

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 7078/2021

Date of Institution ... 13.07.2021

Date of Decision ... 03.09.2021

Mr. Ahmad Hussain, Ex-EDO
R/O Village & PO Kalu Khan District, Swabi.

... (Appellant).

VERSUS

Government of Khyber Pakhtunkhwa, Through Chief Secretary, Civil Secretariat,
Peshawar and two others.

... (Respondents)

Present.

Mr. Afrasiab Khan Wazir,
Advocate.

... For appellant

MR. MIAN MUHAMMAD,

... MEMBER(Executive)

JUDGEMENTMIAN MUHAMMAD, MEMBER(Executive):-

1. Learned counsel for the appellant has assailed and impugned order of the competent authority dated 06.08.2009 in the instant service appeal before the Service Tribunal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

2. At the outset of his arguments, learned counsel for the appellant contended that vide impugned order dated 06.08.2009 major penalty of "dismissal from Service" was imposed on the appellant whereas his colleague (Muhammad Saddique Superintendent) was awarded the penalty of "compulsory retirement from service" despite the fact that they were

proceeded against in joint inquiry by the respondents. The appellant has therefore been subjected to discriminatory treatment and in an arbitrary manner. Feeling aggrieved with the impugned order, the appellant preferred departmental appeal which was not responded within the stipulated statutory period hence, the instant service appeal filed in the Service Tribunal.


3. Learned counsel for the appellant was confronted with the question of limitation i.e the impugned order was passed by the competent Authority (Chief Minister) on 06.08.2009 and feeling aggrieved with that, he filed departmental appeal to the chief Secretary on 24.03.2021 (after a long period of **11 years 7 months and 18 days**) which is astonishing and beyond comprehension. Learned counsel for the appellant contended that the appellant has not been treated at par with his colleague and is discriminatory. Therefore, no question of limitation arises and no limitation runs against cases of discrimination. Moreover, the issuance of the impugned order dated 06.08.2009 is against Section-13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. In support of his arguments he relied on 2002 PLC (CS) 1388, 2004 PLC (CS)1014 and 2003 PLC (CS)76.

4. Record submitted by the learned counsel for appellant with the service Appeal indicates that the appellant was proceeded against and a formal inquiry conducted through two members inquiry committee. Para-16 and 17 of the inquiry report dated 11.05.2009 reveals categoric conclusion

on the charges and conduct of the appellant. It is important to re-produce para-16 and 17 of the inquiry report for better understanding:-

16. Official record provided to the inquiry Committee, his examination under oath and statements under oath of other concerned as discussed in Analysis/findings revealed that Ahmad Hussain EDO (under suspension) committed glaring irregularities in making appointments of PSTs (M/F), Class-IV servants and financial irregularities when he was EDO (E&SE) Mardan/Competent Authority.

17. He further admitted that many individual (fake) orders over and above the vacant posts were issued and he was well in knowledge of such orders but, being a competent authority, he did not bother to bring it to the notice of high ups which, in indeed, reflects high degree of irresponsibility and negligence on his part.



05. On submission of the said enquiry report, the appellant was issued show cause notice on 18.06.2009 and after completion of all codal formalities as well as having met the ends of justice, the impugned order imposing the major penalty of "dismissal from Service" was passed and issued on 06.08.2009. The appellant was therefore required to have adopted legal course for redressal of his grievances within the statutory period. It is not expected from the appellant being Ex-BS-19 officer who had been in government service since 17.10.1977 to have neither knowledge of his legal rights or remained diligent rather than vigilant at relevant point of time!.

06. The main and basic question before this Bench is therefore of limitation as the appellant has agitated against the impugned order after nearly 12 years and reliance made on case laws referred to in the

preceding para. Contrary to the stance and arguments of learned counsel for the appellant, the apex court in numerous judgements has emphasized on the significance of limitation to be taken into account seriously and diligently. Moreover, person seeking condonation of delay has to justify each day's delay. Reliance is therefore placed on 2009 SCMR 1435, 2012 SCMR 195 and Supreme Court of Pakistan judgement in Civil Appeal No. 44-P of 2015 dated 08.10.2020.

07. In addition to the issue of limitation where no plausible justification could be given in application for condonation, on consulting record room it came to limelight that Service Appeal No. 391/2016 of the present appellant stands already disposed of by this Service Tribunal on 06.02.2018. It is therefore, case of *res-judicata* which cannot be adjudicated upon once more on the same point already resolved and decided.

08. Even before it, the appellant has exhausted legal remedies through proper legal channels; first he filed Service appeal No. 1789/2009 against the impugned order dated 06.08.2009 in the Service Tribunal which was dismissed vide order of this Tribunal dated 31.05.2011. He filed civil petition in august Supreme Court of Pakistan against the judgement of Service Tribunal which was also dismissed by the Apex Court vide order dated 16.12.2011. Feeling unsatisfied with that, the appellant even filed writ petition No. 2727-P/2015 before Peshawar High Court for

compassionate allowance (not exceeding 2/3 of the pension or gratuity) which was also dismissed in limine on 09.02.2016.

09. Learned counsel for the appellant who is rightly expected to assist and guide the court, has actually concealed facts of the case and tried to dodge/misguide the court. He is therefore, found to have misled the court with intent and purposefully. He exhibited sheer dishonesty to his profession rendering this Bench to lose confidence in the learned counsel. Being new entrant in the legal fraternity, a lenient view is taken this time not to recommend his case for appropriate legal action to the quarter concerned. He is therefore, barred to appear before this Bench for at least 30 days.

10. As a sequel to the above, the instant service appeal against the same impugned order dated 06.08.2009 having already been disposed of by this Tribunal on 06.02.2018 in service appeal No. 391/2016 titled Ahmad Hussain, Ex- EDO being case of "*res-Judicata*" is therefore rejected in limine. Parties are left to bear their own costs. File be consigned to the record room.



(MIAN MUHAMMAD)
MEMBER(Executive)

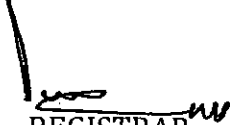

ANNOUNCED
03.09.2021

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 2028 /2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/07/2021	<p>The appeal of Mr. Ahmad Hussain resubmitted today by Mr. Afrasiab Khan Wazir Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>03/09/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Ahmad Hussain Ex-EDO r/o village post office Kalu Khan District Swabi received today i.e. on 13.07.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures B, C & I of the appeal are illegible which may be replaced by legible/better one.
- 2- Check list is not attached with the appeal.
- 3- Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter in this Tribunal.

No. 1290 /S.T,

Dt. 14/07 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Afrasiab Khan Wazir Adv. Pesh.

*Note: Objections No. 1, 2, 3 are removed,
Hence re-submitted today dated 26.7.2021
H v J*

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Ahmad Hussain vs Education Deptt.

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Muhammad Akram Wazir</u>	✓	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?		
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly pagged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	✓
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?		✓
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on	✓	
26.	Whether copies of comments/reply/rejoinder submitted? on		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Muhammad Akram Wazir Adv.

Signature:

M.A.W.

Dated:

26-7-2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

AHMAD HUSSAIN

VS

EDUCATION DEPTT:

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APPELLANT

THROUGH:

AFRASIAB KHAN WAZIR
ADVOCATE

CELL NO.0312-9888752

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL No. 7028/2021

Diary No. 7249

Dated 13/7/2021

Mr. Ahmad Hussain, Ex - E.D.O,

R/O Village & P.O kalu khan District, Swabi.....**APPELLANT.**

VERSUS

- 1- Government of Khyber-Pakhtunkhwa, Through Chief Secretary, Civil Secretariat, Peshawar.
- 2- The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3- The Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.

.....**RESPONDENTS.**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 06.08.2009 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE HAS BEEN IMPOSED ON THE APPELLANT AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUORY PERIOD OF NINTY DAYS.

PRAYER:

That on acceptance of this appeal of the appellant the impugned order dated 06.08.2009 may very kindly be set aside and the respondents may please be directed to compulsory retire the appellant in accordance with law with all back benefits. Any other remedy which this august tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

1- That the appellant was initially appointed as PTC vide dated 17.10.1977 and since appointment the appellant performed his duty quiet efficiently and up to the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure.....**A.**

2- That after that the respondent department appointed/promoted the appellant to the post of SET vide dated 01.10.1989 and subsequently upon the recommendation of the Khyber

Filed to-day
Registrar
13/7/2021
Re-submitted to-day
and filed.
Registrar
13/7/2021

Pakhtunkhwa Public Service Commission the appellant was promote as Principle (BPS-18) in GHS Baja District Swabi vide order dated 16.10.2000. Copy of the promotion orders dated 01.10.1989 and 16.10.2000 are attached as annexure.....**B & C.**

3- Than after that the appellant was posted E.D.O to District Mardan by the respondent department vide order dated 29.08.2008 and later on the appellant was promoted from BPS-18 to BPS-19 vide dated 05.01.2009. Copy of the posting order dated 29.08.2008 and promotion order dated is attached as annexure.....**D & E.**

4- That bluntly the respondent department leveled some baseless allegation and inquiry was conducted against the appellant vide dated 11.05.2009 on the basis of which the then Chief Minister Amir Haider Khan Hoti served show cause notice on the appellant vide dated 18.06.2009 and and immediately after that the major penalty of dismissal from service was imposed on the appellant without any cogent justification vide impugned order dated 06.08.2009. Copy of the Enquiry report & Show Cause notice and impugned order dated 06.08.2009 are attached as annexure.....**F, G & H.**

5- That surprisingly respondent department issued the same order dated 06.08.2009 against the appellant colleague, Namely; Mr. Siddique, Senior Superintendent having the same allegations upon him but he was awarded with major penalty of compulsory retirement. Copy of the same order dated 06.08.2009 is attached as annexure.....**I.**

6- That the appellant feeling aggrieved from the impugned order dated 06.08.2009 preferred departmental appeal to the appellate authority but till dated no response has been given by the respondent department. Copy of the departmental appeal is attached as annexure.....**J.**

7- That the appellant further feeling aggrieved and having no other remedy but to file this appeal on the following grounds amongst others.

ON GROUNDS:

A- That the issuance of impugned order dated 06.08.2009 by the respondents is against law, facts and norms of natural justice and

material on record hence liable to be set aside and the appellant may be compulsory retired.

- B- That the appellant has not been treated by the respondents in accordance with law and rules and as such respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondents acted in discriminatory manner by issuance of impugned order dated 06.08.2009 while the colleague of the appellant has been compulsorily retired from service.
- D- That the respondents acted in arbitrary manner by issuing the impugned order dated 06.08.2009 by awarding major penalty of dismissal from service while one Colleague Mr. Saddique Senior Superintendent was compulsory retired from service.
- E- That the appellant did his service for 32 years in the education department and was fully eligible to be retired on 25 years qualifying service from the education department in accordance with law rules and issuance of impugned order dated 06.08.2009 by the respondents is against section 13 of the Civil Servant Act, 1973 hence the impugned order dated 06.08.2009 is liable to be set aside.
- F- That no chance of personal hearing has been given to the appellant before the issuance of impugned order dated 06.08.2009 by the respondents.
- G- That appellant has not been treated at par with the colleagues Namely Mr. Saddique, Senior Superintendent who has been compulsorily retired from service despite the same allegation and same impugned order dated 06.08.2009.
- H- That the appellant seeks permission to advance any other proof and grounds to at the time of regular hearing.

It is therefore, most humbly prayed that the appeal of the appellant may very kindly be accepted as prayed for.

Dated: 13-7-2021

APPELLANT
AHMAD HUSSAIN

THOUGH:

AFRASIAB KHAN WAZIR

Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____/2021

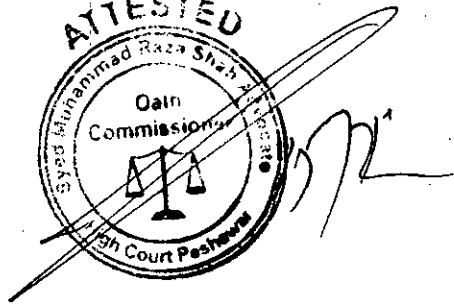
AHMAD HUSSAIN

V/S

EDUCATION DEPTT:

AFFIDAVIT

I **Ahmad Hussain**, do hereby solemnly and affirmed that the contents of this **Service Appeal** is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.



AH Hussain
AHMAD HUSSAIN
EX-E.D.O

certificate :

*It is certified that no earlier has been
filed by the appellant*

AH Hussain
Ahmad Hussain
EX-E.D.O

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

APPEAL NO. _____/2021

AHMAD HUSSAIN

VS

EDUCATION DEPTT:

**APPLICATION FOR CONDONATION OF
DELAY IN FILING THE ABOVE NOTED
APPEAL**

R.SHEWETH:

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so for.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

GROUND OF APPLICATION:

A- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.

B- That it has been the consistent view of the Superior Courts that cases should be decided on merit rather on technicalities including the limitation. The same is reported in 2002 PLC C.S 1388, 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

APPELLANT

AHMAD HUSSAIN

THROUGH:


**AFRASIAB KHAN WAZIR
ADVOCATE**

A-916

(148)

(A)

OF THE DISTRICT INSPECTOR OF SCHOOLS, MARDAN DISTT: MARDAN.

APPOINTMENT.

Mr. Ahmed Hussain S/O Irshad Hussain P.T.C. Candidate Vill: & P.O. Kala Khan is hereby appointed as Elementary Teacher at Govt: Elementary School Behram Khan Killi (Mardan) vice Khurshid Anwar transferred in the N.P.S: NO.5 Rs 290-10-350-12-470 w.e. from the date of his taking over charge.

Note:- Charge Reports should be submitted in triplicate.

No TA/DA is allowed.

He is directed to produce health and age certificate from the Medical Supdt: Mardan with in week.

His appointment purely made on temporary basis and liable to termination at any time without assigning any reason.

(RANGIN SHAH KHAN)

DISTRICT INSPECTOR OF SCHOOLS, MARDAN.

Endst: NO. 964-5. / Dated Mardan the 17/10/77.

Copy forwarded for information and necessary action to the:-

- 1:- Head Teacher, Govt: Elementary School Behram Khan Killi. (Mardan).
- 2:- Candidate concerned.
- 3:- Account Section.
- 4:- ADIS Concerned.

District Inspector of Schools,
Mardan.

A. Salam.

ATTACHED

Better copy -B

OFFICE OF THE DIRECTOR OF EDUCATION SCHOOL MARDAN
DIVISION, MARDAN

APPOINTMENT/POSTING

The following trained B.ed/M.ed candidates are hereby appointed purely temporary basis against SET posts Rs,1165/P.M fixed plus usual allowance as admissible under the rules or on their own pay scale and grade which over beneficial to them in the schools noted against each. They will be placed in the basic pay scale No.15 as and when their appointments as SET on merit are approved by the departmental selection committee.

S. NO.	Name	Qualification/address	Posting at	: remarks
37:	Mr. Ahmad Hussain	village :& P.O Kalukhan 712/1200/82-83	GHS Zarobi.....Do...	

(SYED ABU SAEED BACHA)
DIRECTOR OF EDUCATION (SCHOOLS)
MARDAN DIVISION, MARDAN

Endst : No.61044 merit/DDES/mardan the 01.10.1989

Handwritten signature

(SET.)

B-7

OFFICE OF THE DIRECTOR OF EDUCATION (SCHOOLS) MARDAN DIVISION, MARDAN
APPOINTMENT/POSTING

The following trained B.Ed/M.Ed Candidates are hereby appointed purely temporary basic against SET posts Rs.1165/P.M.fixed plus usual allowance as admissible under the rules or on their own pay and grade which over beneficial to them in the schools noted against each. They will be placed in the Basic pay scale No.15, as and when their appointments as SET on merit are approved by the Departmental Selection Committee.

S.No. Name & Qualification/Address: Posted at: Remarks:

- B.Sc. BEd
- 1: Mr. Akbar Shah S/O Hussain Shah C/O Amanullah Karyana Marchant Main Bazar Takht Bahi (Mardan) 450/1000/85-86 GHS, Baringin A.V. Post
 - 2: Mr. Yousaf Khan S/O Hazrat Said Vill: Mansoor Abad P.O. Char Bagh (Swabi) 557/1000/86-87 GHS, Tordher (Swabi) ...do...
 - 3: Mr. Noor-ul-Wahab S/O Abdul Wahab Lab: Asstt: (Chem: Deptt: Govt: SMK College Kotha (Swabi) 554/1000/86-87 GHS, Zarobi ...do...
 - 4: Mr. Syed Azhar Ali Shah S/O Syed Bahadur Shah Shoopkeeper Vill: & P.O. Zaida (Swabi) 489/1000/88 GHS, Kalabat ...do...
 - 5: Mr. Noor Badshah Vill: P.O. Gujar Ghari (Mardan) 527/1000/81-82 GHS, Machi ...do...
 - 6: Mr. Shujaat Ghani S/O Radar Ghani, Vill: P.O. Kohibarmol (Mardan) Moh: Mian Gan Bala 360/500/87-88 GHS, Mian Khan ...do...
 - 7: Mr. Muhammad Tahir S/O Abdul Khalig Vill: P.O. Sher Garh, Mardan M/Sc/Edu: 74%/86-89 GHS, Baizo Kharki. No...
 - 8: Mr. Ijaz Ahmad S/O Amanullah Jan, Moh: Mian Gan Vill: Toru (Mardan) 849/1200/87-88 GHS, Fathma ...do...
 - 9: Mr. Sadiq Shah CT, GHS, Maneri Payan (Swabi) 689/1200/89 GHS, Maneri Payan ...do...

- M.Ed
- 10: Mr. Ashraf Ali CT, GHS, Khairabad (Mardan) Vill: & P.O. Palo Dheri. 69%/85-87 GHS, Khairabad ...do...
 - 11: Mr. Mohammad Ghulam S/O Mohammad Hazrat P.O. Gohati (Swabi) 68%/85-87 GHS, Beka ...do...
 - 12: Mr. Mohammad Hussain Drg: Master, GHSS Mardan 64%/85-87 GHS, Mayar ...do...
 - 13: Mr. Rashid Ahmad SV, GHS, Saro Shah (Mardan) 75%/85-87 GHS, Bakhshali ...do...
 - 14: Mr. Sher Mohammad PTC, GPS, Jalil No. I Mardan 71%/85-87 GHS, Khairabad ...do...
 - 15: Mr. Qaisar Khan S/O Shah Mohammad P.O. Kalu Khan (Swabi) 71%-85-87 GHS, Zarobi ...do...
 - 16: Mr. Abdul Hakim CT, GHS, Taraki (Swabi) 71%/85-87 GHS, Parmoli ...do...

ATTACHED

18: Mr. Usman Ghani, SV, GMS, Johandai (Mardan) 65%/85-87	GHS, Kohibarmol	A.V. Post
19: Mr. Shah Afzals/OKhan Afzal CT, GHS, Salqem Znan (Swabi) 64%/85-87	GHS, SawalDher	...do....
20: Mr. Sher Afzal CT, GHS, Sher Garh (Mardan) 80%/86-87.	GHS, Turlandi	...do....
21: Mr. Liaqat Ali, SV, GHSS, Mardan 80%-86-87	GHS, Jalbai	...do....
22: Mr. Shamsul Islam, SV, GHS, PaloDheri (Mardan) 69%/86-87	GHS, Kotha	...do....
<u>GENERAL B. EB</u>		
23: Mr. Ghulam Siddiq PTC, GPS, Lali Kali (Mardan) BA/BE d/840/1200/78	GHS, Alo (Mardan)	...do....
24: Mr. Mirza Mohammad, SV, GHS, Shahmansoor 455/1000/82	GHS, Topi	...do....
25: Mr. Gohar, D.M. GHS, Shewa 451/1000/81	GHS, Shewa	...do....
26: Mr. Faqir-ur-Rohman Vill: Mangalchai P.O. Kabgani (Mardan) 586/1000/85	GHS, Chani	...do....
27: Mr. Mohammad Iqbal Vill: P.O. Adina 426/1000/81	Kalu Khan	...do....
28: Mr. Mumtaz Hussain SV, GPS, Katlong 423/1000/81	GHS, Kotha	...do....
29: Mr. Saqi Mohammad CT, GHS, Dagi (Swabi) 415/1000/81	GHS, Dagi (Swabi)	...do....
30: Mr. Ghufarullah A.T, GHS, SawalDher (Mardan) 414/1000/81	GHS, Tordher (Swabi)	...do....
31: Mr. Mohammad Akbar CT, GHS, Bicket Guñj (Mardan) 412/1000/81	GHS, Jehangira (Swabi)	...do....
32: Mr. Sher Rehman, CT, GHS, Managi (Swabi) 428/1000/81	GHS, Managi	...do....
33: Mr. Fazli Khaliq CT, GHS, Gujrat (Mardan) 418/1000/81	GHS, Zarobi	...do....
34: Mr. Rashid Ahmad, GPS, Surkh Dheri 767/1200/82-83.	GHS, Trodher (Swabi)	...do....
35: Mr. Abdur Rauf Shah, GMS, Mardan 763/1200/82-83	GHS, Kabgani	...do....
36: Mr. Liaqat Ali, GHS, Haryan 713/1200/82-83	GHS, Jegangira (Swabi)	...do....
37: Mr. Ahmad Hussain Vill: & P.O. KaluKhan 712/1200/82-83	GHS, Zarobi	...do....
38: Mr. Ali Sher, SV, GHS, KhatKhat (Gujrat Mardan) 702/1200/82	GHS, Chani	...do....
39: Mr. Gul Mohammad Khan Villag & P.O. Sawal Dher (Mardan) 686/1200/82-83	GHS, Pehoor Hamlet (Swabi)	...do....
40: Mr. Zarin Mohammad MA. BE d 675/1200/82-83	GHS, Mansabdar	...do....
41: Mr. Mir Hassan Vill: & P.O. Jalala (Mardan) 661/1200/82-83	GHS, Jalbai	...do....
42: Mr. Noor Rehman Sabir CT, GHS, Serai (Swabi) 554/1000/82	GHS, Serai	...do....
43: Mr. Hamayun Khan CT, GMS, KaluKhan (Swabi) 536/1200/82	GHS, Maneri Payan	...do....
44: Mr. Riaz Mohammad CT, GHS, Kalbat 530/1200/82	GHS, Kalbat	...do....
45: Mr. Ikramullah, GHS, Lahor (Swabi) 524/1200/82	GHS, Shahmansoor	...do....

Handwritten signature or initials at the bottom center of the page.

- 46: Mr. Mohammad Qureshi, Marghuz 187/1200/82 GHS, Zaida A.V. Post
- 47: Mr. Murad Ali CT, GHS, Gumbath 486/1000/82 GMS, Gandaf do...
- 48: Mr. Atta Mohammad CT, GHS, Gumbath (Mardan) 481/1000/82 GMS, Narangi do...
- 49: Mr. Waris Khan CT, GHS, Tordher (Swabi) 480/1000/82 GMS, Maneri Bala do...
- 50: Wali Bahadar CT, GHS, Tordher 175/1000/82 GMS, Qadara do...
- 51: Yaqub Khan CT, GHS, Tordher (Mardan) 474/1000/82 GMS, Khunda do...
- 52: Sartaj Khan CT, GHS, Chawki Kapura 462/1000/82 GHS, Maneri Payan do...
- 53: Mohammad Amin CT, GHS, Tordher Kali 460/1000/82 GHS, Batakara do...

DISABLE 1% QUOTA

- 54: Mr. Abdul Aziz CT, GHS, Rustam BA. BEd 434/1000/83 GHS, Tordher (Swabi) do...

EX-SERVICEMAN

- 55: Mr. Mir Azam PET, GHS, Tordher (Swabi) BA. BEd 1000/86-87 (1-3-88) R. GHS, Tordher (Swabi) do...
- 56: Mr. Mhammad Ghanavi, GHS, Tordher (Swabi) BA. BEd 525/1000/86-87 GHS, Tordher (do.) do...
- 57: Mr. Hamidullah Vill: P. Q. Khunda (Swabi) BA/BEd 525/1000/86-87 GHS, Gandaf do...
- 58: Mr. Fazli Bahadar CT, GHS, Rustam BA/BEd 490/1000/86-87 GHS, Batakara do...
- 59: Mr. Fazli Mabood PET, GHS, Dugai BA/BEd 467/1000/86-87 GHS, Pabani do...

- 1: Charge report should be submitted to all concerned.
- 2: NO. TA/DA/TC is allowed.
- 3: The appointment of above named candidates against SET posts are purely temporary and liable to termination/reversion at any time, without assigning reason during the period of probation.
- 4: In case of resignation they will have to submit one month's prior notice to the Govt. for forefit one month's Pay in lieu thereof to the Govt.
- 5: They will not have any right to claim seniority over their counterparts who have marks and have not been appointed so far on reason or c...
- 6: Fresh candidates are required to produced Health and age certificates from the Medical Officer concerned. The age limit for fresh candidates is 18 to 30 years.
- 7: All certificates should be checked before taking over charge. The character of candidates should be duly verified by the authorities concerned should be obtained from them alongwith declaration to moveable and immoveable property and security bond.
- 8: If they fail to take over charge of the post within 10 days after issue of this order the offer of appointment shall stand cancelled.

9. The order is directed to take over charge on 1-10-85.

(SYED ABU SAIED BACHA)
DIRECTOR OF EDUCATION (SCHOOLS)
MARDAN DIVISION, MARDAN

Enst: No. 61044-... Merit/DDES/Mardan the 10/.../1989

- 1: Director of Education, NWFP, Peshawar
- 2: All Divisional Officers of Education (S) in NWFP
- 3: District Education Officers (Male) Mardan/Swabi
- 4: Sub-Divisional Education Officers (Male) Mardan/Swabi
- 5: All Principals/Headmasters of High/Middle Schools Concerned.
- 6: Candidates Concerned.
- 7: P/A to Advisor to Chief Minister for Education NWFP.
- 8: P/A to Director of Education (S) NWFP.
- 9: Personal Files.
- 10: Supt: E/B

A. Saad
DIRECTOR OF EDUCATION (SCHOOLS)
MARDAN DIVISION MARDAN.

ATTACHED

Better copy-C

GOVERNMENT OF NWFP EDUCATION DEPARTMENT

Dated 16.10.2000

NOTIFICATION:

NO.SO(S)3-1/2000 B-18/KC(male):-

Consequent upon the recommendation of the NWFP public service commission and consent of the NWFP finance department through circular letter No.B-1/5-8/98-99/P-9 dated 31.8.1998 the Governor NWFP is pleased to appoint the following candidates as assistant Directors/deputy district education officer/instructors principal at the offices/government schools mentioned against each from the date of their taking over charge subject to the conditions mentioned below:

S.No Name of candidates with father name place of posting remarks

5. Mr. Ahmad Hussain S/O Hafiz Principal GHS Baja Swabi....Do...
Irshad hussain Moh:Jangal
Khel village & PO Kalu Khan
Tehsil & Distt:Swabi

*Attested
Rif*

Dated 16th October, 2000.

Date 16-10-2000

NOTIFICATION.

NO.SO(S)3-1/2000 B-13/KC(Male).

Consequent upon the recommendations of the N.W.F.P. Public Service Commission and consent of the N.W.F.P. Finance Department through circular letter No. 115-8/98-99/P.S. dated 31.03.1998, the Governor, NWFP, is pleased to appoint the following candidates as Assistant Director/Deputy District Education Officer/Instructor & Principal at the offices/Government schools mentioned against each from the date of their taking over charge subject to the conditions mentioned below.

S.No.	Name of Candidate with Father's Name.	Place of Posting	Remarks.
1.	Mr. Said Nawab S/O Said Afzal Street No.5 Madina Masjid Muzaffar Abad(Danish Abad) PO Peshawar University Pesh:	Services placed at the disposal of D.S.(FATA) for further posting.	
2.	Mr.Razaullah S/O Janas Khan Vill: Zaida Teh; & Distt:Swabi	Dy:R.D.E.NWFP,Pesh:	Against vacant post.
3.	Mr.Mukhtar Ahmad S/O Ghulam Rabbani, Vill: & PO Bher Kund Teh: & Distt: Mansehra.	Dy:DEO(M)Pry:Kohistan.	-do-
4.	Mr.Sultan Zeb S/O Said Rasool Vill:Nawan Kalay PO & Tehsil Daggardst: Buner.	Principal GHS Pacha Killi Buner.	-do-
5.	Mr.Ahmad Hussain S/O Hafiz Irshad Hussain Moh:Jangal Khel Vill: & PO Kalu Khan Tehsil & Distt: Swabi.	Principal GHS Baja Swabi	-do-
6.	Mr.Nek Nawaz S/O Akbar Zaman Vill:/PO Syed Tughal Khel Teh: & Distt: Bannu.	<i>Institute</i> Principal GHSS Sheikhan Wala (Bannu)	<i>AVP</i> Vice Jattilan Rehman Transferred.
7.	Ajab Khan S/O Abdul Hanan Vill:Landi Jalandar Teh: & Distt: Bannu.	Services placed at the disposal of DE(FATA)	
8.	Gohar Ali Khan S/O Muhammad Ali Khan Villa/PO Tarkha Teh: and Distt: Nowshera.	Principal GHS Deh Bahadar Pesh:	Against V/Post.
9.	Nazir Khan S/O Gul Pao Khan Vill:Yaghi Ghulam Khel PO Khojakki Qila Teh:2/Nasrati District Karak.	Principal GHSS Warana Karak.	-do-
10.	Abdullah Khan S/O Khazimullah Vill:/PO Palodheri Police Station Chooru Teh:&Distt:Kdn:	Pr: GHS Rashaki(NSE)	-do-
11.	Isme Ali S/O Khoban Ali Vill:/PO Khadizai Teh:& Distt: Kohat.	Pr: GHS Doaba(Kohat)	Vice Sardar Khan transferred.
12.	Khurshid Anwar S/O Abdur Rashid Vill: & PO Kanju Teh:Kabal Swat.	Pr:GHS,Chail,Swat	Against V.post
13.	Mr.Mir Baz Khan S/O Safdar Khan Vill: Kotka Tamar Khan Hamidabad, P.O.Sersi Naurang, Lakkimawat.	Pr:GHS,Kahi,Nowshera.	Against Vacant post.
14.	Mr.Mahboobur Rehman S/O Jehan Dad Khan,Mohalla Sahibzada,Baffi Khurd P.O.Baffa Teh:Mansehra.	Pr:GHS,Gandian, Mansehra.	Against Vacant post.

Continued P-2...

S.NO:	NAME OF CANDIDATE WITH FATHER'S NAME	EDUCATION	REMARKS:
15.	Mr. Jehan Muhammad S/O Sultan Mohammad, Mohalla Bagikhel, Vill; & P.O. Raskhi, Nowshera.	Principal, GHS, Ja-llozai, Nowshera.	Against a vacant post.
16.	Mr. Hussain Ahmad S/O Shahi Room, Village Zafarabad, P.O. Khurgi, Teh: & Distt: Timergara.	Principal, GEC(M) Timergara.	Against a vacant post.
17.	Mr. Matiullah Khan S/O Amin Jan, Vill: Shawa Nasrati, P.O. Shaheen Banda, Teh: & Takhti Nasrati, Distt: Karak.	Principal, GEC(M) Kohat.	-do-
18.	Mr. Attiqur Rehman S/O Faiz Rasqan, Vill: Landi Akhoon Ahmed Sahib, Teh: & Distt: Peshawar.	Asstt: Director(G) in Directorate of Secondary Edu: NWFP, Peshawar.	Already occupied by him.
19.	Mr. Sifatullah S/O Sardaraz Khan, Vill: Shah Tora Takhti Khel, P.O. Surana Khan, Teh: & Distt: Lakkimarwat.	Principal, GHS, Jabori, Mansehra.	Against a vacant post.
20.	Mr. Attaullah S S/O Mohammad Nawaz Khan, Mohalla, Lakkimana Khel, Lakkimarwat.	Principal, GHS, Attar Shesha Mansehra.	-do-
21.	Mr. Tariq Mahmood S/O Abdul Jabbar, H.No: 37-Sector No: 1, Babu Chowk, Khalabat Township, Distt: Haripur.	Principal, GHS, Chamhad, Abbottabad.	-do-
22.	Mr. Abdul Wahed S/O Abdul Momin, Mohalla, Muslimabad P.O. & Teh: Takht Bhai, Mardan.	Instructor, GEC(M) Inservice, Peshawar.	-do-
23.	Mr. Shah Afzal S/O Khan Afzal, Vill: & P.O. Yar Hussain, Mohalla Baresh Khel, Teh: Lahor, Distt: Swabi.	Principal, GHS, Tarakai, Swabi.	-do-
24.	Mr. Mohammad Sultan, S/O Maula Jan, Vill: & P.O. Chokara Teh: Takhti Nasrati, Karak.	Instructor, GEC(M), Kohat.	-do-
25.	Mr. Mohabat Yar S/O Jehandar, Vill: & P.O. Jm Tazagram, Teh: Adenzai, Dir(Lower).	Principal, GHS, Kotli Saldkhana Nowshera.	-do-
26.	Mr. Hazeer Rehman S/O Sarwar Jan, Vill: Ganderi Khattak, P.O. & Teh: Takhti Nasrati, Karak.	Principal, GHS, Ganderi, Karak.	-do-
27.	Mr. Mohammad Mukhtiar S/O Amanullah Khan, Vill: Khungi Teh: Timergara, Distt: Dir.	Instructor, GEC(M) Brosh, Chitral.	-do-
28.	Mr. Gul Zaman S/O Antarzoman, V & T.O. Dheri, Mohalla Miras Khail, Teh: & Distt: Dir.	Instructor, GEC(M) Inservice Peshawar.	-do-

1. The appointments of the candidates mentioned above is subject to the condition that they are the domicile of N.W.F.P.
2. Their inter-se-seniority will be fixed according to the order of merit assigned by the NWFP Public Service Commission.
3. Their Services will be liable to termination on one month's notice from either side. In case of resignation without notice their one month's pay/allowances, if any shall be forfeited to government.
4. No T.A./D.A. etc: is allowed on their first appointment as Offg: Principal/Dy:DEO(r)/Instructor.
5. The candidates should join their post within 30 days of the issue of this notification. The Director of Education(Secondary), NWFP, Peshawar should furnish a certificate to the effect that the candidates have joined the post or otherwise after one month of the issue of this notification.
6. Charge reports in duplicate should be submitted to all concerned.
7. They will be governed by such rules and regulation as may be issued from time to time by the Government for the category of government servants to which they belong.
8. A declaration of assets should be obtained from them if not already done and kept on record.
9. Their appointments will be subject to the satisfactory report on the verification of their character and antecedents.
10. Before handing over charge the Principal concerned should check their original documents.

SECRETARY EDUCATION DEPARTMENT
GOVERNMENT OF N.W.F.P.

Dated 16th Oct: 2000.

Endst: No:SO(3)3-1/2000/B-18/KC(M)

Copy of the above is forwarded for information and necessary action to:-

1. The Secretary to Governor, NWFP, Peshawar.
2. CCS HQ Corps, Peshawar Cantt:
3. HQ PMOS C/O Engineers 11 Corps, Peshawar.
4. The Accountant General, NWFP, Peshawar.
5. The Director Secondary Education, NWFP, Peshawar w/r to his letter No: nil dated 14.10.2000.
6. The Director Recruitment, NWFP, Public Service Commission, NWFP, Peshawar w/r to his letter No:39270 dated 26.8.2000.
7. The Distt: Accounts Officers concerned.
8. The Principal, concerned.
9. The P.S. to Minister for Education, NWFP, Peshawar.
10. The P.S. to Chief Secretary, NWFP, Peshawar.
11. The P.S. to Secretary Education Deptt: NWFP, Peshawar.
12. The Budget Officer, Govt: of NWFP, Finance Deptt: w/rk to his circular No:BI/5-3/98/99/25 dated 31.8.1998.
13. The candidates concerned(through registered cover).
14. The Manager, Govt: Printing Press, NWFP, Peshawar.

(MUHAMMAD IQBAL)
SECTION OFFICER(SCHOOLS)

BARKAT KHAN/+++

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ATTESTED



GOVERNMENT OF NWFP
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the 29-08-2008.

NOTIFICATION.

NO.SO(S)4-16/2008/ Ahmad Hussain. The Competent Authority is pleased to order posting /transfer of the following officers of Elementary & Secondary Education Department with immediate effect in relaxation of ban:

S#	Name of Officer and present place.	Proposed place	Remarks.
1-	Mr. Ahmad Hussain, Principal (BS-19) GHS Kalu Khan Swabi.	EDO (BS-19) E&SE Mardan.	Vice S.No.2
2-	Mr. Amir Bahadar EDO (BS-19) E&SE Mardan	Services place at the disposal of Director E&SE till further orders	--

2- No TA/DA is allowed.

SECRETARY

Endst: Even No. & date.

Copy forwarded for information and necessary action to the:-

- 1- Accountant General, NWFP, Peshawar.
- 2- Director, Elementary & Secondary Education, NWFP, Peshawar.
- 2- EDO, E&SE concerned.
- 3- District Accounts Officer concerned.
- 4- PSO to Chief Minister, NWFP
- 5- PS to Minister for Elementary & Secondary Education, NWFP.
- 6- DDBA (EMIS) E&SE, Department.
- 7- PS to Secretary Elementary & Secondary Education Department, NWFP.
- 8- Officers concerned.
- 9- Office order file.

(SYAD AHMAD KHAN)
SECTION OFFICER (SCHOOLS)

ATTACHED



EDD Mardan

S.No 35

GOVERNMENT OF NWFP
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT

Dated Peshawar 05-01-2009

Date 5-1-2009

NOTIFICATION

SO(S)/E&SE/1-2/B-18 to B-19 (M): The Provincial Government in consultation with the Provincial Selection Board is pleased to promote the following officers of the Elementary & Secondary Education Department from BPS-18 to BPS-19 on regular basis with immediate effect:

S.No	Name	S.No	Name	S.No	Name
1	Mr.Hakimullah	2	Mr.Muhammad Zeb	3	Mr. Aziz-ur-Rehman
4	Mr.Asmat Khan	5	Mr.Roz Wali	6	Mr.Abdullah
7	Mr.Muhammad Bashir Ahmad	8	Mr.Hamayun Khan	9	Mr. Muhammad Javed
10	Mr. Muhammad Ibrahim	11	Mr.Salahuddin	12	Mr. Muhammad Hassan
13	Mr.Saeed Khan	14	Mr.Abdul Haq	15	Mr.Zahir Shah
16	Mr.Mattiullah	17	Mr.Hanifullah	18	Mr. Nadar Khan
19	S.Mahboob Ahmad	20	Mr.Abdul Latif	21	Mr. Muhammad Qaddim
22	Mr.Attaullah	23	Mr. Mirkalam Khan	24	Mr.Misal Khan
25	Mr. Akbar Hussain	26	Mr. Fida Muhammad	27	Mr. Iqbal Anwar
28	Mr. Muhammad Javed	29	Mr. Inayat Ali	30	Syed Abbas Ali Shah
31	Mr.Said Nawab	32	Mr.Razaullah	33	Mr.Mukhtiar Ahmad
34	Mr. Sultan Zeb	35	Mr.Ahmad Hussain	36	Mr. Nek Nawaz
37	Mr. Gohar Ali Khan	38	Mr. Nazir Khan	39	Mr.Khurshid Anwar
40	Mr. Mir Baz Khan	41	Mr.Jehan Muhammad	42	Mr. Hussain Ahmad
43	Mr.Mattiullah	44	Mr.Attiqur-Rehman	45	Mr.Sifatullah
46	Mr.Attaullah	47	Mr. Tariq Mahmood	48	Mr. Abdul Wahid
49	Mr. Shah Afzal	50	Mr. Muhammad Sultan	51	Mr. Hazeedur Rehman
52	Mr. Muhammad Mukhtiar	53	Mr. Gul Zaman	54	Mr. Saifur Rehman
55	Mr. Delawar Khan				

2 The officers so promoted will remain on probation for a period of one year in terms of section-6 (2) of NWFP Civil Servants Act, 1973 read with Rule-15(1) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

3 The Provincial Government in consultation with Provincial Selection Board is further pleased to appoint the following officers of the Elementary & Secondary Education Department from BPS-18 to BPS-19 on acting charge basis with immediate effect.

S.No	Name	S.No	Name	S.No	Name
56	Mr. Abdul Qadoos	57	Mr. Muhammad Shahid Zaman	58	S.Manzar Jan
59	Mr. Kifayat Rehman	60	Mr. Wazir Khan	61	Mr. Abdur Reqeeb
62	Mr. Hassnat Gul	63	Mr. Muhammad Riaz	64	Mr. Muhammad Saleem
65	Mr. Qamar Ali	66	Mr Muhammad Riaz	67	Mr. Abdul Salam
68	Mr. Lal zada	69	Mr. Sher Nawaz	70	Mr. Abdul Ghafoor
71	Mr. Muhammad Ashraf	72	Mr., Shakir Ullah	73	Mr. Hafiz Gul Zamir
74	Mr. Abdul Qadir Khan	75	Mr. Ghulam Farid	76	Mr. Nizamuddin
77	Mr. Munawar Gul	78	Mr. Muhammad Idress	79	Mr. Mohinud Din

ATTESTED

9. He was summoned to appear before the Inquiry Committee on 30.04.2009 and was probed/examined under "Oath" and his statement is placed at Annex-V. When he was asked to provide the order/letter regarding appointment of P.S.T teachers (M/F) through D.S.C he failed to produce the same. Moreover, no documentary proof was produced before the Inquiry Committee either by the accused officer or existing E.D.O (E&SE) Mardan to show such record to the Inquiry Committee. It is highly appalling to note that no merit list was prepared duly signed by the members of D.S.C which per se resulted violation of merit. No merit list was provided by the accused Officer as well as officer of E.D.O (E&SE) Mardan.

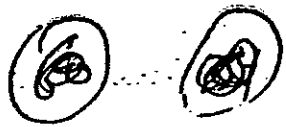
10. It is also astonishing to note that in the orders he mentioned that P.S.T teachers were appointed under contract policy 2005. When he was desired to produce the same contract policy, he replied that he was unaware of the same. He was also not aware about the composition of D.S.C.

11. He also appointed Mumtaz Ali Shah of Swabi as a Chowkidar and Ashraf Ali of Swabi as a Junior Clerk as per statement of Noor Zada Ex-DO and office record (Annex-III). He could not give convincing reply about Ashraf Ali but admitted that Mumtaz Ali was appointed on the recommendation of Mr. Ghanidad Khan, MPA. The fact of the matter is that both of these persons were from District Swabi and were not as such eligible for appointment in District Mardan.

12. He also admitted in a statement under Oath that appointment of Class-IV were made without D.S.C and no merit list was prepared and (183) appointments were made through single orders. He also admitted that with the exception of few, he appointed Class-IV on the recommendation of MPA concerned. Moreover he also ignored Employment Exchange and D.S.C in flagrant violation of Government Policy on the subject. His attention was also invited to the single orders which were issued in large number over and above sanctioned posts. He denied having signed single orders but instead divulged that it was somehow done through VVIP and he was not in a position to disclose their names. So far as episode of single orders is concerned statement of Siddique Superintendent (Annex-III) revealed that signatures on the single orders (Fake) were of Ahmad Hussain Ex-EDO. Statement of Mohammad Zahoor (Annex-III) also revealed that Ahmad Hussain Ex-EDO

ATTACHED

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had signed individual (Fake) orders. Individual (fake) orders in huge number were also shown to the inquiry committee by the office of EDO (E&SE) Mardan.

13. In order to know the authenticity/veracity of signatures on individual (Fake) appointment letters, his signatures were sent to the Director Forensic Science Laboratory NWFP, Peshawar vide letter dated 04.05.2009 (Annex-VI). The Director Forensic Science Laboratory, Crimes Branch, NWFP, Peshawar sent a report vide letter No.H.W:129/09 dated 04.05.2009 (Annex-VII) which reads as under:-



"The impugned signatures "Ahmad Hussain" available on the appointment order at S.No.(1) does not tally in individual characteristics with the set of his signatures available on his statements mentioned at S.No.(2) above and has been forged"

14. It is also pertinent to mention here that some appointments of P.S.Ts were shown to him who were even on low merit as per provisional/tentative merit list. Detail of this is given in the question available in his statement under oath. But he put the blame of this irregularity on his subordinate staff whereas he was responsible being Competent Authority and signing officer of the order.

Financial Irregularities:

15. When he was asked that he incurred an amount of Rs.110000/- as irregular expenditure from Shaheen Fund and no Quotations were called and expenditures were made for the purpose other than meant for Shaheen Fund. In response, he said (Annex-VIII) that he took some amount as a loan which was spent in connection with official expenditures. It is bizarre that he was unaware about the limit for Quotation. Similarly, he did not call Quotations for expenditure pertaining to Boys Scouts. He simply replied that there was no need of Quotations for loan amount. It was also astonishing to note that District Officer is Drawing and disbursing Officer (DDO) for Stationery but four A.C Bills for (179) Reams paper amounting to Rs.94,870/- purchased on 13.09.2008, 20.09.2008, 23.09.2008 and 04.10.2008 but no tender was floated and amount of these bills was drawn through single

omb. H.V.D.

(Signature)

(Signature)

cheque. He was actually not D.D.O for this account but over and above his powers he signed these bills. He simply replied that they needed paper to prepare lists for the scholarships of Girls students so all this was done in hurry.

Conclusion.

16. Official record provided to the Inquiry Committee, his examination under oath and statements under oath of other concerned as discussed in Analysis/findings revealed that Ahmad Hussain E.D.O (under suspension) committed glaring irregularities making appointments of PSTs (M/F), Class-IV servants and financial irregularities when he was E.D.O (E&SE) Mardan/Competent Authority.

17. He further admitted that many individual (fake) orders over and above the vacant posts were issued and he was well in knowledge of such orders but, being a competent authority, he did not bother to bring it to the notice of high ups which, in indeed, reflects high degree of irresponsibility and negligence on his part.

Recommendation

18. In the light of relevant record as provided to the Inquiry Committee, reply of the accused officer, his statement on oath and verbal as well as statements on oath of other concerned officers/officials and his examination on oath, the Inquiry Committee recommends that following major penalty be awarded to the accused: -

"Dismissal from service".

(Signature)

(Ms. Sarwat Jehan)
Elementary & Secondary
Education, NWFP, Peshawar
Inquiry Officer

(Signature)
11/05/2009

(Muhammad Farid Qureshi)
Special Secretary (Regulations),
Establishment & Admn: Deptt:
NWFP, Peshawar.
Inquiry Officer

Attest
ATTESTED

ATTESTED

G-17

18/6/2009
ب

Date 18-6-2009

BETTER COPY

Show Cause Notice

(17)

WHEREAS I, Amir Haider Khan Hoti, Chief Minister, NWFP Competent Authority under North West Frontier Province Removal from Service (Special Powers) Ordinance, 2000, served you with the Statement of Allegations and Charge Sheet dated 1-4-2009.

2- WHEREAS the following charges have been proved against you:-

“Committed illegality in making appointments of teachers and Class-IV as well as financial irregularities in E&SE Mardan during the period with effect from 13-9-2008 to 22-12-2008

3- AND WHEREAS the charges were enquired through Enquiry Committee consisting of Mr. Muhammad Farid Qureshi, Special Secretary (Regulation) Establishment & Admn: Department, NWFP and Ms Syeda Sarwat Jehan, Directress E&SE Peshawar.

4- WHEREAS after perusal of recommendations of the Enquiry Committee and record in terms of Section-3 of the Removal from Service (Special Powers) Ordinance, 2000 in the capacity of Competent Authority, I have tentatively decided to impose upon you penalty of Dismissal from Service.

5- NOW WHEREAS you are directed to show cause as to why the above penalty should not be imposed upon you. If your reply to this notice is not received within seven (7) days of its delivery, it will be presumed that you have no defence to offer and an ex-parte decision will be taken against you.

6- The copy of the findings of the Inquiry Committee is enclosed

ATTESTED

(Amir Haider Khan Hoti)
Chief Minister, NWFP
Competent Authority

Mr. Ahmad Hussain,
Executive District Officer E&SE Mardan (under suspension)



EDD احمد حسين

H-18

REGISTERED ANNEXURE

GOVERNMENT OF N.W.F.P
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT
Dated August 6, 2009

NOTIFICATION.

NO.SO(S)4-17/2009/ Ahmed Hussain.

WHEREAS Mr Ahmed Hussain, ex-

Executive District Officer (BS-19) E&SE, Mardan was proceeded against under the NWFP Removal from Service (Special Powers) Ordinance, 2000 for the charges mentioned in the Charge Sheet and Statement of Allegations dated 1-4-2009.

2. AND WHEREAS Mr Farid Qureshi, Special Secretary (Regulation Wing) (BS-20) Establishment Department, Govt: NWFP and Syeda Sarwat Jehan, Directress (BS-20) Elementary & Secondary Education, NWFP Peshawar were appointed as Inquiry Committee to conduct inquiry against the accused officer, for the charges leveled against him in accordance with the rules.

3. AND WHEREAS the Inquiry Committee after having examined the charges, evidence on record and explanation of the accused officer has submitted the report.

4. AND WHEREAS a show cause notice was served upon Mr Ahmed Hussain, ex- Executive District Officer (BS-19) E&SE Mardan dated 10-6-2009.

5. AND WHEREAS the Competent Authority (Chief Minister, NWFP), after having considered the charges, evidence on the record, inquiry report, explanation of the accused officer in response to the Show Cause Notice & personal hearing, is of the view that the charges against the officer have been proved.

6. NOW THEREFORE, in exercise of the powers conferred under section 3 of NWFP. Removal from Service (Special Powers) Ordinance, 2000, the Competent Authority (Chief Minister, NWFP), is pleased to impose major penalty of "Dismissal from Service" upon Mr Ahmed Hussain, ex-Executive District Officer (BS-19) E&SE Mardan.

Endst: of Even No. & Date.

Copy forwarded to: -

SECRETARY

- 1- Accountant General, NWFP Peshawar.
- 2- Special Secretary to Chief Minister, NWFP Peshawar.
- 3- The Director, Elementary & Secondary Education, Peshawar.
- 4- Mr Ahmed Hussain, ex-Executive District Officer (BS-19) E&SE Mardan.
- 5- Executive District Officer, E&SE Mardan.
- 6- District Accounts Officer, Mardan.
- 7- PS to Chief Secretary, NWFP, Peshawar.
- 8- PS to Secretary, E&SE Department, NWFP.
- 9- PAs to Additional Secretary, Deputy Secretary (Admn), E&SE Department,
- 10- Office order file.

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15/8/09

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AG

AH Hussain

ATTESTED

(SYED AHMAD KHAN)
SECTION OFFICER (SCHOOLS)

ATTESTED



Supdt

REGISTERED

GOVERNMENT OF NWFP
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated August 6, 2009

NOTIFICATION.

NO.SO(S)4-17/2009/ Ahmed Hussain.

WHEREAS Mr Siddique, Superintendent

(BS-16) O/o EDO (E&SE), Mardan was proceeded against under the NWFP Removal from Service (Special Powers) Ordinance, 2000 for the charges mentioned in the Charge Sheet and Statement of Allegations dated 1-4-2009.

2. AND WHEREAS Mr Farid Qureshi, Special Secretary (Reputation Wing) (BS-20) Establishment Department, Govt: NWFP and Syeda Sarwat Jehan, Director (BS-20) Elementary & Secondary Education, NWFP Peshawar were appointed as Inquiry

Committee to conduct inquiry against the accused officer, for the charges leveled against him in accordance with the rules.

3. AND WHEREAS the Inquiry Committee after having examined the charges, evidence on record and explanation of the accused officer has submitted the report.

4. AND WHEREAS a show cause notice was served upon Mr Siddique, Superintendent (BS-16) O/o EDO (E&SE), Mardan dated 10-6-2009.

5. AND WHEREAS the Competent Authority (Chief Minister, NWFP), after having considered the charges, evidence on the record, inquiry report, explanation of the accused officer in response to the Show Cause Notice & personal hearing, is of the view that the charges against the officer have been proved.

6. NOW THEREFORE, in exercise of the powers conferred under section 3 of NWFP Removal from Service (Special Powers) Ordinance, 2000, the Competent Authority (Chief Minister, NWFP), is pleased to impose major penalty of "Compulsory Retirement from Service" upon Mr Siddique, Superintendent (BS-16) O/o EDO (E&SE), Mardan.

SECRETARY

Ends: of Even No. & Date.

Copy forwarded to:-

1. Accountant General, NWFP Peshawar.
2. Special Secretary to Chief Minister, NWFP Peshawar.
3. The Director, Elementary & Secondary Education, Peshawar.
4. Executive District Officer, E&SE Mardan.
5. Mr Siddique, Superintendent (BS-16) O/o EDO, E&SE Mardan.
6. District Accounts Officer, Mardan.
7. PS to Chief Secretary, NWFP, Peshawar.
8. PS to Secretary, E&SE Department, NWFP.
9. PAs to Additional Secretary, Deputy Secretary (Admin), E&SE, Department.
10. Of file order file.

E:DO/AE-V

(SYED AHMAD KHAN)
SECTION OFFICER (SCHOOLS)

Supdt

لازمی رہنما

ATTACHED

To,

J-20

The Chief Secretary,
Khyber Pakhtunkhwa, Peshawar.

Subject: **DEPARTMENTAL APPEAL AGAINST IMPUGNED ORDER
DATED 06.08.2009 WHEREBY UPON THE APPELLANT
MAJOR PENALTY OF DIMISSAL FROM SERVICE WAS
IMPOSED INSTEAD COMPULSORY RETIRMENT.**

Sir,

That the appellant was initially appointed as PTC vide dated 17.10.1977 and since appointment the appellant performed his duty quiet efficiently and up to the entire satisfaction of his superiors. That after that the respondent department appointed/promoted the appellant to the post of SET vide dated 01.10.1989 and subsequently upon the recommendation of the Khyber Pakhtunkhwa Public Service Commission the appellant was promoted as Principle (BPS-18) in GHS Baja District Swabi vide order dated 16.10.2000. Than after that the appellant was posted E.D.O to District Mardan by the respondent department vide order dated 29.08.2008 and later on the appellant was promoted from BPS-18 to BPS-19 vide dated 05.01.2009. That bluntly the respondent department leveled some baseless allegation and inquiry was conducted against the appellant vide dated 11.05.2009 on the basis of which the then Chief Minister Amir Haider Khan Hoti served show cause notice on the appellant vide dated 18.06.2009 and and immediately after that the major penalty of dismissal from service was imposed on the appellant without any cogent justification vide impugned order dated 06.08.2009. That surprisingly respondent department issued the same order dated 06.08.2009 against the appellant colleague, Namely; Mr. Siddique, Senior Superintendent having the same allegations upon him but he was awarded with major penalty of compulsory retirement.

It is therefore, most humbly prayed that on acceptance of this departmental appeal the impugned order dated 06.08.2009 may very kindly be modified dismissal from service to the compulsory retirement. Any other remedy which your good self deems fit that may also be awarded in favor of the appellant.

Dated: 24.03.2021

ATTESTED

APPELLANT
AH
AHMAD HUSSAIN
EX-E.D.O
DISTRICT SWABI

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2021

Ahmad Hussain

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Dept

(RESPONDENT)
(DEFENDANT)

I/We Ahmad Hussain

Do hereby appoint and constitute **AFRASIAB KHAN WAZIR, Advocate High Court, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2021

Ahmad Hussain

CLIENT

Afrasiab Khan Wazir

ACCEPTED
AFRASIAB KHAN WAZIR
ADVOCATE
(bc-17-7299)

Mobile No.0312-9888752