1	Partially proved
Charge No. 2	Partially proved
Charge No. 3	Partially proved
Charge No. 4	Partially proved

Charges against accused Abdul Rashid

Charge No. 1	Partially proved
Charge No. 2	Partially proved
Charge No. 3	Partially proved
Charge No. 4	Partially proved

Recommendation:

- 1) Secretary Higher Education Department may like to further probe that as to how and why the important official record, minutes of meeting, note part, attendance sheet, approvals, final recommendations and decision are missing regarding the appointment Notification No. SOC-III/2-6-2015/HED/Teaching Assistant dated 02-12-2015 in his office.
- 2) The Competent Authority may like to provisionally appoint a deserving candidate Mr. Majid Khan s/o Shauq Khan District Mardan as Teaching Assistant in his subject Chemistry in compliance with Peshawar High Court Judgment Order in writ petition No. 4280-P 2017 (ANNEX-5) subject to final decision by August Supreme Court of Pakistan in CPLA.

  
 Kalicharan Khan Baloch  
 Additional Secretary PMS(BS-19)  
 (Inquiry Officer)



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His written statement is at (ANNEX-N). It means Mr. Abdu Rashid was dealing with the appointment related issues of Teaching Assistants.

- 6) The list / proposal of candidates was forwarded to Director Higher Education for approval by accused Deputy Director/ Higher Education Muhammad Bashir on 14-07-2015 (ANNEX-I) without cussing as in whether this list/proposal is in accordance with merit list or otherwise.
- 7) No Corruption or malafide was found on the part of both accused.
- 8) It may be an act of error, omission, lastly or inefficiency.
- 8) Its outcome / result is that a deserving candidate (Mr. Majid Khan) has suffered a lot and hi is still suffering and wandering from pillar topost.

**CONCLUSION.**

Charge against accused Muhammad Bashir.

Charge NO.1	Partially proved.
Charge NO.2	Partially proved.
Charge NO.3	Partially proved.
Charge NO.4	Partially proved.

Charge against accused Abdu Rashid.

Charge NO.1	Partially proved.
Charge NO.2	Partially proved.
Charge NO.3	Partially proved.
Charge NO.4	Partially proved.

**Recommendation:**

- 1) Secretary Higher Education Department may like to further probe that as to how and why the important official record, minutes of meeting, note part, attendance sheet, approvals, final recommendations and decision are missing regarding the appointment Notification No. SOC-II/2-6-2015/HETY/Teaching Assistant dated 02.12.2015 in his office.
- 2) The competent Authority may like to provincially appoint a deserving candidate Mr. Majid Khan S/o Sharif Khan District Mardan as Teaching Assistant in his subject Chemistry in compliances with Peshawar High Court Judgment Order in writ petition No. 4280-P/ 2017 (ANNEX-O) subject to final decision by August Court of Pakistan in CPLA.

Kalimulla Khan Baloch  
Additional Secretary PMS/ BPS-19//  
(Inquiry Officer)

Annex-1 L 29

**SHOW CAUSE NOTICE**

1. Mahmood Khan, Chief Minister Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Abdur Rashid, Lecturer (HPE), currently working as Deputy Director (Sports), Higher Education, Khyber Pakhtunkhwa, as follow:-

- i. That consequent upon the completion of inquiry conducted against you by Inquiry officer, for which you were given opportunity of hearing.
- ii. On going through the findings of the Inquiry Officer, the material on record and other connected papers including your defence before the Inquiry officer.

I am satisfied that you have committed the following acts/omissions specified in rule-3 of the said rules:

(b) guilty of misconduct

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of withholding of under rule 4 of the said rules.

*(02) two annual increments  
for one (01) year.*

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

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

5. A copy of the findings of the inquiry officer is enclosed.



(Mahmood Khan)  
CHIEF MINISTER,  
KHYBER PAKHTUNKHWA

Mr. Abdur Rashid, Lecturer in HPE (BS-17),  
Currently working as Deputy Director (sports),  
Directorate of Higher Education

Annex-m 30  
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**GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT**

NO.SOG(AD)/1-6/Misc/2020-21  
Dated Peshawar, the May 17, 2021

**MOST IMMEDIATE**

To

1. Mr. Muhammad Bashir,  
Deputy Director (Estt.),  
Higher Education, Khyber Pakhtunkhwa.
2. Mr. Abdur Rashid,  
Deputy Director (Sports),  
Higher Education, Khyber Pakhtunkhwa.

**SUBJECT: PERSONAL HEARING - DISCIPLINARY PROCEEDINGS AGAINST MR. MUHAMMAD BASHIR, ASSISTANT PROFESSOR (BS-18), CURRENTLY WORKING AS DEPUTY DIRECTOR (ESTT.) AND MR. ABDUR RASHID, LECTURER (HPE), WORKING AS DEPUTY DIRECTOR (SPORTS), HIGHER EDUCATION, KHYBER PAKHTUNKHWA.**

I am directed to refer and to state that upon a Summary moved by the Higher Education Department, Khyber Pakhtunkhwa on the captioned subject. The Competent Authority (Chief Minister Khyber Pakhtunkhwa) has been pleased to nominate Dr. Muhammad Israr (PCS/SG BS-20) Secretary Agriculture, Livestock, Fisheries & Cooperative Department, Khyber Pakhtunkhwa for personal hearing on behalf of him.

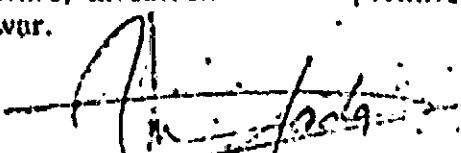
2. You both are directed to attend the office of the Secretary, Agriculture, Livestock, Fisheries & Cooperative Department on 28.05.2021 at 12:00 noon.

  
SECTION OFFICER (ADMIN)  
AGRICULTURE DEPARTMENT

Endst. of even No. & Date.

Copy forwarded for necessary action to:-

1. P.S.O to Chief Minister Khyber Pakhtunkhwa.
2. P.S to Chief Secretary, Khyber Pakhtunkhwa, w/r to Dairy No.3441 dated 28.04.2021.
3. P.S to Secretary to Government of Khyber Pakhtunkhwa, Higher Education Department with the request to nominate a Departmental representative of your Department well versed with the facts of the case, to attend the personal hearing with complete record on scheduled, date, time and venue.
4. P.S to Secretary Agriculture, Livestock and Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
5. P.A to Deputy Secretary (Admin), Agriculture, Livestock and Cooperative Department, Khyber Pakhtunkhwa, Peshawar.

  
SECTION OFFICER (ADMIN)



Annet-DM 31  
12

**DIRECTORATE OF HIGHER EDUCATION  
KHYBER PAKHTUNKHWA**

**Rano Garhi, Peshawar**

Tel # 091-2650025 / 2650024

E-mail:- [dhekpkes@gmail.com](mailto:dhekpkes@gmail.com) Facebook.com/dhekpkes Peshawar Twitter.com/dhekpkes Peshawar

No. 1175-76 / CA-1/ Estt: Branch/A-12/Muht Bashir/ Hist-cum Pol:Sc Dated Peshawar the 24 / 5 /2021

To

1. Mr. Muhammad Bashir  
Deputy Director (Establishment),  
Local Directorate.
2. Mr. Abdur Rashid,  
Deputy Director (Sports),  
Local Directorate.

**SUBJECT** PERSONAL HEARING- DISCIPLINARY PROCEEDINGS  
AGAINST MR. MUHAMMAD BASHIR, ASSISTANT  
PROFESSOR (B-18), CURRENTLY WORKING AS DEPUTY  
DIRECTOR (ESTABLISHMENT) AND MR. ABDUR RASHID,  
LECTURER IN (HPE), WORKING AS DEPUTY DIRECTOR  
(SPORTS) HIGHER EDUCATION, KHYBER PAKHTUNKHWA.

Memo:

Enclosed please find herewith a copy of letter No. SOG(AD)/  
1-6/Misc/2020-21 dated 17.05.2021 from Section Officer (Admin:) Govt; of  
Khyber Pakhtunkhwa, Agriculture Department on the subject cited above and  
to state that your personal hearing has been fixed by the Competent Authority  
on 28.05.2021 at 12:00 (Noon).

In view of the same you are directed to appear before the  
Secretary, to Govt; of Khyber Pakhtunkhwa, Agriculture Department, Peshawar  
in his office on 28.05.2021 at 12:00 (Noon) for your defence.

*(Signature)*  
**DEPUTY DIRECTOR (ACADEMICS)**

Endst: No. 1177-78 /

Copy of the above is forwarded to the:-

1. Section Officer (Admin:) Govt; of Khyber Pakhtunkhwa,  
Agriculture Department with reference to his letter No.  
referred above.
2. Khawaja Mohamrad Saqib, Assistant Director (General),  
Local Directorate alongwith Syed Arsalan Ali Shah,  
Assistant, Local Directorate with the remarks to assist the  
Inquiry Committee during the inquiry proceedings on the  
prescribed date and time.

*(Signature)*  
**DEPUTY DIRECTOR (ACADEMICS)**

Annex - N

132 117

**JUDGMENT SHEET  
PESHAWAR HIGH COURT, PESHAWAR  
JUDICIAL DEPARTMENT**

**Writ Petition No.4280-P of 2017**

**"Majid Khan Vs. Director Higher Education, KP,  
Peshawar etc"**

**JUDGMENT**

Date of hearing **26.02.2019**

Petitioner(s) by: **Mr. Zahid Arwan Advocate**

Respondent(s) by: **Mr Mansoor Tary (D.A.G)**

\*\*\*\*\*

**IKRAMULLAH KHAN, J.-** Through the instant Constitutional petition, under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioner has prayed for the following relief:-

"It is, therefore, most humbly prayed that on acceptance of this writ petition the notification dated 02.12.2015 upto the extent of respondents No.5 & 6 may graciously be declared as illegal and unlawful and to set aside. Further the respondents may very kindly be directed to issue / release the appointment letter to the petitioner for the post of Teaching Assistant / Lecturer Chemistry from the due date without any further delay, reason and justification. Any other remedy which deems fit by this Honourable Court may also be granted in favour of petitioners".

02. In essence, the respondents advertised some vacant posts of Teaching Assistant in various discipline including subject of Chemistry. The

petitioner was eligible on the threshold determined by the respondents, he applied for the vacant post of Teaching Assistant in subject of Chemistry. Petitioner participated in the test and interview held by the respondents and occupied the top position, securing 55.34 marks, overall the merit list prepared and displayed by respondents. However, petitioner was not appointed for the reasons best known to the respondents and candidates at serial No.2 & 3 of the merit list, respondents No.4 & 5 herein, were appointed vide Notification dated 02.12.2015.

**03.** Petitioner had left no stone unturned to get his right of appointment, however, failed to achieve the goal through departmental efforts he made, hence, this Writ Petition.

**04.** Respondents were summoned, who filed their comments, wherein, they have taken the sole ground to contest and redress the grievance of petitioner; that the petitioner has knocked the door of justice with a delay of one (01) year and ten (10) months but failed or intentionally kept mum to explain the reasons that how petitioner was not offered the advertised post, despite the fact that he was on the top of the merit list.

**05.** Respondents have not denied from the facts alleged by the petitioner in his memorandum of petition, meaning thereby that petitioner had discriminated and respondents have no defense in this regard.

**06.** No doubt petitioner has approached this Court with a considerable delay thereafter issuance of appointment order in favour of private respondents but where a person has legal rights, and he has not dealt with in accordance with law and is deprived of his vested legal right then, in such circumstances, laches could not be a ground to deny his legal right which otherwise is established on record.


**07.** Therefore, as respondents had illegally denied right of appointment of petitioner and had committed palpable act of favoritism and discrimination, this petition is allowed in manner that respondents are directed to consider the petitioner and be appointed on any vacant post of Teaching Assistant in subject of Chemistry. As other private respondents had not played any part in their appointment, they could not be disturbed, however, we recommend the Provincial Government and the Chief Secretary, Khyber

Pakhtunkhwa that departmental action shall be initiated against the person, who was the appointing authority, who while violating the law and rules of merit, illegally deprived the petitioner from his due right of appointment.

08. The result of inquiry shall be communicated to the worthy Registrar of this Court but not later than three (03) months.

**ANNOUNCED.**  
**26.02.2019**

  
**JUDGE**

  
**JUDGE**

DB  
Hon'ble Mr. Justice Ikramullah Khan  
Hon'ble Justice Ms. Musarrat Hilali

Himayat



**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT**

Mr. Justice Maqbool Baqar  
Mr. Justice Mazhar Alam Khan Miankhet  
Mr. Justice Jamal Khan Mandokhail

**Civil Petition No. 391-P/2019**

(Against the judgment dated 26.02.2019 of the Peshawar High Court, Peshawar passed in WP No. 4280-P/2017)

**Director Higher Education Khyber Pakhtunkhwa, Peshawar & others** Petitioner(s)  
Versus

**Majid Khan & others** Respondent(s)

For the Petitioner(s) : Mr. Muhammad Sohail, Addl. AG  
Mr. Anis Muhammad Shahzad, AOR

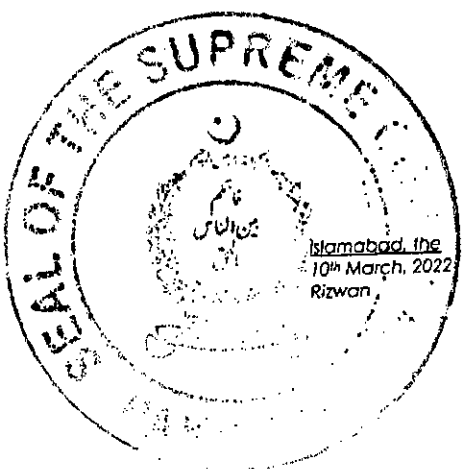
For the Respondent(s) : Mr. Amjad Ali, ASC

Date of Hearing : 10.03.2022

**ORDER**

**Maqbool Baqar, J.** Heard the learned Additional Advocate General and perused the record with his able assistance. No case is made out for our interfering with the impugned judgment. The petition is dismissed.

Sd/-J  
Sd/-J  
Sd/-J



**Certified to be True Copy**

**Senior Court Associate**  
Supreme Court of Pakistan  
Islamabad

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