

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**  
**AT CAMP COURT ABBOTTABAD**

Service Appeal No. 1726/2019

Date of Institution ... 28.11.2019

Date of Decision ... 02.12.2021

Maqsood Ahmed (PST) Government Primary School Muslim Town,  
Circle Abbottabad, Tehsil & District, Abbottabad.

... (Appellant)

**VERSUS**

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

... (Respondents)

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MR. MAQSOOD AHMED,  
Appellant

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Pro-se

MR. RIAZ AHMED PAINDAKHEL,  
Assistant Advocate General

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For respondents.

MR. AHMAD SULTAN TAREEN  
MR. SALAH-UD-DIN


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CHAIRMAN  
MEMBER (JUDICIAL)


**JUDGMENT:**

**SALAH-UD-DIN, MEMBER:-**

Precise facts forming the background of the instant service appeal are that the appellant while serving as PST at GPS Surjal was proceeded against on the allegations of inefficiency, misconduct as well as habitual absence and as a consequence of findings of the inquiry committee, minor punishment in the shape of withholding of promotion for three years as well as recovery of an amount of Rs. 300438/- was awarded to the appellant vide order dated 21.05.2013. The same was challenged by the appellant through filing of



Service Appeal bearing No. 1252/2013, which was decided vide judgment dated 16.02.2016, whereby the penalty awarded to the appellant was set-aside and the respondents were directed to conduct proper inquiry under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. It was during the inquiry proceedings that ASDEO Circle Sherwan informed SDEO (Male) Abbottabad through letter dated 01.07.2016 that the appellant has refused to receive letter No. 5334 dated 23.06.2016 as well as letter No. 5415-18 dated 27.06.2016 addressed to the appellant, where-upon District Education Officer (Male) Abbottabad appointed Sub-Divisional Education Officer (Male) Abbottabad for inquiry into the alleged refusal of receiving of the aforementioned letter by the appellant. On conclusion of the inquiry, competent Authority awarded minor penalty of withholding of promotion for a period of three years to the appellant, which was challenged by the appellant through filing of Service Appeal bearing No. 313/2017, which was allowed by this Tribunal vide judgment dated 19.02.2019 by setting-aside the impugned order with the direction to respondents to conduct de-novo inquiry strictly in accordance with law within a period of 90 days. On conclusion of the de-novo inquiry, the appellant was again awarded minor penalty of withholding of promotion for a period of three years vide order dated 10.07.2019. The departmental appeal of the appellant was rejected on 26.09.2019, hence the instant service appeal.



2. Notices were issued to the respondents, who submitted their comments, wherein they denied the assertions made by the appellant in his appeal.

3. The appellant argued that he had not at all refused the receiving of the concerned letters, however the concerned ASDEO submitted false information to the District Education Officer (Male) Abbottabad by alleging that the appellant had refused to receive the letters sent by District Education Officer (Male) Abbottabad. He further contended that this fact has

even proved during the inquiry that the letters were not only received by the appellant, rather its replies were also submitted by him to the competent Authority. He further argued that the inquiry committee was biased against the appellant and neither his statement was recorded during the inquiry nor he was provided any opportunity to produce evidence in his defense. He further contended that the inquiry proceedings were conducted in sheer violation of relevant provisions of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, therefore, the impugned order is liable to be set-aside.

4. On the other hand, learned Assistant Advocate General for the respondents has contended that the appellant had refused to receive letters issued to him by District Education Officer (Male) Abbottabad, which was blatant violation of service discipline and comes within the ambit of misconduct. He further argued that a regular inquiry was conducted in the matter and the allegations against the appellant stood proved, therefore, he was rightly awarded minor penalty of withholding of promotion for a period of three years.



5. Arguments heard and record perused.

6. A perusal of the record would show that a committee comprising of Mr. Tariq Samar, Principal GHS No. 4 Abbottabad and Mr. Ikram-ul-Haq, Principal GHS Takia Sheikhan was constituted for de-novo inquiry against the appellant. While going through findings of the inquiry committee, it is crystal clear that the only allegation considered by the inquiry committee for probe was that as per report of ASDEO Circle Sherwan, the appellant had refused to receive letter No. 5334 dated 23.06.2016 as well as letter No. 5415-18 dated 27.06.2016 addressed to the appellant by District Education Officer (Male) Abbottabad. It is evident from the record that it was during the proceedings of another inquiry carried against the appellant on certain allegations that letter No. 5334 dated 23.06.2016 as well as letter No. 5415-18 dated 27.06.2016 were issued by District

Education Officer (Male) Abbottabad to the appellant. On 01.07.2016, the then ASDEO Circle Sherwan wrote letter to SDEO (Male) Abbottabad, alleging therein that the appellant had refused to receive the above mentioned letters. It was in this backdrop that an inquiry was initiated against the appellant by considering his alleged act of refusal of receiving of letters as in-subordination and misconduct. Chanzeb SDEO (Male) Abbottabad, the then ASDEO Circle Sherwan was examined as witness during the inquiry, who has stated that the appellant refused to receive the show-cause notice, therefore, the same was handed over to Head Teacher Gulzar Ahmed, however he then also wrote to Chanzeb that the appellant has refused to receive the show-cause notice. On the other hand, aforementioned Head teacher namely Gulzar Ahmed has stated in his statement that the appellant initially refused to receive show-cause notices, however after about one and half hours, the appellant received the show-cause notices and the ASDEO Circle Sherwan was informed by him in this respect personally. The statement of head teacher namely Gulzar Ahmed clearly shows that the letters were received by the appellant. Moreover, it is not understandable as to what were the reasons, which prompted Chanzeb, the then ASDEO Circle Sherwan, to personally serve the letters upon the appellant, when nothing is available on the record which could show that any such directions were issued to him by his high-ups.

7. The appellant has alleged that his statement was not recorded during the inquiry and he was not afforded any opportunity of producing evidence in his defense. The available record supports the contention of the appellant. The aforementioned fact has created material dent in the inquiry proceedings and has caused prejudice to the appellant. In view of material available on record, the impugned order is not sustainable in the eye of law and is liable to be set-aside.

8. In view of the above discussion, the appeal in hand is allowed by setting-aside the impugned order and the appellant

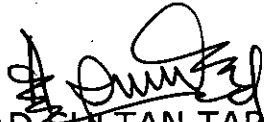
is held entitled to all consequential benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

02.12.2021



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



(AHMAD SULTAN TAREEN)  
CHAIRMAN  
CAMP COURT ABBOTTABAD

Service Appeal No. 1726/2019

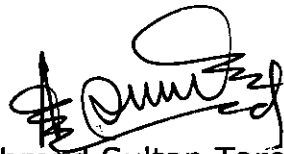
02.12.2021

Appellant in person present. Mr. Sohail Ahmed Zeb, Litigation Officer alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present. Arguments heard and record perused.


Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed by setting-aside the impugned order and the appellant is held entitled to all consequential benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

02.12.2021



(Ahmad Sultan Tareen)  
Chairman  
Camp Court Abbottabad



(Salah-Ud-Din)  
Member (J)  
Camp Court Abbottabad

20.05.2021

Due to cancellation of tour, Bench is not available. Therefore, case to come up for the same as before on 28.09.2021.

  
Reader

28.09.2021

Appellant in person and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Zubair Ali, ADEO for the respondents present.

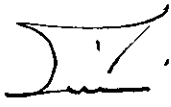
Representative of the respondents seeks further time to furnish reply/comments. Respondents are directed to submit written reply/comments within 10 days in office, failing which their right for submission of written reply/comments shall be deemed as struck off and the appeal will be heard on the basis of available record without reply of the respondents. Case to come up on 18.01.2022 before D.B at camp court, Abbottabad.

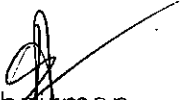
  
Chairman  
Camp Court, A/Abad

29.11.2021

Appellant alongwith his counsel present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General alongwith Mr. Sohail Ahmed Zeb, Assistant (Litigation) for the respondents present.

Learned counsel for the appellant sought adjournment. Adjourned. To come up for arguments on 02.12.2021 before the D.B at Camp Court Abbottabad.

  
(Salah-ud-Din)  
Member (J)  
Camp Court Abbottabad

  
Chairman  
Camp Court Abbottabad

15.09.2020

Appellant Maqsood Ahmad is present in person. He is seeking adjournment that his counsel is not available today. Adjourned to 18.12.2020. File to come up for preliminary hearing before S.B at Camp Court, Abbottabad.

(MUHAMMAD JAMAL KHAN)  
MEMBER  
CAMP COURT ABBOTTABAD

18-12-2020 Due to Covid-19, case is  
adjourned to 16-03-2021 for  
the same as before

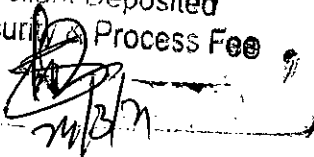
Reader

16.03.2021

Appellant present in person. Preliminary arguments heard. File perused.

Points raised need consideration. Appeal is admitted to regular hearing subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for reply/comments. To come up for written reply/comments on 20/5/2021 before S.B at Camp Court, Abbottabad.

Appellant Deposited  
Security & Process Fee



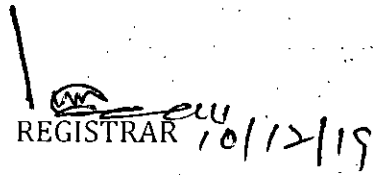

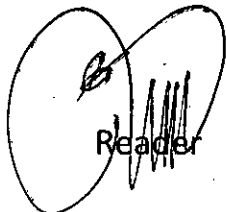
(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad



## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 1726/2019

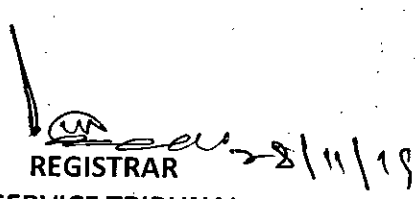
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/12/2019	<p>The appeal of Mr. Maqsood Ahmad resubmitted today by him may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;">   REGISTRAR 10/12/19 </p> <p>2-</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>21-02-20</u></p> <p style="text-align: right;">   CHAIRMAN </p> <p>Due to covid ,19 case to come up for the same on / / at camp court abbottabad.</p> <p style="text-align: right;">Reader</p> <p>Due to summer vacation case to come up for the same on <u>15/19/20</u> at camp court abbottabad.</p> <p style="text-align: right;">   Reader </p>

The appeal of Mr. Maqsood Ahmad PST GPS Muslim Town Circle Abbottabad received today i.e. on 28.11.2019 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.

- 1- Copies of show cause notices mentioned in para-3 and 9 of the memo of appeal are not attached with the appeal which may be placed on it.
- 2- Annexure-F of the appeal is illegible which may be replaced by legible/better one.

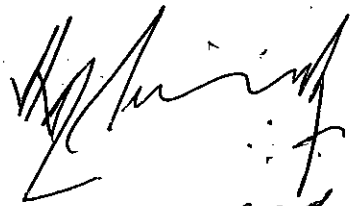
No. 1289 /S.T,

Dt. 28-11 /2019.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Maqsood Ahmad Appellant.

وہ کی objection Remove

  
Maqsood Ahmad  
Appellant in Person

**BEFORE THE KHYBER PAKHTUNHWA SERVICE TRIBUNAL**  
**CAMP COURT, ABBOTTABAD**

Service Appeal No: 1726 / 2019

Maqsood Ahmed (PST) Govt Primary School Muslim Town, Circle  
Abbottabad, Tehsil & District, Abbottabad,

....APPELLANT

**VERSUS**

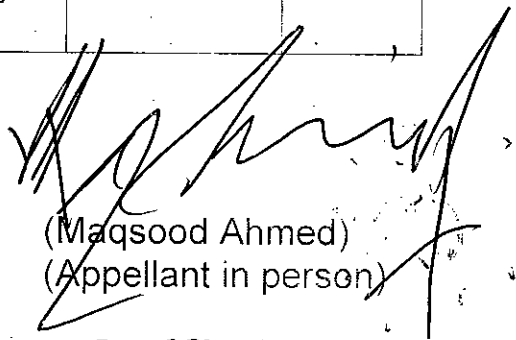
Government of Khyber Pakhtunkhwa through Secretary Elementary &  
Secondary Education Department Peshawar and Others.

....RESPONDENTS

**SERVICE APPEAL**  
**INDEX**

S.No	DESCREPTION OF DOCUMENTS	ANNEXURE	PAGE NO
1	Memo of Service Appeal alongwith Affidavit	_____	1 to 9
2	Copy of letter No.5415-18 (show cause notice) dated 27/06/2016	"A"	10
3	Copy of inquiry report dated 28/09/2016	"B"	11
4	Copy of order dated 13-12-2016	"C"	12
5	Copy of Judgment dated 19/02/2019	"D"	13-15
6	Copies of charge sheet dated 18/03/2019 and written reply dated 08/04/2019	"E"	16-21
7	Copy of inquiry report dated 06/05/2019	"F"	22-24
8	Copies of letter (show cause notice) dated 30/05/2019 and that of reply dated 01/06/2019	"G"	25-27
9	Copy of impugned order dated 10/07/2019	"H"	28
10.	Copies of departmental appeal dated 16/07/2019 and rejection order dated 26/09/2019 and copy of information letter dated 08/10/2019	"I"	29-31

Dated \_\_\_\_\_ / \_\_\_\_\_ / 2019

  
(Maqsood Ahmed)  
(Appellant in person)

03105820209

**BEFORE THE KHYBER PAKHTUNHWA SERVICE TRIBUNAL**  
**CAMP COURT, ABBOTTABAD**

Service Appeal No: 1726 / 2019

Maqsood Ahmed (PST) Govt Primary School Muslim Town, Circle  
 Abbottabad, Tehsil & District, Abbottabad,

Khyber Pakhtunkhwa  
 Service Tribunal

.....APPELLANT

Diary No. 1692

Versus Dated 28/11/2019

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

**SERVICE APPEAL UNDER SECTION 4 OF KHYBER**

**PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST**

**IMPUGNED ORDER DATED 10/07/2019 ISSUED UNDER**

**ENDORSEMENT NO 7775-79 WHEREBY RESPONDENT NO 3**

**IMPOSED MINOR PENALTY OF "WITHHOLDING OF**

**PROMOTION FOR PERIOD OF 03 YEARS" UPON APPELLANT.**

**THE SAID ORDER IS TOTALLY AGAINST LAW, WITHOUT**

**JURISDICTION, MALAFIDY AND NO REGULAR INQUIRY HAS**

**BEEN CONDUCTED AGAINST THE APPELLANT.**

Filed to-day

Registrar

28/11/19

Re-submitted to-day and filed.

Registrar 10/12/19

**PRAYER:**

IT IS RESPECTFULLY PRAYED BEFORE THIS HONOURABLE TRIBUNAL THAT THE INSTANT APPEAL MAY GRACIOUSLY BE ACCEPTED AND IMPUGNED ORDER DATED 10/07/2019, BE SET ASIDE AND RESPONDENTS MAY PLEASE BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION AT THE BASIS OF ORIGINAL SENIORITY LIST WITH ALL BACK BENEFITS.

**Respectfully Sheweth,**

**FACTS**

- 1) That, appellant was working as a PST BPS-12 at GPS Tangola, Kakul, District Abbottabad, respondent No-3 issued order for stoppage of promotion for 3 years of appellant and appellant was also transfer vide another order to a far-flung area at GPS Riala on 21-05-2013.
- 2) That, appellant challenged the above said order before the KPK Service Tribunal through service appeal No-1252/ 2013, which was accepted by the service tribunal on 16-02-2016, the impugned order was set aside and service tribunal issued direction to the respondents for conduct of Denovo Inquiry against appellant within the specified period of two months.

- 3) That, incompliance with the order of this Hon'ble Tribunal dated 16/02/2016, appellant faced the process of Denovo Inquiry accordance with the law and on 27-06-2016 vide endorsement No-5415-18, respondent No-3 issued a show cause notice to appellant through ADO Circle Sherwan namely Chanzeb who served the said show cause notice to the appellant and the appellant received the same and requested to the ADO that future correspondence shall be made through Registered post to the appellant and the appellant submitted his written reply on 01-07-2016 with request that the time of inquiry has already been expired and, if, department issues any adverse order it shall be time barred. **(Copy of letter No.5415-18 (show cause notice) dated 27/06/2016 is annexed as annexure "A")**
- 4) That, ASDO circle Sherwan submitted a so-called complaint against the appellant that the appellant denied to received the show cause notice thus, he committed the misconduct and respondent No.3, (DEO (Male) Abbottabad), instituted an inquiry officer for the purpose of conducting inquiry against the said matter and inquiry officer, SDEO (Male) Tehsil Abbottabad submitted report to respondent No-3 in which he recommended "Minor Penalty" censure for appellant. **(Copy of inquiry report dated 28/09/2016 is annexed as annexure "B")**

- 5) That, on 20-10-2016 vide Endorsement No-8099, respondent No-3 issued show cause notice to appellant and appellant submitted reply of the same on 12-11-2016 and on 13-12-2016, vide endorsement No.10150-52 respondent No-3 issued repeated orders of stoppage of promotion of the appellant for further period of three (3) years and appellant filed departmental appeal on 14-12-2016 against the said impugned order before respondent No-2 which remained pending for a long period and has not been decided within the specific period of 90 day. **(Copy of order dated 13-12-2016 is annexed as annexure "C")**.
- 6) That, on 06/04/2017, appellant filed a service appeal No.313/2017 before this Hon'ble Tribunal against the order dated 13/12/2016 which was accepted on 19/02/2019 and, respondents were directed to conduct a denovo inquiry strictly against the appellant in accordance with law and rules within the period of 90 days from the date of receipt of this judgment. **( Copy of Judgment dated 19/02/2019 is annexed as annexure "D")**
- 7) That, on 18/03/2019 respondent No.3, issued charge sheet against the appellant and also issued notification and appointed enquiry committee for conducting denovo inquiry

against the appellant and appellant submitted reply of charge sheet before the inquiry committee on 08/04/2019. **(Copies of charge sheet dated 18/03/2019 and written reply dated 08/04/2019 are annexed as annexure "E")**

- 8) That, inquiry committee conducted the inquiry against the appellant without adopting the proper procedure and did not provided the appellant any opportunity of self defense and personal hearing and also not recorded the evidence submitted by the appellant thus, the inquiry committee submitted the inquiry report on 06/05/2019 before respondent No.3.**(Copy of inquiry report dated 06/05/2019 is annexed as annexure "F")**
- 9) That, on 30/05/2019, respondent No.3 issued a show cause notice to the appellant vide endorsement No.6394-96 and appellant submitted the reply of show cause notice on 01.06/2019. **(Copies of letter (show cause notice) dated 30/05/2019 and that of reply dated 01/06/2019 are annexed as annexure "G")**
- 10) That, on 10/07/2019, respondent No.3, issued impugned order through endorsement No.7775-79 vide which respondent No.3 imposed a "Minor Penalty" of withholding the



promotion of appellant for the period of three years. (Copy of impugned order dated 10/07/2019 is annexed as annexure "H")

- 11) That, appellant feeling aggrieved by the said impugned order and submitted a departmental appeal /representation before the respondent No.2 on 16/07/2019 which was rejected on 26/09/2019 and respondent No.2 issued a letter to respondent No.3 with the direction to inform the appellant regarding the rejection of departmental appeal thus, respondent No.3 informed the appellant vide letter No.11039 dated 08/10/2019 which was received by the appellant on 26/10/2019. (Copies of departmental appeal dated 16/07/2019 and rejection order dated 26/09/2019 and copy of information letter dated 08/10/2019 are annexed as annexure "I")
- 12) That, feeling aggrieved by the impugned order dated 10/07/2019 appellant has no other efficacious remedy except to file the instant appeal inter-alia on the following grounds:-

**GROUND:**

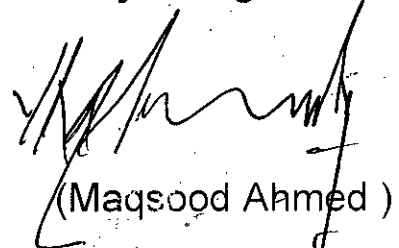
- a) That, the impugned order dated 10/07/2019, issued at the basis of personal grudges and malafide hence, liable to be set-aside.

- b) That, the respondent No-3 having no right to issue the repeated orders for stoppage of promotion of the appellant, it is the illegal and unfair use of powers.
- c) That, the appellant was not given the full-fledged opportunity of cross examination during the whole inquiry process.
- d) That, the respondent No-3 is biased to appellant due to which he did not trial the case of appellant fairly which is against the judgment of Hon'ble Supreme Court of Pakistan.
- e) That, impugned order is illegal because the inquiry committee did not provided the appellant any opportunity of self defense and personal hearing as well and also not recorded the evidences provided by the appellant.
- f) That, the appellant was not given the opportunity of personal hearing any time before passing the impugned order.
- g) That, respondent No.2 &3 has been issuing repeated orders for stoppage of promotion of the appellant and also imposed illegal recovery upon the appellant and, thus, mentally tortured the appellant time and again due to which appellant suffered badly.

- h) That, the appellant knocked at the every door for grant of justice but all in vain due to which respondents grabbed the fundamental rights of the appellant and, thus, darken the future of the appellant which is total unjust with appellant.
- i) That, the inquiry committee was constituted according to the sole choice of the respondents due to which no fair trial has been conducted throughout.
- j) That, impugned order is time barred because respondent totally failed to conduct the denovo inquiry according to the directions of learned service tribunal within specific period of 90 days.
- k) That, the respondents totally failed to conduct the denovo inquiry against the appellant under E&D Rules 2011.
- l) That, there is no similarity has been found in between the so-called allegations and the penalty imposed by the respondents upon the appellant.
- m) That, the instant Appeal is well within time.
- n) That, other grounds /points will be agitated at the time of arguments.

It is therefore, humbly prayed that on acceptance of instant appeal the impugned order No.7775/79 dated 10/07/2019, may graciously be set aside and the appellant may please be considered for promotion as a original Seniority List Number with all back benefits. Any other relief for which the appellant is entitled and same is not asked/prayed specifically may kindly be granted in the favour of the Appellant too.


Dated 26 / 11 /2019

  
(Maqsood Ahmed )  
(Appellant in person)

**AFFIDAVIT:**

I, Maqsood Ahmed (PST) Govt Primary School Muslim Town, Circle, Abbottabad, Tehsil & 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 that 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 26 / 11 /2019

DEPONENT  
  
(MAQSOOD AHMED)  
(Appellant in person)

*Ameratun A.* (10)

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD.**

No. 5415-18 /EB/PF/ Maqsood

Dated 27/6 /2016

To

Mr. Maqsood Ahmed, PST  
Govt Primary School  
Kumar Bandi Abbottabad.

Subject: SHOW CAUSE NOTICE.  
Memo:

Show Cause notice was served upon you vide this office No.5142 dated 16-06-2016 duly received/acknowledged by you on 23-06-2016, wherein you were directed to reply of the same within 07 days or not more than 15 days of its delivery.

You have submitted an application wherein you contended that reply to Show Cause notice will be submitted after the decision of this application which is fixed on 20-07-2016.

It is pertinent to mention here that Court and departmental proceedings may take place simultaneously and it is not necessary to stop/pend departmental proceeding till the finalization of Judicial proceedings. You are delaying the inquiry proceeding on the one pretext or other as no such order was issued by the Honourable Service Tribunal to stop the inquiry proceeding as inquiry has been conducted in accordance with the Judgment of the Honourable Service Tribunal.

You are therefore directed to avoid lame excuses and submit the reply to Show Cause notice upto 01-07-2016, failing which an ex-party action shall be taken under the rules.

*[Signature]*  
DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD.

Ends: of Even No. & Date.

Copy forwarded for information to:

1. Honourable Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar w/r to execution petition No.49/2016 in service appeal No.1252/2013.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. P/S to Secretary Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
4. SDEO(M) Abbottabad.

*[Signature]*  
DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD.

*[Handwritten notes]*  
SIPS Kumbhar  
Guzbat  
28/6/2016

*Received*

*[Handwritten notes]*  
Maqsood Ahmed  
PST  
SIPS Kumar Bandi

*[Handwritten notes]*  
29/6/2016  
*[Signature]*

Amesher (B)

Subject: - ENQUIRY REPORT REGARDING REFUSAL OF MR. MAQSOOD AHMED PST TO RECEIVE SHOW CAUSE NOTICE.

INTRODUCTION & BACKGROUND:

Mr. Maqsood Ahmed PST remain absent from duty w.e.f. 05/11/2010 to 22/02/2012 and enquiry committee/officers has pointed out some recovery against him. In this regard department proceeding were initiated against him and Show Cause notice was issued to him vide no.5142/EB dated 16/06/2016 in response to his application dated 26/06/2016 and 01/07/2016. He was further directed to submit reply of Show Cause notice vide no. 5415-18 dated 27/06/2016. That was served through ASDEO Circle but as per report of H/T and ASDEO the teacher concern is reluctant to receive the Show Cause notice.

In this regard undersigned was appointed inquiry officer vide no.5826-28/EB-AE-II/PF Maqsood PST dated 27/07/2016.

ENQUIRY AND FINDING:

As per statement of H/T authenticated by ASDEO circle which was duly accepted by Mr. Maqsood Ahmed PST, he refused to receive the Show Cause notice which was sent through registered post and get complied upon.

After due proceeding, Mr Maqsood Ahmed was awarded Minor penalty of withholding promotion for period of three year and recovery of 368674/- vide notification no.5612-18 dated 13-07-2016 corrigendum issued vide no.6780-85 dated 30-08-2016.

RECOMMENDATION:

As the refusal to notice and orders of competent authority is tantamount insubordination and misconduct as per his own statement he accepted the charges in this regard.

However taking lenient view and keeping in view the penalty already imposed upon him. It is recommended that minor penalty of censure imposed upon him so that he may be remain careful in future.

ADOLE/P  
Kept up  
on file

9335  
29/9/16

sd  
SUB DIVISIONAL EDUCATION OFFICER  
(MALE) ABBOTTABAD

Endst No: 2459 / Dated: 28/9/2016.

- 1. Copy of the above is forwarded to DEO (Male) Abbottabad being competent authority.

Subdiv  
SUB DIVISIONAL EDUCATION OFFICER  
(male) Abbottabad  
SABO(M)

attested  
[Signature]

DAU  
29/9

DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

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C  
[Handwritten notes and signatures]

WHEREAS you Mr. Maqsood Ahmed, PST GPS Kumar Bandi (Circle Sherwan) Abbottabad was proceeded for having committed the following gross irregularities which constitute inefficiency, misconduct and corruption under Rule-3 Sub Rules (a), (b) & (c) of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011.

2. AND WHEREAS, Show Cause Notice was served upon you vide this Office Memo: No.5142 dated 16.6.2016, you received the same on 23-06-2016 and failed to reply the same within stipulated period. In response to your applications dated 26-06-2016 and 01-07-2016, you were further directed to avoid lame excuses and submit reply to Show Cause Notice upto 01-07-2016 vide this office Memo: No.5415-18 dated 27-06-2016, whereas you have refused to receive the said letter as per report of ASDEO Circle Sherwan dated 01-07-2016 and the said letter was sent on your home address through registered post.
3. AND WHEREAS, Inquiry Officer was appointed vide this office Notification issued under Endst: No.5826-28 dated 27.7.2016 to inquire the charges leveled against you.
4. AND WHEREAS, the Inquiry Officer provided you full opportunity of self-defence and submitted its finding/report vide Endst: No.2459 dated-28.9.2016.
5. AND WHEREAS, Show Cause Notice under the charge of "misconduct, inefficiency & insubordination" was served upon you through Sub Divisional Education Officer (Male) Abbottabad vide this office Memo: No.8099 dated 20.10.2016.
6. AND WHEREAS, on receipt of your reply dated 12.11.2016 of show cause notice, you were summoned for personal hearing on 28.11.2016 through Sub Divisional Education Officer (M) Abbottabad vide this Office memo: No.9399 dated 22.11.2016.
7. AND WHEREAS, you appeared for personal hearing on the scheduled date and failed to defend the charges levelled against you.
8. AND By reason of above, charges levelled against you have been proved and you are found guilty of "misconduct, inefficiency" under Rule-3 of the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rule, 2011.

NOW THEREFORE, the Competent Authority in exercise of the power conferred upon him under Rule-4(1) Sub Rule (a)(ii) of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rule-2011 is pleased to impose minor penalty of "WITHHOLDING OF PROMOTION FOR A PERIOD OF THREE YEARS" upon Mr. Maqsood Ahmed, PST GPS Kumar Bandi (Circle Sherwan) Abbottabad with immediate effect.

sd—  
DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD  
Dated 13-11-2016.

Endst: No. 10150-52  
AE-II/PF Maqsood Ahmed PST

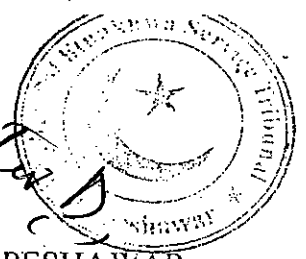
Copy for information & necessary action to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Abbottabad.
3. PS to Secretary to Govt: of Khyber Pakhtunkhwa E&SED Peshawar.
4. Sub Divisional Education Officer (Male) Abbottabad with the remarks that relevant entry be recorded in his service book & submit compliance report positively.
5. Mr. Maqsood Ahmed, PST Govt: Primary School Kumar Bandi (Circle Sherwan) Abbottabad.
6. Master File

[Handwritten signatures]

DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

13 Accepted



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

Service Appeal No. 313/2017

Date of Institution ... 06.04.2017

Date of Decision ... 19.02.2019

Maqsood Ahmed (PST) Govt: Primary School Dehri, Circle Qalandar Abad, U/C  
Jhangi, Tehsil and District, Abbottabad. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary  
Education Department and two others. ... (Respondents)

MR. MUHAMMAD AWAIS KHAN,  
Advocate

For appellant.

MR. MUHAMMAD BILAL,  
Deputy District Attorney

For respondents

MR. AHMAD HASSAN,  
MR. MUHAMMAD AMIN KHAN KUNDI

MEMBER (Executive)  
MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the  
parties heard and record perused.

ATTACHED

Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

ARGUMENTS

2. Learned counsel for the appellant argued that this is the second round of litigation. Previously, service appeal no. 1252/2013 filed by the appellant was decided on 16.02.2016. As the appellant was punished on the basis of fact finding enquiry so the case was remitted to the respondents to conduct proper enquiry under E&D Rules 2011. Again vide impugned order dated 13.12.2016, minor penalty of withholding of promotion for a period of three years was imposed on him. He preferred departmental appeal on 14.12.2016 which remained un-responded, hence, the present service appeal. Strange



enough the said order was again passed without conducting formal enquiry which is nullity in the eyes of law. Opportunity of fair trial was denied to the appellant.

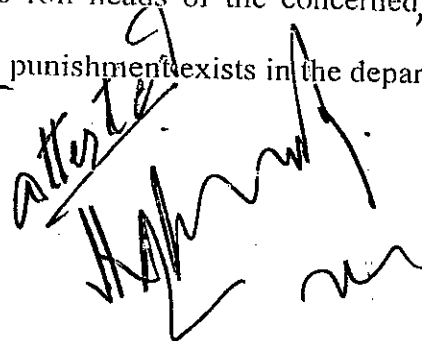
3. Learned Deputy District Attorney argued that in pursuance of the judgment passed by this Tribunal referred to above in the precedings paras. Enquiry was conducted against the appellant strictly in accordance with law and rules and thereafter impugned order was passed. He deserved the penalty awarded to him.

### CONCLUSION.

4. Attention is invited to endorsement dated 27.07.2016 through which Mr. Babar Bashir, SDEO(M), Abbottabad was appointed as enquiry officer to conduct enquiry against the appellant. One thing is clear beyond doubt that the respondents again committed the same mistake and instead of conducting formal enquiry under E&D Rules 2011 a fact finding enquiry was conducted which has not legal value and punishment awarded on the basis of fact finding enquiry is illegal, unlawful and nullity in the eyes of law. It has also made the impugned order void. In these circumstances, the Tribunal is left with no other option but to again remit the case back to the respondents for initiating action in accordance with E&D Rules 2011.

5. Before parting with this judgment we would like to bring to the kind notice of respondent no.1 situation prevailing at the lower tiers of the department. It is a classic case which has badly exposed apathy, inefficiency, indifference, slackness of those at the helm of affairs. It is just tip of the ice berg and warrants immediate corrective measures for putting the house in order. The officers responsible for these serious lapses are guilty of criminal negligence and should be brought to book by showing zero tolerance. It is high time to roll heads of the concerned, so as give message to others that system of rewards and punishment exists in the department.

ATTACHED

attested  


  
 Khyber Pakhtunkhwa


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6. As a sequel to above, the appeal is accepted and the impugned order dated 13.12.2016 is set aside. The respondents are directed to conduct de-novo enquiry strictly in accordance with law and rules within a period of 90 days from the date of receipt of this judgment. The appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

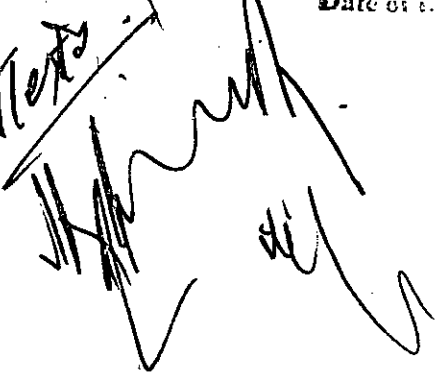
Sd/- Ahmad Hassan, Member  
Camp Court of Appeal

Sd/- M. Anwar Khan Kundi, Member

ANNOUNCE  
19.02.2019

Certificate of true copy  


Number of...	1300
Certified Fee...	8-
...	2-
Total...	10-
Date of...	27-2-18
Date of...	27-2-18

attests  


16

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

No. 2049 / Maqsood Ahmed PST

Dated 18/3 /2019

*Amalwan E*

The Sub Divisional Education Officer (M)  
Abbottabad

Subject: CHARGE SHEET & STATEMENT OF ALLEGATIONS  
Memo:

Charge Sheet & Statement of Allegations in respect of Mr. Maqsood Ahmed, PST GPS Muslim Town (Abbottabad) attached herewith. You are directed to serve the same to the concerned teacher and return copy of the same as a token of receipt to this office.

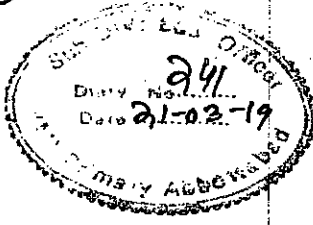
*amjad*

DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

*M- Maqsood  
A 550  
P.S. GPS Muslim Town  
Teacher + Address  
concerned.*

*M. Aslam - 1611  
19/03/2019*

*Hi GPS Muslim Town  
25/3/19*



*Received  
H. Chinnat  
02/4/2019*

**CHARGE SHEET**

I Qazi Tajammal Hussain, District Education Officer (Male) Abbottabad as Competent Authority, hereby charge you, Mr. Maqsood Ahmed, PST GPS Muslim Town Circle Abbottabad as follows:

01. That In pursuance to the Judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar passed in Service Appeal No.1252/2013 announced on 16.02.2016, inquiry committee was constituted vide this office Endst: No.3168-75 dated 22.4.2016. Inquiry Committee submitted its report vide No.378 dated 13.6.2016.
02. That on receipt of above inquiry report. Show Cause Notice was served upon you, while posted at GPS Kumar Bāndi through Sub Divisional Education Officer (Male) Abbottabad vide this office Memo: No.5142 dated 16-06-2016, wherein it is clearly mentioned at S.No.4 that if no reply this notice is received within seven days or not more than 15 days of its delivery, it shall be presumed that you have no defense to put in and in that case and ex-party action shall be taken against you.
03. You failed to reply the show cause notice and submitted an application dated 26.6.2016 wherein in you contended that reply to show cause notice will be submitted after the decision of your Execution Petition in Service Tribunal which is fixed on 20.7.2016.
04. You were directed to avoid lame excuses and submit reply to Show Cause Notice upto 01-07-2016 vide this office Memo: No.5415-18 dated 27.6.2016.
05. You submitted another application dated 01.7.2016 that you will reply the show cause notice after the decision of the court. You were called for personal hearing on 27.6.2016 vide this office Memo: No.5334 dated 23.6.2016.
06. You have refused to receive this office letter Nos. 5334 dated 23.6.2016 & 5415-18 dated 27.6.2016 as per report of ASDEO Circle Sherwan dated 01.7.2016, whereas the said letters were also sent on your home address to register post.
07. By reason of the above, you appear to be guilty of gross misconduct and inefficiency 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 in Rule- 4 of the rules ibid.
08. You are, therefore, required to submit your written defense within ten days of the issuance of this Charge Sheet to the Inquiry Committee.
09. Your written defense, if any, should reach the Inquiry Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
10. Intimate whether you desire to be head in person.
11. A statement of allegations is enclosed.

COMPETENT AUTHORITY

Mr. Maqsood Ahmed, PST GPS Muslim Town Circle Abbottabad

NO. \_\_\_\_\_ /Masood Ahmed PST

Dated \_\_\_\_\_ /2019

**DISCIPLINARY ACTION**

Qazi Tajammal Hussain, District Education Officer (Male) Abbottabad as competent authority, am of the opinion that Mr. Maqsood Ahmed, PST GPS Kumar Bandi (Sherwan) presently posted at GPS Muslim Town Circle 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**

01. (i) That In pursuance to the Judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar passed in Service Appeal No.1252/2013 announced on 16.02.2016, inquiry committee was constituted vide this office Endst: No.3168-75 dated 22.4.2016. Inquiry Committee submitted its report vide No.378 dated 13.6.2016.
- (ii) That on receipt of above inquiry report, Show Cause Notice was served upon you, while posted at GPS Kumar Bandi through Sub Divisional Education Officer (Male) Abbottabad vide this office Memo: No.5142 dated 16-06-2016, wherein it is clearly mentioned at S.No.4 that if no reply this notice is received within seven days or not more than 15 days of its delivery, it shall be presumed that you have no defense to put in and in that case and ex-party action shall be taken against you.
- (iii) You failed to reply the show cause notice and submitted an application dated 26.6.2016 wherein in you contended that reply to show cause notice will be submitted after the decision of your Execution Petition in Service Tribunal which is fixed on 20.7.2016.
- (iv) You were directed to avoid lame excuses and submit reply to Show Cause Notice upto 01-07-2016 vide this office Memo: No.5415-18 dated 27.6.2016.
- (v) You submitted another application dated 01.7.2016 that you will reply the show cause notice after the decision of the court. You were called for personal hearing on 27.6.2016 vide this office Memo: No.5334 dated 23.6.2016.
- (vi) You have refused to receive this office letter Nos. 5334 dated 23.6.2016 & 5415-18 dated 27.6.2016 as per report of ASDEO Circle Sherwan dated 01.7.2016, whereas the said letters were also sent on your home address to register post.

2) For the purpose of inquiry of the said accused with reference to the above allegations, an inquiry committee consisting of the following Officer is hereby constituted under Rule.

- i) Mr. Tariq Samar, Principal GHS No.4 Abbottabad.
- ii) Mr. Ikram ul Haq, Principal GHS Takia Sheikhan

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 Officer.

**COMPETENT AUTHORITY**

Mr. Maqsood Ahmed, PST GPS Muslim Town Circle Abbottabad

*[Handwritten signatures and initials]*

محرمیت بنیاد - انکوائری آفیسرز صاحبان دس لاکھ روپے اٹھا کر (1)

معقول - ضروریہ جواب - چارج شیٹ جاری کر دے DEED  
 30/19 بحوالہ 27/03/18

پیرا 11 - ریکارڈ سے متعلق ہے

پیرا 12 میں جس الزام کے تحت ذکر شدہ ہے بنا چاہئے اور حقائق کے مطابق ہے اس کے متعلق نوٹس ڈیولپ کیا اور باقی اس کے جواب دیا ہے اور نوٹس ڈیولپ کرنے کے متعلق نوٹس ڈیولپ 13/07/13 کا DEED (مردانہ) ڈائری موجود ہے۔ ریکارڈ کے متعلق جو تحقیق کرنا ہے۔

(3) سابقہ DEED جن زیر مسائل کے ساتھ بغیر کسی ذکر کے ڈائی ریجنٹس رکھنے کے اور انہوں نے میرے متعلق شوکار نوٹس ڈیولپ کرنے کے متعلق جو میری شکایت لکھی تھی وہ بھی غلط ہے۔ انہوں نے GPS گیسٹریٹس کے ساتھ پیرا 7 سے زبیر جتنی میرے متعلق لکھو گیا تھا۔ علیحدہ الزام سرورس ٹریبونل کے فیصلے کا کہہ کر دیا جو الزام سرورس ٹریبونل کے مطابق ہوگا لہذا اس الزام کا چھان بین کے لیے سابقہ DEED جن زیر ایریڈیٹیو GPS گیسٹریٹس کو انکوائری آفیسرز کے سامنے پیش کریں اور DEED رولز 2011 کی مستثنیٰ 13 کے تحت صحیح ڈائن پیر چارج کا موقع فراہم کریں بصورتیکہ کسی شہادت یا شکایت کی کوئی قانونی حقیقت نہیں ہے۔

(4) یہ کہ مسائل نے شوکار نوٹس کے جواب - قانون کے مطابق جمع کرنا چاہئے کہ سرورس ٹریبونل نے حکم کو جو انکوائری کے وقت دیا تھا حکم افسانہ مخصوص وقت میں زبیر جتنی کرنے میں تاوان لگا رہا اور وہ انکوائری سے زائد لیا جا رہا ہے جس کا قانونی حق کو حقیقت نہیں ہے۔ (تجاویز)

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(2)

(3)

(5)

سائل کے طرف Misconduct کا الزام ہے سادہ چوکے حکم کے تحت تیار کیا  
صحف کو اس طرح سے تاکہ سائل سے جوئے نہیں لگے اور یہاں تک کہ اس سائل  
کا سیکرٹا کو زیادہ طرح قصاص کیا اور ایک اور دیگر سائل کے پرچوں سے  
کرنے سے پہلے اس کا نام سے تاریخ کا اور Natural Justice کا حق تلفی کی گئی۔

(4) یہ کہ چارج شیٹ کا جواب ثبوت کے ساتھ فیصلہ کے اندر دیا جائے  
اور سیکرٹا کیلئے نہ لیا جائے۔

(5) یہ کہ انگریزی کے متعلق بہت سا ریکارڈ ہے جس کے تحت یہ سائل جس کی  
ضرورت میں ہے جس کو اس سے لیا گیا اس کا ایک ڈکویٹیشن ہے  
اور اس کے لئے اس کو اس کے لئے اور دفاع کا موقع دیا جائے۔

(6) یہ کہ انگریزی کے بارے میں پورا پورا حشر کا طے ہے تاکہ اس کا ریکارڈ  
محفوظ رہے لہذا اس کے لئے تمام انگریزی کو داخل دفتر فرمایا جائے۔

M. M. M. M.

مقررہ دفتر PST. GPS مسلم آباد اسلام آباد

8/04/19 NIC No 13/01-0936574-5

Received on debit  
8/4/19

8/4/19  
GHS No: 4  
ABBOTTABAD  
8/4/19

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بھخور جناب DEO صاحب (مردانہ) ایبٹ آباد۔

مضمون: تحریری جواب چارج شیٹ بحوالہ نمبر 3049 مورخہ 18-03-2019

جناب عالی!

محترم چن زیب ADO صاحب نے مجھے شوکا ز نمبر 5142 مورخہ 16-06-2016 وصول نہیں کروایا بلکہ ہیڈ ٹیچر صاحب کو دیا اور واپس چلے گئے میں تدریسی کام سے فارغ ہوا تو ہیڈ ٹیچر نے مجھے شوکا ز نوٹس وصول کروایا علاوہ ازیں چارج شیٹ میں حوالہ نمبر 5334 مورخہ 23-06-2016 اور حوالہ نمبر 5415-18 مورخہ 27-06-2016 کے دونوں شوکا ز میں نے وصول کئے ہیں اور تینوں شوکا ز میرے پاس اور ہجٹل حالت میں میرے پاس موجود ہے اور میں نے وقت کے اندر انکے جوابات بھی دیے ہیں۔

جناب عالی کوئی بھی شوکا ز بقول انکے میں نے وصول نہیں کیا تو قانون کے مطابق انہیں مجھے وصول کروانا چاہئے تھا اگر میں وصول نہیں کرتا تو اسی وقت مجھ سے وصول نہ کرنے کے بارے میں یہ لکھوانا چاہئے تھا کہ میں شوکا ز نوٹس لینے سے انکاری ہوں میں نے انکار نہیں کیا۔ ADO صاحب ہیڈ ٹیچر کو شوکا ز نوٹس دے کر چلے گئے جبکہ چن زیب صاحب کے بقول کہ میں نے شوکا ز نوٹس رجسٹری کیا ہے جو مجھے دیکھ ماہ بعد وصول ہوا جب کہ میں نے By Hand وصول کردہ شوکا ز کا جواب دو دن کے اندر دے دیا تھا۔

جناب عالی! چن زیب ADO صاحب میرے ساتھ ذاتی طور پر رنجش رکھتے تھے کیونکہ میں گجر موڈ سکول میں انکی مرضی کے خلاف آرڈر لے کر آیا تھا وہ کسی دوسرے بندے کو لانا چاہتے تھے جبکہ مجھے Higher Authority نے Adjust کر دیا تھا لیکن پھر بھی انہوں نے بغیر کسی وجہ سے مجھے کچھ ماہ بعد GPS کہہ کر بائڈی تبدیل کر دیا جس پر میں نے اپیل کی تو اپیل پر غور کئے بغیر گم کر دی گئی اور مجھے مجبوراً وہاں سے دور کہہ کر بائڈی کام کرنا پڑا۔

۲۔ پھر دوسرا ظلم زیادتی چن زیب صاحب نے میرے ساتھ یہ کی کہ میرا Confidential شوکا ز میرے خلاف ٹیچر کو دیا جو کھلا ہو اور وصول کرایا گیا جس سے میری Insult کی گئی اور مجھے بے پردہ کرتے ہوئے مجھے رسوا کیا گیا۔

۳۔ تیسرا ظلم چن زیب ADO صاحب نے اپنے اختیارات کا ناجائز استعمال کرتے ہوئے جھوٹی رپورٹ دے کر دعویٰ توہین داخل کرتے ہوئے میری غیر قانونی طور پر پروموشن رکوائی گئی۔

۴۔ یہ کہ انکو اتری میں چن زیب ADO اپنی جھوٹی رپورٹ کو منوانے کیلئے اختیارات اور تعلقات کا ناجائز طور پر استعمال کرتے ہوئے مجھے جھوٹا ثابت کرنے کی کوشش کی گئی۔

جناب سے ان مظالم کے خلاف باریک بینی سے غور کی التجا کرتا ہوں اور انصاف کے فیصلہ کی امید رکھتا ہوں۔ نوازش ہوگی۔

المرقوم: 09-05-2019

العارض  
7/9/15

مقصود احمد GPS مسلم ٹاؤن ایبٹ آباد



(22)

Amir - F



OFFICE OF THE PRINCIPAL GOVERNMENT HIGH SCHOOL NO. 4 ABBOTTABAD

S. No. 662

Dated: 06-05-2019

To:

The District Education Officer (M)  
Abbottabad.

Subject:

INQUIRY REPORT IN RESPECT OF MR. MAOSOOD AHMED PST

Memo:

Reference Notification issued by your good self vide Endst No. 3050-55/PI dated 18/05/19 a denovo inquiry was marked to the inquiry committee against Mr. Maqsood Ahmed PST GPS Kumar Bandi circle Sherwan presently posted at GPS Muslim Town circle Abbottabad in pursuance of the judgment of the Honorable KPK Service Tribunal Camp Court Abbottabad in Service appeal No. 313/2017 amid on 19/02/2019. The inquiry committee comprised of the following officers.

1. Mr. Tariq Samar, Principal GHS No. 4 Abbottabad.
2. Mr. Ikram ul Haq, Principal GHS Takia Sheikh.

4186  
7-5-19

TERMS OF REFERENCE:

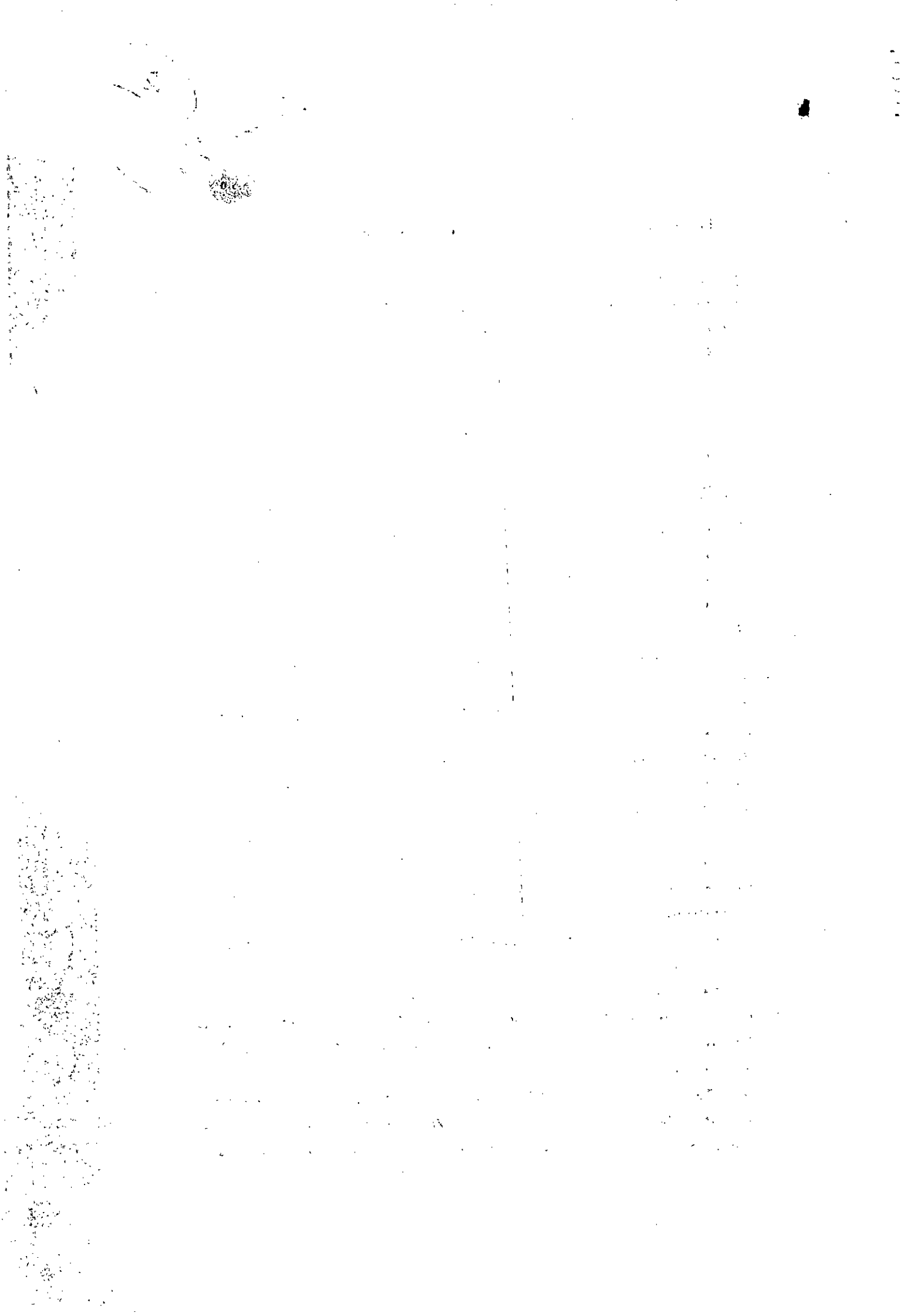
1. That in pursuance to the judgment of honorable Khyber Pakhtunkhwa Service Tribunal Peshawar passed in service appeal No. 1252/2013 announced on 16/02/2016, inquiry committee was constituted vide this office Endst No. 3168-75 Dated 22/04/2016 to conduct inquiry against the accused. Inquiry committee submitted its report vide No. 378 Dated 13/06/2016.
2. That on receipt of above inquiry report, show cause notice was served upon the accused through Sub Divisional Educational officer (M) Abbottabad vide this office Memo No. 5142 dated 16/06/2016, where it is clearly mentioned in S.No. 4 if no reply of this notice is received within 7 days or not more than 15 days of its delivery, it shall be presumed that the accused have no defense to put in and that case an ex-parte action shall be taken against him.
3. The accused failed to reply the show cause notice and submitted an application dated 26/06/2016 wherein he contended that reply to show cause notice will be submitted after the decision of his execution petition in service tribunal which is fixed on Dated 30/07/2016.

*The accused was directed to avoid lame excuses and submit reply to show cause notice up to 01/07/2019 vide this office Memo No 5415/18 Dated 27/6/2016*

5. The accused submitted another application dated 01/07/2016 that he will reply the show cause notice after the decision of the court. He was called for personal

ADD(P)  
for M/A PL  
DEO  
7/5/19

*[Handwritten signatures and scribbles]*



23

hearings on 27/06/2016 through SDO Male Abbottabad vide this office Memo: No.5334 Dated 23/06/2016.

6. You have refused to receive this office letter No. 5334 Dated 23/06/2016 and 5415-18 dated 27/06/2016 as per report of ASDEO circle Sherwan Dated 01/07/2016 whereas the said letters were also send on your home address to the register post.

PROCEDURE:

1. Interviews, Personal Hearing, Cross Examination, Scrutiny of office record.
2. Departmental representative: Mr. Zubair Ali ASDEO circle Pind Karga Khan.

FACTS/FINDINGS:

1. As far as the TOR's falling at S.No. 1 to 5, the matter in this regard as been settled by the Competent Authority and the Honorable Service Tribunal KPK.
2. The inquiry committee has decided to confine itself to the allegations leveled against the accused at Serial No. 6.
3. The appeal of the plaintiff has been accepted by the Honorable KPK Services Tribunal Peshawar at camp office Abbottabad on dated 19/02/2019.
4. The accused has been called by the inquiry committee on 05/04/2019 at GHIS NO. 4 Abbottabad and directed to submit his reply against the allegations leveled against him on 08/04/2019(Annex-1)
5. The accused submitted his reply on 08/04/2019 wherein he requested the inquiry committee to call the then ADEO circle Sherwan, Mr. Chenzeb and the then Head Teacher, Mr. Gulzar Ahmed, GPS Kumar Bandi for Cross Examination (Annex-2)
6. The inquiry committee asked the above mentioned officials to appear before the inquiry committee on 27/04/2019 vide letter No. 1052 of dated 18/04/2019.(Annex-3)
7. The competent authority has nominated Mr. Zubair Ali, ASDEO circle Pind Karga Khan, as departmental representative for the cross examination and personal hearing of the accused and witnesses (Annex-4).
8. The inquiry committee held its meeting for cross examination on 27/04/2019 at the office of the DEO (M), Abbottabad. All the stake holders were present at the spot. (Attendance Sheet attached, Annex-5)
9. Mr. Chenzeb, the then ASDEO circle Sherwan (Now SDEO (M) Mal, Kohistan), Mr. Gulzar Ahmed, the then Head Teacher GPS Kumar Bandi and Mr. Maqsood Ahmed PST (the accused) have been cross examined in presence of the



Departmental Representative. Their responses are here by attached as (Annex-6-A, 7 and 7-A.)

10. The attitude of Mr. Maqsood Ahmed PST has been found aggressive, ill mannered, abusive and misconductive with Mr. Zubair Ali ASDEO circle Pind Kargu Khan. (The Departmental Representative) throughout the proceedings of cross examination.
11. The accused continued to enforce Mr. Gulzar Ahmed the Head Teacher to change his statement as per the sweet will of the accused.
12. During cross examination the accused presented a statement given by Mr. Gulzar Ahmed, the then Head teacher GPS Kumar Bandi. This statement shows that Mr. Gulzar Ahmed was forced by Mr. Chenzeb, circle ASDEO, to give false statement against Mr. Maqsood Ahmed. This statement was shown to Mr. Gulzar Ahmed in front of Mr. Maqsood Ahmed, the accused, and question was put before Mr. Gulzar Ahmed about the validity of this statement. Mr. Gulzar Ahmed disowned the statement specifically regarding the last sentence of the statement. This shows that the accused has misled the inquiry committee and distorted the facts which are unfair.
13. As per statement of Mr. Gulzar Ahmed the show cause notices were not received by the accused delivered on spot by Mr. Chenzeb ASDEO circle Sherwan and he is the witness of this refusal.
14. During the cross examination and personal hearing Mr. Maqsood Ahmed could not prove himself innocent against the allegations leveled against him.
15. The inquiry committee also observes that department is also responsible for the casual, rude and inefficient behavior of the accused as his absent period has already been converted into EOL. If proper proceedings have been followed and due punishment on absence from duty has been awarded, the scenario would have been different. Whenever the lawbreakers are softly treated, it not only gives space to the lawbreakers but also sets a precedent for others.
16. By going through the inquiry proceedings, the inquiry committee is of the opinion that the accused deserved the minor penalty awarded by the competent authority of three years stoppage of promotion vide order No.5612-122A1-7 of dated 13/07/2016 (Annex-8).

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RECOMMENDATIONS:

1. It was quite evident from cross examination proceedings that Mr. Maqsood Ahmed PST GPS Kumar Bandi has refused to receive the show cause notices from Mr. Chenzeb, the then ASDEO circle Sherwan which were issued vide


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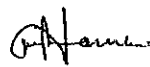
24-B

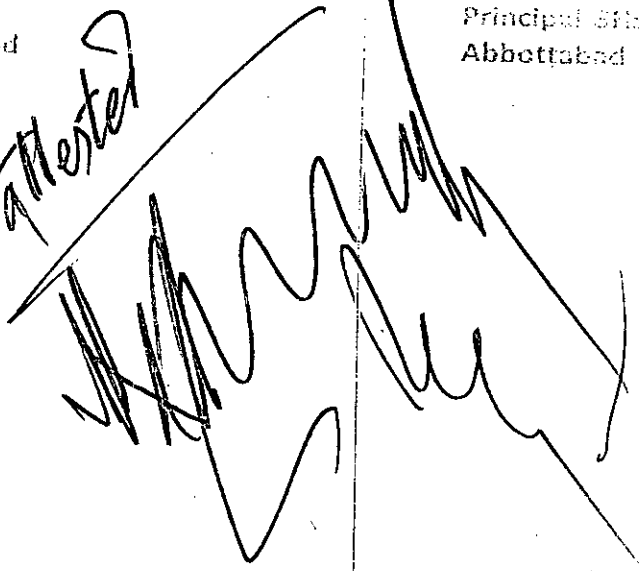


letter No. 5334 of Dated 23/06/16 and 5415-18 of Dated 27/06/2016. Mr. Gulzar Ahmed the then Head teacher GPS Kumar Bandi has also endorsed the facts in his written statement. All the facts proved Misconduct and Insubordination on the part of the accused.

- 2. Proper disciplinary action against the accused is needful on account of his misbehavior with the departmental representative.
- 3. In case of any disciplinary action against the accused is initiated in future, the defaulter may be declared as unfit for further promotion.
- 4. The minor penalty of Stoppage of 03 years promotion under rule 04 (ii) of the Government of KPK E&D rule 2011 (already imposed vide DFO Male Abbottabad Office Order Endst: No. 5612-18/AF-2 dated 15/07/2016) in respect of the accused may be retained.

  
 (Inquiry Officer)  
 Iqbal Ali  
 Principal  
 Takia Sheikhhan Abbottabad

  
 (Inquiry Officer)  
 Tariq Samir  
 Principal S/S No. 4  
 Abbottabad

*attested*  


5601/14/05/2019 PF Maqsood Ahmed / Rply

W.R No 6394-96 dated 30/5/2019

(begd)

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

No. 6394-96 /PF Maqsood Ahmed

Dated 30/5 /2019

Mr. Maqsood Ahmed, PST,  
GPS Muslim Town,  
Circle Abbottabad

Subject: SHOW CAUSE NOTICE/PERSONAL HEARING

Memo:

With reference to your application dated 29.5.2019 regarding cross examination and personal hearing, it is stated that inquiry committee provided you opportunity of cross examination/personal hearing/witness against you on 27.4.2019 vide its letter No.1052 dated 18.4.2019. You appeared before the inquiry committee on the schedule date, availed the said opportunity. On receipt of inquiry report, show cause notice was served upon you through SDEO (M) Abbottabad vide this office Memo: No.5600 dated 14.5.2019, wherein it is clearly mentioned in Para-4 if no reply to this notice is received within 10 days or not more than 15 days of its delivery, it shall be presumed that you have no defence to put in and that case ex-party shall be taken against you.

You have received copy of inquiry report alongwith relevant documents on 29.5.2019. You are therefore, directed to avoid lame excuses and appear for personal hearing on 01.6.2019 at 10.00 AM in the office of the undersigned alongwith reply of the show cause notice failing which ex-party shall be taken against you under the rule.

DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

Endst: of even No. & date

Copy forwarded for information to the:-

1. Honorable Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to judgment passed in service appeal No. 313/2017 dated 19.02.2019.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Sub Divisional Education Officer (Male) Abbottabad with the remarks to direct the teacher concerned to appear for personal hearing on 01.6.2019 at 10.00 AM in the office of the undersigned alongwith reply of the show cause notice.

DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

attested  
*[Handwritten signature]*

10/7/2019 / D.D No - 7775/79

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) امبیٹ آباد

عنوان: بحوالہ نمبری Rply / Magsood Ahmed / PF 5601/14/05/2019  
W-R No 6394-96 dated 30/5/2019

جناب عالی!

محترم چنزیب صاحب ADO مجھے شوکا ز نمبر 5142/16/06/2016 سکول کے اندر کرہ جماعت میں وصول کرانے داخل ہونے لگے تو میں نے ہیڈ ٹیچر صاحب کو اشارے سے وصولی کے لئے کہا اور وہ بیٹھے بغیر شوکا ز نمبر 5142/16/06/2016 مورخہ 23/06/2016 ادا کر کے چلے گئے جو میں نے کچھ وقت کے بعد ہیڈ ٹیچر سے وصول کیا نہ کہ انکار کیا اور مورخہ 27/06/2016 کو اس کا جواب بھی دے دیا

(ii)۔ لیٹر نمبر 5334 مورخہ 23/06/2016، جس کی اطلاع فون پر مورخہ 27/06/2016 کو دی گئی، کہ Per/hearing کیلئے آج حاضر ہوں۔ سائل 5142/16/06/2016 کے جواب جمع کرنے دفتر میں ہی تھا کہ پیش ہو گیا جبکہ تیسرا لیٹر شوکا ز نمبر 5415/27/06/2016 مورخہ 28/06/2016 کو ADO صاحب سکول سے باہر ہیڈ ٹیچر کو بلا کر دونوں اکٹھے ادا کرتے ہیں جو سائل نے مورخہ 29/06/2016 کو نوٹو کاپی پر دستخط دینے کے بعد ہیڈ ٹیچر کے خفیہ بتانے پر 29/06/2016 کو دونوں اکٹھے وصول کر لئے۔ اُن کا بھی انکار نہیں کیا اور مورخہ 01/07/2016 کو جواب بھی دے دیا جسکی تصدیق انکو آری کے دوران ہیڈ ٹیچر نے کر دی۔ (کاپی منسلک ہے)۔ اور بعد میں 11/07/2016 کار جسٹری کیا ہوا 13/07/2016 کو پوسٹ آفس کے ذریعے ایک رجسٹری ملی وہ بھی وصول کر لی جس کا جواب 01/07/2016 کو ادا کیا ہوا تھا (ڈاکخانہ رجسٹری کاپی منسلک ہے)

جناب عالی! یہ سارا معاملہ چنزیب صاحب ADO کی سائل کی بسلسلہ ٹرانسفر GPS گو جرموڈ، ذاتی ریش کے ”مورخہ 05/05/19، 20/05/19“ کی آپ کو جامع درخواست عنایت کی پھر مورخہ 24/05/19 کو جناب سیکرٹری صاحب (حسب ضابطہ انکو آری ADO چنزیب) عنایت کی۔ (کاپی منسلک ہے)۔ جس کا جواب ابھی نہ ملا۔

(iii) یہ کہ ہیڈ ٹیچر گلزار صاحب کی تحریر ”تینوں شوکا ز کا وصول کئے و جواب دیئے“ مخلصانہ اور سچی تھی جس کو انکو آری میں Force کرتے ہوئے جھوٹا قرار دینے کی کوشش کی جا رہی ہے جبکہ انہوں نے مجھ سے لکھوا کر خود پڑھ کر دستخط کئے اور مہر لگا کر دی جبکہ انکو آری میں انہیں ڈرا دھمکا کر اُسے جھوٹا قرار دینے کی کوشش کی گئی تو اس لئے میں ان سے کراس سوال کرنا چاہتا تھا جو انکو آری آفیسر نے نہ کرنے دیئے اور نمائندہ دفتر نے اپنی مرضی سے سوال و جواب ان سے کئے اور لکھے جس پر میں نے احتجاجاً التجا کی تو انکو آری آفیسر و نمائندہ دفتر (زیر صاحب) نے مجھے زد و کوب کرنے کی کوشش کی اور زبیر صاحب کے الفاظ کہ میں ابھی چنڈر دزجیل سے ہو کر آیا ہوں لہذا مجھے مزید الجھنے پر مجبور نہ کرو۔ سائل مجبوراً ان کی انکو آری کی ہر بات ماننے کو تیار ہو گیا۔ ان کا کوئی بھی بیان حلفاً (by oath) نہ لیا گیا۔

الحمد لله

26/4

Attended

27

زیر دستخطی نے جنزیب ADO سے انکوائری کی پروسیڈنگ کبھی by hand ہوتی ہے کے بارے میں پوچھا تو انہوں نے مانا کہ میں نے غیر قانونی طور پر by hand پروسیڈنگ کی ہے کہ انکوائری by hand نہیں ہوتی رجسٹری کی شکل میں ہوتی ہے۔ میں نے پوچھا آپ میرے ساتھ by hand کیوں کرتے رہے ہیں آیا مجھے ڈرانے کیلئے ایسا کیا جس پر انہوں نے کوئی جواب نہیں دیا۔ نمائندہ صاحب نے ان کا یہ جواب تحریر کرنے میں بددیانتی کی اور اپنی مرضی سے لکھتے رہے۔

جناب عالی: اگر یہ قانون کے مطابق رجسٹری کی شکل میں قبل از وقت گھریا سکول کے پتہ پر شوکار بھیجتے تو اتنے الزامات زیر دستخطی پر نہ لگتے اور سرکاری مشینری کا غلط استعمال نہ ہوتا۔

ڈیر جناب: میں اللہ تعالیٰ کو حاضر و ناظر جان کر کہتا ہوں کہ میں نے تینوں شوکار وصول کئے، وقت پر لئے صرف ایک شوکار جس کا کمپلیٹ میں ذکر نہیں 5142/16/06/16 تاخیر سے وصول کیا ہے نہ کہ انکاری ہوا ہوں اور کوئی دھوکہ بازی نہیں کی

میرے تینوں شوکار کے جوابات دینا آپ کے حکم کی فرمانبرداری ثابت ہوتا ہے۔ میں نے شوکار وصول کرتے ہوئے اور 27/06/16 کو Per/hearing میں شامل ہو کر آپ کے حکم کو Compliance کیا ہے نہ کہ Mis-conduct اور جنزیب صاحب کی رپورٹ سراسر جھوٹ پر مبنی ہے اگر شوکار جنزیب صاحب ADO، کسی سمجھدار آدمی سے مشورہ کرتے ہوئے پہلے ہی بذریعہ رجسٹری گھریا سکول کے پتہ پر بھیج دیتے تو اتنے الزامات زیر دستخطی پر نہ لگتے اور سرکاری مشینری کا غلط استعمال نہ ہوتا اور زیر دستخطی کا اصل معاملہ Absent from duty بروقت وضاحت انتہائی درستگی کے ساتھ کرنے کا موقع ملتا اور مندرجہ بالا اصل چارج کب تک ثابت ہو چکا ہوتا۔ زیر دستخطی بے قصور تھا۔ شاید ADO صاحب نے اپنی کوئی ذاتی رنجش دور کرنے کے لئے تمام سرکاری مشینری کو غلط استعمال کیا اور شوکار نہ وصول کرنے کا بہانہ رکھ کر زیر دستخطی کو Damage کیا گیا۔ جناب سے التجا ہے کہ دوران انکوائری لگائے گئے الزامات Prosecution اور گواہ، حقائق اور قانوناً ثابت نہ کر سکی اور انکوائری میرٹ پر نہ کی گئی۔ لہذا حقائق، قانون اور میرٹ کو مد نظر رکھتے ہوئے سائل پر لگائے گئے الزامات کو مسترد کر کے سائل کو انصاف فراہم کیا جائے۔ اللہ آپ کا حامی و ناصر ہو۔

المقوم: 01/06/2019

محمد رفیق  
صاحب

العارض:  
مسلم ٹاؤن، ایبٹ آباد  
11/6/2019

مقصود احمد، PST، GPS  
15/7/2019



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

ORDER

*Ahmed*  
H 28

WHEREAS major penalty of "WITHHOLDING OF PROMOTION FOR A PERIOD OF THREE YEARS" was imposed upon you, Mr. Maqsood Ahmed, while working as PST at GPS Kumar Bandi presently posted GPS Muslim Town Abbottabad vide this office order issued under Endst: No.10150-52 dated 13.12.2016.

- 2 AND WHEREAS, you were proceeded for having committed the following gross irregularities which constitute inefficiency & misconduct under Rule-3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011.
- 3 AND WHEREAS, in pursuance to the Judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar passed in Service Appeal No.313/2017 announced on 19.02.2019, Inquiry Committee was constituted vide this Office Notification issued under Endst: No.3050-55 dated 18.3.2019 to conduct denovo inquiry against you under the rule and provide you the opportunity of self defence and as well as cross examination the witness against you, if any. Charge Sheet and Statement of Allegations was served upon you through SDEO (M) Abbottabad vide this office Memo: No.3049 dated 18.3.2019.
- 4 AND WHEREAS Inquiry Committee provided you the opportunity of self defence as well as cross examination and submitted its findings/recommendation vide Memo: No.1062 dated 06.5.2019.
- 5 AND WHEREAS, Show Cause Notice regarding your refusal to receive this office letter No.5334 dated 23.6.2016 and 5415-18 dated 27.6.2016 in the light of above inquiry report was served upon you vide this office Memo: No.5600 dated 14.5.2019 through SDEO (M) Abbottabad, wherein major penalty under Rule-4 of the rules ibid was tentatively imposed upon you.
- 6 AND WHEREAS, you failed to reply of the show cause notice within stipulated period and submitted an application dated 29.5.2019 wherein in you contended to re-cross examination and personal hearing.
- 7 AND WHEREAS, you were directed vide this office Memo: No.6394-96 dated 30.5.2019 to appear for personal hearing on 01.6.2019 alongwith reply of show cause notice and avail the opportunity of self defence.
- 8 AND WHEREAS you appeared for personal hearing on the due date, submitted reply of show cause notice which was found unsatisfactory, while you badly failed to defend the charges leveled against you.
- 9 AND by reason of above, charges leveled against you have been proved and you were found guilty of misconduct & inefficiency under Rule-3 of the said Rules.

NOW THEREFORE, as per recommendation of the Inquiry Committee, the Competent Authority in exercise of the power conferred upon him under Rule-4 of Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) Rules, 2011, that major penalty of "WITHHOLDING OF PROMOTION FOR A PERIOD OF THREE YEARS" already imposed upon Mr. Maqsood Ahmed, PST Govt: Primary School Kumar Bandi Circle Sherwan presently posted as PST at GPS Muslim Town Abbottabad vide this office order issued under Endst: No.10150-52 dated 13.12.2016 shall remain intact.

Endst: No. 7775-79 /PF Maqsood Ahmed PST  
Copy for information & necessary action to the:-

*sl*  
DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD  
Dated 10/7 /2019

1. Honorable Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar passed in Service Appeal No. 313/2017 announced on 19.02.2019.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Comptroller of Accounts Abbottabad
4. Sub Divisional Education Officer (Male) Abbottabad with the remarks that relevant entry should be made in the service book of the teacher concerned and submit compliance report positively.
5. Mr. Maqsood Ahmed PST GPS Muslim Town Abbottabad.

Received  
The date 18/7/2019  
*[Signature]*  
18/7/2019

*[Signature]*  
DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD  
*[Signature]*  
*[Signature]*  
*[Signature]*

For insurance purposes Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide on which no acknowledgment is due.

86  
Date Stamp

\*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) (in words)

Insurance fee Rs. Ps. Weight (in words) Kilo Grams

Name and address of sender

Amalwaj I  
29  
283  
18/7/2019  
عنوان: محمد نواز ایس کے  
تاریخ: 18/7/2019

مذکورہ بالا آرڈر غیر مندرجہ ذیل پر جاری کیا گیا ہے۔  
اور قابل منسوخ ہے۔

مذکورہ آرڈر میں لکھی گئی چیزیں پیرزا احمد البیہاد کے  
قانون کے مطابق چوری کی کارروائی میں نہیں لائی گئی۔  
روشنی میں انکوائری کمیٹی پر معاملے میں حکم سے بطور کفری رہی جس کی  
تاکر رہی۔ آزادانہ اور منصفانہ انکوائری کرنے میں  
اور دوران انکوائری میں تلبیہ کو انکوائری کا حصہ نہیں بنایا گیا  
اور تہمتیں تسلیم نہ کیا گیا۔ اور یہ EPR روز 2019 کی طرف خلاف  
وزاری ہے۔

فائل آرڈر سے پہلے پیر سنل پیرنگ کا موقع نہیں دیا گیا۔  
استدعا ہے کہ مندرجہ بالا آرڈر کو منسوخ فرمایا جائے  
سیناری کی بنیاد پر جملہ حقوق بقایا جان سمیت مسائل کو  
ترقی دی جائے۔

مسلم ٹاؤن اسٹ ایبڈ  
GPS RST  
SN0578 Dist. A/Alam  
القاریں  
مقصود احمد  
اللہ



13

30



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

No. 3793 / F.No. 12/KC/Appeal of PST(M) Peshawar Division  
Dated: 26/9 /2019.

To

The District Education Officer  
(Male) Abbottabad.

Subject: - DEPARTMENTAL APPEAL

*Recd*

I am directed to refer to your letter No. 9054 Date 09-08-2019, on the subject cited above and to ask you that appeal in respect of Mr. Maqsood Ahmad PST GPS Muslim Town District Abbottabad has been rejected.

I am further directed to ask you to inform the appellant concerned accordingly under intimation to this office.

7662  
30-9-19

*[Signature]*  
Deputy Director Estab (Male)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar  
26/9/2019

Endst No. \_\_\_\_\_

Copy of the above is forwarded to:-

1. Mr. Maqsood Ahmad PST GPS Muslim Town District Abbottabad.
2. PA to Director E&SE local Office.
3. Master File.

*ADD L E / P  
Pl: Talke  
Furley n/a*

*28-9-19*

Deputy Director Estab (Male)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

*[Signature]*  
*[Signature]*

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

37

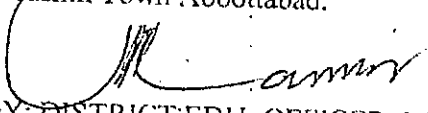
No. 11039 /PF Maqsood/ Vol-III

Dated 8 / 10 /2019

The Sub Divisional Education Officer (M)  
Abbottabad.

Subject: DEPARTMENTAL APPEAL  
Memo:

I am directed to refer to the subject cited above and to enclose herewith copy of letter No.3723 dated 26.9.2019 received from Deputy Director Estab (Male) Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar and ask you to intimate Mr. Maqsood Ahmed, PST GPS Muslim Town Abbottabad.

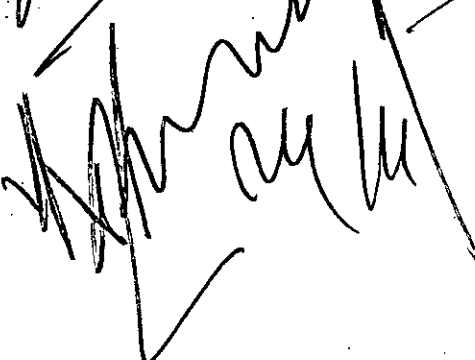
  
DY: DISTRICT EDU: OFFICER (M)  
ABBOTTABAD

M. Maqsood  
Asst  
Mr. Maqsood  
Teacher  
P.S. D/O  
concerned  
10/10/19

1318  
08/10/19

Received on the  
date of 26/10/2019  
along with copy E.No. 3723  
26/9/2019  
26/10/2019

Sub Divisional Edu Officer  
(Male), Abbottabad

Attest  


Ahmed

**OFFICE OF THE PRINCIPAL GOVERNMENT HIGH SCHOOL NO. 4 ABBOTTABAD**

S No 862

Dated:-06-05-2019

To,

The District Education Officer (M)  
Abbottabad

Subject **INQUIRY REPORT IN RESPECT OF MR. MAQSOOD AHMED PST**

Memo:

Reference Notification issued by your good self vide Endst No 3050-55/PF dated 18/03/19 a De novo inquiry was marked to the inquiry committee against Mr. Maqsood Ahmed PST GPS Kumar Bandi circle Sherwan presently posted at GPS Muslim town circle Abbottabad in pursuance of the judgement of the Honourable KPK Services Tribunal Camp Court Abbottabad in service appeal 313/2017 dated on 19/02/2019. The inquiry committee comprised of the following officers.

1. Mr Tariq Samar, Principal GHS No. 4 Abbottabad.
2. Mr Ikram ul Haq, Principal GHS Takia Sheikan.

**TERMS OF REFERENCE:**

1. That in pursuance to the judgement of honourable Khyber Paktunkhwa Services Tribunal Peshawar passed in service appeal No 1252/2013 announced on 16/02/2016, inquiry committee was constituted vide this office Endst: No 3168-75 Dated 22/04/2016 to conduct inquiry against the accused. Inquiry committee submitted its report No. 378 Dated 13/06/2016.
2. That on receipt of above report, show cause notice was served upon the accused: through Sub Divisional Educational Officer (M) Abbottabad vide this office Memo: No. 5142 dated 16/06/2016, where it is clearly mentioned at S No. 4 if no reply of this notice is received within 7 days or not more than 15 days of its delivery, it shall be presumed that the accused have no defence to put in and that case an ex-parte action shall be taken against him.
3. The accused failed to reply the show cause notice and submitted an application dated 26/06/2016 wherein he contended that reply to show cause notice will be submitted after the decision of his execution petition in service tribunal which is fixed on Dated 20/07/2016.
4. The show cause was issued to avoid lame excuses and submit reply to show cause notice upto 01/07/2019 vide this office Memo: No 5415/16 dated 27/06/2016.
5. The accused submitted another application dated 01/07/2016 that he will reply the show cause notice after the decision of the court. He was called for personal

hearing on 27/06/2016 through SDO Abbottabad vide this office Memo: No. 5334 Dated 23/06/2016.

6. You have refused to receive this office letter No. 5334 Dated 23/06/2016, and 5415-18 Dated 27/06/2016 as per report of ASDEO circle Sherwan dated 01/07/2016, whereas the said letters were also send on your home address to the register post.

### **PROCEDURE**

1. Interviews personal hearing cross examination scrutiny of office record.
2. Departmental representative Mr. Zubair Ali ASDEO circle Pind Kargu Khan.

### **FACTS FINDINGS:**

1. As far as the TOR's falling at S No. 1 to 5 the matter in this regard as been settled by the competent authority and the honourable Service Tribunal KPK.
2. The inquiry committee has decided to confine itself to the allegation level against the accused at Serial No. 6.
3. The appeal of the plaintiff has been accepted by the honourable KPK Services Tribunal Peshawar camp cent Abbottabad on dated 19-02-2019.
4. The accused has been called by the inquiry committee on 05-04-2019 at GHS No. 4 Abbottabad and directed to submit his reply against the allegations levelled against him on 08-04-2019 (Annex-1)
5. The accused submitted his reply on 08/04/2019 wherein he requested the inquiry committee to call the then ADEO circle Sherwan, MR. Chenzeb and the then Head Teacher Mr. Gulzar Ahmed GPS Kumar Bandi for cross examination ( Annex-2).
6. The inquiry committee asked the above mentioned officials to appear before the inquiry committee on 27/04/2019 vide letter No. 1052 of dated 18/04/2019 (Annex-3).
7. The competent authority has nominated Mr. Zubair Ali ASDEO Circle Pind Kargu Khan as departmental representative for the cross examination and personal hearing of the accused and witnesses (Annex-4).
8. The inquiry committee held its meeting for cross examination on 21/04/2019 at office of the DEO (M), Abbottabad all the stake holder were present at the spot. (Attendance sheet attached, Annex-5).
9. Mr Chenzeb the then ASDEO Circle Sherwan (Now SDEO (M) Alai Kohistan) Mr. Gulzar Ahmed the then Head teacher GPS Kumar Bandi and Mr. Maqsood Ahmend PST (the accused) have been cross examined in presence of the

Departmental representative. Their responses are here by attached as (Annex-7 & 7A)

10. The attitude of Mr. Masood Ahmed PST has been found aggressive, ill mannered, abusive and misconductive with Mr Zubair Ali ASDEO Circle Pind Kargu Khan (The departmental representative) throughout the proceedings of cross examination.
11. The accused continued to enforce Mr. Gulzar Ahmed the Head Teacher to change his statement as per the sweet will of the accused.
12. During cross examination the accused presented a statement given by Mr. Gulzar Ahmed was forced by Mr. Chenzeb Circle ASDEO to give false statement against the Mr. Maqsood Ahmed. This statement was shown to Mr. Gulzar Ahmed in front of Mr. Maqsood Ahmed, the accused and question was put before Mr. Gulzar Ahmed about the validity of this statement Mr. Gulzar Ahmed disowned the statement specifically regarding the last sentence of the statement. This shows then the accused has misled the inquiry committee and distorted the facts which are unfair.
13. As per statement of Mr. Gulzar Ahmed the show cause notice were not received by the accused delivered on spot by Mr. Chenzeb ASDEO Circle Sherwan and he is the witness of this refusal.
14. During the cross examination and personal hearing Mr. Maqsood Ahmed could not prove himself innocent against the allegation leveled against him.
15. The inquiry committee also observes the department is also responsible for the causal, rude and inefficient behaviour of the accused as his absent period has already been converted into EOL. If proper proceedings have been followed and due punishment on absence from duty has been awarded, the scenario would have been different. Whenever the lawbreaker are softly treated. It not only gives space to the lawbreakers but also sets a precedent for others.
16. By going through the inquiry proceeding, the inquiry committee is of the opinion that the accused deserved the minor penalty awarded by the competent authority of three, cars stoppage of promotion vide order No 5612-4&AE-2 of dated 13/07/2106 (Annex-8).

#### **RECOMMENDATIONS:**

1. It was quiet evident from cross examination proceedings that Mr. Maqsood Ahmed PST GPS Kumar Bandi has refused to receive the show cause notices from Mr. Chenzeb the then ASDEO Circle Sherwan which were issued vide

letter No 5334 of Dated 23/06/2016 and 5415-18 of dated 27/06/2016. Mr Gulzar Ahmed the then Head teacher GPS Kumar Bandi has also endorsed the facts in his written statement. All the facts proved Misconduct and Insubordination on the part of the accused.

2. Proper disciplinary action against the accused is needful on account of his misbehaviour with the departmental representative.
3. In case of any disciplinary action against the accused is initiated in future, the defaulter may be declared as unfit for further promotion.
4. The minor penalty of stoppage of 03 years promotion under rule 04 (ii) of the Government of KPK E&D rule 2011 (already imposed vide DEO, Mafic Abbottabad Office order Endst: No. 5612-18/AE-2 dated 13/07/2016 in respect of the accused may be retained.

**(Inquiry Officer)**

Ikram Ul Haq  
Principal GHS  
Takia Shekhan Abbottabad

**(Inquiry Officer)**

Tariq Samar  
Principal GHS No 4  
Abbottabad



18/01/22

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**AT CAMP COURT ABBOTTABAD**

Appeal No.1726/2019

MAQSOOD AHMAD.....Appellant

**VERSUS**

GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS.....Respondents

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**

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Sr.#	Description	Page No's	Annexure
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3.	Copy of Notification dated 21-05-2013	09	"B"
4.	Copy of transfer order No. 3733-36 dated 21-05-2013	10	"C"
5.	Copy of written statement of appellant	11	"D"
6.	Copy of Copy of the judgment dated 16-02-2016	12 to 13	"E"
7.	Copy of inquiry notification dated 22-04-2016	14	"F"
8.	Copy of the Inquiry Report	15 to 19	"G"
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16	Copy of notification of inquiry dated 27-07-2016	29	"O"
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Received on  
the date of 11/10/2021  
Page No. 51  
[Signature]

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**AT CAMP COURT ABBOTTABAD**

Appeal No.1726/2019

MAQSOOD AHMAD.....Appellant

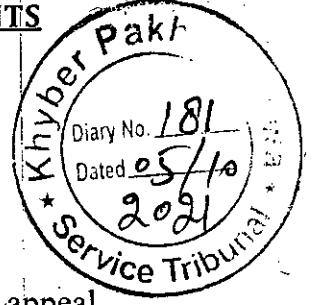
VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS.....Respondents

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**

**Respectfully Sheweth:-**

Comments on behalf of respondents are submitted as under:-



**PRELIMINARY OBJECTIONS:-**

1. That the appellant has no cause of action to file the instant service appeal.
2. That the instant appeal is time barred. Hence liable to be dismissed.
3. That the instant appeal is not maintainable in its present form.
4. That the appellant has no locus standi to file instant appeal.
5. That the appellant has filed the present appeal just to pressurize the respondents.
6. That the appellant has not come to this Honorable Tribunal with clean hands hence, not entitled for any relief.
7. **That this Honourable Tribunal has got no jurisdiction to entertain the present appeal as per judgment reported as 2013-SCMR-99.**
8. **That the appellant has been promoted against the post of SPST vide Notification issued under Endst: No. 3109-15 dated 18-05-2021.**
9. That the appellant is estopped to sue due to his own conduct.
10. That the instant appeal is not maintainable due to non-joinder and mis-joinder of necessary parties:
11. That the instant appeal is against the rules and policy of the Government.
12. That the appellant has suppressed the material facts from this Honorable Tribunal, hence, not entitled for any relief and appeal is liable to be dismissed without any further proceeding.

**Factual Objections:-**

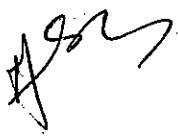
1. In reply to Para No. 1, of the service appeal it is submitted as per absent reports of Sub Divisional Education Officer (M) Abbottabad vide letters Nos.474 dated 22/02/2012 & 1288 dated 23/06/2012, appellant remained absent from duties and after observing all the codal formalities Notification Endst: No. 3728- 32 dated 21-05-2013 was issued while rest of the para regarding transfer order to a

4  
far-flung area as composed is incorrect hence, denied. It is pertinent to mention here that as per written statement of the appellant the contention of the appellant is that during the period w.e.f 22-12-2010 to 28-02-2011 & 22-12-2011 to 22-02-2012, there were vacation and this period may please be treated as on duty period while appellant himself admitted in his written statement that he remained absent till the commencement of vacation. (Copy of absent reports, Notification dated 21-05-2013, transfer order No. 3733-36 dated 21-05-2013 and written statement of appellant are annexed herewith as Annexure "A", "B", "C" & "D" respectively).

2. That the Para No. 2, of the service appeal is correct to the extent that appellant challenged the impugned order dated 21-05-2013 before this Honourable Tribunal through appeal No. 1252/2013 while rest of the para as composed is incorrect hence, denied. For convenience and ready reference the operative part of the judgment dated 16-02-2016 is reproduced as under:

**"Since the inquiry is not conducted in the prescribed manners and appellant not associated with the same as such the impugned order dated 21-05-2013 is set-aside and it is directed that a proper inquiry under the R&D Rules, 2011 shall be conducted by the competent authority in the prescribed manners expeditiously but not beyond a period of two months from the date of receipt of judgment of this Tribunal and there-after pass any order deemed appropriate. The appeal is accepted in the above terms."**

(Copy of the judgment dated 16-02-2016 is annexed herewith as Annexure "E").

3. In reply to Para No. 3, of the service appeal it is submitted that in pursuance to the judgment of this Honourable Tribunal passed in Service Appeal No. 1252/2013 proper inquiry was constituted under E&D Rules 2011 vide Notification No. 3168-75 dated 22-04-2016 and inquiry committee submitted report vide No. 378 dated 03-06-2016 and after observing all the codal formalities order regarding minor penalty of withholding of 3 years and recovery of Rs. 3,68,674/- in installments @ 7,000/- was imposed upon appellant vide order No. 5612-18 dated 13-07-2016 and impartial modification of order issued under Endst: No. 5612-18 dated 13-07-2016 a corrigendum regarding date of issuance of minor penalty of withholding of promotion in respect of appellant for 3 years w.e.f 21-05-2016 instead of 13-07-2016 was issued under Endst: No. 6780-85 dated 30-08-2016. Furthermore, no show
- 

cause notice was served upon the appellant vide letter No. 5415-18 dated 27-06-2016 as appellant himself submitted an application on 26-06-2016 to the respondent No. 3 wherein, he categorically admitted that he received the show cause notice and he was directed vide letter No. 5415-18 dated 27-06-2016 to avoid lame excuses and submit the reply to show cause notice. (Copy of inquiry notification dated 22-04-2016, inquiry report, order No. 5612-18 dated 13-07-2016, corrigendum dated 30-08-2016, application dated 26-06-2016 and letter dated 27-06-2016 are annexed herewith as Annexure "F", "G", "H", "I", "J" & "K" respectively).

4. That the Para No. 4, of the service appeal as composed is incorrect hence, denied. It is submitted that show cause notice was served upon appellant vide letter No. 5142 dated 16-06-2016 and same was received by appellant on 23-06-2016 and failed to reply the same within stipulated period. In response to application of appellant dated 26-06-2016 and 01-07-2016 appellant was further directed to avoid lame excuses and submit to reply show cause notice vide office letter No. 5415-18 dated 27-06-2016 whereas, appellant have failed to receive the said letter as per report of ASDEO circle Sherwan dated 01-07-2016 and the said order was sent on the home address of the appellant and Mr. Babar Bashir SDEO (M) Abbottabad was appointed inquiry officer in order to conduct inquiry as per report of ASDEO circle Sherwan dated 01-07-2016 vide notification No. 5826-28 dated 27-07-2016 and inquiry officer submitted its report vide Endst: No. 2459 dated 28-09-2016 and after observing all the codal formalities i.e show cause notice was served and opportunity of personal hearing was provided to appellant and he availed the same and penalty of withholding of promotion for the period of 3 years was imposed on appellant vide Endst: No. 10150-52 dated 12-12-2016. (Copies of letter No. 5142 dated 16-06-2016, applications of appellant dated 01-07-2016, and report of ASDEO circle Sherwan dated 01-07-2016, notification of inquiry dated 27-07-2016, inquiry report dated 28-09-2016 and personal hearing dated 27-11-2016 are annexed herewith as Annexure "L", "M", "N", "O", "P" & "Q" respectively).
5. That the Para No. 5, of the service appeal as composed is incorrect hence, denied detailed reply has already been given in Para No. 4 of the Factual Objections.
6. In reply to Para No. 6, of the service appeal relates to record.


7. That the Para No. 7, of the service appeal relates to record.
8. That the Para No. 8, of the service appeal as composed is incorrect hence, denied inquiry was conducted in accordance with the E&D Rules 2011 and even opportunity of cross examination was provided to appellant and he availed the same. (Copy of inquiry report alongwith record of cross examination is annexed herewith as Annexure "R").
9. That Para No. 9, of the service appeal as composed is incorrect hence, denied as no show cause was issued vide Endst: No. 6394-96 dated 30-05-2019 as it was letter regarding personal hearing on 01-06-2019. Further submitted that show cause notice was served upon appellant vide Endst: No. 5600 dated 14-05-2019 through SDEO (M) Abbottabad but appellant failed to reply the same and submitted an application vide diary No. 4223 dated 29-05-2019 wherein, appellant submitted that he has submitted reply to charge sheet and opportunity of cross examination and personal hearing may please be provided and he availed the opportunity of personal hearing on 01-06-2019 and submitted reply to show cause notice on the same day. (Copy of letter 30-05-2019, show cause notice dated 14-05-2019, application dated 29-05-2019 and proceedings of personal hearing dated 01-06-2019 are annexed here with as Annexure "S", "T", "U" & "V" respectively.
10. In reply to Para No. 10, of the service appeal it is submitted after observing due process of law competent authority issued final order vide Endst: NO. 7775-79 dated 10-07-2019 wherein, major penalty of "Withholding of promotion for a period of three years" was imposed upon the appellant. (Copy of the order dated 10-07-2019 is annexed herewith as Annexure "W").
11. In reply to Para No. 11, of the service appeal it is submitted that the departmental appeal of the appellant was rightly rejected by the appellate authority.
12. In reply to para No. 12, of the appeal it is submitted that appellant has been promoted against the post of SPST vide Notification issued under Endst: No. 3109-15 dated 18-05-2021. (Copy of the promotion order dated 18-05-2021 is annexed herewith as Annexure "X").

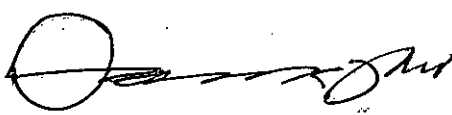
**GROUNDS:-**

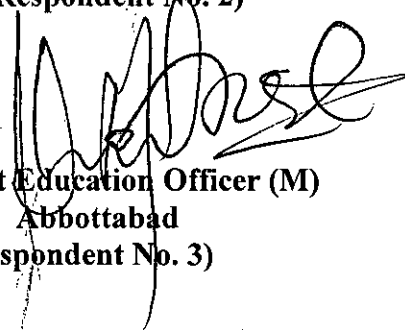
- a) That ground a, of the service appeal as composed is incorrect hence denied.
- b) That ground b, of the service appeal as composed is incorrect hence, denied.

- c) That ground c, of the service appeal as composed is incorrect hence, denied as appellants availed the opportunity of cross examination and comprehensive reply has already been given in Para No. 8 of the Factual Objections.
- d) That ground d, of the service appeal as composed is incorrect hence, denied.
- e) That ground e, of the service appeal as composed is incorrect hence, denied.
- f) That ground f, of the service appeal as composed is incorrect hence, denied as appellants availed the opportunity of personal hearing and in this regard comprehensive reply as already been given in Para No. 9 of the Factual Objections.
- g) That ground g, of the service appeal as composed is incorrect hence, denied.
- h) That ground h, of the service appeal as composed is incorrect hence, denied.
- i) That ground i, of the service appeal as composed is incorrect hence, denied.
- j) That ground j, of the service appeal as composed is incorrect hence, denied.
- k) That ground k, of the service appeal as composed is incorrect hence, denied.
- l) That ground l, of the service appeal as composed is incorrect hence, denied.
- m) That ground m, of the service appeal as composed is incorrect hence, denied.
- n) No comment.
- o) That the respondents seek leave of this Honorable Tribunal to raise additional points at the time of arguments.

It is, therefore, very humbly prayed that in the light of forgoing comments the appeal in hand may graciously be dismissed with cost throughout.

  
**Secretary E&SED Khyber Pakhtunkhwa**  
**Peshawar**  
**(Respondent No. 1)**

  
**Director E&SE Khyber Pakhtunkhwa**  
**Peshawar**  
**(Respondent No. 2)**

  
**District Education Officer (M)**  
**Abbottabad**  
**(Respondent No. 3)**

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**AT CAMP COURT ABBOTTABAD**

**Appeal No.1726/2019**

MAQSOOD AHMAD.....Appellant

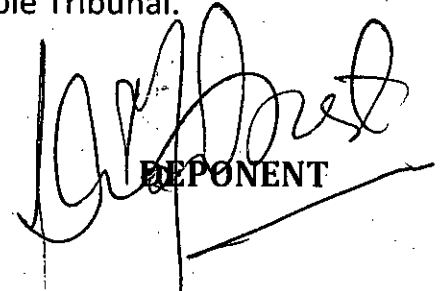
**VERSUS**

GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS.....Respondents

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**

**AFFIDAVIT**

I, Mr. Muhammad Shaukat, District Education Officer (M) Abbottabad, do hereby affirm and declare that the contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.

  
**DEPONENT**

05-10-21  
  
SHEIKH ANJUM NUSSEEN  
Commissioner  
Peshawar  
High Court

OFFICE OF THE DEPUTY DISTRICT OFFICER (MALE) PRIMARY ABBOTTABAD.

NO. 1974

DATED A-ABBAD THE 22/07/2012

"A"  
Anx "A"  
07

To

The Executive District Officer  
Ele: & Sec: Edu: Abbottabad.

Subject :- ADJUSTMENT / ABSENT FROM DUTYS.

Memo :-

Reference Mr: Maqsood Ahmed (PST) application regarding his adjustment is enclosed berief history of his case is as under :-

Mr. Maqsood Ahmed (PST) vide this office No. 1083 Dated 23-09-2010 (Copy attached) was adjusted at GPS Mohmada, but due to less enrolment at the said school he was adjusted at GPS Upper-Malkot vide this office Endst No. 233 Dated 05-11-2010 teacher concerned remained absent w.e.from 05-11-2010 to 06-12-2010 and succeeded for Mutual transfer from GPS Upper Malkot to GPS Surjal Mutual transfer order issued Endst No. 14-20 Dated 06-12-2010, but he remained absent from his dutis from GPS Surjal w.e.from 07-12-2010 upto 26-05-2011. ADO Circle and Read Teacher and inhabitants of ~~area~~ <sup>area</sup> absent report, ~~is~~ <sup>is</sup> attached. Later on Mr. Maqsood (PST) was adjusted at GPS Paswal adjustment order issued under Endst No. 833-40 Dated 27-05-2011 ( Copy attached). He is still absent from his duties w.e.from 27-05-2011 upto date ADO Circle ~~Shehran~~ <sup>Abbottabad</sup> report is attached.

Mr. Maqsood Ahmed (PST) now requested his transfer / adjustment near to his native village Nawan Shehr, submitted for perusal and further necessary action please.

DY: DISTRICT OFFICER (MALE)  
PRIMARY ABBOTTABAD.

*ok*



OFFICE OF THE DY: DISTRICT OFFICER (M) PRIMARY ABBOTTABAD.

08

No. 1288

Dated 23/06/2012

To

The Executive District Officer,  
E&SE Education Abbottabad.

Sub:- ABSENT FROM DUTY/ADJUSTMENT

Memo:-

It is submitted for your kind information that Maqsood Ahr PST, remained absent from his duties w.e. from 5.11.2010 to 6.12.2010 and 7.12.2010 to 26.5.2011 and 27.5.2011 to 22.2.2012 as already intimated vide this office letter No.474 dated 22.2.2012 and the teacher concerned andstssasher now requested for his adjustment near to his native village Nawansher (copy of his application is attached for your perusal and further necessary action.

Note: Mr. Maqsood, PST, has drawn/received his pay etc. for the absent period, if agreed may be recovered/deposited into Govt: Treasury accordingly.

  
DY: DISTRICT OFFICER (M) PRY  
ABBOTTABAD.

2

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

NOTIFICATION

WHEREAS, as per report of Sub Divisional Education Officer (M) Abbottabad, you Mr. Maqsood Ahmed PST GPS Surjal remained absent from duty for which you were proceeded for having committed the following acts which constitute inefficiency, misconduct and habitually absenting yourself without prior approval of leave and drawn Rs.300438/- as pay for the absent period inflicting huge financial loss to the Govt treasury in result of dishonestly and fraudulently under Rule-3 Sub Rules-(a),(b) of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules 2011.

Detail of wilful absent period is as under:-

1. 05.11.2010 to 30.11.2010 (26 days)
  2. 01.12.2010 to 31.12.2010 (31 days)
  3. 01.01.2011 to 30.03.2011 (89 days)
  4. 08.05.2011 to 31.07.2011 (85 days)
  5. 21.10.2011 to 31.12.2011 (72 days)
  6. 01.01.2012 to 28.02.2012 (59 days)
- Total absent period = 362 days

AND WHEREAS Inquiry Committee was constituted vide this office Endst: No.12440-43 dated 7.7.2012 regarding your absence from duty and illegal drawl of salary for the absent period.

The Inquiry Committee confirmed your wilful absence and recommended recovery of amount of Rs.391604/- drawn as pay without performing any type of duty.

AND WHEREAS a Show Cause Notice was served upon you through Sub Divisional Education Officer (M) Abbottabad vide this office No. 12917 dated 24.7.2012 under charge of wilful absence and irregular drawl of Rs.391604/-.

AND WHEREAS your reply received vide Sub Divisional Education Officer (M) Abbottabad letter No.1888 dated 28.8.2012 and was found unsatisfactory, however you subsequently submitted an other written statement in response to the same show cause notice before the Sub Divisional Education (M) Abbottabad on 15.4.2013 whereby you have admitted your absence period and contended that you performed Censes duty from 01.04.2011 to 7.5.2011 and election duty from 01.8.2011 to 20.8.2011 (03 months & 27 days).

AND WHEREAS by treating the period of Censes/Election duties as duty period, your wilful absent period is 362(three hundred & sixty days) for which you have drawn Rs.300438/- as a pay un-lawfully.

AND WHEREAS you have been found guilty of misconduct, inefficiency and absenting yourself for the period of 362 days and irregular and unauthorized drawl of Rs. 300438/- from the Govt: Exchequer.

NOW THEREFORE, in exercise of Powers conferred by the Khyber Pakhtunkhwa, Govt: servant (Efficiency & Discipline) Rules-2011, the undersigned being Competent Authority is hereby pleased to impose minor penalty of withholding of promotion for a period of three years and recovery of Rs.300438/-(Three lac four hundred & thirty Eight only) @ Rs.7000/- PM. upon Mr. Maqsood Ahmed PST GPS Surjal with immediate effect. Moreover, absent period is converted into Extra Ordinary Leave without pay.

DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

Endst: No. 3728-38/PP Maqsood Ahmed PST

Dated 21/5 /2013

Copy forwarded to the:-

1. Secretary to Govt: of Khyber Pakhtunkhwa E&SED Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. District Comptroller of Accounts Abbottabad
4. Sub Divisional Education Officer (Male) Abbottabad w/r to lis No. 1888 dated 28.8.2012 with the direction that entry should be recorded in the service book & deduction/recovery be made accordingly under intimation to this office.
5. Official concerned.

DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

absent report  
- compliance report  
15.04.13

Annex "B"

09



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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

ADJUSTMENT

Consequent upon the approval of Competent Authority, Mr. Maqsood Ahmed PST, Govt. Primary School Surjal is hereby adjusted on his own pay & BPS against the vacant post of PST at GPS Riala (Circle Qalandarabad) Abbottabad w.e. from the date of his taking over charge in the interest of public service with immediate effect with the following terms & conditions:-

TERMS & CONDITIONS

1. Absent period be tread as leave without pay.
2. Illegally drawl of amount Rs. 300438/- during the absent period may be recovered @ Rs.7000/-PM from his pay.
3. Minor penalty of withholding of promotion for the period of three years has been imposed upon the accused official vide this office notification issued under Endst: No.3728-32 dated 21.5.2013.
4. No TA/DA is allowed.
5. Charge report should be submitted to all concerned.

*sd/*  
DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

Endst: No. 3733-36/PF Maqsood Ahmed PST

Dated 21/5/2013

Copy to the:-

1. Sub Divisional Education Officer (Male) Abbottabad.
2. District Accounts Officer, Abbottabad
3. ADO Circle Qalandarabad.
4. Official concerned.

*[Signature]*  
DY: DISTRICT EDU. OFFICER (M)  
ABBOTTABAD

کے نام سے ڈیو ڈیو کے نام سے

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تاریخ 24/7/2012 کو ایک مقررہ اور فرائض کے بارے میں  
مقررہ تاریخوں کے تحت مقررہ تاریخوں کے تحت مقررہ تاریخوں کے تحت  
مقررہ تاریخوں کے تحت مقررہ تاریخوں کے تحت مقررہ تاریخوں کے تحت  
Election duty + Census duty کے بارے میں مقررہ تاریخوں کے تحت

Census duty 01-4-2011 To 7-5-2011 Total (3 month 27 days)  
Election duty 1-8-2011 To 20-8-2011 (1 month 7 days) 2 (month 20 days)

Vacation 22/12/10 to 28/02/2011 (2 month 9 days)  
-do- 1/7/2011 To 30/7/2011 (1 month)  
-do- 22/12/2011 To 22/02/2012 (2 month 9 days)

Total on duty period

9 month 25 days

Supdt.  
Please put up to  
order DEO for further  
action

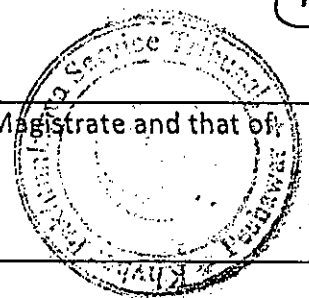
- a) 5/11/2010 To 21/12/2010 1 month 17 days ✓ 1-17
- b) 1/03/2011 To 31/03/2011 (1 month) ✓ 1-01
- c) 01/5/2011 To 30/6/2011 (1 month 23 days) ✓ 2-17
- d) 21/10/2011 To 22/12/2011 (2 month 1 day) ✓ 1-23

6 months 4 day

6 months 4 days کے بارے میں مقررہ تاریخوں کے تحت  
Adjustment کے بارے میں مقررہ تاریخوں کے تحت

DEO کے نام سے ڈیو ڈیو کے نام سے

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Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CAMP COURT ABBOTTABAD.

SERVICE APPEAL NO 1252/2013

(Maqsood Ahmad -vs- Govt. of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Department, Peshawar and others).

16.02.2016

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:

Appellant with counsel and Mr. Zubair Ali, ADO alongwith Mr. Muhammad Saddique, Senior Government Pleader for respondents present.

2. Maqsood Ahmad, hereinafter referred to as the appellant, has preferred the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 21.5.2013 whereby order for recovery of Rs.300438/- and minor punishment in the shape of withholding of promotion for three years was awarded.

3. Brief facts giving rise to the present appeal are that the appellant was serving as PST at GPS Surjal when subjected to inquiry on the allegations of inefficiency, misconduct and habitual absence and as a consequence of the findings of the inquiry committee the penalty referred to above was awarded.

4. We have heard arguments of learned counsel for the parties and perused the record.

5. Perusal of record would suggest that vide notification dated 12.7.2012 three inquiry officers namely Syed Amjad Ali, Mr.Abdur Rashid and Mr.Ghulam

Muhammad Azim Khan Afridi  
Chairman

Sarwar were appointed. According to inquiry report Syed Amjad Ali and Mr. Abdur Rashid have signed the same while Mr. Ghulam Sarwar has added a note in the following words:

*"As I have not been involved in inquiry process, hence I cannot sign as member of the Committee."*

6. The afore-stated note would suggest that the said inquiry was not conducted in the directed manners and, moreover, the same was a fact finding inquiry and, therefore, could not be substituted for a regular inquiry. In view of the nature of allegations the competent authority was obliged to conduct regular inquiry under the rules in vogue and should have there-after passed orders deemed appropriate. Since the inquiry is not conducted in the prescribed manners and appellant not associated with the same as such the impugned order dated 21.5.2013 is set-aside and it is directed that a proper inquiry under the E&D Rules, 2011 shall be conducted by the competent authority in the prescribed manners expeditiously but not beyond a period of two months from the date of receipt of judgment of this Tribunal and there-after pass any order deemed appropriate. The appeal is accepted in the above terms. Parties are, however, left to bear their own costs. File be consigned to the record room.

*Sd/- Muhammad Azim Khan Afridi,  
Chairman  
(Sd/- Abdul Latif,  
Member*

ANNOUNCED  
16.02.2016

Certified to be true copy  
Khyber Pakhtunkhwa  
Services Tribunal,  
Peshawar

Date of Judgment: 18/02/2016  
Date of Receipt: 23-02-2016  
Date of Delivery: 23-02-2016  
Date of Payment: 23-02-2016

NOTIFICATION

In supersession of this office Notification issued under Endst: No.2557-63/EB/PST/PF Maqsood dated 02-04-2016 and in pursuance to the judgment of the Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar passed in Service Appeal No.1252/2013 announced on 16-02-2016, inquiry committee comprising the following officers is hereby constituted to conduct inquiry against Mr. Maqsood Ahmed PST GPS Kumar Bandi (Circle Sherwan) Abbottabad on account of charges/allegations leveled against him.

1. Mr. Luqman Ali Khan Principal, Govt: Higher Secondary School, Nagri Bala Abbottabad.
2. Mr. Nisar Ahmed, Principal, GHS Tarnawai Abbottabad.

TERMS OF REFERENCE.

To probe into the issues as noted below:-

1. The accused remained absent from duty w.e.from 05-11-2010 to 22-02-2012 as per report of the then Dy: District Education Officer (M/P) Abbottabad vide letter Nos.474 dated 22-02-2012 & 1388 dated 06-07-2012 without any intimation/approval of the Competent Authority.
2. Illegally, fraudulently and dishonestly drawn Rs.391604/- as pay & allowances without performing duty from Govt: Ex-Chequer by the accused.
3. Confession of the accused dated 15-04-2013 regarding his absence w.e.from 05-11-2010 to 21-12-2010, 01-01-2011 to 31-03-2011, 18-05-2011 to 30-06-2011, 21-10-2011 to 22-12-2011 and recovery of the same within instalments.

All the above facts proved misconduct, inefficiency, insubordination, willful absence from duty, illegally drawl of salary and professional dishonesty on the part of accused.

The inquiry committee shall submit report to the undersigned within fifteen (15) days with solid recommendation as laid down in Rule 11 to 14 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Opportunity of self defence be provided to the accused.

The name/designation of inquiry officer mentioned at S.No.(i) in Para-2 of statement of allegation already served upon the accused may be read as Mr. Luqman Ali Khan Principal, Govt: Higher Secondary School, Nagri Bala Abbottabad instead of Mr. Nazir Ahmed Principal, GHS Dhamtour Abbottabad.

Encls:- Charge Sheet and Statement of Allegations.

DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD.

Endst: No. 348-75 /EB.

Dated 22-4 /2016.

Copy forwarded to the:-

1. Honorable Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar w/r to Judgment in service appeal No.1252/2013 dated 16-02-2016.
2. Mr. Luqman Ali Khan Principal, Govt: Higher Secondary School, Nagri Bala Abbottabad.
3. Mr. Nazir Ahmed Principal, GHS Dhamtour Abbottabad w/r to his letter No.488 dated 16-04-2016.
4. Mr. Nisar Ahmed, Principal, GHS Tarnawai Abbottabad.
5. PS to Secretary to Govt: of Khyber Pakhtunkhwa E&SED Peshawar.
6. PA to Director Elementary & Secy: Education Khyber Pakhtunkhwa Peshawar.
7. Sub Divisional Education Officer (M) Abbottabad.
8. Mr. Maqsood Ahmed PST GPS Kumar Bandi (Circle Sherwan) Abbottabad.

DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD.

(15)

Anx "G" 13

No.378 Date 13/6/2016.

OFFICE OF THE PRINCIPAL GOVT; HIGHER SECONDARY SCHOOL  
NAGRI BALA ABBOTTABAD.

District Education Officer (M)  
Abbottabad.

**Subject: Regular Enquiry of illegal drawl of salary during absence period against Mr. Maqsood Ahmad Ex-PST GPS Surjal Distt. Abbottabad referred by Honourable KP Service Tribunal Peshawar passed in appeal No. 1252/ 2013 dated 16-2-2016.**

Memo:

In compliance of your good office Notification under Endorsement No. 3168-75/EB Dated 22-04-2016, the undersigned officers have been appointed as enquiry officers to conduct a regular enquiry of illegal drawl of salary during the period of absence against the above mentioned teacher.

**Enquiry Officers:**

1. Mr. Luqman Ali Khan Principal/Enquiry officer GHSS Nagri Bala Abbottabad,
2. Mr. Nisar Ahmad Principal/ Enquiry Officer GHS Tarnawai Abbottabad.

**Place of Enquiry:**

1. Office of the District Education Officer (M) Abbottabad
2. GOVT; Centennial Model High School Abbottabad.

(Enclosed Judgment of Honorable KP Service Tribunal in Service Appeal No. 1252/2013 dated 16-02-2016 (Annex-A)

Notification of Enquiry Committee vide DEO (M) Abbottabad Endst; No. 3168-75/EB dated 22-04-2016 along with charge sheet and statement of allegations (Annex-B).

**Terms of Reference of Enquiry:**

In light of the above mentioned notification, the TORs of conduct of enquiry are briefed as following:-

1. The accused remained absent w.e.from 05-11-2010 to 22-02-2012 as per report of the then Dy: District Education officer (M/P) Abbottabad vide letter Nos. 474 Dated 22-02-2012 & 1388 Dated 06-07-2012 without any intimation/ approval of the Competent Authority.
2. Illegally, Fraudulently and dishonestly drawn Rs. 391604/-as pay and allowances without performing duty from Govt; Ex-Chequer by the accused.
3. Confession of the accused dated 15-04-2013 regarding his absence w.e.from 05-11-2010 to 21-12-2010, 01-03-2011 to 31-03-2011, 08-05-2011 to 30-06-2011, 21-10-2011 to 22-12-2011 and recovery of the same within installments (Annex-C).

**Procedure:**

In order to probe into the matter, the following procedure of conduct of enquiry was adopted by the undersigned enquiry officers,

1. Intimation to Mr. Maqsood Ahmad PST for Submission of reply/ self defense:

Before conduct of enquiry, Mr. Maqsood Ahmad was sent a registered letter bearing No. 341 dated 26-04-2016 on the subject "Submission of Reply to the Charge Sheet and Statement of Allegations" already served upon him by DEO (M) Abbottabad. In the letter he was informed to submit his reply on 02-05-2016 at 2:00 PM in the office of DEO (M) Abbottabad and to appear before the enquiry committee to avail the opportunity of self defense(Enclosed as Annex-D).



In response to the above mentioned letter Mr. Maqsood Ahmad appeared before the enquiry committee on 02-05-2016 in the office of the DEO (M) and handed over his reply to the statement of allegations. (Annex-E).

The enquiry committee studied the reply and then gave him the opportunity of self defense in a quite favorable environment. Mr. Arshid Mehmood ADO Primary being possessing the relevant office record and well versant about the case was advised to perform as departmental representative on the demand of accused.

The accused was crossed examined in light of the following few questions,

1. You Mr. Maqsood Ahmed performed as verifying official during election duty without any permission from the department and left the school, remained absent there for a long time. Moreover it is a part time duty whereas you have claimed it full time thus violating the rules. At that time you were at GPS Surjal where as in the record of election commission office you are mentioned at GPS Paswal. Explain?
2. Vide Dy: DO (M) Letter No.833-40 dated 27/05/2011, you were transferred to GPS Paswal where as you illegally attended GPS Paswal Mian because both the schools are different. Explain?
3. You attended GPS Surjal and GPS Malkote at one and the same time, i.e, on 21-22 Dec 2010. Explain?
4. You attended JICA Model School w.e. from 25/10/2011 to 29/10/2011 without any order. Further in the index of your reply you mentioned GPS Dhamtour instead of JICA Model School. Explain?
5. In your reply relating to GPS Surjal you have quoted your transfer from GPS Malkote to GPS Paswal in the month of May 2011 where as the original record does not contain the above statement. Explain?
6. On 08/11/2011, Mr. Herkeel-ur-Rehman the then Dy: DO (M) transferred you to GPS Tangoly through a simple chit. It was Eid-ul-Azha holiday on 08/11/2011. Why you obeyed such an illegal chit order and could not requested the authority to regularize that. Explain?

Answer to the above questions, the accused felt hesitation/confusion. He blamed his officers and commented that he has been disturbed due to his several transfers at various stations. He failed to defend himself and was trying to dodge the inquiry committee by producing self made and irrelevant record. At the end he requested the inquiry committee to convert his absence period on full and half pay on sympathetic grounds.

Departmental representative recorded his views and signed from the inquiry officers on the spot. At the end attendance of the accused was got on the same day and also signed by the inquiry committee (Annex F).

## 2. Sources of Record Collection:

The enquiry committee made effort to collect the relevant record /documents from various sources which include Deputy District officer/ Sub Divisional Education Officer Male office Abbottabad, contacting with Ex-Dy:DO, ADOs circles and ADO (Primary) Establishment.

## 3. Detail of Proceedings :

A. Mr. Maqsood Ahmad PST was adjusted from GPS Mahmda to GPS Kunj Abbottabad vide Notification No. 20956-58 Dated 30-10-2009.

The same order was then cancelled by DDO (M/P) Abbottabad vide Endst No:2009-12 Dated 03-11-2009 and was directed to report back to GPS Mahmda vide DDO (M/P) Letter No:1083- Dated 23-09-2010.

B. On the report of ADO circle he was declared as surplus and was adjusted at GPS Upper Malkot vide Dy DO (M) Primary Letter Endst No. 233 Dated 05-11-2010 but he remained absent up to 06-12-2010. His absence period becomes 30 days. (Annex-G).

He was then Mutually transferred to GPS Surjal vide EDO letter No. 14-20 dated 06-12-2010. (Annex-H).

He attended GPS Surjal only on 21 & 22 Dec, 2010(2 days). So he remained absent with effect from 07-12-2010 to 20-12-2010 and 23-12-2010 to 31-12-2010. (Absent period 23 days). January and Feb, 2011 will also be counted as absent period. ( 60 days).

15  
The Head Master GHS Surjal, Head Teacher GPS Surjal & the public sent complaints to EDO about his willful absence. (Enclosed as Annex-I, J & K respectively).

17  
Note: Winter Vacations starts w.e.f; Dec 25 which continues up to the end of Feb during each academic year. As the accused failed to attend the school after Dec 22-2010, so this period will be counted as absence period as per rules. In the whole Month of March that is after winter vacations he continuously remained absent. (30 days)(Copies of attendance register enclosed as Annex-L)

It is surprising that w.e.f 18-12-2010 to 24-12-2010 he shows his attendance at GPS Malkot and at the same time on Dec 21 & 22-2010 he attends GPS Surjal. Thus the accused has attempted towards Forgery. Actually the accused was on the strength of GPs Surjal where as he claims GPS Malkote. (Annex M & N)

C. w.e.f; 01-04-2011 up to 06-05-2011 he has produced a duty certificate issued by Dy. District officer/ District Census officer Abbottabad mentioning his appointment as Enumerator official for housing listing operation 2011. Original record is silent about this duty. However in light of above mentioned certificate he is considered on duty. (Annex-O).

D. After the termination of census duty up to 06-05-2011, he was required to attend the school on 07-05-2011 but he remained absent w.e.f 07-05-2011 to 09-05-2011. (03 days), attended the school on 10 & 11 May 2011, availed casual leave on 12-05-2011 and again remained absent w.e.f; 13-05-2011 to 26-05-2011 for 14 days (Enclosed as Annex-P).

E. Vide DDO (M) Primary Abbottabad adjustment order under Endst No. 833 -40 Dated 27-05-2011, he was transferred to GPS Paswal. (Annex-Q).

He did not obey the said order and took charge at another school, i.e, at GPS Paswal Mian. Thus his attendance at wrong station is irregular and cannot be counted as duty period. In this connection Mr. Abdul Waheed ADO circle has also submitted his absent report to higher authorities for taking necessary action against him. He remained absent w.e.f. 27-05-2011 to 31-07-2011 is calculated as absence period. (2 months and 5 days). (Annex -R)

Note: In July there are Summer Holydays but as he failed to perform during the month of June, so this month is also considered as his absence period.

F. W.e.f 01-08-2011 to 20/10/2011, the teacher has produced an election duty certificate issued by District election commission on 29/01/2013. The original record is silent about the said duty. It is a part time duty where as he remained willful absent during the above period and suffered the students time (2 months & 20 days) (Annex-S)

G. The accused in his reply has produced a simple transfer application addressed to EDO written on 07-09-2011 which he claims as duty period w.e.f 21-10-2011 to 24-10-2011 which is reflected at page 14 of his reply. (Absent period= 04 days) (Annex-T).

H. The accused has claimed duty w.e.f 25-10-2011 to 29-10-2011 at JICA Model School Dhamtour. No such order is available on the record nor the teacher produced such order. So it is his absence period (5 days). (Annex-U)

I. Then w.e.f; 08-11-2011 to 05-12-2012 he claims his duty at GPS Tangoly Kakul in light of a chit order issued by Mr. Herkeel-ur-Rehman Ex Dy DO (M) on 08-11-2011. As per this unauthentic chit order he performed continuously up to 22/02/2011. This duty is illegal and inconsiderable. The service book is also silent about this chit order/duty period. So the accused remain absent w.e.f 30/10/2011 to 22/02/2012 which becomes (3 months 22 days). (Annex-V).

He was personally contacted by the enquiry officer in order to verify the said chit order. He didn't verify that. So the duty performed by the accused in light of this unauthentic chit order is illegal. It is also surprising that the chit order is issued on Eid Ul Azha day. (Annex- W)

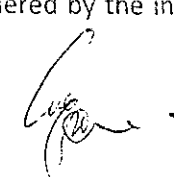
\*\*His service book record shows that entries of various stations are suspicious. Entries of several schools like JICA Model school, GPS Paswal, GPS Malkote & GPS Tangoly, etc have not been made due to unauthentic verbal & chit orders. This shows high blunder on part of administration as well as accused.

CG

- Page No. 5 of his reply shows his attendance report mentioned in the index where as it relates to the Dy: DO Letter No. 1083 Dated 23-09-2010, on the subject titled as "Arrival Report" in which the authority has directed him to report at GPS Mahmda in order to obey transfer order No. 2009-12 Dated 03-11-2009.
- Page No. 11 of the index at serial No. 7 he shows attendance w.e.f 27-05-2011 to 06-06-2011 at GPS Paswal where as he mentions GPS Paswal Mian. His actual station was Paswal. He tried to conceal his exact place of duty.
- At serial No. 11 of the index mentions attendance report of GPS Dhamtour where as at page.15 he has enclosed a duty certificate of JiCA Model School Dhamtour (25-10-2011 to 29-10-2011). Both these school are different .
- He himself has confessed about his absence period at GPS Tangoly w.e.from 21-10-2011 to 22-12-2011 but as per original attendance register he shows his attendance w.e.from 08-11-2011 to 24-12-2011. It shows that he illegally has attempted to count winter vacations up to Feb. 2012 on his personal contact with someone responsible for attendance register.
- At serial No. 10 of the index he claims attendance w.e.f 21-10-2011 to 24-10-2011 where as it is a simple transfer application addressed to EDO on 07-09-2011.
- An over writing in the attendance register copy for the month of May 2011 of GPS Surjal mentioning transfer from GPS Malkot to Paswal where as the original record does not show such statement.
- He shows his attendance w.e.from 18-12-2010 to 24-12-2010 at GPS Upper Malkot and at the same time he shows attendance w.e.from 21-22 Dec 2010 at GPS Surjal thus showing dual signatures at two different stations at the same time.

#### 5. Findings :

- In light of the above mentioned facts it has been investigated that the teacher concerned is habitual irregular, irresponsible, passive, dishonest and in-efficient because he has violated the service rules & regulations during various periods at various stations.
- The authorities that are ADOs & Dy. DO made his frequent verbal, detailment & adjustment orders due to his irregularity at each & every station but it was not the solution of problem. Strict action as per E&D Rules 2011 was required to initiate against such a defaulter. For example he was adjusted at GPS Mahmda on 23-09-2011 who failed to join the said. The ADO then declare him surplus and is adjusted at GPS Upper Malkot by Dy. DO (M) primary on 05-11-2010. He never reported & continued duty at any station as per record. On 06-12-2010, he is transferred to GPS Surjal where he arrived on 21-12-2010. The Head Teacher GPS Surjal, Head Master GHS Surjal & the public reported to EDO & ADO on 07-03-2011 and then on 14-04-2011 about his willful absence at GPS Surjal. His pay was also not stopped even on the recommendation of MR. Luqman ADO Circle on 10-05-2011.
- MR. S.Irshad Ali also reported about his absenteeism from school on 25-05-2011.
- Vide DEO (M) Primary letter under Endst No 833-40 dated 27-05-2011, he was adjusted at GPS Paswal where as he attended GPS Paswal Mian w.e.from 28-05-2011 to 04-06-2011. Both these stations are different so he has disobeyed the above order of his officer. His duty at the above station is irregular. MR. Abdul Waheed ADO Circle during his visit on 17-02-2012 to GPS Paswal he was reported as absent and his pay was stopped by Dy. DO (M) but in the month of March 2012, again the Dy. DO released his pay. This show a great negligence and weakness on the part of administration. (Report of MR. Abdul Waheed ADO. (Annex-X)
- The criticism relating to reply mentioned at S.No. 4 in the proceedings clearly shows that the teacher has been involved in irregularity, forgery & fraud. He has never been remained punctual at any school with the result that he has damaged the future of innocent kids. He has got irregular pay during the whole period as per service record. In light of available record he remained absent for 428 days at various schools. So he is guilty of gross corruption, inefficiency, dishonesty & misconduct. He is therefore liable to be penalized under Govt. of KP E&D Rules 2011. Along with other penalties irregular amount drawn by the accused during absence period is recoverable as a minor penalty.
- The chit unauthentic order issued by the then Dy:DO Mr. Herkeel ur Rehman relating to GPS Tangoly w.e.from 08/11/2011 to 22/02/2012 is illegal and so not considered by the inquiry committee. Entry of the said school is also not recorded in the service book.



The whole investigation reveals that the mind of accused is commercial and has no sympathy with his pious job because he gets census & Election duty letters in time whereas did not get & obey authentic transfer orders issued from education office. Moreover he has obeyed unauthentic chit and so called verbal orders of his superiors. His service book shows him only at GPS Mamda, GPS Surjal, GPS Rayila GPS Gojjar More & last at GPS Kumar Bandi whereas, no entries of GPS Malkote, GPS Paswal, JICA Mode school & GPS Tangoly have been recorded. 16 continuous pages are blank and at the end entry of service verification is recorded w.e. from 01/12/2008 to 30/11/2014.

In short due to his irregular, unauthentic duties and absenteeism at various stations throughout his service no proper entries have been recorded in the service book. Thus his whole service record is improper and suspicious (Annex- Y). The detail of confirmed absence period with detail of pay unlawfully drawn is appended below.

Absence Period.	Months/Days.	Gross Pay.	Pay Drawn.
05-11-2010 to 30-11-2010.	26 days.	22732/-	19701/-
01-12-2010 to 20-12-2010.	20 days.	23259/-	15005/-
23-12-2010 to 31-12-2010.	09 days.	23259/-	6753/-
01-01-2011 to 31-03-2011.	03 Months.	23259/-	69777/-
07-05-2011 to 09-11-2011.	03 days.	23259/-	2325/-
13-05-2011 to 30-06-2011.	01 Months & 18 days.	23259/-	36764/-
01-07-2011 to 30-09-2011.	03 Months.	27866/-	83598/-
01-10-2011 to 30-11-2011.	02 Months.	27866/-	55732/-
01-12-2011 to 22-02-2012.	02 Months & 22 days.	28366/-	79019/-
	<b>Total Amount:-</b>		<b>Rs.368674/=</b>

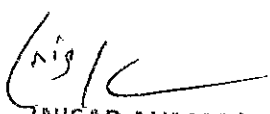
(Rs. Three Lac, sixty eight thousand six hundred & seventy four only).


#### 6. Recommendations :

Keeping in view the above facts it is clear that the charges relating to willful absence of MR. Maqsood Ahmad PST have been proved. He is recorded as careless, dishonest, inefficient & guilty of misconduct. Therefore the following penalties should be imposed upon him as per Govt. of KP E&D Rules 2011,

- The minor penalty of recovery amounting to Rs.368674/- in installments @ Rs.10000/- (Rs. Ten thousand) per month from the accused under Rule-4(1)(a)(iii) as per E&D Rules 2011 should be imposed due to his willful absence for 428 days. (Annex-Z). The amount already recovered may be excluded from the total amount drawn mentioned above.
- With holding of promotion for a period of three years under Rule-4(1)(a)(ii) E&D Rules 2011; as a minor penalty.
- The absence period calculated be converted into leave without pay by the competent authority. Entries be made in his service record.
- It is also recommended that if the accused repeated the same practice then the major penalty of dismissal from service under E&D Rules 2011 be imposed upon him.
- The ADOs concerned and other related officers who have shown negligence and inefficiency in the said case be strictly asked and penalized as per rules.
- The accused be kept under observation and the ADO circle should be directed to submit his weekly report of his duty to the administration.

Submitted for kind perusal and further necessary action please.

  
(NISAR AHMAD)  
PRINCIPAL  
GHS TARNAWAI, A/ABAD.  
(Member Inquiry Committee)

  
(LUQMAN ALI KHAN)  
PRINCIPAL  
GHSS NAGRI BALA, A/ABAD.  
(Chairman Inquiry Committee)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

OR

Amx "H" 123  
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1. WHEREAS you Mr. Maqsood Ahmed, PST GPS Kumar Bandi (Circle Sherwan) Abbottabad was penalized for having committed the following gross irregularities which constitute inefficiency, misconduct and corruption under Rule-3 Sub Rules (a), (b) & (c) of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011.
2. AND WHEREAS, minor penalty of withholding of promotion for a period of three years and recovery of Rs.300438/- (Three lac, four hundred & thirty eight only) @Rs.7000/-PM was imposed upon you regarding your willful absence from duty and dishonestly/fraudulently/unlawfully drawl of above amount as pay for the absent period vide this office Notification issued under Endst: No. 3728-32 dated 21-05-2013.
3. AND WHEREAS, you preferred service appeal in the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar against the said Notification.
4. AND WHEREAS, in pursuance to the judgment of Khyber Pakhtunkhwa Service Tribunal Peshawar passed in Service Appeal No.1252/2013 announced on 16-02-2016, charge sheet, statement of allegation was served upon you and regular inquiry committee was constituted vide this office notifications issued under Endst: Nos.2557-63 dated 02-04-2016, 3168-75 dated 22-04-2016 to inquire the charges leveled against you. The inquiry committee provided you full opportunity of self defence, even to cross examines the evidence against you and submitted its finding/report vide No.378 dated 13-06-2016.
5. AND WHEREAS, as per findings and recommendation of inquiry report, you have illegally, fraudulently and unlawfully drawn Rs.368764/- as pay for the following absent period inflecting huge financial loss to the Govt: Treasury.

S.#	Absence Period.	Months/Days.	Gross Pay.	Pay Drawn.
1	05-11-2010 to 30-11-2010.	26 days.	22732/-	19701/-
2	01-12-2010 to 20-12-2010.	20 days.	23259/-	15005/-
3	23-12-2010 to 31-12-2010.	09 days.	23259/-	6753/-
4	01-01-2011 to 31-03-2011.	03 Months.	23259/-	69777/-
5	07-05-2011 to 09-05-2011.	03 days.	23259/-	2325/-
6	13-05-2011 to 30-06-2011.	01 Months & 18 days.	23259/-	36764/-
7	01-07-2011 to 30-09-2011.	03 Months.	27866/-	83598/-
8	01-10-2011 to 30-11-2011.	02 Months.	27866/-	55732/-
9	01-12-2011 to 22-02-2012.	02 Months & 22 days.	28366/-	79019/-
		<b>Total Amount:-</b>		<b>Rs.368674/=</b>

6. AND WHEREAS Show Cause Notice was served upon you through Sub Divisional Education Officer (Male) Abbottabad vide this office Memo: No.5142 dated 16-06-2016, wherein minor penalties were tentatively proposed under Rule-4(1) Sub Rule (a)(ii)&(iii) of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rule,2011 with recovery of unlawfully drawn amount of Rs.368674/- from Government treasury, wherein it is clearly mentioned at S.No.4 "that if no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you".
7. AND WHEREAS, you have received the said Show Cause Notice on 23-06-2016 and failed to reply the same within stipulated period. In response to your applications dated 26-06-2016 and 01-07-2016, you was further directed to avoid lame excuses and submit reply to Show Cause Notice upto 01-07-2016 vide this office Memo: No.5415-18 dated 27-06-2016, whereas you have further refused to receive the said letter as per report of ASDEO Circle Sherwan dated 01-07-2016 and the said letter was also sent on your home address through registered post.

Seen  
Placed on  
12/4/17

(21)

8. WHEREAS you have failed to submit your reply of the show cause notice within stipulated period and deliberately delayed the inquiry proceedings, which is established evidence that you have committed gross misconduct, corruption, inefficiency, insubordination, professional dishonesty and financial loss to the Govt: Exchequer.
9. AND By reason of above, charges levelled against you, have been proved and you are found guilty of gross misconduct, corruption, inefficiency, insubordination, professional dishonesty and financial loss to the Govt: Exchequer under Rule-3 of the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rule, 2011.

NOW THEREFORE, the Competent Authority in exercise of the power conferred upon him under Rule-4(1) Sub Rule (a)(ii)&(iii) of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rule, 2011 is pleased to impose minor penalty of **"WITHHOLDING OF PROMOTION FOR A PERIOD OF THREE YEARS AND RECOVERY OF Rs.368674/= (Rs. Three lac, sixty eight thousand six hundred seventy four) in installments @ Rs.10000/= PM"** upon Mr. Maqsood Ahmed, PST GPS Kumar Bandi (Circle Sherwan) Abbottabad and the absence period is converted as leave without pay.

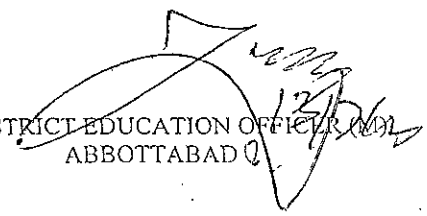
DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

Endst: No. 5612-18 /AE-II/PF Maqsood Ahmed PST

Dated 13/7/2016.

Copy for information & necessary action to the:-

1. Honorable Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to Execution petition No.49/2016 in service appeal No.1252/2013.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Accounts Officer Abbottabad.
4. PS to Secretary to Govt: of Khyber Pakhtunkhwa E&SED Peshawar.
5. Sub Divisional Education Officer (Male) Abbottabad with the remarks that relevant entry be recorded in his service book.
6. Mr. Maqsood Ahmed, PST Govt: Primary School Kumar Bandi (Circle Sherwan) Abbottabad.
7. Master File.

  
DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

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CORRIGENDUM

Handwritten notes: "J", "F", "22" (circled), and "Vmx".

In partial modification of this office notification issued under Endst:No. 5612-18 dated 13.07.2016, please read date of issuance of mionor penalty of withholding of promotion in respect of Mr. Maqsood Ahmed, PST GPS Kamar Bandi (Circle Sherwan) for three years w.e.f 21.05.2013 instead of 13.07.2016.

Sd/-

DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

Endst:No. 6780-85 /EB/PF/MaqsoodAhmedPST Dated 30-8 /2016

Copy of the above is forwarded for information to the:-

1. Honorable Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to Execution Petition No.49/2016 in service appeal No.1252/2013.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Accounts Officer Abbottabad.
4. PS to Secretary to Govt: of Khyber Pakhtunkhwa E&SE Peshawar.
5. Sub Divisional Education Officer (M) Abbottabad with the remarks that entry should be recorded in the service book of teacher concerned.
6. Mr.Maqsood Ahmed,PST, GPS Kamar Bandi (Circle Sherwar) Abbottabad.

DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

Handwritten signature or initials at the bottom of the page.

DEZ (CNC) اس کے نام سے  
Anx "J" صورت میں

عنوان :- سٹریٹ نوٹس  
5142/EB  
18/11/2016

صائب آباد

موربان گزٹنگ کم سے 14/2/16 کو سٹریٹ نوٹس فراہم کیے گئے تھے۔  
نے سرورس ایجنسی سے 14/2/16 کا فیصلہ سنا ہے پھر سٹریٹ نوٹس کے خلاف بیان چھپوا دیا۔  
انگوائری کرنے کا حکم دیا۔ 2013ء کے منسوخ کردیا اور حکم کو 50 مارچ 2016 سے Frish  
ان سٹریٹ نوٹس کے خلاف حکم کے خلاف سے field میں آج کرنا  
انگوائری موجود نہیں تھا اس کے باوجود سٹریٹ نوٹس کو ترقی سے ترقی دیکھ گیا۔ سٹریٹ  
ٹیبورا قورس سٹریٹ نوٹس میں اس بابت Execution Satition جمع کرانے  
ٹریسٹریٹ کے فیصلے پر میں دشمن عمل نہیں ہوا اور 50 مارچ کے باوجود انکو ترقی کا  
یا اس کے فیصلے میں ہوا۔ جس بابت سٹریٹ نوٹس کی درخواست سماعت کے لیے منظور ہو گئی۔  
جمع کرانے کو ایک طرف سے تو سرورس میں ٹریسٹریٹ میں اس کے خلاف درخواستیں  
لیٹریٹ گئی سرورس میں ٹریسٹریٹ سے منظور نہیں کیا اور آپ کو نوٹس جاری کر دیا۔

4921-23  
9/11/16

سٹریٹ نوٹس جو application انگوائری کے حق کو situck  
کرنے کے لیے دی ہوگی اسے اس میں آجھی تک ٹریسٹریٹ نے فیصلہ نہیں کیا اور نہ  
یہ انگوائری جاری رکھنے کے لیے آپ کو مزید وقت دیا ہے۔

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27-5-16  
سرورس میں ٹریسٹریٹ سے انگوائری سے متعلق مورخہ 16/7/16 کو قورسے لیٹریٹ  
application کے فیصلے کے بعد سٹریٹ نوٹس کے مدلل جواب دیا جائے گا۔

مقررہ 14/11/16  
PS  
G.P.S  
Phone: 03445019140  
NIC No: 13101-0936475  
E.P. No - 49/2016

Copy For Information:  
Honorable Chairman/Registrar  
Service Tribunal KPK (Pashawev.) attached

Forwarded to D.E.O Abbottabad  
Date: 26/10/2016  
HEAD TEACHER  
G. P. S. KUMHAR BANDA  
Abbottabad.



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD.

No. 5415-18 /EB/PF/ Maqsood

Dated 27/6/2016

To

Mr. Maqsood Ahmed, PST  
Govt Primary School  
Kumar Bandi Abbottabad.

Subject: SHOW CAUSE NOTICE.

Memo:

Show Cause notice was served upon you vide this office No.5142 dated 16-06-2016 duly received/acknowledged by you on 23-06-2016, wherein you were directed to reply of the same within 07 days or not more than 15 days of its delivery.

You have submitted an application wherein you contended that reply to Show Cause notice will be submitted after the decision of this application which is fixed on 20-07-2016.

It is pertinent to mention here that Court and departmental proceedings may take place simultaneously and it is not necessary to stop/pend departmental proceeding till the finalization of Judicial proceedings. You are delaying the inquiry proceeding on the one pretext or other as no such order was issued by the Honourable Service Tribunal to stop the inquiry proceeding as inquiry has been conducted in accordance with the Judgment of the Honourable Service Tribunal.

You are therefore directed to avoid lame excuses and submit the reply to Show Cause notice upto 01-07-2016, failing which an ex-party action shall be taken under the rules.

DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD.

Endst: of Even No. & Date.

Copy forwarded for information to:

1. Honourable Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar w/r to execution petition No.49/2016 in service appeal No.1252/2013.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. P/S to Secretary Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
4. SDEO(M) Abbottabad.

DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD.

THE DISTT: EDUCATION OFFICER (MALE) ABBOTTABAD.

Amx 19/1/22  
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No. 5142 / AE-II/PF Maqsood PST.  
Dated Abbottabad the 16/6/2016.



0992-9310102  
District Education Officer Atd@gmail.com

To,  
The Sub Divisional Education Officer (M)  
Abbottabad.

Subject: - SHOW CAUSE NOTICE.  
Memo:

Show Cause Notice in respect of Mr. Maqsood Ahmed PST GPS  
Kumar Bandi (Circle Sherwan) is attached herewith. You are hereby directed  
to serve the same to him and return one copy to this office as a token of  
receipt.

*[Signature]*  
16/6/2016  
DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

**DISTRICT EDUCATION OFFICER (M) ABBOTTABAD.**

Dated 16/6/2016.

(24)

**SHOW CAUSE NOTICE.**

Zia-ud-Din, District Education Officer (Male) Abbottabad as Competent Authority, Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 do serve you, Mr. Maqsood Ahmed PST GPS Kumar Bandi (Circle Sherwan) Abbottabad as

That consequent upon the completion of inquiry conducted against you by the inquiry committee, for which you were given opportunity of hearing and further inquiry committee provided you chance of self defence.

ii) On going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defence before the inquiry committee

I am satisfied that you have committed the following offences/acts/omissions specified in Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011.

(a) You remained willful absent from duty and dishonestly/fraudulently drawn Rs.368764/- as pay for the following absence period inflicting huge financial loss to the Govt: Treasury.

Absence Period.	Months/Days.	Gross Pay.	Pay Drawn.
05-11-2010 to 30-11-2010.	26 days.	22732/-	19701/-
01-12-2010 to 20-12-2010.	20 days.	23259/-	15005/-
23-12-2010 to 31-12-2010.	09 days.	23259/-	6753/-
01-01-2011 to 31-03-2011.	03 Months.	23259/-	69777/-
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01-07-2011 to 30-09-2011.	03 Months.	27866/-	83598/-
01-10-2011 to 30-11-2011.	02 Months.	27866/-	55732/-
01-12-2011 to 22-02-2012.	02 Months & 22 days.	28366/-	79019/-
<b>Total Amount:-</b>			<b>Rs.368674/=</b>

(b) By reason of the above, you appear to be guilty of gross misconduct, corruption, inefficiency, insubordination, professional dishonesty and financial loss to the provincial ex-chequer amounting to Rs.368674/- (Rs. Three lac, sixty eight thousand six hundred & seventy four) under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011.

- As a result thereof, I, as Competent Authority, have tentatively decided to impose penalties under Rule-4(1) Sub Rule (a)(ii)&(iii) of the said Rules and recovery of unlawfully drawn amount of Rs.368674/- from Govt: Ex-Chequer, failing which case will be registered against you for the recovery of said amount under the relevant sections of the law of the land.
- You are therefore, required to show cause as to why the aforesaid penalties should not be imposed upon you and also intimate whether you desire to be heard in person.
- If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
- A copy of the findings of the inquiry committee is enclosed

ZIA-UD-DIN  
 DISTRICT EDUCATION OFFICER (M)  
 ABBOTTABAD  
 COMPETENT AUTHORITY

Mr. Maqsood Ahmed PST  
 GPS Kumar Bandi,  
 (Circle Sherwan) Abbottabad

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر صاحب مردانہ ایبٹ آباد

Anx 4/1/2016

جناب عالی! (27)

- 1- مودبانہ گزارش ہے کہ سائل کے خلاف معزز ٹریبونل میں آپ کو فریش انکوائری کا حکم دیا تھا جس کی معیار 60 دن مقرر تھی۔
  - 2- سائل کے خلاف انکوائری کا عمل 60 دن کے بجائے 127 دن میں بھی مکمل نہیں کیا جاسکا اور ٹریبونل کے آرڈر کے باوجود سائل کو ترقی سے بھی محروم رکھا گیا۔
  - 3- سائل نے بااثر مجبوری ٹریبونل میں درخواست دی اور اپنے تحفظات ٹریبونل کے سامنے رکھے تو ٹریبونل نے سائل کی درخواست سماعت کے لئے منظور کرتے ہوئے آپ کو باقاعدہ نوٹس جاری کیا۔
  - 4- مورخہ 22-06-2016 کو آپ کی جانب سے اس بابت ٹریبونل میں درخواست دائر کی گئی کہ انکوائری کیلئے مزید 30 دن کا وقت دیا جائے ٹریبونل نے آپ کی درخواست کو منظور نہیں کیا اور نہ آپ کو انکوائری جاری رکھنے کیلئے مزید وقت فراہم کیا۔
  - 5- ٹریبونل کے آرڈر کے باوجود آپ نے غیر قانونی طور پر سائل کو ایک مرتبہ پھر شوکا ز نوٹس جاری کیا جو ٹریبونل کی توہین کے زمرے میں آتا ہے۔
  - 6- سائل نے مورخہ 29-06-2016 کو شوکا ز کے متعلق ٹریبونل کو مطلع کیا تو ٹریبونل نے سختی سے نوٹس جاری کیا کہ آپ مورخہ 20-07-2016 ٹریبونل میں حاضر ہو کر اس بابت وضاحت کرے کہ ٹریبونل کے آرڈر کے باوجود مقررہ وقت میں انکوائری کا عمل مکمل کیوں نہیں ہوا۔
- لہذا تحریری طور پر ٹریبونل سے انکوائری کے وقت میں توسیع حاصل کریں تاکہ سائل انکوائری کے مزید پراسس کا حصہ بن سکے سائل ٹریبونل کے آرڈر کے بعد ہی شوکا ز نوٹس کا جواب دینے کا پابند ہے۔
- سائل کے خلاف کی جانے والی یکطرفہ کارروائی بدینتی پر مبنی ہوگی۔

المقوم:- 01/07/2016

الحاضر

*(Signature)*

ADOC(E/P)

مقصود احمد GPS/PST کہہار بانڈی سرکل شیروان ضلع ایبٹ آباد

Pre put up  
on file

EP No: 49/16

27/06

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To

The SDEO (M)

A/Asst.

Annex "N"

(28)

Subj: -  
Memo: - s/c cause to Mr. Masood Ahmed P.  
Sps Kumar Bhandi.

Memo:  
with ref to the D/O dated  
No. 5415-18 dt. 27/6/2016 & 5334 dt  
23/6/2016, the undersigned telephonically  
informed Mr. Masood to receive the  
above mentioned letter but he refused  
to do so, then the PST Sps Kumar Bhandi  
received the same but the said PST  
refused to receive from PST.

Later on these letters have been  
posted through registered on his  
home address (Receipt attached)  
Report is submitted for information.

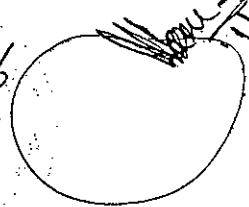
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NOTIFICATION

Mr. Babar Bashir, Sub Divisional Education Officer (M) Abbottabad is hereby appointed as Inquiry Officer to conduct inquiry in respect of Mr. Maqsood Ahmed, PST GPS-Kumar Bandi Circle Sherwan as per report of ASDEO (Circle Sherwan) Abbottabad dated 01.7.2016 and submit recommendations/report within seven days to the undersigned for further proceedings.

Terms of Reference:

Refusal of above named teacher to receive this Office Memo: No.5415-18 dated 27.6.2016 as per above referred report, which was further sent through registered post on his home address which tantamount to insubordination and misconduct under the rules.

*M. A. Bashir*  
DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

Endst: No. 5886-78 /EB-AE-II/PF Maqsood PST

Dated 27-7 /2016

Copy of the above is forwarded to:-

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Sub Divisional Education Officer (M) Abbottabad alongwith relevant report.
3. ASDEO Circle Sherwan.
4. Mr. Maqsood Ahmed, PST GPS Kumar Bandi Circle Sherwan

*M. A. Bashir*  
DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

Subject: - ENQUIRY REPORT REGARDING REFUSAL OF MR. MAQSOOD AHMED PST TO RECEIVE SHOW CAUSE NOTICE.

INTRODUCTION & BACKGROUND:

Mr. Maqsood Ahmed PST remain absent from duty w.e.f. 05/11/2010 to 22/02/2012 and enquiry committee/officers has pointed out some recovery against him. In this regard department proceeding were initiated against him and Show Cause notice was issued to him vide no.5142/EB dated 16/06/2016 in response to his application dated 26/06/2016 and 01/07/2016. He was further directed to submit reply of Show Cause notice vide no. 5415-18 dated 27/06/2016. That was served through ASDEO Circle but as per report of H/T and ASDEO the teacher concern is reluctant to receive the Show Cause notice.

In this regard undersigned was appointed inquiry officer vide no.5826-28/EB-AE-II/PF Maqsood PST dated 27/07/2016.

ENQUIRY AND FINDING:

As per statement of H/T authenticated by ASDEO circle which was duly accepted by Mr. Maqsood Ahmed PST, he refused to receive the Show Cause notice which was sent through registered post and get complied upon.

After due proceeding, Mr Maqsood Ahmed was awarded Minor penalty of withholding promotion for period of three year and recovery of 368674/- vide notification no.5612-18 dated 13-07-2016 corrigendum issued vide no.6780-85 dated 30-08-2016.

RECOMMENDATION:

As the refusal to notice and orders of competent authority is tantamount insubordination and misconduct as per his own statement he accepted the charges in this regard.

However taking lenient view and keeping in view the penalty already imposed upon him. It is recommended that minor penalty of censure imposed upon him so that he may be remain careful in future.

ADJ (E/P)

PK = put up on file

DAV

29/9

9395  
29/9/16

SUB DIVISIONAL EDUCATION OFFICER  
(MALE) ABBOTTABAD

Endst No: 2459

Dated: 28/9/2016

1. Copy of the above is forwarded to DEO (Male) Abbottabad being competent authority.

SUB DIVISIONAL EDUCATION OFFICER

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD



No 9399 / EB-II/P/File-Vol II  
Dated: 27/11 /2016  
☎ 0992-9310102, 0992-330131

To  
The Sub Divisional Education Officer  
(Male) Abbottabad

Subject: PERSONAL HEARING

Memo:

I am directed to refer to the subject cited above and ask you to intimate Mr. Maqsood Ahmed PST GPS Kumar Bandi (Circle Sherwan) to attend the office of District Education Officer (M) Abbottabad On 28.11.2016 at 02 pm for personal hearing along with Head Teacher.

DY: DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

21.11.2016  
AR

Handwritten Urdu notes at the bottom of the page, including the phrase "Relates to ADO (A)" and the date "14/11/16".



9399 (17) (17) (17) (17) (17)

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PERSONAL HEARING

22/11/2016

قانونی مشورہ (3) سیکشن 25(1) 25/11/2016

9399 Personal Hearing 22/11/2016

Personal Hearing 22/11/2016  
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**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD**  
**NOTIFICATION**

In pursuance to Judgment of Honourable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad passed in Service Appeal No.313/2017 announced on 19.2.2019, the inquiry committee comprising of the following officers is hereby constituted to conduct denovo inquiry against Mr. Maqsood Ahmed, PST GPS Kumar Bandi Circle Sherwan presently posted at GPS Muslim Town Circle Abbottabad under E&D Rules 2011 on account of charges/allegations levelled against him and submit comprehensive report within fifteen days for further proceedings.

1. Mr. Tariq Samar, Principal GHS No.4 Abbottabad.
2. Mr. Ikram ul Haq, Principal GHS Takia Sheikhan

**TERMS OF REFERENCE**

To probe the following issues:-

01. That In pursuance to the Judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar passed in Service Appeal No.1252/2013 announced on 16.02.2016, inquiry committee was constituted vide this office Endst: No.3168-75 dated 22.4.2016 to conduct inquiry against the accused. Inquiry Committee submitted its report vide No.378 dated 13.6.2016.
02. That on receipt of above inquiry report, Show Cause Notice was served upon the accused, through Sub Divisional Education Officer (Male) Abbottabad vide this office Memo: No.5142 dated 16-06-2016, wherein it is clearly mentioned at S.No.4 that if no reply of this notice is received within seven days or not more than 15 days of its delivery, it shall be presumed that the accused have no defense to put in and in that case and ex-party action shall be taken against him.
03. The accused failed to reply the show cause notice and submitted an application dated 26.6.2016 wherein in he contended that reply to show cause notice will be submitted after the decision of his Execution Petition in Service Tribunal which is fixed on 20.7.2016.
04. The accused was directed to avoid lame excuses and submit reply to Show Cause Notice upto 01-07-2016 vide this office Memo: No.5415-18 dated 27.6.2016.
05. The accused submitted another application dated 01.7.2016 that he will reply the show cause notice after the decision of the court. He was called for personal hearing on 27.6.2016 through SDEO (M) Abbottabad vide this office Memo: No.5334 dated 23.6.2016.
06. You have refused to receive this office letter Nos. 5334 dated 23.6.2016 & 5415-18 dated 27.6.2016 as per report of ASDEO Circle Sherwan dated 01.7.2016, whereas the said letters were also sent on your home address to register post.

The above mentioned facts proved misconduct and inefficiency on the part of the accused.

The inquiry Committee shall submit report to the undersigned within fifteen (15) days with solid recommendation as laid down in Rules 11 to 14 of the Khyber Pakhtunkhwa Govt: Servants Efficiency & Disciplinary Rules 2011. Opportunity of self-defense and cross examination, the witness/evidence be provided to the accused.

Endst: No. 3050-55 / PF Maqsood, PST  
Copy forwarded to:-

DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD  
Dated 18/3 /2019

1. The Honorable Registrar Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad w/r to judgment passed in Service Appeal No.313/2017 announced on 19.2.2019
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. Mr. Tariq Samar, Principal GHS No.4 Abbottabad alongwith copy of charge sheet, statement of allegations and other relevant documents.
4. Mr. Ikram ul Haq, Principal GHS Takia Sheikhan Abbottabad
5. Sub Divisional Education Officer (Male) Abbottabad with the remarks to cooperate with the inquiry officer.
6. Mr. Maqsood Ahmed, PST GPS Muslim Town Abbottabad.

DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

(34) 237

**OFFICE OF THE PRINCIPAL GOVERNMENT HIGH SCHOOL NO. 4 ABBOTTABAD**

No.1062

Dated:06-05-2019

To

The District Education Officer (M)  
Abbottabad.

Subject: INQUIRY REPORT IN RESPECT OF MR. MAQSOOD AHMED PST

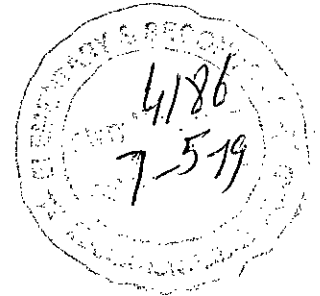
Memo:

Reference Notification issued by your good self vide Endst No. 3050-55/PF dated 18/03/19 a denovo inquiry was marked to the inquiry committee against Mr. Maqsood Ahmed PST GPS Kumar Bandi circle Sherwan presently posted at GPS Muslim Town circle Abbottabad in pursuance of the judgment of the Honorable KPK Service Tribunal Camp Court Abbottabad in Service appeal No. 313/2017 amid on 19/02/2019. The inquiry committee comprised of the following officers.

1. Mr. Tariq Samar, Principal GHS No. 4 Abbottabad.
2. Mr. Ikram ul Haq, Principal GHS Takia Sheikan.

TERMS OF REFERENCE:

1. That in pursuance to the judgment of honorable Khyber Pakhtunkhwa Service Tribunal Peshawar passed in service appeal No. 1252/2013 announced on 16/02/2016, inquiry committee was constituted vide this office Endst: No. 3168-75 Dated 22/04/2016 to conduct inquiry against the accused. Inquiry committee submitted its report vide No. 378 Dated 13/06/2016.
2. That on receipt of above inquiry report, show cause notice was served upon the accused; through Sub Divisional Educational officer (M) Abbottabad vide this office Memo: No. 5142 dated 16/06/2016, where it is clearly mentioned at S.No. 4 if no reply of this notice is received within 7 days or not more than 15 days of its delivery, it shall be presumed that the accused have no defense to put in and that case an ex-party action shall be taken against him.
3. The accused failed to reply the show cause notice and submitted an application dated 26/06/2016 wherein he contended that reply to show cause notice will be submitted after the decision of his execution petition in service tribunal which is fixed on Dated 20/07/2016.
4. The accused was directed to avoid lame excuses and submit reply to show cause notice up to 01/07/2019 vide this office Memo: No.5415-18 Dated 27/06/2016.
5. The accused submitted another application dated 01/07/2016 that he will reply the show cause notice after the decision of the court. He was called for personal



ADD(P)  
for 7/5/19  
DEO  
7/5/19

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hearings on 27/06/2016 through SDO Male Abbottabad vide this office Memo: No.5334 Dated 23/06/2016.

6. You have refused to receive this office letter No. 5334 Dated 23/06/2016 and 5415-18 dated 27/06/2016 as per report of ASDEO circle Sherwan Dated 01/07/2016 whereas the said letters were also send on your home address to the register post.

**PROCEDURE:**

1. Interviews, Personal Hearing, Cross Examination, Scrutiny of office record.
2. Departmental representative: Mr. Zubair Ali ASDEO circle Pind Kargu Khan.

**FACTS/FINDINGS:**

1. As far as the TOR's falling at S.No. 1 to 5, the matter in this regard as been settled by the Competent Authority and the Honorable Service Tribunal KPK.
2. The inquiry committee has decided to confine itself to the allegations leveled against the accused at Serial No. 6.
3. The appeal of the plaintiff has been accepted by the Honorable KPK Services Tribunal Peshawar at camp office Abbottabad on dated 19/02/2019.
4. The accused has been called by the inquiry committee on 05/04/2019 at GHIS NO. 4 Abbottabad and directed to submit his reply against the allegations leveled against him on 08/04/2019(Annex-1)
5. The accused submitted his reply on 08/04/2019 wherein he requested the inquiry committee to call the then ADDEO circle Sherwan, Mr. Chenzeb and the then Head Teacher, Mr. Gulzar Ahmed, GPS Kumar Bandi for Cross Examination.(Annex-2)
6. The inquiry committee asked the above mentioned officials to appear before the inquiry committee on 27/04/2019 vide letter No. 1052 of dated 18/04/2019.(Annex-3)
7. The competent authority has nominated Mr. Zubair Ali, ASDEO, circle Pind Kargu Khan, as departmental representative for the cross examination and personal hearing of the accused and witnesses (Annex-4).
8. The inquiry committee held its meeting for cross examination on 27/04/2019 at the office of the DEO (M), Abbottabad. All the stake holders were present at the spot. (Attendance Sheet attached, Annex-5)
9. Mr. Chenzeb, the then ASDEO circle Sherwan (Now SDEO (M) Aiaz, Kohistan), Mr. Gulzar Ahmed, the then Head Teacher GPS Kumar Bandi and Mr. Maqsood Ahmed PST (the accused) have been cross examined in presence of the

Departmental Representative. Their responses are here by attached as (Annex-6,6-A, 7 and 7-A.)

10. The attitude of Mr. Maqsood Ahmed PST has been found aggressive, ill mannered, abusive and misconductive with Mr. Zubair Ali ASDEO circle Pind Kargu Khan. (The Departmental Representative) throughout the proceedings of cross examination.
11. The accused continued to enforce Mr. Gulzar Ahmed the Head Teacher to change his statement as per the sweet will of the accused.
12. During cross examination the accused presented a statement given by Mr. Gulzar Ahmed, the then Head teacher GPS Kumar Bandi. This statement shows that Mr. Gulzar Ahmed was forced by Mr. Chenzeb, circle ASDEO, to give false statement against Mr. Maqsood Ahmed. This statement was shown to Mr. Gulzar Ahmed in front of Mr. Maqsood Ahmed, the accused, and question was put before Mr. Gulzar Ahmed about the validity of this statement. Mr. Gulzar Ahmed disowned the statement specifically regarding the last sentence of the statement. This shows that the accused has misled the inquiry committee and distorted the facts which are unfair.
13. As per statement of Mr. Gulzar Ahmed the show cause notices were not received by the accused delivered on spot by Mr. Chenzeb, ASDEO circle Sherwan and he is the witness of this refusal.
14. During the cross examination and personal hearing Mr. Maqsood Ahmed could not prove himself innocent against the allegations leveled against him.
15. The inquiry committee also observes that department is also responsible for the casual, rude and inefficient behavior of the accused as his absent period has already been converted into EOL. If proper proceedings have been followed and due punishment on absence from duty has been awarded, the scenario would have been different. Whenever the lawbreakers are softly treated, it not only gives space to the lawbreakers but also sets a precedent for others.
16. By going through the inquiry proceedings, the inquiry committee is of the opinion that the accused deserved the minor penalty awarded by the competent authority of three years stoppage of promotion vide order No.5612 18/A1-2 of dated 13/07/2016 (Annex-8).

#### RECOMMENDATIONS:

1. It was quite evident from cross examination proceedings that Mr. Maqsood Ahmed PST GPS Kumar Bandi has refused to receive the show cause notices from Mr. Chenzeb, the then ASDEO circle Sherwan which were issued vide

letter No. 5334 of Dated 23/06/16 and 5415-18 of Dated 27/06/2016. Mr. Gulzar Ahmed the then Head teacher GPS Kumar Bandi has also endorsed the facts in his written statement. All the facts proved Misconduct and Insubordination on the part of the accused.

2. Proper disciplinary action against the accused is needful on account of his misbehavior with the departmental representative.
3. In case of any disciplinary action against the accused is initiated in future, the defaulter may be declared as unfit for further promotion.
4. The minor penalty of Stoppage of 03 years promotion under rule 04 (ii) of the Government of KPK E&D rule 2011 (already imposed vide DEO Male Abbottabad Office Order Endst: No. 5612-18/AE-2 dated 13/07/2016) in respect of the accused may be retained.



(Inquiry Officer)  
Ikram Ul Haq  
Principal GHS  
Takia Sheikhan Abbottabad



(Inquiry Officer)  
Tariq Samar  
Principal GHS No. 4  
Abbottabad

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27/4

میں مہمی جن ذریعے 400 کیرل شیروان نے سیر مقصود احمد  
 کو شوکارا وصول کرنے کو کہا تو انہوں نے اس کی وصولی سے  
 انکار کیا۔ اس کے بعد وہ سٹور ہاؤس سیر گلزار احمد کو وصول  
 کرایا لیکن بعد میں انہوں نے بھی کہا کہ مقصود احمد شو  
 لینے سے انکار کیا ہے۔ اس بائیت ایک رپورٹ بھی  
 متعلقہ آفس کی گئی تھی۔

جن ذریعے  
 88350 (01) Akbar  
 27/4/019-

*(Signature)*  
 Akbar

*(Signature)*  
 D/Rep

جرح لبر چن زیب فہمائے معقود احمد

س: کیا آپ نے میری شکر کار وصول نہ کرنے کی شکایت  
DEO آفس کو دی ہے؟

ج: جی ہاں میں نے محترمہ کو شکر کار وصول کی ہے فائل  
میں موجود ہے۔

س: کیا رٹکوالٹری کا جو پراسس ہوتا ہے وہ By hand  
ہوتا ہے یا بذریعہ ریگریٹری؟

ج: بذریعہ ریگریٹری۔  
س: رٹکوالٹری ٹوٹس آپ نے مجھے وصول کروا دیا ہے یا  
بیمڈ پیپر کو؟

ج: ہیلے میں نے شکر کار وصولی کے لیے فون کال کی معقودہ  
کو تو انہوں نے کہا کہ مجھے بذریعہ ریگریٹری تو میں  
نے شکر کار بذریعہ ریگریٹری بھیجا اور پھر میں  
معقودہ احمد اسکول میں گیا تو مذکورہ مدرس میں تھے اور  
کیا کہ میں اپنے وکیل صاحب سے بات کروں گا تو میں  
نے شکر کار بیمڈ پیپر منڈار صاحب کو وصول کروا دیا جو  
بعد میں بیمڈ پیپر چھیننے کہا کہ معقودہ احمد لٹنے سے  
انکاری ہیں۔

س: کیا آپ کے پاس کوئی گواہ ہے کہ میں نے شکر کار  
ٹوٹس وصول نہیں کیا؟

27/4/19

ج: جی ہاں گواہ بیمڈ پیپر ہے۔



میں گلزار احمد PSHT PS کی بار بار ہائی حلقہ

راوی ہوں کہ مقصود احمد PST نائب مدبر ہیں یہ ہیں

شوکار نوشی کے حوالے سے بات یہ ہے کہ چن زبیب صاحب  
AD سرکل شروران 2 شوکار نوشی سے کہ PS کی بار بار ہائی

کے ٹائم ٹیبلنگ تو مسٹر مقصود احمد نے لیتے سے انتہا کیا جو

میں تو یہ  $\frac{1}{2}$  گنت کے بعد وصول یا لیا جو علیہ پھر نے  
AD صاحب کو کول ٹائم کے بعد تو یہ خود آکر آگاہ

اور جمع کر دیا

27/4/19

سید  
D/Rep

گلزار احمد  
علیہ پھر PS کی بار بار ہائی

ہر جہز لبر گواہ میڈیٹر جی بی ایس ملا باڈی گلزار لبر -  
ن: کیا دوران سروں مہری اور ایسی کوئی ریشٹن ہوگی؟

ج: جی نہیں کہی نہیں ہوئی۔

ن: کہی آپ نے مجھے جو بھی لیٹر یا شوکار دیا ہے  
میں نے وصول کرنے سے انکار کیا ہے۔

ج: جی میں سٹین ایک لیٹر شوکار جو جن زیب نے  
دیا تھا وہ آئینہ وصول نہیں کیا تھا۔ مجھ سے وہ لیٹر وصول آئینہ  
سکر گیا تھا۔

ن: کیا جن زیب نے آپ سے زبردستی لیٹر انکاری کا

مکھو رہا تھا یا کیا تھا؟  
ج: جی جن زیب نے کہی نہیں کہا تھا۔

ن: کیا آپ نے مجھے جو سرٹیفکیٹ دیا تھا اس میں مہری طرف  
سے کوئی زبردستی یا رابطہ تھی یا آپ نے خدا کے خوف  
سے کہا ہے؟

ج: لعدقی سرٹیفکیٹ کی کمر مہری نہ ہے میرا آج والا بیان  
جو میں نے آپ سے سامنے دیا ہے وہ میرا ہے اور  
درست ہے۔ لعدقی سرٹیفکیٹ ہی ساری زبردستی سے  
سوئے زبردستی لیٹر وصول کرنے والے آفری مجھے کی۔

ن: کیا جن زیب ADO جو بھی لیٹر لکھا ہے نے کر آئے ہیں تو میں  
نے بھی لیٹر وصول کرنے سے انکار کیا ہے؟

ج: سوئے ایک لیٹر جو شوکار لکھا تھا۔

Anx "S"  
(42)

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

No. 6394-46 /PF Maqsood Ahmed

Dated 20 / 5 /2019

Mr. Maqsood Ahmed, PST,  
GPS Muslim Town,  
Circle Abbottabad

Subject: SHOW CAUSE NOTICE/PERSONAL HEARING

Memo:

With reference to your application dated 29.5.2019 regarding cross examination and personal hearing, it is stated that inquiry committee provided you opportunity of cross examination/personal hearing/witness against you on 27.4.2019 vide its letter No.1052 dated 18.4.2019. You appeared before the inquiry committee on the schedule date, availed the said opportunity. On receipt of inquiry report, show cause notice was served upon you through SDEO (M) Abbottabad vide this office Memo: No.5600 dated 14.5.2019, wherein it is clearly mentioned in Para-4 if no reply to this notice is received within 10 days or not more than 15 days of its delivery, it shall be presumed that you have no defence to put in and that case ex-party shall be taken against you.

You have received copy of inquiry report alongwith relevant documents on 29.5.2019. You are therefore, directed to avoid lame excuses and appear for personal hearing on 01.6.2019 at 10.00 AM in the office of the undersigned alongwith reply of the show cause notice failing which ex-party shall be taken against you under the rule.

DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

Endst: of even No. & date

Copy forwarded for information to the:-

1. Honorable Registrar Khyber-Pakhtunkhwa Service Tribunal Peshawar with reference to judgment passed in service appeal No. 313/2017 dated 19.02.2019.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Sub Divisional Education Officer (Male) Abbottabad with the remarks to direct the teacher concerned to appear for personal hearing on 01.6.2019 at 10.00 AM in the office of the undersigned alongwith reply of the show cause notice.

DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

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"T"  
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VAMx



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

No. 5600 / Maqsood Ahmed PST

Dated 14/5 /2019

The Sub Divisional Education Officer (M)  
Abbottabad

Subject: SHOW CAUSE NOTICE  
Memo:

Show cause notice in respect of Mr. Maqsood Ahmed, PST GPS Muslim Town (Abbottabad) attached herewith. You are directed to serve the same to the concerned teacher and return copy of the same as a token of receipt to this office.

  
DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

No. 560 /PF Maqsood Ahmed

Dated 14/5 /2019.

(44)

SHOW CAUSE NOTIC

I Qazi Tajammal Hussain, District Education Officer (Male) Abbottabad as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011 do hereby serve you, Mr. Maqsood Ahmed, PST GPS Kumar Bandi presently posted at GPS Muslim Town Abbottabad, as follows:-

1. (i) That consequent upon the completion of denovo inquiry conducted against you by the Inquiry Committee, for which you were provided opportunity of hearing, chance of self-defense and cross examination by the Inquiry Committee.

(ii) Ongoing through the findings and recommendations of the denovo Inquiry Committee, the material on record and other connected papers.

I am satisfied that you have committed the following offenses/acts/omissions specified in Rule-3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011.

(iii) You have refused to receive this office letter No.5334 dated 23.6.2016 & 5415-18 dated 27.6.2016 as per report of ASDEO Circle Sherwan dated 01.7.2016, which amounts to misconduct under the Rule, whereas the said laid were also sent on home address by registered post.

2. As result thereof, I, as Competent Authority have tentatively decided to impose *major penalty* under Rule-4 of the Khyber Pakhtunkhwa Govt: Servants (E&D) Rules 2011.

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

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

COMPETENT AUTHORITY

Mr. Maqsood Ahmed, PST GPS Kumar Bandi  
Presently posted at GPS Muslim Town Abbottabad

(M/S) (M/S) P. DEO

Anx 45

Change Sheet & Statement  
of Allegation w/r 3049

dated: 18/3/2019

Signature

Signature

Handwritten signature

P. Hearing

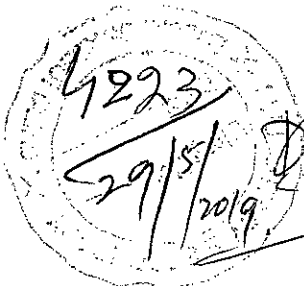
Cross Examination

Exam with P. Hearing

Signature  
29/5/2019

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GPS DST



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29/5

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29/5

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01 2019  
CPD کے نام سے

پرسنل ہیئرنگ کے لئے درخواستیں PST

<p>آپ کو درخواست 01/6/2019 کو Personal Hearing کے لئے          6344-96-30/5/2019 کو بلا لیا گیا تو لٹریز 5600 PST ہے۔          12 صفحات Amexon کے لئے تیار ہو جانے کے ساتھ attached ہیں</p>	<p>1 آپ نے سٹیوڈنٹ ٹولس کو لے کر          درخواستوں سے بحال رہیں 5600          مورخہ 14.5.2019 کو جاری          ہوا ہے۔ بطور دلیل بائیس</p>
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مورخہ 27/4/2019 کو حاضر ہوا۔ سٹیوڈنٹ ٹولس کو لے کر  
 Repentii پر عمل آ رہا ہے  
 (کھینچے ہوئے) معاملات کے بارے میں

2 انکوائری کے لئے مورخہ 27-4-2019  
 کو آپ کو Cross Exam اور  
 Personal Hearing کے لئے بلایا گیا۔ کیا آپ  
 مذکورہ تاریخ کو حاضر ہوئے  
 تھے یا نہیں؟

Repn (زیپر) کے دربار کی درخواست اور درخواست  
 سے متعلقہ درخواستیں PST کے تحت جاری  
 ہیں۔ کیونکہ انہوں نے (معاذ اللہ) اس وقت  
 سے کہیں اور نہیں کے جوابات دیے۔

3 آپ نے کلر اور PST  
 CPS کیا، بائیس پر درخواست  
 کی تھی یا نہیں؟

جین زبیر سے ASD پر درخواست کے متعلقہ  
 درخواستوں کے بارے میں جوابات دوپہر 7 بجے اور زبیر سے  
 نے مورخہ کے جوابات دیے۔

4 آپ نے جین زبیر سے  
 ASD پر درخواست  
 کی تھی یا نہیں؟

میں مورخہ 03/5/19 کو انکوائری آفیسر صاحبان  
 کے پاس دربارہ بیان کے لئے درخواست دی جو  
 انہوں نے لی اور ASD سے رابطہ کرنے کو کہا ہے ابھی تک  
 کے بارے میں آ رہا ہے کہ کیا ہے۔  
 (by oath) نہیں لیا گیا۔

5 آپ نے 27.4.2019 کو Cross  
 Exam کے لئے لے کر انکوائری  
 کے لئے درخواستیں Cross Exam  
 کی درخواستیں کی تھی؟

اس کے علاوہ اپنے دفاع میں مزید کچھ کہنا چاہتا ہوں۔  
میں لوگوں کو گروہ کر رہا ہوں۔

جواب۔ میں ان لوگوں کو اپنے پیروں سے متعلق نہیں ہوں کیونکہ

میں نے ان سے کسی ایسی بات نہیں کہی ہے جو ان کے لئے

کاروبار رکھا اور de-fatter سے متعلق

اور میں خلاف نکتہ وار <sup>یعنی</sup> شکایت کرتا ہوں

میں نے ان سے تعاون سے پیش آئے۔ اور میں ان سے

Shew Case وصول کرنے کے لئے original میں بائیں موجود

دیکھتے اور خود کرنے کے لئے تیار نہیں ہوں

میں ان لوگوں کو ماحول غراب ہوا۔

PST مقصود احمد

9PS Muslim Town

11/6/2019

Supalath

Print up

11/6/19

ان لوگوں کو ہر بات ماننے کو تیار ہو گیا۔ ان کا کوئی بھی بیان حلفاً (by oath) نہ لیا گیا۔



بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) ایبٹ آباد

عنوان: بحوالہ نمبری 5601/14/05/2019 PF Maqsood Ahmed / Rply  
Personal hearing No: 6394-96/30/5/2019

جناب عالی!

محترم چنیزیب صاحب ADO مجھے شوکا ز نمبر 5142/16/06/2016 سکول کے اندر کمرہ جماعت میں وصول کرانے داخل ہونے لگے تو میں نے ہیڈ ٹیچر صاحب کو اشارے سے وصولی کے لئے کہا اور وہ بیٹھے بغیر شوکا ز نمبر 5142/16/06/2016 مورخہ 23/06/2016 ادا کر کے چلے گئے جو میں نے کچھ وقت کے بعد ہیڈ ٹیچر سے وصول کیا نہ کہ انکار کیا اور مورخہ 27/06/2016 کو اس کا جواب بھی دے دیا۔ ص 3

(ii) لیٹر نمبر 5334 مورخہ 23/06/2016، جس کی اطلاع فون پر مورخہ 27/06/2016 کو دی گئی، کہ Per/hearing کیلئے آج حاضر ہوں۔ سائل 5142/16/06/2016 کے جواب جمع کرنے دفتر میں ہی تھا کہ پیش ہو گیا جبکہ تیسرا لیٹر شوکا ز نمبر 5415/27/06/2016 مورخہ 28/06/2016 کو ADO صاحب سکول سے باہر ہیڈ ٹیچر کو بلا کر دونوں اکٹھے ادا کرتے ہیں جو سائل نے مورخہ 29/06/2016 کو نوٹو کاپی پر دستخط دینے کے بعد ہیڈ ٹیچر کے خفیہ بتانے پر 29/06/2016 کو دونوں اکٹھے وصول کر لئے۔ اُن کا بھی انکار نہیں کیا اور مورخہ 01/07/2016 کو جواب بھی دے دیا جسکی تصدیق انکوائری کے دوران ہیڈ ٹیچر نے کر دی۔ (کاپی منسلک ہے)۔ اور بعد میں 11/07/2016 کار جسٹری کیا ہوا 13/07/2016 کو پوسٹ آفس کے ذریعے ایک رجسٹری ملی وہ بھی وصول کر لی جس کا جواب 01/07/2016 کو ادا کیا ہوا تھا (ڈاکخانہ رجسٹری کاپی منسلک ہے) ص 4

جناب عالی! یہ سارا معاملہ چنیزیب صاحب ADO کی سائل کی بسلسلہ ٹرانسفر GPS گوجر موڑ، ذاتی رنجش کے (۱۰-۱۱) مورخہ 05/05/19، 20/05/19 کی آپ کو جامع درخواست عنایت کی پھر مورخہ 24/05/19 کو جناب سیکرٹری صاحب (حسب ضابطہ انکوائری ADO چنیزیب) عنایت کی۔ (کاپی منسلک ہے)۔ جس کا جواب ابھی نہ ملا۔ ص: (11, 12)

(iii) یہ کہ ہیڈ ٹیچر گلزار صاحب کی تحریر ”تینوں شوکا ز کا وصول کئے و جواب دیئے“ مخلصانہ اور سچی تھی جس کو انکوائری میں Force کرتے ہوئے جھوٹا قرار دینے کی کوشش کی جا رہی ہے جبکہ انہوں نے مجھ سے لکھوا کر خود پڑھ کر دستخط کئے اور مہر لگا کر دی جبکہ انکوائری میں انہیں ڈرا دھمکا کر اُسے جھوٹا قرار دینے کی کوشش کی گئی تو اس لئے میں ان سے کراس سوال کرنا چاہتا تھا جو انکوائری آفیسر نے نہ کرنے دیئے اور نمائندہ دفتر نے اپنی مرضی سے سوال و جواب ان سے کئے اور لکھے جس پر میں نے احتجاجاً التجا کی تو انکوائری آفیسر و نمائندہ دفتر (زیر صاحب) نے مجھے زد و کوب کرنے کی کوشش کی اور زیر صاحب کے الفاظ کہ میں ابھی چنڈر روز جیل سے ہو کر آیا ہوں لہذا مجھے مزید الجھنے پر مجبور نہ کرو۔ سائل مجبوراً ان کی انکوائری کی ہر بات، ماننے کو تیار ہو گیا۔ ان کا کوئی بھی بیان حلفاً (by oath) نہ لیا گیا۔

زیر دستخطی نے چنزب ADO سے انکوائری کی پروسیڈنگ کبھی by hand ہوتی ہے کے بارے میں پوچھا انہوں نے مانا کہ میں نے غیر قانونی طور پر by hand پروسیڈنگ کی ہے کہ انکوائری by hand نہیں ہونی رجسٹری کی شکل میں ہوتی ہے۔ میں نے پوچھا آپ میرے ساتھ by hand کیوں کرتے رہے ہیں آیا مجھے ڈرانے کیلئے ایسا کیا جس پر انہوں نے کوئی جواب نہیں دیا۔ نمائندہ صاحب نے ان کا یہ جواب تحریر کرنے میں بددیانتی کی اور اپنی مرضی سے لکھتے رہے۔

جناب عالی: اگر یہ قانون کے مطابق رجسٹری کی شکل میں قبل از وقت گھریا سکول کے پتہ پر شوکاز بھیجتے تو اتنے الزامات زیر دستخطی پر نہ لگتے اور سرکاری مشینری کا غلط استعمال نہ ہوتا۔

ڈیئر جناب: وہ میں اللہ تعالیٰ کو حاضر و ناظر جان کر کہتا ہوں کہ میں نے تینوں شوکاز وصول کئے، وقت پر لئے صرف ایک شوکاز جس کا کمپلیٹ میں ذکر نہیں 5142/16/06/16 تاخیر سے وصول کیا ہے نہ کہ انکاری ہوا ہوں اور کوئی دھوکہ بازی نہیں کی، (ص ۷)

میرے تینوں شوکاز کے جوابات دینا آپ کے حکم کی فرمانبرداری ثابت ہوتا ہے۔ میں نے شوکاز وصول کرتے ہوئے اور 27/06/16 کو Per/hearing میں شامل ہو کر آپ کے حکم کو Compliance کیا ہے نہ کہ Mis-conduct اور چنزب صاحب کی رپورٹ سراسر جھوٹ پر مبنی ہے اگر شوکاز چنزب صاحب ADO، کسی سمجھدار آدمی سے مشورہ کرتے ہوئے پہلے ہی بذریعہ رجسٹری گھریا سکول کے پتہ پر بھیج دیتے تو اتنے الزامات زیر دستخطی پر نہ لگتے اور سرکاری مشینری کا غلط استعمال نہ ہوتا اور زیر دستخطی کا اصل معاملہ Absent from duty بروقت وضاحت انتہائی درنگی کے ساتھ کرنے کا موقع ملتا اور مندرجہ بالا اصل چارج کب تک ثابت ہو چکا ہوتا۔ زیر دستخطی بے قصور تھا۔ شاید ADO صاحب نے اپنی کوئی ذاتی رنجش دور کرنے کے لئے تمام سرکاری مشینری کو غلط استعمال کیا اور شوکاز نہ وصول کرنے کا بہانہ رکھ کر زیر دستخطی کو Damage کیا گیا۔

جناب سے التجا ہے کہ دوران انکوائری لگائے گئے الزامات Prosecution اور گواہ، حقائق اور قانوناً ثابت نہ کر سکی اور انکوائری میرٹ پر نہ کی گئی۔ لہذا حقائق، قانون اور میرٹ کو مد نظر رکھتے ہوئے مسائل پر لگائے گئے الزامات کو مسترد کر کے مسائل کو انصاف فراہم کیا جائے۔ اللہ آپ کا حامی و ناصر ہو۔

01/06/2019: المرقوم:

(12 عدد کا پی) (مشکت ہند)

العارض: 1/6/2019  
مقصود احمد، PST، GPS، مسلم ٹاؤن، ایبٹ آباد  
03105820209

Anx "W"  
(50)

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

**ORDER**

- WHEREAS major penalty of "*WITHHOLDING OF PROMOTION FOR A PERIOD OF THREE YEARS*" was imposed upon you, Mr. Maqsood Ahmed, while working as PST at GPS Kumar Bandi presently posted GPS Muslim Town Abbottabad vide this office order issued under Endst: No.10150-52 dated 13.12.2016.
- 2 AND WHEREAS, you were proceeded for having committed the following gross irregularities which constitute inefficiency & misconduct under Rule-3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011.
  - 3 AND WHEREAS, in pursuance to the Judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar passed in Service Appeal No.313/2017 announced on 19.02.2019, Inquiry Committee was constituted vide this Office Notification issued under Endst: No.3050-55 dated 18.3.2019 to conduct denovo inquiry against you under the rule and provide you the opportunity of self defence and as well as cross examination the witness against you, if any. Charge Sheet and Statement of Allegations was served upon you through SDEO (M) Abbottabad vide this office Memo: No.3049 dated 18.3.2019.
  - 4 AND WHEREAS Inquiry Committee provided you the opportunity of self defence as well as cross examination and submitted its findings/recommendation vide Memo: No.1062 dated 06.5.2019.
  - 5 AND WHEREAS, Show Cause Notice regarding your refusal to receive this office letter No.5334 dated 23.6.2016 and 5415-18 dated 27.6.2016 in the light of above inquiry report was served upon you vide this office Memo: No.5600 dated 14.5.2019 through SDEO (M) Abbottabad, wherein major penalty under Rule-4 of the rules ibid was tentatively imposed upon you.
  - 6 AND WHEREAS, you failed to reply of the show cause notice within stipulated period and submitted an application dated 29.5.2019 wherein in you contended to re-cross examination and personal hearing.
  - 7 AND WHEREAS, you were directed vide this office Memo: No.6394-96 dated 30.5.2019 to appear for personal hearing on 01.6.2019 alongwith reply of show cause notice and avail the opportunity of self defence.
  - 8 AND WHEREAS you appeared for personal hearing on the due date, submitted reply of show cause notice which was found unsatisfactory, while you badly failed to defend the charges leveled against you.
  - 9 AND by reason of above, charges leveled against you have been proved and you were found guilty of misconduct & inefficiency under Rule-3 of the said Rules.

NOW THEREFORE, as per recommendation of the Inquiry Committee, the Competent Authority in exercise of the power conferred upon him under Rule-4 of Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) Rules, 2011, that major penalty of "*WITHHOLDING OF PROMOTION FOR A PERIOD OF THREE YEARS*" already imposed upon Mr. Maqsood Ahmed, PST Govt: Primary School Kumar Bandi Circle Sherwan presently posted as PST at GPS Muslim Town Abbottabad vide this office order issued under Endst: No.10150-52 dated 13.12.2016 shall remain intact.

Endst: No. 7775-79 /PF Maqsood Ahmed PST  
Copy for information & necessary action to the:-

DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

Dated 10/7 /2019

1. Honorable Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar passed in Service Appeal No. 313/2017 announced on 19.02.2019.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Comptroller of Accounts Abbottabad
4. Sub Divisional Education Officer (Male) Abbottabad with the remarks that relevant entry should be made in the service book of the teacher concerned and submit compliance report positively.
5. Mr. Maqsood Ahmed, PST GPS Muslim Town Abbottabad.

DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

V.A.M. X  
(51)

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

**NOTIFICATION:-**

Consequent upon the recommendation of the Departmental Promotion Committee dated 17.04.2021 and in pursuance to the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Notification issued vide No. SO (B&A)/1-18/E&SE/2012 dated 11.7.2012; Finance Department Endst: No.SO(FR)/FD/10-22(E)/2010 dated 16.7.2012 & further amendment vide Notification No. SO (PE)4-5/SSRC/Meeting/2012/Teaching Cadre/2017 dated 30/01/2018, the following (01) Primary School Teacher is hereby promoted to the post of SPST BPS-14 (Rs.15180-1170-50280) plus usual allowances as admissible under the rules on regular basis on the terms & conditions given below and are hereby further posted against vacant post of SPST BPS-14 in the school noted against his name with immediate effect.

S #	PST Seniority No.	Name of Teacher	Present School	Place of posting	Remarks
1	578	Maqsood Ahmed	GPS Muslim Town	Promoted & posted in the same school	Against V/Post

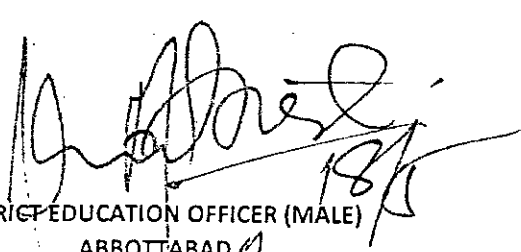
**Terms & Conditions:**

1. On his promotion, the teacher concerned will be on probation for a period of one year in terms of section-6(2) of Khyber Pakhtunkhwa Civil Servant Act 1973 read with rule 15 (1) of civil, Servant (appointment, Promotion & Transfer) Rules 1989.
2. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. His services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he will be proceeded under the rules framed time to time unsatisfactory during probationary period. In case of misconduct, he will be proceeded under the rules framed time to time probationary period.
4. His Inter-Se-Seniority on the lower post will intact.
5. He will give an undertaking to be recorded in his Service Books to the effect that if any over payment is made to him will be recovered and if he is wrongly promoted, he will be reversed.
6. He should join his post within fifteen days (15) of the issuance of this order. In case of failure to join his post within 15 days, his promotion will expire automatically and no subsequent appeal will be entertained.
7. Necessary entries should be recorded in his service book.
8. Charge report should be submitted to all concerned.
9. Checking & verification of all documents shall be ensured by the DDO concerned.
10. NO TA/DA is allowed.

MUHAMMAD SHAUKAT  
DISTRICT EDUCATION OFFICER (MALE)  
ABBOTTABAD

Endst: No. 3109-15 /Promotion PST to SPST 5/2018 dated 18-05-2021

1. PS to Secretary Govt: of Khyber Pakhtunkhwa E&SED Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Monitoring Officer (IMU) Abbottabad.
4. District Comptroller of Accounts Abbottabad.
5. Sub Divisional Education Officer (M) Abbottabad.
6. Assistant Programmer EMIS Local Office.
7. Teacher concerned.

  
DISTRICT EDUCATION OFFICER (MALE)  
ABBOTTABAD

# OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

## NOTIFICATION:-

Consequent upon the recommendation of the Departmental Promotion Committee dated 17.04.2021 and in pursuance to the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Notification issued vide No. SO (B&A)/1-18/E&SE/2012 dated 11.7.2012, Finance Department Endst: No.SO(FR)/FD/10-22(E)/2010 dated 16.7.2012 & further amendment vide Notification No. SO (PE)4-5/SSRC/Meeting/2012/Teaching Cadre/2017 dated 30/01/2018, the following (01) Primary School Teacher is hereby promoted to the post of SPST BPS-14 (Rs.15180-1170-50280) plus usual allowances as admissible under the rules on regular basis on the terms & conditions given below and are hereby further posted against vacant post of SPST BPS-14 in the school noted against his name with immediate effect.

S#	PST Seniority No.	Name of Teacher	Present School	Place of posting	Remarks
1	578	Maqsood Ahmed	GPS Muslim Town	Promoted & posted in the same school	Against V/Post

### Terms & Conditions:

1. On his promotion, the teacher concerned will be on probation for a period of one year in terms of section-6(2) of Khyber Pakhtunkhwa Civil Servant Act 1973 read with rule 15 (1) of civil, Servant (appointment, Promotion & Transfer) Rules 1989.
2. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. His services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he will be proceeded under the rules framed time to time unsatisfactory during probationary period. In case of misconduct, he will be proceeded under the rules framed time to time probationary period.
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5. He will give an undertaking to be recorded in his Service Books to the effect that if any over payment is made to him will be recovered and if he is wrongly promoted, he will be reversed.
6. He should join his post within fifteen days (15) of the issuance of this order. In case of failure to join his post within 15 days, his promotion will expire automatically and no subsequent appeal will be entertained.
7. Necessary entries should be recorded in his service book.
8. Charge report should be submitted to all concerned.
9. Checking & verification of all documents shall be ensured by the DDO concerned.
10. NO TA/DA is allowed.

MUHAMMAD SHAUKAT  
DISTRICT EDUCATION OFFICER (MALE)  
ABBOTTABAD

Endst: No. 3109-15 /Promotion PST to SPST 5/2018 dated 18-05-2021

1. PS to Secretary Govt: of Khyber Pakhtunkhwa E&SED Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. District Comptroller of Accounts Abbottabad.
5. Sub.Divisional Education Officer (M) Abbottabad.
6. Assistant Programmer EMIS Local Office.
7. Teacher concerned.

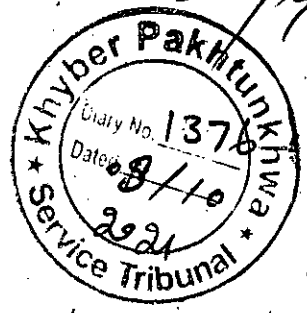
DISTRICT EDUCATION OFFICER (MALE)  
ABBOTTABAD

fore The Honorable Service Tribunal Peshawar

18/01/22

Appeal No. 1726/19

up to the Monthly Chairman  
with relevant appeal Magsood Ahmed



VERSUS

Research

12/10/21

Govt. KPK and others

Application for soliciting as Near as possible early date at Comp Court Abbottabad for Arguments

Allowed

19-11-2021

Respectfully Sheweth:-

15/11/2021

i) that the titled Appeal is pending disposal before this Honorable Tribunal.

ii) that valuable right of applicant involved.

It is requested that this appeal may be fixed <sup>on 18/11/2022</sup> Early date at next tour of bench in Abbottabad Comp Court in the interest of Justice with Thanks

*[Signature]*  
Appellant

MAGSOOD AHMED  
Appeal No. 1726/19

10  
Sd/- 8/2021

18/11/22