

**HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

**Service Appeal No: 1151/2022**

Mr. Muhammad Waqas.....

Appellant  
Khyber Pakhtunkhwa  
Service Tribunal


**Versus**

Director, Higher Education, Khyber Pakhtunkhwa  
& others.....

Diary No. 3554  
14/2/2023  
Respondents

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Respondent

(1)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Service Appeal # 1151/2022

Muhammad Waqas ..... Appellant

Versus

Govt: of KPK through Director, Higher Education & others ..... Respondents

**Subject: PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.1, 3 & 4**

**Respectfully Sheweth:**

**Preliminary objections:**

1. That the appellant has got no locus standi to file the instant appeal.
2. That the appellant has not come to this Hon'ble Tribunal with clean hands.
3. That the appellant is trying to conceal the material facts from this Hon'ble Tribunal.
4. That the instant appeal is barred by law and limitation.
5. That the appellant is estopped by his own conduct to file the instant service appeal.
6. That the appellant has not come to this Tribunal with clean hands and trying to mislead this Hon'ble Tribunal.

**Facts:**

1. Correct to the extent that the appellant is an employee of the Directorate of Higher Education and working as waiter therein.
2. Incorrect. That the appellant was working with the utter dissatisfaction of his high ups. The appellant was habitual of absentee and misbehavior (**Annex-A**) and Respondent no. 04 also requested to JMC, Coordinator, Principal Govt; College, Peshawar vide letter dated; 17-10-2018 & 07-08-2019 to transfer him from Govt; Frontier College (Women), Peshawar (**Annex-B,C**)
3. As already explained in Para 2, complaints were pouring in against the appellant and consequently, Coordinator, joint management council, (JMC), Peshawar transferred him from Govt: Frontier College for women, Peshawar to Govt: Degree College Jamrud, Khyber against the post of Naib Qasid (**Annex-D**).
4. Correct to the extent that the appellant took over the charge at Govt: Degree College, Jamrud vide letter no. 566-71 dated 17/07/2021 (**Annex-E**) but after assuming the charge, the appellant remained absent from duty w.e.f 01/08/2021 till date. Resultantly, the then principal, GDC Jamrud called an explanation from the appellant vide letter No. 617-180 dated 17/08/2021 (**Annex-F**) but he did not bother to satisfy the high ups. Thereafter, the respondent No.3 requested the JMC coordinator, Peshawar to transfer the appellant to any other college falling in district Peshawar vide letter No.621 date 21/08/2021 (**Annex-G**). In response, the JMC coordinator i.e. Principal, Government College (JMC Coordinator) asked to constitute an inquiry committee against the appellant and requested to stop the salary of the appellant (**Annex-H**). In compliance, the respondent No. 3 constituted a fact finding inquiry committee to probe into the matter(**Annex-I**). Consequently, the inquiry committee submitted its report with recommendation to place the services of the appellant at the disposal of Government College, Peshawar for further adjustment (**Annex-J**).

(2)

The inquiry report was submitted to the JMC coordinator, Peshawar vide letter no. 654 dated 09/09/2021 with the request to transfer the appellant at the earliest **(Annex-K)**. Moreover, another departmental inquiry has been initiated against the appellant on the direction of Director, Higher Education **(Annex-L)**, wherein absence and misconduct of the appellant has been proved and the inquiry Officer recommended that;

“The accused may please be treated under Efficiency & Discipline Rules, 2011, & The Principal Govt; Frontier College for Women Peshawar may please directed for the immediate removal of the accused from the service in the best public interest”.

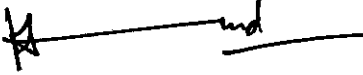
5. Incorrect. that the appellant did not perform his duties at Govt: Degree College, Jamrud from 01/8/2021 to till date, therefore, he is not entitled for salary.
6. Incorrect.

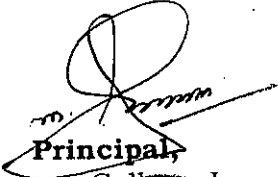
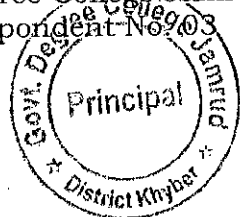
**Grounds:**

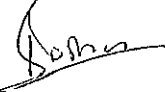
- A. Incorrect. Facts are already explained in the preceding paras.
- B. Incorrect. that the appellant has been treated in accordance with law/rules in vogue.
- C. Incorrect. that the appellant is not performing his duties from 01/08/2021 till date hence; he is not entitled for salaries.
- D. Incorrect. Facts are already explained in the preceding paras.
- E. Incorrect. Facts are already explained in the preceding paras.
- F. Incorrect. Facts are already explained in the preceding paras.
- G. That the respondents may be allowed to raise additional grounds at the time of arguments.

**Prayers:**

It is, therefore, humbly prayed that the instant appeal is devoid of merits, therefore, may graciously be dismissed with costs, please.

  
**Director**  
Higher Education Department  
Respondent No. 01

  
**Principal,**  
Govt; Degree College Jamrud  
Respondent No. 03  


  
**Principal,**  
Govt; Frontier College for Women, Peshawar  
Respondent No. 4.

Annex - A

OFFICE OF THE PRINCIPAL, GOVT. FRONTIER COLLEGE FOR WOMEN  
PESHAWAR.

Ph. No 0919212805 Email: fewpsh@yahoo.com

No. /GFC(W) Dated / / 2018

To:

The Director,  
Higher Education,  
Khyber Pakhtunkhwa Peshawar.

Subject: COMMENCEMENT OF CASUAL LEAVES & MISCONDUCT

Memo.

Kindly refer to the subject cited above it is to bring into your kind notice that Mr. Muhammad Waqas was appointed in this college as waiter on 07.12.2017 under deceased son quota. He was administratively assigned duty of gatekeeper at college gate for security reasons however he is not only habitual of committing casual leaves but intentionally remained absent or consecutive Saturday as well as on alternative days since summer vacations ended (attendance copy attached). Moreover, whenever he called for his absence, he intentionally misbehaves with authority as well as with security incharge. The situation is quite ambiguous and may lead to perplexity or willful transgression.

In view of the above it is suggested that kindly transfer Mr. Muhammad Waqas somewhere else and provide this college a punctual substitute in order to evade matters invoked.

  
PRINCIPAL

GOVT. FRONTIER COLLEGE  
FOR (WOMEN) PESHAWAR



Annex-B

5

OFFICE OF THE PRINCIPAL, GOVT. FRONTIER  
COLLEGE FOR WOMEN PESHAWAR.

PH.No:091-9212806 FAX No: 091-2571768

No. 1746 /GFC(W) Dated 27 /10/2018



To

The Principal  
Govt. College JMC, Cluster Colleges  
Khyber Pakhtunkhwa Peshawar.

Subject: COMMENCEMENT OF CASUAL LEAVES & MISCONDUCT

Dear Sir,

Please refer to the subject cited above and to bring into your kind notice that Mr. Muhammad Waqas posted as a waiter in GFC(W) Peshawar but was administratively assigned duty of a watchman (chowkidar) at College's Gate for security reasons however he is not only habitual of committing casual leaves but intentionally remained absent on consecutive Saturdays since summer vacations ended (August 18, 25), (Sept 01, 08, 15, 22, 29), (Oct 06, 13) as well as on alternative days. Moreover, whenever he called for his absence, he misbehaved and surrender from the duty. The situation is quite ambiguous and may lead to perplexity.

So in view of foregoing the undersigned is requested to kindly transfer him somewhere else and provide this college with a punctual worker in order to evade matters involved.

Principal

Govt. Frontier College for Women  
Peshawar

Annex-C

6

OFFICE OF THE PRINCIPAL, GOVT. FRONTIER  
COLLEGE FOR WOMEN PESHAWAR.

PH. No. 091-9212806 FAX No. 091-2571768

No. 1452 /GFC(W) Dated 07/08/2019

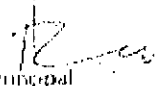
To

The Principal

College, Higher Education Department KP


SUBJECT: Immediate transfer of Mr. Wasim (walled)

With due respect it is stated that this office has requested time and again for immediate transfer of Mr. Wasim from the post of teacher. It is once again to bring into your kind notice his kindly base action and transfer him to some male college. The accused Class-IV named Mr. Wasim often threatening language to the staff and students and it is feared that any time and untoward accident is expected. He often remain absent from his duty. He has been warned to bring up the situation but he is not mending his behavior. Keeping his negligence in view that his immediate transfer may kindly be made sure and a suitable substitute may kindly be provided on urgent basis. For further details may be conducted to overcome the discrepancy.

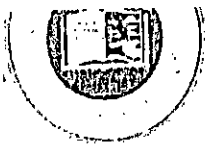
  
Principal  
Govt. Frontier College  
For Women Peshawar

Copy of the above is for perusal of

- 1. The Director, Higher Education Department, Govt. of Khyber Pakhtunkhwa, KP.

  
Principal  
Govt. Frontier College  
For Women Peshawar





Annex-D



7

OFFICE OF THE PRINCIPAL GOVERNMENT COLLEGE PESHAWAR

OFFICE ORDER

In exercise of power conferred in the 3<sup>rd</sup> meeting of Provincial Management Council (PMC), the Competent Authority is pleased to transfer the services of Muhammad Waqas, Waiter (BPS-03) from Government Frontier College for Women Peshawar to Government Degree College Jamrud District Khyber against the vacant post of Naib Qasid (BPS-03) on his own pay & scale in the best public interest.

Note:-

1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned.

(Professor Dr. Taj Ud Din)  
JMC Co-ordinator Peshawar

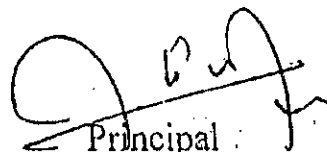
Endst No. 274-78 /GFC (W) File

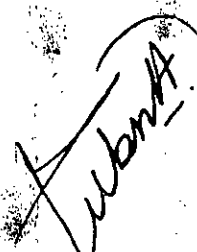
Dated 14/07/2021

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

- 1) Accountant General Khyber Pakhtunkhwa Peshawar.
- 2) District Account Officer District Khyber
- 3) Director Higher Education, Khyber Pakhtunkhwa Peshawar.
- 4) Principal Govt Frontier College (W) Peshawar with the remarks to release the pay of Official concerned and relived him from duty immediately.
- 5) Principal Govt Degree College Jamrud district Khyber.
- 6) Official concerned.

Noted  
Sh  
17.7.2021

  
Principal  
Govt College Peshawar



Annex-E

CERTIFICATE OF TRANSFER OF CHARGE

35  
8

In Compliance with the JMC (Co-ordinator) Peshawar Office order bearing Endst: No. 274-79/GFC (W) dated 14-07-2021 Muhammad Waqas Waiter (BPS-03) transferred from Govt: Frontier College for Women Peshawar, hereby submit my arrival for duty and take over the charge against the existing vacant post of N/Qasid (BPS-03) at Govt: Degree College Jamrud, on 17-07-2021 (F.N).

Station: GDC Jamrud, Khyber

Dated: 17-07-2021

Signature of receiving

Government Servant: Muhammad Waqas

Designation: N/Qasid (BPS-03)

Endst No. 566-71/ GDC Jamrud, Khyber,

Dated 17/07/ 2021.

Copy forwarded to:-

1. Director Higher Education Department Khyber Pakhtunkhwa
2. Accountant General Khyber Pakhtunkhwa
3. JMC Co-ordinator Principal Govt: College Peshawar w/r to his office order bearing No. referred to above.
4. Principal Govt: Frontier College (w) Peshawar
5. District Accounts Officer, Jamrud, Khyber.
6. Official Concerned.

Aash  
Principal  
17/7/2021  
G.D.C. Jamrud, Khyber





Annex F

GOV. COLLEGE  
HYBER  
PHONE. 091-5820538

No. 47-18 Date: 17-08-21

(19)  
a

To: Muhammad Waqas S/O Mehboob Khan  
Shahbar Qambar Khel Dre Plarc, Dorbi District Khyber  
working against the post of Naib Qasid at GDC Jamrud.

Subject: EXPLANATION.

Memo.

Subsequent to your transfer from Govt. Frontier Colleg Peshawar to GDC Jamrud vide Principal GC Peshawar (JMC Coordinator) office order Endstt: No.274-79/GFC(W). dated 14.7.2021, you submitted arrival report for duty in this college on 17.7.2021 but often remain absent from duty without any lawful authority and prior permission/approval of the undersigned.

You are therefore directed to explain the reason for your wilful absence from duty. Your explanation should reach the office of the undersigned within three days positively, otherwise strict disciplinary action will be taken against you under the existing E&D Rules.

(Signature)  
17/8/2021  
(Principal)  
GDC Jamrud, Distt: Khyber. o/c

Endstt: No. 67-18 dated 17-08-2021

Copy of the above is forwarded for information to the:

1. Director Higher Education Khyber Pakhtunkhwa Peshawar.
2. Principal GC Peshawar (JMC Coordinator) w/r to his office Endstt: No. referred to above.

(Signature)  
17/8/2021  
(Principal)  
GDC Jamrud, Distt: Khyber. o/c

Submt



Annex

Annex G

GOVT. DEGREE COLLEGE  
JAMRUD, KHYBER  
PHONE. 091-5820538

No. 621 Date: 21/08/2021

10

To: The Principal Govt. College Peshawar  
(JMC Coordinator)

Subject: Re-adjustment of Muhammad Waqas, waiter.

Memo.

In compliance with your Office Order bearing Endstt. No.274-79/GFC(W), dated 14.7.2021, Muhammad Waqas, Waiter, transferred from Govt. Frontier College for Women Peshawar, submitted his arrival report for duty in this college on 17.7.2021 but he often remains absent from duty without any lawful authority and prior permission/approval of the undersigned since his date of arrival.

He was called to explain the reason for his wilful absence from duty within 03 days but utterly failed to respond in positively within the stipulated period of time. You are therefore, requested to transfer and post him elsewhere in any other college falling under your administrative control due to the following reasons.

- i. He wilfully remains absent from duty without any reason
- ii. He does not respond positively to the instructions of the undersigned.
- iii. Due to non-availability of any post under the nomenclature of Waiter in GDC Jamrud, Distt. Khyber.

OK (Principal)  
GDC Jamrud, Distt. Khyber.

Endstt. No. 622 dated

Copy of the above is forwarded for information to the Director, Higher Education Khyber Pakhtunkhwa Peshawar.

Tubana

OK (Principal)  
GDC Jamrud, Distt. Khyber



Annex-H Annex-2



11

17

OFFICE OF THE PRINCIPAL GOVERNMENT COLLEGE PESHAWAR

No. 482


Dated: 23/08/2021

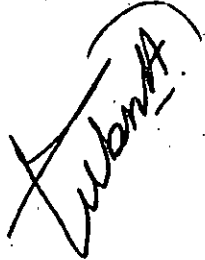
The Principal,  
Govt Degree College Jamrud,  
District Khyber.

Subject: RE-ADJUSTMENT OF MUHAMMAD WAQAS WAITER  
Memo,

Kindly refer to your office letter No. 621 dated 21/08/2021 on the subject cited above and to ask you to constitute an inquiry Committee against Mr. Waqas Waiter of your college order to proceed further into the matter.

It is further to ask you that salary of the official concerned may also be stopped from the day of his absentee under intimation to this office.

  
Principal  
Govt College Peshawar





Annex-B  
I

GREECOLLEGE  
JAMRUD KHYBER  
PHONE. 091-5820538

No. \_\_\_\_\_ Date: \_\_\_\_\_

19

16

## INQUIRY

In compliance with the instructions of the Principal Govt. College (JMC) Peshawar letter No 482, dated 23.8.2021, facts finding Inquiry Committee comprising the following officers is hereby constituted to probe in-depth into the allegations levelled against Muhammad Waqas Waiter, recently transferred from Govt. Frontier College for Women Peshawar to this college against the post of Naib Qasid.

- |                                     |                   |
|-------------------------------------|-------------------|
| 1. Muhammad Jan, A/P of Economics   | Chairman.         |
| 2. Mr. Minhas Ahmad, A/P of Physics | Secretary/member. |
| 3. Mr. Asadullah, lect: in Stat:    | Member.           |

### T.O.Rs:

The Inquiry committee is requested to probe into the following allegations against the above named, class-IV. Employee.

1. He habitually remains absent from duty without any legal authority/prior approval of the competent authority.
2. He is habitual late comer when seldom turns up for duty since his transfer.
3. He does not bother to respond the instructions of the Principal as evident from the fact that he did not respond the explanation called on dated 17-08-2021.
4. He has been wrongly posted omittedly due to non-availability of post under the nomenclature of "Waiter" in this college.

- Inquiry report comprising clear cut facts may be submitted within 03 days of the receipt of this letter positively, please.

(Principal)

GDC Jamrud, Distt: Khyber.

Endstt: No. 642-47 dated 31-08-2021

Copy of the above is forwarded for information to the:

1. Director Higher Education, Khyber Pakhtunkhwa Peshawar.
2. Principal GC (JMC) Peshawar w/r to his letter No referred to above.
3. Muhammad Jan, A/P of Economics, in the local college.
4. Mr. Minhas Ahmad A/P of Physics in the local college.
5. Mr. Asadullah, lect: in Stat: in the local college.
6. Asstt: in the local college, to extend co-operation to the Inquiry Committee and produce the relevant record.

*Minhas Ahmad*

*Asadullah*  
(Principal)  
GDC Jamrud, Distt: Khyber.

Annex 4

13 25

### Inquiry Report

Reference to your letter No. 642-47 dated 31.08.2021, three member committee was constituted under the chairmanship of Muhammad Jan, Assistant Prof. of economics of this college to probe in-depth into the allegation leveled against Muhammad Waqas, waiter of this college against the post of Naib Qasid and is submitted to your office for further n/a please.

#### Background:

Muhammad Waqas, waiter (BPS-03) transferred from Govt. Frontier College for women Peshawar to Govt. Degree College Jamrud, Khyber vide letter no. 274-79/GFC (W) dated 14.07.2021. He was relieved from his duty on 16.07.2021 (A/N) from Govt. Frontier College for women Peshawar and took over charge against the vacant post of Naib Qasid vide letter No. 566-71 at GDC Jamrud District Khyber on 17.07.2021 (F/N).


#### Facts:

The following facts have been observed by the inquiry committee.

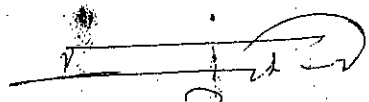
1. He has been appointed against the deceased quota as his father had died during service at GSSC Peshawar.
2. The employee concerned is the resident of Pandu, ring road Peshawar and his daily travelling expenditure Rs. 300/day and according to him; it is too difficult to manage it in his current salary as his mother is also Cancer patient who needs proper checkup and care on daily basis.
3. Previously, his track record is not so good at his previous duty stations. He has been also remain absent from his duty since 1<sup>st</sup> of august 2021 till date according to the attendance register of this college.
4. He usually comes late to his duty. According to attendance register, his reporting time of his duty is on average 10 am which is only the record w.e.f 17.07.2021 to 31.07.2021.
5. The Principal asked him to explain his position vide letter No. 617-18, dated 17.08.2021 but he is not able to explain his position.

#### Recommendation:

Keeping in view the above mentioned facts, it is recommended by the internal inquiry committee to put him on the disposal of Govt. College Peshawar (JMC) for further adjustment.



Mr. Asad Ullah (Member)  
Lecturer in Statistics (BPS-17)



Mr. Minhas Ahmad (Member)  
Assist. Prof. of Physics (BPS-18)



Muhammad Jan (Chairman)  
Assist. Prof. of Economics (BPS-18)



Annex-01

K

GOVT. DEGREE COLLEGE  
JAMRUD KHYBER  
PHONE: 091-5820538

14

14

No. 654 Date: 09/09/2021

To: The Principal Govt. College  
(JMC Coordinator) Peshawar.

Subject: Re-adjustment of Muhammad Waqas, waiter.

Memo:

In compliance with your Office letter No 482 dated 23.8.2021 on the subject cited above (F/A), an inquiry committee comprising honest and experienced Faculty members was constituted vide this Office letter bearing Indstt. No: 642-47 dated, 31.8.2021 (F/B) to conduct impartial inquiry against Muhammad Waqas, Waiter, transferred from Govt. Frontier College for Women Peshawar, for his wilful absence from duty and non responsive to the instructions of his superiors.

As per recommendation of the Inquiry Report attached at F/C, the above named defaulter may please be transferred from GDC Jamrud and adjusted elsewhere as all the allegations levelled against him have been proved. In addition to the above the defaulter concerned has not been taken on roll for salary purpose so far to implement your instructions contained therein your letter No referred to above.

Therefore, keeping in view the recommendation of the Inquiry Committee, the above named convict may please be transferred at the earliest, please.

*(Signature)*  
(Principal)  
GDC Jamrud Distt: Khyber.

Indstt. No. 655 dated .....

Copy of the above is forwarded for information to the Director Higher Education Khyber Pakhtunkhwa Peshawar.

*(Signature)*  
(Principal)  
GDC Jamrud, Distt: Khyber

*(Signature)*

To

The Director, Higher Education  
Khyber Pakhtunkhwa Peshawar

Annex L

(15)

Sub: REQUEST FOR JUSTICE (INQUIRY AGAINST MR. MUHAMMAD WAQAS,  
WAITER AT GOVT. FRONTIER COLLEGE FOR WOMEN PESHAWAR.

Date of Inquiry: 16/08/2021, 18/08/2021, 22/08/2021  
Place of Inquiry: GFCW Peshawar, GDC Jamrud, Govt. College Peshawar.  
Inquiry Officer: Prof; Irfanullah  
Principal Govt. Degree College Pabbi, Nowshera.

### Back ground

The main cause to initiate the instant inquiry, was a letter that the undersigned has received from Directorate of Higher Education Khyber Pakhtunkhwa, Peshawar vide letter No. 14046/CA VII/estt branch/A-167GFCW Peshawar, dated: 26/7/2022, wherein, it is stated to conduct a formal inquiry against Mr. Muhammad Waqas, the waiter of Govt. Frontier College for Women, Peshawar.

### Case History:

Mr. Muhammad Waqas was initially appointed as waiter on 11/12/2017 against the deceased Son's quota and was thus posted at Govt. Frontier College for Women (GFCW) Peshawar. During early days of his service, several explanations had been served to Mr. Muhammad Waqas with regard to his absenteeism, misbehaviour and misconduct with the staff. The undersigned has overviewed the whole track record of the accused Mr. Muhammad Waqas and the following anomalies were observed.

- \* That Mr. Muhammad Waqas was temporarily deputed in the Directorate of Higher Education, Khyber Pakhtunkhwa, Peshawar by the Principal of GFCW Peshawar w.e.f., 09/03/2018 to 15/03/2018. He was directed to report back to the college after 15/3/2018, however, Mr. Muhammad Waqas paid no heed to the directives and remained willful absent from the college, though, an explanation had also been served to him in this regard Vide No 443 dated nil (Annex-A).
- \* That Mr. Muhammad Waqas also remained absent from duty on May 02, June 05, July 09, August 05, September 07, and October 02, 2018. The Principal of GFCW Peshawar served an explanation letter to him vide No. 1158, dated: 16/10/2018 (Annex-B).
- \* That the Principal GFCW Peshawar sent a letter to the JMC coordinator Peshawar vide No. 1176, dated: 17/10/2018, wherein, she stated that Mr. Muhammad Waqas is habitual in taking of casual leaves on one hand and on the other he remained willfully absent from duty on every saturday and on subsequent days. Moreover, he refused to obey the orders and also refused to accept official duties while misbehaving with the staff too. A DSR was submitted, wherein, it was stated that the Principal GFCW Peshawar advised him to attend her office, whereas, he left the college while throwing away the keys of the Main Gate. Due to his rude behaviour, the Principal GFCW requested the JMC coordinator for the transfer of Mr. Muhammad Waqas (Annex-C).
- \* That an office order had been issued by the Principal GFCW Vide Endst: No. 1294 Dated: 26-11-2018, wherein, Mr. Jan Muhammad Mali and the accused Mr. Muhammad Waqas had been directed to perform their duties at the newly assigned places of the college. Mr. Jan Muhammad accepted the new assignment, while, Mr. Muhammad Waqas refused to accept and denied to put signatures on the office order (Annex-D).
- \* That a letter sent to the Director, Higher Education Khyber Pakhtunkhwa, Peshawar vide No. 1297, dated: 26/11/2018, wherein, it was stated that Mr. Muhammad Waqas does not perform his college duty, he is habitual absconder and willfully remains absent from duty. Furthermore, it was also stated that the day he was served with an explanation, he began misbehaving with the college administration (Annex-E).

*[Handwritten signature]*

*[Handwritten signature]*

- \* That an explanation had been served to Mr. Muhammad Waqas by the Principal GFCW, Peshawar Vide No. 4453 dated: 17/08/2019 regarding his absentee from duty w.e.f 9/08/2019 to 16/08/2019 (Annex-B).
- \* That explanations had also been served to Mr. Muhammad Waqas Vide No. 1445-46 dated: 18-01-2019 and Vide No. 3035 dated: 24-06-2019 regarding absentee from college duties and non-compliance to the assigned task (Annex-F1).
- \* That the Principal GFCW Peshawar sent a letter to the JMC Coordinator, Peshawar vide No. 4454, dated: 17/8/2019 and requested the Coordinator to transfer Mr. Muhammad Waqas as he used threatening language with staff and students (Annex-G).
- \* That the JMC Coordinator, Peshawar immediately appointed Mr. Hameedullah Jan, Professor of Computer Science Govt. College Peshawar as inquiry officer to probe into the matter. The inquiry officer submitted a report to the JMC Coordinator Peshawar, wherein, he recommended that the accused may be transferred to some male college (Annex-H).
- \* That keeping in view the recommendation of the inquiry officer, Mr. Muhammad Waqas was transferred to GDC Mathra Peshawar vide letter No. 969- 73, dated: 06/09/2019 (Annex-I).
- \* That the Principal GDC Mathra refused to accept the arrival of Mr. Muhammad Waqas vide letter No. 901, dated: 17/9/2019, as posts of Class-IV were subjudiced at GDC Mathra (Annex-J).
- \* That the services of Mr. Muhammad Waqas were then placed at the disposal of the Directorate of Higher Education Peshawar vide No. 1113-17, dated: 27/09/2019 (Annex- K).
- \* That the record of biometric attendance, at Directorate of Higher Education, Peshawar, has revealed and proved that Mr. Muhammad Waqas is the habitual absconder from duty. He had been marked absent on every Friday and some other days of the week (Annex-L).
- \* That the Director Higher Education Khyber Pakhtunkhwa Peshawar repatriated Mr. Muhammad Waqas and placed his services back at the disposal of the Principal GFCW Peshawar vide letter No. 7997-8001, dated: 13/03/2020 (Annex-M).
- \* That non-serious and lethargic attitude of Mr. Muhammad Waqas towards performing his official duty continued and, consequently, the Principal GFCW Peshawar submitted her request again to the JMC Coordinator for the transfer of Mr. Muhammad Waqas vide No. 742, dated: 14/9/ 2020(Annex-N).
- \* That the JMC Coordinator Peshawar subsequently issued transfer order in respect of Mr. Muhammad Waqas and adjusted him at Govt. Girls Degree College Gulshan Rahman Colony Peshawar vide office order No. 4203-06, dated: 09/12/2020 (Annex-O).
- \* That Mr. Muhammad Waqas also failed to reform himself at GGDC Gulshan Rahman Colony Peshawar and, as a result, his absentee report had been submitted to JMC Coordinator Peshawar vide No. nil, dated: 04/01/2021(Annex-P).
- \* That the JMC Coordinator Peshawar cancelled the transfer order in respect of Mr. Muhammad Waqas vide No. 4573-76, dated: 07/01/2021, wherein, he had been directed to report back to GFCW Peshawar (Annex-Q).
- \* That frequent transfers and several explanations served to Mr. Muhammad Waqas could not enable him to mend his ways towards his official duty and he had been repeating the same blunders i.e., he remained absent from the college. His absentee report was submitted to the JMC Coordinator Peshawar vide No. 1303, dated: 11/01/2021(Annex-R).
- \* That followed by the letter, the JMC Coordinator Peshawar sent a letter vide No. 4701, dated: 26/01/2021 asking the Principal GFCW Peshawar to furnish the latest performance report in respect of Mr. Muhammad Waqas to proceed further into the matter (Annex-S).
- \* In compliance of the letter No. 4701, the Principal GFCW, Peshawar sent a letter to the JMC Co-ordinator, Peshawar Vide No. 1337 dated: 26/01/2021, wherein, it was stated that Mr. Muhammad Waqas remained absent from the college since long (Annex-T).
- \* In response of the letter No. 1337, the JMC Co-ordinator Peshawar Vide No. 4746 dated: 28/11/2021, directed the Principal GFCW, Peshawar to issue absentee notices to Mr. Muhammad Waqas on his home address (Annex-U).
- \* That two absentee notices had been issued to Mr. Muhammad Waqas on his home address vide No. 1362A, dated: 30/01/2021 and vide No. 222-224, dated: 08/04/2021, wherein, he was directed to resume his college duty, otherwise, disciplinary proceeding may be initiated against him (Annex-V).

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- \* That the Principal GFCW Peshawar sent a letter to the Director Higher Education vide No. 38, dated: 22/02/2022, wherein, it was stated that inspite of several explanations and notices to Mr. Muhammad Waqas, regarding his absentees, he miserably failed to mend his ways and, therefore, he showed lethargic and non-serious attitude towards his duties as well as least interest in serving female college (Annex-W).
  - \* That the Director Higher Education Peshawar, vide No. 10158, dated: 30/04/2021 directed the Principal GFCW Peshawar to initiate disciplinary proceeding against Mr. Muhammad Waqas (Annex-X).
  - \* That keeping in view the complaints received from Principals of various colleges (where he had been posted), the JMC Coordinator had issued transfer order in respect of Mr. Muhammad Waqas to GDC Jamrud District Khyber vide Office Order No. 274-79, dated: 14/07/2021. Mr waqas resumed his charge at GDC Jamrud on 17/07/2021 (Annex-Y).
  - \* That after resuming the charge, Mr. Muhammad Waqas remained absent and failed to reform his attitude for duty at GDC Jamrud and, consequently, the Principal GDC Jamrud sent absentee notice to Mr. Muhammad Waqas on his home address vide No. 617-18, dated: 17/8/2021 (Annex-Z).
  - \* That the Principal GDC Jamrud sent a letter to the JMC Coordinator vide No. 621, dated: 21/08/2021, wherein, it was stated that Mr. Muhammad Waqas remained absent from duty since the date of his taking over the charge and requested the Coordinator that he may be transferred to some other college (Annex-AB).
  - \* That the JMC Coordinator, vide his letter No. 482, dated: 23/08/2021, asked the Principal to initiate disciplinary proceeding against Mr. Muhammad Waqas (Annex-AC).
  - \* That a three member committee had been constituted in compliance by the Principal GDC Jamrud vide office order No. 642-47, dated: 03/08/2021 and the inquiry report duly sent to the JMC Coordinator Peshawar vide No. 655, dated: 09/09/2021 (Annex-AD).
  - \* That the JMC Coordinator Peshawar sent a letter to the Director Higher Education Peshawar vide No. 854, dated: 16/09/2021, wherein, it was stated that inspite of the frequent transfers of Mr. Muhammad Waqas to various colleges within the JMC jurisdiction and several notices and explanations served to him by the Principals of GFCW Peshawar, GGDC Gulshan Rahman Peshawar and GDC Jamrud, Mr. Muhammad Waqas did not mend his attitude towards his official duty and further requested the director higher education to transfer him out of the JMC jurisdiction (Annex-AE).
  - \* That Mr. Muhammad Waqas, in the meanwhile, submitted a self-explanatory application to the Director Higher Education Peshawar on 30/03/2022. The Director Higher Education, directed the JMC coordinator, vide No. 7856, dated: 04/04/2022 to conduct a fact-finding inquiry against Mr. Muhammad Waqas to further the probe into the matter (Annex-AF).
  - \* That the JMC Coordinator, in compliance, submitted a complete service record of Mr. Muhammad Waqas to the Director Higher Education vide No. 604, dated: 13/04/2022, wherein it was stated that Mr. Muhammad Waqas had been provided several opportunities to mend his way but he failed to do so (Annex-AG).
  - \* That in light of the letter No. 604, the Director Higher Education Peshawar vide No. 9686, dated: 11/05/2022, directed the JMC Coordinator to conduct a fresh inquiry in the matter (Annex-AH).
  - \* That a three member inquiry committee had been constituted in compliance by the JMC Coordinator Peshawar vide endst No. 871-75, dated: 23/05/2022. The inquiry committee, in its report, recommended that the principal GFCW Peshawar, being competent authority may take action against the accused mr waqas. The inquiry report duly submitted to the Director Higher Education Peshawar vide No. 1281, dated: 24/06/2022 (Annex-AI).

### Proceedings of the case:

Upon receiving the letter, the undersigned planned to visit GDC Jamrud on 16/08/2021 and collected the relevant material (Annex-AJ). He also interviewed the Principal of the college about the routine behaviour of Mr. Muhammad Waqas. Subsequently, the undersigned also visited GFCW, Peshawar for the collection of relevant data from the Principal. The Principal, GFCW Peshawar submitted her written personal statement, wherein, she showed ample proofs to substantiate her accusation against Mr. Muhammad Waqas (Annex-AK). After having collected

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the relevant material from various colleges and the Directorate, Higher Education, Peshawar, the undersigned visited JMC Coordinator i.e., the Principal of GC Peshawar and collected the personal file of Mr. Muhammad Waqas and other relevant necessary information.

### Findings:

Consequent upon examining the entire relevant available record of the instant case, the following facts were noticed:

1. That the accused, Mr. Muhammad Waqas seldom attended the college, which has been varified from the record of the biometric attendance as well as from manual attendance register,
2. That the accused is found as consistently absent from the duty at GDC Jamrud since taking over his charge on 17/07/2021 (Annex-A1),
3. That the accused paid no heed to the explanations, served to him on several times,
4. That the accused has a non serious and careless attitude that adversely affected the envoirement of the college, where, the accused had been posted,
5. That the accused threatened the college staff and students of GFCW, Peshawar, &
7. That the service record of the accused, available at JMC Peshawar, Govt. Frontier College for Women Peshawar and GDC Jamrud has revealed the lethargic and irresponsible attitude of the accused towards his working career.

### Reccomended Suggestions:

1. That the accused may please be treated under Efficiency & Discipline Rules, 2011, &
2. That the Principal GFCW Peshawar may please directed for the immediate removal of the accused from the service in the best public interest.

*Submt*

*Irfanullah*

Prof; Irfanullah  
(Inquiry Officer)  
Principal GDC Pabbi  
Nowshera