

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1614/2019

Date of Institution ... 26.11.2019

Date of Decision ... 12.11.2021

Mr. Muhammad Sadiq Son of Mr. Saadat Khan Ex-Lecturer in Mathematics R/o
Village & P.O Takht-e-Nasrati District Karak.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat,
Peshawar and four others.

... (Respondents)

MR. HIDAYATULLAH KHATTAK,
Advocate

... For Appellant

MR. ASIF MASOOD ALI SHAH,
Deputy District Attorney

... For Respondents

SALAH-UD-DIN
ATIQ-UR-REHMAN WAZIR

...
...

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that the appellant joined Education Department as Lecturer (BPS-17) and in due course, proceeded on deputation to Federal Education Department on 27-06-2012. Deputation period of the appellant expired on 26-06-2017 and the appellant submitted an application for extension of his deputation under wedlock policy, but the same was regretted, hence the appellant was relieved by the borrowing department vide order dated 14-09-2018 and the appellant reported his arrival in the parent department on 18-09-2018, but the appellant was proceeded against for the charges of over stay and ultimately removed from service vide order

dated 29-08-2019. Feeling aggrieved, the appellant filed departmental appeal which was rejected vide order dated 07-11-2019, hence the instant service appeal with prayers that the impugned orders dated 29-08-2019 and 07-11-2019 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the impugned orders are against law and facts, hence liable to be set aside; that action of the respondents by not taking into consideration recommendation of the inquiry committee is based on malafide, as the inquiry committee had exonerated the appellant of the charges; that the respondents as per law were required to order fresh inquiry, if they were not satisfied with recommendations of the findings of the report, but such procedure was ignored in case of the appellant; that the appellant was charged for absence from duty, it however is proved beyond any doubt that the appellant performed duty during the mentioned period in Federal Education Department.

03. Learned Deputy District Attorney for the respondents has contended that the appellant remained on deputation until 26-06-2017 and after expiry of his deputation period, he was required to resume his duty, but instead he requested for further extension, which however was not allowed as per rule; that the appellant resumed the charge on 18-09-2018 after lapse of 15 months, which comes under willful absenteeism; that the appellant was proceeded against on such charges and was awarded major punishment of removal from service; that the inquiry committee exonerated him of the charges, but recommendation of the inquiry committee is not binding upon the competent authority, hence such plea of the appellant does not hold ground.

04. We have heard learned counsel for the parties and have perused the record:

05. Record reveals that the appellant remained on deputation until 26-06-2017, but well before expiry of the deputation period, the appellant applied for extension in deputation under wedlock policy, as his wife was also serving in the same station. His request was processed at some length between borrowing and lending department, but such request was regretted by lending department vide order dated 31-07-2018 and the borrowing department was asked to repatriate the appellant so that to enable him to join his parent department. The federal education department relieved the appellant vide order dated 14-09-2018 and the appellant relieved his charge on 17-09-2018 and reported arrival in his parent department on 18-09-2018. In the whole episode, we did notice only one letter dated 09-08-2018 advising the appellant to report for duty, which however was responded by the appellant by reporting his arrival 18-09-2018. We have not noticed that the appellant was given any notice in these 15 months, rather his case was under active consideration between the parties for extension of his deputation and in the meanwhile, the appellant was on the pay roll of federal education department. Stance of the appellant was very clear that his wife is also serving in the same station, so he may be granted further extension, which was a lawful request, and such request was processed and it took almost 15 months reaching to the decision, hence the appellant cannot be blamed for the delay on part of the respondents. The inquiry so conducted exonerated the appellant of the charges, rather blamed the respondents for delay in processing his case. The inquiry report further found that since the appellant was a government servant, he could not relinquish his charge without being properly relieved by the Federal Directorate of Education, hence the accused officer could not be proceeded against under Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. The inquiry had exonerated the appellant of practically all the charges and we find that the authority did not apply its mind while passing the removal order on grounds of over stay, which was not in accordance with law. Reliance is placed on 1983 PLC (CS) 109. In spite of clear findings and recommendations, the competent

authority while disagreeing with findings/recommendations of the inquiry committee, skipped a mandatory step under Rule-14 (6) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, which reads as under;


Where the competent authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of these rules or the facts and merits of the case have been ignored or there are other sufficient grounds, it may, after recording reasons in writing, either remand the inquiry to the inquiry officer or the inquiry committee, as the case may be, with such directions as the competent authority may like to give, or may order a de novo inquiry through different inquiry officer or inquiry committee.

06. We are of the considered opinion that the appellant has not been treated in accordance with law. The appellant was serving with the permission of the both the parties and the time spent in processing his case lie on part of the respondents, for which the appellant cannot be blamed. Furthermore, the appellant being a government servant could not relinquish his charge without being properly relieved by the borrowing department.

07. In view of the foregoing discussion, the instant appeal is accepted. The impugned orders dated 29-08-2019 and 07-11-2019 are set aside and the appellant is re-instated in service with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
12.11.2021


(SALAH-UD-DIN)
MEMBER (J)



(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)


ORDER
12.11.2021

Mr. Hhidayatullah, Khattak, Advocate for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Jehanzeb Superintendent for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted. The impugned orders dated 29-08-2019 and 07-11-2019 are set aside and the appellant is re-instated in service with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
12.11.2021



(SALAH-UD-DIN)
MEMBER (J)

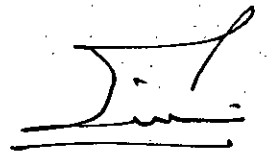

(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

01.07.2021

Appellant alongwith his counsel present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

We being Members of Larger Bench, remained busy in hearing arguments in the appeals fixed before the Larger Bench, therefore, arguments in the instant appeal could not heard. Adjourned. To come up for arguments before the D.B on 14.09.2021.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

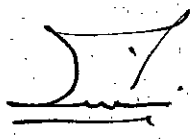

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

14.09.2021

Appellant in person present. Mr. Jehanzeb, Superintendent alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents.

Appellant requested for adjournment on the ground that his counsel is not available today due to death of his sister. Adjourned. To come up for arguments before the D.B on 12.11.2021.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

28.12.2021

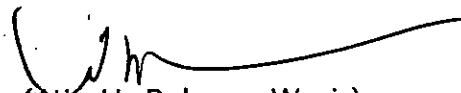
Due to summer vacation, case is adjourned to 01.02.2021 for the same as before

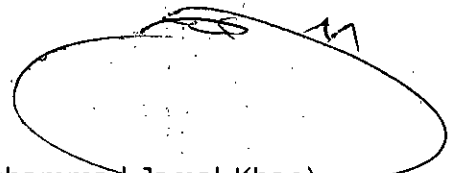
READER

01.02.2021

Appellant with counsel present. Mr. Asif Masood Ali Shah, learned Deputy District Attorney alongwith Jehanzeb Superintendent for respondents present.

The perusal of record divulged that the impugned order was passed by the authority on 29.08.2019 which has been made efficacious retrospectively and since the issue of retrospectivity is pending adjudication before the Larger Bench of this Tribunal, therefore, it would be appropriate to adjourn the instant appeal till the matter issued is adjudicated and accordingly the appeal is adjourned to 16.03.2021 before D.B.

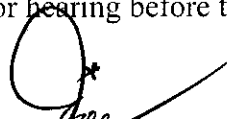

(Atiq-Ur-Rehman Wazir)
Member (E)



(Muhammad Jamal Khan)
Member (J)

16.03.2021

Counsel for the appellant and Addl. AG for the respondents present.

Due to paucity of time, instant matter is adjourned to 01.07.2021 for hearing before the D.B.


(Mian Muhammad)
Member (E)


Chairman

15.09.2020

Appellant alongwith counsel and Addl. AG on behalf of respondents No. 1 to 3 present. Nemo on behalf of respondents No. 4 & 5.

Respondents No. 4 & 5 have not submitted their respective reply/comments despite last chance. The matter is, therefore, assigned to D.B for arguments on 03.11.2020. The appellant may furnish rejoinder to the parawise comments of respondents No. 1 to 3, within a fortnight, if so advised.


Chairman

03.11.2020

Junior to counsel for the appellant and Usman Ghani, District Attorney for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 28.12.2020 for hearing before the D.B.


(Mian Muhammad)
Member


Chairman

Service Appeal No. 1614/2019

11.03.2020

Appellant in person and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned Additional AG seeks adjournment to furnish written reply from respondents. To come up for written reply/comments on 20.04.2020 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

20.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 14.07.2020 before S.B.

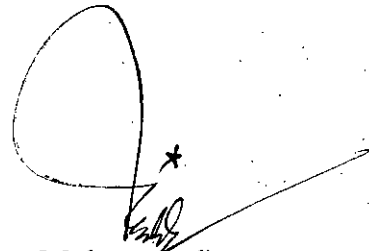

Reader

14.07.2020

Counsel for the appellant and Addl: AG alongwith Mr. Qazi Ayaz, Litigation Officer for respondents No. 1 to 3 present.

Written reply on behalf of respondents No. 1 to 3 submitted. Notice be issued to respondents No. 4 and 5. Last opportunity granted.

Adjourned to 15.09.2020 before S.B.


(Mian Muhammad)
Member(E)

02.01.2020

Counsel for the appellant present.

Contends that the appellant was imposed upon major penalty of removal from service by respondent No. 2 through order dated 29.08.2019 which duly mentioned the fact of enquiry proceedings against the appellant. The enquiry committee, however, clearly recommended for exoneration of appellant from charges levelled against him while the competent authority did not mention any reason(s) to disagree with the findings of the enquiry committee.

In view of the available record and arguments of learned counsel, instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 17.02.2020 before S.B.

Appellant Deposited
Security & Process Fee

8/11


Chairman

17.02.2020

Appellant alongwith junior counsel and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Israr, Litigation Officer for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department seeks time to furnish reply/comments. Adjourned to 11.03.2020 for written reply/comments before S.B.

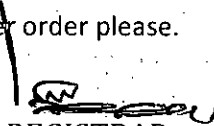


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1614/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/12/2019	<p>The appeal of Mr. Muhammad Sadiq resubmitted today by Mr. Hidayatullah Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 02/12/19</p>
2-	04/12/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/01/20</u></p> <p style="text-align: right;"> CHAIRMAN</p>

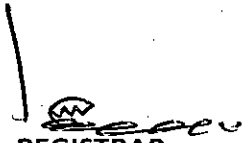
P-36

The appeal of Mr. Muhammad Sadiq Ex-Lecturer in Mathematics District karak received today i.e. on 26.11.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ✓ ① Memorandum of appeal may be got signed by the appellant.
- ✓ ② Annexures of the appeal may be attested.
- ✓ ③ Annexures of the appeal may be flagged.
- ✓ ④ Affidavit may be got attested by the Oath Commissioner.
- ✓ ⑤ Copy of Challan mentioned in para-6 of the memo of appeal is not attached with the appeal which may be placed on it.
- ✓ ⑥ Copy of enquiry report mentioned in para-7 of the memo of appeal is not attached with the appeal which may be placed on it.
- ✓ ⑦ Copy of departmental appeal is not attached with the appeal which may be placed on it.
- ✓ ⑧ Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2069 /S.T,

Dt. 27-11- /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Hidayatullah Khattak Adv. Pesh.

Re-submitted after doing the needful.

*Hidayat
Advocate*

*Re-submitted after removing objection no 5.
it is stated that it is charge sheet not challan
which is corrected*

*Hidayat
Advocate*

BEFORE THE WORTHY CHAIRMAN KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1614 /2019

Mr. Muhammad Sadiq.....Appellant

V E R S U S

Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar & others.....Respondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Service Appeal with affidavit		1-9
2.	Addresses of parties		10
3.	Copy of the letter dated 06.07.2012 of the Federal Govt. Education	A	11
4.	Copies letters <i>dttd. 2.03.2015</i> <i>28-5-2015 - 14-6-2015 - 29-6-2015</i>	B1 to B3	12-15
5.	Copy of the letters	C-1, C-2, C-3	16-21
6.	Copies of statement allegation and challenge <i>Inquiry report</i>	D D-1	22-30
7.	Copies of show cause notice alongwith reply of appellant	E	31-34
8.	Copy of letter <i>dttd. 6-8-2019</i>	F	35
9.	Copy of the notification <i>dttd 29-8-2019</i>	G	36
10.	Copy of the representation	H	37-38
11.	Wakalatnama		39

Through

Dated 28/02/2019

M. Sadiq
Appellant

Hidayatullah
Hidayatullah Khattak
Advocate High Court
Cell No.0300-9357757

BEFORE THE WORTHY CHAIRMAN KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 16/4 /2019

Diary No. 1680

Dated 26/11/2019

Mr. Muhammad Sadiq Son of Mr. Saadat Khan
Ex- Lecturer in Mathematics,
R/o Village & P.O Takht-e-Narafi District Karak

.....Appellant

V E R S U S

- ✓1) Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar
- ✓2) Govt. of Khyber Pakhtunkhwa through Secretary Education, Civil Secretariat, Peshawar
- ✓3) Director Higher Education, Peshawar
- 4) Govt. of Khyber Pakhtunkhwa through Director Higher Education, Archive and Librarian Department, Peshawar
- 5) Govt. of Pakistan Secretary Federal Education, Directorate of Education (Model Colleges Wings Islamabad)..... Respondents

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974 AGAINST THE IMPUGNED ORDER
DATED 07.11.2019 OF THE COMPETENT
AUTHORITY WHEREBY, THE DEPARTMENTAL
APPEAL OF THE APPELLANT AGAINST THE
OFFICE ORDER /LETTER NO.SO (E-II)

Filed-to-day

Registrar

26/11/19

Re-submitted to -day
and filed.

Registrar

27/12/19

**HED/1214/2018 DATED 29.08.2019 WAS
REJECTED AND MAINTAINED THE ORDER
DATED 28.08.2019**

Prayer in Appeal

On acceptance of this service appeal, the impugned orders dated 07.11.2019 and that of 29.08.2019 may please be set aside and the appellant be reinstated into service with all back benefits.

Any other relief, this Hon'ble Tribunal may deem fit for the safe administration of justice.

Respectfully Sheweth:-

1. That the appellant joined the Khyber Pakhtunkhwa Education Department as Lecturer BPS-17 (Mathematics) and through spouse policy joined the Federal Education Department on 27.06.2012. (Copy of the letter dated 06.07.2012 of the Federal Govt. education is attached as annexure "A").

2. That on expiry of deputation period, Director (Model Colleges) Federal Govt. requested through a letter dated 02.03.2015 Khyber Pakhtunkhwa Govt. for extension of the deputation which was going to expire on 26.06.2015 and through a second letter dated 28.05.2017 and the Khyber Pakhtunkhwa government through a letter No.SO (College)X-4/2011 dated 14.07.2017 granted another two year of deputation. (Copies letters are attached as annexures "B, B1, B2, & B3").

3. That after the expiry of the sanctioned deputation period, the appellant then submitted application through proper channel for further extension of deputation period according to wedlock and the Khyber Pakhtunkhwa Govt. in response to a letter No.1/186/2015-E-4 dated 08.05.2018, regretted the request of extension of deputation period through letter No.So (C-II)/X-4/2011/M-Sadiq Khan dated Peshawar the 31/07/2018. (Copies of the letters are attached as annexure "C").

C-1/C-2/C-3

4. That the on September 14, 2018, the Govt. of Pakistan Federal Director of Education (Model Colleges) respondent No.4 issued a letter of repatriation of the appellant to his parent department (Education Department Khyber Pakhtunkhwa)
5. That consequently appellant relinquished his assignment and submitted arrival report with the parent department on 18th September 2018 and joined the respondent department.
6. That the competent authority issued statement of allegations and charges sheet where in inquiry was order. (Copies of statement allegation and ~~charges~~^{Sheet} is attached as annexure "D").
7. That in the light of the statement of allegation and charge sheet an inquiry was conducted by the inquiry committee who after thorough examination of available record and defence of the appellant and the inquiry committee recommended and exonerated the appellant from the alleged allegations of absence. (Inquiry report is attached as Ann - D - 2)

8. That the competent authority after the receipt of inquiry report issued show cause notice and imposed major penalty of removal from service and to this show notice, appellant submitted detailed reply through proper channel. (Copies of show cause notice alongwith reply of appellant are attached as annexure "E").
9. That on his detailed reply, a chance of personal hearing Secretary Auqaf was accorded through a letter No.PS/AHR & MAD/1-5/2019/5258-89 dated 6th August, 2019. (Copy of letter is attached as annexure "F").
10. That after the chance of personal hearing appellant joined the promotion training in HEART academy Hayatabad and at the end of the training appellant was refused to received/issue certificate in the ground of inquiry.
11. That despite the clear cut exoneration recommendation by the inquiry committee, the competent authority issued a notification No.SO (S-11)/HED/12-14/2018 dated

29.08.2019 the removal from service of the appellant.(Copy of the notification is attached as annexure "G").

12. That in response to removal order, appellant preferred a presentation to the competent authority who rejected the representation/ appeal of the appellant through impugned No.SO (C-1)/HED/X-4/2018 dated 07.11.2019. (Copy of the representation is attached as annexure "H").

13. That now appellant approaches this Hon'ble Tribunal for the same relief inter alia on the following grounds:

G R O U N D S:

- A. That both the impugned orders dated 29.08.2019 and 07.11.2019 of the respondents are against law, facts available on file hence liable to be set aside and the appellant be instated into all back benefits.
- B. That the action of the respondents by not taking into consideration the exonerating order of the inquiry committee and issuing the

impugned order of removal dated 29.08.2019 and the final rejection order dated 07.11.2019 by respondents are against the prevailing rules, law on the point and pronouncements of the higher forum on this point hence needs interference.

- C. That the respondents giving no reasons for not taking into consideration the recommendation of the exoneration of the appellant from the charges leveled against him is also against the law and settled procedure and speaks malafide on the part of respondents.
- D. That on mere so called/alleged absentee the imposition of major penalty of removal is against the prevailing and settled law and pronouncements of higher forums.
- E. That the respondents should have an order for second/fresh inquiry if he is not satisfied with the recommendation of findings of inquiry officer/committee but in the case of the appellant they have ignored this procedure

and issued the impugned order which is against law and procedure and liable to be set aside.

- F. That as per rules, the authorized officer shall determine whether the allege charges has been proved and if so, shall also tentatively decide the imposition of penalty in relaxation but in the case of the appellant this particular rule has been ignored which caused grave miscarriage of justice.
- G. That there is no willful absentee on the part of the appellant and the respondents have penalized the appellant in a very hasty, clumsy, fanciful and arbitrary which needs interference.
- H. That any other grounds will be raised at the time of arguments with the permission of this Hon'ble Court.

It is, therefore most humbly prayed that on acceptance of this service appeal, the impugned orders dated 07.11.2019 and that of 29.08.2019 may please be set aside and the

appellant be reinstated into service with all back benefits.

Any other relief, this Hon'ble Tribunal may deem fit for the safe administration of justice

M. Saad
Appellant

Through

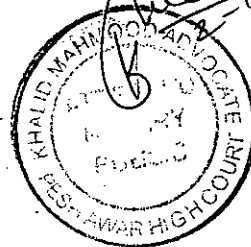
Hidayat
Hidayatullah Khattak
Advocate High Court

Dated 25/11/2019

AFFIDAVIT

I, Mr. Muhammad Sadiq Son of Mr. Saadat Khan, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by
Hidayat



M. Saad
DEPONENT

**BEFORE THE WORTHY CHAIRMAN KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2019

Mr. Muhammad Sadiq.....**Appellant**

V E R S U S

Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar & others.....**Respondents**

ADDRESSES OF PARTIES

A P P E L L A N T:

Mr. Muhammad Sadiq Son of Mr. Saadat Khan
Ex- Lecturer in Mathematics,
R/o Village & P.O Takht-e-Narati District Karak

R E S P O N D E N T S:

- 1) Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar
- 2) Govt. of Khyber Pakhtunkhwa through Secretary Education, Civil Secretariat, Peshawar
- 3) Director Higher Education, Peshawar
- 4) Govt. of Khyber Pakhtunkhwa through Director Higher Education, Archive and Librarian Department, Peshawar
- 5) Govt. of Pakistan Secretary Federal Education, Directorate of Education (Model Colleges Wings Islamabad

M. Sadiq
Appellant

Through

Hidayatullah Khattak
Hidayatullah Khattak
Advocate High Court

Dated 28.02.2019

TO BE PUBLISHED IN PART-III OF THE GAZETTE OF PAKISTAN

**GOVERNMENT OF PAKISTAN
FEDERAL DIRECTORATE OF EDUCATION
(MODEL COLLEGES WING)

11

A
Anexer

Islamabad, July 6, 2012

NOTIFICATION

No. F. 1-38/2011/MC/FDE/Deputt: Consequent upon his relieving from Govt. Degree College No. 2 (M) D. I. Khan under Higher Education, Archives & Libraries Department, Govt. of Khyber Pakhtunkhwa, Peshawar w.e.f 22-06-2012 and submitted his joining on 27-06-2012. Mr. Muhammad Sadiq Khan, Lecturer in Mathematics (BPS-17) Govt. Degree College No. 2 (M) D. I. Khan, is hereby allowed to join his duty as Lecturer (BPS-17) w.e.f. 27-06-2012 (on deputation basis). He is posted in Islamabad Model College for Boys, F-11/1 Islamabad for a period of three years or till the arrival of FPSC nominee whichever is earlier.

2. The period from 23-06-2012 to 26-06-2012 may be treated as joining time.
3. This is issued with the approval of Director General (Education).

**(PROF. DR. M. TARIQ MASOOD)
DIRECTOR (MODEL COLLEGES)**

**THE MANAGER,
Gazette of Pakistan,
Printing Corporation of Pakistan Press,
University Road, Karachi No. 05**

Copy to:

- i. AGPR, Islamabad
- ii. Mr. Abdul Hanan Kakar, Assistant Educational Advisor, M/O CA&D, Islamabad.
- ✓ iii. Principal, Islamabad Model College for Boys, F-11/1 Islamabad.
- iv. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
- v. Principal, Govt. Degree College No. 2 (M) D. I. Khan.
- vi. Officer Concerned.
- vii. Personal File.
- viii. Notification File.

**(ZULFIQAR ALI)
DY. DIRECTOR (MODEL COLLEGES)**

H
Addressed
to be
true copy

12

MOST IMMEDIATE

~ B ~
Anexer

No. F. 1-38/2011/MC/FDE/Deputt.
GOVERNMENT OF PAKISTAN
FEDERAL DIRECTORATE OF EDUCATION
(Model Colleges Wing)

Islamabad, March 02, 2015

THE SECTION OFFICER (COLLEGES-II)
Govt. of Khyber Pakhtunkhwa,
Higher Education, Archives & Libraries, Department,
Peshawar.

Subject: REQUEST FOR EXTENSION IN DEPUTATION.

It is stated that Mr. Muhammad Sadiq Khan, Lecturer in Mathematics (BS-17) Govt. Degree College No.2, D.I. Khan under your department, presently working on deputation basis in Islamabad Model College for Boys, F-11/1, Islamabad under Model Colleges Wing, Federal Directorate of Education since 27-06-2012. His deputation period is going to expire on 26-06-2015. He applied for extension of his deputation w.e.f. 27-06-2015 for the period of three years.

2. You are requested to provide NOC for extension in deputation period w.e.f. 27-06-2015 in favor of above named deputationist for further necessary action.

9/0
27/3/15

[Signature]
(PROF. SAEEDULLAH KHAN)
Director (Model Colleges)
27/3/15

Copy to:

- i. The Principal IMCB, F-11/1, Islamabad with the remarks to provide his class result alongwith work & conduct report immediately.
- ii. Officer Concerned with the remarks to pursue his case personally with his parent department failing which he will be repatriated to his parent department.
- iii. Personal File.

(MURAD ALI KHAN)
Assistant Director (Model Colleges)

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13

B-1
Anexer

Reminder

No. F. 1-38/2011/MC/FDE/Deputt.
GOVERNMENT OF PAKISTAN
FEDERAL DIRECTORATE OF EDUCATION
(Model Colleges Wing)

Islamabad, May 28, 2015

THE SECTION OFFICER (COLLEGES-II)
Govt. of Khyber Pakhtunkhwa,
Higher Education, Archives & Libraries, Department,
Peshawar.

Subject: **REQUEST FOR EXTENSION IN DEPUTATION.**


Reference is made to this office letter of even number dated 02-03-2015 on the above mentioned subject (copy enclosed).

2. It is again requested to provide the requisite NOC immediately in respect of Mr. Muhammad Sadiq Khan, Lecturer of your department, presently working on deputation basis (under wedlock policy) in IMCB, F-11/1 under this Directorate to enable this Directorate to process his case for further extension in deputation period beyond 26-06-2015 well in time to avoid impending complications, pl


(MUHAMMAD LUQMAN)
Dy. Director (Model Colleges)

Copy to:

- i. Director (Model Colleges), FDE, Islamabad.
- ii. The Principal IMCB, F-11/1, Islamabad.
- iii. Officer Concerned with the remarks to pursue his case personally with his parent department failing which he will be repatriated to his parent department.
- iv. Personal File.


(MUHAMMAD LUQMAN)
Dy. Director (Model Colleges)

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B-2
Annex



**GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

Dated Peshawar the 14.07.2015.

NOTIFICATION

NO.SO(COLLEGES)X-4/2011. In continuation of this Department's Notification dated 13.01.2012, the Competent Authority has been pleased to extend the deputation period for further two years w.e.f. 27.06.2015 (Total period of deputation including the instant period comes to five years) on existing terms & conditions of deputation in respect of **Muhammad Sadiq Khan**, lecturer in Mathematics (BPS-17), Government Degree College, No. 2 D.I.Khan, to Federal Directorate of Education Islamabad.

889-91

SECRETARY TO GOVT.OF
KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

ENDST: Number & Date Even.

Copy forwarded to the: -

1. Director Higher Education Khyber Pakhtunkhwa Peshawar.
2. Director (College), Govt. of Pakistan, Federal Directorate of Education, Islamabad.
3. Section Officer (Regulation-I) Establishment & Administration Department Peshawar.
4. Officer concerned.

Rukhsana Jabeen.
(RUKHSANA JABEEN)
SECTION OFFICER (COLLEGES)

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B-3
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GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
CAPITAL ADMINISTRATION & DEVELOPMENT DIVISION

Islamabad, the 22nd June, 2017.

NOTIFICATION

No.F.2-38/2012-MC In pursuance of Establishment Division's O.M. No.1/186/2015-E-4 dated 20th June, 2017, extension to the deputation period in respect of Mr. Muhammad Sadiq Khan, Lecturer in Mathematics (BS-17), Higher Education, Archives & Libraries Department, Government of Khyber Pakhtunkhwa, presently posted in Islamabad Model College for Boys, F-11/1, Islamabad under, Federal Directorate of Education (FDE) is hereby granted, for a period of two years from 27-06-2015 to 26-06-2017 on deputation basis, (4th & 5th year of deputation) on standard terms and conditions.

Sd/-

(Dr. Riaz Hussain)

Assistant Educational Adviser (Colleges)

Tele: 9204419

The Manager,
Printing Corporation of Pakistan Press,
University Road,
KARACHI-5.

Copy to:-

1. A.G.P.R., Islamabad.
2. PS to Secretary, CA&DD, Islamabad.
3. APS to Joint Secretary (Education & SI), CA&DD, Islamabad.
4. Director General, Federal Directorate of Education, Islamabad.
5. Director (Model Colleges), FDE, Islamabad.
6. Principal IMCB, F-11/1, Islamabad.
7. Section Officer (E-4), Establishment Division, Islamabad.
8. Section Officer (Colleges), Higher Education, Archives and Libraries Department, Peshawar w.r.t. d. o. letter No .SO(Colleges)X-4/2011/889-91 dated 14-07-2015.
9. Person concerned.
10. Office file.

Dr. Riaz Hussain
(Dr. Riaz Hussain)

Attested

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to be true copy*

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C
Aneer

The Director (model Colleges), Through Proper Channel

Federal Directorate of Education,

(Model Colleges Wing),

Islamabad.

Subject: PLACEMENT OF SERVICES OF MR. MUHAMMAD SADIQ KHAN AS LECTURER (BPS-17) IN FEDERAL DIRECTORATE OF EDUCATION ISLAMABAD UNDER WEDLOCK POLICY

Dear Sir,

Consequent upon approval of competent authority the undersigned was posted on deputation from Government Degree college No.2, D.I.Khan (KPK) to Islamabad Model institution under Federal Directorate of Education Islamabad. Therefore, the under signed joined as lecturer on 27-06-2012 and was subsequently posted as lecturer in IMCB F-11/1 Islamabad vide their letter no. F.1-38/2011/MC/FDE/deputt, for a periode of three years.

Further I was granted two years extension in deputation by Ministry of CA&DD under Wedlock Policy.

Since I am interested to further perform my duties as lecturer under your kind control, it is therefore requested that case of undersigned may very kindly be processed and my deputation periode may be extended under Wedlock policy for three years. I assure you sir, that I shall perform my duties with full enthusiasm, with true letter & spirit.

Thanking you in anticipation.

Yours sincerely,



Mr. Muhammad Sadiq Khan
Lecturer Mathematics (BPS-17)
IMCB, F-11/1, Islamabad.

Dated : 10-02-2017

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to be true copy

ISLAMABAD MODEL COLLEGE FOR BOYS,
F-11/1, ISLAMABAD

17

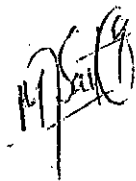
Ref. No. IMCB/PC/352

Dated: 10.02.2017

The Director (MC)
Federal Directorate of Education
G-9/4, Islamabad

Subject: - PLACEMENT OF SERVICES UNDER FDE

Please find enclosed herewith an application in respect of Mr. Muhammad Sadiq Khan Lecturer (BPS-17) of this institution on the above cited subject for further necessary action as desired.


(Prof. Dr. Shahid Haseeb)
Principal

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to be true
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18

C-1
Anexes

The Director (model Colleges), Through Proper Channel

Federal Directorate of Education,

(Model Colleges Wing),

Islamabad.

Subject: PLACEMENT OF SERVICES OF MR. MUHAMMAD SADIQ KHAN AS LECTURER (BPS-17) IN FEDERAL DIRECTORATE OF EDUCATION ISLAMABAD UNDER WEDLOCK POLICY

Dear Sir,

Consequent upon approval of competent authority the undersigned was posted on deputation from Government Degree college No.2, D.I.Khan (KPK) to Islamabad Model institution under Federal Directorate of Education Islamabad. Therefore, the under signed joined as lecturer on 27-06-2012 and was subsequently posted as lecturer in IMCB F-11/1 Islamabad vide their letter no. F.1-38/2011/MC/FDE/deputt, for a periode of three years.

Further I was granted two years extension in deputation by Ministry of CA&DD under Wedlock Policy.

Since I am interested to further perform my duties as lecturer under your kind control, it is therefore requested that case of undersigned may very kindly be processed and my deputation periode may be extended under Wedlock policy for three years. I assure you sir, that I shall perform my duties with full enthusiasm, with true letter & spirit.

Thanking you in anticipation.

Yours sincerely,

Mr. Muhammad Sadiq Khan
Lecturer Mathematics (BPS-17)
IMCB, F-11/1, Islamabad.

Dated:

07/07/2017

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to be true
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GOVERNMENT OF PAKISTAN
FEDERAL DIRECTORATE OF EDUCATION

9266169

19

ISLAMABAD MODEL COLLEGE FOR BOYS,
F-11/1, ISLAMABAD

Ref. No. IMCB/PC/ 398

Dated: 07.07.2017

The Director (MC)
Federal Directorate of Education,
G-9/4, Islamabad

Subject: - PLACEMENT OF SERVICES OF MR. MUHAMMAD SADIQ KHAN AS LECTURER (BPS-17) IN FEDERAL DIRECTORATE OF EDUCATION ISLAMABAD UNDER WEDLOCK POLICY.

Please find enclosed herewith an application in respect of Mr. Muhammad Sadiq Khan, Lecturer (BPS-17) of this institution on the above cited subject for further necessary action at your end.

Sarfraz
(Prof. M. Sarfraz Mahmood)
Principal

M. Sarfraz

Sole
07/07/17

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C-2

Anexa

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION

No. 1/186/2015-E-4

Islamabad, the May 08, 2018

From:- Mr. Rashid Ahmad,
Section Officer (E-4),
Tele:- 9103636

To: Ms. Rukhsana Jabeen,
Section Officer (Colleges),
Higher Education, Archives and Libraries Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT:- EXTENSION IN DEPUTATION PERIOD OF MR. MUHAMMAD SADIQ KHAN, LECTURER (BS-17) OF GOVERNMENT OF KHYBER PAKHTUNKHWA, PRESENTLY POSTED IN FDE.

I am directed to refer to Capital Administration and Development Division's O.M No. 2-38/2012-MC dated 20-04-2018 on the subject noted above and to state that Capital Administration and Development Division vide aforesaid O.M has requested for the grant of extension in deputation of Mr. Muhammad Sadiq Khan, Lecturer (BS-17), Higher Education Archives and Libraries Department, Government of Khyber Pakhtunkhwa, presently working in Islamabad Model College for Boys, F-11/1, Islamabad, for a further period of three years w.e.f. 27-06-2017 to 26-06-2020 under wedlock policy, inter-alia, stating that his services are still required and his spouse is working as Lecturer in Islamabad College for Girls under Federal Directorate of Education since 05-10-2010.

2. It is, therefore, requested to convey their necessary NOC in this respect to Establishment Division for further processing of the case.


(Rashid Ahmad)

Copy for information to:-

- i) Ms. Yasmin Haq, Assistant Educational Adviser, Capital Administration and Development Division w.r.t their O.M referred to above.

1
(Rashid Ahmad)

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Anexer

**GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

No. SO (C-II) / X- 4/ 2011/M. Sadiq Khan/
Dated Peshawar the 31.07.2018.

To

The Section Officer (E-4),
Cabinet Secretariat,
Establishment Division,
Govt. of Pakistan, Islamabad.

Subject: - **EXTENSION IN DEPUTATION PERIOD OF MR. MUHAMMAD SADIQ KHAN, LECTURER (BS-17) OF GOVERNMENT OF KHYBER PAKHTUNKHWA, PRESENTLY POSTED IN FDE**

I am directed to refer to your letter No.1/186/2015-E-4 dated 08.05.2018 on the subject noted above and to convey that this Provincial Govt. regret its inability to accede to the request for extension in deputation in respect of Mr. Muhammad Sadiq Khan, lecturer B-17 of Higher Education Department, Govt. of Khyber Pakhtunkhwa/presently working on deputation in Islamabad basis Model College for Boys F-11/I, Islamabad. His deputation period expired on 26.06.2017.

It is therefore requested that he may be repatriated, so that to enable him to join his parent Department at the earliest.


(MUHAMMAD FAYAZ KHAN)
SECTION OFFICER (COLLEGES-II)

Endst: No. & Date Even.

Copy of the above is forwarded to Directorate Higher Education for Justifying the overstay of lecturer concerned since 26.07.2017.

SECTION OFFICER (COLLEGES-II)

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Anexer

TO BE PUBLISHED IN PART-III OF THE GAZETTE OF PAKISTAN

**GOVERNMENT OF PAKISTAN
FEDERAL DIRECTORATE OF EDUCATION
(MODEL COLLEGES WING)**

Islamabad, September 14, 2018

"NOTIFICATION"

No. F. 1-38/2011/MC/FDE/Deputt: As a consequence of completion of maximum period of deputation i. e. 05 years under FDE, the Services of **Mr. Muhammad Sadiq Khan**, working on deputation basis as Lecturer (BS-17) in Islamabad Model College for Boys, F-11/1, Islamabad under Model Colleges Wing, Federal Directorate of Education, Islamabad stands repatriated to his parent department-i.e. Higher Education Department, Government of Khyber Pakhtunkhwa with immediate effect.

02. This is issued with the approval of Director General (Education).

(CH. GULZAR AHMAD)
Deputy Director (M. Cs)

THE MANAGER,
Gazette of Pakistan,
Printing Corporation of Pakistan Press,
University Road, Karachi No. 05.

Copy to:

- i. P. S to D. G (FDE).
- ii. A.E.A, CA&DD, Islamabad.
- iii. The AGPR, Islamabad.
- iv. The Section Officer (Colleges - II), Higher Education, Archives & Libraries Department, Government of Khyber Pakhtunkhwa, Peshawar.
- v. The Principal IMCB, F-11/1, Islamabad with the remarks to submit his charge relinquishment report within 03 days positively.
- vi. The Principal, Government Degree College, NO. 2, D. I. Khan.
- vii. Director (E. M), FDE/Estate Office, Islamabad.
- viii. Officer Concerned.
- ix. ACR Section, FDE Islamabad.
- x. Personal File.
- xi. Notification File.



(CH. GULZAR AHMAD)
Deputy Director (M.Cs)

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23

CHARGE RELINQUISH REPORT

Certified that I Muhammad Sadiq Khan, have this day of the 17.09.2018 relinquish the charge of the post of Lecturer BPS-17 from Islamabad Model College for Boys, F-11/1, Islamabad vide FDE Notification # F.1-38/2011/MC/FDE/Deputt. dated 14.09.2018.


(Muhammad Sadiq Khan)
Lecturer (BPS-17)

Dated: - 17.09.2018



GOVERNMENT OF PAKISTAN
FEDERAL DIRECTORATE OF EDUCATION
ISLAMABAD MODEL COLLEGE FOR BOYS, F-11/1, ISLAMABAD

: 9266169

Ref. No. IMCB/PC/

Dated: 17.09.2018

Mr. Muhammad Sadiq Khan is hereby relinquish the post of Lecturer (BPS-17) w.e.f. 17.09.2019 vide Federal Directorate of Education Notification No. F.1-38/2011/MC/FDE/Deputt dated 14.09.2018 to join new assignment in the Higher Education Department, Government of Khyber Pakhtunkhwa.


(Prof. Inamullah Waqar)
Principal

Copy to:

1. The Accounts Officer GA-VIII, AGPR, G-8/4, Islamabad
2. The Director (MC) FDE, Islamabad
3. The Section Officer (Colleges-II) Higher Education Archives & Libraries Department, Government of Khyber Pakhtunkhwa, Peshawar.
4. The Officer Concerned
5. Accountant
6. File

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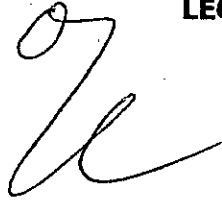
24

ARRIVAL REPORT

In compliance with the Government of Pakistan, Federal Directorate of Education (Model Colleges Wing) Islamabad Notification bearing No. F.1-38/2011/MC/FDE/Deptt. Dated 14th September, 2018 I, **Muhammad Sadiq Khan lecturer, Maths (BPS-17)** beg to submit my Arrival Report on 18th September, 2018 (Forenoon) for appropriate orders please.

Dated 18TH SEPTEMBER, 2018

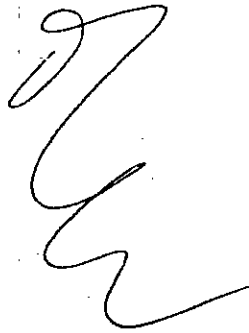
**(MUHAMMAD SADIQ KHAN)
LECTURER (MATHS) BPS-17**



Copy forwarded to:

1. Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department.
2. Director General, Govt. of Pakistan, Federal Directorate of Education (Model Colleges Wing) Islamabad.
3. Director (Colleges), Khyber Pakhtunkhwa.
4. Principal, Islamabad Model College for Boys, F-11/1, Islamabad.

**(MUHAMMAD SADIQ KHAN)
LECTURER (MATHS) BPS-17**



*Attested
to be true
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CERTIFICATE OF TRANSFER OF CHARGE

Certified that we have on the Fore / Afternoon of this day respectively made over and received / relinquished charge of the post of Lecturer (BPS-17) Govt: Degree College Khanpur (Haripur) Vide Notification No. 25211/CA-II/Estt: Branch/A-12/Mohd Sadiq/Mathematics, dated Peshawar the Sep. 28, 2018.

Dated: 29.09.2018(F. N).

Signature of Relieved Government servant
Name:
Designation:- Vacant
Govt: Degree College Khanpur (Haripur)

M. Sadiq

Signature of Govt: Servant Receiving Charge
Name: Mohammad Sadiq Khan
Designation:- Lecturer in Mathematics
Govt: Degree College Khanpur (Haripur).

[Signature]
Principal,
Govt: Degree College
Khanpur (Haripur).

Endst: No:- 655-60 /PF

Dated Khanpur the: 02-10-2018.

Forwarded to the:-

1. Director Higher Education Khyber Pakhtunkhwa Peshawar.
2. P. S. to Secretary Higher Education, Peshawar.
3. Section Officer (Colleges-II) Higher Education Department, KPK, Peshawar.
4. District Account Office Haripur.
5. Officer Concerned
6. Office Record.

[Signature]
Principal,
Govt: Degree College,
Khanpur(Haripur).

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DISCIPLINARY ACTION

26

I, Nawaz Kamran Baloch, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Mohammad Sadiq, Lecturer in Mathematics (B-17), Govt Degree College, Khanpur, Haripur has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of rule 03 of the Khyber Pakhtunkhwa Govt Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i. That his services were placed at Federal Directorate of Education, Islamabad on deputation initially for a period of three years w.e.f 27.06.2012 and his deputation period was extended for further two years w.e.f 27.06.2015.
 - ii. That on expiry of deputation on 26.06.2017, he was required to report for duty to his Parent Department after availing five years deputation, but instead of joining his duties he applied for further extension in deputation which was regretted by the Competent Authority.
 - iii. That the Director, Higher Education, Khyber Pakhtunkhwa directed him on his home address to report for duty within 15 days failing which disciplinary action will be taken against him vide letter No. 21500-501 dated 09.08.2018 but you didn't notice of the direction of the Department and finally submitted your arrival report for duty on 18.09.2018 and finally submitted his arrival report on 18.09.2018.
 - iv. That he remained un- authorizedly/ unlawfully without deputation for more than 15 months w.e.f 26.06.2017 to 17.09.2018.
2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under rule 10 (1) (a) of the ibid rules.

- i. Mr. Tariq Mahmood, D.O (F&P) Haripur.
- ii. Prof. Abdul Rashid, Pr. Insp. G.D. Jhelum

3. The inquiry officer/ inquiry committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty 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/ inquiry committee.

Nawaz Kamran Baloch
(Nawaz Kamran Baloch)
**CHIEF SECRETARY,
KHYBER PAKHTUNKHWA**

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CHARGE SHEET

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1. Naveed Kamran Baloch, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Mohammad Sadiq, Lecturer in Mathematics (B-17), Govt Degree College, Khampur, Haripur as follows:

That you, while posted as Lecturer in Mathematics (B-17), Govt Degree College, No. 2 D.I.Khan committed the following irregularities:-

- i. That your services were placed at Federal Directorate of Education, Islamabad on deputation initially for a period of three years w.e.f 27.06.2012 and your deputation period was extended for further two years w.e.f 27.06.2015.
 - ii. That on expiry of deputation on 26.06.2017, you were required to report for duty to your Parent Department after availing five years deputation, but instead of joining your duties you applied for further extension in deputation which was "regretted" by the Competent Authority.
 - iii. That the Director, Higher Education, Khyber Pakhtunkhwa directed you on your home address to report for duty within 15 days failing which disciplinary action will be taken against you vide letter No. 21500-501 dated 09.08.2018 but you didn't take notice of the direction of the Department and finally submitted your arrival report for duty on 18.09.2018.
 - iv. That you remained un-authorizedly/ unlawfully without deputation for more than 15 months w.e.f 26.06.2017 to 17.09.2018.
2. By reason of the above, you appear to be guilty of misconduct under rule 03 of the Khyber Pakhtunkhwa, Govt Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 04 of the Rule ibid.
 3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Officer/ Committee, as the case may be.
 4. Your written defence, if any, should reach the Enquiry Officer/ Committee within the specific period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. A statement of allegations is enclosed.


Naveed Kamran Baloch
CHIEF SECRETARY,
KHYBER PAKHTUNKHWA

Attest
to be true
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Approved

[Handwritten signature]

ENQUIRY REPORT

**Subject: DISCIPLINARY PROCEEDINGS AGAINST MR. MUHAMMAD SADIQ
LECTURER IN MATHS (BS-17) GOVT. DEGREE COLLEGE KHANPUR,
HARIPUR**

BACKGROUND:

Mr. Muhammad Sadiq Lecturer in Maths (BS-17) Govt. Degree College Khanpur, Haripur while posted at Govt. Degree College No.2 D.I. Khan requested for Deputation at Federal Directorate of Education, Government of Pakistan under Sponse Policy. The Competent Authority honored the request and the officer concerned was authorized to avail the deputation for period of (3) Years at Federal Directorate of Education wide Notification No. SO(Colleges)/X-4/2011 Dated 13-01-2012 (Annex-A). Consequently, the accused officer has relinquished the charge from the Post of Lecturer in Mathematics at Govt. Degree College, D.I Khan on 22-06-2012 and submitted his arrival thereof to Federal Directorate of Education and was accordingly posted at Islamabad Model College for Boys wide Federal Education Directorate Notification No. F.1-38/2011/MC/FDE/Deputt Dated: 06-07-2012.

2. The officer concerned continued his duties under the Federal Directorate of Education, Islamabad till the completion of his deputation period i.e on 26-06-2015 and once again requested extension in deputation for further period of Three Years. The Competent Authority, however granted extension for period of two years ending on 26-06-2017 to continue his services at Islamabad Model College for Boys, Federal Directorate of Education (Annex-B)

3. The accused officer was supposed to join his parent Department w.e.f 27-06-2017, however he once again requested for extension in the deputation period which was regretted by the Competent Authority. Moreover, the officer concerned was intimated by Directorate of Higher Education, Govt. of Khyber Pakhtunkhwa wide Letter No. 21500-501 Dated 09-08-2018 to report to the duty within 15 days failing which disciplinary proceedings will be initiated against him, however the accused officer did not comply with the instructions in time and submitted his arrival on 18-09-2018 and hence, rendered himself guilty to be proceed under rule 03 of the Khyber Pakhtunkhwa, Govt. Servants (Efficiency and Disciplinary) rules. 2011.

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4. The Chief Secretary being the Competent Authority has constituted inquiry committee comprising of Mr. Tariq Mehmood (PMS- BS-18), District Officer (F&P) Haripur and Dr. Abdur Rashad Principal Govt. Degree College Wadpaga wide Higher Education Archives & Libraries Department Letter No. SO(C-II) HED/12-14/2018/M.Sadiq/Maths/1320-2 Dated: 24/01/2019 (Annex-C) to conduct a formal inquiry against the accused officer and to submit a report thereof to Department for appropriate necessary action.

*Attested
to be true
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5. List of charges/ statement of allegations leveled against the accused officers are given below.

- i. That accused officer was directed to report the duty by Directorate of Higher Education, Govt. of Khyber Pakhtunkhwa vide Letter No. 21500-501 Dated 09-08-2018 to report to the duty within 15 days failing which disciplinary proceedings will be initiated against him, however the accused officer did not comply with the instructions in time and submitted his arrival on 18-09-2018
- ii. That he remained un- authorizedly/ unlawfully without deputation for more than 15 months w.e.f 26-06-2017 to 17-09-2018.

PROCEEDINGS:

6. The enquiry committee communicated the charge sheet to the accused officer and directed to submit his written reply within the stipulated time mentioned in the charge sheet. Furthermore, opportunity was also provided for being heard in person on 13/2/19 to defend the charges leveled against him. Moreover, Directorate of Higher Education was also asked to depute representative to facilitate the committee in carrying out proceedings in the instant matter.

7. Statements of Departmental representative and the accused officers are reproduced below;

I STATEMENT OF DEPARTMENTAL REPRESENTATIVE MR. IMRAN ASSISTANT DIRECTOR DIRECTORATE OF HIGHER EDUCATION (ANNEX-D)

The Departmental Representative stood by the allegations framed against the accused officer and were communicated through charge sheet *ibid*. However, when cross questioned about any intimation has been communicated to the accused officer to report back to the parent Department on expiry of his deputation period that is on 26-06-2017, he informed that the only record in hand points out that he was intimated vide Directorate of Higher Education Letter No. 21502-3 Dated 09-08-2018 to report back.

Handwritten mark: a circle with '27' inside and the word 'Trust' written below it.

II STATEMENT OF MR. MUHAMMAD SADIQ LECTURER IN MATHS (BS-17) GOVT. DEGREE COLLEGE KHANPUR, HARIPUR (ANNEX-E)

The accused officer informed that almost four (04) months, prior to completion of his extended deputation period he has submitted application for further extension in Deputation i-e on 10-02-2017 due to his domestic problem. However, the application was remained pending at Federal Directorate of Education, Islamabad. The officer once again approached the Federal Directorate of Education through proper channel on 07-07-2017 to take up his case of further

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extension in deputation with Higher Education Department, Govt. of Khyber Pakhtunkhwa and accordingly the Education Directorate, Islamabad processed the case on 08-05-2018. The same was regretted by the Provincial Government vide their letter Dated 31-07-2018 and in lieu of the same the Federal Education Directorate issued the repatriation Notification on 14-9-2018 and the accused officer accordingly reported to Directorate of Higher Education, Khyber Pakhtunkhwa on 18-09-2018.

He further emphasized that his delayed arrival to his parent Department was mainly because of the time taken by the Federal Directorate of Education and Higher Education Department, Govt. of Khyber Pakhtunkhwa in processing his application for further extending his deputation period beyond 26-06-2017.

FINDINGS:

7. The committee perused the available record, and the arguments made during the course of the inquiry and points out that Mr. Satiq wanted to continue his services at Federal Education Directorate, Islamabad under the sponse policy in vogue and therefore had tried to extend his deputation. It was further observed that all the efforts made for the extension in deputation were made at due course of time and observing the proper procedure. Moreover, laxity was also observed on part of Federal Directorate of Education and Higher Education Department, Govt. of Khyber Pakhtunkhwa for not processing the case in time. As a government servant, he could not relinquish his charge without being properly relieved by the federal directorate of Education. Hence the accused officer could not be proceeded under rule 03 of the Khyber Pakhtunkhwa, Govt. Servants (Efficiency and Disciplinary) rules. 2011.

RECOMMENDATIONS:

8. The Committee after examination the available record and in accordance with the provision provided under rule 14 (5) (i) of the (Efficiency and Disciplinary) rules. 2011 recommends to exonerate the officer from the charges leveled against him.

Tariq Mehmood,
District Officer (F&P)
District Haripur.

Prof. Dr. Abdur Rashad
Principal
Govt. Degree College Wadpaga Peshawar

SHOW CAUSE NOTICE

131

E
Answer


I, Muhammad Salim, Chief Secretary Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Muhammad Sadiq, Lecturer in Maths (BS-17) Govt; Degree College Khanpur, Haripur, as follows:

- i. That consequent upon the completion of inquiry conducted against you by Inquiry Committee comprising of Mr. Tariq Mehmood, (PMS BS-18), District Officer (F&P) Haripur and Prof. Mr. Abdul Rashid Principal, Govt. Degree College Wadpaga, Peshawar, for which you were given opportunity of hearing.
- 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 acts/omissions specified in rule-3 of the said rules:

- (a) guilty of misconduct.
- (b) guilty of habitually absenting yourself from duty without prior approval of extension in Deputation.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Removal from Service under rule 4 of the said rules.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within 15 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.
5. A copy of the findings of the inquiry officer is enclosed.


(MUHAMMAD SALIM)
CHIEF SECRETARY,
KHYBER PAKHTUNKHWA

Mr. Muhammad Sadiq, Lecturer in Maths,
GDC, Khanpur Haripur

W. Affected
in District
copy

Vide NO 13152/CA-1/Estt - Branch/
A - 12/M. Sadig/Maths/dep

~~25~~ 25-6-19
27/6/2019

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To

The Chief Secretary,
Khyber Pukhtoonkhwa,
PESHAWAR.

Through: PROPER CHANNEL

Subject: SHOW CAUSE NOTICE IN RESPECT OF MR. MUHAMMAD SADIQ, LECTURER IN
MATHEMATICS (BS-17) GOVT; DEGREE COLLEGE KHANPUR, HARIPUR

Respected Sir,

With reverent regards it is submitted for your kind considerations that I have received a SHOW CAUSE NOTICE vide No. 13152/CA-I/Estt: Branch/A-12/M. Sadiq/Maths dated 25-06-2019 on 27th June 2019. In this regard it is requested to your kind honour that I may very kindly be provided a chance of personal hearing so that I may be able to clear my position personally. However, the para wise replies are submitted as under:

a) Guilty of misconduct.

In this regard it is submitted that I have been working as lecturer in Mathematics with effect from 17.10.2006 and got the opportunity to work with different Principals in different colleges.

During whole of my service period I have never misbehaved with any of my Principal/Colleague nor reported by any one as such. The ACRs written by them are present as proof of my conduct in colleges. I have always followed the instructions issued by my superiors from time to time.

Similarly, in present case too, I tried my best to follow the instructions issued by the Directorate of Higher Education or Secretariat Office.

b) Guilty of habitually absenting yourself from duty without prior approval of extension in Deputation.

The Detail of my Deputation/Repatriation is as follows:

i) I applied for deputation to Federal directorate of Education (Model colleges Wing) Islamabad, for which proper requisition was sent to the SO (Colleges) Higher Education Department, KP Peshawar on 04th Feb, 2011 under the subject titled: REQUEST FOR POSTING ON DEPUTATION UNDER GOVT. POLICY MEANT FOR WORKING SPOUSE. All the codal formalities were completed as required. (Annex - I)

ii) Proper NOC/Notification was issued vide No. SO (Colleges)/X-\$/2011 dated 13.01.2012 and deputation was granted initially for a period of 03 years and I was relieved from my duties on 22-06-2012 from GDC No. 2 D.I.Khan. (Annex - II,III)

Th Accordingly the Federal Directorate of Education (Model Colleges Wing) also issued a notification of my deputation on 06th July 2012 after joining Federal Directorate of Education

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vide No. F.1 - 38/2011/MC/FDE/Deputt. (Annex - IV)

- iii) Prior to the expiry of my deputation a requisition for extension of deputation period for 02 years was sent to SO (Colleges - II) on 02-03-2015 and then a reminder to this effect was issued on 28th May 2015 by the Federal Directorate of Education (Model Colleges Wing). (Annex - V, VI)
- iv) The Higher Education Department, KP, Peshawar issued the notification for extension of deputation for the next two years vide No. SO(Colleges) X - 4.2011/889-91 dated 14th July 2015. (Annex - VII)
- v) The Federal Directorate of Education issued a subsequent notification No.F.2.-38/2012-MC on 22nd June, 2017. (Annex - VIII)
- vi) Due to family problems I was interested to serve in Islamabad Model College, so applied for extension of deputation period for next three years on 10-02-2017(04 months prior to closing date of my deputation) to the Director Model Colleges for the grant of a requisition to the Higher Education Department, KP, Peshawar but unfortunately my file remained pending till 07-07-2017 due to illness of then Deputy Secretary. I again requested to the Director Model Colleges Islamabad for the needful to be done. (Annex - IX, X, XI and XII)
- vii) Unfortunately, the processing of my file got delayed in Directorate and Secretariat offices and finally a requisition letter was sent to the SO(Colleges) Higher Education Department, KP, Peshawar on 08th May 2018 vide No. 1/186/2015-E-4. (Annex - XIII)
- viii) In response to above requisition letter the Department of Higher Education regretted to grant extension in deputation period vide No. SO(C-II)/X-4/2011/M. Sadiq Khan dated 31/07/2018. (Annex - XIV)
- ix) On receipt of repatriation letter the Federal Directorate of Education Model Colleges Wing) issued a repatriation Notification No. F. 1-38/2011/MC/FDE/Deputt. dated 14th Sep,2018. (Annex - XV)
- x) On receipt of this letter I got relieved from Federal directorate of Education on 17/09/2018 and reported to the Director Higher Education as well as Secretary, Higher Education KP, Peshawar on 18/09/2018. (Annex - XVI, XVII)
- xi) The Directorate office issued the Adjustment/Repatriation letter on 28/09/18 and adjusted me at GDC Khanpur. Following the instructions I took over charge in present college on 02/10/2018.

It is true that after expiry of deputation period I had to report back but since I had applied for deputation on the basis of spouse policy and as per practice extension is generally granted and I was informed that extension will be granted. I applied for extension 04 months prior to expiry of deputation period. (Annex - XVIII, XIX, Copies of Spouse Policy and Extension in Deputation)

From the above detail it is obvious that I tried my best to comply with the instructions and follow the rules but unfortunately there had been a delay in official correspondence which was

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being made in between Federal Directorate/Secretariat and the Department of Higher of Higher Education. I being the Government Employee had to follow the instructions. So, as soon as the Federal Directorate informed me of regret of extension in deputation and relieved me of my duties in the Model College Islamabad, I approached to my parent department for further adjustment. I never tried to escape myself nor remained absent from my duty place. I was originally granted deputation on the basis of Govt. Policy for Working Spouse and Federal directorate also initiated the case of extension in deputation period for the second time but regretted. So, when I was informed that extension had not been granted, I tried to get relieved and reported to my parent department without wastage of any time. The delays are solely due to official correspondence but not on my part.

It is further stated that the inquiry committee comprising

- i) Mr. Tariq Mehmood (PMS BS-18 District Officer (F&P) Haripur and
- ii) Prof/ Abdur Rashad, Principal GDC Wadpagga, Peshawar

constituted vide No.SO (C-II) HFD/12-14/2018/M. Sadiq/Maths/1320-23/wl dated 24-01-2019 thoroughly investigated my case and submitted the report. The copy of same has been provided me along with this Show Cause Notice. The committee has recommended to exonerate me from the charges leveled against me.

On the basis of above factual position and of course on compassionate ground, it is therefore, very earnestly prayed that I may very kindly be exonerated from the charges leveled against me. Furthermore, the disciplinary proceedings may please be stopped and I may very kindly be allowed to perform my duties with full zeal and spirit.

Muhammad Sadiq
Lecturer in Mathematics
GDC Khanpur, Haripur.

*He
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to be true copy*



GOVERNMENT OF KHYBER PAKHTUNKHWA
AUQAF, HAJJ, RELIGIOUS AND MINORITY AFFAIRS DEPARTMENT
SDU BUILDING, ATTACHED DEPARTMENT'S COMPLEX KHYBER ROAD PESHAWAR
Auqaf@kp.gov.pk facebook.com/ahrmadept twitter.com/ahrmadept
Phone & Fax No. 091-9212620

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~ F ~
Anexcer

No. PS/AHR&MAD/1-5/2019/ 5258-89
Dated Peshawar the 06th August, 2019

To

Mr. Muhammad Sadiq Khan,
Lecturer in Mathematics (BPS-17),
Village & Post Office Takht-e-Nasrati,
Tehsil & District Karak.
Cell No. 0345-9806108

Subject: **PERSONAL HEARING**

I am directed to refer to the subject noted above and to state that the competent authority has agreed to provide you with a chance of personal hearing. You are hereby directed to appear before the Secretary Auqaf, Hajj, Religious & Minority Affairs Department, in his Office, on **20-08-2019 at 11:00 AM for personal hearing.**

M. A. Khan 6/8/2019
PRIVATE SECRETARY
Ph. No.091-9210203

Endst. of Even No. & Date:

Copy forwarded to PS to Secretary Higher Education with the request to depute a well conversant officer to attend the personal hearing proceeding on the above date time & venue, please.

PRIVATE SECRETARY
Ph. No.091-9210203

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Chief Minister
Khyber Pakhtunkhawa

Subject: Appeal to revise the decision of Removal of Service

Sir

Respectfully it is stated that I, Muhammad Sadiq Khan lecturer Maths (G.D.C Khanpur, Haripur) is removed from service through letter no. SO (e-ii) HED/12-14/2018 dated 29.08.2019.

Sir, due to over period in deputation (under wedlock policy) my inquiry was conducted and inquiry report clearly exonerate me from the charges against me. The recommendation of inquiry report was " the committee after examination the available record and in accordance with the provision provided under rule 14 (5) (i) of the (efficiency and Disciplinary) rules 2011 recommends to exonerate the officer from charges leveled against him".

Sir, after inquiry, a show cause notice of temporary removal of service was issued to me from Chief Secretary office. Sir, I defended my case by giving written explanation and also appeared in personal hearing.

Sir, now I got a removal of service letter from Higher Education Khyber Pakhtunkhawa. Sir, I request you to kindly review the decision against me. I will be very thankful if you kindly help me to restore my service on humanitarian ground.

Your sincerely



Muhammad Sadiq Khan

Lecturer maths

G.D.C Khanpur Haripur

Dated; 18-09-2019



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Anexer

**GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

Dated Peshawar the 29.08.2019.

NOTIFICATION

No. SO (C-II)/HED/12-14/2018, WHEREAS Mr. Muhammad Sadiq, Lecturer (BS-17) in Maths Govt; Degree College Khanpur, Haripur was proceeded against under the Khyber Pakhtunkhwa Efficiency & Discipline Rules, 2011 for the charges mentioned in the charge sheet and Statement of Allegations.

AND WHEREAS the Competent Authority appointed Mr. Tariq Mehmood (PMS BS-18), District Officer (F&P), Haripur and Professor Mr. Abdul Rashad Principal, Govt. Degree College Wadpagga, Peshawar as Inquiry Officers to conduct inquiry against the accused officer for the charges leveled against him in accordance with the Law/Rules.

2. **AND WHEREAS** the Inquiry Officer/Committee after having examined the charges, evidence on record and explanation of the accused officer, submitted its report.

3. **AND WHEREAS**, the Competent Authority has served the accused officer with Show Cause Notice for "Removal from Service".

4. **NOW THEREFORE** the Competent Authority, after having considered the charges, evidence on record, findings of the inquiry report, the explanation of the accused officer after affording him personal hearing and in exercise of powers under Rule 14(7) of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, has been pleased to confirm the major penalty of "**Removal from service**" w.e.f 20.08.2019 upon the accused officer.

Refer to the concerned officer.
[Signature]

SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even.

Copy forwarded to the:-

1. Director Higher Education Khyber Pakhtunkhwa, Peshawar.
2. Principal, Govt; Degree College, Khanpur, Haripur
3. Deputy Director, HEMIS Cell, Higher Education, Khyber Pakhtunkhwa.
4. District Accounts Officer, Haripur.
5. Officer concerned; Mr. Muhammad Sadiq, Lecturer in Math Govt; Degree College, Khanpur, Haripur.

[Signature]
(M. FIYAZ KHAN)
SECTION OFFICER (COLLEGES-II)

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Chief Minister
Khyber Pakhtunkhawa

Subject: Appeal to revise the decision of Removal of Service

Sir

Respectfully it is stated that I, Muhammad Sadiq Khan lecturer Maths (G.D.C Khanpur, Haripur) is removed from service through letter no. SO (c-ii)/HED/12-14/2018 dated 29.08.2019.

Sir, due to over period in deputation (under wedlock policy) my inquiry was conducted and inquiry report clearly exonerate me from the charges against me. The recommendation of inquiry report was " the committee after examination the available record and in accordance with the provision provided under rule 14 (5) (i) of the (efficiency and Disciplinary) rules 2011 recommends to exonerate the officer from charges leveled against him".

Sir, after inquiry, a show cause notice of temporary removal of service was issued to me from Chief Secretary office. Sir, I defended my case by giving written explanation and also appeared in personal hearing.

Sir, now I got a removal of service letter from Higher Education Khyber Pakhtunkhawa. Sir, I request you to kindly review the decision against me. I will be very thankful if you kindly help me to restore my service on humanitarian ground.

Your sincerely

Muhammad Sadiq Khan

Lecturer maths

G.D.C Khanpur Haripur

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**GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

38

No. SO (C-II)HED/X-4/2018
Dated Peshawar the 07-11-2019

To

The Director,
Higher Education, Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: - APPEAL TO REVISE THE DECISION OF REMOVAL OF SERVICE

I am directed to refer the subject noted above and to state that the Competent Authority has rejected the appeal of Mr. Muhammad Sadiq, Lecturer in Mathematics, Govt: Degree College, Khanpur, Haripur and upheld the order of penalty notified vide this Department's Notification No. SO(C-II)HED/12-14/2018, dated 29-08-2019.

(GHULAM GHOUSE)
SECTION OFFICER (COLLEGES-II)

Endst: No. & Date Even

Copy forwarded to the:

1. Section Officer (Admn.), Chief Minister's Secretariat, Khyber Pakhtunkhwa w/r to his letter No. SO(Admn)/CMS/KP/2019/9448, dated 01-10-2019.
2. PS to Secretary, Higher Education Department, Khyber Pakhtunkhwa, Peshawar.
- ✓ 3. Mr. Muhammad Sadiq Khan, R/O Village & Post Office Takht-e-Nasrati, Tehsil & District Karak.
4. PA to Deputy Secretary (Colleges), Higher Education Department, Khyber Pakhtunkhwa, Peshawar.

غلام غوسه
7-11-2019
SECTION OFFICER (COLLEGES-II)

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WAKALATNAMA
(Power Of Attorney)

(39)

Service Tribunal Khyber Pakhtunkhwa, PESHAWAR

Mohammad Sadig Khan..... (Petitioner)

VERSUS

Govt of KP through Secretary..... (Respondent)
Education & Skill

I/ We, The undersigned in the above
noted _____, do hereby appoint **Mr. Hidayat Ullah Khattak**
Advocate to appear, plead, act, compromise, withdraw or refer to
arbitration for me/us as my /our counsel in the above noted matter,
without any liability for their default and with the authority to engage/
appoint any other Advocate/Counsel at my/our matter.

~~Accepted By~~ Accepted By.

M. Sadig Khan CNIC# 14203-2064970-5
Signature of Executants

Hidayat Ullah Khattak
Hidayat Ullah Khattak
Advocate High Court, Peshawar
Office 4th Floor F.R 29 Bilour Plaza Saddar Cantt, Peshawar
Cell No.0300-9357757

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

S.A # 1614/2019

Muhammad SadiqAppellant

Versus

Govt. of Khyber Pakhtunkhwa

Through Chief Secretary,

Director, Higher Education Peshawar & Others..... Respondents

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Respondents

(1)

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

S.A # 1614/2019

Muhammad SadiqAppellant

Versus

Govt. of Khyber Pakhtunkhwa

Through Chief Secretary,

Director, Higher Education Peshawar & Others..... Respondents

SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 2 & 3

Respectfully Sheweth: -

Preliminary Objections:-

1. That the appellant has got no cause of action/locus standi to file the instant Service appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands and is trying to conceal material facts.
3. That the instant service appeal is hit by doctrine of laches.
4. That the appellant is estopped by his own conduct to file the instant service appeal.
5. That the instant service appeal is time barred.

Facts: -

- 1) Pertains to the record.
- 2) Pertains to the record.
- 3) The appellant remained on deputation w.e.f 22/06/2012 to 26/06/2017 and he was required to resume his duties immediately after the expiry of the same. No doubt his case for extension was sent but as per rules just request doesn't entitle one to remain on further deputation without prior/proper approval of competent authority.
- 4) Not relevant with respondents.
- 5) Correct to the extent that the appellant resumed the charge on 18th September, 2018 after lapse of fifteen (15) months which comes under wilful absenteeism and a notice in this regard was also served upon him.
- 6) Correct.
- 7) That the inquiry proceedings under Efficiency & Discipline (E&D) rules, 2011 necessitate full-fledged procedural norms i.e. charge sheet, statement of allegations, show cause notice, personal hearing and finality of the imposition of penalty and the same has been done and the competent authority rightly imposed major penalty (**Annex-A to E**).
- 8) Correct to the extent that competent authority issued show cause notice and imposed major penalty of removal from service and the rest of the para pertains to the record.
- 9) Correct to the extent that chance of personal hearing was given to the appellant.


- 10) Pertains to the record.
- 11) That the plea of the appellant does not hold any grounds as recommendation of inquiry officer, until get matured/approved by the competent authority, has no status.
- 12) Correct.
- 13) Needs no comments.

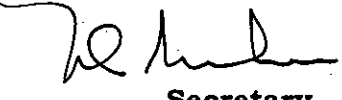
Grounds: -

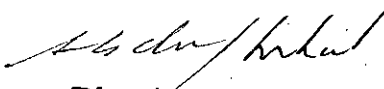
- A. Incorrect. As already explained in Para-7 of facts and the competent authority has rightly imposed major penalty of removal from service and treated the appellant within four corners of law.
- B. Incorrect. That the plea of the appellant doesn't hold any ground as recommendation of the inquiry officer, until get matured/approved by competent authority, has no status.
- C. Incorrect as already explained in para-B.
- D. Incorrect. As a responsible government servant, he was required to be very vigilant and turn up for his duties at his parent department after expiry of deputation, but he showed negligence and law knows no sympathy and no excuse for ignorance is allowed.
- E. Incorrect. Proper proceedings were conducted.
- F. Incorrect. As already explained in preceding para.
- G. Incorrect. That the appellant was required to resume the charge in his parent department after expiration of his deputation period but he didn't resume the charge. It is worth to mention that absentee notice was also served upon him on his home address but he failed to report for duty within specified time limit (Annex-F).
- H. That the respondents may be allowed to raise any other grounds at the time of arguments.

Prayers: -

It is, therefore, humbly prayed that the instant case is based on misconception/misstatement, hence may graciously be dismissed with appropriate costs.

For 
Chief Secretary, 22/4/2020
 Govt. of Khyber Pakhtunkhwa
 Respondent No. 1


Secretary, 18/6/2020
 Higher Education Department
 Respondent No. 2


Director,
 Higher Education Department
 Respondent No. 3



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

S.A # 1614/2019

Muhammad Sadiq.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa

Through Chief Secretary,

Director, Higher Education Peshawar & Others..... Respondents

AFFIDAVIT

I, Lubna Farman, Assistant Director (Litigation), Higher Education Department do hereby declare and affirm on oath that the contents of Para Wise Comments are correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

Identified by:



Deponent
17301-8792433-6

DISCIPLINARY ACTION

I, Nawaz Hamid Baloch, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Mohammad Saif, Lecturer in Mathematics (B-17), Govt Degree College, Khanpur, Hanjra has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of rule 03 of the Khyber Pakhtunkhwa Govt Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i. That his services were placed at Federal Directorate of Education, Islamabad on deputation initially for a period of three years w.e.f 27.06.2012 and his deputation period was extended for further two years w.e.f 27.06.2015.
- ii. That on expiry of deputation on 26.06.2017, he was required to report for duty to his Parent Department after availing five years deputation, but instead of joining his duties he applied for further extension in deputation which was negated by the Competent Authority.
- iii. That the Director, Higher Education, Khyber Pakhtunkhwa directed him on his home address to report for duty within 15 days failing which disciplinary action will be taken against him vide letter No. 21500-501 dated 09.08.2018 but you didn't notice of the direction of the Department and finally submitted your arrival report for duty on 18.09.2018 and finally submitted his arrival report on 18.09.2018.
- iv. That he remained un-authorizedly/ unlawfully without deputation for more than 15 months w.e.f 26.06.2017 to 17.09.2018.

2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under rule 10 (1) (a) of the ibid rules.

- i. Mr. Tariq Mahmood, D.O (FBP) Hanjra
- ii. Prof. Akbar Rashid, Pr. of Ed. Hanjra

- 3. The inquiry officer/ inquiry committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty 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/ inquiry committee.

Nawaz Hamid Baloch
CHIEF SECRETARY,
KHYBER PAKHTUNKHWA

LAWWA
13.7.2020

Attested to be true Copy

DISCIPLINARY ACTION

I, Musawar Hamman Baloch, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Mohammad Saadiq, Lecturer in Mathematics (B-17), Govt Degree College, Khanpur, Khanpur, Khanpur has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of rule 03 of the Khyber Pakhtunkhwa Govt Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i. That his services were placed at Federal Directorate of Education, Islamabad on deputation initially for a period of three years w.e.f 27.06.2012 and his deputation period was extended for further two years w.e.f 27.06.2015.
- ii. That on expiry of deputation on 26.06.2017, he was required to report for duty to his Parent Department after availing five years deputation, but instead of joining his duties he applied for further extension in deputation which was negated by the Competent Authority.
- iii. That the Director, Higher Education, Khyber Pakhtunkhwa directed him on his home address to report for duty within 15 days failing which disciplinary action will be taken against him vide letter No. 21500-501 dated 09.08.2018 but you didn't receive of the direction of the Department and finally submitted your arrival report for duty on 18.09.2018 and finally submitted his arrival report on 18.09.2018.
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- i. Mr. Tariq Mahmood D.O (FBI) Khanpur
- ii. Prof. Abdul Rashid Pr. of Govt College Khanpur

3. The inquiry officer/ inquiry committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty 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/ inquiry committee.

Musawar Hamman Baloch
CHIEF SECRETARY,
KHYBER PAKHTUNKHWA

Musawar
13.7.2020

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Annex - B
CHARGE SHEET


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1. Navrood Kamran Baloch, Chief Secretary, Khyber Pakhtunkhwa, competent Authority, hereby charge you, Mr. Mohammad Saif, Lecturer in Mathematics (B-17), Govt Degree College, Khanpur, Haripur as follows:

That you, while posted as Lecturer in Mathematics (B-17), Govt Degree College, No. 2 D.I.Khan committed the following irregularities:-

- i. That your services were placed at Federal Directorate of Education, Islamabad on deputation initially for a period of three years w.e.f 27.06.2012 and your deputation period was extended for further two years w.e.f 27.06.2015.
 - ii. That on expiry of deputation on 26.06.2017, you were required to report for duty to your Parent Department after availing five years deputation, but instead of joining your duties you applied for further extension in deputation which was rejected by the Competent Authority.
 - iii. That the Director, Higher Education, Khyber Pakhtunkhwa directed you on your home address to report for duty within 15 days failing which disciplinary action will be taken against you vide letter No. 21500-501 dated 09.08.2018, but you didn't take notice of the direction of the Department and finally submitted your arrival report for duty on 18.09.2018.
 - iv. That you remained un-authorizedly/ unlawfully without deputation for more than 15 months w.e.f 26.06.2017 to 17.09.2018.
2. By reason of the above, you appear to be guilty of misconduct under rule 03 of the Khyber Pakhtunkhwa, Govt; Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 04 of the Rule ibid.
 3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Officer/ Committee, as the case may be.
 4. Your written defence, if any, should reach the Enquiry Officer/ Committee within the specific period, failing which it shall be presumed that you have no defence to put in and in that case exparte action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. A statement of allegations is enclosed.


Navrood Kamran Baloch
CHIEF SECRETARY,
KHYBER PAKHTUNKHWA


13.7.2020

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INQUIRY REPORT

Subject: DISCIPLINARY PROCEEDINGS AGAINST MR. MUHAMMAD SADIQ
LECTURER IN MATHS (BS-17) GOVT. DEGREE COLLEGE KHANPUR,
HARIPUR

BACKGROUND:

Mr. Muhammad Sadiq Lecturer in Maths (BS-17) Govt. Degree College Khanpur, Haripur while posted at Govt. Degree College No.2 D.I. Khan requested for Deputation at Federal Directorate of Education, Government of Pakistan under Sponse Policy. The Competent Authority honored the request and the officer concerned was authorized to avail the deputation for period of (3) Years at Federal Directorate of Education vide Notification No. SO(Colleges)/X-4/2011 Dated 13-01-2012 (Annex-A). Consequently, the accused officer has relinquished the charge from the Post of Lecturer in Mathematics at Govt. Degree College, D.I Khan on 22-06-2012 and submitted his arrival thereof to Federal Directorate of Education and was accordingly posted at Islamabad Model College for Boys vide Federal Education Directorate Notification No. F.1-38/2011/MC/FDE/Deputt Dated: 06-07-2012.

2. The officer concerned continued his duties under the Federal Directorate of Education, Islamabad till the completion of his deputation period i.e on 26-06-2015 and once again requested extension in deputation for further period of Three Years. The Competent Authority, however granted extension for period of two years ending on 26-06-2017 to continue his services at Islamabad Model College for Boys, Federal Directorate of Education (Annex-B)

3. The accused officer was supposed to join his parent Department w.e.f 27-06-2017, however he once again requested for extension in the deputation period which was regretted by the Competent Authority. Moreover, the officer concerned was intimated by Directorate of Higher Education, Govt. of Khyber Pakhtunkhwa vide Letter No. 21500-501 Dated 09-08-2018 to report to the duty within 15 days failing which disciplinary proceedings will be initiated against him, however the accused officer did not comply with the instructions in time and submitted his arrival on 18-09-2018 and hence, rendered himself guilty to be proceed under rule 03 of the Khyber Pakhtunkhwa, Govt. Servants (Efficiency and Disciplinary) rules, 2011.

4. The Chief Secretary being the Competent Authority has constituted inquiry committee comprising of Mr. Tariq Mahmood (PMS- BS-18), District Officer (F&P) Haripur and Dr. Abdur Rashad Principal Govt. Degree College Wadpaga vide Higher Education Archives & Libraries Department Letter No. SO(C-3) HED/12-14/2018/M.Sadiq/Maths/1320-2 Dated: 24/01/2019 (Annex-C) to conduct a formal inquiry against the accused officer and to submit a report thereof to Department for appropriate necessary action.

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13.7.2020

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5. Gist of charges/ statement of allegations leveled against the accused officers are given below.

- i. That accused officer was directed to report the duty by Directorate of Higher Education, Govt. of Khyber Pakhtunkhwa vide Letter No. 21300-301 Dated 09-08-2018 to report to the duty within 15 days failing which disciplinary proceedings will be initiated against him, however the accused officer did not comply with the instructions in time and submitted his arrival on 18-09-2018
- ii. That he remained un-authorizedly/ unlawfully without deputation for more than 15 months w.e.f 26-06-2017 to 17-09-2018.

PROCEEDINGS:

6. The enquiry committee communicated the charge sheet to the accused officer and directed to submit his written reply within the stipulated time mentioned in the charge sheet. Furthermore, opportunity was also provided for being heard in person on 13/2/19 to defend the charges leveled against him. Moreover, Directorate of Higher Education was also asked to depute representative to facilitate the committee in carrying out proceedings in the instant matter.

7. Statements of Departmental representative and the accused officers are reproduced below;

I. STATEMENT OF DEPARTMENTAL REPRESENTATIVE MR. IMRAN ASSISTANT DIRECTOR DIRECTORATE OF HIGHER EDUCATION (ANNEX-D)

The Departmental Representative stood by the allegations framed against the accused officer and were communicated through charge sheet ibid. However, when cross questioned about any intimation has been communicated to the accused officer to report back to the parent Department on expiry of his deputation period that is on 26-06-2017, he informed that the only record in hand points out that he was intimated vide Directorate of Higher Education Letter No. 21302-3 Dated 09-08-2018 to report back.

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II. STATEMENT OF MR. MUHAMMAD SADIO LECTURER IN MATHS (BS-17) GOVT. DEGREE COLLEGE KHANPUR, HARIPUR (ANNEX-E)

The accused officer informed that almost four (04) months, prior to completion of his extended deputation period he has submitted application for further extension in Deputation i-c on 10-02-2017 due to his domestic problem. However, the application was remained pending at Federal Directorate of Education, Islamabad. The officer once again approached the Federal Directorate of Education through proper channel on 07-07-2017 to take up his case of further

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extension in deputation with Higher Education Department, Govt. of Khyber Pakhtunkhwa and accordingly the Education Directorate, Islamabad processed the case on 08-05-2018. The same was reported by the Provincial Government vide their letter Dated 31-07-2018 and in lieu of the same the Federal Education Directorate issued the repatriation Notification on 14-9-2018 and the accused officer accordingly reported to Directorate of Higher Education, Khyber Pakhtunkhwa on 18-09-2018.

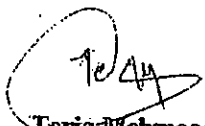
He further emphasized that his delayed arrival to his parent Department was mainly because of the time taken by the Federal Directorate of Education and Higher Education Department, Govt. of Khyber Pakhtunkhwa in processing his application for further extending his deputation period beyond 26-06-2017.

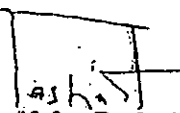
FINDINGS:

7. The committee perused the available record, and the arguments made during the course of the inquiry and points out that Mr. Safiq wanted to continue his services at Federal Education Directorate, Islamabad under the sponse policy in vogue and therefore had tried to extend his deputation. It was further observed that all the efforts made for the extension in deputation were made at due course of time and observing the proper procedure. Moreover, laxity was also observed on part of Federal Directorate of Education and Higher Education Department, Govt. of Khyber Pakhtunkhwa for not processing the case in time. As a government servant, he could not relinquish his charge without being properly relieved by the federal directorate of Education. Hence the accused officer could not be proceeded under rule 03 of the Khyber Pakhtunkhwa, Govt. Servants (Efficiency and Disciplinary) rules, 2011.

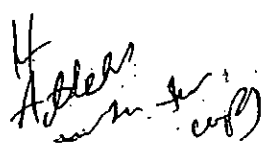
RECOMMENDATIONS:

8. The Committee after examination the available record and in accordance with the provision provided under rule 14 (3) (ii) of the (Efficiency and Disciplinary) rules, 2011 recommends to exonerate the officer from the charges leveled against him.


Tariq Mehmood,
District Officer (F&P)
District Haripur


Prof. Dr. Abdur Rashad
Principal
Govt. Degree College Wadpaga Peshawar





SHOW CAUSE NOTICE

I, Muhammad Salim, Chief Secretary Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Muhammad Sadiq, Lecturer in Maths (BS-17) Govt. Degree College Khanpur, Haripur, as follows:

- i. That consequent upon the completion of inquiry conducted against you by Inquiry Committee comprising of Mr. Tariq Mahmood, (PMS BS-18), District Officer (P&P) Haripur and Prof. Mr. Abdul Rashid Principal, Govt. Degree College Waplogga, Peshawar, for which you were given opportunity of hearing.
- 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 acts/omissions specified in rule-3 of the said rules:

- (a) guilty of misconduct.
- (b) guilty of habitually absenting yourself from duty without prior approval of extension in Deputation.

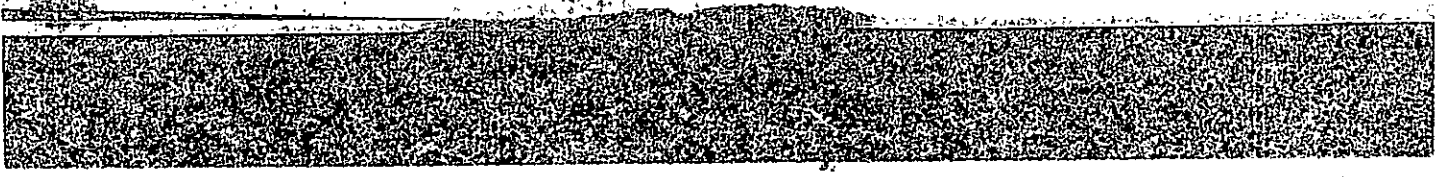
2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Removal from Service under rule 4 of the said rules.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within 15 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.
5. A copy of the findings of the inquiry officer is enclosed.

Muhammad Salim
(MUHAMMAD SALIM)
CHIEF SECRETARY,
KHYBER PAKHTUNKHWA

Mr. Muhammad Sadiq, Lecturer in Maths,
GDC, Khanpur Haripur

Muhammad Sadiq
BS-17

W. Athar
on 21/11/2011
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Annex - B

GOVERNMENT OF KHYBER PAKHTUNKHWA
AUQAF, HAJJ, RELIGIOUS AND MINORITY AFFAIRS DEPARTMENT
SDU BUILDING, ATTACHED DEPARTMENT'S COMPLEX KHYBER ROAD PESHAWAR
Auqaf@kp.gov.pk @facebook.com/ahrmadept @twitter.com/ahrmadept
Phone & Fax No: 091-9212620

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Annexer

No. PS/AHR&MAD/1-5/2019/ 5258-89
Dated Peshawar the 06th August, 2019

To

Mr. Muhammad Sadiq Khan,
Lecturer in Mathematics (BPS-17),
Village & Post Office Takht-e-Nasrati,
Tehsil & District Karak.
Cell No. 0345-9806108

Subject: **PERSONAL HEARING**

I am directed to refer to the subject noted above and to state that the competent authority has agreed to provide you with a chance of personal hearing. You are hereby directed to appear before the Secretary Auqaf, Hajj, Religious & Minority Affairs Department, in his Office, on **20-08-2019 at 11:00 AM for personal hearing.**

M. Anwar 6/8/2019

PRIVATE SECRETARY
Ph. No.091-9210203

Endst. of Even No. & Date:

Copy forwarded to PS to Secretary Higher Education with the request to depute a well conversant officer to attend the personal hearing proceeding on the above date time & venue, please.

PRIVATE SECRETARY
Ph. No.091-9210203

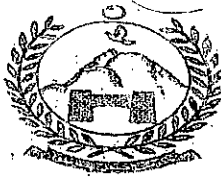
M. Anwar
13.7.2020

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Annex - F

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GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

G
Annex

Dated Peshawar the 29.08.2019.

NOTIFICATION

No. SO (C-II)/HED/12-14/2018. WHEREAS Mr. Muhammad Sadiq, Lecturer (BS-17) in Maths Govt; Degree College Khanpur, Haripur was proceeded against under the Khyber Pakhtunkhwa Efficiency & Discipline Rules, 2011 for the charges mentioned in the charge sheet and Statement of Allegations.

AND WHEREAS the Competent Authority appointed Mr. Tariq Mehmood (PMS BS-18), District Officer (F&P), Haripur and Professor Mr. Abdul Rashad Principal, Govt. Degree College Wadpaggā, Peshawar as Inquiry Officers to conduct Inquiry against the accused officer for the charges leveled against him in accordance with the Law/Rules.

2. AND WHEREAS the Inquiry Officer/Committee after having examined the charges, evidence on record and explanation of the accused officer, submitted its report.

3. AND WHEREAS, the Competent Authority has served the accused officer with Show Cause Notice for "Removal from Service".

4. NOW THEREFORE the Competent Authority, after having considered the charges, evidence on record, findings of the Inquiry report, the explanation of the accused officer after affording him personal hearing and in exercise of powers under Rule 14(7) of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, has been pleased to confirm the major penalty of "Removal from service" w.e.f 20.08.2019 upon the accused officer.

Refer to the concerned officer.
[Signature]

SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even.

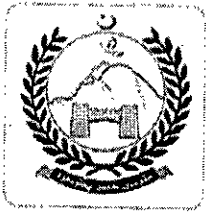
Copy forwarded to the:-

1. Director Higher Education Khyber Pakhtunkhwa, Peshawar.
2. Principal, Govt; Degree College, Khanpur, Haripur
3. Deputy Director, HEMIS Cell, Higher Education, Khyber Pakhtunkhwa.
4. District Accounts Officer, Haripur.
5. Officer concerned; Mr. Muhammad Sadiq, Lecturer in Math Govt; Degree College, Khanpur, Haripur.

[Signature]
(M. FIYAZ KHAN)
SECTION OFFICER (COLLEGES-II)

[Signature]
13.7.2019

[Signature]
take the copy



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 2373 /ST

Dated: 01/12 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

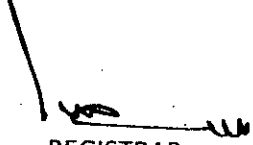
To

The Secretary Higher Education Archives and Libraries Department,
Government of Khyber Pakhtunkhwa
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 1614/2019 MR. MUHAMMAD SADIQ.

I am directed to forward herewith a certified copy of Judgement dated 12.11.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR