

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, ABBOTTABAD

Service Appeal No. 986/2019

Date of Institution ... 29.07.2019
Date of Decision ... 16.11.2021

Naveed Iqbal S/O Ghulam Rabbani, A.T Teachere, Government High School No.3 (English Medium), Abbottabad, Resident of Village Banda Khair Ali Khan Post Office Dobather, Tehsil and District Abbottabad.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Peshawar and three others.

... (Respondents)

Appellant

... Pro Se.

Muhammad Riaz Khan Paindakheil,
Assistant Advocate General

... For respondents.

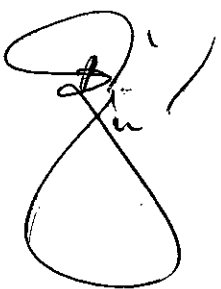
Ahmad Sultan Tareen
Rozina Rehman

... Chairman
... Member (J)

JUDGMENT

Rozina Rehman, Member(J): Brief facts of the case are that appellant was appointed as Arabic Teacher. He was removed from service. He, therefore, filed departmental appeal and his major penalty of removal from service was converted into major penalty of reduction to lower post. He then filed appeal before respondent No.1 and by acceptance of his appeal, minor penalty of stoppage of four increments was imposed. He was properly adjusted and he assumed the charge at G.M.S Todu Maira, Abbottabad. He was transferred

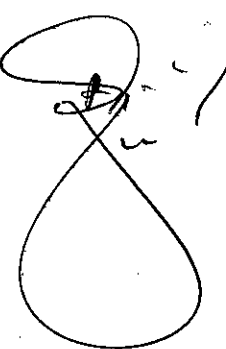
after one month and was serving at G.M.S Hazeera Abbottabad when in the meanwhile he was appointed as Display Center Information Officer but he was shown absent from duty for the said period. He was then transferred to G.M.S Todu Maira when in the meanwhile, Headmaster of the appellant was directed to submit original Service Book of the appellant and appellant was suspended, where-after, he was served with charge sheet and statement of allegations and Inquiry Committee was also constituted. Appellant was exonerated from few allegations, however, the Inquiry Committee suggested in respect of allegation No.2 regarding the signature of D.D.O to be verified from the Handwriting Expert before proceeding against the appellant. He was also directed to deposit salary of 17 months, however, the signature of D.D.O was sent to F.S.L for verification and major penalty of compulsory retirement was imposed upon appellant. He filed departmental appeal but to no avail, therefore, filed service appeal, which was dismissed. He filed C.P.L.A and his petition was converted into appeal and was allowed. He submitted application for implementation of the Court orders and appellant was accordingly reinstated. He was served with Notification dated 14.04.2016 and he was once again compulsory retired from service on 27.09.2016. He filed departmental appeal but to no avail, therefore, filed service appeal which was accepted. The Department was directed to send the signature of Qazi Tajamul Hussain for verification to Handwriting Expert and that the Inquiry Officer shall submit his new recommendation after considering the report of the expert to the authority and the authority shall then proceed further on the basis of fresh inquiry report. He was accordingly reinstated and Photostat of the disputed signatures of Qazi Tajamal Hussain were sent to F.S.L



for verification but the Photostat disputed source does not serve the purpose for comparison work and respondents were directed to provide original Source Form-II but the same was not traceable and the FSL once again returned the same with the remarks that verification of signatures on Source Form-II dated 11.09.2012 is not possible through Photostat. In the light of F.S.L report regular reinstatement Notification of the appellant was issued and major penalty of reduction to three lower stages in time scale was imposed. He filed an appeal for grant of all back benefits but the same was not honored by the competent authority, therefore, the present service appeal.

2. We have heard Naveed Iqbal appellant and Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Naveed Iqbal appellant submitted that all the termination orders of the appellant are illegal, against law and facts, being based on personal grudges of the respondents. He contended that C.P.L.A No.3493/2015 was accepted with all back benefits by the Apex Court but the respondents are using delaying tactics just to vex the appellant. It was further argued that the appellant properly served in the Election Office which is evident from the record from 01.03.2012 to 30.04.2012 but he was not paid salary for that period which act of the respondents is against law and facts. Similarly, he performed regular duty from 01.07.2012 to 30.09.2012 and in this regard, proper certificate was issued by the authority but even then salary was not paid for this period. He contended that the allegations of bogus signature of Qazi Tajamul Hussain leveled against the appellant was



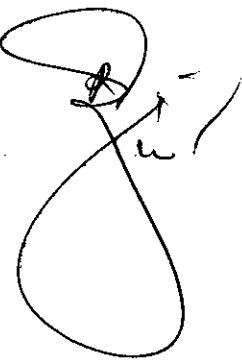
never proved bogus by the F.S.L and that the record is clear which shows that the respondents stopped the salary of appellant while he was performing his duties regularly and that Qazi Tajamul Hussain (respondent No.3) gave his written statement to the Inquiry Committee that the original service record of the appellant was with the concerned dealing clerk and all the entries were made therein by him who then affixed his signatures. He, therefore, requested for acceptance of his appeal with direction to the respondents to release all back benefits with regard to salary for 58 months.

4. Conversely, learned AAG submitted that the present appeal is not maintainable being hopelessly time barred and that his earlier service appeal regarding the same subject matter was dismissed for want of prosecution where-after he filed application for restoration and that later on his appeal was partially accepted.

5. The comments of the respondents clearly show evasive reply on behalf of the respondents. From the record, it becomes crystal clear that the appellant was proceeded against departmentally on different allegations right from 08.04.2011 to 27.09.2016. For the very first time, he was proceeded against departmentally on the allegations that he had submitted forged letters on behalf of Director E&SE as well as Service Tribunal relating to his transfer cancellation and vide order dated 08.04.2011 he was removed from service w.e.f 23.11.2010. His departmental appeal was accepted and his major penalty of removal from service was converted into minor penalty of stoppage of four increments vide order dated 02.11.2011. Again he was suspended vide order dated 09.04.2013 and was departmentally proceeded against on the allegations of misconduct and corruption by dishonestly



tempering in the Source Form-II in the month of October, 2012 with bogus signatures of Mr. Arbab Abbasi the then DDO and ultimately was awarded major penalty of compulsory retirement on 19.10.2013. Again he filed departmental appeal and in pursuance to the judgment of august Supreme Court of Pakistan, appellant was reinstated till the finalization of fresh inquiry vide order dated 29.03.2016. He was once again charge sheeted for willful absence, misconduct and corruption and vide order dated 27.09.2016, major penalty of compulsory retirement was imposed upon appellant with recovery of Rs.143697/-. He filed service appeal and vide order of this Tribunal dated 24.08.2017 appellant was reinstated in service till the outcome of fresh inquiry. Proper order of his reinstatement was issued on 18.09.2017 and in view of the directions of this Tribunal passed in Service Appeal No.58/2017 signatures of Qazi Tajamal Hussain were sent for verification to handwriting expert. Report of the FSL is available on file. The Photostat disputed source Form supplied did not serve the purpose of Forensic Scientific Examination and Comparison work and the respondents were once again asked for the provision of original document which was not done and lastly vide order dated 21.03.2019 major penalty of reduction to three lower stages in time scale was imposed upon appellant with recovery Rs. 143697/-. He then filed an application for grant of all back benefits which was not responded to, hence, the present service appeal. He has prayed for recovery of all back benefits when he was proceeded against departmentally for the very first time on 08.04.2011 till 21.03.2019 when penalty in shape of reduction to three lower stages was imposed upon him. From the record it is evident that he performed duty from 01.12.2010 to 08.04.2011, 01.03.2012 to 30.04.2012 and 01.07.2012



to 30.09.2012. His duty during the above mentioned period is not denied as nothing was brought in black & white in order to show that the appellant had not performed his duty during the above mentioned period. In this view of the matter appellant is entitled to all back benefits as he performed duty in accordance with law. Similarly, it is also not disputed that he was proceeded against departmentally time and again and his departmental appeals were accepted either by the Department or by the Service Tribunal, where-after, he was properly reinstated which is evident from the record. He was proceeded against departmentally on 08.04.2011 and was removed from service on 30.11.2011. Again, he was proceeded against departmentally from 01.10.2013 to 31.03.2016 and lastly he was once again proceeded against from 01.10.2016 to 31.08.2017, therefore, he is entitled to the recovery of basic pay for the above-mentioned period during which he was departmentally proceeded against.

6. As a sequel to above discussion, this appeal is allowed and appellant is held entitled to full benefits for the period in different breakups mentioned below:

From	To
01.12.2010	08.04.2011
01.03.2012	30.04.2012
01.07.2012	30.09.2012

He is allowed to the recovery of basic pay only for the period mentioned below:

From	To
09.04.2011	30.11.2011
01.10.2013	30.03.2016
01.10.2016	31.08.2017

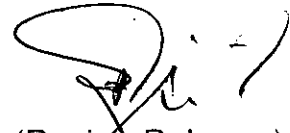
Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

16.11.2021



(Ahmad Sultan Tareen)
Chairman
Camp Court, A/Abad



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

Order

16.11.2021

This case was fixed for 22.12.2021 but on the written request of appellant, case file was requisition for today.

Appellant in person and Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General alongwith Sohail Ahmad Zeb Litigation Officer for respondents present. Arguments heard and record perused.

Vide our judgment of today of this Tribunal placed on file, this appeal is allowed and appellant is held entitled to full benefits for the period in different breakups mentioned below:

From	To
01.12.2010	08.04.2011
01.03.2012	30.04.2012
01.07.2012	30.09.2012

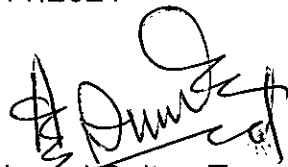
He is allowed to the recovery of basic pay only for the period mentioned below:

From	To
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01.10.2013	30.03.2016
01.10.2016	31.08.2017

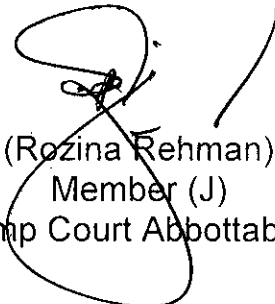
Parties are left to bear their own costs. File be consigned to the record room.

Announced.

16.11.2021



(Ahmad Sultan Tareen)
Chairman
Camp Court Abbottabad



(Rozina Rehman)
Member (J)
Camp Court Abbottabad.

16.6.2021

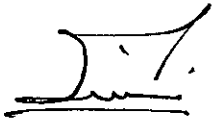
Due to COVID 19, case is adjourned to
23.9.2021 for the same.



23.09.2021

Appellant in person present. Mr. Sohail Ahmed Zeb, Litigation Officer alongwith Mr. Usman Ghani, District Attorney for official respondents No. 1 to 3 present and submitted comments, copy of which handed over to the appellant.

Appellant submitted an application for deletion of name of private respondent No. 4 from the panel of respondents on the ground that the said respondent has retired from service and is not necessary party in the instant appeal. The application is allowed and name of private respondent No. 4 is deleted from the panel of respondents. Office is directed to do the needful. Adjourned. To come up for rejoinder, if any, as well as arguments before the D.B on 22.12.2021 at Camp Court Abbottabad.



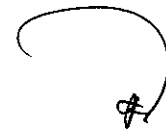
(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

21.10.2020

Appellant in person present.

Usman Ghani learned District Attorney alongwith Sohail Ahmad Zeb Litigation Assistant for respondents present.

Written reply on behalf of respondents was not submitted. Representative of respondents made a request for adjournment in order to submit reply; granted. To come up for reply/comments on 16.12.2020 before S.B at Camp Court, Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

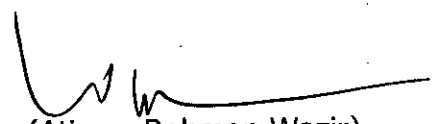
*Due to COVID-19 case is
adjourned to 17-03-2021*



17.03.2021

Appellant in person present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Sohail Ahmed Zeb Litigation Officer for respondents present.

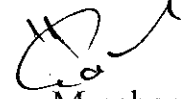
Reply/comments on behalf of respondents not submitted. Representative of respondents requested for time to submit reply/comments. To come up for reply/comments on 16/16/2021 before S.B at Camp Court Abbottabad.



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad

21.11.2019

Appellant in person present. Written reply not submitted. Saqib Shehzad Assistant for official respondents No.1 to 3 present. Private respondent No.4 in person present. Representative as well as private respondent No.4 requested for time to furnish written reply/comments. Granted. To come up for written reply/comments on 16.12.2019 before S.B at Camp Court, A/Abad.



Member
Camp Court, A/Abad

16.12.2019

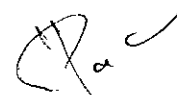
Appellant in person present. Mr. Usman Ghani, District Attorney alongwith Mr. Sohail Ahmed Zeb, Litigation Officer for official respondents No. 1 to 3 and private respondent No. 4 in person present. Written reply on behalf of respondents not submitted. Representative of the department as well as private respondent No. 4 requested for further time for submission of written reply/comments. Adjourned to 22.01.2020 for written reply/comments before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

22.01.2020

Appellant in person present. Sohail Ahmad Zeb Litigation Officer representative of respondents present and submitted documents on behalf of respondent No.3 placed on file. Adjournment requested. Adjourn. To come up for further proceedings/reply on 20.02.2020 before S.B at Camp Court Abbottabad.



Member
Camp Court, A/Abad

Due to covid ,19 case to come up for the same on 14/4/20
at camp court abbottabad.



Reader

Due to summer vacation case to come up for the same on 12/10/20
at camp court abbottabad.





Reader

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 986/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/07/2019	<p>The appeal of Mr. Naveed Iqbal received today by post 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 29/7/19</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>20-9-19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		


20.09.2019

Appellant Naveed Iqbal in person present. Preliminary arguments heard. It was contended by the appellant that he was imposed major penalty of reduction to three lower stages in time scale with recovery of Rs 143697/- vide order dated 21.03.2019 on the allegation of misconduct. The appellant filed departmental appeal on 28.03.2019 which was not responded hence, the present service appeal. Appellant further contended that the first inquiry officer has stated in the inquiry report that the disputed signature of DDO may be dispatch to Laboratory but when the respondent-department sent the disputed signature of the DDO to laboratory, the laboratory reported that the signature of the DDO sent by the department is not in original therefore, requisitioned for original signature of the DDO but the respondent-department failed to sent the original signature of DDO rather reported that the original signature of the DDO is misplaced therefore, it was contended that the impugned order is illegal and liable to be set-aside.

The contention raised by the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days thereafter, notices be issued to the respondents for written reply/comments for 21.11.2019 before S.B at Camp Court Abbottabad.

Appellant Deposited
Security & Process Fee

23/9/19


(Muhammad Amin/Khan Kundi)
Member
Camp Court Abbottabad

BEFORE KHYBER PAKHTUNHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD

Service Appeal No: 986 of 2019

Naveed Iqbal S/O Ghulam Rabbani, AT Teacher, Government High School No.3 (English Medium), Abbottabad, Resident of Village Banda Khair Ali Khan Post office Dobather, Tehsil and District Abbottabad, Mobile No. 0301-8135181

....APPELLANT

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Peshawar. (091-5210480)
2. Director of Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar. (091-9210389)
3. District Education Officer (Elementary & Secondary Education) (Male), Abbottabad. (0992-9310102)
4. Muhammad Ayaz Superintendent (Establishment) office of the District Education Officer (Male) Abbottabad.

....RESPONDENTS

SERVICE APPEAL
INDEX

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2	Copy of order dated 08.04.2011	A	14
3	Copies of departmental appeal dated 12/04/2011, order dated 28.07.2011 and Order dated 02.11.2011	B	15-19
4	Copies of all the relevant documents concerning with the duty of Election Commission	C	20-23
5	Copies of application and source form-II	D	24-25
6	Copy of the judgment dated 24/05/2012 alongwith relevant documents	E	26-33
7	Copies of both the notifications dated 09/04/2013	F	34-35
8	Copies of charge sheet dated 20/04/2013	G	36-
9	Copy of inquiry report dated 19/06/2013	H	39-
10	Copy of deposit receipt and copy of Judgment by the Honourable Supreme Court of Pakistan	I	42-
11	Copy of compulsory retirement order dated 19/10/2013	J	4-

BEFORE KHYBER PAKHTUNHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD

Service Appeal No: 986 of 2019

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3. District Education Officer (Elementary & Secondary Education) (Male), Abbottabad. (0992-9310102)
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SERVICE APPEAL
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11	Copy of compulsory retirement order dated 19/10/2013	J	44-45

12	Copy of Judgment dated 11/02/2016 of Apex Court	K	46-47
13	Copies of re-instatement order dated 29/03/2016 and Order dated 29/04/2016 of Apex Court	L	48-49
14	Copy of charge sheet dated 14/04/2016	M	50-51
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17	Copy of order dated 24/08/2017 of this Hon'ble Tribunal	P	55-57
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19	Copies of all the relevant correspondence with FSL Peshawar by respondent No.3	R	60-65
20	Copies of letter dated 31/03/2018 and fresh inquiry report dated 23/04/2018	S	66-69
21	Copy of notification dated 21/03/2019	T	70-72
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24	Copy of Attendance certificate of appellant GMS Jabrian, Abbottabad	W	76
25	Copy of Attendance Certificate, GMS Todu Maira	X	77
26	Copies of reconciliation report for the month of Oct & DEC 2012	Y	78-79
27	Copies of application dated 20/07/2013 and letter dated 05/09/2013 of respondent No.2	Z	80-82
28.	Copy of letter dated 13/06/2013 by District Account Officer Abbottabad	"AA"	83
29.	Copy of Written Statement regarding the service book of appellant	"AB"	84
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Dated 27/07/2019


(Naveed Iqbal)
(appellant in person)

BEFORE KHYBER PAKHTUNHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD

Service Appeal No: 988 of 2019

Naveed Iqbal S/O Ghulam Rabbani, AT Teacher, Government High School No.3 (English Medium), Abbottabad, Resident of Village Banda Khair Ali Khan Post office Dobather, Tehsil and District Abbottabad, Mobile No. 0301-8135181

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1076

Dated 29/7/2019 APPELLANT

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Peshawar.
2. Director of Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Elementary & Secondary Education) (Male), Abbottabad.
4. Muhammad Ayaz Superintendent (Establishment) office of the District Education Officer (Male) Abbottabad.

.....RESPONDENTS

Filed to-day
Registrar
29/7/19 **SERVICE APPEAL UNDER SECTION 4 OF NWFP (NOW KHYBER PAKHTUNKHWA) SERVICE TRIBUNAL ACT 1974 AGAINST THE MALAFIDE ACT OF THE RESPONDENTS WITH REGARD TO NOT RELEASE THE BACK BEFITS OF APPELLANT FOR THE PERIOD FROM 01/11/2010 TO 30/11/2011, 01/03/2012 TO 30/04/2012, 01/07/2012 TO 30/09/2012, 01/10/2013 TO 31/03/2016 AND 01/10/2016 TO 31/08/2017 THE SAID ACT OF THE RESPONDENTS IS TOTALLY AGAINST LAW, WITHOUT JURISDICTION, MALAFIDY AND ONLY BASED ON PERSONAL GRUDGES.**

PRAYER:

IT IS RESPECTFULLY PRAYED BEFORE THIS HONOURABLE TRIBUNAL THAT THE INSTANT APPEAL MAY GRACIOUSLY, BE ACCEPTED AND RESPONDENTS MAY KINDLY BE DIRECTED TO RELEASE ALL THE CONSTITUTIONAL BACK BENEFITS OF THE APPELLANT WITH REGARD TO SALARY FOR 58 MONTHS.

Respectfully Sheweth,

FACTS

- 1) That, the appellant was appointed as Arabic Teacher (A.T) BPS-09 in the Education Department District Abbottabad on 05.04.1999 and presently serving as a "Arabic Teacher" BPS-16 at Govt High School No.3, Abbottabad.
- 2) That, appellant was working at GMS Jabrian, Abbottabad and respondent No.3 on 08.04.2011, issued order for removal of service of appellant w.e.f 23.11.2010 with retrospective effect under Repeal Act, Special Power Ordinance 2000. **(Copy of order dated 08.04.2011 is annexed as annexure "A")**.
- 3) That, the appellant has filed Departmental Appeal before the respondent No.2 against the Removal from Service order and the same was decided by the respondent No.2 on 28.07.2011 whereby the major penalty of the appellant was converted into another major penalty "Reduction to Lower Post". The appellant feeling aggrieved by the decision of respondent No.2, filed an appeal before respondent No.1 where upon respondent No.1 sought comments from respondent No.2 vide letter dated 22.09.2011 and finally respondent No.2 issued order No.221-26 dated 02.11.2011 vide which the previous order dated 28.07.2011 held cancelled and the Minor Penalty of stoppage of four (4) increments for cumulative effects was imposed. **(Copies of departmental appeal dated 12/04/2011, order dated 28.07.2011 and Order dated 02.11.2011 are attached as annexure "B")**.
- 4) That, respondent No.3 issued adjustment order of appellant and appellant took over charge at GMS Todu Maira, Abbottabad and salary of the appellant was released w.e.f. 01/12/2010 and after one month, appellant was transferred to GMS Hazeera, Abbottabad on 07/01/2012.

- 5) That, Appellant was working at GMS Hazeera, Abbottabad meanwhile he was appointed on 16/02/2012 as a display centre Information Officer (No.96) by District Election Commissioner Abbottabad under Article 220 of Constitution of Islamic Republic of Pakistan, upon the recommendation of Executive District Office E&SE Abbottabad and appellant performed duty w.e.f. 29/02/2012 to 05/07/2012 but now respondent No.3 forcefully showed the appellant absent from duty for the same period which is totally un-justice and shows clear cut malafide on the part of respondent No.3. if the appellant was absent for the said period, then why not the disciplinary action has been taken against the appellant at that time under Rule-9 of E&D Rules 2011. **(Copies of all the relevant documents concerning with the duty of Election Commission, are annexed as Annexure "C")**
- 6) That, on 09/06/2012, appellant was transferred from GMS Hazeera to GMS Todu Maira and took over charge on 01/07/2012 and after that appellant performed his duty regularly but the salary of appellant once again stopped w.e.f. 01/07/2012 and released on 01/10/2012 alongwith arrears w.e.f. 01/03/2012 to 30/04/2012 and 01/07/2012 to 30/09/2012 (5 months).**(Copies of application and source form-II are attached as Annexure "D")**
- 7) That, when the appellant was re-instated in service and adjusted at Govt Middle School Todu Maira, Abbottabad, the salary of the appellant was released w.e.f. 01/12/2011 but the salary of appellant is still pending w.e.f. 01/12/2010 to 30/11/2011 and appellant approaches to the Peshawar High Court Abbottabad bench and the salary / arrears of the said period was drawn under the direction of Honourable Peshawar High Court Abbottabad bench, in writ petition 411-A/2012 dated 24/05/2012. **(Copy of the judgment dated 24/05/2012 alongwith relevant documents is annexed as Annexure "E")**
- 8) That, appellant was working as a Arabic Teacher at GMS Todu Maira, District Abbottabad being performing his duty without any exception /

disturbance up to April 2013, but respondent No.3 (Muhammad Riaz Swati Ex-DEO (M) Abbottabad) wrote a letter dated 09/04/2013 vide Endst: No. 2653, to concerned Head Master of Appellant regarding submission of original service book of appellant within two days and issued extra-ordinary warning of stoppage of pay and taking legal action.

- 9) That, surprising on the same time/daty, i.e. 09/04/2013, respondent No.3 (Muhammad Riaz Swati Ex-DEO (M) Abbottabad), without followed the whole relevant law & prescribed procedure, illegally and unlawfully suspended the petitioner under suspension order issued under Endst: No.2654-58 dated 09/04/2013 while the above stated letter was also issued under Endst: No. 2653 issued consecutively. The same practice shows serious illegal Mal-practice and personal ill willingness.

(Copies of both the notifications dated 09/04/2013 are annexed as Annexure "F")

- 10) That, after passing 11 days on 20/04/2013, respondent No.3 (Muhammad Riaz Swati Ex-DEO (M) Abbottabad), served charge sheet and statement of allegation to the appellant and also constituted inquiry committee and appellant appeared before the committee and submitted his reply dated 23/05/2013, similarly District Accounts Officer Abbottabad wrote a letter to respondent No. 3 on 13/06/2013 regarding to objection / dispute of genuineness of signatures on pay bill.

(Copies of charge sheet dated 20/04/2013 is annexed as Annexure "G")

- 11) That, finally the inquiry committee submitted its report on 19/06/2013 and the inquiry committee exonerate the appellant to the extent of allegation No.1 & 3 mentioned in statement of allegation dated

20/04/2013 and for allegation No.2 inquiry committee suggested as under:-

“The signature of the present DDO and the signature found posted on Source Form-II, used to draw Rs. 293,723/- should be got further verified from the hand writing expert before proceeding against the accused as clear distinction between signature posted on the body of source form-II and the specimen signature cannot be made easily”

(Copy of inquiry report dated 19/06/2013, is annexed as Annexure “H”)

That, on 29/07/2013, respondent No.3 ((Muhammad Riaz Swati) Ex-DEO (M) Abbottabad), issued a letter to appellant with the direction to deposit the salary of 17 months which was drawn by the appellant w.e.f. 01/11/2010 to 30/11/2011 and 01/03/2012. to 30/04/2012 and 01/07/2012 to 30/09/2012 and in compliance with the order of said DEO (M) Abbottabad, appellant deposited the salary of said period in the Govt Treasury. **(Copy of deposit receipt and copy of Judgment by the Honourable Supreme Court of Pakistan is annexed as annexure “I”)**

12) That, respondent No.3 (Muhammad Riaz Swati) Ex-DEO (M) Abbottabad, did not considered the suggestion of inquiry report and did not sent the disputed signature to the FSL for verification and malafidly to save himself from the contempt of court proceeding, issued the order for the compulsory retirement of the appellant from service on 19/10/2013.

(Copy of compulsory retirement order dated 19/10/2013, is annexed as Annexure “J”)

13) That, on 25/10/2013, appellant filed a Departmental Appeal before respondent No.2 against the said order dated 19/10/2013 but no

response was given and appellant filed a Service Appeal No: 206/2014 before this Hon'ble Tribunal which was dismissed on 05/10/2015.

- 14) That, appellant filed CPLA No.3493/2015 before Honourable Supreme Court of Pakistan and appellant's Civil Petition was converted into appeal and same was allowed by the Supreme Court of Pakistan on 11/02/2016, Para 03 of the order is reproduced herein below, for determination of mandate of respondents, fixed by Apex Court as well as for perusal and consideration of this Honourable Tribunal.

Para-3: The Departmental Authority and the Service Tribunal in the impugned judgments failed to this vital aspect of the case and decided the matter in entire vacuum causing serious miscarriage of justice. Accordingly this petition is converted into appeal and the same is allowed. The impugned judgment dated 05/10/2015 of the Service Tribunal and the orders dismissing the petitioner from service are set aside.

(Copy of Judgment dated 11/02/2016 of Apex Court is annexed as Annexure "K")

- 15) That, appellant submitted his application for implementation of above order of Apex Court, but in vain, at last the appellant filed Contempt of Court Petition No. 36/2016 before Honourable Supreme Court of Pakistan, after this petition respondent No.3 (Zia-ud-Din Ex-DEO (M) Abbottabad) issued reinstatement order of the appellant on 29/03/2016 and the LPC and Service book was provided one day before last proceeding of COC before Apex court but matter of arrears was pending w.e.f. 01/10/2013 to 31/03/2016

(Copies of re-instatement order dated 29/03/2016 and Order dated 29/04/2016 of Apex Court are annexed as Annexure "L")

- 16) That, in the above COC, the then competent authority, respondent No. 3 (Mr Zia-ud-Din) Ex-DEO (M) Abbottabad), was only respondent and

after this Petition, the said officer issued Notification dated 14/04/2016 and served the same to appellant relating to charge sheet and statement of Allegations, here kind attention of this Honourable Tribunal is drawn to the fact, that charges of the case mentioned in Notification dated 20/04/2013 was before Apex Court and decided by Apex Court the relevant portion of said order is also reproduced above, issuance of present Notification dated 14/04/2016, was shown to be issued on the basis of judgment dated 11/02/2016 of Apex Court, but serial No 01 & 05 of the terms of reference was additional too and related to before 20/04/2013 (date of issuance of basic notification/charge sheet) the same was not the mandate of respondent No 3 as per law and as per order of Apex Court, same has been only done under the personal grudges.

(Copy of charge sheet dated 14/04/2016 is annexed as Annexure "M")

- 17) That, appellant though filed his appeal to the higher authority (respondent No 2) on 18/04/2016, against the illegal Notification dated 14/04/2016, and requested that Apex Court has focused the points to be further probe/investigate but appellant has no knowledge about its proceedings/findings or any decision, it seems it is still pending.

(Copy of the appeal dated 18/04/2016, is annexed as Annexure "N")

- 18) That, after 5 and half months from the issuance of Notification dated 14/04/2016, respondent No 3 (Zia-ud-Din Ex-DEO Abbottabad) once again issued Notification dated 27/09/2016 for compulsory retirement of appellant from service although the transfer order of said DEO (Zia-ud-Din) has already been issued on 23/09/2016. **(Copy of compulsory retirement order dated 27/09/2016 is annexed as Annexure "O")**

19) That, appellant filed departmental Appeal against the said order before respondent No.2 on 01/10/2016, who conducted inquiry but same is still pending after passing the statutory period of 90 days, and appellant's filed Service Appeal No.58/2017 which was accepted on 24/08/2017. The relevant Para of the Judgment dated 24/08/2017 is being reproduced as under:-

"In view of the said observation of the August Supreme Court of Pakistan, the appeal is accepted and the impugned order is set-aside with the direction to the departmental authority to send the signatures of said Qazi Tajamal Hussain for verification to Hand Writing Expert and thereafter proceed by referring the report of the expert to the inquiry officer and the inquiry officer shall submit his new recommendation after considering report of the expert to authority and the authority shall then proceed further on the basis of fresh inquiry report"

(Copy of order dated 24/08/2017 of this Hon'ble Tribunal is annexed as Annexure "P")

20) That, on 29/08/2017, appellant submitted an application for implementation of the judgment of this Hon'ble Tribunal dated 18/09/2017, and respondent No.3 issued re-instatement order of the appellant and appellant took over charge at Govt High School No.3, Abbottabad and the salary of appellant was released but arrears of salary w.e.f. 01/10/2016 to 31/08/2017 is still pending. **(Copies of application dated 29/08/2017 and re-instatement dated 18/09/2017 are annexed as annexure "Q")**

21) That, on 28/10/2017, respondent No.3 (Qazi Tajamal Hussain) send the photo copies of disputed signatures to FSL Peshawar for verification and in written reply dated 31/10/2017, FSL Peshawar sated that the Photostat disputed source for, supplied does not serve the purpose of

forensic scientific examination and comparison work. Hence, original may be provided for detailed examination and comparison purpose and signature in original of the official Qazi Tajamal Hussain may also be produced. And on 16/11/2017, respondent No.3 wrote a letter to District Account Officer Abbottabad for providing the original source form-II for verification purpose but the District Account Officer Abbottabad replied on 17/11/2017 that the record of this office has been overhauled and the instant source is not traceable in our record and after that respondent No.3 once again wrote a letter to FSL Peshawar in which the respondent No.3 wrote that: "proceed the further in the light of judgment of Hon'ble Service Tribunal and the routine/admitted signatures in original of the official are enclosed herewith as directed by your office" but the FSL Peshawar once again returned the same to respondent-3 with remarks that verification of signatures posted on source form-II dated 11/09/2012 is not possible through Photostat and resultantly the allegation of bogus signature leveled against the appellant has not been proved.

(Copies of all the relevant correspondence with FSL Peshawar by respondent No.3 are annexed as Annexure "R")

22) That, on 31/03/2018 respondent No.3, wrote a letter to Inquiry Committee alongwith FSL report for sending their fresh recommendation in the light of FSL report and inquiry committee submitted its fresh report on 23/04/2018. **(Copies of letter dated 31/03/2018 and fresh inquiry report dated 23/04/2018 are annexed as Annexure "S")**

23) That, respondent No.3 issued a Regular re-instatement Notification with immediate effect vide Endst: No. 3437-45, dated 21/03/2019 and imposed major penalty of "Reduction to 03 lower stages in time scale". **(Copy of notification dated 21/03/2019, is annexed as Annexure "T")**

24) That, feeling aggrieved by the said notification, filed an appeal on 28/03/2019 for grant of all back benefit for the period of 01/11/2010 to 30/11/2011, 01/03/2012 to 30/04/2012 , 01/07/2012 to 30/09/2012 , 01/10/2013 to 31/03/2016 and 01/10/2016 to 31/08/2017 but the appeal of appellant was not honored by the competent authority. **(Copy of appeal dated 28/03/2019 is annexed as Annexure "U")**

25) That, respondent No.4 have a personal grudges with the applicant due to which he did not provide any concerning / necessary record to the appellant and willfully creates hurdles in all the genuine and lawful matters relating to the DEO office in this regard he, till now forwarded the departmental appeal of the applicant dated 28/03/2019 to Respondent No.3 although the file of said departmental appeal related to another section and respondent No.4 have no concern with the same but only due to personal grudges he is creating hurdles for appellant. Moreover, respondent No.4 also creates hurdles for implementation of all the Judgments of the honourable court, passed in the favour of appellant.

26) That, after passing the statutory period of 90 days and within 120 days of specific period from the submission of departmental remedy / presentation. *Hence this appeal inter-alia on the following grounds:-*

GROUND:

- a) That, it is clearly mentioned in the Article-11 of the Constitution of Islamic Republic of Pakistan 1973, that slavery, forced Labour etc, is totally prohibited into Pakistan in any form.
- b) That, all the termination orders of the appellant was totally illegal, unlawful and without proving allegations and only issued under personal grudges.
- c) That, the CPLA No.3493/2015 was accepted with all back benefits by the Apex Court but respondents are using delaying tactics to compliance with the order of Apex court dated 11/02/2016.
- d) That, in charged sheet dated 20/04/2013, the appellant was leveled with the allegations of bogus signatures of Mr. Zafar Arbab Abbasi but the same was not proved during the inquiry and respondent No.3 himself mentioned in the final order dated 19/10/2013, that the signatures were not genuine.
- e) That, the order dated 19/10/2013 was issued to save his skin from the contempt of court proceedings initiated against him whose date of hearing was fixed for 31/10/2013, but it is pertinent to mention here that even then the contempt has been committed by respondent No.3, who while disobeying the orders of Honourable Service Tribunal, compulsorily retired from service. **(Copy of contempt of court proceeding is annexed as annexure "V")**

f) That, after re-instatement order, the appellant is fully entitled for all back benefits for the period in which he remained out of service in the light of Judgment of Honourable Supreme court of Pakistan.

i) 2005 SCMR 1032 (ii) 2006 SCMR 1155.

g) That, appellant regularly performed his duty w.e.f. 23/11/2010 to 08/04/2011 but respondent No.3 issued the termination order of the appellant on 08/04/2011 w.e.f. 23/11/2010 which is totally void and illegal order because the said order was issued with retrospective effects which is clearly against the Judgment of August Apex Court. (1985 SCMR 1178) **(Copy of Attendance certificate of appellant GMS Jabrian is annexed as annexure "W")**

h) That, the Notification dated 14/04/2016 was issued against the order of Apex Court dated 11/02/2016, and it was not mandate of respondent No 03 under the law.

i) That, allegation of bogus signatures of Qazi Tajamal Hussain leveled against the appellant, was not proved bogus in the FSL report.

j) That, Rs. 447,573/- is a salary amount of the appellant which has been admitted by the respondent No.3 in charge sheet dated 20/04/2013 and inquiry committee also recommended that the said amount is salary amount of the appellant.

k) That, it was clearly proved from the record that respondents stopped the salary of appellant while he was performing his duties regularly without receiving salary and after the clear directions of Peshawar High Court in two Writ Petitions regarding to arrears of pay, respondents recovered whole amount of Rs.447,573/- on the basis of warning / directions and threats of registration of criminal case given in show cause notice dated 29/07/2013.

l) That, in the process of cross examination the concerned officer DDO(Mr.Qazi Tajamal Hussain) has totally failed to prove the genuineness of his signatures and his reply is not to the point but he did not explain the real position in his cross.

m) That, Appellant was appointed as a display centre Information Officer (No.96) by District Election Commissioner Abbottabad under Article 220 of

Constitution of Islamic Republic of Pakistan, upon the recommendation of Executive District Office E&SE Abbottabad.

- n) That, appellant has been performing his regular duty at GMS Todu Maira Abbottabad w.e.f. 01/07/2012 to 30/09/2012 but the salary of the appellant for said period was illegally stopped by the respondents. **(Copy of Attendance Certificate GMS Todu Maira, is annexed as Annexure "X")**
- o) That, the salary alongwith arrear of appellant for the month of Oct 2012 and Dec 2012 was accepted during the re-conciliation process and if there was any illegality then why not the respondents take any immediate action at that time. **(Copies of reconciliation report for the month of Oct & Dec 2012, is annexed are Annexure "Y")**
- p) That respondent No.3 (Mr Zia-ud-Din) was personally the party in COC petition before Apex Court and he is not legally entitled to issue Notification dated 14/04/2016, and he should have to refer the same case to higher authority.
- q) That, respondent No. 3 was threatening the appellant for deposit of salaries which was drawn by appellant in the light of the Judgment of Honourable Peshawar High Court Abbottabad Bench dated 24/05/2012, due to which on 20/07/2013, appellant submitted an application before respondent No.2 against the act of respondent No.3 and respondent-2 wrote a letter to respondent No.3 on 05/09/2013 but respondent No. 3 paid no heed to the letter of respondent No.2 which is totally misconduct on the part of Higher Authority. **(Copies of application dated 20/07/2013 and letter dated 05/09/2013 of respondent No.2 are annexed as annexure "Z")**
- r) That, on 13/06/2013 District Account Officer Abbottabad, wrote a letter to respondent No.3 with regard to the signatures of Qazi Tajamal Hussain at Source Form-II, the relevant Para of which is as under:-

"The objection of signatories to the extent of disowning their signatures may cause problem for this office and may affect the fluent performance of this office because there is not even a single iota between the signature on the claim and in our record"

(Copy of letter dated 13/06/2013 by District Account Officer Abbottabad, is annexed as Annexure "AA")

- s) That, respondent No.3 (Qazi Tajamal Hussain) give his written statement to inquiry committee that the original service of the appellant was with the concerned dealing clerk and all the entries in service book was made by me and affixed my signatures. **(Copy of Written Statement regarding the service book of appellant, is annexed as Annexure "AB")**
- t) That, it is also pertinent to mention that respondent No.3 issued adjustment order of the appellant dated 09/06/2012 and also showed the appellant absent from the duty for the said period. **(Copy of order dated 09/06/2012 is annexed as annexure "AC")**
- u) That, the instant Appeal is well within time and other points shall be raised during the course of arguments with the prior permission of this Hon'ble Tribunal.

It is therefore, respectfully prayed that the instant appeal may graciously be accepted, and respondents may kindly be directed to release the all constitutional back benefits of the appellant with regard to salary for 58 months for the period from 01/11/2010 TO 30/11/2011, 01/03/2012 TO 30/04/2012, 01/07/2012 TO 30/09/2012, 01/10/2013 TO 31/03/2016 AND 01/10/2016 TO 31/08/2017. Any other relief which this Honourable Tribunal deem fit and proper in the circumstance of the case, may also be granted to the appellant

Dated 27/07/2019

(Naveed Iqbal)
(Appellant In person)

AFFIDAVIT:

I, Naveed Iqbal S/O Ghulam Rabbani, A.T Teacher, Government High School No.3 (English Medium), Tehsil & District Abbottabad, Resident of Banda Khair Ali Khan Post office Dobather, Tehsil and District Abbottabad, **Appellant**, do hereby affirm on oath that contents of instant appeal are correct and true to the best of my knowledge and belief and nothing has been suppressed from this Honourable Tribunal and instant appeal is first appeal and same nature of any other appeal is not pending before this Honourable Tribunal.

Dated 27/07/2019

DEPONENT
(Naveed Iqbal)
(appellan In person)

1807

ANNEXURE
A

Whereas, Mr. Naveed Iqbal, AT Govt. Middle School Jabbarian (Abbottabad) submitted the following gross irregularities:-

1. Whereas, the above named teacher submitted forged/fake letters on behalf of Directorates E&SE as well as Service Tribunal Peshawar relating to his transfer/cancellation.

2. Whereas, enquiry was conducted against him by the orders of Directorates E&SE Peshawar vide letter No. 4041 dated 11/11/2011 wherein the above noted charges have been proved.

3. The Enquiry Officer recommended grave punishment against said teacher being responsible for production of fake/bogus letters including No.6624 dated 15/7/2010 from Director E&SE Khyber Pakhtunkhwa Peshawar and No.1962/ST dated 05/07/2010 from Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar relating to his transfer from GHS No.3 to GMS Jabbarian.

4. Whereas, Final Show Cause Notice was served upon the above named teacher vide this office Endst: No 559-65 dated 15/01/2011 directing him to intimate the cause of above noted irregularities/unlawful acts.

5. Whereas the reply given by the teacher is neither convincing nor satisfactory, and is not acceptable.

6. And whereas, the competent authority has come to the conclusion that the above noted charges have been proved and are of serious nature which demand Major penalty under Special Power Ordinance 2000.

7. Whereas, the accused teacher was also provided opportunity of Personal Hearing on 05/04/2011 before District Coordination Officer/Executive District Officer E&SE Abbottabad. Now, therefore, the competent authority after complete satisfaction under NWFP Removal from Service (Special Power) Ordinance 2000 has been pleased to order the Removal from Service in r/o Mr. Naveed Iqbal, AT GMS Jabbarian Abbottabad w.e.f. 23.11.2010.

Jd
DISTRICT COORDINATION OFFICER
ABBOTTABAD

Endst: No. EB-W/P.F/Naveed Iqbal, AT/ 4607-46 /Dated 8-4 /2011

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

1. The Directress (E&SE) Khyber Pakhtunkhwa Peshawar for information with reference to letter File No 502/A -15/CM/CT/AT/ A.Abad/ Posting & Transfer No.1258 dated:11-02-2011.
2. District Comptroller of Accounts Abbottabad.
3. Principal GHS No.3 Abbottabad.
4. P/S to Secretary (E&SE) Govt. of Khyber Pakhtunkhwa Peshawar.
5. Budget and Account officer local office.
6. Headmaster GMS Jabbarian Abbottabad with the remarks to deliver the above letter to the teacher concerned and compliance report submitted to this office
7. Naveed Iqbal, AT GMS Jabbarian Abbottabad.
8. Naveed Iqbal S/O Chulani Rabbani Village Banda Khan Ali Khan P/O Dohather Tehsil & District Abbottabad (through Regd./AD)

AMESTER

[Signature]
EXECUTIVE DISTRICT OFFICER
ELEM: & SECY: EDU: A.ABAD.

بخدمت جناب ڈائریکٹر ایس ایچ ایڈمنسٹری ایٹو سیکنڈری ایجوکیشن صوبہ خیبر پختونخواہ پشاور

عنوان: اپیل برخلاف آرڈر نمبر 14-4607 مورخہ 08-04-2011

جاری کردہ DCO ضلع ایبٹ آباد اور IEDO ایڈمنسٹری ایٹو سیکنڈری ایجوکیشن ضلع ایبٹ آباد

جناب عالی!

موجبات اپیل ذیل ہیں۔

سائل کی تقرری بحیثیت معلم عربی 10-04-1999 کو ہوئی۔

تعلیمی کوائف: ایم اے عربی، ایم اے اسلامیات، شہادۃ العالمیہ، ایم ایڈ، بی ایڈ، سی ٹی

1- سائل کو برخاستگی ملازمت کے آرڈیننس 2000ء کے تحت برخاست کیا گیا ہے جبکہ مذکورہ آرڈیننس منسوخ ہو چکا ہے منسوخ کئے گئے قانون کے مطابق برخاستگی غیر قانونی ہے اور جملہ کارروائی غیر قانونی اور غیر آئینی ہے۔

2- یہ کہ سائل کے خلاف سروس ٹریبونل کے حکم مورخہ 04-10-2010 کے تحت کارروائی کی گئی ہے جو کہ سروس اپیل نمبر 1199 سال 2010ء میں جاری کیا گیا۔ سروس اپیل نمبر 1199 اپیل کنندہ مسعی عبدالرشید AT نے ٹرانسفر آرڈر مورخہ 20-05-2010 کیخلاف دائر کی تھی اپیل کے دوران ہی اس نے خود مذکورہ تبادلہ کا آرڈر مورخہ 29-06-2010 کو منسوخ کروا دیا اس کے بعد سائل کے حق میں آپ نے مورخہ 15-07-2010 کو 29-06-2010 کا آرڈر منسوخ کر دیا لہذا اس طرح عبدالرشید AT کی اپیل نمبری 1199 سال 2010 مورخہ 29-06-2010 کو ہی غیر مؤثر ہو گئی تھی اس وجہ سے سائل اس غیر مؤثر اپیل میں سروس ٹریبونل کی عدالت میں حاضر نہیں ہو سکا اور نہ ہی اپنے حقوق کا مناسب دفاع کر سکا۔ سائل کی عدم موجودگی میں کارروائی عدالت میں کی گئی۔

ATTESTED

(Signature)

3- یہ کہ عدالت کے حکم مورخہ 04-10-2010 کو سائل نے کسی عدالت میں اور نہ کسی کورٹ میں چیلنج کیا اور اس آرڈر کے بحال ہونے کی وجہ سے اصل حقائق کو ضلعی انتظامیہ نہ تو ریکارڈ پر لائی ہے اور نہ غور کیا ہے اصل حقائق یہ ہیں کہ سروس ٹریبونل میں مذکورہ لیٹر عبدالرشید AT نے دیا تھا جو کہ سروس ٹریبونل کی آرڈر شیٹ مورخہ 24-08-2010 میں واضح طور پر درج ہے۔

4- یہ کہ سائل کے خلاف سروس ٹریبونل کا آرڈر مورخہ 04-10-2010 کو جب تک منسوخ یا نظر ثانی نہیں کیا جاتا اس وقت اصل حقائق سامنے نہیں آسکتے اور نہ ہی سائل کے خلاف اس آرڈر میں Major penalty کی سزا درج ہے اس لئے سائل نے اس بارے میں ایک نظر ثانی کی اپیل چیئر مین سروس ٹریبونل پشاور کے پاس مورخہ 11-04-2011 کو کی (جسکی کاپی لف ہے۔)۔

5- یہ کہ سائل نے اپنا تبادلہ GHS نمبر 3 ایبٹ آباد میں کرانے کے لئے وزیر اعلیٰ صاحب کو باضابطہ درخواست دی ہے مورخہ 02-07-2010 کو وزیر اعلیٰ صاحب نے ہدایت جاری کی جس پر مورخہ 15-07-2010 کو عمل درآمد ہوا اور سائل GHS نمبر 3 ایبٹ آباد میں آرڈر کی تکمیل کرتے ہوئے ڈیوٹی پر حاضر ہو گیا۔

6- یہ کہ DCO اور EDO ایجوکیشن ایبٹ آباد صاحبان انکوائری بمطابق قانونی نہیں ہوئی ہے اور نہ سائل کو انکوائری آفیسر کے سامنے اپنی صفائی کا مناسب موقع دیا ہے اور نامکمل انکوائری کی گئی ہے اکثر معاملات میں ایک طرفہ کارروائی کی گئی قانونی تقاضے کسی بھی طرح پورے نہیں کئے گئے۔

- پرنسپل کی رپورٹ اور صوبے کے پہلے ماڈل سکول کے طلباء کے بیانات کو یکسر نظر انداز کیا گیا اور عبدالرشید AT کے 27 سالہ Tenure پر پردہ ڈالا گیا۔

TESTED
W

8- یہ کہ برخاستگی کا آرڈر 08-04-2011 کو جاری کیا گیا ہے جبکہ اسکا اطلاق سابقہ تاریخ 23-11-2010 سے کیا گیا ہے جو کہ غیر قانونی ہے اور اعلیٰ عدالتوں کے فیصلوں کے صریحاً خلاف ہے اور قابل منسوخی ہے
استدعا ہے کہ ملازمت سے برخاستگی کا حکم

EB/II/P,F/ Naveed Iqbal ,AT/ 4607-14 Dated 04-08-2011

کو منسوخ کیا جائے اور سائل کو ملازمت پر اپنی جملہ سابقہ حیثیت میں اسی تاریخ یعنی 23-11-2010 کو بحال کیا جائے اور تمام بقایا جات ادا کئے جائیں جب تک اپیل ہذا کا فیصلہ نہیں ہوتا اس وقت تک آرڈر نمبر 4607-14 مورخہ 08-04-2011 کو معطل کی جائے

العارض

نوید اقبال ولد غلام ربانی
مذکورہ اہل
گاؤں بانڈہ خیر علی خان P/o دو بھتر تحصیل ضلع ایبٹ آباد

المرقوم 12-04-2011

کاپی برائے

- 1- چیف سیکرٹری خیبر پختونخواہ پشاور
- 2- سیکرٹری ایلیمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ پشاور
- 3- ڈی سی اوزلع ایبٹ آباد
- 4- ای ڈی اوا ایلیمنٹری اینڈ سیکنڈری ایجوکیشن ضلع ایبٹ آباد

ATTESTED

18
DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION, KHYBER
PAKHTUNKHWA, PESHAWAR

ORDER


1. WHEREAS, Mr. Naveed Iqbal A.T Govt: Middle School Jabrian A/Abad was proceeded against under the NWFP, Removal from service (Special Powers) Ordinance, 2000 for the charges mentioned in the Show cause notice issued by the Executive Distt: Officer (E&SE) vide Endst: No 559-65 dated 15-1-2011 which are reproduced below:-
 - i. As per enquiry report conducted by the Headmaster GHS Akhoon abad Peshawar received with letter No. 21 dated 12-10-2010, the teacher concerned produced forged/fake letters on behalf of the Directress E&SE Khyber Pakhtunkhwa Peshawar as well as Khyber Pakhtunkhwa Service Tribunal Peshawar relating to his transfer/cancellation.
2. AND WHEREAS the Competent Authority (Distt: Coordination Officer A/Abad), after having considered the charges, evidence on the record, explanation of the accused teacher, was of the view that the charges leveled against him in the Show cause notice were proved and the teacher concerned was removed from service with effect from 23-11-2010 vide order Endst: No. EB-II/P.F/Naveed Iqbal AT/4607-14 dated 8-4-2011
3. AND WHEREAS he submitted an appeal for review of the order dated 8-4-2011.
4. NOW, THEREFORE, on acceptance of the appeal of Mr. Naveed Iqbal A.T Govt: Middle School Jabrian A/Abad, the Appellate Authority is pleased to convert the major penalty of Removal from service into major penalty of reduction to lower post of ~~Theology teacher with effect from 23-11-2010.~~

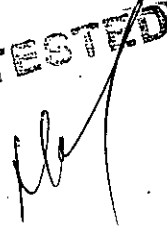
DIRECTOR
ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR

Endst:No. ~~3209-331~~ /F.No.502/A-15/DM/AT(M)/ Dated Peshawar the ~~13/07/2011~~ 28/7/2011.

Copy forwarded to the:-

- 1- Distt: Coordination Officer A/Abad
- 2- Executive Distt: Officer E&SE A/Abad
- 3- Distt: Accounts Officer A/Abad
- 4- Teacher concerned
- 5- PA to the Directress E&SE Khyber Pakhtunkhwa Peshawar


28/7/2011
Deputy Director (Establishment)
E&SE, Khyber Pakhtunkhwa, Peshawar

ATTESTED


DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION, KHYBER
PAKHTUNKHWA, PESHAWAR

ORDER

1. WHEREAS, Mr. Naveed Iqbal A.T. Govt. Middle School Jabrian A/Abad was proceeded against under the NWFP, Removal from service (Special Powers) Ordinance, 2000 for the charges mentioned in the Show cause notice issued by the Executive Distt. Officer (E&SE) vide Endst. No 559-65 dated 15-1-2011 which are re-produced below:-
2. As per enquiry report conducted by the Headmaster GHS Akhoun abad Peshawar received with letter No. 21 dated 12-10-2010, the teacher concerned produced forged/fake letters on behalf of the Directress E&SE Khyber Pakhtunkhwa Peshawar as well as Khyber Pakhtunkhwa Service Tribunal Peshawar relating to his transfer/cancellation.
3. AND WHEREAS the Competent Authority (Distt. Coordination Officer A/Abad), after having considered the charges, evidence on the record, explanation of the accused teacher, was of the view that the charges leveled against him in the Show cause notice were proved and the teacher concerned was removed from service with effect from 23-11-2010 vide order Endst. No. EB-II/P.F/Naveed Iqbal AT/4607-14 dated 8-4-2011
4. AND WHEREAS he submitted an appeal for review of the order dated 8-4-2011.
5. NOW, THEREFORE, on acceptance of the appeal of Mr. Naveed Iqbal A.T Govt. Middle School Jabrian A/Abad, the Appellate Authority is pleased to convert the major penalty of Removal from service into minor penalty of stoppage of 4 (four) increments for accumulative effect.

The orders issued vide this office Endst. No. 3229-33 dated 28-7-2011 is hereby cancelled.

DIRECTOR
ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR

Endst. No. 221-26 /F.No.502/A-15/DM/AT(M)/ Dated Peshawar the 02-11/2011.

Copy forwarded to the:-

1. Distt. Coordination Officer A/Abad
2. Executive Distt. Officer E&SE A/Abad
3. Distt. Accounts Officer A/Abad
4. H.M GMS Jabrian A/Abad
5. Teacher concerned
6. PA to the Directress E&SE Khyber Pakhtunkhwa Peshawar

Deputy Director (Establishment)
E&SE, Khyber Pakhtunkhwa, Peshawar

ATTESTED



ABBOTTABAD
15th March, 2012

To,

The Executive District Officer
(Education) Abbottabad.

Subject:

REVISION OF ELECTORAL ROLLS, 2011-2012.

I am directed to forward an application submitted by Naveed Iqbal, AT, GMS Hazeera, Abbottabad, appointed as Display Center Information Officer, GGPS Banda Khair Ali Khan, which is self Explanatory and this office order of even number dated 16th February, 2012 (Copy enclosed), on the above subject and to say that the position may kindly be clarified. If the situation is as has been reported by the official in question, then the reason thereof may be reported as he is performing his constitutional duty with the Election Commission of Pakistan, under the provisions of Article 220, constitution of the Islamic Republic of Pakistan.

2. His pay should be restored if stopped, under intimation to this office.

Yours faithfully

(MUHAMMAD ISHAQUE KHAN)
Election Officer Office of the
District Election Commissioner
Abbottabad

Copy forwarded for information to:-

1. The Regional Election Commissioner, Hazara Division Abbottabad
- ✓ 2. Mr. Naveed Iqbal AT, GMS Hazeera/DCIO Banda Khair Ali Khan.

(MUHAMMAD ISHAQUE KHAN)
Election Officer Office of the
District Election Commissioner
Abbottabad

Verified
G. S. Khan

AP*J.**

ATTESTED

Ma



No.E.2 (113)/2008-ELs/DECA
OFFICE OF THE
DISTRICT ELECTION COMMISSIONER
ABBOTTABAD

ABBOTTABAD
10th July, 2012

PERFORMANCE CERTIFICATE

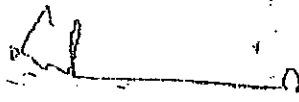
It is certified that Mr. Naveed Iqbal A.T GMS Todo Maira Ex-GMS Hazzeera Abbottabad was appointed as Display Center Information Officer(No.96) at GGPS Banda Khar Ali Khan by the District Election Commissioner Abbottabad upon recommendation of the Executive District Officer Elementary & Secondary Education Abbottabad for the following area w.e.f 29.02.2012 to 02.05.2012:-

1. Banda Khair Ali Khan UC Jhangi PK-46.
2. Banda Amlok UC Jhangi PK-46.
3. Deliry UC Jhangi PK-46.

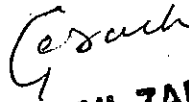
Additional, he was assigned the duty of voters' entries as well for the following area w.e.f 03.05.2012 to 05.07.2012:-

1. Link Road, Abbottabad PK-44
2. Kareem Pura, Abbottabad PK-44
3. College Road, Abbottabad PK-44
4. Gulistan Colony, Abbottabad PK-44
5. Gammi Adda, The Mall, Abbottabad PK-44

Further stated that he was engaged in his constitutional duty with the Election Commission of Pakistan under the provisions of Article 220 of the Constitution of Islamic Republic of Pakistan w.e.f 29.02.2012 to 05.07.2012 (full time) for the said purpose.


(SARDAR JEHAZEB)
District Election Commissioner
Abbottabad

Verified


GUL ZADA
District Election Commissioner
Abbottabad

ATTESTED




22

No.F.2(113)/2008-ElS/DECA
OFFICE OF THE
DISTRICT ELECTION COMMISSIONER
ABBOTTABAD.

ABBOTTABAD
April 14, 2016

The District Education Officer (Male),
Abbottabad.

Subject: REVISION OF ELECTORAL ROLLS, 2011-2012.

Enclosed please find herewith an application in original submitted by Mr. Naveed Iqbal AT, GHS No.3, Abbottabad regarding payment of pay for the month of March & April, 2012. In this connection it is submitted that as per attached order, the teacher concerned was appointed/deputed as Display Center Information Officer at GGPS Banda Khair Ali Khan for preparation of fresh Computerized Electoral Rolls, 2012 and he was not in position to attend the school with effect from 29th February, 2012 to 2nd May, 2012. Thus he was declared/marked absent from his duties and his pay was stopped for the month of March & April, 2012. In this connection you were requested vide this office letter of even No. dated 15th March, 2012 to restore the pay of above named teacher for the said period but no fruitful result has been borne hitherto despite repeated request and lapse of 3 years.

It is once again requested that if actually the pay of the teacher concerned is stopped for the said period due to the awful engagement in the National Task may kindly be paid/restored under intimation to this office.

Your best co-operation in this regard shall be highly appreciated.

Encl: As above.

(GUL ZADA)
District Election Commissioner,
Abbottabad.

Copy forwarded for information to the:-

1. Provincial Election Commissioner, Khyber Pakhtunkhwa, Peshawar.
2. Director Education Secondary Schools, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commissioner, Abbottabad.
4. Regional Election Commissioner, Hazara Division, Abbottabad.
5. Mr. Naveed Iqbal, AT, GHS, No.3 Abbottabad.

They are requested to expedite the matter in question from the authority concerned as early as possible as the matter has been delayed inordinately and the teacher concerned is pressing hard for early payment for the said period.

Gul Zada
(GUL ZADA)
District Election Commissioner,
Abbottabad.

Verified

Gul Zada
GUL ZADA
District Election Commissioner
Abbottabad

ATTESTED

Muhammad



No.F.7(46)/2013-EIs (PEC) 23
OFFICE OF THE
PROVINCIAL ELECTION COMMISSIONER
KHYBER PAKHTUNKHWA

UMS

PESHAWAR
April 10, 2017.

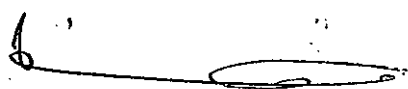
Mr. Naveed Iqbal,
P.O Box No.146,
General Post Office,
ABBOTTABAD

Subject: - REQUEST FOR PROVISION OF DOCUMENTS.

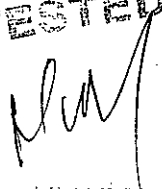
Reference your application dated 4/4/2017, for provision of documents, on the subject noted above.

2. In this connection it to inform you that the matter with regard to payment of 2-months salary i.e. March & April, 2012, was discussed by this office in a meeting with the Additional Secretary, Elementary Education Khyber Pakhtunkhwa, Peshawar who assured that the salary for the period during which you performed your duties as Incharge Display Center will be paid to you, and nothing is available in black & white with this office which could be shared with you.

3. You are, therefore, advised to approach your parent department for the payment of outstanding dues.


(NAVEED UR REHMAN)
Election Officer (Elections)

Naveed Iqbal 2 month salary 7 4 17 Asghar.doc

ATTESTED


To

The District Education Officer,
E&SE, District Abbottabad.

ANNEXURE
D

24
16

SUBJECT: APPLICATION FOR THE PRODUCTION OF DOCUMENTS AS MENTIONED IN PARA 2 i.e "A" to "F".

Respected Sir,

1. That, applicant's service appeal bearing No.206/14 is pending adjudication before Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. That, applicant moved a written request before the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar on 21.04.2014 and 22.05.2014 in respect of production of applicant's record from respondent No.3 (DEO) before the Hon'ble Tribunal. The Hon'ble Tribunal directed the respondent No.3 to present/produce the same before Hon'ble Tribunal on the next date. The detail of required documents are as below:-
 - A) Attested photo copy of service book of appellant
 - B) Verification report of District Accounts Officer Abbottabad regarding both the DDOs signatures on Source Form-II.
 - C) Written expert/laboratory report of the signatures of Mr.Qazi Tajamul Hussain (DDO) on Source Form-II.
 - D) The notification regarding stoppage of applicant's salary for the periods w.e.f 01.12.2010 to 30.11.2011, 01.03.2012 to 30.04.2012 & 01.07.2012 to 30.09.2012.
 - E) The notification regarding release of applicant's salary for the periods w.e.f 01.12.2011 to 28.02.2012, 01.05.2012 to 30.06.2012, 01.09.2012 and 01.10.2012 to 31.03.2013.
 - F) The implementation report of order dated 24.05.2012 passed by Hon'ble Peshawar High Court, Abbottabad Bench in W.P No.411-A/2012.
3. That, on 26.06.2014, the representative of department took the stance that he will produce the record on next date i.e 28.08.2014. On 28.08.2014, no representative was present before the Hon'ble Tribunal.
4. That, on the above said date, applicant's complaint before the Hon'ble Tribunal regarding non-compliance of Hon'ble Tribunal order and thereafter non-production of applicant's record.
5. That, the Hon'ble Tribunal directed the applicant to move application before your good self for the production of applicant's entire record hence, the instant application accordingly.

It is, therefore, requested that as the applicant's service case is at last stage i.e final arguments hence applicant may graciously be given the above said documents/record i.e *Para 2 "A" to "F"* forthwith.

Dated:-06-09-2014

...APPLICANT

Naveed Iqbal,
S/o Ghulam Rabbani,

R/o Village Banda Khair Ali Khan, District Abbottabad.

COPY FOR INFORMATION:-

- 1) The Hon'ble Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar with reference to service appeal No.206/14 titled as "Naveed Iqbal Vs Govt. of KPK" pending adjudication before the Hon'ble Tribunal.
- 2) Secretary, E&SE, KPK, Peshawar (respondent No.1 of service appeal No.206/14).
- 3) Director, E&SE, KPK, Peshawar (respondent No.2 of service appeal No.206/14).

ATTESTED

5488

6-9-2014



**PAYROLL SYSTEM
APPENDIX FORM
SINGLE EMPLOYEE ENTRY**

FORM: PAY02

Date:

Page No. 1

OFFICE OF THE

District Education - Year (M) All-Tabbed

FOR THE MONTH OF October 1 2012

DDO Code: - 1 6 0 2 8 Description: AC (M) ATEL

Personal Number: 0 0 0 7 3 4 7 5 Employee Name: Noneek, Gopal (AT)

Netrol ID: _____
Cell Number: _____

Grade (Pay Scale Group): 15

Set: Set Sup

GENERAL DATA CHANGES

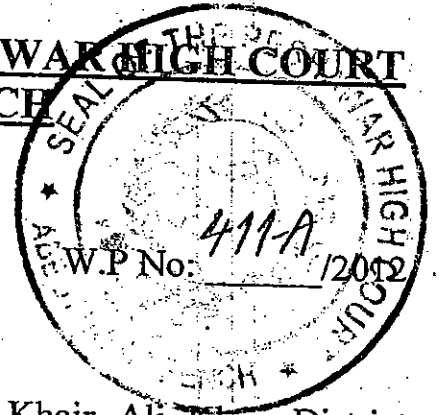
CHANGE IN PAYMENTS / DEDUCTIONS

Line #	Item ID	New Contents #	Wage Type #	Rate #	Amount	Paid As	Effective Date	Remarks #
	Basic Pay		5801	84	5000	-		Addressed Pay
	House Rent All.		5002	7830	-	-		Q note -
	Medical Allow.		5012	5000	-	-		3-2012
	Addl. Relief (10)		5892	84	6000	-		1/2
	ARA (MOT)		5910	7380	-	-		36-4-2012
	ARA (MOT)		8118	1014	-	-		1-7-2012
	Comm = Allow		5871	94	800	-		to
	VAA		5898	5000	-	-		36-9-2012
	Total			5385	00	-		(5 months)

Pieces = one last 10 days: Manual Split

[Handwritten signature]
DATE: _____

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT
ABBOTTABAD BENCH**



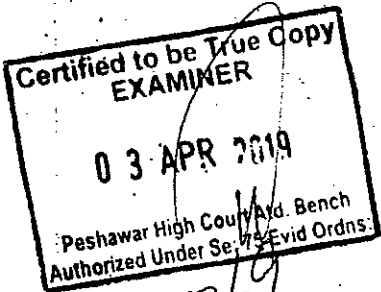
Naveed Iqbal s/o Ghulam Rabbani r/o Banda Khair Ali Khan District
Abbottabad.

.....PETITIONER

VERSUS

1. Govt. Of Khyber Pakhtunkhwa through Secretary of Govt. of KPK
Elementary and Secondary Education, Peshawar
2. Director Elementary and Secondary Education, Dubgari Garden,
Peshawar.
3. District Co-ordination officer, Abbottabad.
4. Executive District Officer Elementary and Secondary Education
Abbottabad.
5. Abdul Rasheed , Arabic Teacher, GHS no: 3, Abbottabad.
6. Amanullah , Arabic Teacher, GHS Jabrian , District Abbottabad.

..... RESPONDENTS



1769
No 19/5/12

[Handwritten signature]
19/5/12

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973, WITH PRAYER THAT THE
ORDER OF CANCELLATION OF TRANSFER OF
THE PETITIONER DATED: 29/06/10 No: 8870-76,
THE TRANSFER ORDER OF THE PETITIONER
DATED 30/11/11 No: 12311-16 AND THE TRANSFER
ORDER OF THE PETITIONER DATED 7/01/12 NO:
146-49, MADE BY RESPONDENT NO:4 MAY
GRACIOUSLY BE DECLARED NULL AND VOID
BEING BASED ON MALAFIDE, WITHOUT

ATTESTED

[Handwritten signature]

Judgment Sheet

IN THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

JUDICIAL DEPARTMENT

WP No. 411-A of 2012

JUDGMENT

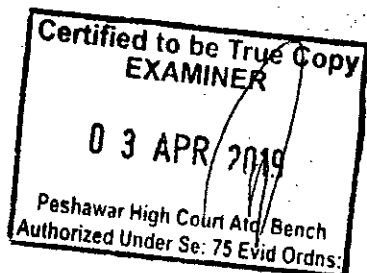
Date of hearing.....24/05/2012.....

Petitioner... (Naveed Iqbal) by Mr. Amir Hafeez Abbasi,
Advocate.....

Respondent... (Govt of KPK through Secretary
Elementary and Secondary Education etc)
by Mr. Muhammad Nawaz Khan Swati, AAG
.....

YAHYA AFRIDI:-J:- Naveed Iqbal seeks the
Constitutional jurisdiction of this Court praying
that;

*"It is, therefore, prayed that the
office orders No.8870-76 dated
29.06.2010, No.12311-16 dated
30.11.2011 and No.146-49 dated
7.1.2012 issued by respondent No.4,
may graciously be declared null and
void and the petitioner may be re-
posted transferred to GHS No.3,
Abbottabad and the orders of release
of salary of the petitioner may also
be made, or other appropriate*



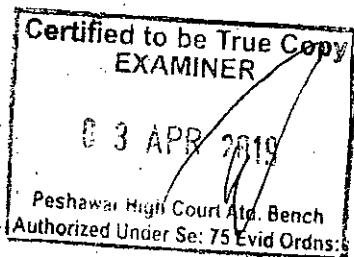
ATTESTED

directions may be issued as per demands of justice and law."

2. The petitioner is an employee of Education Department, posted as Arabic Teacher and is agitating through the instant petition a string of his posting / transfer from one place to another place being based against the declared Posting / Transfer Policy of the Provincial Government.

3. The learned counsel for the petitioner vehemently argued that though the matter related to the '*terms and conditions*' of service, the impugned transfer order was blatantly malafide and based on extraneous considerations. Hence, constitutional jurisdiction ought to be exercised and appropriate orders be passed.

The learned AAG present in Court, repelled the assertions of the learned counsel for the petitioner and maintained that this Court lacked the jurisdiction to entertain the present matter, as it related to '*terms and conditions*' of service and thus the Service Tribunal was the competent legal forum to the petitioner's redressal.



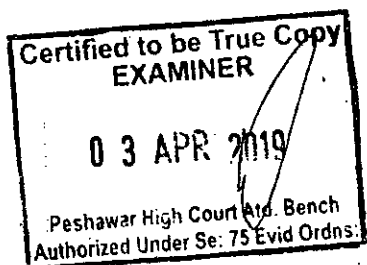
ATTESTED

4. Valuable arguments of the learned counsel for the petitioner heard and the available record of the case thoroughly considered.

5. The command of Article 212 of Constitution of Islamic Republic of Pakistan, 1973 bars the jurisdiction of this Court to entertain matters relating to terms and conditions of a civil servant. Accordingly, this Court would refrain from passing any findings sought by the present petitioner.

6. Lack of jurisdiction of this Constitutional Court to entertain matters relating to the '*terms and conditions*' of service of the petitioner does not render us to remain silent spectators to the colorable exercise of authority, which is, '*prima facie*', apparent on the record. Infact, the provisions of the Constitution commands this Court and casts an obligation upon us to ensure the dominance of rule of law.

7. Accordingly, keeping the provisions of Article 212 of the Constitution and the '*ratio decidendi*' of the judgments of the apex Court on



ATTESTED



the subject, as our guiding principle, we without passing any definite findings upon the grievance of the present petitioner, as the same relates to his 'terms and conditions' of service, consider the instant petition, as a departmental representation and refer the same to the worthy Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education, Peshawar to consider the grievance of the petitioner and decide the same in accordance with law.

We urge the worthy Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education, Peshawar to do the needful within a period of fifteen days, if not earlier, from the date of receipt of this order. The order so passed be sent to the Additional Registrar of this Court at Abbottabad.

8. This petition is disposed of in the above terms.

sd / [Signature]
sd / [Signature]

Certified to be True Copy
 EXAMINER
 03 APR 2019
 Peshawar High Court App. Bench
 Authorized Under Sec: 75 Evid Ordns.

Announced:
 24.05.2012

*/*M.S.A*/*

ATTESTED

[Signature]

31

0

MOST IMMEDIATE / COURT CASE

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

NO.SO (Lit) E&SED/1-4/2012

Dated Peshawar, the 15-06-2012.

To

1. The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
2. The Executive District Officer,
Elementary & Secondary Education,
Abbottabad.

Subject: WRIT PETITION NO. 411-A/2012 NAVEED IQBAL YS GOVT. OF
KHYBER PAKHTUNKHWA AND OTHERS.

I am directed to enclose herewith a copy of Memo No, 1030 dated 26-05-2012 alongwith Writ Petition and a copy of order sheet dated 24-05-2012 passed by a Division Bench of Peshawar High Court, Abbottabad Bench received from Additional Registrar, Peshawar High Court, Abbottabad Bench, for compliance as per direction of the court.

This may be treated as Most Urgent being court matter.

Encl: (as above)

[Signature]
SECTION OFFICER (LITIGATION)

[Handwritten signature]
18/6/12

ATTESTED
[Signature]

ATTESTED

FORM PAYDT

Date: _____
Page No. 2

41

PAYROLL SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY

OFFICE OF THE DP, M/S, ABBOTTABAD

FOR THE MONTH OF 11 200

DDO Code (Dist Code) AD6028 Description D/O MS AJA

Person's Number 13975 National ID Card Number _____

Grade (Pay Scale Group) AS AT Status Set Stop

Employing Name NAVED ZOBAL

GENERAL DATA CHANGE		CHANGE IN PAYMENTS / DEDUCTIONS				Effective Date	Remarks
Info Type	Field ID	New Contents	Wage Type	Amount	Payable	Ad	
		B Pay	5801	14288	0	0	1-11-12 Present after w/o
		HRA	5002	1979	2	00	1-11-10 to 30-11-2012
		AIA	5012	1200	0	00	(12 months)
		SOPR ADV	5081	3212	7	00	
		SPR ADV	5244	4767	7	00	
		AR	5255	2289	7	00	
		DA	6192	1377	6	00	
		AR 59	5884	5904	0	00	
		AR 10	5898	850	0	00	
		CAFALOR	5016	738	0	00	
		Gravel We All	5016	5500	0	00	
		GTTOTAL		293723	7	00	

DISTRICT OFFICER (Male)
ELECTRICALS SECY DEPT
Abbottabad

Entered/Checked By

Entered/Verified By

58

32

40

ARREARS OF PAY & ALLOWANCES IN RESPECT OF MR. NAVEED IQBAL A.T WEF 01-12-2010 TO 30-11-2011.

Period	B. Pay	HRA (1201)	M.A (1217)	Spl Addl Alw (1209)	SR (1244)	AROS (1244)	D.A (1205)	AROS (1209)	AR2010 (120X)	CA (1203)	AR11 (121A)	Incl ALL (8515)	Total
01-12-2010 to 30-06-2011	9840 X 7 = 68880-	1565 X 7 = 10962-	1000 X 7 = 7000-	515 X 7 = 3605-	681 X 7 = 4767-	681 X 7 = 4767-	887 X 7 = 6209-	1968 X 7 = 13776-	4920 X 7 = 34440-	00	00	00	154413-
01-07-2011 to 30-11-2011	16200 X 5 = 81000-	1565 X 5 = 7830-	1000 X 5 = 5000-	00	00	00	00	00	4920 X 5 = 24600-	1700 X 5 = 8500-	1476 X 5 = 7380-	1000 X 5 = 5000-	139310-
Total	149880-	18792-	12000-	3612-	4767-	4767-	6209-	13776-	59040-	8500-	7380-	5000-	293723-

DEDUCTIONS

GPF 925 X 8 = 7400-
 GPF 1520 X 4 = 6080-
 BF 180 X 12 = 2160-
 AGI 13 X 12 = 156-
 GI 115 X 12 = 1380-
 EEP 20 X 12 = 240-

TOTAL PAY ACCUMULATED = 293723-
 TOTAL DEDUCTIONS TO BE MADE = 17416-

NET AMOUNT PAYABLE = 276307- (Rs. Two lac seventy six thousand three hundred seven only)

Pay waf 1/12/10 to 30/11/11 has not been done Kemp system
 District Accounts Officer
 Abbottabad

DISTRICT OFFICER (Male)
 ELEMA SECY EDU DEPT
 ABBOTTABAD

ATTACHED

33

34

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD



ANNEXURE

No. 2653 /ADEO Sports.
Dated A/Abad the 9-4/2013.

F

0992-9310102, 0992-330131
EDO.Education.Atd@gmail.com

The Headmaster
→ GMS Todo Maira Abbottabad.

Sub:- SUBMISSION OF ORIGINAL SERVICE BOOK IN RESPECT OF NAVEED IOBAL AT

Memo:-

You are directed to submit the Original S/Book of concerned teacher within 02 days after the receipt of this letter positively, otherwise the pay of the teacher concerned should be stopped and legal action would also be taken against the teacher concerned.

DY; DISTRICT EDUCATION OFFICER
(MALE) ABBOTTABAD.

Endst: No. _____ /
Copy to the:-

Dated A.Abad the _____ /2013

- 01. The Director Ele;and Secondery EDU; Khyber Pakhtunkhwa Peshsawar.
- 02. District Account Officer Abbottabad.

[Signature]
DY; DISTRICT EDUCATION OFFICER
(M) ABBOTTABAD.

ATTESTED

[Signature]

Received on 12-4-2013 35

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE ABBOTTABAD

SUSPENSION

Consequent upon the approval of Competent Authority, Mr. Naveed Iqbal AT GMS Todo Maira Abbottabad is hereby suspended with immediate effect till further order as he has not provided his service book and drawn a huge amount from Govt Treasury.

- Note;-
- 1; Necessary entry to this effect should be made in his service book.
 2. Suspension allowance is hereby allowed as admissible to him under the rules during suspension period.

DISTRICT EDUCATION OFFICER
(MALE) ABBOTTABAD.

Endst No ²⁶⁵⁴⁻⁵⁸ / EB-V/Suspension/At/ Dated 9-4-2013

Copy to the :-

1. Director Elementary and Secy; Education Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Abbottabad.
3. Budget and Accounts Officer Local office with the remarks to stop the pay of above named teacher.
4. Headmaster GMS Todo Maira Abbottabad.
5. Teacher concerned.

DY; DISTRICT EDUCATION OFFICER
(MALE) ABBOTTABAD

ATTESTED

my

36

ANNEXURE
9

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

NOTIFICATION

The inquiry committee comprising of the following officers is hereby constituted to conduct inquiry against Mr. Naveed Iqbal, AT GMS Todo Maira, Abbottabad on account of charges/allegations leveled against him with immediate effect.

1. Mr. Abdur Rashid, Principal, GHS No. 3 Abbottabad
2. Mr. Nazir Ahmad, Principal, GHS Dhanitor

TERMS OF REFERENCE:

To probe into the issues as noted below:-

- a) Illegal drawl through Source Form-II amounting to Rs. 153850/- (One lac fifty three thousand eight hundred & fifty) through tempered and forged signatures of Mr. Zafar Arbab Abbasi, the then DO (M)/DDO of Boys Middle Schools Abbottabad for the period 01.3.2012 to 30.4.2012 & 01.7.2012 to 30.9.2012 (five months)
- b) Illegal drawl through Source Form-II amounting to Rs. 293723/- (Two lac ninety three thousand seven hundred & twenty three) through tempered and forged signatures of Qazi Tajammal Hussain, the then DO (M) / DDO Boys Middle Schools Abbottabad for the period 01.12.2010 to 30.11.2011 (12 months).
- c) Production of original Service Book, which is a government property, illegally lying in the custody of accused since long despite repeated verbal instructions as well as written directions communicated to the accused through the Headmaster GMS Todo Maira vide this office letter No. 2653 dated: 9.4.2013. Even he did not submit his original Service Book before the scrutiny committee constituted for the preparation of Seniority List of Arabic Teachers in connection with the upgradation/promotion cases in the month of December 2012.
- d) Assess the degree of gross misconduct, repeatedly committed corruption, insubordination, inefficiency, dishonesty and fraudulently misappropriation through drawl of above noted amount from the government treasury by the accused.

The inquiry officers shall submit recommendations/report to the undersigned within fifteen (15) days.

Encls: 1. Charge Sheet 2. Statement of allegations


**DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD**

Encls: No. 2979-83 /BB-1

Dated 20/4/2015

Copy forwarded to the:-

1. Mr. Abdur Rashid, Principal GHS No.3 Abbottabad alongwith above documents.
2. Mr. Nazir Ahmad, Principal, GHS Dhanitor alongwith above documents.
3. PS to Secretary to Govt: of Khyber Pakhtunkhwa E&SED Peshawar.
4. PA to Director Elementary & Secy: Education Khyber Pakhtunkhwa Peshawar.
5. Mr. Naveed Iqbal AT GMS Todo Maira Abbottabad.


**DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD**

CHARGE SHEET

37

I Muhanumad Riaz Khan Swati, District Education Officer (Male) Abbottabad as Competent Authority, hereby charge you, Mr. Naveed Iqbal AT, as follows:

That you, while posted as Arabic Teacher at GMS Todo Maira Abbottabad committed the following irregularities:

- (a) You have committed gross misconduct and corruption by dishonestly tempering in the Source Form-II in the month of October 2012 with the bogus and tempered signatures of Mr. Zafar Arbab Abbasi, the then DDO (M) / DDO of Boys Middle Schools Abbottabad, prepared & entered arrears of pay w.e.f. 01.03.2012 to 30.04.2012 and 01.07.2012 to 30.09.2012 (Five months) and unlawfully drawn the amount of Rs.153850/- (One lac fifty three thousand eight hundred & fifty) through pay roll for the month of October 2012.
 - (b) You in the month of November 2012, again committed the same mal practices through submission of another bogus Source Form-II under the tempered and bogus signatures of Qazi Tajammal Hussain, the then DDO (M) / DDO Boys Middle Schools Abbottabad and drawn the arrears of pay w.e.f. 01.12.2010 to 30.11.2011 (twelve months) amounting to Rs. 293723/- (Two lac ninety three thousand seven hundred & twenty three) through pay roll for the month of December 2012 in a highly bogus manner.
 - (c) Your original Service Book, which is a Govt. property, is lying unlawfully in your custody since long. You, inspite of repeated verbal instructions as well as written directions communicated to you through your Headmaster GMS Todo Maira vide this office letter No. 2653 dated: 9.4.2013, failed to return original Service Book to the DDO concerned. Even you did not submit your Service Book before the scrutiny committee constituted for the preparation of Seniority List of Arabic Teachers in connection with the upgradation/promotion cases in the month of December 2012.
2. By reason of the above, you appear to be guilty of corruption, gross misconduct, forgery, inefficiency, insubordination, professional dishonesty and financial loss to the provincial exchequer amounting to Rs. 447573/- (Four Lac forty seven thousand five hundred and seventy three only) under rule 3 of the Khyber Pakhtunkhwa Govt. Servants (E&D) rules 2011 and have rendered yourself liable to all or any of the penalties specified rules 4 of the rules ibid.
 3. You are, therefore, required to submit your written defence within ten days of the issuance of this Charge Sheet to the Enquiry Committee.
 4. Your written defence, if any, should reach the Enquiry Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. A statement of allegations is enclosed.


COMPETENT AUTHORITY

Mr. Naveed Iqbal AT
GMS Todo Maira Abbottabad

ATTACHED


DISCIPLINARY ACTION

38

I Muhammad Riaz Khan Swati, District Education Officer (Male) Abbottabad as competent authority, am of the opinion that Mr. Naveed Iqbal, Arabic Teacher GMS Todo Maira has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) rules, 2011:

STATEMENT OF ALLEGATIONS

- a) You have committed gross misconduct and corruption by dishonestly tempering in the Source Form-II in the month of October 2012 with the bogus and tempered signatures of Mr. Zafar Arbab Abbasi, the then DO (M) / DDO of Boys Middle Schools Abbottabad, prepared & entered arrears of pay w.e.f. 01.03.2012 to 30.04.2012 and 01.07.2012 to 30.09.2012 (Five months) and unlawfully drawn the amount of Rs.153850/- (One lac fifty three thousand eight hundred & fifty) through pay roll for the month of October 2012.
 - (b) You in the month of November 2012, again committed the same mal practices through submission of another bogus Source Form-II under the tempered and bogus signatures of Qazi Tajammal Hussain, the then DO (M) / DDO Boys Middle Schools Abbottabad and drawn the arrears of pay w.e.f. 01.12.2010 to 30.11.2011 (twelve months) amounting to Rs. 293723/- (Two lac ninety three thousand seven hundred & twenty three) through pay roll for the month of December 2012 in a highly bogus manner.
 - (c) Your original Service Book, which is a Govt. property, is lying unlawfully in your custody since long. You, inspite of repeated verbal instructions as well as written directions communicated to you through your Headmaster GMS Todo Maira vide this office letter No. 2653 dated: 9.4.2013, failed to return original Service Book to the DDO concerned. Even you did not submit your Service Book before the scrutiny committee constituted for the preparation of Seniority List of Arabic Teachers in connection with the upgradation/promotion cases in the month of December 2012.
2. For the purpose of inquiry of the said accused with reference to the above allegations, an inquiry committee consisting of the following is constituted under rule 10 (1) (a) of the ibid rules:
- I. Mr. Abdur Rashid, Principal, GHS No.3 Abbottabad
 - II. Mr. Nazir Ahmad, Principal, GHS Dhamtor
3. The inquiry officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within fifteen days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer.


COMPETENT AUTHORITY

Mr. Naveed Iqbal, AI
GMS Todo Maira

ATTACHED



ENQUIRY REPORT IN R/O MR. NAVEED IQBAL A.T GMS TODO MAIRA

Place of Enquiry: - GHS No. 3 (E/M) Abbottabad.

Time of Enquiry: - May/June 2013.

Enquiry Committee: 1. Abdur Rashid Principal GHS NO. 3 Abbottabad.
2. Nazir Ahmed Principal GHS Dhamtour Abbottabad.

TORS: -

- Illegal drawl through Source Form-II amounting to Rs. 152350/- (One lac fifty three thousand eight hundred & fifty) through tempered and forged signatures of Mr. Zafar Arbab Abbasi, the then DO (M)/DDO of Boys Middle Schools Abbottabad for the period 01/03/2012 to 30/04/2013 & 01/07/2012 to 30/09/2013 (five months).
- Illegal drawl through Source Form-II amounting to Rs. 293723/- (Two lac ninety three thousand seven hundred & twenty three) through tempered and forged signatures of Qazi Tajamal Hussain, the then DO (M)/DDO Boys Middle Schools Abbottabad for the period 01/12/2012 to 30/11/2011 (12 months).
- Production of original Service Book, which is a government property, illegally lying in the custody of accused since long despite repeated verbal instructions as well as written directions communicated to the accused through the Headmaster GMS TODO Maira vide this office letter No. 2653 dated: 09/04/2013. Even he did not submit his original Service Book before the scrutiny committee constituted for the preparation of Seniority List of Arabic Teachers in connection with the up gradation/promotion cases in the month of December 2012.
- To assess the degree of gross misconduct, repeatedly committed corruption, insubordination, inefficiency, dishonesty and fraudulently misappropriation through drawl of above noted amount from the government treasury by the accused.

Brief History: -

Mr. Naveed Iqbal A.T GMS Todu Maira was appointed as A.T at GMS Normang vide 00 No. 01 dated 05/04/1999. Endst No. 3059-86/AE-I/A.T of even date. He was removed from service on 08/04/2011 with effect from 23/11/2010 as per his statement and he was reinstated in to service on appeal by the appellate authority by converting major penalty of removal from service into minor penalty of stoppage of four increments with accumulative effect vide No 221-26/F.NO 502/A-15/DM/A.T(M) 02/11/2011. (Copy Annexed as "A") Presently he is serving at GMS Todu Maira. It is further added that the accused kept his service book in his personal possession during the course of time. He has been found directed to submit the service book in office on 05/02/2012 and 09/02/2012 (Copies Annexed as "B").

Procedure: -

- Mr. Naveed the accused was directed through this Office letter Endst No. 130-31 dated: 18/05/2013 under Registered cover No. 972 dated: 18/05/2013 to submit the annotative reply of the allegations/charges already served to him by DEO (M) E&SE Abbottabad on or before 24/05/2013. He submitted the reply relating un-necessary stories, raising irrelevant questions. Most of the points can not be covered under the limitation of TORS being irrelevant and raised just to divert the attention of enquiry to somewhere else. (Annexed as "C").
- Statement of Ex DO (male) Attd Mr. Zaffar Arbab Abbasi obtained from DEO office (Annexed as "D").
- Statement of Qazi Tajamal Hussain along with the specimen signature was obtained. (Annexed as "E").
- Statement of Muhammad Khalid Ex dealing clerk AT/Qari/TT/DM/PET was obtained along with other evidences against the service record of Mr. Naveed Iqbal (Annexed as "F").

ATTESTED

2013
25/6/13

DEO (M)

25/6/13

ER-11
M/1 up N3
and
25/6/13

Cont. P2

- 5). The record at DAO was examined and requested the Account Officer to provide the copy of the Source Forms on which the pay and the arrears have been drawn through this office No. 166 dated 12/06/2012 that have not been provided so far and still awaited.
- 6). Informations /clarifications obtained from Mr. Muhammad Ilyas the dealing account assistant collected through interrogation.

Findings: -

Having gone through the documentary evidences such as written reply of Mr. Naveed Iqbal, statement of Mr. Zaffar Arbab Abbasi Ex DO (Male) Atd, statement of Qazi Tajjamal Hussain Dy. District Officer (Male) Atd. Statement of Ex dealing clerk Mohammad Khalid and source at DAO Atd. The following facts have come to light.

- 1) The dealing assistant at DEO office Atd got signed three copies of Source Form-II from on face side only, the then DO (Male) Atd, Mr. Zaffar Arbab Abbasi without production of service book. One copy of the Source-II kept on record and other two copies without crossing the blank space handed over to Mr. Naveed Iqbal for submission to account office for activation of his pay with effect from 01/09/2012.
- This deed of dealing hand was a gross negligence, carelessness that provided the open opportunity to Mr. Naveed Iqbal to use the source forms according to his ambition and design. He filled the blank space claiming the arrear of pay for the months of July and August 2012 for sum of Rs: 64484/- and submitted the form to account office on 12/09/2012 and it was found entered in the service book at page No. 11 by DAO on 13/09/2012. The second source form in his hand was used by making cutting in date with effect from 01/10/2012 instead of 01/09/2012 and on the blank space claimed arrear of pay for the months of March and April 2012, Rs: 57,124/. This claim has been found entered at page No. 13 of service book with the date 02/10/2012. On the same Source Form-II he got his pay activated with effect from 01/09/2012 for which the department/DDO signed the source form. The pay activation w.e.f 01/09/2012 and onward regular drawl of pay is genuine. In this way committing a grave offence and tempering the source forms Mr. Naveed Iqbal was successful to draw amounting Rs: 64484/- (Arrear of pay for the month of July & August 2012 is the period of summer vacation at GMS Todu Maira, needs clarification) & Rs:57124/- from the Govt. treasury unlawfully as arrear of pay for the months of ~~March & April~~ March & April 2012 on 30/10/2012; reflected in the pay print (Annexed as "G"). The reply of Mr. Naveed Iqbal given at serial No.1 about the Source Form signed and re-signed by Zaffar Arbab Abbasi is quite baseless, false and self created story and the copy of the Source Form-II having the claim of five month pay attached to the reply is just to divert the attention of inquiry from the facts. The stance of the department for drawing Rs: 153124/- through the fake and forged signature of DDO is based on assumption. No doubt Mr. Naveed Iqbal had drawn his pay and arrear through unlawful practice but the signature on the Source Form-II submitted in account office are observed true and factual and match with the specimen signature of the officer.
- 2) Mr. Naveed Iqbal has drawn 293723/- as arrear of pay with effect from 01/12/2010 to 30/11/2011 (twelve month) and found entered in his service book at page No 13 with the date 4/12/2012. After examining and cross matching the signature of DDO on Source Form-II present in the custody of DAO and the specimen signature of the officer/ DDO i.e Qazi Tajjamal Hussain found /observed doubtful and forged. It is further added that the copy of the Source Form-II has not been found at record of DEO office which confirms that it has not been processed through the office which leads to the doubt that unlawfully the source has been prepared and submitted in DAO along with service book to draw the huge amount of Rs: 293723/-.
- 3) As per statement provided by Mr. Muhammad Khalid in the light of the notification issued under Endst No. 221-26/F.No 502/A-15-DM-AT(M)/dated 02/05/2011 read with the reply of the accused (page#1 Facts serial # 2). Mr. Naveed was removed from services on 08/04/2011 with effect from 23/11/2012 and went in to appeal against the removal order. The appellate authority reinstated him in to service first at T.T post and then again at A.T post by converting the major penalty of removal from service into stoppage of four increments with

ATTE

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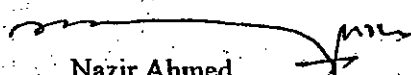
Contd. Page - 3


accumulative effect. During the course of time his service book remained in his own custody. On 02/05/2012 he was advised in writing to deposit his service book with in three days through the witness of Waseem Fazal ADO Sports (Copy Annexed as "H"). Again he was directed through the Head Master GMS TODO Maira through No. 2653 ADO sports dated 09/04/2013. The letter was received by the accused on 12/04/2013 but he did not comply with.

From all these proceedings the enquiry has reached to the following facts regarding TOR No. 3 that the removal from service, reinstatement in to service, stoppage of four increments and other departmental proceedings against the accused were to be recorded in his service book but the accused was reluctant to have all these entries in his service book which was sure to be done on submission in the office. Hence he preferred to retain service book in his own possession and had been found making lame excuses about his service book. Now he has produced the original service book along with the copy with the commitment that the enquiry will return him the original service book after examination.

Conclusion/Recommendation:-

- 1) Mr. Naveed has drawn Rs: 184122/- (Regular pay for the month of September October 2012, arrear of pay for the months of July, August, March, April 2012) under the true signature of DDO/Officer concerned making full use of inefficiency, lethargy and carelessness at the part of dealing hand by adding illegal and unlawful and unauthorized entries in the source form handed over to him by dealing hand for which he should be proceeded for being committing corrupt practices.
- 2) The signatures of the present DDO and the signature found pasted on Source Form-II used to draw Rs: 293723/- should be got further verified from the hand writing experts before proceeding against the accused as clear distinction between signatures pasted on the body of the source form II and the specimen signature cannot be made easily *(Seemed forged)*
- 3) He is recommended for proceeding in light of previous service record and unbecoming behaviour.
- 4) The accused should be provided a fair chance of personal hearing to alleviate the charges leveled against him before taking the final decision.


 Nazir Ahmed
 Principal
 GHS Dhamtour
 Abbottabad

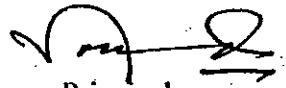

 Abdur Rashid
 Principal
 GHS No. 3(E/M)
 Abbottabad

No 172 Date: 19/6/2013.

Enquiry report submitted to DEO (M) E&SE Abbottabad for necessary proceeding in the matter please.

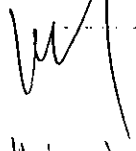
Photo Copy of Service Book also enclosed.




 Principal
 GHS No. 3(E/M)
 Abbottabad



ATTESTED



dated the.....of.....19

Received from the bearer of Naveed Iqbal M. L. M. Tada Naira
the sum of Rs. 153850 - Rs. One lac fifty three thousand eight hundred
to be credited to Government account under the head Co-2814 & fifty one
on account of Rep for the period from 01/03/12 to 30/04/12
& 01/07/12 to 30/09/12 (5 months)

Manager

This portion to be returned to the payee received by the Agent.

Note: The Bank Agent is instructed not to receive money unless both portion the
invoice are carefully and clearly filed in.

23
District Education Officer
(Male) Abbottabad

See reverse

NWFP A&T 200

ANNEXURE
I

Provincial Govt.

dated the.....of.....19

Received from the bearer of Naveed Iqbal M. L. M. Tada Naira
the sum of Rs. 293723 - Rs. Two lac ninety three thousand seven
to be credited to Government account under the head Co-2814 & fifty one
on account of Rep for the period from 01/12/11 to 30/11/12 (12 months)

Manager

This portion to be returned to the payee received by the Agent.

Note: The Bank Agent is instructed not to receive money unless both portion the
invoice are carefully and clearly filed in.

24
District Education Officer
(Male) Abbottabad

See reverse

NWFP A&T 200

Naveed Iqbal

ATTESTED

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:
MR. JUSTICE QAZI FAEZ ISA
MR. JUSTICE MAQBOOL BAQAR

CIVIL PETITION NO. 3493 OF 2015

Naveed Iqbal Petitioner

Versus

Government of KPK thr. Secretary Elementary & Secondary Education
Peshawar & others

Respondents

For the Petitioner : In person
For the Respondents : Not Represented
Date of Hearing : 21st January 2016

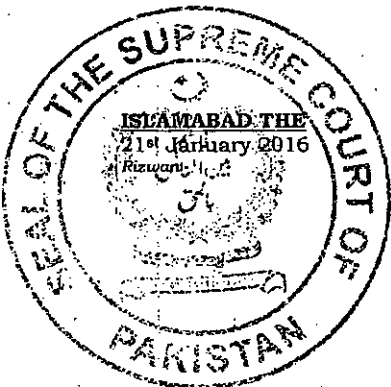
ORDER

The petitioner in person states that the inquiry report dated 19th June 2013 had ~~to~~ either found that the charges against the petitioner were not made out or had called for further investigation against the petitioner. However, in disregard thereof show cause notice was issued, but no further inquiry was conducted against the petitioner and he was terminated from service on the ground that he had illegally withdrawn an amount of Rupees 4,47,573/-. The petitioner however states that the said amount was due to him as past salary and the amount was not drawn by him but was drawn by the DDO and paid to him which he too refunded as threats were being extended to him. He further stated that these points have not been considered by the Service Tribunal. Let notice be issued to the respondents.

Sd/- Qazi Faez Isa, J
Sd/- Maqbool Baqar, J

Certified to be True Copy

[Signature]
Court Associate
Supreme Court of Pakistan
Islamabad



ATTESTED

[Signature]

44

ANNEXURE
J

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

NOTIFICATION:

1. WHEREAS you, Mr. Naveed Iqbal, AT GMS Todu Maira Abbottabad was proceeded for having committed the following gross irregularities which constitute inefficiency, misconduct and corruption under Rule-3, Sub Rules (a),(b) and (c) of the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011.
2. AND WHEREAS, you have committed gross misconduct and corruption by dishonestly tempering in the Source Form-II in the month of October 2012 with the bogus and tempered entries of arrears under the signature of Mr. Zafar Arbab Abbasi, the then DO(M)/DDO of Boys Middle Schools Abbottabad, and unlawfully drawn the amount of Rs.153850/- (Rupees one lac fifty three thousand eight hundred & fifty) for the period from 01.03.2012 to 30.04.2012 and 01.07.2012 to 30.09.2012 (five months) through pay roll for the month of October, 2012, whereas you have failed to produce any valid order of the Competent Authority regarding the bogus arrear of pay.
3. AND WHEREAS, you in the month of November 2012, again committed the same mal-practices through submission of another Source Form-II with bogus arrear under the tempered signatures of Qazi Tajammal Hussain, the then DO (M)/DDO Boys Middle Schools Abbottabad and unlawfully drawn the unauthorized arrears of pay for the period from 01.12.2010 to 30.11.2011 (twelve months) amounting to Rs.293723/- (Rupees two lac ninety three thousand seven hundred & twenty three) through pay roll for the month of December 2012, whereas for the said period you remained out of service in result of order of removal from service by the Competent Authority for producing fake/forged letters on behalf of Director, E&SE, Khyber Pakhtunkhwa and Honourable Service Tribunal Peshawar. Drawl of bogus arrears could not be justified by you.
4. AND WHEREAS, your original Service Book remained in your personal custody just to conceal the facts and avoid entries of penalties/orders previously passed against you but all of a sudden, in result of your adjustment at GHS No.3 Abbottabad, you presented your original Service Book on 08.7.2013. It has been detected through its scrutiny that not even a single entry regarding removal from service, reduction to lower post as well as stoppage of 04 (four) increments have been made therein and you remained enjoying the same status by drawing your existing pay without indicating recovery of four increments in result of review order passed by the Appellate Authority. The said left over entries in result of concealment of original service book have been made by the DDO concerned on 22.07.2013.
5. AND WHEREAS, Charge Sheet and Statement of allegation was served upon you vide this office Memo: No.2984 dated 20.4.2013 and regular inquiry committee was constituted through this office notification issued under Endst: No. 2979 dated 20.4.2013 to inquire the charges leveled against you. The inquiry committee provided you full opportunity of defence and even to cross examining the evidence against you and submit its findings/report.
6. AND WHEREAS, Show Cause Notice was served upon you vide this Office Memo: No. 6724 dated 29.7.2013, wherein Major Penalty of dismissal from service was tentatively proposed under Rule-4 (b) (iv) of Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) Rules-2011 and recovery of unlawfully drawn amount of Rs.447573.00 from Govt: Exchequer within fifteen days.

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ATTESTED

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45

7. AND WHEREAS, on receipt of reply of show cause notice, you were summoned vide this office Memo: No.7076 dated 20.8.2013 for personal hearing for 26.8.2013 but due to engagement of Competent Authority, the proceedings were adjourned to 31.8.2013. On the date fixed, you availed the opportunity of defence and admitted the commission of the charges with the request to deposit the said amount within three days.
8. AND WHEREAS, you have deposited Rs.447573.00 into Government Treasury vide Challan Nos.73 and 74 dated 10.9.2013, which is established evidence, that you have committed gross misconduct, dishonesty and fraudulently drawl of the said amount.
9. AND WHEREAS, due to the concealment of your service book, entries regarding your removal, reversion and stoppage of four increments could not be made therein. In result of stoppage of four increments, re-fixation was made in your Service Book that creates further outstanding liabilities of Rs.136443/- (Rupees one lac thirty six thousand four hundred forty three) against you.
10. AND By reason of the above, charges leveled against you have been proved and you are found guilty of corruption, misconduct, forgery, inefficiency, insubordination, professional dishonesty and financial loss to the Government Exchequer under Rule-3 of the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules-2011.

NOW THEREFORE, the Competent Authority in exercise of the Power conferred upon him under Sub Rules-4-b(ii) of Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) Rules-2011 is pleased to impose Major Penalty of "COMPULSORY RETIREMENT" upon Mr. Naveed Iqbal AT GMS Todu Maira, Abbottabad with the recovery of Rs.136443/- (Rupees one lac thirty six thousand four hundred forty three) out of his emoluments/pension.

[Signature]
 DISTRICT EDUCATION OFFICER
 (MALE) ABBOTTABAD

Endst: No. 8188-93 /PF Naveed Iqbal AT

Dated 19/10 /2013

Copy forwarded for information to the:

1. Secretary to Government of Khyber Pakhtunkhwa, E&SED, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Accounts Officer Abbottabad.
4. Deputy District Education Officer (Male) Local Office.
5. Budget & Accounts Officer, Local Office.
6. Mr. Naveed Iqbal AT, GMS Todo Maira.

[Signature]
 DISTRICT EDUCATION OFFICER
 (MALE) ABBOTTABAD

Registered

ATTESTED

[Signature]

46

ANNEXURE
K

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:
MR. JUSTICE DOST MUHAMMAD KHAN
MR. JUSTICE QAZI FAEZ ISA

CIVIL PETITION NO. 3493 OF 2015
(Against the judgment dated 05.10.2015 of the Khyber
Pakhtunkhwa Service Tribunal, Peshawar passed in
Appeal No. 206 of 2014).

Naveed Iqbal ... **Petitioner**

VERSUS

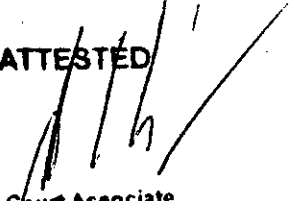
*Government of KPK through Secretary Elementary &
Secondary Education Department, Peshawar and others.* ... **Respondents**

Petitioner: In-person.
For the Respondents: Mian Arshad Jan, Addl. AG., KPK.
Date of Hearing: 11.02.2016.

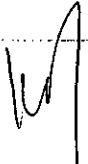
ORDER

Dost Muhammad Khan, J.- Petitioner seeks leave to appeal against the judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 05.10.2015, dismissing his appeal against the order of the Departmental Authority and the Appellate Authority terminating his services as Arabic Teacher.

2. It is borne out from the record that in the report of preliminary inquiry conducted by a duly appointed inquiry officer it was opined that the material/evidence collected was not sufficient to fully connect the petitioner with the charge framed against him and it needed further probe. It was additionally stated that one DDO accepted his signature on the service book with regard to the disbursement of the alleged amount while for the

ATTESTED

Court Associate
Supreme Court of Pakistan
Islamabad

ATTESTED



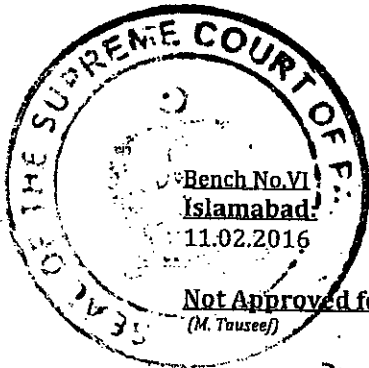
verification of the second signature of the other DDO, the case be sent to the handwriting expert.

3. The competent authority without adopting that course and without taking the matter to a logical conclusion to order a further inquiry or to collect further evidence terminated the petitioner on such inconclusive report which was not warranted in law. The Departmental Authority and the Service Tribunal in the impugned judgments failed to attend to this vital aspect of the case and decided the matter in entire vacuum causing serious miscarriage of justice. Accordingly, this petition is converted into appeal and the same is allowed. The impugned judgment dated 05.10.2015 of the Service Tribunal and the orders dismissing the petitioner from service are set aside. However, the competent authority may hold a fresh inquiry or may proceed as was suggested by the first inquiry officer and thereafter pass an appropriate order. Needless to remark that when the impugned orders have been set at naught there is no hurdle in the way of the petitioner to be reinstated till the fresh inquiry, if so thought fit, is held and concluded.

Sd/- Dost Muhammad Khan, J
Sd/- Qazi Faez Isa, J

Certified to be True Copy

Court Associate
Supreme Court of Pakistan
Islamabad



Not Approved for Reporting
(M. Tauseef)

11.2.16

GR No: _____ Civil/Criminal

Date of Presentation: _____

No of Words: _____

No of Pages: _____

Requisite: _____

Copy Fee: _____

Court Fee: _____

Date of Court: _____

Date of Issue: _____

Complaint: _____

Received by: _____

ATTESTED

[Handwritten signature]

48
OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD. 2

NOTIFICATION.

In pursuance to the judgment of August Supreme Court of Pakistan in Civil Petition No. 3493 of 2015 dated 11.2.2016 against the judgment dated 5.10.2015 of the Khyber Pakhtunkhwa Service Tribunal Peshawar passed in Appeal No.206 of 2014, Mr. Naveed Iqbal, Ex-AT GMS Todo Maira, Abbottabad is hereby reinstated till the finalization of fresh inquiry and further posted against the vacant of AT (B-15) at Govt: High School, No.3 Abbottabad with immediate effect.

Note:-

1. Necessary entry should be recorded in his service book.
2. Charge report should be submitted to all concerned.
3. No TA/DA is allowed.

sd/-
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No. 2491-99 EB-II/AT.

Dated 29/3/2016

Copy forwarded to the:-

1. Honorable Registrar Supreme Court of Pakistan with reference to judgment in Civil Petition No. 3493 of 2015 dated 11.2.2016.
2. Honorable Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Secretary to Govt: of Khyber Pakhtunkhwa E&SED Peshawar.
4. Director Elementary & Secy: Education Khyber Pakhtunkhwa Peshawar.
5. District Accounts Officer Abbottabad.
6. Principal, GHS No.3 Abbottabad.
7. Budget & Accounts Officer, Local Office.
8. Headmaster GMS Todo Maira Abbottabad.
9. Mr. Naveed Iqbal Ex-AT GMS Todo Maira resident of Village Banda Khair Ali Khan P.O. Dobathar Abbottabad.

29/3/16
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

ATTESTED

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

MR. JUSTICE MUSHIR ALAM
MR. JUSTICE DOST MUHAMMAD KHAN

Criminal Original Petition No.36/2016 in C.P.3493/2015
(Petition for non-compliance of the order dated 11.2.2016 passed by this Court)

Naveed IqbalPetitioner
VERSUS
Zia ud Din & anotherRespondents

For the petitioner: Naveed Iqbal in person
For the respondents: Mr. Zia-ud-Din DEO in person
Date of hearing: 29.4.2016

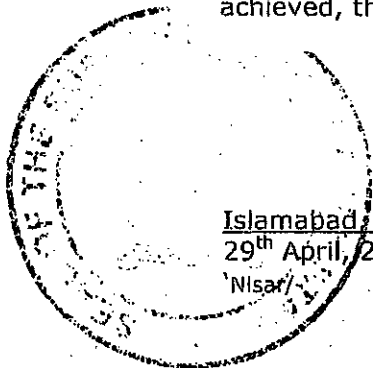
ORDER

Pursuant to the order of this Court dated 11.2.2016, fresh inquiry has been initiated, copy of the notification No.2907-14 including the charge sheet of allegations has been issued on 14.4.2016; such notification has been brought to our notice today.

2. The petitioner in person, states that he has not been paid salaries. The officer, in attendance states that he has already issued LPC, Service Book in respect of the petitioner on 28.4.2016. Copy of the same has also been brought to the notice of this Court.

The petitioner may defend the inquiry proceedings in accordance with law and since his grievance to his non-payment of the amount has been redressed, we do not see any justification to take further proceedings.

3. The purpose of the Criminal Original Petition has been achieved, therefore, the same is disposed of.



Sh. Mushir Alam, J
Sh. Dost Muhammad Khan, J

Certified to be True Copy

Deputy Associate
Supreme Court of Pakistan
Islamabad

Shahid Mehmood Anwar
DEO, Supreme Court of Pakistan
Islamabad. (EPB) Section

ATTESTED

CHARGE SHEET

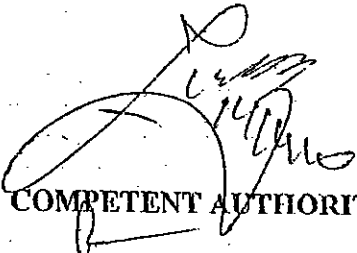
1. I, Zia-ud-Din, District Education Officer (Male) Abbottabad as Competent Authority, hereby charge you, Mr. Naveed Iqbal, AT GHS No.3 Abbottabad as follows:

That you, while posted as Arabic Teacher at GMS Todo Maira Abbottabad committed the following irregularities:

- a. You remained willful absent from duty w.e.from 09-01-2012 to 30-06-2012 as per report of HM GMS Hazeera Abbottabad vide No.700 dated 30-06-2012, whereas you were adjusted at GMS Hazeera Vide Endst: No.146-49 dated 07-01-2012 on your own request and illegally, fraudulently drawn pay during the absent period.
 - b. You have committed gross misconduct, corruption by dishonestly, Illegally & fraudulently drawn through Source Form-II in the month of October 2012 with the bogus and tempered entries of arrears under the signature of Mr. Zafar Arbab Abbasi, the then DO(M)/DDO of Boys Middle Schools Abbottabad and unlawfully drawn the amount Rs.153850/- (One lac fifty three thousand eight hundred & fifty) for the period from 01.03.2012 to 30.04.2012 and 01.07.2012 to 30.09.2012 (five months) through pay roll for the month of October, 2012 without any valid order of the Competent Authority regarding the bogus arrear of pay.
 - c. You in the month of November, 2012 again committed the same malpractices through submission of another bogus Source Form-II, under the tempered & bogus signatures of Qazi Tajammal Hussain, the then DO (M)/DDO Boys Middle Schools Abbottabad and Illegally,unlawfully, fraudulently drawn the unauthorized arrears of pay for the period from 01.12.2010 to 30.11.2011 (twelve months) amounting to Rs.293723/- (Two lac ninety three thousand seven hundred & twenty three) through pay roll for the month of December 2012 without any valid order of the Competent Authority regarding the bogus arrear of pay, whereas you remained out of service in result of order of removal from service, reduction to lower post and stoppage of 04(four) increments by the Competent Authority for producing fake/forged letters on behalf of Director, E&SE, Khyber Pakhtunkhwa and Honorable Service Tribunal Peshawar in result of inquiry report of Headmaster GHS Akhoon Abad Peshawar and you also failed to produced any valid order of the Competent Authority regarding the bogus arrear of pay.
 - d. Your original Service Book remained in your personal custody just to conceal the facts and avoid entries of penalties/orders previously passed against you but all of a sudden, in result of your adjustment at GHS No.3 Abbottabad, you presented your original Service Book on 08.7.2013. It has been detected through scrutiny that not even a single entry regarding removal from service, reduction to lower post or stoppage of 04 (four) increments were made therein and you remained enjoying the same status by drawing your existing pay without indicating recovery of four increments in result of review order passed by the Appellate Authority. The said left over entries in result of concealment of original service book have been made by the DDO concerned on 22.07.2013.
 - e. Outstanding liabilities of Rs.136443/-(One lac thirty six thousand four hundred forty four) in result of re-fixation of pay after provision of his service book.
2. By reason of the above, you appear to be guilty of corruption, misconduct, inefficiency, insubordination, gross misconduct, professional dishonesty under Rule 3 of the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules 2011 and have rendered yourself liable to all or any of the penalties specified in Rule 4 of the rules ibid.
 3. You are, therefore, required to submit your written defence within ten days of the issuance of this Charge Sheet to the Enquiry Committee.
 4. Your written defence, if any, should reach the Enquiry Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
 5. Intimate whether you desire to be head in person.
 6. A statement of allegations is enclosed.

ATTESTED

Mr. Naveed Iqbal,
AT GHS No.3 Abbottabad.


COMPETENT AUTHORITY.

DISCIPLINARY ACTION

1. I, Zia-ud-Din, District Education Officer (Male) Abbottabad as Competent Authority, am of the opinion that Mr. Naveed Iqbal, AT GHS No.3 Abbottabad has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011.

STATEMENT OF ALLEGATIONS.

- a. You remained willful absent from duty w.e. from 09-01-2012 to 30-06-2012 as per report of HIM GMS Hazeera Abbottabad vide No.700 dated 30-06-2012, whereas you were adjusted at GMS Hazeera Vide Endst: No.146-49 dated 07-01-2012 on your own request and illegally, fraudulently drawn pay during the absent period.
 - b. You have committed gross misconduct, corruption by dishonestly, illegally & fraudulently drawn through Source Form-II in the month of October 2012 with the bogus and tempered entries of arrears under the signature of Mr. Zafar Arbab Abbasi, the then DO(M)/DDO of Boys Middle Schools Abbottabad and unlawfully drawn the amount Rs.153850/- (One lac fifty three thousand eight hundred & fifty) for the period from 01.03.2012 to 30.04.2012 and 01.07.2012 to 30.09.2012 (five months) through pay roll for the month of October, 2012 without any valid order of the Competent Authority regarding the bogus arrear of pay.
 - c. You in the month of November, 2012 again committed the same malpractices through submission of another bogus Source Form-II, under the tempered & bogus signatures of Qazi Tajammal Hussain, the then DO (M)/DDO Boys Middle Schools Abbottabad and Illegally, unlawfully, fraudulently drawn the unauthorized arrears of pay for the period from 01.12.2010 to 30.11.2011 (twelve months) amounting to Rs.293723/- (Two lac ninety three thousand seven hundred & twenty three) through pay roll for the month of December 2012 without any valid order of the Competent Authority regarding the bogus arrear of pay, whereas you remained out of service in result of order of removal from service, reduction to lower post and stoppage of 04(four) increments by the Competent Authority for producing fake/forged letters on behalf of Director, E&SE, Khyber Pakhtunkhwa and Honorable Service Tribunal Peshawar in result of inquiry report of Headmaster GHS Akhoun Abad Peshawar and you also failed to produced any valid order of the Competent Authority regarding the bogus arrear of pay.
 - d. Your original Service Book remained in your personal custody just to conceal the facts and avoid entries of penalties/orders previously passed against you but all of a sudden, in result of your adjustment at GHS No.3 Abbottabad, you presented your original Service Book on 08.7.2013. It has been detected through scrutiny that not even a single entry regarding removal from service, reduction to lower post or stoppage of 04 (four) increments were made therein and you remained enjoying the same status by drawing your existing pay without indicating recovery of four increments in result of review order passed by the Appellate Authority. The said left over entries in result of concealment of original service book have been made by the DDO concerned on 22.07.2013.
 - e. Outstanding liabilities of Rs.136443/-(One lac thirty six thousand four hundred forty four) in result of re-fixation of pay after provision of his service book.
2. For the purpose of inquiry of the said accused with reference to the above allegations, an inquiry committee consisting of the following officers is constituted under rule 10 (1) (a) of the ibid rules:
 - i. Mr. Muhammad Saleem Principal, Govt: Sher Nawaz Shaheed Centennial Model High School, Tank.
 - ii. Mr. Sikander Sher, Principal, GHSS Mansabdar Swabi.
 3. The inquiry Committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record it findings and make, within fifteen days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
 4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry committee.

ATTESTED

Mr. Naveed Iqbal,
AT GHS No.3 Abbottabad.

COMPETENT AUTHORITY

بخدمت جناب ڈائریکٹر E&SE، خیبر پختونخواہ، پشاور۔

SUBJECT: APPEAL AGAINST CHARGE SHEET /
STATEMENT OF ALLEGATION ISSUED BY
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD VIDE ENDST: NO.2907-14 DATED
14.04.2016.

جناب عالی!

- (1) یہ کہ سائل کو مورخہ 09-04-2013 کو ملازمت سے معطل کر دیا گیا۔ مورخہ 20-04-2013 کو سائل کو بحوالہ لیٹر نمبر 83-2979 کے تحت چارج شیٹ جاری کر دی گئی اور سائل کے خلاف انکوائری کمیٹی مقرر کر دی گئی۔
- (2) یہ کہ 24-05-2013 کو سائل نے انکوائری کمیٹی کو چارج شیٹ کا تحریری جواب دے دیا اور مورخہ 19-06-2013 کو انکوائری کمیٹی نے اپنی انکوائری رپورٹ دفتر میں جمع کروادی جس میں سائل کو چارج شیٹ میں عائد کردہ الزامات میں سے الزام نمبر 1 اور 3 سے Exonerate کر دیا اور الزام نمبر 2 کے متعلق یہ سفارش کی کہ یہ معاملہ FSL کو بھیجا جائے۔
- (3) یہ کہ DEO (M) نے معاملہ FSL کو نہیں بھیجا اور توہین عدالت کی کارروائی سے بچنے کیلئے فوری طور پر سائل کو مورخہ 19-10-2013 کو ملازمت سے جبری ریٹائر کر دیا۔
- (4) یہ کہ سائل نے ملازمت سے جبری ریٹائرمنٹ آرڈر کو Through Proper Channel مختلف فورمز پر چیلنج کیا اور مورخہ 11-02-2016 کو سپریم کورٹ آف پاکستان نے CPLA No.3493/2015 کے تحت سائل کو ملازمت پر بحال کرنے کا حکم دیا اور سائل کے خلاف فریش انکوائری کرنے کا صوابی اختیار محکمہ کو دے دیا۔
- (5) یہ کہ (ضیاء الدین) ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) ضلع ایبٹ آباد سپریم کورٹ آف پاکستان کے فیصلے پر عملدرآمد نہیں کر رہے تھے سائل نے توہین عدالت کی پٹیشن سپریم کورٹ آف پاکستان میں جمع کروادی جس کے نتیجے میں سائل کو ملازمت پر بحال کر دیا مگر فریش انکوائری کیلئے نہ صرف من پسند انکوائری کمیٹی مقرر کی بلکہ سائل کے خلاف جو چارج شیٹ جاری کی اس میں الزامات کو تبدیل کر دیا گیا جبکہ سپریم کورٹ نے نہ تو الزامات تبدیل کرنے کی اجازت دی اور نہ ہی قانون میں ایسی کوئی اجازت ہے۔

لہذا استدعا ہے کہ چارج شیٹ بحوالہ لیٹر نمبر 14-2907 مورخہ 14-04-2016 کو منسوخ فرماتے ہوئے DEO(M) ضلع ایبٹ آباد کو ہدایات جاری کی جائیں کہ وہ اگر فریش انکوائری کروانے کے خواہشمند ہیں تو وہ سابقہ چارج شیٹ مورخہ 20-04-2013 کے مطابق کروائیں۔

مورخہ: 18 اپریل 2016ء

العارض

نوید اقبال AT، گورنمنٹ ہائی سکول نمبر 3 ایبٹ آباد۔ رابطہ نمبر: 0312-6995949

ATTESTED

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABADNOTIFICATION:

WHEREAS you, Mr. Naveed Iqbal, AT GHS No.3 Abbottabad was proceeded for having committed the following gross irregularities which constitute inefficiency, misconduct and corruption under Rule-3, Sub Rules (a), (b) and (c) of the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011.

2. AND WHEREAS, major penalty of Compulsory Retirement with recovery of Rs.136443/= was imposed upon you under sub Rules-4-b(ii) of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 vide this office Notification issued under Endst: No. 8188-93 dated 19.10.2013.

3. AND WHEREAS, in pursuance to the judgment of August Supreme Court of Pakistan in Civil Petition No.3493 of 2015 announced on 11.2.2016 against the judgment dated 5.10.2015 of the Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar passed in Service Appeal No.206 of 2014, you were re-instated in service vide this Office Notification issued under Endst: No.2491-99 dated 29.3.2016.

4. AND WHEREAS, in response to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, memo No.1661 dated 08/04/2016, inquiry committee was constituted vide this office notification issued under Endst: Nos.2907-14 dated 14-04-2016 to conduct *fresh inquiry* against you on account of charges/allegations levelled against you. Charge Sheet & Statement of Allegations was served upon you through Principal, GHS No.3 Abbottabad vide Memo: No.2915 dated 14.4.2016.

5. AND WHEREAS, the inquiry committee submitted its report vide Memo: No.157 dated 06.6.2016, which was remanded back to the inquiry committee in original along with supporting documents vide Memo: No.5308-12 dated 22.6.2016 with the remarks that the accused be given chance of self defence and even to provide him opportunity of cross examination/evidence against him and follow the procedure laid down under Rule 11 to 14 of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 and to submit the report with clear recommendation in the light of terms of reference in the charge sheet and statement of allegations.

6. AND WHEREAS, in response to the inquiry committee Memo No.164 dated 04/07/2016, this office informed/intimated the concerned officers/officials as well as you to appear before the inquiry committee to avail the opportunity of self defence and even to cross examining the evidence against you on 18.7.2016 vide this Office Memo: No.5567-71 dated 11.7.2016.

7. AND WHEREAS, on the scheduled date, the inquiry committee provided you full opportunity of self defence as well as copies of statements of witnesses were provided to you for cross examination and submitted its findings/recommendation dated 2.8.2016.

8. AND WHEREAS, you remained willful absent from duty w.e. from 01.3.2012 to 30.6.2012 at GMS Hazceera, after reopening of school for winter vacations, whereas you were transferred to the said school on your own request on 7.1.2012, took over charge on 9.1.2012 and illegally, fraudulently drawn pay for the absent period without performing duty i.e.:-

- May & June, 2012= Rs.28562.00 x 2= Rs.57124.00
- Illegally/fraudulently draw through fake source form for the months of March, April, 2012 through payroll for October 2012 (as recorded below: -

9. AND WHEREAS, you have committed gross misconduct and corruption by dishonestly tempering in the Source Form-II in the month of October 2012 with the bogus and tempered entries of arrears under the signature of Mr. Zafar Arbab Abbasi, the then DO(M)/DDO of Boys Middle Schools Abbottabad, which was presented by this office for activation of your pay w.e. from 01.9.2010, you entered arrear of pay w.e. from 01.03.2012 to 30.04.2012 and 01.07.2012 to 30.09.2012 (five months) and unlawfully drawn the amount of Rs.1184122/- (Rupees one lac eighty four thousand one hundred and twenty two) through pay roll for the month of October, 2012.

10. AND WHEREAS, you in the month of November 2012, again committed the same mal-practices through submission of another Source Form-II under the tempered and bogus signatures of Qazi Tajammal Hussain, the then DO (M)/DDO Boys Middle Schools Abbottabad and unlawfully drawn the unauthorized arrears of pay for the period from 01.12.2010 to 30.11.2011 (twelve months) amounting to Rs.293723/- (Rupees two lac ninety three thousand seven hundred & twenty three) through pay roll in the month of December 2012, for the period you remained out of service in result of order of removal from service, reduction to lower post or stoppage of four increments for producing fake/forged letters on behalf of Director, E&SE, Khyber Pakhtunkhwa and Honourable Service Tribunal Peshawar in result of inquiry report of Headmaster GHS Akhun Abad Peshawar.

(Contd:Page-2)

ATTESTED

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11. AND WHEREAS, your original Service Book remained in your personal custody just to conceal the facts and avoid entries of penalties/orders previously passed against you but all of a sudden, in result of your adjustment at GHS No.3 Abbottabad, you presented your original Service Book on 08.7.2013. It has been detected through its scrutiny that not even a single entry regarding removal from service, reduction to lower post as well as stoppage of 04 (four) increments have been made therein and you remained enjoying the same status by drawing your existing pay without indicating recovery of four increments in result of review order passed by the Appellate Authority. The said left over entries in result of concealment of original service book have been made by the DDO concerned on 22.07.2013.

12. AND WHEREAS, due to the concealment of your service book, entries regarding your removal, reversion and stoppage of four increments could not be made therein. In result of stoppage of four increments, refixation was made in your Service Book that creates further outstanding liabilities of Rs.136443/- (Rupees one lac thirty six thousand four hundred forty three) against you.

13. AND WHEREAS, you have illegally/fraudulently/unlawfully and dishonestly drawn the Rs.671412/= (as per detail recorded in Para No. 08 to 12 above) from government exchequer.

14. AND WHEREAS, you have deposited Rs.447573.00 into Government Treasury vide Challan Nos.73 and 74 dated 10.9.2013, which is established evidence that you have committed gross misconduct, dishonesty and fraudulently drawl of the said amount.

15. AND WHEREAS, after adjustment of Rs.447573/- deposited by you in to government treasury & your pay for the month of July, August, September, 2012 i.e., Rs.80142.00, from the total recovery amount of Rs.,671412/-, further amount of Rs.143697.00 is lying outstanding against you.

16. AND WHEREAS, Show Cause Notice was served upon you vide this Office Memo: No. 6840 dated 31/08/2016, wherein major penalty of "dismissal from service" was tentatively proposed under Rule-4(1)(b) Sub Rule (iv) of Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) Rules,2011 and recovery of balance amount of Rs.143697.00, illegally, fraudulently and unlawfully drawn from Govt: Exchequer.

17. AND WHEREAS, on receipt of reply of show cause notice dated 17/09/2016, you were summoned for personal hearing on 26.9.2016 vide this office Memo: No:7389-90 dated 23/09/2016. On the date fixed, you availed the opportunity of personal hearing as well as self defence and failed to defend the charges levelled against you.

18. AND By reason of the above, all the charges leveled against you have been proved and you are found guilty of corruption, misconduct, forgery, inefficiency, insubordination, professional dishonesty and financial loss to the Government Exchequer under Rule-3 of the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules-2011.

NOW THEREFORE, the Competent Authority in exercise of the power conferred upon him under Rule-4(1)(b) Sub Rule (ii) of Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) Rules-2011 is pleased to impose Major Penalty of "**COMPULSORY RETIREMENT**" upon Mr. Naveed Iqbal AT GHS No.3 Abbottabad with the recovery of Rs.143697/- (Rupees one lac forty three thousand six hundred ninety seven) out of his emoluments/pension.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No. 7531-38 /PF Naveed Iqbal AT
Copy forwarded for information to the:

Dated 27/9 /2016

1. Honourable Registrar, August Supreme Court of Pakistan, Islamabad with reference to judgment passed in Civil Petition No.3493 of 2015 dated 11.2.2016
2. Secretary to Government of Khyber Pakhtunkhwa, E&SED, Peshawar.
3. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. District Accounts Officer Abbottabad.
5. Principal, GHS No.3 Abbottabad.
6. Budget & Accounts Officer, Local Office.
7. APO EMIS Branch Local Office.
8. Mr. Naveed Iqbal AT GHS No.3 Abbottabad.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

ATTESTED

55

ANNEXURE

P

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No. 58/2017

Date of Institution... 20.01.2017

Date of decision... 24.08.2017



Naveed Iqbal son of Ghulam Rabbani Ex-A. T Teacher, GHS No. 3, Abbottabad
R/O Village Banda Khair Ali Khan, Post office Dobather, Thsil and District,
Abbottabad. (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and
Secondary Education, Peshawar and 2 others. ... (Respondents)

Appellant

Pro Se

MR. MUHAMMAD BILAL
Deputy District Attorney

For respondents

MR. NIAZ MUHAMMAD KHAN, ...
MR. MUHAMMAD HAMID MUGHAL ...

CHAIRMAN
MEMBER

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the appellant

and learned Deputy District Attorney heard and record perused.

FACTS

2. The appellant is charged inter alia, for tampering with the signatures of DDO
Qazi Tajammul Hussain and thereby wrongly encashing some amount of salary for
the period of his absence from duty. He is also charged for absence from duty.

ARGUMENTS

3. The appellant *pro se* argued that the charges are baseless. That in the first
round the august Supreme Court of Pakistan had directed to send the signatures of

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DDO for comparison to hand writing expert but that direction has not been followed. That no added proof is available against him.

4. On the other hand the learned Deputy District Attorney argued that the august Supreme Court of Pakistan had directed fresh enquiry and it was for the authority to send the signatures for comparison in the light of fresh enquiry. That charges against the appellant have been proved.

CONCLUSION.

5. The appellant was charged in the first round of litigation for tampering with the signatures of two D.D.Os in the bills submitted to the District Accounts Office and encashed some amount. The appellant was compulsorily retired from service in the first round and when the matter came up before this Tribunal, the appeal of the appellant was dismissed. The matter went up before the august Supreme Court of Pakistan and their Lordships of the Supreme Court vide order dated 11.02.2016 set aside the order of this Tribunal as well as the order of compulsory retirement of the appellant with the observation that though the enquiry officer suggested the comparison of the signatures of DDO Qazi Tajammul Hussain through hand writing expert but the authority did not follow the recommendations of the then enquiry officer. After fresh enquiry in the light of the observations of the august Supreme Court of Pakistan, the present appellant has again been compulsorily retired from service through impugned order dated 27.09.2016. But in the fresh enquiry again the signatures of the said DDO have not been sent to hand writing expert and the new enquiry officer has given report against the appellant regarding these signatures. But, if we compare the material collected by the previous enquiry officer and the new enquiry officer there is no added material which could lead to a certain conclusion that the signatures of Qazi Tajammul Hussain are bogus. It means we are again at the same stage at which the august Supreme Court of Pakistan passed the order dated 11.02.2016 . In view of the said.

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED

Handwritten signature

observations of the august Supreme Court of Pakistan, the appeal is accepted and the impugned order is set aside with the direction to the departmental authority to send the signatures of said Qazi Tajammul Hussain for verification to hand writing expert and thereafter proceed by referring the report of the expert to the enquiry officer and the enquiry officer shall submit his new recommendations (after considering report of the expert) to the authority and the authority shall then proceed further on the basis of fresh enquiry report. In the meantime the appellant is reinstated in service till the outcome of fresh enquiry. Parties are left to bear their own costs. File be consigned to the record room.

Announced

24.08.2017 *Self* Miaz Muhammad Khan,
Chairman
Cant Court A/Head.

At
24.
Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Self M. Hamid Mughal,
Member

Date of Presentation 28-08-17
Number of Pages 1200
Copying Fee 8
Urgent 2
Total 10
Name of Court MMD
Date of Court 28-8-17
Date of Settlement 28-8-17

ATTESTED
[Signature]

To

The District Education Officer (Male)
E & S Education Department,
District, Abbottabad.

Subject:

APPLICATION FOR IMPLEMENTATION OF JUDGMENT DATED 24/08/2017 IN SERVICE APPEAL NO.58 OF 2017 PASSED BY KPK SERVICE TRIBUNAL CAMP COURT ABBOTTABAD TITLED "NAVEED IQBAL VERSUS GOVT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY E&SE DEPARTMENT PESHAWAR ETC" WHEREIN APPLICANT REINSTATED IN SERVICE BY SETTING ASIDE THE IMPUGNED ORDER DATED 27/09/2016 WHEREBY THE PREDECESSOR (DEO) OF YOUR GOOD SELF COMPULSORILY RETIRED FROM SERVICE.

Sir,

It is very humbly requested that applicant reinstated in service vide judgment dated 24/08/2017 passed by Service Tribunal and the said Tribunal set-aside the impugned order dated 27/09/2016. (Copy of Judgment of Service Tribunal dated 24.08.2017 is annexed)

That, on 27/09/2016 applicant was serving in BPS-16 as "AT" in GHS No-3 Abbottabad and was adjusted for the purpose of fresh inquiry through order dated 29/03/2016 issued by the DEO(M) on the basis of implementation order of the Hon'ble Supreme Court dated 11/02/2016, which is still existing order of Apex Court and legally Service Tribunal passed its very Judgment dated 24/08/2017 in pursuance of the said Apex Court's order. (Copy of Judgment of Apex Court dated 11.02.1016 is annexed)

That, now legally impugned order is no more in the field and applicant is reinstated in service at previous status and he is also paid his arrival in the office of Principal GHS No-3 (English Medium) Abbottabad. (Arrival report is attached).

That, applicant requests his pending non-implementation matters for proper completion of whole decided subject.

- Recover / refunded of Rs. 4,47,573/-
- Arrears of Pay w.e.f. 01/10/2013 to 31/03/2016 (30 Months)
- Arrears of Pay w.e.f. 01/10/2016 to 31/08/2017 (11 Months)

It is therefore, requested that relevant orders relating to reinstatement of applicant in service as usual keeping in view of his adjustment in GHS No-03, Abbottabad which is noted in order dated 29/04/2017 passed by the Apex Court and detail of arrears given in Para (a) to (c) above, may kindly be drawn to the applicant through massing appropriate directions and such order may please be issued on the basis of implementation of Apex Court as well as Service Tribunal judgments dated 02/05/2013 & 24/08/2017. (Copy of Judgment by KPK Service Tribunal dated 02.05.2013 is annexed).

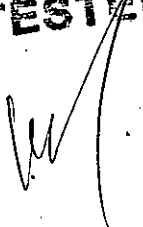
Yours Faithfully;



Naveed Iqbal (A.T.)
GHS No-03 (English Medium)
Abbottabd.

Dated: 29/08/2017

ATTESTED



59

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD.

RE-INSTATEMENT.

In pursuance to the of judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar passed in Service Appeal No. 58/2017 dated 24.08.2017, Mr.Naveed Iqbal Ex-AT GHS No,3 Abbottabad is hereby re-instated in service till the outcomes of fresh inquiry and further posted against the vacant post of AI (B-15) at GHS No.3 Abbottabad with immediate effect.

- Note:-
1. Necessary entry should be recorded in his service book.
 2. Charge report should be submitted to all concerned.
 - 3.. No TA/DA is allowed.

Sat
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No. 10132-41/EB-II/AT

Dated 18/09 /2017

Copy forwarded to the:-

1. Registrar, Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to judgment passed in Service Appeal No. 58/2017 dated 24.08.2017,
2. Secretary to Government of Khyber Pakhtunkhwa, E&SED, Peshawar.
3. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. Principal GHS No,3 Abbottabad.
5. District Monitoring Officer (IMU) Abbottabad
6. District Accounts Officer Abbottabad.
7. Budget & Accounts Officer local Office.
8. Assistant Programmer EMIS local Office.
9. Mr.Naveed Iqbal Ex-AT GHS No,3 Abbottabad resident of Village Banda Khair Ali Khan P.O.Dobather Abbottabad.

[Signature]
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

ATTESTED

[Signature]

60

ANNEXURE
R

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD



No. 11811-12/ADEO LIT

Dated: 28/10/2017

0992-9310102, 0992-330131

EDO.Education.Atd@gmail.com

To
The Forensic Science Lab (FSL)
Khyber Pakhtunkhwa,
Peshawar.

Subject: VERIFICATION OF SIGNATURE

In pursuance to the Judgment of Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar passed in Service Appeal No. 58/2017, the operative part of the judgment is reproduced as under:

"The appeal is accepted and the impugned order is set aside with the direction to the departmental Authority to send the signatures of said Qazi Tajammal Hussain for verification to Hand writing expert" (Copy of the Judgment attached).

The Original Signatures of Qazi Tajammal Hussain then DDO alongwith copy of allegedly disputed signatures, routine signatures are hereby attached with the request to verify the signatures in the light of Judgment of Honorable Service Tribunal.

Encl: as above

District Education Officer (M)
Abbottabad

Dated: 28/10/2017

Encl: No. _____

Copy forwarded to the following for information:

Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to letter No.1998 dated 30/08/2017.

District Education Officer (M)
Abbottabad

ATTESTED

**JUSTICE THROUGH SCIENCE
FORENSIC SCIENCE LABORTARY, PESHAWAR.
EXAMINATION REPORT FORM (D)**

IMPORTANT NOTICE

When summons are issued for the attendance of the EXPERT for evidence, reference must be made to the date and Serial No. of this report.

Laboratory No. 30-991-0-17 DT; 31-10-2017

Subject: VERIFICATION OF SIGNATURE

The following documents were received for examination:-

1. Disputed photostat source form dated 11-09-2012, bearing the questioned English signature *Qazi Tajummal Hussain*.
2. Specimens English signatures of the suspect *Qazi Tajummal Hussain* on three sheets.
3. Photostat show cause notice, charge sheet and statement possessing routine English signatures of *Qazi Tajummal Hussain*.

PRELIMINARY REPORT

The preliminary examination of the documents was carried out with the following observations:-

1. The photostat disputed source form, supplied does not serve the purpose of forensic scientific examination and comparison work. Hence original may be provided for detailed examination and comparison purpose.

The routine/admitted signatures in original of the official *Qazi Tajummal Hussain* may also be produced for the year 2010, 2011 which he might have had done in the past on some official documents in order to facilitate the examination and comparison work and also to express a definite, professional and accurate opinion.

All the documents are returned herewith for further necessary action.

(Signature)
(SI Muhammad Irshad)
Questioned Documents Expert
FSL, Peshawar

(Signature)
(DSP Nawab Ali)
Questioned Documents Expert
FSL, Peshawar

_____/FSL, Dated Peshawar the ____/____/2017

The preliminary report of the expert's alongwith all the documents are forwarded to District Education Officer (N), Abbottabad.

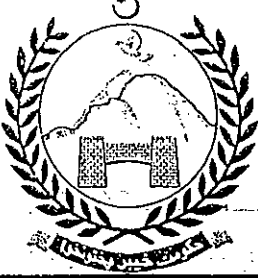
Note: This report carries Emboss Marks.

(Signature)
(RAB NAWAZ KHAN)
Director
Forensic Science Laboratory
Khyber Pakhtunkhwa, Peshawar

ATTESTED
(Signature)

NOTICE (1) - The Post Office is not responsible for the loss of inland registered mail.
62

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD



No. 13756-58/ADEO LIT

Dated: 13/11/2017

0992-9310102, 0992-330131

EDO.Education.Atd@gmail.com

To
The District Accounts Officer
Abbottabad.

Subject: VERIFICATION OF SIGNATURE

With reference to letter No. 23265/FSL dated 31-10-2017 on the subject cited above. It is submitted that the operative part of the preliminary report is reproduced as under:

"The photostat disputed source form, supplied does not serve the purpose of forensic scientific examination and comparison work. Hence original may be provided for detailed examination and comparison purpose".

It is therefore, you are hereby requested to please provide the Original Source Form in the month of November 2012, in respect of Mr. Naveed Iqbal (AT) for the purpose of verification of disputed signatures to hand writing expert as per judgment of Honourable Service Tribunal Khyber Pakhtunkhwa, Peshawar passed in Service Appeal No. 58/2017.

District Education Officer (M)
Abbottabad

Endst: No. _____

Dated: /11/2017

Copy forwarded to the following for information:

1. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to letter No.1998 dated 30/08/2017.
2. Director, Forensic Science Laboratory Khyber Pakhtunkhwa, Peshawar with reference to letter No. 23265 dated 31-10-2017.

District Education Officer (M)
Abbottabad

ATTESTED

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63

OFFICE OF DISTRICT ACCOUNTS OFFICER, ABBOTTABAD.

No. 548 Admn/DAO/ATD

Dated: 17/11/17

TO:

The District Education Officer (MI),
Abbottabad.

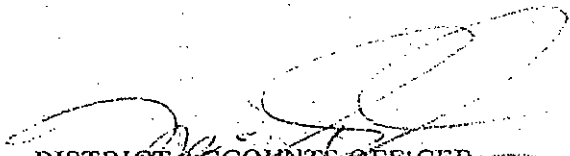
Subject: VERIFICATION OF SIGNATURE

Memo,

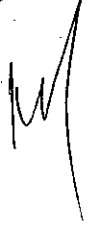
With reference to your letter No. 12756/ADEO (Lit) dated 16-11-2017 on the subject captioned above.

In this context it is stated that record of this Office has been overhaul and shifted but the instant source is not traceable in our record.

It is therefore requested that Office copy of the controversial source may be provided enabling the apex Tribunal to reach the decisive conclusion.


DISTRICT ACCOUNTS OFFICER,
ABBOTTABAD.

ATTESTED



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(The special articles, unless they are

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD



No. 12872 /ADEO LIT

Dated: 21/11/2017

0992-9310102, 0992-330131
EDO.Education.Atd@gmail.com

To
The Forensic Science Lab (FSL)
Khyber Pakhtunkhwa,
Peshawar.

Subject: VERIFICATION OF SIGNATURE

In response to your office letter No. 23265 dated 31-10-2017 on the subject cited above it is submitted that this office approached the District Accounts Officer, Abbottabad vide letter No. 12756-58 dated 16-11-2017 with the request to provide the original source form for the purpose of examination and comparison.

As per letter No. 548 dated 17-11-2017 of District Accounts Officer, Abbottabad the relevant portion of the said letter is reproduced as under:

"In this context it is stated that record of this Office has been overhauled and shifted but the instant source is not traceable in our record." (Copy attached).

It is therefore, in the light of above referred letter of District Accounts Officer, Abbottabad you are hereby requested to please proceed the further in the light of judgment of Honourable Service Tribunal and the routine admitted signatures in original of the official are enclosed herewith as directed by your office.

Encl: as above

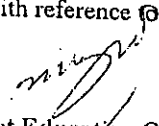
District Education Officer (M)
Abbottabad

Dated: 1/11/2017

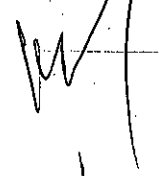
Encls: No. 12873

Copy forwarded to the following for information:

Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to letter No.1998 dated 30/08/2017.


District Education Officer (M)
Abbottabad

ATTESTED



65

JUSTICE THROUGH SCIENCE
FORENSIC SCIENCE LABORATORY, PESHAWAR.
EXAMINATION REPORT FORM (D)

IMPORTANT NOTICE

Examination reports are issued for the attendance of the EXPERT for evidence reference must be made to the date and Serial No. of the report.

Laboratory No. 30-02-0-18 DT; 03-01-2018

Subject: VERIFICATION OF SIGNATURE

207
5/1/18

The following documents were received for examination:-


1. Disputed photostat source form dated 11-09-2012, bearing the questioned English signature "Ejaz T. Jamil Hussain"
2. Specimens English signatures of the suspect "Ejaz T. Jamil Hussain" on three sheets.
3. Four office correspond letters possessing routine English signatures of "Ejaz T. Jamil Hussain"

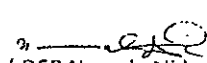
PRELIMINARY REPORT

The preliminary examination of the documents was carried out with the following observations:-

The Photostat disputed source form dated 11-09-2012 supplied does not serve the purpose of minute detailed forensic scientific examination and comparison work. Furthermore photostat does not show any good line quality, hesitation, lifts of the writing instrument, pause, of the writing instrument, speed of execution and other important evidence etc. Therefore original may be provided.

All the documents are returned herewith for further necessary action.


(SI Muhammad Irshad)
Questioned Documents Expert
FSL, Peshawar



(DSP Nawab Ali)
Questioned Documents Expert
FSL, Peshawar

No. 596 /FSL, Dated Peshawar the 03-01-2018.

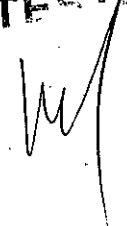
The preliminary report of the expert's alongwith all the documents are forwarded to District Education Officer (M), Abbottabad

Note: This report carries Emboss Marks.

Specialist
For use
Stills


(RAB NAWAZ KHAN)
Director
Forensic Science Laboratory,
Khyber Pakhtunkhwa, Peshawar

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66
for loss or damage in the case of inland registered articles, unless they are also insured.
REGISTERED POST

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD



No. 3866 /ADEO (Lit)

Dated: 31 /03/2018

0992-9310102, 0992-330131

EDO.Education.Atd@gmail.com

ANNEXURE
S

To:

1. Muhammad Salim, Principal GSSNCMHS No. 1 Tank. (Chairman)
2. Sikandar Sher, Principal, GHSS Mansab Dar District Swabi (Member)

Subject: JUDGMENT IN APPEAL NO. 58/2017 NAVEED IQBAL VS GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS.

In pursuance to the judgment of the Honourable Service Tribunal Khyber Pakhtunkhwa, Peshawar passed in Service Appeal No. 58/2017 the operative part of the judgment is reproduced as under:

"The appeal is accepted and impugned order is set aside with the direction to the departmental authority to send the signatures of said Qazi Tajammal Hussain for verification to hand writing expert and thereafter proceed by referring the report of the expert to the enquiry officer and the enquiry officer shall submit his new recommendations (after considering report of the expert) to the authority and the authority shall then proceed further on the basis of fresh enquiry report. In the meantime the appellant is reinstated in service till the outcome of fresh enquiry". (Copy of the judgment attached).

Furthermore, in compliance with the judgment of Honourable Service Tribunal this office submitted the case regarding verification of signatures to the Forensic Science Lab (FSL) Khyber Pakhtunkhwa Peshawar vide letter No. 11811-12 dated 28-10-2017. In response to this office letter quoted above the FSL returned the documents in original vide letter No. 23265/FSL dated 31-10-2017, with the observation that the photostate disputed source form does not serve the purpose of scientific examination and comparison work hence, original may be provided. In pursuance to observation of FSL this office requested the District Accounts Officer, Abbottabad vide letter No. 12756-58 dated 16-11-2017 with the request to provide the original source form for the purpose of scientific examination. In response to this office letter quoted above District Accounts Abbottabad vide letter No. 548 dated 17-11-2017 stated that the original source form is

ED

57

REGISTERED POST MOST URGENT BEING COURT MATTER

not traceable. (Copies of letter dated 28-10-2017, 31-10-2017, 16-11-2017 & 17-11-2017 are attached).

It is further added that this office once again forwarded the entire case to the FSL vide letter No. 12872 dated 21-11-2017 with the request to please proceed further in pursuance to the judgment of Honourable Service Tribunal. In response to above referred letter FSL provided preliminary report vide letter No. 396 dated 03-01-2018. (Copy of letter dated 21-11-2017 & report of FSL dated 03-01-2018 are attached).

It is therefore, you are hereby requested to submit new recommendations after considering report of the expert as per judgment of the Honourable Service Tribunal to the undersigned within 07 days after the receipt of this letter.

District Education Officer (M)

01/2/ Abbottabad

Endst: No. 3867

Dated: 31/3/2018

Copy forwarded for information to the:-

1. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to letter No. 1998/ST dated 30-08-2017.

District Education Officer (M)

01/2/ Abbottabad

ATTESTED

[Handwritten signature]

ATTESTED

[Handwritten signature]

NAME OF ENQUIRY:

Enquiry in pursuance of the Judgment of the Khyber Pakhtunkhwa Honorable Service Tribunal camp court Abbottabad passed in service appeal No. 58/2017, titled as Naveed Iqbal vs Government of Khyber Pakhtunkhwa & others.

ENQUIRY COMMITTEE:

Muhammad Salim Principal GSSNCMHS NO.1, Tank	Chairman
Sikandar Sher Principal GHSS Mansab Dar, Swabi	Member

BRIEF HISTORY OF THE CASE:

The August Supreme Court of Pakistan in its judgment passed in civil petition No. 3493 of 2015 dated 11-02-2016, against the judgment of KP Service Tribunal Peshawar passed on 05-10-2015 in appeal No.206 of 2014, directed the respondent that the competent authority may hold fresh enquiry or may proceed as was suggested by the first enquiry Officer (for verification of the second signature of the other DDO, the case be sent to the hand writing expert) and thereafter pass an appropriate order. (Annex A P 1,2)

In the pursuance of the said judgment of the August Supreme Court of Pakistan the DEO (M) Abbottabad being representative on behalf of respondent and the competent authority in the said case preferred the first option and after proper approval of the Director E&SE Peshawar notified the instant enquiry committee to conduct fresh enquiry on account of charges/ allegation leveled against Mr. Naveed Iqbal Ex-AT GHS Tōdo Mera Abbottabad now working at GHS No.3 Abbottabad. The enquiry committee after completion of the enquiry proceeding as per TORs, submitted the report to the competent authority i.e DEO (M) Abbottabad on 06-06-2016. However, the said enquiry was remanded and the original report along with supporting documents was returned to the committee with remarks that the accused be given chance of self defense and even provided him opportunity of cross examination, the witness/evidence against him and follow the procedure laid down under rule 11-14 of Khyber Pakhtunkhwa Govt servant E&D rule 2011 and submit the report with clear recommendation in light of terms of references as mentioned in the charge sheet and statement of allegations.

The enquiry committee after doing the needful again submitted its report with clear recommendations to the competent authority i.e DEO (M) Abbottabad on 02-08-2016. Thus in the light of recommendations of the committee, final order of compulsory retirement was passed against the appellant. However being aggrieved at the said order the appellant filed a departmental appeal before the appellate authority, which was rejected. (Annex B P 3,4)

The appellant then preferred an appeal before the Honorable Khyber Pakhtunkhwa Service Tribunal camp court Abbottabad against the final order of compulsory retirement passed by the DEO (M) Abbottabad. The Honorable Khyber Pakhtunkhwa Service Tribunal camp court Abbottabad in its judgment passed on 24-08-2017, accepted the appeal and set aside the impugned order issued by the DEO (M) Abbottabad with the direction to the departmental authority to send the signature of the said Mr. Qazi Tajamal Hussain for verification, to hand writing expert and thereafter proceed by referring the report of the expert to the enquiry officer and the enquiry officer shall submit his new

recommendations (after considering report of the expert) to the authority and the authority shall then proceed further on the bases of fresh enquiry report.

In pursuance of the above noted judgment the competent authority sent the case for verification of signature to the forensic Science Lab (FSL) Khyber Pakhtunkhwa Peshawar vide letter No. 11811-12 dated 28-10-2017. In response to this office letter the FSL office returned the documents in original with observations that the photo copies of the disputed source form does not serve the purpose of scientific examination and comparison work and demanded for original source form.

In pursuance of the observations of FSL the DEO(M) Abbottabad requested to the District Account Officer Abbottabad through proper office letter to provide the original source form for the purpose of scientific examination as desired by FSL.

However the District Account Officer Abbottabad failed to provide the same documents. The case was again forwarded to FSL but the FSL provided its preliminary report with the following observations.

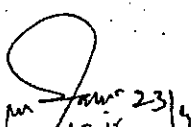
"The photo state disputed source form dated 11-09-2012 supplied, does not serve the purpose of minute detail forensic scientific examination and comparison work. Furthermore photo state does not show any good line quality, hesitation, lifts of the writing instrument, pause of the writing instrument, speed of execution and other important evidence etc. Therefore original may be provided." (Annex C P 5-15)

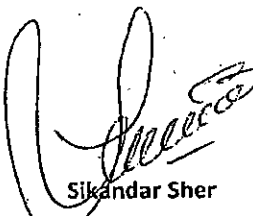
Hence the FSL could not provide clear result regarding verification of the disputed signatures.

FINDINGS AND RECOMMENDATIONS:

In view of the above narrated facts and from thoroughly examination of the FSL report the enquiry committee has come to the conclusion that:

* As the preliminarily report of FSL could not provide conclusive result regarding the verification of disputed signature of Mr. Qazi Tajamal Hussain due to non availability of original source form, hence the previous enquiry report already submitted by the instant enquiry committee may be pursued as it provides sufficient grounds to be proceeded against the appellant under rule 03 & 04 of Khyber Pakhtunkhwa Govt Servants E&D rules 2011.


Muhammad Salim
Principal
Chairman Enquiry Committee


Sikandar Sher
Principal
Member Enquiry Committee

70

ANNEXURE
T

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

NOTIFICATION:

1. WHEREAS you, Mr. Naveed Iqbal, AT GHS No.3 Abbottabad was proceeded for having committed the following gross irregularities which constitute inefficiency, misconduct and corruption under Rule-3, Sub Rules (a), (b) and (c) of the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011.
2. AND WHEREAS, major penalty of Compulsory Retirement with recovery of Rs.136443/= was imposed upon you under Rule-4(1)(b) Sub Rule(ii) of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 vide this office Notification issued under Endst: No.8188-93 dated 19.10.2013.
3. AND WHEREAS, in pursuance to the judgment of August Supreme Court of Pakistan in Civil Petition No.3493 of 2015 announced on 11.2.2016 against the judgment dated 5.10.2015 of the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar passed in Service Appeal No.206 of 2014, you were re-instated in service vide this Office Notification issued under Endst: No.2491-99 dated 29.3.2016.
4. AND WHEREAS, in response to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, Memo No.1661 dated 08/04/2016, Inquiry Committee was constituted vide this office Notification issued under Endst: Nos.2907-14 dated 14-04-2016 to conduct *fresh inquiry* against you on account of Charges/Allegations levelled against you. Charge Sheet & Statement of Allegations were served upon you through Principal, GHS No.3 Abbottabad vide this Office Memo: No.2915 dated 14.4.2016.
5. AND WHEREAS, the Inquiry Committee submitted its report vide Memo: No.157 dated 06.6.2016, which was remanded back to the Inquiry Committee in original alongwith supporting documents vide Memo: No.5308-12 dated 22.6.2016 with the remarks that the accused be given chance of self defence and even to provide him opportunity of cross examination/evidence against him and follow the procedure laid down under Rule 11 to 14 of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 and to submit report with clear recommendation in the light of terms of reference in the Charge Sheet and Statement of Allegations.
6. AND WHEREAS, in response to the Inquiry Committee Memo No.164 dated 04/07/2016, this office informed/intimated the concerned Officers/Officials as well as you to appear before the Inquiry Committee to avail the opportunity of self defence and even to cross examining the evidence against you on 18.7.2016 vide this Office Memo: No.5567-71 dated 11.7.2016.
7. AND WHEREAS, on the scheduled date, the Inquiry Committee provided you full opportunity of self defence as well as copies of statements of witnesses were provided to you for cross examination and submitted its findings/recommendation dated 2.8.2016.
8. AND WHEREAS, you remained willful absent from duty w.e.from 01.3.2012 to 30.6.2012 at GMS Hazeera, after reopening of school for winter vacations, whereas you were transferred to the said school on your own request on 07.1.2012, took over charge on 9.1.2012 and illegally, fraudulently drawn pay for the absent period without performing duty i.e:-
 - Regular drawl for the month of May & June, 2012= Rs.28562.00 x 2= Rs.57124.00
 - Illegally/fraudulently drawl of Rs.184122/= through fake source form for the months of March & April, 2012 through payroll of October 2012 (as detail recorded in Para-9 below: -
9. AND WHEREAS, you have committed gross misconduct and corruption by dishonestly tempering in the Source Form-II in the month of October 2012 with the bogus and tempered entries of arrears under the signature of Mr. Zafar Arbab Abbasi, the then DO(M)/DDO of Boys Middle Schools Abbottabad, which was presented by this office for activation of your pay w.e.from 01.9.2010, you entered arrear of pay w.e.from 01.03.2012 to 30.04.2012 and 01.07.2012 to 30.09.2012 (five months) and unlawfully drawn the amount of Rs.184122/- (Rupees one lac eighty four thousand one hundred and twenty two) through pay roll for the month of October, 2012.

(Contd:P/2)

ATTESTED

10. AND WHEREAS, you in the month of November 2012, again committed the same mal-practices through submission of another Source Form-II under the tempered and bogus signatures of Qazi Tajammal Hussain, the then DO (M)/DDO Boys Middle Schools Abbottabad and unlawfully drawn the unauthorized arrears of pay for the period from 01.12.2010 to 30.11.2011 (twelve months) amounting to Rs.293723/- (Rupees two lac ninety three thousand seven hundred & twenty three) through pay roll in the month of December 2012, for the period you remained out of service in result of order of removal from service, reduction to lower post or stoppage of four increments for producing fake/forged letters on behalf of Director, E&SE, Khyber Pakhtunkhwa and Honorable Service Tribunal Peshawar in result of inquiry report of Headmaster GHS Akhun Abad Peshawar.
11. AND WHEREAS, your original Service Book remained in your personal custody just to conceal the facts and avoid entries of penalties/orders previously passed against you but all of a sudden, in result of your adjustment at GHS No.3 Abbottabad, you presented your original Service Book on 08.7.2013. It has been detected through its scrutiny that not even a single entry regarding removal from service, reduction to lower post as well as stoppage of 04 (four) increments have been made therein and you remained enjoying the same status by drawing your existing pay without indicating recovery of four increments in result of review order passed by the Appellate Authority. The said left over entries in result of concealment of original service book have been made by the DDO concerned on 22.07.2013.
12. AND WHEREAS, due to the concealment of your service book, entries regarding your removal, reversion and stoppage of four increments could not be made therein. In result of stoppage of four increments, refixation was made in your Service Book that creates further outstanding liabilities of Rs.136443/- (Rupees one lac thirty six thousand four hundred forty three) against you.
13. AND WHEREAS, you have illegally/fraudulently/unlawfully and dishonestly drawn the Rs.671411/= (as per detail recorded in Para No. 08 to 12 above) from Government Exchequer.
14. AND WHEREAS, you have deposited Rs.447573.00 into Government Treasury vide Challan Nos.73 and 74 dated 10.9.2013, which is established evidence that you have committed gross misconduct, dishonesty and fraudulently drawl of the said amount.
15. AND WHEREAS, after adjustment of Rs.447573/- deposited by you in to Government Treasury & your pay for the month of July, August, September, 2012 i.e.Rs.80142.00, from the total recovery amount of Rs.671411/- (671411.00 - 527715.00=Rs.143696), further amount of Rs.143696.00 is lying outstanding against you.
16. AND WHEREAS, Show Cause Notice was served upon you vide this Office Memo: No. 6840 dated 31/08/2016, wherein major penalty of "dismissal from service" was tentatively proposed under Rule-4(1)(b) Sub Rule (iv) of Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) Rules,2011 and recovery of balance amount of Rs.143696.00, illegally, fraudulently and unlawfully drawn from Govt: Exchequer.
17. AND WHEREAS, on receipt of reply of show cause notice dated 17/09/2016, you were summoned for personal hearing on 26.9.2016 vide this office Memo: No.7389-90 dated 23/09/2016. On the date fixed, you availed the opportunity of personal hearing as well as self defence and failed to defend the charges levelled against you.
18. AND WHEREAS, major penalty of Compulsory Retirement with recovery of Rs.143697/= was imposed upon you under Rule-4(1)(b) Sub Rule(ii) of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 vide this office Notification issued under Endst: No.7531-38 dated 27.9.2016.

(Contd:P/3)

ATTESTED



19. AND WHEREAS, in pursuance to the Judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad passed in Service Appeal No. 58/2017 Dated 24-08-2017, Inquiry Committee was requested vide this office letter No.3866 dated 31-03-2018 to submit new recommendations after considering report of the expert as per above cited judgment. The Inquiry Committee submitted its new recommendations vide Memo No.105 dated 23-04-2018.
20. AND WHEREAS, on going through the new recommendations of the Inquiry Committee dated 23.4.2018 and the previous inquiry report submitted by the instant Inquiry Committee dated 02.08.2016, I am satisfied that you have committed the above offences/acts/omissions specified in Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011.
21. AND WHEREAS, Show Cause Notice was served upon you vide this Office Memo: No.7006 dated 12/06/2018, wherein major penalty of "Dismissal from Service" was tentatively proposed under Rule-4(1)(b) Su Rule (iv) of Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) Rules,2011 and recovery of balance amount of Rs.143696.00, illegally, fraudulently and unlawfully drawn from Govt: Exchequer.
22. AND WHEREAS, on receipt of reply of show cause notice dated 28/06/2018, you were summoned for personal hearing on 09/07/2018 vide this office Memo: No.7687 dated 06/07/2018. On the date fixed, you availed the opportunity of personal hearing as well as self defence and failed to defend the charges levelled against you.
23. AND By reason of the above, all the charges leveled against you have been proved and you are found guilty of corruption, misconduct, forgery, inefficiency and financial loss to the Government Exchequer under Rule-3 of the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Rules-2011.

NOW THEREFORE, the Competent Authority in exercise of the power conferred upon him under Rule-4(1)(b) Sub Rule (i) of Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) Rules-2011 is pleased to impose Major Penalty of "REDUCTION TO THREE LOWER STAGES IN TIME SCALE" upon Mr. Naveed Iqbal AT GHS No.3 Abbottabad with the recovery of Rs.143697/- (Rupees one Lac FortyThree Thousand Six Hundred Ninety Seven) out of his emoluments/pensionary benefits.

sd/—
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No. 3437-45 /PF Naveed Iqbal AT

Dated 21/3 /2019

Copy forwarded for information to the:

1. Honorable Registrar, August Supreme Court of Pakistan, Islamabad with reference to judgment passed in Civil Petition No.3493 of 2015 dated 11.2.2016.
2. Honorable Registrar, Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad w/r to judgment passed in Service Appeal No. 58/2017 Dated 24-08-2017
3. Secretary to Government of Khyber Pakhtunkhwa, E&SED, Peshawar.
4. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
5. District Comptroller of Accounts Abbottabad.
6. Principal, GHS No.3 Abbottabad with the remarks to record the relevant entries in the service book of teacher concerned, recovery be made and submit compliance report accordingly.
7. Budget & Accounts Officer, Local Office.
8. APO EMIS Branch Local Office.
9. Mr. Naveed Iqbal AT GHS No.3 Abbottabad.

—
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

The District Education Officer (Male)
Elementary & Secondary Education
Department, Abbottabad

SUBJECT: APPLICATION FOR GRANT OF ALL BACK BENEFITS

Respected Sir,

With due respect the applicant stated as under:-

1. That, appellant drawn salaries of 17 months Rs. 447,573/- in the light of the Judgment of the Honorable Peshawar High Court, Abbottabad bench dated 24/05/2012 which was later on recovered by the appellant vide order dated 29/07/2012.
2. That, the applicant was working as a "Arabic Teacher" at GMS Todo Maira, Abbottabad and retired compulsory from service on 19/10/2013.
3. That, on 11/02/2016, applicant was re-instated in service by Honourable Supreme Court of Pakistan in CPLA No. 3493 of 2015, the relevant of the Judgment of Hon'ble Supreme Court is as under:-

"Accordingly, this petition is converted into appeal and the same is allowed"

4. That, on 29/03/2016, applicant was re-instated in Service and salary of the applicant was released w.e.f. 01/04/2016 but the salary of applicant w.e.f. 01/10/2013 to 31/03/2016 (30 moths) is still pending.
5. That, on 29/04/2016, August Supreme Court of Pakistan, issued directions in Criminal Original Petition No.36/2016 in CPLA No. 3493 of 2015 for the issuance of all back benefits of the applicant. Relevant Para is as under:-

"The petitioner may defend the Inquiry proceedings in accordance with law and since his grievance to his non-payment of the amount has been redressed"

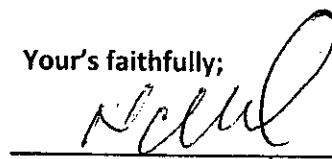
6. That, on 27/09/2016, applicant once again retired compulsory from service and re-instated on 18/09/2017 in the light of the Judgment of Honourable Service Tribunal Camp Court, Abbottabad in Service Appeal No.58/2017 dated 24/08/2017 and salary of the applicant was released w.e.f. 01/09/2017, but the salary of applicant w.e.f. 01/10/2016 to 31/08/2017 is still pending.
7. That, on 21/03/2019, applicant was re-instated in service with immediate effect.

In view of the above, it is requested as under:-

- i) That, the salary of the appellant of 17 months amounting to Rs. 447,573/- be returned to the appellant.
- ii) That, issue the re-instatement order of the applicant may kindly be issued w.e.f. 19/10/2013.
- iii) That, issue the release of Salary order of applicant w.e.f. 01/10/2013 to 31/03/2016 (30 moths) & 01/10/2016 to 31/08/2017 (11 months) Totally 41 months.
- iv) That, issue one step Up-gradation order of the applicant from BPS-15 to BPS-16 w.e.f. 01/07/2015 with reference to notification dated 30/06/2015, issued by the Finance Department of KPK.
- v) That, issue order of "One Pre-mature increment" of applicant w.e.f. 01/06/2014, with reference to notification dated 30/05/2014, issued by the Finance Department of KPK.

Dated: 28/03/2019

Your's faithfully;



Naveed Iqbal (A.T)
GHS No.3, Abbottabad

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTOONKHUWA, PESHAWAR.

Execution Petition No. 56/2013

Naveed Iqbal A.T, Ex-G.M.S Todo Maira, under transfer to G.H.S No.3, Abbottabad.

...PLAINTIFF

VERSUS

- 1) Muhammad Riaz Swati District Education Officer (E&S) (Male), District Abbottabad.
- 2) Abdur Rasheed I/C Principal Government High School No.3, Abbottabad.

...DEFENDANTS

SUBJECT: APPLICATION FOR THE IMPLEMENTATION OF ORDER DATED 02.05.2013 IN SERVICE APPEAL NO.304/2012 PASSED BY HON'BLE SERVICE TRIBUNAL KHYBER PAKHTOONKHUWA PESHAWAR & CONTEMPT OF COURT PROCEEDING AGAINST DEFENDANTS;

Respected Sir,

I humbly submit as under;

1. That, plaintiff filed a Service appeal to set aside the orders dated 29.06.2010 and 30.11.2011 and for the restoration of order dated 20.05.2010, before this Hon'ble Tribunal: (*Copies of orders dated 29.06.2010, 30.11.2011 & 20.05.2010 are annexed as Annexures "A", "B" & "C" respectively*)
2. That, the Hon'ble Tribunal accepted the appeal of plaintiff and on 02.05.2013, passed order in favour of plaintiff. (*Copy of order dated 02.05.2013 is annexed herewith as Annexure "D"*)
3. That, in the light of order dated 02.05.2013, the defendant No.1 restored the previous order dated 20.05.2010 on 26.06.2013. (*Copy of order dated 26.06.2013 is annexed as Annexure "E"*)
4. That, in compliance to the order of defendant No.1, plaintiff got relieved from G.M.S Todu Maira on 30.06.2013 and furnished arrival report on 01.07.2013 before defendant No.2. But defendant No.2 tried the delayed tactic in accepting the arrival report and at last refused to accept the same. (*Copies of relieving certificate & arrival report are annexed as annexure "F" & "G"*)
5. That, the defendant No.2 is having BPS-18 whereas the post against which he is working is the post of BPS-19. Moreover, defendant No.2 have deliberately, willfully and malafidely refused to accept the order of Hon'ble

ATTESTED

EXAMINED
PESHAWAR

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 56 /2013

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15/08/2013	<p>The execution petition submitted by Mr. Naveed Iqbal may be entered in the relevant Register and put up to the Court for further order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
	21.8.2013	<p>Petitioner in person present. Notice be issued to the respondents. To come up for implementation report on 11.9.2013. Petitioner also submitted an application for release of his salary. Notice of application should also be issued to the respondents for the date fixed.</p> <p style="text-align: center;"><i>[Signature]</i> <i>[Signature]</i> Member Member</p>
	11.9.2013	<p>Petitioner in person and Mr. Usman Ghani, SGP with Zubair Ali, ADO (Litigation) for the respondents present. Neither implementation report submitted nor salary of the petitioner has been released. Copy of application submitted by the petitioner for release of salary handed over to representative of the respondents. Respondents are directed to implement judgment of the Tribunal in letter and spirit. To come up for reply/arguments on application for release of salary and implementation report on 31.10.2013.</p> <p style="text-align: center;"><i>[Signature]</i> <i>[Signature]</i> Member Member</p>



[Handwritten signature and stamp]

ATTESTED

[Handwritten signature]

6/A 76

ANNEXURE
BW

OFFICE OF THE HEAD MASTER GOVERNMENT MIDDLE SCHOOL, JABRIAN,
ABBOTTABAD.

TO WHOM IT MAY CONCERN

Certified that Mr. Naveed Iqbal Ex.AT at GMS Jabrian Abbottabad has performed his professional duties w.e.f 23.11.2010 to 13.04.2011, who was thereafter removed from service on 08.04.2011 due to which I relieved him on 14.04.2011. During the said period, the salary of Mr. Naveed Iqbal was stopped by the concern authorities.

Dated:-01-08-2011

[Handwritten Signature]
HEAD MASTER
GOVERNMENT MIDDLE SCHOOL,
JABRIAN, ABBOTTABAD.
01/08/2011

ATTESTED

[Handwritten Signature]

6/B

77

ANNEXURE

X

OFFICE OF THE HEAD MASTER GOVERNMENT MIDDLE SCHOOL, TODO MAIRA, ABBOTTABAD.

ATTENDANCE CERTIFICATE

Certificate that Mr. Naveed Iqbal Ex.AT at GMS Todo Maira, Abbottabad had performed his professional duties w.e.f 01.07.2012 to 30.06.2013, who was thereafter transferred to GHS No.3 Abbottabad on 30.06.2013. Moreover, the salary of Mr. Naveed Iqbal was stopped from 01.07.2012 to 30.09.2012 and 01.04.2013 to 30.06.2013 by the concern authorities.

Endst.No. 217-20

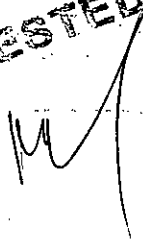
Dated:- 14-9- 2013



Head Master
G.M.S Todo Maira
Abbottabad

HEAD MASTER
GOVERNMENT MIDDLE SCHOOL,
TODO MAIRA, DISTRICT ABBOTTABAD.

ATTESTED



10 78

ANNEXURE
12
Y

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEM: & SECY: EDU: A.ABAD.
Expenditure Statement for the month of October 2012 (10/2012) AD-6028

Head of Account	Budget 2012-13	Expenditure			Balance
		This Month	Prev: Month	Total	
AO- 1101 Pay of officer	23229600	1717380	5027983	6745363	16484237
AO-11051 Pay of Estt:	119020710	9258164	26578358	35836522	83184188
PS		340	680	1020	-1020
AO-1202-HRA	13494340	1066721	3024726	4091447	9402893
AO-1203-Conv: All:	13853880	1573281	4524098	6097379	7756501
AO-1205-Dearness	0	2673	0	2673	-2673
Aos-1207-WA	109200	7400	22400	29800	79400
AO-1208-Dress All:	109200	7600	23000	30600	78600
AO-1209-SDA	0		0	0	0
AO-1217-MA	10550630	819315	2373212	3192527	7358103
AO-1238-Charge Allow:	63360	4680	11637	16317	47043
AO-12-OX-2010 (50%)	40807930	3168504	9257590	12426094	28381836
AO-1244- AR(15%)	0	2349	0	2349	-2349
AO-1262- SRA	0	2349	0	2349	-2349
AO-1250-Incentive Allow:	948500	88500	226602	315102	633398
AO-121-A A.R.-2011(15%)	12535950	956596	2773214	3729810	8806140
AO-12-OP-AR 2009 (20%)		6392	0	6392	-6392
AO-14-Integ: Allow	313200	24300	73750	98050	215150
AO-AR 2012		2132997	6291561	8424558	-8424558
AO-1274-MRC	200000		0	0	200000
AO-1278- Leave Salary	1000000		18496	18496	981504
AO-3201-Postage			0	0	0
AO-3303-Elec:City Charges			0	0	0
AO-3805-TA		22000	0	22000	-22000
AO-3901-Stationery			0	0	0
AO-3970-Other Expendit:			0	0	0
AO-5216-Financial Asstt:			0	0	0
AO-3970-CRC			0	0	0
AO-13303-Petty Repair			0	0	0
G.Total:-	236236500	20861541	60227307	81088848	155147652

Endst: No. 187 80-81 /AB

Dated A.Abad the 29-11 /2012

Copy of the above is forwarded to the:-

1. Executive District Officer Finance & Planning Abbottabad.
2. District Accounts Officer Abbottabad.

[Signature]
30/11
District Officer
(Secondary Education)
Executive District Office
Abbottabad

ATTESTED
[Signature]



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD.

Expenditure Statement for the month of December 2012 (12/2012) AD-6028

Head of Account	Budget 2012-13	Expenditure			Balance	EXCESS
		This Month	Prev: Month	Total		
AO-1101 Pay of officer	23229600	1908000	8483092	10391092	12838508	0
AO-11051 Pay of Estt:	119020710	9356133	44756223	54112356	64908354	0
PS		680	1360	2040	0	2040
AO-1202-HRA	13494340	1072912	5157125	6230037	7264303	0
AO-1203-Conv: All:	13853880	1592172	7672821	9264993	4588887	0
AO-1205-Dearness	0	13776	2673	16449	0	16449
AO-1207-WA	109200	7400	37200	44600	64600	0
AO-1208-Dress All:	109200	7600	38200	45800	63400	0
AO-1209-SDA	0	3612	0	3612	0	3612
AO-1217-MA	10550630	818191	4004879	4823070	5727560	0
AO-1238-Charge Allow:	63360	3600	20382	23982	39378	0
AO-12-OX-2010 (50%)	40807930	3160693	15530330	18691023	22116907	0
AO-1244-AR(15%)	0	9534	2349	11883	0	11883
AO-1262-SRA	0	6209	2349	8558	0	8558
AO-1250-Incentive Allow:	948500	80000	390102	470102	478398	0
AO-121-A A.R.-2011(15%)	12535950	942811	4661384	5604195	6931755	0
AO-12-OP-AR 2009 (20%)		64381	6392	70773	0	70773
AO-14-integ: Allow	313200	24300	122350	146650	166550	0
AO-AR 2012		2215480	10552194	12767674	0	12767674
AO-1274-MRC	200000	0	0	0	200000	0
AO-1278-Leave Salary	1000000	191972	62266	254238	745762	0
AO-3201-Postage	10000	0	0	0	10000	0
AO-3303-Elec:City Charges		0	0	0	0	0
AO-3805-TA	90000	0	0	0	90000	0
AO-3901-Stationery	20000	0	0	0	20000	0
AO-3970-Other Expendit:	20000	0	0	0	20000	0
AO-5216-Financial Asstt:		400000	0	400000	0	400000
AO-3970-CRC		0	0	0	0	0
AO-13303-Petty Repair		0	0	0	0	0
Total:-	236376500	21879456	101503671	123383127	126274362	13280989

Endst: No. _____ /AB

Dated A.Abad the _____ /2012

Copy of the above is forwarded to the:-

1. Executive District Officer Finance & Planning Abbottabad.
2. District Accounts Officer Abbottabad.

Verified for Rs. 21879456/-
On _____

Asstt. District Officer
Abbottabad

[Handwritten Signature]
Dy. District Officer
(Male) Abbottabad

[Handwritten Signature]
ATTESTED

[Handwritten Signature]

بخدمت جناب ڈائریکٹر E&S ایجوکیشن خیبر پختونخوا پشاور

عنوان: اپیل بمطابق آرڈر نمبر 26-221 مورخہ 02-11-2011

جاری کردہ ڈپٹی ڈائریکٹر اسٹیلشمنٹ خیبر پختونخوا پشاور

جناب عالی!

موجبات اپیل ذیل ہیں۔

- ۱۔ یہ کہ سائل گورنمنٹ ہائی سکول نمبر 3 ایٹ آباد میں AT پوسٹ پر اپنے فرائض سرانجام دے رہا ہے۔
- ۲۔ یہ کہ سائل کو مورخہ 08-04-2011 کو مورخہ 23-11-2010 سے ملازمت سے برخاست کر دیا گیا تھا۔ (Annexure A)
- ۳۔ یہ کہ مورخہ 12-04-2011 کو سائل نے ملازمت سے برخاستگی آرڈر کے خلاف سابقہ جملہ بقایا جات سمیت بحالی کیلئے حکمانہ اپیل آپ کے پاس دائر کی۔
- ۴۔ یہ کہ سائل کی اپیل منظور کرتے ہوئے مورخہ 28-07-2011 کو مورخہ 23-11-2010 سے سائل کو جملہ بقایا جات سمیت ملازمت پر بحال کر دیا گیا۔ مگر سائل کے کیڈر AT کو TT میں تبدیل کر دیا گیا۔ (Annexure B)
- ۵۔ یہ کہ سائل نے اپنے کیڈر کی تبدیلی کے خلاف مورخہ 01-08-2011 کو سیکرٹری E&S ایجوکیشن خیبر پختونخوا کے پاس اپیل دائر کی۔ (Annexure C)
- ۶۔ یہ کہ سائل کی اپیل پر مورخہ 22-09-2011 کو سیکرٹری E&S ایجوکیشن نے آپ سے سائل کے کیڈر AT سے TT میں تبدیل کرنے کی رپورٹ طلب کی۔ (Annexure D)
- ۷۔ یہ کہ مورخہ 02-11-2011 کو آپ نے سائل کے کیڈر کو دوبارہ AT پر بحال کر دیا اور سائل کی سالانہ 4 انکریمنٹ سٹاپ کر دیئے۔ (Annexure E)
- ۸۔ یہ کہ 01-12-2010 تا 30-11-2011 تک سائل کی تنخواہ عرصہ ایک سال کیلئے بند رہی۔
- ۹۔ یہ کہ ملازمت پر بحالی کے بعد سائل نے ایک سال کے بقایا جات کیلئے محکمہ کو متعدد درخواستیں بھی دیں مگر ان پر کوئی عملدرآمد نہیں ہوا۔

ATTESTED

M

- ۱۰۔ یہ کہ مورخہ 18-05-2012 کو جملہ بقایا جات کے حصول کیلئے پشاور ہائیڈرو پاور ایجنسی سے رجوع کیا تو عدالت عالیہ نے مورخہ 24-05-2012 کو فیصلہ سناتے ہوئے محکمہ کو جملہ بقایا جات جاری کرنے کی ہدایت بھی جاری کر دیں۔ (Annexure F)
- ۱۱۔ یہ کہ دسمبر 2012 میں محکمہ نے مسائل کو ایک سال کے بقایا جات ادا کر دیئے۔ (Annexure G)
- ۱۲۔ یہ کہ ڈسٹرکٹ ایجوکیشن آفیسر ایبٹ آباد (مردانہ) مسائل کو ذاتیات کی بناء پر بے جا تنگ کر رہے ہیں اور کہہ رہے ہیں کہ آپ نے ایک سال کے بقایا جات غلط وصول کیے ہیں۔ اور آئے دن مسائل کیلئے مسائل پیدا کرنے میں مصروف ہیں۔
- استدعا ہے کہ ڈسٹرکٹ ایجوکیشن آفیسر مردانہ ضلع ایبٹ آباد کو ہدایات جاری کی جائیں کہ مسائل کی بحالی جملہ بقایا جات سمیت ہوئی ہے اور مسائل کو بے جا تنگ نہ کریں اور مسائل کو اپنے فرائض خوش اسلوبی کے ساتھ سرانجام دیئے دیں۔

(Handwritten Signature)

ارض

نوید اقبال AT گورنمنٹ ہائی سکول نمبر 3 ایبٹ آباد

الرقوم: 25-07-2013

(کاپی برائے اطلاع)

- 1۔ سیکرٹری E&S ایجوکیشن خیبر پختونخوا پشاور
- 2۔ ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) ضلع ایبٹ آباد

ATTESTED

(Handwritten Signature)

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA.

No. 779 /F.No. 285/Vol: II/TT/AT/Qari
(M)General.

Dated Peshawar the 5/9/2013.

To,

The District Education Officer (M)
Abbottabad.

Subject: - **APPEAL AGAINST THE ORDER NO.221-26 DATED 01.11.2011.**

Memo:

I am directed to enclose herewith a copy of the appeal of Mr. Naveed Iqbal AT GHS No.3 Abbottabad alongwith a copy of the Judgement dated 24.05.2012 and other documents for compliance of the judgement of the Hon'able court in letter in sprit being competent authority for district cadre post.

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

DL
2/9/13

ATTESTED

MU

83

ANNEXURE

A, A

OFFICE OF THE DISTRICT ACCOUNTS OFFICER, ABBOTTABAD

No. Pay RA-II/57-58 Dated Abbottabad, the 13-6-2013

To

The District Education Officer (Male),
Abbottabad

Subject: - REQUEST FOR PROVISION OF PHOTOCOPIES OF SOURCE FORMS

Memo:

... Please refer to the Principal, GHS No. 3, Abbottabad letter No. 166 dated 12.06.2013 on the subject cited above.

In this connection it is stated that multidimensional views of the signatures of the above Officer have been taken and it has been ascertained that all the signatures of the signatories bear some what difference at any other angle or degree, however, a set of the signatures is being appended for further analysis and examination at your end.

So far the claims advertently or inadvertently signed by the above Officer are concerned. It is stated that the claim that has been admitted by the Officer, but the adjustment has been objected by the signatory does not indicate as to why he did not put a cross on the empty space of the claim and as such his objection seems to be frivolous.

It is further elaborated that mutatis mutandis set of the signatures of the above Officer is being processed and followed in this office.

The objection of the signatories to the extent of disowning their signatures may cause problem for this office and may affect the fluent performance of this office because there is not even a single iota between the signature on the claim and in our record.

It is therefore requested that the instrument designed to check the signature may please be communicated enabling this office to carry on official business. However, the vouchers requested ibid can not be entertained without permission of the Accountant General, KPK, Peshawar.



Beard (D/E/O)
Discum PR

A. h
District Accounts Officer
Abbottabad
13/6/13

No. _____
Copy to the Mr. Abdul Rashid, Principal, GHS No. 3, Abbottabad for information

AD
25/6/13

Review on 25/6/13

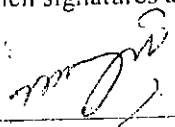
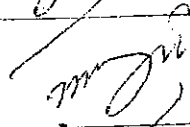
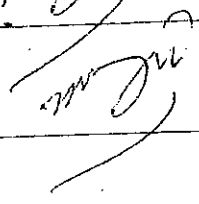
D/A -
put up on file to head office
25/6/13

sd e
District Accounts Officer
Abbottabad

ATTESTED
[Signature]

1. The Service Book of Mr. Naveed Iqbal AT was signed by me through Dealing Assistant Mr. Khalid who presented dozen service books in bundle for signatures as per requirement of District Promotion Committee and to maintain seniority list properly. I signed all the service books in good faith being a DDO of middle schools and own the signature pasted on his service book.
2. My signature posted in the arrier bill is fake and I disown these signatures, being forged and mala fide.

My Specimen signatures are as under:-

1. 
2. 
3. 

Gazi Tajamul Hussain
 DDEO (M)
 Abbottabad

85

(Circled stamp)

ANNEXURE

A, C

L

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) ABBOTTABAD

ADJUSTMENT

As approved by the competent authority Mr. Naveed Iqbal, AT GMS Hazeera Abbottabad is hereby adjusted on his own request (last chance) against vacant post of AT GMS Todu Maira Abbottabad on his own pay and BPS in the interest of public service with immediate effect

- Note:
1. Charge report should be submitted to all concerned.
 2. No T/DA is allowed.

EXECUTIVE DISTRICT OFFICER
ELEM: & SECY: EDUCATION
ABBOTTABAD

Endst: No. 11171-23 /AT (M)

Dated 9-6 /2012

Copy to the:-

1. District Coordination Officer Abbottabad
2. District Comptroller of Account Abbottabad
3. Head Master GMS Hazeera & Todu Maira
4. Teacher concerned.

DISTRICT OFFICER
ELEM: & SECY: EDUCATION
ABBOTTABAD

ATTESTED

(Signature)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL AT CAMP COURT, ABBOTTABAD.**

Service Appeal No. 986 of 2019

Naveed Iqbal

VS


Government of Khyber Pakhtunkhwa Peshawar & Others.

**APPLICATION FOR DISMISSAL OF TITLED APPEAL DUE TO NON
MAINTAINABILITY**

Respectfully Sheweth,

1. That the above titled Service Appeal is pending before this Honorable Tribunal & today date is fixed
2. That appellant had filed Service Appeal No. 1183/2015 before this Honorable Tribunal regarding the same subject matter & the same was dismissed on 14/12/2015 for want of prosecution. Furthermore, Appellant filed an application No. 39/2016 in Service Appeal No.1183/2015 for restoration of Service Appeal No. 1183/2015 on 07/03/2016 & reply on behalf of Respondent No. 3 was filed on 05/04/2016 & application of appellant was also dismissed on 22/09/2016 (Copies of Service Appeal, order dated 14/12/2015, application No. 39/16 & reply of the application are annexed.)
3. That on dated 18/10/2016 a Registered Notice regarding filling of CPLA before Honorable Supreme Court of Pakistan against the Judgment dated 22/09/2016 was received vide diary No. 9984 dated 22/10/2016. (Copy of registered notice is annexed).
4. That appellant also filed Service Appeal No. 834/2019 before this Honorable Tribunal against the impugned order dated 21/03/2019 & on dated 16/12/2019 the appeal of the appellant was partially accepted & impugned order dated 21/03/2019 was modified to the extent that penalty of reduction to three lower stages in time scaled is set-aside. However, portion pertaining to recovery Rs. 143697/ shall remain intact. (Copies of service appeal, notification dated 21/03/2019 & Judgment dated 16/12/2019 are annexed).

It is, therefore, respectfully prayed that the appeal in hand may please be dismissed as his previous Service Appeal No. 1183/2015 regarding the same subject matter has already been dismissed by this Honorable Tribunal on 14/12/2015 & 22/09/2016.


District Education Officer (Male)
Abbottabad.
(Respondent No. 3)

BEFORE THE SERVICE TRIBUNAL OF KHYBER**PAKHTUNKHWA, PESHAWAR**Service Appeal No. 1183 /15

Mr. Naveed Iqbal Ex-A.T R/o Village Banda Khair Ali Khan, P.O
Dobathar, Tehsil and District, Abbottabad.

... APPELLANT

VERSUS

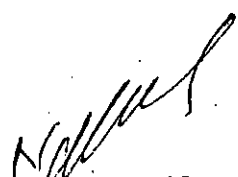
Govt. of KPK, through Secretary Elementary & Secondary Education of
KPK Peshawar & others.

...RESPONDENTS

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3.	Copy of order dated 08.04.2011 & Duty Certificate	"B" & "C"	17-18
4.	Copy of order dated 28.07.2011	"D"	19
5.	Copy of order dated 02.11.2011	"E"	20
6.	copy of transfer order dated 30.11.2011 & Charge report	"F" & "G"	21-22
7.	Copy of transfer order dated 07.01.2012 & Charge report	"H" & "I"	23-24
8.	Copy of order dated 15.02.2012 & 15.03.2012	"J" & "K"	25-26
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24.	<i>Copy of the order/decision dated 24.05.2012 of High Court & order of Respondent no.1 dated 15.06.2012</i>	"AE" & "AF"	61-67
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 NVEED IQBAL
APPELLANT
 INPERSON

Dated 21-10/2015

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

Service Appeal No. 1183/2015

Mr. Naveed Iqbal Ex-A.T GMS Todu Maia, Abbottabad R/o Village
Banda Khair Ali Khan, P.O Dobathar, Tehsil and District, Abbottabad.

... APPELLANT

VERSUS

1. Govt. of KPK, through Secretary Elementary & Secondary Education of
KPK Peshawar.
2. Director Elementary & Secondary Education, KPK Peshawar
3. District Education Officer E&S (Male) District Abbottabad.

....RESPONDENTS

=====

**SERVICE APPEAL UNDER SECTION 4 OF THE
NWFP NOW KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974 FOR THE DECLARATION TO THE EFFECT THAT
APPELLANT WAS WORKING AS A ARABIC TEACHER BPS-
15 AT GMS TODU MAIRA, DISTRICT ABBOTTABAD. THE
APPELLANT PERFORMED HIS DUTY REGULARLY WITH
FULL DEDICATION W.E.F 01.12.2010 TO 30.11.2011 & FROM
01.03.2012 TO 30.04.2012 & 01.07.2012 TO 30.09.2012
DURING THE SAID PERIOD THE REGULAR PAY OF THE
APPELLANT WAS STOPPED BY THE RESPONDENT NO.3
WITHOUT ANY LAWFULL JUSTIFICATION AND THEN THE
ARREAR PAYMENT WAS PAID TO THE APPELLANT IN
NOVEMBER & DECEMBER, 2012. AFTHER THAT IN
SEPTEMBER 2013 THE RESPONDENT NO.3 AGAIN
VERBALLY ORDERED TO THE APPELLANT FOR
DEPOSITED THE SAID PERIOD SALARY AND THE
APPELLANT DEPOSITED THE SALARY BACK THROUGH
CHALAN NO. 73 & 74 IN THE GOVERNMENT TREASUREY.**

AND THUS THE APPELLANT WAS DEPRIVED OFF BY HIS
BASIC RIGHT WITHOUT ANY LAW FULL JUSTIFICATION.

=====

PRAYER:

ON ACCEPTANCE OF THE INSTANT APPEAL, THE
RESPONDENTS MAY BE DIRECTED TO PAY THE SAID
PERIOD SALARY TO THE APPELLANT WITH IMMEDIATE
EFFECT AS THE RESPONDENTS HAS NO RIGHT FOR
STOPING AND DECUTING THE SALARY OF APPELLANT
WITHOUT ANY LAWFULL JUSTIFICATION AND APPELLANT
MAY BE GRANTED HIS BASIC RIGHT IN THE BEST
INTEREST OF JUSTICE.

=====

Respectfully Sheweth:

FACTS:

1. That the Appellant was appointed in Education Department as Arabic Teacher (A.T) in BPS- 9 on 05.04.1999 at G.M.S "Noor Mong" District Abbottabad. (copy of appointment order is annexed as Annexure "A").
2. That the Appellant was regularly performing his duty at GMS "Jabrian" Abbottbad and the Salary of the Appellant was stopped by the Respondent No.3 without any reason and without lawful justification. W.e.f. 01.12.2010. And after that the Appellant was removed from service on 08.04.2011 and the appellant was relieved from his duty on 14.04.2011. (Copy of order dated 08.04.2011 & Duty Certificate are annexed as annexure "B" & "C:).

3. That the Appellant filed an Departmental Appeal before the Respondent No.2 against the order dated 08.04.2011 and Respondent No.2 accepted the Appeal of the Appellant on 28.07.2011 and the Major penalty was converted into another Major penalty i.e "Reduction to Lower Post" with all back benefits. **(Copy of order dated 28.07.2011 is annexed as annexure "D")**.

4. That after that the Appellant again submitted an appeal to Respondent No.1 against the order dated 28.07.2011 of Respondent No.2 in which he converted the Major Penalty into another Major penalty and the Respondent No.1 asked for the report from Respondent No.2 that under which law you have converted the cadre of Appellant in reply the Respondent No. 2 himself re-instated the appellant in his original cadre on 02.11.2011 and adjusted the appellant at "GMS' Jabrian, Abbottbad. **(Copy of order dated 02.11.2011 is annexed as annexure "E")**.

5. That pursuing the order of respondent No.2 dated 02.11.2011 Appellant assumed the charge at GMS Jabrian, Abbottabad and started the duty and after 28 days the Respondent No. 3 transferred the Appellant from GMS Jabrian to GMS Todu Maira on 30.11.2011 and the Appellant in compliance of said order took over the charge at GMS Todu Maira. On 04.12.2011

(copy of order dated 30.11.2011 & Charge report is annexed as annexure "F" & "G")

6. That the salary of appellant was released w.e.f 01.12.2011 and after one month Appellant further transferred from GMS Todu Maira to GMS Hazeera by Respondent No.3 on 07.01.2012 and Appellant compliance the order and took over the charge on 09.01.2012 at GMS Hazeera. (Copy of transfer order dated 07.01.2012 & Charge report are annexed as annexure "H" & "I" respectively).

7. That The name of Appellant was recommended by the Respondent No.3 for Election duty on display center and the Election commission of Pakistan appointed the Appellant on display center of voter's list on 15.02.2012 w.e.f 01.03.2012. After that on 10.03.2012 the Respondent No. 3 stop the salary of Appellant without any lawful justification and the Appellant submit an application against the stoppage of salary by respondent No.3 and in reply the Election Commissioner issue the order on 15.03.2012 to Respondent No. 3 for the release of salary of the Appellant with immediate effect and he also mentioned in his order that under the Article 220 constitution of the Islamic Republic of Pakistan 1973, all the Govt departments are bound to cooperate with the election commission. But the Respondent No.3 did not obey the order of Election Commissioner and not release the salary of the Appellant. (Copy of

order dated 15.02.2012 & 15.03.2012 are annexed as annexure "J" & "K").

8. That on 01.05.2012 the salary of Appellant released by the respondent No.3 and transferred the Appellant once again from GMS Hazeera to GMS Todu Maira on 09.06.2012 and the Appellants obeying the order of Respondent No. 3 took over the charge at GMS Todu Miara on 01.07.2012. (copy of order dated 09.06.2012 & charge report are annexed as annexure "L" & "M").

9. That w.e.f 01.07.2012 to 30.09.2012 the Salary of Appellant was stopped by the Respondent No: 3 and in October 2012 when the salary of Appellant was released by the Respondent No. 3 the previous arrear was also paid to the Appellant along with the regular salary w.e.f 01.03.2012 to 30.04.2012 & 01.07.2012 to 30.09.2012(five months) Rs. 153,850/- (Copy of source form-II is annexed as annexure "N")

10. That in November, 2012 the previous pending arrear payment was also paid to the Appellant by the Department Rs. 293,723/- w.e.f. 01.12.2010 to 30.11.2011. (copy of source form-II & relevant documents are annexed as annexure "O" & "P").

11. That the Appellant was posted at GMS Todu Maira

when incomplete ignorance of him an order No.2653 dated 09.04.2013 to the Head Master GMS Todu Miara was issued by Respondent No.3 directing the Head Master to submit the original service book of the Appellant within two days otherwise the pay of Appellant could be stop and legal action to be taken. Surprisingly on the very same day on 09.04.2013 vide order no. 2654-58 the respondent No.3 biased ordered for suspension of the Appellant till further order for not providing the service book and for drawing a huge amount from Government Treasury. Blow the endorsement the order also directs the Accounts Officer to stop the pay of the appellant w.e.f. April, 2013. (Copy of both orders dated 09.04.2013 are annexed as annexure "Q" & "R").

12. That the services of the Appellant were stopped due to the above said order and vide office order No. 2984 dated 20.04.2013 charge sheet was drawn against the appellant, that arrears of salary was get drawn by the appellant which thereafter were declared as drawn under forged signature of both the DDO's (copy of charge sheet is annexed as annexure "S")

13. That on 02.05.2013, afterwards with the acceptance of service appeal No. 304/2012 of the appellant, the Hon'ble Tribunal while graciously accepting the entire prayer of appellant, has passed the order/directions for transfer of appellant to G.H.S

No.3, Abbottabad but the respondent No.3 did not comply with the same till date with malafide and due to personal grudge and this act of respondent No.3 comes within the definition of Contempt of Court. **(Copy of order of the Hon'ble Service Tribunal is annexed as annexure "T")**

14. That in response to this the charge sheet dated 20.04.2013, appellant submitted the written reply on 23.05.2013 before the Inquiry Committee.

15. That due to the biased behaviour of the Inquiry Officer the appellant on 12.06.2013, submitted an application to the respondent No.3 in which the appellant request for the change of Inquiry Officer but the applications was not considered by the respondent No.3 due to malafide and personal grudges. **(Copy of Application is annexed as "U")**

16. That on 19.06.2013 the Inquiry Committee finalized the report with findings that one of the DDO's signature was true whereas the signature of the other DDO needs to be verified from a finger print expert and before the verification of the said signature no action will be taken against the appellant. **(Copy of Inquiry Report is annexed as annexure "V").**

17. That on 29.07.2013, vide order No. 6724, the respondent No.3 issued a show cause notice to the appellant while ignoring the Inquiry report which

was impartial. *(copy of show cause notice is annexed as annexure "W")*.

18. That on 31.07.2013 the appellant moved an application before respondent No.3 in which the appellant narrated that the entire record of inquiry proceedings, pro and contra evidence recorded from the witnesses and other relevant documents may kindly be provided to the appellant so that the appellant may reply to the show cause in better manner. Upon which, the respondent No.3 misbehaved with appellant and termed the appellant as "Technocrat" and thereafter asked him to leave his office immediately. *(Copy of Application is annexed as annexure "X")*.

19. That in reply to the aforesaid show cause notice, the appellant submitted a detailed reply on 12.08.2013 having cogent and reliable facts and figures. *(Copy of written reply of show cause notice is annexed as annexure "Y")*.

20. That on 12.08.2013, the appellant filed a Execution Petition before Hon'ble Service Tribunal KPK against the non-compliance of order dated 02.05.2013 for the implementation of order dated 02.05.2013 passed by this Hon'ble Tribunal and notices were issued to respondent No.3 *(Copy of execution petition no.56/13 as annexed as annexure "Z")*.

21. That on 08.09.2013, respondent No.3, in presence of witnesses asked the appellant to submit his previous arrears and promised for the return of same after the decision of inquiry. So, in the light of verbal commitment of respondent No.3, appellant submitted arrears but thereafter respondent No.3 refused to fulfill his commitment. *(Copy of challan is annexed as annexure "AA")*.

22. That on 11.09.2013, while deciding the above said execution petition bearing No. 56/2013, the Hon'ble Tribunal strictly ordered the respondent No.3 for submission of implementation report of order dated 02.05.2013 which had previously been passed by this Hon'ble Tribunal before 31.10.2013. *(Copy of order sheet dated 09-11-2013 is annexed as annexure "AB")*.
23. That on 19.10.2013, in order to get saved from the strict actions expected to be taken against respondent No.3, he passed order of compulsory retirement from service of appellant which is the sheer violation of Rules, Regulations and settled principles of law and this act of respondent No.3 is entirely based on malafide and due to personal grudges.

G R O U N D S :-

- a) That, it is clearly mentioned in the Article 11 of the Constitution of Islamic Republic of Pakistan 1973, that slavery, Forced Labour, etc is totally prohibited into Pakistan in any form.
- b) That in 2004 District Government of District Abbottabad issued an notification No. 13664 dated 26.11.2004 that no one can stop the salary of any Govt Servant in Education Department and if there is any matter goes against the employee then you may take legal action according to the law but the salary of Appellant was stopped by the Respondent No. 3 violating the above said notification which is totally illegal. *(Copy of Notification dated 26.11.2004 is annexed as annexure "AC")*.
- c) That no one can stop the salary of any Govt Servant without any lawful justification but the

respondent No.3 did so even though the appellant was neither remained absent from his duty nor any disciplinary action was under process against him.

- d) That, the two initial orders No. 2653 & 2654-58 of the same date of 09.04.2013 are indicative of the sheer malafide and arbitrariness and unreasonableness of respondent No.3, that firstly instead of sending direct notice of direction to the appellant, it is sent to the Headmaster. Secondly, two days time period is given in the first order for suspension of service book and without service of appellant the impugned order No. 2654-58, has been issued on the very same date for suspension of the appellant with stoppage of the salary. No justification can be put/forward such a gross mismanagement.
- e) That, charge sheet against is totally based on ambiguous foundations because after the reinstatement from the date of termination the appellant had every right to get the arrears of his salary, which he did under valid signatures of the officers concerned and through Account Officer concerned with no forgery and no withdrawal of any excess amount. The whole procedure involves fulfillments of various formalities through different responsible officers, but the appellant alone is being victimized for no fault on his part.
- f) That , Inquiry Committee and respondent No.3 did not give the chance of cross examining the

witnesses of on inquiry proceeding/record etc which is the sheer violation of settled rules, regulation and law.

- g) That, after December 2010 till April 2011 and March 2012 to April 2012 and July 2012 to September, 2012 had stopped the salary of appellant without any reasonable ground and during the aforesaid tenures the appellant was present on his duty and had also performed the entire responsibilities which are on record.
- h) That the show cause notice dated 29.07.2013 was illegal, against the law and was entirely based on malafide and he Inquiry Officer confirmed the validity of the signature of one DDO Mr. Zafar Arbab Abbasi and found it correct and true but for the second signature of Mr. Qazi Tajamul Hussain, and advice for finger expert was forwarded but it is pertinent to mention here that the same was not verified from the said expert and respondent No.3 straight away issued show cause to appellant in a slip shod manner with malafide.
- i) That, the order dated 19.10.2013 is entirely based on malafide and is misuse of powers because the District Accounts Officer, Abbottabad mentioned in his report that **both the signatures of DDO's** are correct and according to the specimen, but the said report of Account officer is in the possession of respondent No.3 who is reluctant to hand over the same to any one even on the request of appellant, the respondent No.3 refused to give the same and also ignored the report of District

Account Officer. *(Copy of report from District Account Officer is annexed as annexure "AD")*.

- j) That I have file a Writ Petition No. 411/12 before the High Court Peshawar Bench Abbottabad and the Hon'ble give directions to the Respondent No.1 that solve the matter/grievances of the Petitioner with in 15 days. The Secretary issued directions to the Respondent No. 2 & 3 that implement the decision of High Court immediately. Thus I received all the back benefits in the light of the directions /Order of the Hon'ble High Court. *(Copy of the order/decision dated 24.05.2012 of High Court & order of Respondent no.1 dated 15.06.2012 are annexed as annexure "AE" & AF" respectively).*
- k) That, on 09.04.2013, respondent No.3 not only suspended the appellant but also stopped his salary which is against the Judgment of Supreme Courts of Pakistan.
- l) That in the FRS's rule no.53 & 54 it is clearly mentioned that the any Govt Servant who was reinstated after suspension/removal from service or dismissal from service, is entitle for all back benefits and will be treated as period spent on duty. *(Copy of Rule 53 & 54 is annexed as annexure "AG")*
- m) That, in charged sheet, the appellant was leveled with the allegations of bogus signatures of Mr. Zafar Arbab Abbasi but the same allegations was not proved during the Inquiry and respondent No.3 himself mentioned in the

final order that the signatures were not genuine.

- n) That the order of 19.10.2013 was issued to save his skin from the Contempt Proceedings initiated against him whose date of hearing was fixed for 31.10.2013, but it is pertinent to mention here that even then the contempt has been committed by respondent No.3, who while disobeying the orders of Hon'ble Service Tribunal, compulsory retired from service.
- o) That, the charges of bogus signatures have not been proved and the charge of keeping of the Service Book has not been substantiated in the inquiry, even then respondent No.3 has flown high due to malafide and personal grudge against appellant.
- p) That on 20.07.2013 the appellant move an application to Respondent No.2 that the respondent No. 3 is harassing the appellant in reply respondent no.2 directed the respondent no. 3 for compliance of the Judgment of the Hon'ble court in letter and spirit but respondent no.3 ignored the direction of respondent no. 2 *(Copy of Application dated 20.07.2013 & order dated 05.09.2013 are annexed as annexure "AH" & "AI")*
- q) That in 2003 PLC (CS) 4, Lahore High Court give decision that Competent Authority has no power to stop the pay of any employee without any lawful Justification, if any one did it will be the clear violation of the fundamental rights.

- r) That on 23.08.2013 the appellant submitted an application for permission of cross examination at witnesses and record but refused by the respondent No.3, which is clear cut violation of the E & D R rules 2 011(13). (*Copy of application dated 23.08.2013 is annexed as annexure "AJ"*)
- s) That on 16.07.2015 the appellant file an appeal before the respondent no.2 that the pending salaries of the appellant be granted to appellant but no response was received till now. (*Copy of Appeal is annexed as annexure "AK"*)
- t) That any other point shall be urged at the time of arguments with the prior permission of this Hon'ble Tribunal.

It is therefore prayed that on acceptance of the instant appeal, the respondents may be directed to pay the said period salary to the appellant with immediate effect as the respondents has no right for stopping and deducting the salary of appellant without any lawful justification and appellant may be granted his basic right in the best interest of justice.

NVEED IQBAL
.....APPELLANT
INPERSON

Dated _____/2015

- r) That on 23.08.2013 the appellant submitted an application for permission of cross examination at witnesses and record but refused by the respondent No.3, which is clear cut violation of the E & D Rules 2011(13). *(Copy of application dated 23.08.2013 is annexed as annexure "AJ")*
- s) That Appellant has been performing his duty regularly from 01.07.2012 to 30.09.2012 and the respondent No.3 stopped the salary of appellant without any reason. *(Copy of duty certificate is annexed as annexure "AK")*
- t) That on 16.07.2015 the appellant file an appeal before the respondent no.2 that the pending salaries of the appellant be granted to appellant but no response was received till now. *(Copy of Appeal is annexed as annexure "AL")*
- u) That any other point shall be urged at the time of arguments with the prior permission of this Hon'ble Tribunal.

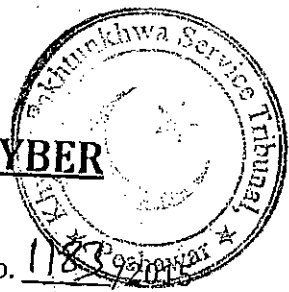
It is therefore prayed that on acceptance of the instant appeal, the respondents may be directed to pay the said period salary to the appellant with immediate effect as the respondents has no right for stopping and deducting the salary of appellant without any lawful justification and appellant may be granted his basic right in the best interest of justice.


NVEED IQBAL
.....APPELLANT
INPERSON

Dated 21-10/2015

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

Service Appeal No. 1188 Peshawar



Mr. Naveed Iqbal Ex-A.T GMS Todu Maia, Abbottabad R/o Village
Banda Khair Ali Khan, P.O Dobathar, Tehsil and District, Abbottabad.

... APPELLANT

VERSUS

1. Govt. of KPK, through Secretary Elementary & Secondary Education of
KPK Peshawar.

N.W.F. Province
Service Tribunal

Diary No. 1978

Dated 22/10/2015

2. Director Elementary & Secondary Education, KPK Peshawar

3. District Education Officer E&S (Male) District Abbottabad.

....RESPONDENTS

=====

SERVICE APPEAL UNDER SECTION 4 OF THE

NWFP NOW KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974 FOR THE DECLARATION TO THE EFFECT THAT
APPELLANT WAS WORKING AS A ARABIC TEACHER BPS-
15 AT GMS TODU MAIRA, DISTRICT ABBOTTABAD. THE
APPELLANT PERFORMED HIS DUTY REGULARLY WITH
FULL DEDICATION W.E.F 01.12.2010 TO 30.11.2011 & FROM
01.03.2012 TO 30.04.2012 & 01.07.2012 TO 30.09.2012
DURING THE SAID PERIOD THE REGULAR PAY OF THE
APPELLANT WAS STOPPED BY THE RESPONDENT NO.3
WITHOUT ANY LAWFULL JUSTIFICATION AND THEN THE
ARREAR PAYMENT WAS PAID TO THE APPELLANT IN
NOVEMBER & DECEMBER, 2012. AFTHET THAT IN
SEPTEMBER 2013 THE RESPONDENT NO.3 AGAIN
VERBALLY ORDERED TO THE APPELLANT FOR
DEPOSITED THE SAID PERIOD SALARY AND THE
APPELLANT DEPOSITED THE SALARY BACK THROUGH
CHALAN NO. 73 & 74 IN THE GOVERNMENT TREASUREY.

Filed to day
22/10/15

ATTESTED

Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

14.12.2015

None present for appellant despite repeated calls. Mr. Sohail Ahmad Zeb, Assistant alongwith Mr. Muhammad Siddique, Sr. G.P for respondents present. The Court time is over. The appeal is dismissed for want of prosecution. File be consigned to the record room.

*Sdt -
Chairman
Camp Court
ATAband.*

ANNOUNCED

14.12.2015

Certified true copy

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application	12-01-2016
Number of Writs	1200
Copying Fee	8
Urgent	2
Total	10
Name of Clerk	<i>[Signature]</i>
Date of Receipt	12-01-2016
Date of Delivery of Documents	12-01-2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL CAMP
COURT ABBOTTABAD

Application No. 39 /2016

NAVEED IQBAL EX-AT GMS TODO MAIRA R/O BANDA KHAIR ALI KHAN P.O DOBATHAR, TEHSIL &
DISTRICT, ABBOTTABAD.CELL NO:0312-6995949

....APPELLANT

VS

GOVT OF KPK THROUGH SECRETARY E&SE PESHAWAR ETC

....RESPONDENTS

SUBJECT: APPLICATION FOR RESTORATION OF SERVICE APPEAL NO:1183/2015

RESPECTFULLY SHEWETH:

1. That the title Appeal was fixed for Preliminary hearing before this Honourable Tribunal at Camp Court Abbottabad on 14.12.2015.
2. That the applicant has engaged the counsel for perusing the title case but the counsel of applicant did not appeared before the Honourable Tribunal at the fixed date and he also not informed me for his absent.
3. That the mother of applicant was seriously ill and was admitted in Women Medical College & Hospital Nawanshehr Abbottbad, due to which the applicant was engaged with her mother in Hospital.
4. That the title Appeal was dismissed due to non-appearance of Counsel.

It is therefore humbly prayed that the title Service appeal may graciously be restored and be decided according to the law and justice and applicant may be granted proper remedy in this regard.

Naveed

NAVEED IQBALAPPLICANT

AFFIDAVIT:

I, Mr. Naveed Iqbal S/o Ghulam Rabbani Ex-AT/Applicant, do here by solemnly affirm and declare that the contents of instant Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Dated: 07/03/2016

Naveed

NAVEED IQBAL.....APPELLANT

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Application No.39/2016

IN

SERVICE APPEAL NO.1183/15

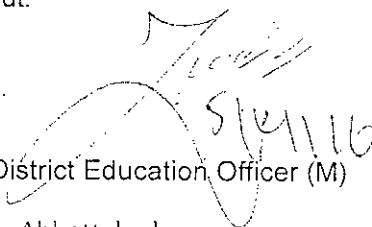
NAVEED IQBAL VERSUS GOVERNMENT OF KPK & OTHERS

Subject: REPLY TO APPLICATION FOR RESTORATION OF SERVICE APPEAL NO. 1183/15.

Respectfully Sheweth:-

1. That the para No.1 of the application is correct.
2. That Para No.2, of the application as composed is incorrect hence, denied as appellant concealed the facts from this Honorable Tribunal & stated that he has engaged the council but he did not engage the council as service appeal No. 1183/15 was filed without council.
3. That para No. 3, of the instant application as composed is incorrect hence, denied.
4. That para No: 4, of the instant application as composed is incorrect hence, denied. Furthermore, as per section 19 sub section 3 of NWFP Service Tribunal Rules, 1974 the application of the petitioner is time barred as instant application has been filed after more than two and half months while petitioner would have to submit application regarding restoration within the 15 days hence, application of the petitioner is liable to be dismissed.

It is therefore, very humbly prayed that in the light of forgoing replication the application in hand as well as appeal of the appellant may graciously be dismissed with cost throughout.

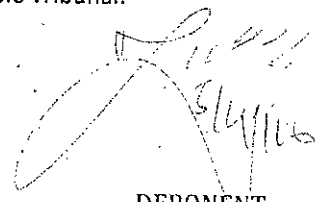

District Education Officer (M)

Abbottabad.

(Respondent No.03)

AFFIDAVIT

I, Mr.Zia-ud-Din, District Education Officer (M), do hereby affirm and declare on oath that the contents of forgoing replication are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.


DEPONENT

Dated: 05 -04-2016

REGISTERED NOTICE

To,

1. Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer, Elementary & Secondary Education (Male) Department, Abbottabad.

.....RESPONDENTS

SUBJECT:

CIVIL PETITION UNDER ARTICLE 212 (3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN FOR THE GRANT OF LEAVE-TO-APPEAL AGAINST THE JUDGMENT AND ORDER DATED 22/09/2016 OF THE LEARNED KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR IN APPLICATION NO. 39/2016 IN SERVICE APPEAL NO. 1183 OF 2015.

Please take notice that I am filing CPLA before Honourable Supreme Court of Pakistan Islamabad, against the Judgment and order dated 22/09/2016 passed in Application No. 39/2016 in Service Appeal No.1183 of 2015.

Dated: 18/10/2016

Naveed Iqbal
(Naveed Iqbal)

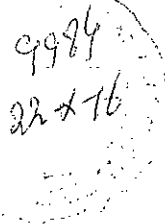
S/o Ghulam Rabbani AT, Teacher,
Government High School No.3, District Abbottabad,
Resident of Village Banda Khair Ali Khan,
Post Office Dobathar, Tehsil & District, Abbottabad.

ASO (Litigation)

For information
and do the
needful

21/10/16

AD/11
Placed on file
22/10/16



BEFORE KHYBER PAKHTUNHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 834 of 2019

Naveed Iqbal S/O Ghulam Rabbani, AT Teacher, Government High School No.3 (English Medium), Abbottabad, Resident of Village Banda Khair Ali Khan Post office Dobather, Tehsil and District Abbottabad, Mobile No. 0301-8135181

....APPELLANT

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Peshawar. (091-9210480)
2. Director of Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar. (091-9210389)
3. District Education Officer (Elementary & Secondary Education) (Male), Abbottabad. (0992-9310102)

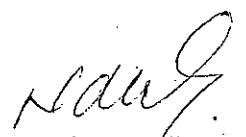
....RESPONDENTS

SERVICE APPEAL
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Dated 20/06/2019


(Naveed Iqbal)
(appellant inperson)

BEFORE KHYBER PAKHTUNHWA SERVICE TRIBUNAL PESHAWARService Appeal No: 836 of 2019

Naveed Iqbal S/O Ghulam Rabbani, AT Teacher, Government High School No.3 (English Medium), Abbottabad, Resident of Village Banda Khair Ali Khan Post office Dobather, Tehsil and District Abbottabad, Mobile No. 0301-8135181

....APPELLANT

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Peshawar.
2. Director of Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Elementary & Secondary Education) (Male), Abbottabad.

....RESPONDENTS

SRVICE APPEAL UNDER SECTION 4 OF NWFP (NOW KHYBER PAKHTUNKHWA) SERVICE TRIBUNAL ACT 1974 AGAINST IMPUGNED NOTIFICATION DATED 21/03/2019, ISSUED UNDER ENDORSEMENT NO 3437-45 WHEREBY RESPONDENT NO 3 IMPOSED MAJOR PENALTY OF "REDUCTION TO 03 LOWER STAGES" IN TIME SCALE, UPON APPELLANT WITH THE RECOVERY OF RS. 143697/. THE SAID ORDER IS TOTALLY AGAINST LAW AND FR-29, WITHOUT JURISDICTION MALAFIDY AND ISSUED ON PERSONAL GRUDGES.

PRAYER:

IT IS RESPECTFULLY PRAYED BEFORE THIS HONOURABLE TRIBUNAL THAT THE INSTANT APPEAL MAY GRACIOUSLY, BE ACCEPTED AND IMPUGNED NOTIFICATION DATED 21/03/2019 BE SET ASIDE. THE APPELLANT MAY PLEASE BE RE-INSTATED AT HIS ORIGINAL POSITION WITH ALL BACK BENEFITS.

Respectfully Sheweth.

FACTS

- 1) That, appellant was working as a Arabic Teacher at GMS Todu Maira, District Abbottabad being performing his duty without any exception / disturbance up to April 2013, but respondent No.3 (Muhammad Riaz Swati Ex-DEO (M) Abbottabad) wrote a letter dated 09/04/2013 vide Endst: No. 2653, to concerned Head Master of Appellant regarding submission of original service book of appellant within two days and issued extra-ordinary warning of stoppage of pay and taking legal action.
- 2) That, surprising on the same time/daty, i.e. 09/04/2013, respondent No.3 (Muhammad Riaz Swati Ex-DEO (M) Abbottabad), without followed the whole relevant law & prescribed procedure, illegally and unlawfully suspended the petitioner under suspension order issued under Endst: No.2654-58 dated 09/04/2013 while the above stated letter was also issued under Endst: No. 2653 issued consecutively. The same practice shows serious illegal Mal-practice and personal ill willingness.

(Copies of both the notifications dated 09/04/2013 are annexed as Annexure "A")

- 3) That, after passing 11 days on 20/04/2013, respondent No.3 (Muhammad Riaz Swati Ex-DEO (M) Abbottabad), served charge sheet and statement of allegation to the appellant and also constituted inquiry committee and appellant appeared before the committee and submitted his reply dated 23/05/2013, similarly District Accounts Officer Abbottabad wrote a letter to respondent No. 3 on 13/06/2013 regarding to objection / dispute of genuineness of signatures on pay bill.

(Copies of charge sheet dated 20/04/2013 is annexed as Annexure "B")

4) That, finally the inquiry committee submitted its report On 19/06/2013 and the inquiry committee exonerate the appellant to the extent of allegation No.1 & 3 mentioned in statement of allegation dated 20/04/2013 and for allegation No.2 inquiry committee suggested as under:-

"The signature of the present DDO and the signature found posted on Source Form-II, used to draw Rs. 293,723/- should be got further verified from the hand writing expert before proceeding against the accused as clear distinction between signature posted on the body of source form-II and the specimen signature cannot be made easily"

(Copy of inquiry report dated 19/06/2013, is annexed as Annexure "C")

5) That, respondent No.3 (Muhammad Riaz Swati) Ex-DEO (M) Abbottabad, did not considered the suggestion of inquiry report and did not sent the disputed signature to the FSL for verification and malafidly and save himself from the contempt of court proceeding, issued the order for the compulsory retirement of the appellant from service on 19/10/2013.

(Copy of Contempt of Court proceeding is annexed as Annexure "D")

6) That, on 25/10/2013, appellant filed a Departmental Appeal before respondent No.2 against the said order dated 19/10/2013 but no response was given and appellant filed a Service Appeal No. 206/2014 before this Hon'ble Tribunal which was dismissed on 05/10/2015.

7) That, appellant filed CPLA No.3493/2015 before Honourable Supreme Court of Pakistan and appellant's Civil Petition was converted into appeal and same was allowed by the Supreme Court of Pakistan on 11/02/2016, Para 03 of the order is reproduced herein below, for determination of

mandate of respondents, fixed by Apex Court as well as for perusal and consideration of this Honourable Tribunal.

Para-3: The competent authority without adopting that course and without taking the matter to a logical conclusion to order a further inquiry or to collect further evidence terminated the petitioner on such conclusive report which was not warranted in law. The Departmental Authority and the Service Tribunal in the impugned judgments failed to this vital aspect of the case and decided the matter in entire vacuum causing serious miscarriage of justice. Accordingly this petition is converted into appeal and the same is allowed. The impugned judgment dated 05/10/2015 of the Service Tribunal and the orders dismissing the petitioner from service are set aside. However, the competent authority may hold a fresh inquiry or may proceed as was suggested by the first inquiry officer and thereafter pass an appropriate order. Needless to remark that when the impugned orders have been set at naught there is no hurdle in the way of the petitioner to be reinstated till the fresh inquiry, if so thought fit is held and concluded.

(Copies of Orders dated 21/01/2016 and 11/02/2016 of Apex Court are annexed as Annexure E)

- 8) That, appellant submitted his application for implementation of above order of Apex Court, but in vain, at last the appellant filed Contempt of Court Petition No. 36/2016 before Honourable Supreme Court of Pakistan, after this petition respondent No.3 (Zia-ud-Din Ex-DEO (M) Abbottabad) issued reinstatement order and the LPC and Service book was provided one day before last proceeding of COC before Apex court but matter of arrears was pending.

(Copy of Order dated 29/04/2016 of Apex Court is annexed as Annexure F.)

- 9) That, in the above COC, the then competent authority, the respondent No. 3 (Mr Zia-ud-Din) Ex-DEO (M) Abbottabad), was only respondent and

after this Petition, the said officer issued Notification dated 14/04/2016 and served the same to appellant relating to charge sheet and statement of Allegations, here kind attention of this Honourable Tribunal is drawn to the fact, that charges of the case mentioned in Notification dated 20/04/2013 was before Apex Court and decided by Apex Court the relevant portion of said order is also reproduced above, issuance of present Notification dated 14/04/2016, was shown to be issued on the basis of judgment dated 11/02/2016 of Apex Court, but serial No 01 & 05 of the terms of reference was additional too and related to before 20/04/2013 (date of issuance of basic notification/charge sheet) the same was not the mandate of respondent No 3 as per law and as per order of Apex Court, same has been only done under the personal grudges.

(Copy of charge sheet dated 14/04/2016 is annexed as Annexure "G")

- 10) That, appellant though filed his appeal to the higher authority (respondent No 2) on 18/04/2016, against the illegal Notification dated 14/04/2016, and requested that Apex Court has focused the points to be further probe/investigate but appellant has no knowledge about its proceedings/findings or any decision, it seems it is still pending.

(Copy of the appeal dated 18/04/2016, is annexed as Annexure "H")

- 11) That, inspite of these above illegal measures done by respondents, appellant faced ad contested all proceedings, he submitted written reply to the charge sheet dated 14/04/2016 and appellant also gave written reply to the questionnaire dated 09/05/2016 issued by inquiry committee, similarly appellant submitted his written reply on 11/05/2016.

(Copies of written reply to charge sheet and questionnaire and reply to questionnaire are annexed Annexure "I & J"

12) That, it is legally factual position that only issue was/ is the genuineness of signatures of respondent No.3 (DDO Qazi Tajamal Hussain), in cross examination on 18/07/2016, the same officer deliberately concealed the real position and side tracked it, question No. 1,3,5-7,10 & 11 are worth perusal, on that position appellant on the spot on 18/07/2016 submitted application to Inquiry Committee for taking signature of said officer for verification from FSL Peshawar, which is received by Chairman inquiry committee but the same was not honoured.

(Copies of both the applications dated 18/07/2016 and statements and cross of witnesses and relevant documents are annexed as Annexure "K"

13) That, after 5 and half months from the issuance of Notification dated 14/04/2016, respondent No 3 (Zia-ud-Din Ex-DEO Abbottabad) once again issued Notification dated 27/09/2016 for compulsory retirement of appellant from service although the transfer order of said DEO (Zia-ud-Din) has already been issued on 23/09/2016. **(Copy of News Paper Add is annexed as Annexure "K-1")**

14) That, appellant filed departmental Appeal against the said order before respondent No.2 on 01/10/2016, who conducted inquiry but same is still pending after passing the statutory period of 90 days, and appellant's filed Service Appeal No.58/2017 which was accepted on 24/08/2017. The relevant Para of the Judgment dated 24/08/2017 is being reproduced as under:-

"In view of the said observation of the August Supreme Court of Pakistan, the appeal is accepted and the impugned order is set-aside with the direction to the departmental authority to send the signatures of said Qazi Tajamal Hussain for verification to Hand Writing Expert and thereafter proceed by referring the report of the expert to the inquiry officer and the inquiry officer shall submit his new recommendation after considering report of the expert to authority and the authority shall then proceed further on the basis of fresh inquiry report"

(Copy of order dated 24/08/2017 of this Hon'ble Tribunal is annexed as Annexure "L")

- 15) That, on 28/10/2017, respondent No.3 (Qazi Tajamal Hussain) send the photo copies of disputed signatures to FSL Peshawar for verification and in written reply dated 31/10/2017, FSL Peshawar sated that the Photostat disputed source for, supplied does not serve the purpose of forensic scientific examination and comparison work. Hence, original may be provided for detailed examination and comparison purpose and signature in original of the official Qazi Tajamal Hussain may also be produced. And on 16/11/2017, respondent No.3 wrote a letter to District Account Officer Abbottabad for providing the original source form-II for verification purpose but the District Account Officer Abbottabad replied on 17/11/2017 that the record of this office has been overhauled and the instant source is not traceable in our record and after that respondent No.3 once again wrote a letter to FSL Peshawar in which the respondent No.3 wrote that: "proceed the further in the light of judgment of Hon'ble Service Tribunal and the routine/admitted signatures in original of the official are enclosed herewith as directed by your office" but the FSL Peshawar once again returned the same to respondent-3 with remarks that verification of signatures posted on source form-II dated 11/09/2012

is not possible through Photostat and resultantly the allegation of bogus signature leveled against the appellant has not been proved.

(Copies of all the relevant correspondence with FSL Peshawar are annexed as Annexure "M")

- 16) That, on 31/03/2018 respondent No.3, wrote a letter to Inquiry Committee alongwith FSL report for sending their fresh recommendation in the light of FSL report and inquiry committee submitted its fresh report on 23/04/2018.

(Copy of fresh inquiry report dated 23/04/2018 is annexed as Annexure "N")

- 17) That, on 12/06/2018, respondent No.3 issued a show cause notice against the appellant and appellant submitted reply of the same within time on 28/06/2018.

(Copies of Show Cause Notice dated 12/06/2018 and written reply thereof are annexed as Annexure "O")

- 18) That, on 13/07/2018, appellant was called upon for personal hearing by the respondent No.3 but when the appellant went for personal hearing before the respondent No.3, the appellant was directed by the respondent No.3 to appeared for personal before the incompetent authority i.e. Deputy DEO (Male) Abbottabad on 16/07/2018 and thus the appellant was compelled to submit his grievances in written before the incompetent authority.

(Copies of order dated 13/07/2018 and that of written statement are annexed as Annexure "P")

19) That, respondent No.3 issued impugned Notification vide Endst: No. 3437-45, dated 21/03/2019 and imposed major penalty of "Reduction to 03 lower stages in time scale" with recovery of Rs. 143,697/-.

(Copy of impugned notification dated 21/03/2019, is annexed as Annexure "Q")

20) That, feeling aggrieved by the impugned notification, filed a departmental appeal under Rule-17 of KPK Govt Servant E&D Rule 2011, before the respondent No.2 on 22/03/2019 through Registered post No.595(RGL 19653701) from GPO, Abbottabad which is still pending.

(Copy of departmental appeal dated 22/03/2018 is annexed as Annexure "R")

21) That, after passing the statutory period of 90 days and within 120 days of specific period from the submission of departmental remedy / presentation. *Hence this appeal inter-alia on the following grounds:-*

GROUND:

- a) That, the impugned notification is totally illegal and void order because it was issued by the incompetent authority due to which same has no space in the eyes of law.
- b) That, the impugned order is baseless, without jurisdiction and issued against the FR-29 and Rule-4 (b) (i) of E&D Rule-2011. The relevant Para. of FR-29 is as under:-

"FR-29. If a Government servant is, on account of misconduct or inefficiency, reduced to a lower grade or post, or to a lower stage in

its time scale, the authority ordering such reduction shall state the period for which it shall be effective”

- c) That, the present Notification dated 14/04/2016 was issued against the order of Apex Court dated 11/02/2016, and it was not mandate of respondent No 03 under the law.
- d) That, on 30/03/2016, respondent No.3 wrote a letter to respondent No.3 for constitution of own choice inquiry committee in reply respondent No2 approved the same and issued appointment notification of said inquiry committee on 14/04/2016 at which appellat submitted an application on 21/04/2016, before respondent No.1, for replacement of said own choice constituted inquiry committee but the application of appellat is still pending.

(Copy of order dated 08/04/2016 and notification dated 14/04/2016 and application dated 21/04/2016, are annexed as Annexure “S”)

- e) That, the reasoning and narrated story of impugned Notification dated 21/03/2019 was old and was not in accordance with record and against the law and liable to be set-aside.
- f) That, respondent has no rights to include the previous issues before 20/04/2013 (date of issuance of basic notification/charge sheet) because before Apex Court matter was Subjudiced on the basis of Notification dated 20/04/2013 and thus the inquiry and impugned notification dated 21/03/2019 is against law, facts and order of the Apex Court.

g) That, salary of the appellant drawn w.e.f. 01/12/2010 to 30/11/2011, was drawn under the direction of Honourable Peshawar High Court Abbottabad bench, in writ petition 411-A/2012 dated 24/05/2012.

(Copy of the judgment dated 24/05/2012 alongwith relevant documents is annexed as Annexure "T")

h) That in the process of cross examination the concerned officer DDO(Mr.Qazi Tajamal Hussain) has totally failed to prove the genuineness of his signatures and his reply is not to the point but he did not explain the real position in his cross.

i) That, Appellant was appointed as a display centre Information Officer (No.96) by District Election Commissioner Abbottabad under Article 220 of Constitution of Islamic Republic of Pakistan, upon the recommendation of Executive District Office E&SE Abbottabad and appellant performed duty w.e.f. 29/02/2012 to 05/07/2012 but now respondent No.3 forcefully showing me absent from duty for the same period which is totally un-justice and shows clear cut malafide on the part of respondent No.3. if the appellant was absent for the said period then why not the disciplinary action has been taken against the appellant at that time under Rule-9 of E&D Rules 2011.

(Copies of all the relevant documents concerning with the duty of Election Commission, are annexed as Annexure "U")

j) That, appellant has been performing his regular duty at GMS Todu Maira Abbottabad w.e.f. 01/07/2012 to 30/09/2012 but the salary of the appellant for said period was illegally stopped by the respondents.

(Copy of Attendance Certificate is annexed as Annexure "V")

k) That, the salary alongwith arrear of appellant for the month of Oct 2012 and Dec 2012 was accepted during the re-conciliation process and if there was any illegality then why not the respondents take any immediate action at that time.

(Copy of reconciliation report is annexed as Annexure "W")

l) That, on 06/09/2014, appellant submitted an application for provision of documents under "Right to Information Act 2013" and alongwith other documents, the respondent No.3 also provided the appellant attested photocopy of Source Form-II for the month of Oct 2012.

(Copy of application dated 06/09/2014 and relevant documents are annexed as Annexure "X")

m) That, the personal hearing of the appellant was conducted by the incompetent authority which is totally against the Rule-15 of E&D Rules 2011.

n) That, the impugned order was issued against the law because disputed signatures of Qazi Tajamal Hussain has not been proved bogus through FSL Peshawar.

o) That, the inquiry committee conducted the inquiry in the form of question and answer which is not permissible in the eyes of law.

p) That, the recovery imposed upon the appellant Rs. 136,443/- is totally baseless and unjustified because the four increments of the appellant was stopped for the past period w.e.f. 2006 inspite of future period which shows totally malafide on the part of respondents.