



DBAM No. 288  
 BC No. 10-3250  
 Name of Advocate عمار بن محمد

S.No 7567

Fee Rs. 100/-

وکالت نامہ  
 General Secretary  
 District Bar Association  
 Mansehra

بعدالت: فیضان فیضہ شہزادہ سردار منیر بھونٹا شہزادہ  
 عنوان: عدلیہ اور مدد گار  
 منجانب: ایڈووکیٹ سردار منیر بھونٹا

باعث تحریر آنکہ  
 شہزادہ منیر بھونٹا  
 دریں مقدمہ عنوان بالا میں اپنی طرف سے برائے پیڑھی کو جواب دہی بمقام  
 جسٹس انور خان ایڈووکیٹ اور انڈسٹریل ڈیولپمنٹ بینک آف پاکستان  
 کو بریں شرائط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے  
 جانے وکیل موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ  
 میرے خلاف ہو گیا تو وکیل موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل موصوف صدر مقام کچہری کے علاوہ  
 کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ کچہری کے علاوہ  
 کسی اور جگہ سماعت ہوا یا کچہری کے اوقات کے آگے پیچھے سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو وکیل موصوف ذمہ دار  
 نہ ہوں گے اور وکیل موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست  
 بیان حلفی و تصدیق کرنے اور اسپر دستخط کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور قسم کا روپیہ وصول  
 کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپر دعا نشی و راضی نامہ و دستبرداری و اقبال و دعویٰ کا اختیار بھی ہوگا  
 بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ قبل ز ڈگری اجراء ڈگری بھی وکیل موصوف  
 کر بشرط ادائیگی علیحدہ محنتانہ ادا کرنے کا مجاز ہوگا اور بصورت ضرورت بدوراء مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا بیرسٹر کو  
 بجائے خود یا اپنے ہمراہ مقرر کریں اور مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے وکیل موصوف کو  
 اور اگر پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو وکیل موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیروی نہ کریں اور ایسی حالت  
 میں میرا مطالبہ وکیل موصوف کے برخلاف نہیں ہوگا مجھے کل ساختہ پر داختہ وکیل موصوف مثل ذات خود منظور و قبول ہوگا۔  
 لہذا وکالت نامہ لکھ دیا ہے اور دستخط / انگوٹھا ثبت کر دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے۔

مورخہ 15 مئی 2018ء

منیر بھونٹا  
 ایڈووکیٹ

ACCEPTED  
 عمار بن محمد

19/6/18 (original copy)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR**

Appeal No.696/2018

18/

Mian Muhammad Hassan .....APPELLANT.

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education KPK Peshawar.
2. Director Elementary & Secondary Education KPK Peshawar.
3. Deputy Director Elementary & Secondary Education KPK Peshawar
4. District Education Officer (Male) Mansehra.....
5. Assistant Sub Divisional Educational officer (M) Mansehra

.....RESPONDENTS.

**PARAWISE COMMENTS / WRITTEN REPLY ON BEHALF OF RESPONDENTS NO 1, 2, 3,**

**4 & 5.**

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DISTRICT EDUCATION OFFICE  
(MALE) MANSEHRA.

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18-6-19

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**BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR**

Appeal No.696/2018

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.....RESPONDENTS.

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**PARAWISE COMMENTS / WRITTEN REPLY ON BEHALF OF RESPONDENTS NO 1, 2, 3, 4 & 5.**

**PRELIMINARY OBJECTIONS:-**

1. That the Appellant is not the "AGGRIEVED" person.
2. That the Appellant is stopped by his own conduct.
3. That the Appellant has not come to the Hon'ble Tribunal with clean hand.
4. That the Appellant has no cause of action/locus standi to file the instant appeal.
5. That instant Appeal is against the prevailing law and rules.
6. That the Appellant has concealed the material facts from this Hon'ble Tribunal. Hence not entitled for any relief and appeal is liable to be dismissed without any further processing.
7. That the appeal is groundless and based on malafide, ulterior motive, hence the same is liable to be dismissed.
8. The instant appeal is not maintainable in the present form and also in the present circumstances of the issue.
9. That the demand of the appellant is against the law and facts hence the appellant is not entitled for any relief and appeal is liable to be dismissed on this score alone.
10. That the Appellant has not come to this Hon'ble court with clean hands, because, of the fraud and corruption in the PTC Fund illegally.

**Factual Objections:-**

- 1) Para No.1 is pertain to the service record of the appellant.
- 2) Para No. 2 is correct to the extent that the appellant was promoted to PSHT on seniority basis.
- 3) Para No.3 is correct, hence need no comments.
- 4) Para No.04 is correct, hence need no comments.
- 5) Para No.5 is correct, hence need no comments.
- 6) Para 6 is correct hence need no comments.
- 7) Pare No. 7 is correct to the extent that PTC unanimously passed a resolution for the utilization of PTC funds for boundary wall and water supply, whereas the appellant doesn't spent a penny of money for water supply and boundary wall.
- 8) Para No.08 is incorrect that the appellant on basis of fake fabricated and bogus receipt show the expenditure, whereas according to report of the circle

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ASDEO(M) Kaghan and inquiry from the community it was proved that the appellant has not used PTC fund for water supply, whereas the same scheme was already exist. Also he repair the wall upto the expenditure of 15000/-. Otherwise he did nothing from PTC fund. The same complaint was forwarded by the SDEO (M) Balakot regarding the embezzlement in the PTC fund in GPS Pludran. **( Copy of the visit report of the ASDEO , copy of the SDEO Letter are annexed as annexure A & B )**

- 9) Para 9 is totally incorrect because according to ASDEO report he bought two door for group Laterine and just masonry (pluster) the Laterine, whereas according to the community the Group Laterine were already exist.
- 10) Para 10 is incorrect because hardly an amount of Rs.30, 000/- was used other amount he describes in different entities is totally fake and misleading.
- 11) Para 11 is incorrect because the respondent NO.5 personally visit the school and recorded the statement of the community and remarks that appellant is involve in the embezzlement of PTC Fund. He attaches the fake and bogus receipt with the support of the Chairman PTC, whereas the scheme was already exist on the ground. Which is clear from the statement of the community that water supply scheme was already exist and so on.
- 12) Para 12 is correct to the extent that the show cause notice was issued to the appellant on the basis of the inquiry conducted by the respondent no.5. **(Copy of the Show cause Notice, Copy of Personal Hearing are annexed as annexure C & D)**
- 13) Para 13 is correct, hence need no comments.
- 14) Para 14 is correct to the extent that appellant is compulsory retired from service on basis of the charged against the appellant were proved.

**(Copy of the compulsory retirement order is annexed as annexure E)**

- 15) Para 15 is correct, hence need no comments.
- 16) Para 16 is correct to the extent that inquiry committee constituted by the respondent no.2 which gives their recommendation. Whereas the recommendation of the inquiry report were against the ground reality. Here question arises why? The answer is that when the inquiry committee visited the said school for verification then the said building was demolished by the administration under section 4 for the construction of the "Sukki Kinari Dam", hence the said building was not physically exist at that time.

**(copy of the inquiry letter, copy of report is annexed as annexure F & G)**

- 17) Para 17 is correct to the extent that on the basis of the valid proof the appeal of the appellant is rejected by the respondents.

**( Copy of appeal rejection is annexed as annexure H)**

- 18) That appellant have no right to invoke the Constitution jurisdiction of this Hon'ble Tribunal, the appellant is not aggrieved Person inter alia on the following Grounds:-

**GROUND:-**

- a) Incorrect and denied that as per visit report of ASDEO Circle, Rs:8,50,000/- was allocated in the PTC funds for water supply, Boundary wall and Group Latrine physical progress work is almost zero, a little bittle work was done upto 50000/-. Other amount has not spent but the fake and bogus receipts were prepared by the appellant. Heavy amount is drawn without utilization, hence appellant who is also Head teacher of the

school was preceded under Khyber Pakhtunkhwa E & D rules 2011 for embezzling the amount provided for Boundary wall, water supply and Group Latrine.

- b) Incorrect hence denied. Detail reply has already been given in Para No.1.
- c) Para c pertain to the record..
- d) Para d correct, hence need no comments.
- e) Para e is correct to the extent that the unanimous declaration was passed for start of work, whereas the appellant misuse the power and draw all the amount from PTC account but work progress was almost zero. So respondent no.4 rightly started the inquiry against the appellant.
- f) Para f is correct to the extent that the account was joint but both chairman and secretary misused the Govt: treasury by drawing all the amounts but on the ground the work done was almost zero. In this regard the inquiry of the ASDEO reflects the whole picture of reality.
- g) As replied above.
- h) As replied above..
- i) Para f is incorrect because the PTC is constituted on the direction of the respondents not on the well and wishes of any person. The PTC elections are conducted on the direction of the competent authority and the report is submitted to the concerned authority. After all the process the amounts in different head is transferred in the school bank account. The appellant is a civil servant. He is responsible for the right utilization of the Govt: property. Without the wishes of Head Teacher a single penny cannot be drawn from the account of School PTC.
- j) Para j is incorrect because the appellant is civil servant. He is responsible for the safety of the Govt: property, if he misuse of it he is accountable before the competent authority. As appellant is guilty of embezzlement in the PTC funds therefore the respondents rightly started the proceeding against the appellant.
- k) Incorrect and denied, whereas the appellant is guilty of misconduct in PTC funds of the school and the allegation has been proved against him, hence the recovery of 8,50,0000/- from the appellant is right and accordance with the law. Hence the proceeding against him under E &D rule 2011 is accordance with law.
- l) Para l is correct , hence need no comments,
- m) Para m is totally incorrect and misleading, because fair opportunities is provided to the appellant. One inquiry is conducted by the District Education Officer (Male) Mansehra and other by the Director E&SE. whereas the show cause was issued, personal hearing is also made and final notification is issued, and after all the codal formalities the major penalties was imposed on the appellant which was accordance with law.
- n) Para n Incorrect & denied. The detail reply has been given in the above Para.
- o) Para O is incorrect and misleading, whereas the appellant and the chairman collectively misused the Govt: property and prepared the fake and bogus receipt for the construction material, whereas the work done was almost zero.
- p) Para p is incorrect hence denied, as replied above.
- q) Para q is totally misleading, whereas the inquiry committee constituted by the respondent no.2 which gives its recommendation. Whereas the recommendation of the inquiry report was against the ground reality. Here question arises why? The answer is that when the inquiry committee visited the said school for verification then the said building was demolished by

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the administration under section 4 for the construction of the "Sukki Kinari Dam" hence the said building was not physically exist at that time. But the actual reality was else.

- r) Para r is incorrect hence denied. As replied above.
- s) Para r is incorrect hence denied. As replied above.
- t) Para t is incorrect hence denied. As replied above.
- u) Para u is correct to the extent that Govt paid 55, 00,000/- to the Education department but the appellant has no relation regarding this because the Govt: acquire land from the Education department. The statement of the appellant is misleading. However the Respondents seek leave of this Honorable Tribunal to submit addition grounds & record at the time arguments before this Honorable Court.

**Prayers:**

***It is therefore, humbly prayed that on acceptance of the above submissions, the instant appeal may very graciously be dismissed in the favour of the answering Respondents in the interest of the Justice***

Respondent .....

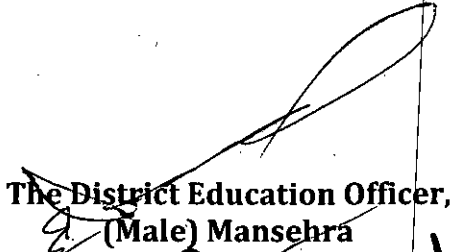


**The Secretary  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.**



**The Director,  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.**

*Respondent 2 and 3*



**The District Education Officer,  
(Male) Mansehra**

*Respondent No. 04,*

**ASSISTANT SUB DIVISIONAL EDUCATION OFFICER  
(MALE) MAANSEHRA**

*Respondent No. 5*

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**AFFIDAVIT**

I, Muhammad Toseef, Assistant to DEO(M) Mansehra hereby solemnly affirm and declare that the content of the reply of the comments in the above appeal No.696-A/2018 titled as Main Muhammad Hassan versus Education Department are true to the best of my conviction and belief and I have concealed nothing.



ASSISTANT DISTRICT EDUCATION OFFICER  
4 (MALE) MANSEHRA

وزٹ رپورٹ گورنمنٹ پرائمری سکول بلڈرز اسکول کمانڈنگ آفیسر

27 جولائی 2017ء کو گورنمنٹ پرائمری سکول بلڈرز کا معاہدہ کیا معاہدہ سے قبل  
مقامی افراد کی جانب سے یہ شکایات موصول ہوئی تھیں کہ مذکورہ سکول جو کہ  
نئے بننے والے ڈیم کے اندر آ رہا ہے اور بہت جلد ہی اس سکول کو گرا دیا جائے گا  
لہذا اس کے گرنے سے قبل ہی اس میں تعمیرات کی سرکاری مداخلت سے  
گورنمنٹ کی مدد سے اس کے رقم کو پورا کرنے کی تحقیقات کی جائے

اس مدعا کو مد نظر رکھتے ہوئے زیر دستخطی نے میان محمد حسن کھیر کو بلڈ کر  
اس کے ساتھ سکول لہذا کا دورہ کیا۔ سکول کی عمارت دو سو پانچ سو پندرہ گزروں پر مشتمل ہے  
جس کے آگے کوئی بوتلری والی نہیں ہے۔ ڈاکٹر انجینئر سے قبل متعلقہ کھیر سے  
اور متعلقہ محکمہ سے بھی سوال کیا گیا ہے۔ اس دوران مقامی افراد بھی یہاں  
آئے اور ان کے سامنے مذکورہ پورے تحقیقات کی گئیں اور سکول کے مختلف حصوں  
کا معاہدہ کیا گیا۔

معاہدہ کے مطابق سکول لہذا کو Conditional گرانٹ اور 1000/1000 کی مدد سے  
کل مبلغ 883600/- روپے ملے ہیں جس میں ریپائرنگ کے مطابق کھیر نے 300000/- لاکھ  
واٹر سپلائی پر خرچ کیا ہے۔ جبکہ باقی رقم عمارت کی Repair پر خرچ کرنے کی  
رہنمائی فرم کی گئی ہے۔ نوٹ ہے کہ جو عمارت مقامی افراد جنہیں عمارت منگوا رہی تھی  
وہ عمارت گرنے لگا ہے لہذا کہ مذکورہ کھیر نے سکول میں کوئی واٹر سپلائی نہیں لگائی۔ گاؤں  
میں پہلے ہی سے واٹر سپلائی موجود ہے۔ اور سب سے پہلے ہی خود گاؤں والوں نے سکول کو  
بڑا خود پائپ لگا کر دیئے ہیں۔ جبکہ سکول کی Repairing کے سلسلے میں کھیر نے  
میان محمد حسن نے صرف پچھلے دو سو پانچ سو پندرہ گزروں کی قیمت کی ہے جس پر عمارت  
15000/- ہزار خرچ ہوئے۔ مقامی افراد نے یہ بھی بتایا کہ گروپ لیڈر میں پہلے سے موجود  
کھیر نے دروازے لگائے اور پائپ لگائے۔

انہی کو حقائق یہ سکول کا خود معاہدہ کرنے کے بعد اور مقامی افراد کی بیانات  
کی روشنی میں یہ حقیقت سامنے آئی ہے کہ مذکورہ کھیر نے تقریباً 850000/- کا خورد برد کیا

Annex A

Saleem  
Muzammar  
Mansoor  
Legal  
Area



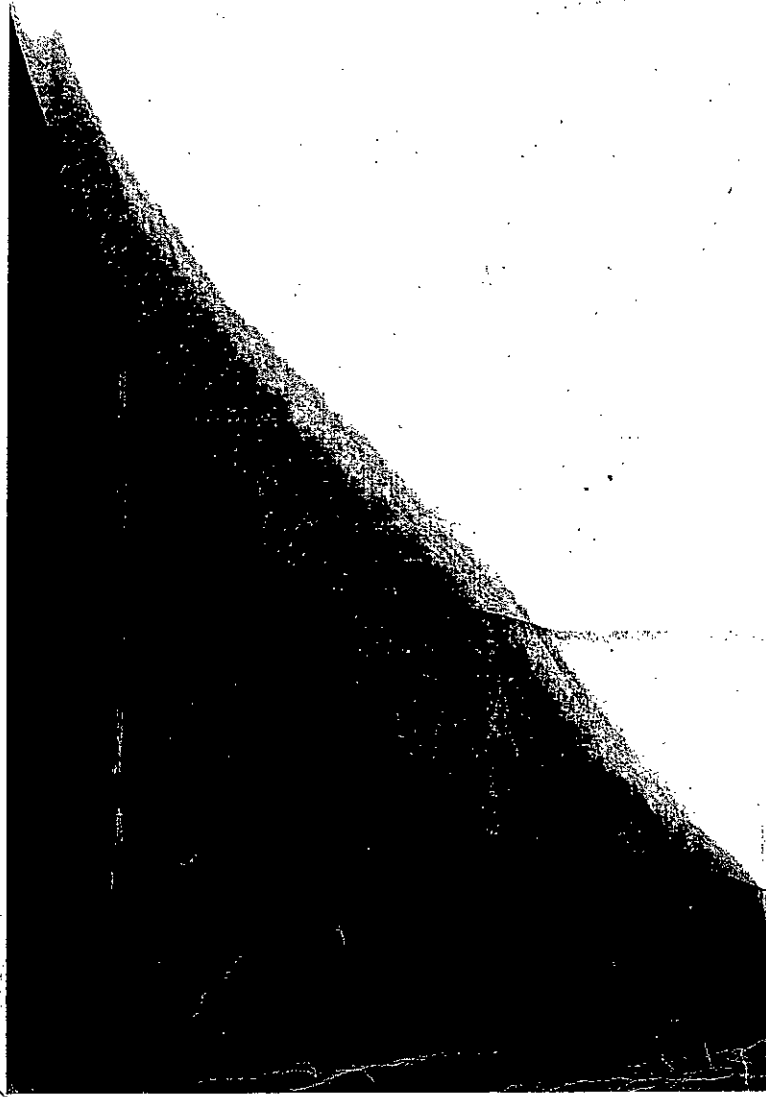
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Annex B

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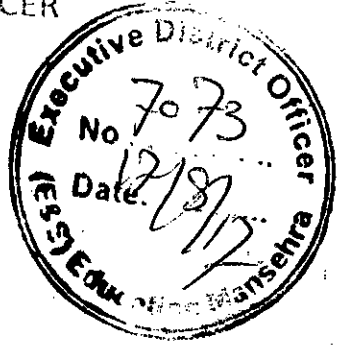
OFFICE OF THE  
SUB-DIVISIONAL EDUCATION OFFICER

(MALE) BALAKOT

No. 395 /Report

Dated Balakot the 15/08 /2017

Spec  
up on file



To

The District Education Officer,  
(Male) Manshehra

Subject:  
Memo:

COMPLAINT REGARDING MISUSE OF CG FUND IN GPS PLUDRAN TEHSIL BALAKOT

As discussed with your goodself regarding misuse of CG Fund in GPS Pludran, Mr. Sakeen Ullah was directed to inquire the matter and submit comprehensive report to the undersigned for further proceeding.

The concerned ASDOE has submitted his report with the plea that a sum of Rs.883600/- was sanctioned/released/allocated by the Department under conditional grant.

According to the local community and the ASDOE report a sum of Rs.883600/- allocated under conditional grant to the GPS Pludran was drawn by the teacher and not a single penny was expended in the school and bogus/so-called receipt was attached in the file to outwit the Department.

It is requested that the total amount allocated to this school is need to be recovered from the teacher concerned and the teacher may also be asked about the other elements involved in the case.

The report is submitted for further necessary action and direction please.

*[Signature]* 15/8

SUB-DIVISIONAL EDUCATION OFFICER,  
(MALE) BALAKOT

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Saleem  
Mr. Saleem  
prepare 02  
manuall for legal  
notice

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SHOW CAUSE NOTICE

The District Education Officer (M) Elementary & Secondary Education District Mansehra, under the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011 do hereby serve you Mr. Mian Muhammad Hassan PSHT GPS Phudhran Circle Kaghan Balakot, as follows

- (i). That consequent upon the completion of inquiry conducted against you by the inquiry Officer for which you were found in embezzlement in PTC Funds being Secretary of said School PTC account Rs 850000/-.
- (ii). Ongoing through the findings and recommendations of the inquiry officer, the material on record and other connected papers, I am Satisfied as per Rule 7 of the Khyber Pakhtunkhwa Government Servants (E & D) Rules, 2011 that you have committed the following acts/omissions specified under rule 03 of the said rules.

000  
(a) Inefficiency (b) Corruption

2. As a result therefore, I, as competent authority, have tentatively decided to impose upon you the major penalty of **DISMISSAL FROM SERVICE** under rules 4 of the said rules.
3. You are, therefore, 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 or not.
4. If no replay to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-prate action shall be taken against you.

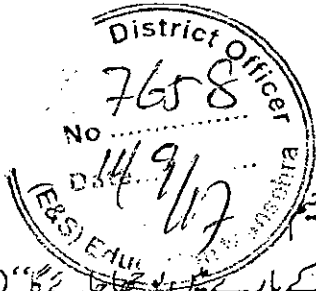
(Competent Authority)

DISTRICT EDUCATION OFFICER  
2 (MALE) MANSEHRA

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دیا تھا بارش اور سوپ میں معصوم طلباء کے آسمان سے ٹیکہ بڑھایا حاصل کرنے پر مجبور تھے۔ اس کا  
ثبوت 18 اکتوبر 2005 کے زلزلہ سے اکتوبر 2016 تک تمام ADO سرکل کاغذات نے کیے ہیں۔  
جو کہ بطور ثبوت موجود ہیں۔ مسائل نے

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ANX c D

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17/

22/8/17

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ  
”تم میں سے ہر ایک نگہبان ہے اور ہر ایک سے اس کی رعیت کے بارے میں پوچھا جائے گا“ (حدیث نبوی)

بخدمت عزت مآب جناب ڈسٹرکٹ ایجوکیشن آفیسر صاحب (مردانہ) ضلع مانسہرہ

عنوان: جواب شوکا ز نوٹس (اپیل)

جناب عالی! گزارشات بسلسلہ شوکا ز نوٹس آمدہ از دفتر بتاریخ 28-08-2017 تفصیلاً درج ذیل ہے۔

1- عالیجاہ گورنمنٹ پرائمری سکول پلدرہ اس سرکل کا خان کو مبلغ-/663000 روپے برائے تعمیر باؤنڈری وال اور مبلغ-/160000 روپے تعمیر برائے واش رومز ملے یعنی کل رقم مبلغ-/823000 روپے ملے۔ چونکہ سکول ہذا کی باؤنڈری وال والی جگہ 1992ء کے سیلاب میں بُرد ہو چکی تھی جسکی بناء پر سکول کی باؤنڈری وال تعمیر کرنا ناممکن تھا جبکہ سکول ہذا کی عمارت نہایت ہی مخدوش اور ناقابل استعمال تھی جس کا ثبوت بعد از زلزلہ 2016ء تک تمام ADO سرکل نے تحریری طور پر لاگ بک میں اپنے ریمارکس میں بطور اندراج موجود ہے اور لاگ بک کی ہر سال کی فوٹو کاپیاں لف ہیں۔

2- جناب عالی! جیسا کہ اوپر ذکر کیا جا چکا ہے کہ باؤنڈری وال کی جگہ موجود نہیں ہے اور سکول کی عمارت مخدوش اور ناقابل استعمال ہے۔ چنانچہ رقم آمدہ برائے باؤنڈری وال کو دو بڑی مدوں یعنی مرمتی سکول اور وائر سپلائی سکیم میں استعمال کرنے کیلئے PTC کمیٹی کی قرارداد کی روشنی میں بوساطت جناب SDEO سب ڈویژن آنجناب سے منظوری کیلئے وہی PTC کی قرارداد پیش خدمت کی گئی جس کو ہمدردانہ غور کیلئے ڈپٹی ڈی ای او صاحب کو مارک کیا گیا۔ عالیجاہ ڈپٹی ڈی او صاحب نے اس رقم کی برائے مرمتی سکول اور وائر سپلائی استعمال کی اجازت دے دی۔ چنانچہ مسائل نے تمام قواعد و ضوابط کو مد نظر رکھتے ہوئے اس رقم کو ان مقاصد کیلئے استعمال کیا جن کی باقاعدہ منظوری جناب افسران بالا سے لی جا چکی تھی۔ چنانچہ اس طرح سکول کی مرمتی ہونے پر عمارت قابل استعمال ہو گئی اور 2 واش روم بنانے کے ساتھ ساتھ وائر سپلائی سکیم بھی مکمل کی گئی۔ جو کہ 14/15 ماہ بعد فروری 2017 میں لینڈ سلائیڈنگ کا شکار ہو گئی اور PTC کمیٹی نے اس بابت ایک اشتہار اخبار میں بھی شائع کروایا تھا۔

3- جناب عالی! اس رقم کے صحیح استعمال کا اندازہ موقع پر موجود عمارت کی موجودہ حالت سے لگایا جاسکتا ہے اور دوسرا بڑا ثبوت اس عمارت کی ڈیم میں آنے پر اتنی بڑی رقم کی گورنمنٹ کو ادائیگی سے بھی لگایا جاسکتا ہے کہ اگر عمارت مخدوش ہوتی تو ڈیم میں آنے کی وجہ سے محکمہ تعلیم کو اتنی رقم کبھی نہ ملتی۔

4- دیا تھا بارش اور ڈھوپ میں معصوم طلباء کھلے آسمان کے نیچے تعلیم حاصل کرنے پر مجبور تھے۔ جس کا ثبوت 18 اکتوبر 2005 کے زلزلے کے بعد 2016 تک تمام ADO سرکل کا خان نے کیے بعد

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14/11

Annex P'

(11)

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2017

4- عالیجاہ! سکول کے تمام تعمیراتی کاموں کی تصاویر مرحلہ وار PTC فائل میں موجود ہیں۔

تصاویر بھی حقائق ہیں۔ اس سے بڑا اور ثبوت کیا ہو سکتا ہے۔

5- عالیجاہ رقم کے صحیح طور پر استعمال کی مکمل تفصیل دفتر میں جمع کروا گئی جو کہ PTC کی فائل میں

موجود ہے۔

نوٹ: رقم آمدہ- 823000/- روپے تھی جس میں سے مبلغ- 23000/- روپے مورخہ 24-12-2014 کو مجھ

سے قبل سکول مذکورہ میں جو ہیڈ ٹیچر تھا اس نے نکال کر سکول کے استعمال میں لائی ہے۔ باقی 800000

روپے تھے جبکہ خرچ شدہ رقم- 850253/- روپے ہے جن میں CCA فنڈز وغیرہ بھی شامل ہیں۔ جن کی

تفصیل PTC فائل میں موجود ہے۔

چنانچہ اس طرح سائل نے مبلغ 27253 روپے اپنی جیب سے خرچ کیئے ہیں۔ آخر میں سائل اس بات کا حلفاً اقرار

کرتا ہے کہ سائل نے مذکورہ رقم میں کوئی خرید برد نہیں کیا اور نہ ہی اپنے اختیارات سے تجاوز کیا ہے۔ رقم کو دو بڑی مد میں

بھی خرچ کرنے پر باقاعدہ منظوری افسران بالا سے حاصل کی ہے۔

**لہذا اپیل** کی جاتی ہے کہ سائل کو بے قصور تسلیم کرتے ہوئے شوکار میں دی گئی سزا سے مستثنیٰ قرار دیا جائے۔

سائل نماز پنجگانہ میں آپ جناب کیلئے دعا گور ہے گا۔

**جناب عین فوارش ہو گئی**

المرقوم: 09-09-2017

ارض

میاں محمد حسن PSHT گورنمنٹ پرائمری سکول (نیو پلڈراں) کانڈل پھاگل) سرکل کاغان تحصیل بالا کوٹ ضلع مانسہرہ۔ سائل

شناختی کارڈ نمبر: 5-1325176-13501

موبائل نمبر: 0342-5190143

7/9/2017

کاپی ٹو:

جناب ڈائریکٹر صاحب ایلیمینٹری اینڈ سیکنڈری ایجوکیشن صوبہ خیبر پختونخواہ پشاور

جناب ضلع ناظم صاحب مانسہرہ

جناب ڈپٹی کمشنر صاحب مانسہرہ

جناب ڈسٹرکٹ اکاؤنٹ آفیسر صاحب مانسہرہ

جناب ڈسٹرکٹ مانیٹرنگ آفیسر صاحب مانسہرہ

4- دیا تھا بارش اور سوپ میں معصوم طلباء کے آسمان سے بیڑے کو تعمیر حاصل کرنے پر مجبور تھے۔ اس

ثبوت 18 اکتوبر 2005 کے زلزلے سے اکتوبر 2016 تک تمام ADO سرکل کاغان نے کیے بعد

ثبوت 18 اکتوبر 2005 کے زلزلے سے اکتوبر 2016 تک تمام ADO سرکل کاغان نے کیے بعد

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Ana = 10

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(211)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

No. 16565 / File No 20/Misc/PST/GPS

Dated Mansehra the 26/9 /2017

To.

Mr. Mian Muhammad Hassan PSHT  
GPS Phuldhran Circle Kaghan

Subject: - PERSONAL HEARING.

Memo:

In continuation of this Office No. 15111/ dated 28-8-2017, a Show cause notice has been served to you, and your written reply has been received vide this office Diary No 7658 dated 11/9/2017 and you are required for your personal hearing.

Therefore you are directed to appear in the office of the undersigned for clarification of your case with in two days after receipt of this letter positively.

DY: DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA.

Endst: No. 16566 / File No 20/Misc/PST/GPS dated Mansehra the 26/9 /2017

Copy forwarded to the:-

1. Sub Divisional Education Officer (M) Balakot.

DY: DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA.

دیا تھا بارش اور توپ میں معصوم طلباء کھلا آسمان سے پینے کو اجازت حاصل کر کے پھانسی پر لٹا دیا گیا۔ اس کا  
ثبوت 18 اکتوبر 2005 کے زلزلے سے اکتوبر 2016 تک تمام ADO سرکل کافنان نے کیے بعد  
10/10/17 سے زلزلے کے بعد جو کہ بطور ثبوت موجود ہیں۔ سائل نے

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**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)  
DISTRICT MANSEHRA**

**NOTIFICATION**

WHEREAS Mr. Mian Muhammad Hassan PSHT GPS Paludran Circle Kaghan Mansehra proceeded against under Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, on account of inefficient and corrupt.

2. **AND WHEREAS** an inquiry report received by the SDEO (M) Balakot along with his recommendations vide his letter 395 dated 15-08-2017, the accused Teacher was issued show cause notice vide letter No.15111-16 dated 28/08/2017, he submitted his reply of the show cause notice along with other relevant papers.

3. **AND WHEREAS** the competent authority District Education Officer Male Elementary and Secondary Department Mansehra after having considered the charges and evidence in the light of detail inquiry conducted against him and in view that the charges against the accused official have been proved.

4. **NOW, THEREFORE**, in exercise of the powers conferred under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the competent Authority (District Education Officer E & SE Department Mansehra is pleased to impose major penalty of **"COMPULSORY RETIREMENT FROM THE GOVERNMENT SERVICE. FURTHER AMOUNT OF CONDITIONAL GRANT OUT STANDING AGAINST HIM RS.850000/-MAY BE RECOVERED FROM HIM & DEPOSITED IN RELEVANT PTC ACCOUNT IMMEDIATELY"** upon Mr. Mian Muhammad Hassan PSHT GPS Paludran Circle Kaghan.

Sd/=

DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA

Endst: No. 19303-10 /F.20/Misc:/GPS/PST Dated Mansehra the 16/11 /2017.

Copy forwarded for information to:

1. The Secretary to Govt: of Khyber Pakhtunkhwa E&SE Department Peshawar.
2. The Director E&SE Khyber Pakhtunkhwa Peshawar.
3. The District Nazim Mansehra.
4. The Deputy Commissioner Mansehra.
5. The District Account Officer Mansehra.
6. The District Monitoring Officer Mansehra.
7. The SDEO (Male) Balakot, with the direction to make necessary entries in his S/Book.
8. Mr. Mian Muhammad Hassan PSHT GPS Paludran Circle Kaghan.

DY: DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA

دیا تھا بارش اور ڈسٹریکٹ میں معصوم طلباء کے ساتھ ان کے پیچھے رہتے ہوئے۔  
نوٹ: 18 اکتوبر 2005 کے زلزلے سے اکتوبر 2016 تک تمام ADO سرکل کاغذ نے کیے بعد  
کے بعد ان کے بارے میں ایسے ریکارڈس تحریر کیے جو کہ بطور ثبوت موجود ہیں۔ سائل نے

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14/11

Annex G

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**REGISTERED.**  
**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION**  
**KHYBER PAKHTUNKHWA**

**NOTIFICATION.**

The following committee is hereby constituted to conduct a fact findings enquiry in connection with the appeal of Mian Muhammad Hassan PSHT GPS Paludran District Mansehra.

- |  |          |
|--|----------|
| 1. Mr. Shafqat Khan Principal (B-19)<br>GHSS Herno Abbottabad.       | Chairman |
| 2. Mr. Khalid-ur-Rehman V/Principal (B-18)<br>GCMHS NO.2 Abbottabad. | Member.  |

**TORs**

1. The committee will check the whole record pertaining to PTA funds.

The enquiry committee is directed to submit the enquiry report within a fortnight alongwith finding and clear recommendations to this office for the perusal of high ups.

**DIRECTOR.**

Handwritten notes and stamps on the left side of the page:

- Handwritten signature: "Shafqat Khan"
- Handwritten initials: "M.R."
- Handwritten date: "23/12/17"
- Handwritten "DE" (District Education Officer)
- Official stamp: "District Office" with handwritten number "10430" and date "23/12/17".
- Official stamp: "(E&S) Edu" with handwritten number "426-28".

Endst: No. 426-28 /F No.7/Vol: I/Enquiry of Mian Muhammad Hassan.  
Dated Peshawar the 18/12/2017.

Copy forwarded for information and necessary action to the:-

1. Mr. Shafqat Khan Principal (B-19) GHSS Herno Abbottabad and to enclose herewith appeal alongwith its enclosure. (Chairman)
2. Mr. Khalid-ur-Rehman V/Principal (B-18) GCMHS NO.2 Abbottabad. (Member)
3. District Education Officer (M) Mansehra with the remarks to provide relevant Record to the aforesaid inquiry officer as and when required.
4. P.A to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
5. Master File.

Handwritten signature of Deputy Director (E&S) and official stamp:

Deputy Director (E&S)  
Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar



Ann - 09 H<sup>n</sup>

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Inquiry Report

Sub: APPEAL OF MR. MIAN MUHAMMAD HASSAN EX-PSHT GPS PALUDRAN  
KAGHAN CIRCLE BALAKOTE MANSEHRA.

Ref: Endstt. No. 4126-28 dated 18/12/2017 issued by Director E&SE KP Peshawar.

Memo:

Vide ref. sub. Cited above, the imposition of major penalty against MIAN MUHAMMAD HASSAN EX-PSHT GPS PALUDRAN KAGHAN CIRCLE BALAKOTE MANSEHRA needs review in the light of facts and figures, found during the process of inquiry:

S. #	Statement	Annex:	Page #
1.	GPS Phudran Circle Kaghan Balakote had no basic needs in Dec, 2015,		
2.	Construction of Boundary wall was impossible o/a major land/soil erosion by 1992 flood.		
3.	2005 earth quake damaged the school building.		
4.	The school was white washed at the cost of Rs. 20,000/-		
5.	School basic needs were met at the cost of Rs. 15980/-	I	3-7
6.	Building was repaired, water supply clean drinking water scheme and a group latrin were completed at cost of Rs. 3,04,050/-, Rs. 2,84,289/- and 1,60,000/-. However, a little leakage seems in the light of available PTC documents and verbal statements of the stakeholders.		

Findings:

During inquiry visit dated 18-01-2018, it was found that:

1. As the school has already been demolished for land use the Sikri Dam. Therefore, physical verification is impossible. However,
2. Muhammad Suliman Chokidar GPS Pludran, expressed his full satisfaction on Mian Muhammad Hassan's PTC work during his tenure. (Annex:II P-8)
3. Similarly, Muhammad Ismaiel PTC member along with all others PTC members, including the Muhammad Arshad Chairman PTC, expressed his full satisfaction on the PTC work done during the tenure of Mian Muhammad Hassan's PSHT. (Annex: II P-9)
4. But Mr. Arshid PTC GPS Pludran recorded his observations on water supply scheme.
5. Compensatory amount Rs. 50,00,000/- was shifted in govt. treasury in favour of GPS Pludran o/a of its land induction in Saki Kanari Dam.

Conclusion:

Keeping in view the above mentioned findings, Mian Muahammad Hassan Ex-PSHT, did some construction/repair work at GPS Pludran, as proved by the written statements of the PTC members, Chowkidar and teacher of the school.

F.No. 7/V-1

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12/12/18

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**Recommendation:**

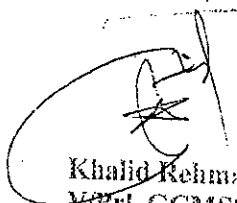
In light of this inquiry, it recommended that:


1. Mr. Mian Muhammad Hassan PSHT GPS Pludran Cricle Kaghan may be awarded minor penalty of censure / stoppage of one annual increment.
2. He may be exonerated from major penalty, i.e., compulsory retirement and recovery of Rs. 850000/-, imposed on him under Endstt: 19303-10 dt: 06-01-2017 by DEO (M) Mansehra (Annex: III 7-10)
3. Balakote proved clean handed on solid grounds. Therefore, he is recommended to be re-instated with all service back benefits please.

The inquiry was conducted in the best public interest please.

No. 758

Dated: 24/01/2018

  
Khalid Rehman  
VPr. GCMSS Abbottabad

  
Shafqat Khan  
Principal, GHSS Harno  
Abbottabad

Anx 'F' 164 / 17 248

Registered.

DIRECTORATE OF ELEMENTARY AND SECONDARY  
EDUCATION KHYBER PAKHTUNKHWA

NOTIFICATION.

1. WHEREAS, Mr. Mian Muhammad Hassan PSHT GPS Paludran District Mansehra proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 for charges of embezzlement in PTC funds amounting to Rs.850000/-.
2. AND WHEREAS, the DEO (M) Mansehra being competent authority issued show causes notice to the concerned vide No.15111 dated 28.08.2017. The teacher concerned submitted his reply on 11.09.2017 and called for personal hearing vide letter No.16565 dated 26.09.2017 but the teacher concerned failed to defend himself and the charges level against him proved true.
3. AND WHEREAS, the DEO (M) Mansehra being competent authority has imposed the major penalty of "Compulsory Retirement" vide Notification Endst:No.19303-10 dated 06.11.2017.
4. AND WHEREAS, the above named teacher submitted an appeal to this office vide dated 14.11.2017, the same appeal was sent to DEO(M)Mansehra for comments vide this office letter NO.3734 dated 21.11.2017. The DEO(M)concerned submitted his comments to this office vide his letter No.20732 dated 06.12.2017.
5. AND WHERE AS, the appellate authority constituted enquiry committee to digout the facts vide Notification Endst:No.4126-28 dated 18.02.2018. the enquiry committee submitted report which was sent to DEO(M)concerned for his comments. The DEO(M)concerned submitted his comments vide No.6553 dated 12.04.2018 with the remarks that the enquiry recommendations are **against** the ground realities and materials facts on ground and therefore, it can be regretted.
6. AND WHEREAS, the competent authority, Director Elementary and Secondary Education Khyber Pakhtunkhwa) after, having considered the charges and evidence on record, is of the view that charges against accused teacher have been proved true and the recommendations of the enquiry report are against the facts and figures on record.
7. NOW THEREFORE, in exercise of powers conferred under Khyber Pakhtunkhwa Servants (Efficiency & Discipline) Rules-2011 the appellate authority has decided to "**Reject**" the appeal of Mr. Mian Muhammad Hassan Ex-PSHT GPS Paludran District Mansehra on the above mentioned grounds.

**DIRECTOR.**

Endst: No. 7019-20 /F No. 7/Vol:1/Inquiry of Mian Muhammad Hassan PSHT Dated Peshawar the 21/5 2018

Copy forwarded for information and necessary action to the:-

1. District Education Officer(M)Mansehra w/r to his No.6553 dated 12.04.2018.
2. District Accounts Officer Mansehra.
3. Teacher concerned.
4. P.A to Director Elementary and Secondary Education local office.
5. Master File.

*[Signature]*  
Deputy Director (Estb :)

Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar.

**Before the Honourable Service Tribunal Khyber Pakhtunkhwa, Peshawar**

**Suit No. 696 of 2018**

**Mian Muhammad Hassan**

**(Appellant)**

**VERSUES**

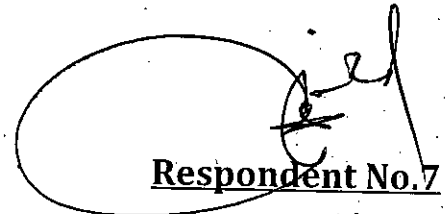
**Government of Khyber Pakhtunkhwa through  
Secretary Education Peshawar & Others.**

**(Respondents)**

**INDEX**

<b>S.#.</b>	<b>Description</b>	<b>Annex</b>	<b>Page #.</b>
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**Dated: 18<sup>th</sup> of November 2019.**

  
**Respondent No.7**  
**V/PRINCIPAL**  
Govt Centennial Model  
Secy: School For Boys  
Abbottabad

**Before the Honourable Service Tribunal Khyber Pakhtunkhwa, Peshawar**

**Suit No. 696 of 2018**

**Mian Muhammad Hassan**

**(Appellant)**

**VERSUES**

**Government of Khyber Pakhtunkhwa through  
Secretary Education Peshawar & Others.**

**(Respondents)**

**Appeal No. 696 of 2018**

**Written Statement on Behalf Khalid Rehman, Vice Principal Government  
Centennial Model Secondary School No.2, Abbottabad Respondent No.7.**

**Respectfully Sheweth,**

The respondent No.7 conducted inquiry vide Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa vide 4126-28, dated: 18/12/2017; and the report of the inquiry is hereby submitted in the Honourable Court for perusal.

**Place: Government Centennial Model Secondary School No.2, Abbottabad**

**Dated: 18/11/2019.**

  
**Khalid Rehman**

**Vice Principal  
Government Centennial Model Secondary  
School No.2, Abbottabad  
(Respondent No.7)**

**Affidavit/Verification**

I, Khalid Rehman, Vice Principal Government Centennial Model Secondary School No.2, Abbottabad, do hereby verify, and state on oath, that the contents of the fore going reply of Appeal No. 696 of 2018 are true to the best of my knowledge and personal belief; and nothing has been suppressed and concealed from the Honourable Court.

Affirmed at Abbottabad this 18<sup>th</sup> day of November 2019.

  
**(Deponent)**

**V/PRINCIPAL  
Govt Centennial Model  
Secy: School For Boys  
Abbottabad**

Inquiry Report

Sub: APPEAL OF MR. MIAN MUHAMMAD HASSAN EX-PSHT GPS PALUDRAN  
KAGHAN CIRCLE BALAKOTE MANSEHRA.

Ref: Endstt. No. 4126-28 dated 18/12/2017 issued by Director E&SE KP Peshawar.

Memo: Vide ref. sub. Cited above, the imposition of major penalty against MIAN MUHAMMAD HASSAN EX-PSHT GPS PALUDRAN KAGHAN CIRCLE BALAKOTE MANSEHRA needs review in the light of facts and figures, found during the process of inquiry:

S. #	Statement	Annex	Page #
1.	GPS Phudran Circle Kaghan Balakote had no basic needs in Dec, 2015.		
2.	Construction of Boundary wall was impossible o/a major land/soil erosion by 1992 flood.		
3.	2005 earth quake damaged the school building.		
4.	The school was white washed at the cost of Rs. 20,000/-		
5.	School basic needs were met at the cost of Rs. 15980/-		
6.	Building was repaired, water supply clean drinking water scheme and a group latrine were completed at cost of Rs. 3,04,050/-, Rs. 2,84,289/- and 1,60,000/- observing codal formalities.		5-7

Findings:

- During inquiry visit dated 18-01-2018, it was found that:
- As the school was on not the surface o/a of being demolished for land use the Sikri Dam. Therefore, physical verification is impossible. However,
  - Muhammad Suliman Chowkida GPS Pludran, expressed his full satisfaction on Mian Muhammad Hassan's PTC work during his tenure. (Annex: II P-8)
  - Similarly, Muhammad Ismaiel PTC member along with all others PTC members, including the Muhammad Arshad Chairman PTC, expressed his full satisfaction on the PTC work done during the tenure of Mian Muhammad Hassan's PSHT. (Annex: II P-9)
  - Compensatory amount Rs. 50,00,000/- was shifted in govt. treasury in favour of GPS Pludran on of its land induction in Saki Kanari Dam.

Conclusion:

Keeping in view the above mentioned findings, Mian Muhammad Hassan Ex-PSHT, did some construction/repair work at GPS Pludran, as proved by the written statements of the PTC members, Chowkidar and teacher of the school.

*(Signature)*  
**PRINCIPAL**  
 Govt Centennial Model  
 Secy: School For Boys  
 Abbotabad

*attested  
 Shafiq*

**Recommendation:**

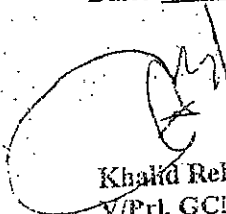
In light of this inquiry, it recommended that:

1. Mr. Mian Muhammad Hassan PSHT GPS Pindran Circle Kaghan may be awarded minor penalty of censure / stoppage of one annual increment.
2. He may be exonerated from major penalty, i.e., compulsory retirement and recovery of Rs. 850000/-, imposed on him under Encls: 19303-10 dt: 06-01-2017 by DEO (M) Mansehra. (Annex III P-10)
3. Balakote proved clean handed on solid grounds. Therefore, he is recommended to be re-instated with all service back benefits please.

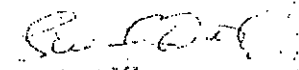
The inquiry was conducted in the best public interest please.

No. 238

Dated: 09/01/2018

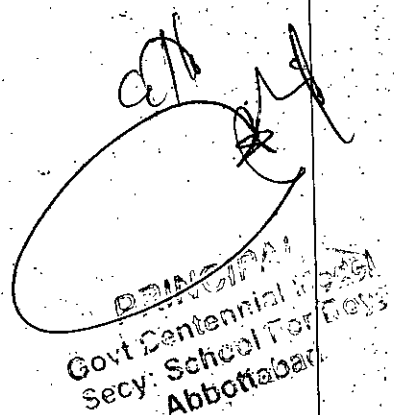


Khalid Rehman  
V/Pri. GCMSS Abbottabad



Shafiqat Khan  
Principal, GHSS Harao  
Abbottabad

*Witnessed  
Shafiqat Khan*



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Govt Centennial  
Secy: School For Boys  
Abbottabad

شماره

سروس سٹریٹجی کیلئے درخواست

تاریخ 18/11/2019

برائے ایسٹ آف آفیسر

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