BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,PESHAWAR.

Appeal No. 427/2015

Date of Institution ... 21.04.2015

Date of Decision ... 17.03.2021

Ahmad Nawaz son of Muhammad Roz Khan R/O village Hurmaz Tahsil Mirali North Waziristan Agency. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary and three others. ... (Respondents)

Present.

Mr. Razaullah,
Advocate. ... For appellant

Mr. Muhammad Rasheed,
Deputy District Attorney ... For respondents.

MR. HAMID FAROOQ DURRANI, ... CHAIRMAN
MR. MIAN MUHAMMAD ... MEMBER(E).

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. This appeal has been submitted against the orders dated 31.10.2011, whereby, the appellant was reduced to lower post from BPS-17 to BPS-11 and dated 11.07.2012, whereby, the appellant's service was terminated by respondent No. 3.

2. The facts, as noted in the memorandum of appeal, are to the effect that the appellant was appointed in Communication & Works Department as Sub-Engineer (BPS-11) on 07.04.1977. During the course of service he was promoted to the post of Assistant Engineer/Sub-Divisional Officer (BPS-17) on 10.09.1989 and was lastly posted as Executive Engineer (Building Division) Kurram Agency on O.P.S. On 31.10.2011, the appellant was

proceeded against departmentally under the Khyber Pakhtunkhwa Removal from Service (Special Power) Ordinance, 2000 for alleged irregularities committed in the Construction of Judicial Complex, Lakki Marwat under Access to Justice Programme. At the conclusion of proceedings, on 31.10.2011 he was imposed upon the penalty in terms of reduction to lower post/grade for three years. He was, upon the departmental penalty, directed to report to C&W Secretariat for further posting as Sub Engineer (BPS-11).

On 11.07.2012, another order was passed by respondent No. 3, whereby, the services of appellant were terminated with effect from the date of absence from duty under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011. The reason given in the order was in terms that the appellant, after his reversion, failed to resume duty with C&W Department and remained absent since 01.11.2011.

3. Learned counsel for the appellant as well as learned DDA heard on behalf of the respondents and available record gone through.

4. Learned counsel for the appellant submitted written arguments as well as addressed/returned the arguments at the bar from the other side. The main contention of the learned counsel was to the effect that he had applied for retirement on 03.11.2011 but his request was never answered by the respondents. The proceedings, therefore, taken thereafter were void against the appellant and he could not be terminated from service on account of absence. He also contended that the appellant, alongwith his family, became an IDP at the relevant time, therefore, was held back from joining his duty at the concerned office. Replying to the objection from other side regarding delay in submission of departmental as well as instant appeal,

learned counsel stated that the technicality in the facts and circumstances of the case was not to be considered and the case of appellant was to be decided on merits. In support of his arguments, he referred to judgments reported as 2004 PLC (C.S)1014 and 2020 SCMR 1018.

Learned DDA, while returning the arguments from other side, contended that against the first penalty awarded to the appellant on 31.10.2011 no departmental appeal was submitted or the appeal claimed to have been submitted was much delayed. Similarly, against second order dated 11.07.2012 no appeal whatsoever, was preferred till the submission of instant Service Appeal on 21.04.2015. The appeal in hand was, therefore, not competent and warranted outright dismissal. It was further stated that the purported departmental appeal submitted before the Chief Minister Khyber Pakhtunkhwa was also not competent because the Chief Minister lacked jurisdiction on that count. Referring to the merits of the case, it was contended that the liability was fixed upon the appellant after thorough probe and following the requisite procedure. Without any response from the appellant, he was rightly awarded the penalty after opportunity of personally hearing extended to him. In support of his arguments, learned DDA referred to PLJ 2009 Supreme Court 1099, 2004 SCMR 1426, PLD 2006 Supreme Court 572 and 2010 SCMR 1982. Judgment in CP No. 290 of 2018, decided on 11.11.2019, was also relied upon.

5. We have gone through the available record and have found that the arguments by learned DDA have force. On record there is copy of an Application/appeal addressed to the Chief Minister Khyber Pakhtunkhwa against "physical verification of the scheme" also containing the prayer for cancellation of order of degradation of the appellant. The Appeal/Application

undeniably bore the date as "11.10.2014" when the impugned order of termination of service was already passed on 11.07.2012. The representation/appeal was, for all intents and purposes, delayed for more than two years and was not worth credence in the facts and circumstances of the case. Not to repeat that a departmental appeal against the order dated 11.07.2012 was conceded not to have been ever submitted.

6. It is also evident from the record that the main ground for defence of appellant also remained under the cloud. It is the contention of the appellant that he became an IDP (Internally Displaced Person) during the relevant time, however, the evidence of his registration as such pertains to the period between June and July, 2014. His absence from duty before that is nowhere explained on the record. It is also pertinent to note that the appellant submitted application for retirement, though not specifically admitted by the respondents, on 03.11.2011 while the departmental punishment was already awarded to him on 31.10.2011.

7. As regards the departmental proceedings against the appellant are concerned, it is part of the record that on 20.05.2012 notices in daily "Express" Peshawar as well as daily "Aaj" Peshawar were published but the appellant failed to respond. His stance throughout was the submission of application for retirement which held him back from performance of duty. This ground of defence on his part does not carry any force hence disregarded. He was supposed to be on duty till the acceptance of his application which could never happen.

8. It is by now well-settled that where departmental appeal of a civil servant is barred by time, his service appeal is rendered incompetent. The case of appellant squarely falls within the said parameter. It also requires to

note that the reasons, as mentioned in the application for condonation of delay, are also not according to the mode and manner prescribed and established over the decades. To say that the question of limitation was only a technicality would not be correct approach. Issue of limitation could not be taken lightly in the facts and circumstances of instant case.

9. For what has been discussed above, the appeal in hand warrants dismissal and is accordingly dismissed. Parties are left to bear their respective costs.

File be consigned to the record room.

(HAMID FAROOQ DURRANI)
CHAIRMAN

(MIAN MUHAMMAD)
MEMBER(E)

ANNOUNCED
17.03.2021

427/15

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
		Present. Mr. Razaullah, Advocate ... For appellant Mr. Muhammad Rasheed, Deputy District Attorney ... For respondents.
	17.03.2021	Vide our detailed judgment; the appeal in hand warrants dismissal and is accordingly dismissed. Parties are left to bear their respective costs. File be consigned to the record room. (MIAN MUHAMMAD) Member(E) CHAIRMAN ANNOUNCED 17.03.2021

30.12.2020 Due to summer vacation, case is adjourned to 17.3.2021 for the same as before.

Reader

11.06.2020 Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Adjournment requested. Adjourned to 03.07.2020 for arguments before D.B.

(Mian Muhammad)
Member

(M. Amin Khan Kundi)
Member

03.07.2020 Due to COVID-19, the case is adjourned to 19.08.2020 for the same.

Reader

19.08.2020 Due to summer vacations, the case is adjourned to 29.10.2020 for the same.

Reader

29.10.2020 Proper D.B is on Tour, therefore, the case is adjourned for the same on 30.12.2020 before D.B.

Reader

10.12.2019 Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Adjourned to 07.02.2020 for arguments before D.B.

(Ahmad Hassan)
Member

(M. Amin Khan Kundi)
Member

07.02.2020 Counsel for appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 24.02.2020 for arguments before D.B.

(Ahmad Hassan)
Member

(M. Amin Khan Kundi)
Member

24.2.2020 The Bench is incomplete Therefor Case is adjourned to 1-4-2020

Reader

01.04.2020 Due to public holiday on account of COVID-19, the case is adjourned to 11.06.2020 for same as before.

Reader

11.11.2019 Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Abbas Khan, Senior Clerk for the respondents present. Representative of the department submitted reply of restoration application which is placed on record.

Arguments on restoration application heard. Record reveals that the main service appeal of the appellant was dismissed in default on 15.05.2019. The appellant submitted application for obtaining attested copy of order on 20.05.2019, the attested copy was delivered to the appellant on 22.05.2019 and the appellant submitted restoration application on 11.06.2019. Though the restoration application has been filed after a delay of 7/8 days but it is a well settled law that the cases should be decided on merit rather than technicalities. Moreover, learned counsel for the appellant also stated that he is ready to pay cost. Therefore, keeping in view, the restoration application is accepted. The appeal is restored subject to the payment of cost of Rs. 2000/-. Cost received by the representative of the department and in this regard representative of the department also submitted receipt of cost of Rs. 2000/- which is placed on record. Case to come up for arguments on main appeal on 10.12.2019 before D.B.

(Ahmad Hassan)
Member

(M. Amin Khan Kundi)
Member

03.09.2019 Learned counsel for the appellant present. To come up for reply and arguments on restoration application for 01.10.2019 before D.B. Original record be also requisitioned for the date fixed.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

01.10.2019 Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Abbas Khan, Senior Clerk for the respondents present. Reply on restoration application on behalf of respondents not submitted. Learned Assistant AG requested for further time. Case to come up for reply and arguments on restoration application on 07.11.2019 before D.B.

(AHMAD HASSAN)
MEMBER

(M. AMIN KHAN KUNDI)
MEMBER

07.11.2019 Learned counsel for the petitioner present. Mr. Mr. Zia Ullah learned Deputy District Attorney alongwith Abbas Senior Clerk present. Representative of the respondent department seeks time to furnish reply. Granted. To come up for reply and arguments on restoration application on 11.11.2019 before D.B.

Member

Member

Form-A

FORM OF ORDER SHEET

Court of_____

Appeal's Restoration Application No. 238/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	11.06.2019	The application for restoration of appeal No.427/2015 submitted by Mr. Razaullah Khan Advocate, may be entered in the relevant register and put up to the Court for proper order please. REGISTRAR 11/6/19
2		This restoration application is entrusted to D. Bench to be put up there on 10-7-2019 CHAIRMAN
10.07.2019		Learned counsel for the appellant present. Notice of the present application be issued to the respondents for reply. Adjourn. To come up for reply and arguments on 03.09.2019 before D.B. Member Member

22.03.2019 Appellant in person and Mr. Ziaullah, DDA for the respondents present.

Appellant requests for adjournment due to engagement of his learned counsel before the Honourable High Court.

Adjourned to 15.05.2019 before the D.B.

Member Chairman

15.05.2019 None present on behalf of the appellant. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Called several times but no one appeared on behalf of the appellant nor he was present in person. Therefore, the appeal in hand is dismissed in default. File be consigned to the record room.

ANNOUNCED
15.05.2019

(AHMAD HASSAN)
MEMBER

(M. AMIN KHAN KUNDI)
MEMBER

13.11.2018 Due to retirement of Hon'able Chairman, the Tribunal is defunct. Therefore, the case is adjourned for the same on 27.12.2018 before D.B.

Reader

27-12-2018 the Bench is on tour therefor case is adjourned to 19-2-2019

Reader

19.02.2019 Lateef Ahmad Advocate for appellant present. Mr. Muhammad Jan learned DDA for the respondents present. Request for adjournment is made as learned senior counsel for the appellant is engaged before the Hob'ble Peshawar High Court Peshawar today in a number of cases. Adjourned to 22.03.2019 D.B.

Member

Chairman

19.04.2018 Junior counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Noor Wazir, SO (litigation) for the respondents also present. Junior counsel for the appellant submitted application for adjournment. Application is placed on record. Adjourned. To come up for arguments on 04.07.2018 before D.B.

(Ahmad Hassan)
Member

(Muhammad Amin Khan Kundi)
Member

04.07.2018 Appellant in person present, Mr. Muhammad Jan, DDA for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 16.08.2018 before D.B.

(Ahmad Hassan)
Member

(Muhammad Amin Kundi)
Member

16.08.2018 Appellant absent. Learned counsel for the appellant absent. Mr. Usman Ghani learned District Attorney present. Adjourned. To come up for on 25.09.2018 before D.B.

(Muhammad Amin Kundi)
Member

(Muhammad Hamid Mughal)
Member

25.09.2018 Appellant in person present. Learned counsel for the appellant absent. Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Narish Kumar Senior Clerk for the respondents present. Appellant requested for adjournment. Adjourned. To come up for arguments on 13.10.2018 before D.B

(Hussain Shah)
Member

(Muhammad Hamid Mughal)
Member

12.10.2017 Junior to counsel for the appellant present. Mr. Zia Ullah, Deputy District Attorney for the respondents present. Junior to counsel for the appellant seeks adjournment due to non availability of his senior counsel. Adjourn. To come up arguments on 08.12.2017 before D.B.

Member (Judicial)

Member (Judicial)

08.12.2017 Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Abdul Haleem, Assistant for the respondents also present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 14.02.2018 before D.B.

(Ahmad Hassan)
Member (E)

(Muhammad Amin Khan Kundi)
Member (J)

14.02.2018 Appellant in person present. Mr. Kabir Ullah Khattak, Additional AG for the respondents present. Counsel for the appellant is not in attendance due to general strike of the bar. To come up for arguments on 19.04.2018 before D.B.

Member

Chairman

04.10.2016 None present on behalf of the appellant. Mr. Saleem Shah, Superintendent alongwith Mr. Usman Ghani, Sr.GP for respondents present. Fresh notice be issued to appellant and his counsel for rejoinder and arguments for 10.2.17 before S.B.

(MUHAMMAD AAMIR NAZIR)
MEMBER

(PIR BAKHSH SHAH)
MEMBER

10.02.2017 Counsel for appellant and Mr. Noor Wazir, Superintendent (Litigation) alongwith Mr. Muhammad Jan, GP for respondents present. Rejoinder not submitted. Learned counsel for appellant seeks adjournment. Adjourned. To come up for rejoinder and arguments on 13.06.2017 before D.B.

(ASHFAQUE TAJ)
MEMBER

(MUHAMMAD AAMIR NAZIR)
MEMBER

13.06.2017 Junior counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Junior counsel for the appellant requested for adjournment. Adjourned. To come up for rejoinder and arguments on 12.10.2017 before D.B.

(GUL ZEB KHAN)
MEMBER

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

26.10.2015 Counsel for the appellant and Mr. Gul Nawaz, Assistant alongwith Addl: A.G for respondents present. Comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 10.02.2016.

Chairman

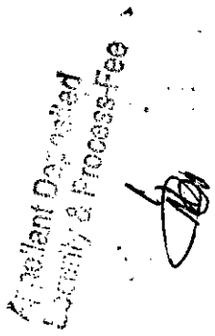
10.02. 2016 Junior to counsel for the appellant and Mr. Gul Nawaz, Assistant alongwith Asst: AG for respondents present. Junior to counsel for the appellant requested time for submission of rejoinder. To come up for rejoinder and final arguments on 18.5.2016

MEMBER MEMBER

18.5.2016 Appellant in person and Mr. Salim Shah, Supt. alongwith Mr. Usmna Ghnai, Sr. GP for respondents present. Appellant requested for adjourned for adjournment. Adjourned for arguments on 4.10.2016.

Member Member

3 15.05.2015 Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as SDO when subjected to inquiry and vide order dated 11.7.2012 reduced to lower post of Sub-Engineer. That the appellant there-after opted for retirement from service on the plea that he has earned more than 35 years service to his credit but instead of granting retirement that appellant was terminated from service vide impugned order dated 11.7.2012 which was not communicated to the appellant and on gaining knowledge of the same preferred departmental appeal on 11.10.2014 which was not responded and hence the instant service appeal on 21.4.2015.



That the appellant is entitled to seek retirement as he has opted for the same vide his application dated 3.11.2011 and the impugned orders are vide ab-initio.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for 12.8.2015 before S.B.

Chairman

12.08.2015 Counsel for the appellant and Mr. Saleem Shah, Supdt. alongwith Assistant A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 26.10.2015 before S.B.

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 427/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	12.05.2015	The appeal of Mr. Ahmad Nawaz resubmitted today by Mr. Raza Ullah Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order. REGISTRAR
2	13-5-15	This case is entrusted to S. Bench for preliminary hearing to be put up thereon 15-5-2015 CHAIRMAN

The appeal of Mr. Ahmad Nawaz son of Muhammad Rose Khan r/o village Hurmaz tehsil Mirali NWA received to-day i.e. on 21.04.2015 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Copies of charge sheet, statement of allegations, show cause notice and replies thereto are not attached with the appeal which may be placed on it.
2- Copy of departmental appeal against the impugned orders dated 31.10.2011 and 11.7.2012 is not attached with the appeal which may be placed on it.

No. 587 /S.T,

Dt. 22/4/2015

for REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Raza Ullah Khan Adv. Pesh.

As a matter of facts, the appellant belongs to North Waziristan Agency who after Security operation became IDP in Peshawar on 16/04/14 and obtained some of the documents from department through application under Right to information Act 2013, therefore most of the documents are in possession of the Department and this fact has been mentioned in the Appeal in Hand.

Reply regarding Submission of Required Documents are as under:-

(1) Report of the Subject impugned enquiry has

(Continue - next page) -2-

already been attached as Annexure (B) (Page No= 13 To 19), However the other Documents are in possession of the Deptt.

(2) Departmental appeal is annexed "I" (Page 50 To 51).

Razaullah Khan
Advocate.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO.....427...../2015

Ahmad Nawaz .....**VERSUS**.....Govt: of Khyber Pakhtunkhwa and others

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DATED: **APPELLANT**

THROUGH

RAZAULLAH KHAN ADVOCATE

Naseem Building, Check Centre, upside MCB Bank, Tipu Sultan Road, Peshawar Cantt
Contact: 03339108828

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 427 /2015

Ahmad Nawaz S/o Muhammad Roze Khan R/o village Hurmaz Tehsil Mirali North Waziristan Agency

.....APPELLANT

VERSUS

K.P.K Provincial Service Tribunal
Diary No. 367
Dated 21-4-15

1) Government of Khyber Pakhtunkhwa through Chief Secretary.

2) Secretary to Govt: of Khyber Pakhtunkhwa Communication & Works Department

3) Chief Engineer (Centre) Communication & Works Department Khyber Pakhtunkhwa

4) Deputy Secretary (Admn) Communication & Works Department Khyber Pakhtunkhwa

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AND RULE 19 OF THE KHYBER PAKHTUNKHWA GOVERNMNET SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 2011 AGAINST THE ORDER DATED 31/10/2011 WHEREBY THE APPELLANT WAS REDUCED TO LOWER POST (i.e. FROM SDO-BPS 17 to SUB-ENGINEER BPS 11) AND ORDER DATED 11/7/2012 WHEREBY APPELLANT SERVICES WERE TERMINATED PASSED BY RESPONDENT NO.3.

Respectfully Sheweth;

Compendium of facts giving rise to the instant appeal are as under:-

1. That the appellant was appointed in Communication and Works Department as Sub-Engineer BPS-11 (being Graduate) on 7/4/1977 and was promoted to Assistant Engineer / Sub-Divisional Officer (BPS 17) on 10/9/1989 who was lastly posted as Executive Engineer (Building Division) Kurram Agency. The appellant had unblemished and clean track of service record for **34 years**.

Filed to-day
Registrar
21/4/15

Re-submitted to-day and filed.
Registrar
12/5/15.

2

2. That in June, 2005 for a scheme 'Construction of Judicial Complex at Lakki Marwat' under AJP was started, the execution task of which was assigned to the appellant alongwith following officers/officials:-

   i) Muhammad Hamayun, Executive Engineer

   ii) Mr. Asif Iqbal, Executive Engineer

   iii) Mr. Ahmad Nawaz, Assistant Engineer (Appellant)

   iv) Mr. Hayatullah Jan, sub-Engineer

   v) Mr. Abdul Ghaffor, Sub-Engineer

   iv) Mr. Niamatullah, Sub-Engineer

3. That construction of Judicial Complex at Lakki Marwat had been completed to the entire satisfaction of client organization/end user i.e. provincial/district judiciary by following their directions/advices including drawings/maps of the building, consequently, handing & taking over of the building was taken (without any objection) by District & Session Judge Lakki Marwat at the end of 2007. Handing and taking over certificate is in possession of the Respondents 2-4. It is also of worth mentioning that entire project was supervised by client organization/end user through Mr. Tariq Sohail (MIT) Peshawar Hugh Court alongwith Civil Engineer Mr. Amin-ul-Khaliq and monthly progress report(s) of the scheme had regularly sent tp Registrar of Peshawar High Court.

4. That approximately after 03-04 years of the project completion an enquiry (on the basis of alleged preliminary enquiry by M & E Section P & D Department KP) was initiated against the officer/officials mentioned in preceding para-2, on allegations of irregularities and conducting the project in a non-engineering way.

5. That first enquiry was conducted by then Chief Engineer (Centre) Mr. Hidayatullah Khan Marwat but result/outcome of that enquiry was never communicated to the appellant. However, the appellant strongly beliefs that in first enquiry he might be exonerated/absolved from the allegations. The fact of first enquiry has mentioned in the 2nd Enquiry Report (impugned) at page 2, para 3. First Enquiry Report is in possession of Respondents 2-4 and despite repeated applications under RTI Act, 2013, its copy was not provided to appellant, therefore, this Hon'able Tribunal may kindly direct Respondents to produce the same.

6. That in addition to First enquiry the then Secretary to Govt: of Khyber Pakhtunkhwa C & W Department Mr. Habib Ali Khan also gave final comments/observations/order regarding the subject allegations against the appellant. Those comments/observations/order are in possession of Respondents 2-4 and despite repeated applications under RTI Act, 2013, its copy was not provided to appellant, therefore, this Hon'able Tribunal may kindly direct Respondents to produce the same.

7. That latter on, Second Enquiry (Don't know on whose direction) initiated through Syed Mohammad Mujahid Saeed, Superintending Engineer (HQ), Irrigation Department KP as Enquiry Officer vide letter No. SO(E)/C&WD/8-3/2010 Dated 5/11/2010 of Secretary to Govt: of Khyber Pakhtunkhwa C & W Department.

8. That during proceedings of Second Enquiry, the Enquiry Officer in the form of questionnaire called for personal hearing and the appellant together with other officers/officials submitted joint reply to him on 31.12.2010. (copy of joint reply is annexed A)

9. That Enquiry Officer submitted the Enquiry Report to respondent No. 2 vide covering letter No. 1023/IB/A/PA to SE (HQ) dated 13.1.2011. Appellant obtained copy of the impugned enquiry report from office of Respondent No. 4 through application under RTI Act 2013. (copy of impugned enquiry report is annexed B)

10. That findings of the enquiry report never came to the knowledge of appellant and he continued to serve his department with full devotion and dedication at Kurram Agency as XEN (Building Division).

11. That during proceedings of Second Enquiry, the appellant became frustrate and remained under mental stress due to humiliating attitude of the Enquiry Officer (as he had said that where is your judiciary to protect appellant) resultantly his medical problems of high blood pressure, sugar and heart became sever which left no option with appellant except to get retirement from service. (copies of medical prescriptions are annexed C)

12. That due to appellant's chronic health condition, he applied to Respondent No. 2 for Retirement after completion of around 35 years of service vide No. 653/ANK-PF Dated 3.11.2011. (copy of application is annexed D)

13. That since appellant proceeded to home-town for his medical treatment, believing that his application for retirement will be under process, therefore, he could not keep contact with his parent organization while Respondent No. 3 meanwhile

imposed upon him major penalty of 'reduction to lower post/grade' i.e. from SDO (BPS-17) to Sub-Engineer (BPS-11) under Section 3 of Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance 2000, on the bases of alleged Second Enquiry Report vide officer order No. SOE/C&WD/8-13/2010 dated 31/10/2011. However, impugned order was never communicated to appellant and same was obtained from office of Respondent No. 4 through application under RTI Act 2013. (copies of application under RTI Act and impugned order are annexed E & F)

14. That since appellant had submitted application to Respondent No. 2 for retirement from service (as mentioned in preceding para-12) thus he was presuming that he is no more in-service. However, meanwhile Respondent No. 3 again blew another sledge on appellant's service by terminating his services vide order No. 74-E/292/CE/C&WD Dated 11/7/2012 but same was never communicated to him and appellant got it from Respondent No. 4 through application dated 18/2/2015 under RTI Act 2013. (copy of impugned order is annexed G)

15. That due to severe illness, terrestrial crisis, longstanding curfews and dilapidated security situation in appellant's home-town Mirali, North Waziristan Agency and finally displaced from there which constrained him to follow up his retirement and pensionery benefits matter with the Respondents.

16. That on 19.6.2014 appellant took shelter in Peshawar after displacement from home-town and when he got information from some known person about his termination from service against which the appellant preferred departmental appeal to the competent authority. (IDPs documents & appeal are annexed H & I)

17. That the appellant assails the vires of order dated 31.10.2011 and order dated 11.7.2012 to the extent that imposition of major penalty and termination from service respectively are arbitrary and unlawful and are liable to be set aside inter alai on the following:-

GROUNDS

A. That entire disciplinary proceedings against appellant culminating in orders of reduction of lower post/grade and termination from service are illegal and in blatant violation of law laid down by the Hon'able Higher & Superior Courts of the country.

B. That the Respondents have acted unlawfully and against the rules and principles of fair play and justice.

C. That the impugned Enquiry (2nd Enquiry) report is full of contradiction as on one hand he wrote that "during inspection of physical work it was observed that overall

quality of approval civil structure was by and large satisfactory as in spite of regular public use for the last few years without any regular M & R, the structure component were found intact", while on the other hand he proposed disciplinary action against the officers/officials linked with the execution of project.

D. That additional scope of work was announced by then Hon'able Chief Justice Peshawar High Court/ client due their immense requirements was totally tendered by Mr. Asif Iqbal being EDO & Deputy Director (at that time) and he issued work orders to all contractors for immediate commencement of work accordingly, and the Appellant being the SDO (Building Sub-Division) had no concern with tendering.

E. That it is worth to mention that before the administrative approval of the scheme, the 12 Nos. court-rooms alongwith other conference rooms etc were planned in single multi- storey block (3-storey) due to non-availability of sufficient land. But later on, the District Nazim allotted 90 Kanals more land for the same Judicial Complex which became 160Kanals in toto, therefore, changes in the original approved drawings of a Court-Room Block as well as 12 Nos. Residences were separated and re-planned by the client/end user i.e. judiciary as per their requirements. Thus Appellant had performed his duties as per needs and requirements of the project (copies of hand-made sketches/drawings are annexed I & J respectively).

F. That if the appellant (together with other co-accused) had committed any irregularity in the subject scheme as alleged, why the authority had slept over the same for 03-04 years and had not taken any action against appellant at that time and what forced the authority to revive the past & closed event to punish appellant?

F. That co-accused of appellant were also proceeded against under the same nature of charges and exactly same so-called evidence was available, but in their cases minor penalties of stoppage of two increments, censure were proposed and one was exonerated whereas, major penalty of reduction to lower post (i.e. BPS 17 to BPS 11) was imposed upon appellant which explicitly shows that appellant was discriminated. However, the Respondents are bound to explain this Hon'able Tribunal that what they did with all other accused?

G. That post below Assistant Engineer (BPS 17) is Senior Sub-Engineer (BPS 16) but appellant was demoted to a post of BPS 11 i.e. Sub-Engineer which explicitly shows that the said penalty upon appellant was not only discriminatory but was out of all proportions to the gravity of misconduct alleged against him.

H. That first enquiry had conducted against appellant (as quoted in the impugned Enquiry Report at page 2 para 3) which might had exonerated/absolved appellant from the allegations. However, report of previous enquiry is in possession of Respondents and despite several applications under RTI Act, 2013 the same was not provided to the appellant.

I. That on failure of First Enquiry, Second Enquiry presumably was initiated against appellant showing that the employer was bent upon to punish employee in any case.

J. That Enquiry Officer did not conduct enquiry proceedings as per dictates of law i.e. recording of evidence, collection of monthly progress reports from client organization/end user I.e. provincial/district judiciary including their response on the real controversy of splitting of tenders.

K. That enquiry had been conducted in the form of Questionnaire which was not judicially approved method. Alongside this, no opportunity was afforded to the appellant/accused employee to produce his side of defense.

L. That the Respondents proceeded against the appellant under the provisions of NWFP Removal from Service (Special Powers) Ordinance 2000 at the time when the said legislation was already repealed.

M. That when appellant had submitted application to Respondent No. 2 for retirement from service due to appellant's chronic health condition, thus he was presuming that he is no more in-service. Thus instead of processing appellant's said application, Respondent No. 3 terminated his services vide order No. 74-E/292/CE/C&WD Dated 11/7/2012 but same was never communicated to him which shows that Respondents followed their whims hence committed a gross illegality and violation of law.

N. That it is established fact that due to dilapidated security situation in appellant's home-town the entire infrastructure of communication was either destroyed or badly damaged then how so-called show cause notice(s) and/or newspapers notices could be (for absentia) received/reached to appellant?

O. That appellant's absence from duty was never willful rather it was under presumption of his submitted application for retirement to Respondent No. 2.

P. That according to settled law, without consideration and making any speaking order on Appellant's application for retirement, his services cannot be terminated.

Q. That non-communication of orders to appellant itself proves that Respondents acted with malafide and abused their lawful authority.

R. That both orders of the Respondents against the appellant would show that he has been doubly punished by which his **34 years** of service was put into a dustbin.

S. That any other ground with the permission of this Hon'able Tribunal.

T. That in view of stated position it is very clear that Order dated 31/10/2011 whereby the appellant was reduced to lower post (i.e. from Assistant Engineer / SDO-BPS 17 to Sub-Engineer BPS 11) and Oder Dated 11/7/2012 whereby appellant services were terminated were tainted with malafide, illegal and against the spirit of fair play and justice. Therefore, it submitted that in the facts and circumstances of the case, where the appellant was not guilty of charges and plea taken by appellant was found plausible, the Respondent No. 3 has acted illegally by imposing the punishment on the appellant which is on the face of it is harsh, arbitrary, capricious and against the law as the appellant has been doubly punished by virtue of both orders and the same is not maintainable under the law and justice.

In view of the above submissions, it is most respectfully prayed that the present appeal may kindly be accepted and order dated 31/10/2011 whereby the appellant was reduced to lower post (i.e. from Assistant Engineer / SDO-BPS 17 to Sub-Engineer BPS 11) and Oder Dated 11/7/2012 whereby appellant services were terminated both passed by Respondent No.3 may kindly be set aside and appellant may be retired from service from the date of his application i.e. 3.11.2011 in his post of Assistant Engineer / SDO (BPS 17) and the alleged period of absence (if any) may be treated as earned leave(s). Consequently he may be allowed all his service retirement benefits accordingly.

ANY OTHER RELEIF, DEEMED APPROPRIATE IN THE CIRCUMSATNCES OF THE CASE THOUGH NOT SPECIFICALLY ASKED FOR MAY ALSO BE GRANTED.

DATED:

APPELLANT

THROUGH
RAZAULLAH KHAN ADVOCATE

CERTIFICATE

Certified that appellant has not previously moved any appeal etc to this Hon'able Tribunal regarding the instant matter.

APPELLANT

8

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO...../2015

Ahmad Nawaz S/o Muhammad Roze Khan R/o village Hurmaz Tehsil Mirali North Waziristan Agency

.....**APPELLANT**

VERSUS

1) Government of Khyber Pakhtunkhwa through Chief Secretary.

2) Secretary to Govt: of Khyber Pakhtunkhwa Communication & Works Department

3) Chief Engineer (Centre) Communication & Works Department Khyber Pakhtunkhwa

4) Deputy Secretary (Admn) Communication & Works Department Khyber Pakhtunkhwa

..... **RESPONDENTS**

APPLICATION FOR CONDONATION OF DELAY IF ANY FILING THE ABOVE NOTED APPEAL

Respectfully Sheweth;

1. That the appellant has filed the accompanied service appeal in which no date has been fixed so far.

2. That the petitioner/appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:-

GROUNDS

A. That the appellant having 34 years' service had applied for retirement from service on **3.11.2011** to Respondent No. 2 and due to chronic health condition he proceeded to his home-village at North Waziristan but meanwhile security situation in the area became worst and he could not follow-up his retirement matter and pensionery benefits.

B. That due to dilapidated security situation in the region, the entire infrastructure of communication either destroyed or badly damaged and no information of whatever nature was received to appellant till he remained at his village.

C. later on, the said security situation resulted into displacement of appellant alongwith his family to Peshawar on 19.6.2014. After little bit peace of mind then appellant contacted the Respondents for outcome/result of his retirement application etc but nothing concrete came to limelight, hence he submitted various application dated **18.2.2015** to Respondent No. 4 under RTI Act, 2013 for collection of information on his case and the requisite information received to appellant on **24.3.2015,** hence the appeal in hand is well in time from the date of knowledge of the impugned orders.

D. That petitioner/appellant alongwith his family are still living in Peshawar as IDPs and he is facing communication bearers and roaming around for collection of requisite information.

E. That the appellant has **34 years' service** on his credit, therefore, he would never remained silent/negligent while perusing his departmental remedy, the delay if any is not willful but due to late collection of information/knowledge, therefore, the same is condonable.

F. That valuable rights of the petitioner/appellant is involved in the case hence this Service Appeal deserves to be decided on merit.

G. That it has been consistent view of the Superior Courts that cases should be decided on merit rather on technicalities including the limitation. The same is reported in **2004 PLC (CS) 1014 & 2003 PLC (CS) 769.**

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

DATED:

APPELLANT

THROUGH

RAZAULLAH KHAN
ADVOCATE

(10)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO...../2015

Ahmad Nawaz .....**VERSUS**.....Govt: of Khyber Pakhtunkhwa and others

AFFIDAVIT

I, Ahmad Nawaz (former employee of C & D Department KP), the appellant do hereby state on solemn affirmation that the contents of the above titled appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Tribunal.

DEPONENT

DATED:

Identified By:

RAZAULLAH KHAN

ADVOCATE-PESHAWAR

KHALID MAHMOOD ADVOCATE NOTARY PUBLIC PESHAWAR HIGH COURT

21-4-15

(11) ANNEXURE "A"

Replies to the questionnaire for Personal Hearing dated December 31, 2010 regarding physical verification of the scheme " Construction of Judicial Complex at Lakki Marwat" are As Under

1. The addional scope has been approved & technically sanctioned under infra structure, it is further submitted that works are executed on the demand of Chief Justice Peshawar High Court Peshawar, District and session Judge Lakki Marwat and District Nazim Lakki Marwat. It is further stated that the total directives of the judiciary have been followed.

2. There is no uncovered expenditure and the same has been accommodated in the original A.A, and has the revised estimate is required submitted for the balance works, Identified by the Chief Justice Peshawar High Court Peshawar.

3. It is submitted that originally the scope of identified as double storey non residential Courts, 12No. type III residences with some developmental works, however the planning was change in site plan due to availability of space (150 kanals), and the scheme configuration was changed. The district Nazim were of the opinion that separate unit shell be constructed the session judge approved chief justice in this respect. The changed planning has been helped in the early completion of the scheme.

4. As mentioned in para-3 the scheme was tendered unit wise with cost less than 10.000 (m) each and letter on the T.S was given as per contract wise by EDO Which was acceptable to audit and judiciary. The agreement of individual contract was made with EDO. Therefore the T.S was obtained contract wise, however under discussion with your good self, T.S of the project will be obtained from the chief engineer C&W Department Peshawar as desired please.

5. During planning of the project, the Bearing Capacity of the site was conducted and due to isolated unit, the foundation and other attached structure were designed by the competent authority, on the approach road the compaction test of different layers, sub base and base course have been contacted (result is attached).

6. The cracks were appeared due to installation of extra window, the breaking of wall induced the here cracks which was further aggravated due to different bomb blast in the area how ever it is submitted that the cracks are not dangerous nor structural the same is benign closed by P.C plaster.

ATTESTED

7. Due to repeated instruction by the judiciary for early completion of the scheme some minors specification were changed by the executive engineer to accelerate the work and achieve the target (completion). It is further requested that due to selection of the color of marble ¾ inch thick, was not available in the local market therefore ½ thick has been used to meet the requirements of the judiciary.

8. Proper slope have been provided in the main drain, the defect has been rectified.

9. The same has since been rectified.

10. The same has since been rectified.

11. The work is in progress and will be rectified soon.

12. The same were provided according to drawing and design and work was developed but after occupation Mr. Ishtiaq the than district & session Judge Lakki Marwat Ploughed with tractor & tailored according to his wishes to grow wheat and vegetables etc.

13. The design for tube well is attached.

14. The chip board were removed and rectified.

15. According to the progress report the expenditures are shown as per incumbency of the officers is attached.

1. Muhammad Humayun.
2. Asif Iqbal.
3. Ahmad Nawaz.
4. Hayat Ullah.
5. Abdul Ghfar.
6. Niamat Ullah.

~~CONFIDENTIAL~~ ANNEX B
SECRET

13

(13)

OFFICE OF THE CHIEF ENGINEER (O&M) WING
IRRIGATION DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR

Phone No. 091-9212116 Fax No. 091-9212652

No. 1023 /IB/A/PA to SE(HQ) Dated Peshawar the 13 /01/2011

To

The Secretary to Govt of Khyber Pakhtunkhwa,
C&W Department Peshawar.

Subject:- PHYSICAL VERIFICATION OF THE SCHEME "CONSTRUCTION OF JUDICIAL COMPLEX LAKKI MARWAT" UNDER AJP.

Reference:- Your letter No.SO(E)/C&WD/8-13/2010,d ated 5-11-2010.

Enclosed please find herewith enquiry report (in duplicate) on the subject noted above alongwith connected documents for favour of further necessary action please.

Encl: As above

DSA

12
15-01-11

13/01/11
SYED MOHAMMAD MUJAHID SAEED
SUPERINTENDING ENGINEER HQ
ENQUIRY OFFICER

15/01

SO (E)

17/1/11

(14)

14

ENQUIRY REPORT

Subject: - PHYSICAL VERIFICATION OF THE SCHEME "CONSTRUCTION OF JUDICIAL COMPLEX LAKKI MARWAT" UNDER AJP.

1. The undersigned was appointed as Enquiry Officer for the subject noted work through Secretary to Govt: of Khyber Pakhtunkhwa, C&W Department vide letter No: SO (E)/C&WD/8-13/2010 dated 05/11/2010. The charge sheets and statements of allegation duly approved by the competent authority (Chief Minister Khyber Pakhtunkhwa) were sent for serving on the following accused officers/officials of the C&W Department with the direction to conduct formal enquiry under RSO 2000 and submit the report (Annexure-I).

1. Muhammad Hamayun, Executive Engineer, W&S Division FR Bannu / Lakki
2. Mr. Asif Iqbal, Design Engineer, O/O Chief Engineer (CDO) C&W Department Peshawar.
3. Mr. Ahmad Nawaz, Executive Engineer, Building Division Kurram Agency
4. Mr. Hayatullah Jan, Sub Engineer, O/O Executive Engineer Works and Services Division Orakzai Agency at Hangu
5. Mr. Abdul Ghaffor, Sub Engineer, C/O Secretary PHE Department Peshawar.
6. Mr. Niamatullah, Sub Engineer, O/O Executive Engineer, C&W Division, Lakki Marwat.

PROCEEDINGS

2. The charge sheets along with statement of allegations were accordingly served upon all the accused officers/officials vide a covering memo bearing office No.7475-81/IB/PA/SE (HQ) dated November 08, 2010 (Annexure-II – A, B, C, D, E and F). The accused officers/officials were asked to submit their replies up to 15/11/2010. The Chief Engineer (Centre), C&W Department was requested vide memo No.7438-40/IB/PA/SE (HQ) dated November 08, 2010 for furnishing of the requisite record and nomination of an officer of his department for assistance in the enquiry process as directed by the Secretary C&W in his letter No. SOE/C&WD/8-13/2010 dated December 8, 2010 (Annexure-III). After a couple of reminder on November 12 and 24, 2010, the Executive Engineer, C&W Division Lakki Marwat was directed by the Chief Engineer (Centre) C&W Department Peshawar vide letter No. CEC/GSPH/5-4/01 dated November 24, 2010 (Annexure-IV) to provide the requisite record and was also nominated for helping the enquiry process. Inspite of reminders from the undersigned, instruction of Chief Engineer (Centre) C&W Department along with that of Secretary to Govt. of Khyber Pakhtunkhwa, C&W Department the record could not be provided until November 26, 2010 which was then partially collected from the Executive Engineer concerned during my verification visit of the Judicial Complex on November 26, 2010. The subject work was inspected in detail with the concerned staff of C&W Department on November 26, 2010. Before

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NWFP Peshawar

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detail inspection the matter was discussed with the Session Judge Lakki Marwat and Senior Civil Judge Mr. Mohammad Masud Khan forgetting their view point.

3. The record was collected during site visit on November 26, 2010. The office of Secretary C&W Department was requested to provide copies of previous enquiry reports which were sent vide their office letter No: SOE/C&WD/8-13/2010 dated November 11, 2010 (Annexure-V). The replies against statement of allegation and charge sheet were received from the accused officers/officials on November 15, 2010 & November 24, 2010 which are attached as (Annexure-VI– A, B, C and D).

4. Personal hearing of all concerned officers and official was conducted on December 31, 2010 and a questioner was served upon all the accused (Annexure- VII). Replies to the questioner were furnished by the accused on January 03, 2010 (Annexure-VIII- A, B, C, D and E).

FINDINGS/OBSERVATIONS

5. The record reveals that Judicial Complex Lakki Marwat has been constructed under Access to Justice Programme. PC-1 for the work with a cost of Rs.95.404 (M) was approved by the PDWP during its meeting held on May 16, 2005 with following scope of work:-

S. No	Name of Works	Estimated Cost
1.	Court Room 12 No	Rs.2,90,65,000
2.	Vender Shed and Prisoner Lockup	Rs.68,95,000
3.	Residences 12 No	Rs.1,55,77,405
4.	Furnishing of Court Room	Rs.9,98,000
5.	Record Room	Rs.10,00,000
6.	Guard Room	Rs.3,00,000
7.	Compound Wall of Residences	Rs.18,76,000
8.	Infrastructure	Rs.1,11,40,500
	Total	Rs. 6,68,51,905
Add 0.5% Contingency		3,34,259
Add 42% above		2,82,18,189
	Grand Total	9,54,04,353

6. The local office of C&W Department has however enhanced the scope of work to Rs.104.9 Millions with the following additional components partially or completely executed at site in light

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(W/O) Irr: Deptt:
NWFP Peshawar

آصف اقبال

the stated instruction given by Registrar and Honorable Chief Justice of Peshawar High Court during their visits of the project at its initial construction stage.

S. No	Additional Works	Estimated Cost	Expenditure
1.	Tube Well, Pumping Machinery, Pumping Chamber, Overhead Reservoir and Distributary System	Rs.52,52,000	Rs.46,96,000
2.	External Electrification	Rs.23,00,000	Rs.23,00,000
3.	Public latrine	Rs.3,77,100	Rs. 3,58,600
4.	Bar Room	Rs.18,84,700	Rs. 9,70,400
5.	Mosque	Rs.21,94,000	Rs.18,41,000
6.	Type-V Quarter with Session House	Rs.6,02,000	Rs.3,00,000
7.	Store Room/Laundry with all the 12-Residences	Rs.13,32,100	Rs.13,32,000
8.	Garages with all the Residences 12 No	Rs.14,64,000	Rs. 8,40,000
9.	Brick Paved Road	Rs.33,47,000	Rs. 7,10,000
10.	Additional boundary around the Judicial Complex (original cost Rs.10,67,000/-)	Rs.3746900	Rs.21,20,575
11.	3 Guard Room	Rs.17,24,400	Rs.4,97,646
12.	Car Shed	Rs.49,00,000	Rs.31,87,000
	Total	Rs.2,71,91,200	Rs.19,15,3221

7. Apparently it seems that the approved charge sheet has been based on the preliminary enquiry conducted by the M&E Section of P&D Department with following few considerable points.

a) Additional works costing to Rs. Rs: 2, 71, 91,200/- million have been tendered and partially executed at site without approval of the competent forum, thus uncovered and illegal liability of Rs. 27.19 (M) has been incurred.

b) In violation 59 CPWD code he project scope was split into 24 number of sub works for managing local tendering and avoiding technical sanction by Chief Engineer who's office is the proper forum for approval of the tenders (As a single project) and award of technical sanction for project documents.

c) The project has been executed in a non Engineering way on the patron of small scale buildings as no quality control record and material testing data has been maintained during construction of the complex.

d) The project was not properly planned in consultation with the stack holder which necessitated frequent major charges in scope of work with total alteration in the original planning.

e) Series of defects have also been pointed out in the enquiry report of P&D Department which is required to be rectified.

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Superintending Engineer
M/O Irr: Deptt:
NWFP Peshawar

FILED

The perusal of record, replies of the accused officers/officials and detail site inspection revealed that the observation of P&D Department report regard unauthorized execution of additional scope of work is based on fact. The perusal of approved PC-I reveled that in original planning the Judiciary Complex was part of common offices complex to be erected on the available space of 80 kanals but later on the direction of District Administration a separate area of 160 kanals was allotted for the Judiciary Complex to be constructed in an independent bounded area. This necessitated a total change in the original approved scope of work but the revised PC-I covering these change and enhancement in scope of work is not yet approved by the competent forum. The Divisional Officers/ Deputy Directors all the other incumbent officers of the project period are responsible for this procedural irregularity. It is, however, added that the additional works have been carried out in light of instruction given by the Judiciary heads and were also actually needed at site which could not be conceived due to ill planning at the time of formulation of project hence no direct loss to Government is involved. The officers have also shown negligence in timely preparation of revised PC-I and its approval by the competent forum.

9. During the detail site inspection of physical work it was observed that the overall quality of approved civil structure was by and large satisfactory as in spite of regular public use for the last few years without any regular M&R the structure component were found intact. It was further observed that some of the minor defects like provision of electric boards, lawn dressing, defects in split air conditions, provision and repair of transformers, balance works in session house and two bungalows, mosque and servant quarters, leaking water supply pipes and overhead tank were all rectified by the local office of C&W Department which fact has also been confirmed by their Chief Engineer Engr. Hidayatullah Khan vide his inspection report (Annexure-IX). Some other visible defects / short coming like replacement of damaged joinery, provision of cupboard, provision of additional ceiling fans, polishing of flooring, provision of shutter for garages and PC pointing on brick footpaths could not be carried out due to reluctance of contractors and non availability of approval and funds for these items which were not covered in the original PC-I. The available record revealed that compaction tests were carried out for the filling and other compaction of road work, but no such tests record was made available for the bricks, steel, PCC and RCC used in the building works. This confirms that the building works for the entire complexes were carried out in a non engineering way without the required quality control. (Test results of road work at Annexure - X)

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Superintending Engineer
(H/Q) Irr: Deptt:
NWFP Peshawar

ATTESTED

(18)

The discussion during personal hearing and the written statements of the accused officers/officials confirms that splitting of tenders and execution of unapproved additional scope of work has been carried out by the C&W Divisional officers on the so called instruction of the judiciary heads for which they have later on framed the revised PC-I and detail project estimate which are yet to be approved by the competent forums. I am of the personal opinion that had the PC-I and detail project estimate been approved on the basis of actual work done and required at site. Then the procedural irregularities conducted by the officers of C&W Department would have been covered to a great extent and the balance works would have been completed/rectified as per requirement.

CONCLUSION

Following facts are concluded.

1. An unapproved scope of work for additional components costing to about 27.19 million rupees has been executed partially or completely for which the approval of competent forums is not yet obtained.
2. The local divisional officer have un-authorizly splitted the project work in 24 number sub works to avoid the approval/sanction of project estimate and tender by the Chief Engineer of the Department.
3. Except road work, the other civil structures have been constructed in non-engineering way without quality control.
4. The project was not properly planned / designed in consultation with the end users which necessitated frequent changes.
5. Many of the minor nature defects pointed out by the local judges and other inspecting officers have been rectified while the remaining could not be get rectified due to reluctance of contractor because of non availability of funds and approval of revised PC-I. These defective works may be rectified by the contractors before finalization of the respective contracts.

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Superintending Engineer
(I/C) Irr: Deptt:
NWFP Peshawar

ATTESTED

All were dealed with minor Penalty except Ahmad Nawaz (19)

RECOMMENDATIONS

As almost all the six accused officers are in one way or the other involved in the above stated irregularities hence they are required to be proceeded against them under the rules. It is recommended that:-

i) Mr. Ahmad Nawaz who remained as Divisional Officer and Sub Divisional officer being responsible for splitting of tenders, according of Technical Sanction in peace meal and execution of work without required quality control and ill planning at the time of project formulation, a major penalty may be imposed and demoted back by one rank.

ii) Mr. Asif Iqbal was involved in the project as Divisional Officer and EDO is recommended for imposing minor penalty of stoppage of two increments for according technical sanction in peace meal, execution of work without proper quality control and release of payment for unapproved scope of works.

iii) Mr. Muhammad Hamayun was involved in the project for a short period is recommended for imposing minor penalty of censure for his involvement in execution of work without proper quality control and release of payment for unapproved scope of works.

iv) The two Sub Engineers namely Mr. Hayatullah Jan and Mr. Abdul Ghafoor being responsible for execution of unapproved work in non engineering way without required quality control practices are recommended for imposing minor penalty of stoppage of two annual increments.

v) The other Sub Engineer namely Mr. Niamatullah who was incharge of road work has managed the required lab testing and quality control in the road works hence no irregularity could be proved against him and he may be exonerated of the charges.

13/01/11

Syed Muhammad Mujahid Saeed
(Enquiry Officer)
Superintending Engineer (H/Q),
Irrigation Department,
Khyber Pakhtunkhwa, Peshawar

Superintending Engineer
(H/Q) Irr: Deptt:
NWFP Peshawar

ANNEX-I C (20)

REHMAN MEDICAL INSTITUTE
5/8-2 Phase -5 Hayatabad Peshawar
Phone : (92-91) 825501-07 ; Fax (92-91) 810055
E-mail : info@rmi.com.pk ; Website: www.rmi.com.pk

CARDIOLOGY DEPARTMENT

Coronary Angiography Report

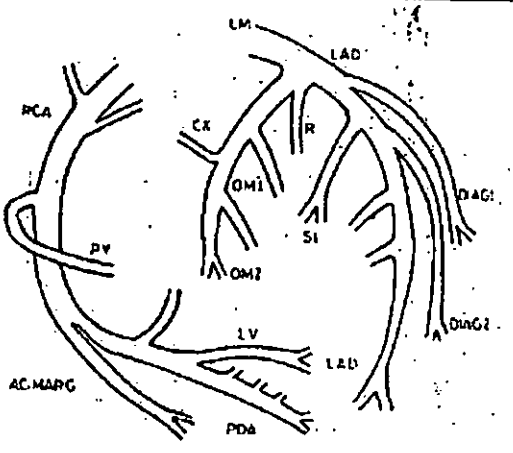
Name	Ahmad Nawaz		Cath No.	2771	RMI No	04-02-210
Date:	07.07.2004	Age	48 Yrs	Cardiologist		Dr. Karamat Ali Shah

Summary of Hemodynamic.

Pressure	Pre-Angio	Post-Angio
Aorta	180/90	180/90
LV	180/20	180/22

EF= %.

Procedure:-
Right Femoral Artery entered via Seldinger's technique and 6F sheath inserted. Standard views taken.



LMS: Normal.
LAD: 80-90% lesion in the proximal segment; 30-40% lesion in the mid segment and distal segment is normal.
Diag: D1 & D2 both are normal
Ramus: 20-30% lesion in the proximal segment.
Cx: Small and non dominant vessel. Subtotally occluded in the mid segment.
Marg: OM1. 50-60% segmental lesion in the proximal portion.
RCA: Dominant & normal vessel with luminal irregularities throughout its course.

L. V Gram :

- Good LV function.
- Mild MVP.
- EF = Normal.

Diagnosis:

- Double Vessel Coronary Artery Disease.
- Good LV function.

Recommendation:

- PTCA to LAD.

Relevant period 2013

Dr. Karamat Ali Shah

Date: 07.07.2004

REHMAN MEDICAL INSTITUTE

Department of Pathology
5/B-2 Phase 5, Hayatabad
Peshawar, Pakistan

رحمان میڈیکل انسٹیٹیوٹ

پیتھالوجی ڈیپارٹمنٹ
5/B-2 فیز5، حیات آباد، پشاور ۔پاکستان

Surname: Nawaz Forename: Ahmad
Age: 48 yrs Sex: M RMI No: 04-02-210
Address: Room # 104, R.M.I

Lab No: 5607 Test Code:
Date & Time of Sampling: 06-07-2004
Date & Time of Testing: 06-07-2004
Refering Physician: Prof. Dr. Kiramat Ali Shah

Chemistry

Test	Result	Units	Normal Range
Blood Urea	19.0	mg/dl	(10-50)
Serum creatinine	1.1	mg/dl	(0.7-1.2)
Glucose (R)	94.0	mg/dl	(65 – 150)

Authorized By

Phone (92-91) 825501-07 Fax:(92-91) 810056 Website:www.rmi.com.pk E-mail:info@rmi.com.pk

REHMAN MEDICAL INSTITUTE

Department of Pathology
5/B-2 Phase 5, Hayatabad
Peshawar, Pakistan

رحمان میڈیکل انسٹیٹیوٹ

پیتھالوجی ڈیپارٹمنٹ
5/B-2 فیز5، حیات آباد، پشاور ۔پاکستان

Surname:	Nawaz	Forename:	Ahmad
Age:	48 yrs	Sex: M	RMI No: 04-02-210
Address:	Room # 104, R.M.I		

Lab No:	5607
Test Code:	
Date & Time of Sampling:	06-07-2004
Date & Time of Testing:	06-07-2004
Refering Physician:	Prof. Dr. Kiramat Ali Shah

Viral Profile

Test	Result	Cut off Rate
HBsAg	Non-reactive (0.57)	2.000
Anti-HCV (Antibodies)	Non-reactive (0.32)	1.000
Anti-HIV I & II (Antibodies)	Non-reactive (0.35)	1.000

(Tests Performed by MEIA)

Note: Now facilities for estimation of Prolactin, LH, FSH are available on 24hours basis.

Authorized by:

Phone (92-91) 825501-07 Fax:(92-91) 810055 Website:www.rmi.com.pk E-mail:info@rmi.com.pk

(93)

Dr. Syed Karamat Ali Shah
MBBS, MRCP (UK), FRCP (Ed.)
CONSULTANT CARDIOLOGIST
Rehman Medical Institute,
B-52, Phase 5, Hayatabad, Peshawar.
Tel: 091 - 825501-04
Clinic: 34-A, Khyber Medical Centre, Dabgari Gardens, Peshawar. Ph: 211241 Ext: 3075

ڈاکٹر سید کرامت علی شاہ
کنسلٹنٹ کارڈیالوجسٹ
رحمان میڈیکل انسٹیٹوٹ B-52، فیز 5، حیات آباد
کلینک: 34-اے، خیبر میڈیکل سنٹر ڈبگری گارڈن، پشاور
فون: 211241

Name: Ahmed Nawaz
Date: 6/7/04

Eff. Angina.
Inferolat. Leads

O/E BP 160/110
HR

Tenormin 50 mg
1+1
ASCARD 75 mg
Nitromint 2.6 mg / Ismo 20
1+1 1+1
Angisco
[illegible]

Admit for Cor. Angio

Use of UK Cor. Heart.

✓ LOWPLAT 75 mg
✓ LIPIREX 10 mg
[illegible]

Admit on 6/7/04
& Angio on 7/7/04

A ZODIP 10 mg
Lexotanil 1/2

Allergic to Penicillin

(signature)

(140/90)

ATTESTED

Summary

P.C:- Pt c/o chest pain, 2 episodes in 1mth

He is a known hypertensive

INVESTIGATIONS:

Blood urea:- 19 mg/dl

serum creatinine: 1.1 mg/dl

Glucose (R): 94 mg/dl

HBs Ag — Non-reactive

Anti-HCV — " "

CORONARY ANGIOGRAPHY REPORT

- Double vessel coronary artery disease

- Good LV function

ATTESTED

Treatment in Hospital

- TAB. TENORMIN — 50mg — BD
- TAB. ASCARD — 75mg — OD
- TAB. ISMO — 20mg — BD
- TAB. LOWPLAT — 75mg — OD
- TAB. LIPIREX — 10mg — HS
- TAB. ANGISED — 0.5mg — S/L — SOS
- INJ. KOKET 2mg/min

i) TAB. TENORMIN — 1 — OD (ایک گولی)

ii) TAB. ASCARD — 1 — OD (ایک گولی)

iii) TAB. ISMO — 20mg — 1 — 0 (ایک گولی صبح شام)

iv) TAB. LOWPLAT — 75mg — OD (ایک گولی روزانہ)

v) TAB. LIPIREX — 10mg — HS (ایک گولی رات سوتے وقت)

vi) TAB. ANGISED — S/L — SOS (ایک گولی زبان کے نیچے رکھیں سینے کے درد کی صورت میں)

vii) TAB. ZODIP — 10mg — OD (ایک گولی روزانہ)

Revisit : دو ہفتے بعد چیک کروائیں یا کوئی صورت نہیں آئیں۔

RMO Signature :

9/7/24

Follow Up

- بڑا گوشت، مکھن، گھی، میٹھائیاں اور گھی والی چیزوں سے پرہیز کریں۔
- مچھلی، سرخی، دال چاول، سبزی بغیر مرچ مسالہ اور روٹ استعمال کیا جاسکتا ہے۔
- پیدل چہل قدمی کریں۔

Revisit :

Signature :

27

NATIONAL DIAGNOSTIC CENTRE

43-PARK ROAD, UNIVERSITY TOWN, PESHAWAR
TEL: 091-5851828

Patient Name :	Ahmad Nawaz .	**Date & Time:**	06-Dec-14 12:48:20 PM
Age :	Years	**Referred by:**	Self
Sex :	Male	**Address :**	Peshawar
Test Required:	Blood For,Uric acid	**Specimen :**	Blood

S.Uric Acid

Test	Result	Unit	Normal Values
Uric Acid.	5.1	mg/dl	(M-3.4-7.0) (F-2.4-6.2)
Sugar (F)	301	mg/dl	F-70-110 R-80-180

Reported by

TFT,S & FSH ,LH, Prolactin ,B.HCG , PSA ,Testosterone Facilities Are Available

ATTESTED

Date : 06/12/2014
by doctor Nasir
University Town
Peshawar

شہزاد استاد

Shehzad Mechanic

0301-8073-735

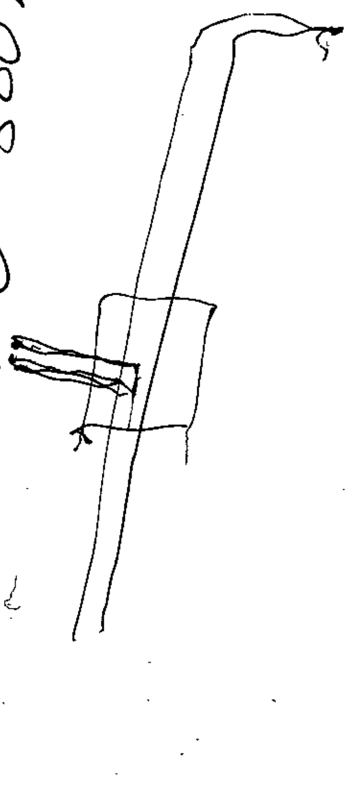
0301-807-3735

7-4-77] 10
7-4-87] 10
7-4-97] 10
7-4-07] 10
7-4-

364-5m
x 6 days.

0306-800-2423

0926-330232



RM

(28)

PATIENT REGISTRATION CARD

WB 2 Phase - 5 Hayatabad Peshawar Pakistan
Tel: +92-91-5838000 UAN: 111-REH-MAN
Fax: +92-91-5838333
Appointments: +92-91-5838666

KEEP THIS CARD WITH YOU
WHENEVER YOU VISIT RMI.

13-09-011903 Sep 27,13

Mr.Ahmad Nawaz

Gender. Male DOB. 27-Sep-1953

Please bring this card when ever you visit RMI.

Dated: 13-09-2011

For Check up @ RMI Hayat Abad Peshawar.

NATURE CARE CENTER

TIENS

ISLAM ABAD

29

Patient Name: Ahmed Nawaz Khan *Date:* 10/04/13.

Age / Sex: 60/M.

4370

- Cell Rejuvenation Cap کھانے سے 5 منٹ پہلے 2 عدد پانی کے ساتھ

2 + 0 + 2

9660

- Spirulina کھانے کے درمیان 1 عدد پانی کے ساتھ

1 + 0 + 1

9371

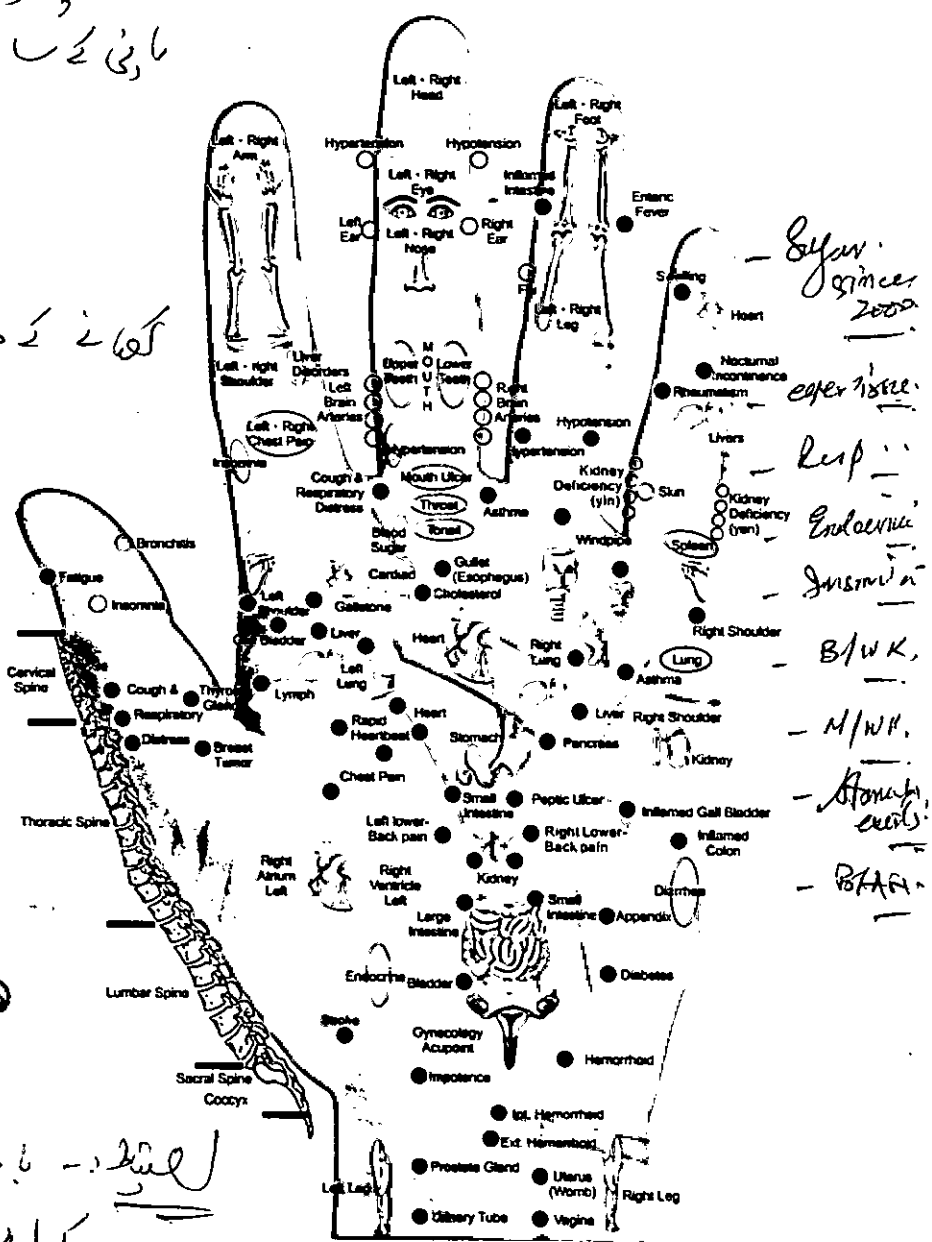
- Cal II ½ چائے کا چمچ رات کو سوتے وقت 1 عدد پانی کے ساتھ

9405

AT[illegible]TED

10/4

لسٹ:- بادی - حکیمانی - بڑا گوشت
کولڈ ڈرنکس / ٹھنڈا پانی



Dr. Khalid

Near: Express Korangi way Stop
Tandlani Market
Basement.
G-8 market.

- 0333-5129515.
- 0315.5129515.

Prof. Dr. A. H. Aamir

M.B.B.S (Pesh) M.R.C.P. (U.K.) F.R.C.P (Edin) F.A.C.E (U.S.)
Consultant Endocrinologist

Head of Department,
Deptt. Of Diabetes, Endocrinology & Metabolic Diseases
Post Graduate Medical Institute.
Hayatabad Medical Complex, Peshawar - Pakistan.

Clinic:
Habib Medical Complex
Room No: 14-AB Opp: Mission Hospital
Dabgari Garden, Peshawar.

Nawaz Ahmed

Sep 5, 2013

Wt 62

Cap Neogas 300

Inj D X3

1/9/2013

For Appointment: 0323-9110900 (091) 2569046, 2216688

D

ATTESTED

RMI
REHMAN MEDICAL INSTITUTE

(31) MEDICAL SERVICES

REQUEST FOR DIAGNOSTIC PROCEDURES (RDP)

OUT-DOOR

143776

PR No. [ ][ ] - [ ][ ] - [ ][ ][ ][ ][ ][ ]

Date 29/9/13

Patient Name Ahmad Nawaz Age 50y Gender: M [✓] F [ ]

Consultant

Diagnosis Chronic cholecystitis Department

Ad Bx-enem

Dr. Jamil Ahmad
FRCS, FCPS
Professor of Surgery
Laparoscopic & General Surgeon
Rehman Medical Institute
Hayatabad Peshawar Pakistan

Consultant Name Signature

(White, for Department) (Yellow, for Record)

Date : 29-09-2013

ATTESTED

RMI
REHMAN MEDICAL INSTITUTE

Dr. Jamil Ahmad - Professor
FRCS, FCPS
Laparoscopic & General Surgeon
jamil.ahmad@rmi.edu.pk | Direct Tel: +92-91-5838332
Clinic Timing: 9:00 am - 1:00 pm & 4:00 pm - 6:00 pm (Monday - Friday)
9:00 am - 1:00 pm (Saturday)

(32)

/9/13 Ahmad Nawaz 50y

c/o Constipation, Recurrent
Abd pain / Distension
No vomiting
Laxative abuse
Diabetic

O/E NAD

Ad Ba- Enema

- Tel Zesta
1+1+1 ×15

- Isphaghula Husk

ATTESTED

5/B-2 Phase - 5 Hayatabad Peshawar Pakistan
Tel: +92-91-5838000 (Ext. 3632) | UAN: 111-REH-MAN | Fax: +92-91-5838333 | Appointments: +92-91-5838666
healthcare@rmi.edu.pk www.rmi.edu.pk

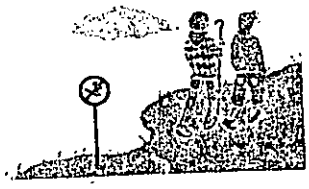
358

B-13-14-15-16, Auqaf Plaza, Dabgari Garden, Peshawar
Collection Point/Branch: Khushal Medical Centre, Dabgari Garden, Peshawar.

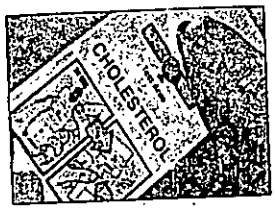
World Heart Day

28 September 2013

Take the road to a *healthy* heart

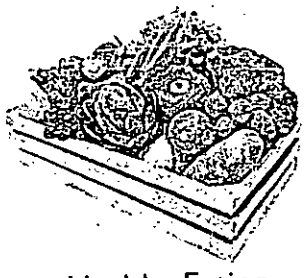


Walk a mile daily
روزانہ ایک میل چہل قدمی کریں

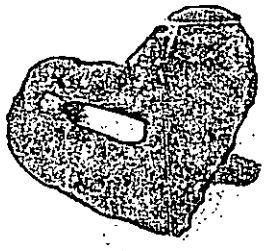


Control Your Cholesterol
اپنا کولیسٹرول کنٹرول کریں

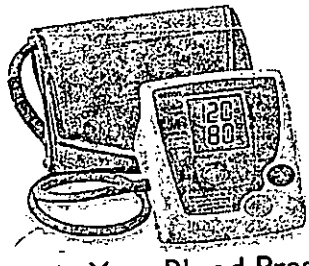
Physical Activities
جسمانی سرگرمیاں اپنائیں



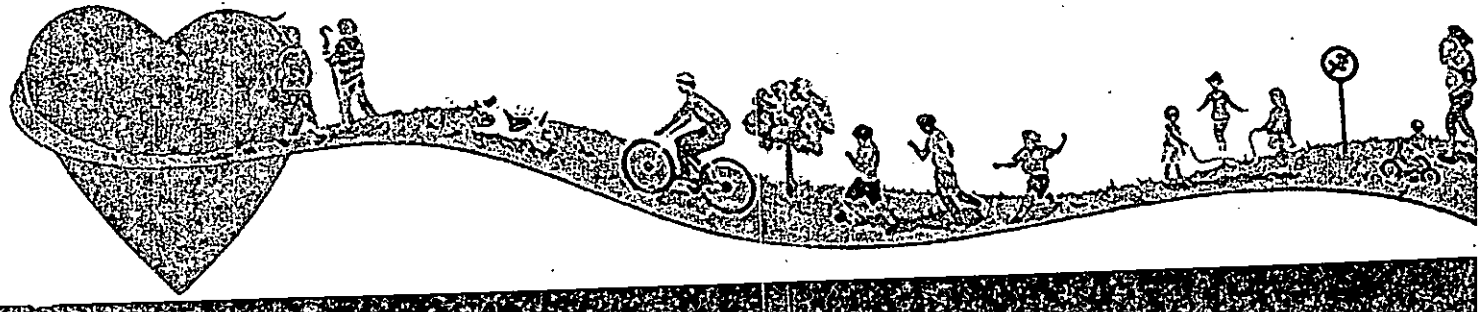
Healthy Eating
متوازن غذا کا استعمال کریں



No Tobacco Use
تمباکو نوشی سے پرہیز کریں



Maintain Your Blood Pressure
اپنا بلڈ پریشر نارمل رکھیں



A public service message from

RMI
RAHMAN MEDICAL INSTITUTE

5/B-2 Phase-5 Hayatabad Peshawar Pakistan
UAN: 111-REH-MAN | Fax: +92-91-5838333 | Tel: +92-91-5838000 | Appointments: +92-91-5838666
healthcare@rmi.edu.pk | www.rmi.edu.pk

Find us on: www.facebook.com/RMIPeshawar www.twitter.com/RMIPeshawar YouTube www.youtube.com/RMIPeshawar

ATTESTED

Pathologist

B-13-14-15-16, Auqaf Plaza, Dabgari Garden, Peshawar.
Collection Point/Branch: Khushal Medical Centre, Dabgari Garden, Peshawar.

Dr. Mohammad Humayun
F.C.P.S,
Professor of Medicine
Khyber Medical College,
Khyber Teaching Hospital Peshawar
Not Valid For Medicolegal use

پروفیسر
ڈاکٹر محمد ہمایون
میڈیکل سپیشلسٹ
اینڈ ہیپاٹالوجسٹ
خیبر میڈیکل کالج، خیبر ٹیچنگ ہسپتال پشاور
کلینک: شاہ میڈیکل سنٹر ڈگری چوک پشاور

Name
Age
Address
Pulse
BP
Temp
Date 28 SEP 2013

	خوراک کی نوعیت	صبح	دوپہر	عصر	شام	کھانے سے پہلے	کھانے کے بعد	مدت
1		1					—	
2		1			1		—	
3		1			1/2			
4					1			
5		1						
6		1						

0300-5954492 نمبر حاصل کرنے کے لئے

Hassan Clinical Laboratory

حسن کلینیکل لیبارٹری

بی 13-14-15-16، اوقاف پلازہ، ڈبگری گارڈن، پشاور شہر۔ فون: 91-2210293

CONSULTANT

Prof. Dr. Ejaz Hassan Khan

پروفیسر ڈاکٹر اعجاز حسن خان

M.B.B.S., M.Phil (Pb), Ph.D (Pb)
F.R.C.P. (Edin), F.C.P.P
Certificate in Pathology (U.S.A.)
Professor of Pathology
Khyber Medical College, Peshawar.

35

NAME: AHMAD NAWAZ AGE: SEX: MALE

REFERED BY: PROF.MUHAMMAD HUMAYUN DATED: 28/09/13

CHEMICAL PATHOLOGY

TEST	UNITS	RESULT	REFERANCE RANGE
Glucose (R)	mg/dl	265	upto 150
Creatinine	mg/dl	1.1	0.6-1.2

ATTESTED

Pathologist

an Clinical Laboratory

حسن کلینیکل لیبارٹری

HASSAN CLINICAL LABORATORY

بی16-15-14-13، اوقاف پلازہ، ڈبگری گارڈن، پشاور شہر۔ فون:1-2210293

CONSULTANT

Prof. Dr. Ejaz Hassan Khan

پروفیسر ڈاکٹر اعجاز حسن خان

M.B.B.S., M.Phil (Pb), Ph.D (Pb)
F.R.C.P. (Edin), F.C.P.P
Certificate in Pathology (U.S.A.)
Professor of Pathology
Khyber Medical College, Peshawar.

36

NAME: AHMAD NAWAZ AGE: SEX: MALE

REFERED BY: PROF.MUHAMMAD.HUMAYUN DATED: 28/09/13

CHEMICAL PATHOLOGY

TEST	UNITS	RESULT	REFERANCE RANGE
C P K	U/l	61	M 15-171, F 15-145
Amylase	U/l	185	0 - 220

ATTESTED

Pathologist

37

SAIF ULTRASOUND CLINIC

Room No. B-2,3, 1st Floor, Above City Laboratory, Auqaf Plaza, Dabgari Garden, Peshawar. Tel:(091) 2566882

Name:	Ahmad Nawaz	Date:28-Sep-13
Ref: by:	Prof: Dr. Mohammad Humayun Khan	

Ultrasound Findings

Moderate to massive amount of Pleural Effusion seen on right side.

Liver, Gall bladder, Spleen and Pancreas are normal morphologically. No focal mass, no parenchymal changes. CBD & Portal vein are measuring normal.

No para aortic lymphadenopathy / free fluid.

Both kidneys are normal in size and shape. No stone, cyst, growth, hydronephrosis or parenchymal changes. Peri renal areas are clear.

No Urinary bladder lesion seen.

Impression: Moderate to massive Pleural Effusion – right
Normal Abd: ultrasound study

(Dr. Saif-ud din)

ATTESTED

ذیابیطس سے متاثرہ افراد کیلئے اہم غذائی مشورے

غذا جو ذیابیطس کے مریض نہیں لے سکتے

شکر۔ گڑ۔ گلوکوز۔ شہد۔ گنڈیری۔ مٹھائی۔ چاکلیٹ۔

چیونگم۔ جام۔ جیلی۔ میٹھی چٹنی۔ کیچپ۔ میٹھا دودھ۔ پاؤڈر دودھ۔

قلفی۔ آئس کریم۔ پڈنگ۔ پھلوں کے رس۔ گنا۔ چکوترا۔

بند ڈبوں والے پھل۔ کولڈ ڈرنک۔ شربت۔ اسکوائش۔

بیکری اشیاء۔ کیک۔ پیسٹری۔ نان ختائی۔ بیکری بسکٹ۔

باقرخانی۔ میٹھے پاپے۔ میٹھے بن۔ شیرمال۔ تافتان۔

شکرقندی۔ آلو کے چپس (فرنچ فرائز) دیسی گھی۔ گھی۔ مکھن۔

بالائی۔ کریم۔ پوری۔ پراٹھے۔ روغن روٹی۔ کھجلہ۔ پھینی۔

چکنائی والا گوشت مغز۔ پائے۔ کلیجی۔ دل۔ گردے۔

نہاری۔ کٹاکٹ ہڈیوں کا سوپ۔

غذا جو کم مقدار میں لے سکتے ہیں

روٹی۔ پھیکی ڈبل روٹی چاول دلیہ کورن فلیکس

مکئی۔ جوار۔ بیسن باجرے کی روٹی اسپیگٹی۔ نوڈلز پیزا (1 ٹکڑا)

پکوڑے (4 عدد) آلو (1 عدد ابلا ہوا) ڈائٹ کولڈ ڈرنک۔ گوشت چکنائی کے بغیر

مرغی کھال کے بغیر مچھلی۔ جھینگے انڈے۔ پنیر۔ مارجرین

دودھ۔ دہی (بغیر ملائی) تیل (کنولا۔ زیتون) سیب (1) عدد

ناشپاتی (1) عدد کینو۔ مالٹا۔ موسمی (1) عدد آڑو (1) عدد امرود (1) عدد

چیکو (1) عدد شریفہ (1) عدد املوک (1) عدد کیلا۔ انار (آدھا)

آم (آدھا چھوٹا) گریپ فروٹ (آدھا) آلو بخارے (2) عدد

خوبانی (4) عدد جامن (6-8) بیر (چار) فالسہ (1-2 کپ)

انناس تازہ (3-4 کپ کٹا ہوا) سردا گرما تربوز خربوزہ۔ پپیتا (1 کپ)

اسٹرابیری۔ لیچی (4-6) عدد چیری (۱۰) دانے انگور (۱۰ چھوٹے دانے)

بادام۔ کاجو (2 عدد) پستے (15 دانے) اخروٹ (2) چلغوزے (10 دانے)

مونگ پھلی (10 دانے) کشمش (2 کھانے کے چمچے) انجیر (2 عدد)

زیتون (10 درمیانے) کھجور (2 عدد)

یہ غذا حسب ضرورت لی جا سکتی ہے

بھنڈی۔ بند گوبھی۔ پھول گوبھی۔ کدو۔ ٹینڈے۔

توری۔ سلاد کے پتے۔ ککڑی۔ کھیرا۔ کریلا۔ لیموں۔

ہری پیاز۔ ہری مرچ۔ شملہ مرچ۔ ٹماٹر۔

بینگن۔ مولی سفید۔ لال۔ ساگ۔ پالک۔

ہری پھلیاں۔ مٹر۔ لوبیا۔ شلجم۔ گاجر۔

اروی۔ چقندر۔ تمام دالیں۔

کیلوریز کے مطابق متبادل غذا کی فہرست

پھل: ایک متبادل 60 کیلوریز ہیں:

سیب	ایک درمیانہ
امرود	ایک درمیانہ
کینو/مالٹا/موسمی	ایک درمیانہ
شریفہ	ایک درمیانہ
ناشپاتی	ایک چھوٹی
چیکو	ایک چھوٹا
کیلا	½ درمیانہ
انار	½ درمیانہ
گریپ فروٹ	½ درمیانہ
آلو بخارے	دو درمیانے
انناس تازہ	3/4 کپ کٹے ہوئے
خوبانی	4 چھوٹی
جامن	6-8 درمیانے
فالسہ	½ کپ
سردا/گرما	1 کپ کٹا ہوا
تربوز/خربوزہ	1 کپ کٹا ہوا
پپیتا	1 کپ کٹا ہوا

نشاستہ دار اشیاء: ایک متبادل میں 80 کیلوریز ہیں۔

چپاتی	½ درمیانی
بھری ہوئی چپاتی	3/4 درمیانی
سفید ڈبل روٹی	1 سلائس
بھوری ڈبل روٹی	1½ سلائس
بسکٹ سادہ	2 عدد
ابلے ہوئے چاول	½ کپ
دلیہ	1 کپ
[illegible]	1/3 کپ
آلو ابلا	1 عدد
[illegible]	1½
[illegible]	½ کپ

سبزیاں: ایک متبادل میں 25-28 کیلوریز ہیں:

کچی سبزی (کٹی ہوئی)	1 کپ
پکی ہوئی سبزیاں	آدھا کپ

دودھ: ایک متبادل میں 150 کیلوریز:

تازہ دودھ	ایک کپ
دہی	ایک کپ
لسی	ڈیڑھ کپ

گوشت اور گوشت کا متبادل: ایک اونس بغیر چکنائی والے گوشت میں 55 کیلوریز ہیں۔

مرغی (بغیر کھال کے)	ایک اونس (ایک درمیانی بوٹی)
مچھلی	ایک اونس (ایک درمیانہ ٹکڑا)
انڈے کی سفیدی	دو عدد
پھلی سوکھی ہوئی پکی	5-6 عدد

گوشت اور گوشت کا متبادل: ایک اونس کم چکنائی والے گوشت میں 75 کیلوریز ہیں۔

گائے کا گوشت	ایک اونس (دو چھوٹی بوٹی)
بکرے کا گوشت	ایک اونس (دو چھوٹی بوٹی)
جھینگے	5-6 عدد چھوٹے
انڈا (ابلا ہوا)	ایک عدد

چکنائی: چکنائی کے ایک متبادل میں 150 کیلوریز ہیں

تیل	ایک چائے کا چمچ
مارجرین	ایک چائے کا چمچ
کریم	ایک چائے کا چمچ

مرک کی جانب سے
ذیابیطس کے مریضوں کے
مفاد میں شائع کیا گیا

Master Diagnostic Center

E.C.G, Echocardiography, E.T.

39

Echocardiography Report

Name	Ahmad Nawaz			Patient No	0061	Address	Peshawar
Date	28.09.2013	Age	60Years	Referred By	Dr. Muhammad Humayun		

Measurements	Observed	Normal range (mm)	Parameter		Values
Aortic root dimension.	33	20 – 40	EPSS		
Left Atrial dimension.	40	19 – 40	PHT		
Left Vent. End Diastolic dimension	55	36 – 56	A. Velocity (cm/sec)		
Left Vent. End Systolic dimension	45		E. Velocity (cm/sec)		
IVS Thickness	10	08 – 12	E:A Ratio		
LVPW Thickness	10	08 – 11	RVSP (mmHg)	Systolic	
Right Vent. Dimension.	22	08 – 26		Diastolic	

Fractional Shortening	17%	Ejection Fraction (Normal Range 50-70%)	34%
IVRT		DCT	

Doppler Study.

Valves	Gradient (mm Hg)		Peak Velocity (cm/sec)	Valve Area (cm²)		Regurgitation
	Peak	Mean		Doppler	2-D	
Mitral Valve						+1
Tricuspid Valve						
Aortic Valve						
Pulmonic valve						

Comments:

- ⇨ Normal size cardiac chambers.
- ⇨ IVS and LV apex are akinetic.
- ⇨ Moderately impaired LV systolic function.
- ⇨ No LV apical clot seen.
- ⇨ Valves are normal in structure.
- ⇨ No ASD, VSD or MVP seen.
- ⇨ No pericardial effusion seen.

Conclusion:

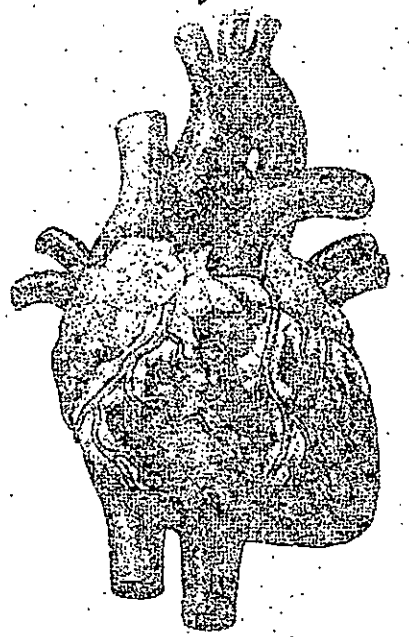
- ⇨ Wall motion abnormality.
- ⇨ Moderate LV systolic dysfunction.
- ⇨ Mild MR.

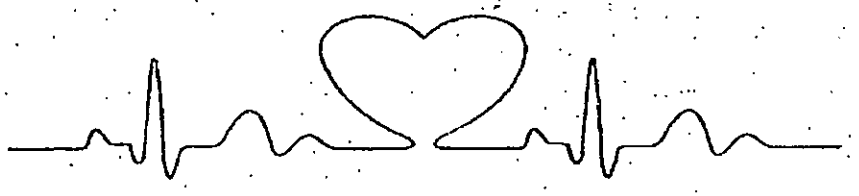
ATTESTED

Roohullah
Cardiac Technologist

Behind Khyber Medical Center Dabgari Garden Peshawar. Mob: 0306-5997

Master Diagnostic Center





=> Electrocardiography (E.C.G) With Report

=> 2D & Doppler Echocardiography

=> Excrcise Tolerance Test (E.T.T)

Mr. Roohullah
Senior Cardiac Technologist

Dr. Sher Zaman Wazir
M.B.B.S, Dip. (card) Consultant Cardiologist

Dr. Mohammad Humayun
F.C.P.S,
Professor of Medicine
Khyber Medical College,
Khyber Teaching Hospital Peshawar

Valid For Medicolegal use

41

ڈاکٹر محمد ہمایون
میڈیکل سپیشلسٹ
اینڈ ہیپاٹالوجسٹ
خیبر میڈیکل کالج، خیبر ٹیچنگ ہسپتال پشاور
شاہ میڈیکل سنٹر، ڈبگری چوک پشاور

Name احمد نورز
Age ۴۰
Address [illegible]
Pulse
BP ۱۲۰/۸۰
Temp
Date 19 NOV 2013

	مدت	کھانے کے بعد	کھانے سے پہلے	شام	عصر	دوپہر	صبح
Amoxyl 2 gm	۵ دن		—	½	—	—	۱
Spironicle gm	جاری	—		—	—	—	۱
Diepsin gm	جاری	—		—	—	—	۱
Esidrex 25 mg	جاری	—		½	—	—	—

رنے کے لئے 0300-5954492

ATTESTED

an Clinical Laboratory

حسن کلینیکل لیبارٹری

HASSAN CLINICAL LABORATORY

بی16-15-14-13، اوقاف پلازہ، ڈبگری گارڈن، پشاور شہر۔ فون:91-2210293

CONSULTANT
Prof. Dr. Ejaz Hassan Khan
پروفیسر ڈاکٹر اعجاز حسن خان
M.B.B.S., M.Phil (Pb), Ph.D (Pb)
F.R.C.P. (Edin), F.C.P.P
Certificate in Pathology (U.S.A.)
Professor of Pathology
Khyber Medical College, Peshawar.

NAME: AHMAD NAWAZ AGE: SEX: MALE

REFERED BY: PROF.MUHAMMAD HUMAYUN DATED: 19/11/13

CHEMICAL PATHOLOGY

TEST	UNITS	RESULT	REFERANCE RANGE
Glucose (R)	mg/dl	90	upto 150
Creatinine	mg/dl	1.2	0.6-1.2

ATTESTED

Pathologist

(43) ANNEXURE D

No. 653 / ANK-PF.

Dated Mirali the 03 / 11 / 2011.

To,

The Secretary,
To Govt of Khyber Pakhtunkhwa,
C&W Department: Peshawar.

Subject: **RETIREMENT.**

It is submitted that I have completed near about 35 years service in this department and now I have faced a lot of domestic problems at my village and I am suffering from high blood sugar and heart problem also, due to which I am really no more in a position to continue my further service.

It is therefore requested that my request for my retirement from further service i-e with effect from 1st November 2011 may kindly be accepted please.

Yours Obediently,

Mr. Ahmad Nawaz
Village: Hurmaz
Tehsil: Mirali
North Waziristan Agency.

ATTESTED

Dy No 4163
24-2-2015

To,

The Deputy Secretary (Admn) / PIO,
Communication & Works Deptt,
Govt: of KPK Peshawar,.

Subject: **APPEAL AGAINST PHYSICAL VERIFICATION OF THE SCHEME CONSTRUCTION OF JUDICIAL COMPLEX AT DISTRICT LAKKI - MARWAT (UNDER AJP)**

Reference: Your No. SOG/C&W/2-29/RTI/Dy No.5/ 2015, Dated: 19-02-2015.

It is submitted that the following documents were requested by the under-signed from the C&W Department KPK Peshawar under **RTI ACT 2013**, in which the under-signed have received only two documents on 23-02-2015 after a lapse one month time i-e at S:No.1 & 2, where as the rest of three documents have not have been provided and just to fill up the blanks you have sent me the three other unwanted / un-relevant letters which were not required to me.

1. Photo copy of the final inquiry report made by Syed Mohd Mujahid Saeed, Superintending Engineer Irrigation Department Warsak Road Peshawar.
2. Reply to letter No.SO.VI/CMS/KPK/1-13/2-14, Dated: 18-11-2014 (Received from Chief Minister's Secretariat) by C&W Department Peshawar.
3. Photo copy of the final decision made by the honorable Chief Minister, Govt: of KPK Peshawar regarding my appeal made on 11-10-2014 and action taken on your letter No.SOE/C&WD/1-53/89, dated Peshawar 03-12-2014.
4. Photo copy of the initial inquiry report made by the Ex-Chief Engineer (Centre) named Mr. Hidayat ullah Khan Marwat , C&W Department Peshawar regarding the scheme.
5. Final comments of the Ex-Secretary to Govt: of KPK C&W Department Peshawar named Mr.Habib Ali Khan regarding the charges leveled against the under-signed.

Now you once again requested to kindly provide me the above three documents as requested /required by the under signed at your earliest convenient please.

Dated: 23-02-2013

Yours Obediently,

Mr. Ahmad Nawaz
Vill:Hurmaz, Teh:Mirali (N.W.A)

Copy forwarded for information to:-

1. PS to Chief Minister Govt: of KPK Peshawar.
2. The Assistant: Registrar, Right to information Commission, Peshawar.
3. The Advisor to Chief Minister, Govt of KPK C&W Deptt Peshawar

Mr. Ahmad Nawaz
Vill:Hurmaz, Teh:Mirali (N.W.A)

ATTESTED

24/02

ANNEXURE F 45

GOVT. OF KHYBER PAKHTUNKHWA
COMMUNICTION & WORKS DEPARTMENT

(45)

Dated Peshawar, the Oct 31, 2011

ORDER:

No.SOE/C&WD/8-13/2010: WHEREAS, Mr. Ahmad Nawaz, Assistant Engineer (BS-17) C&W Department, presently working as XEN Building Division Kurram Agency (OPS) was proceeded against under the Khyber Pakhtunkhwa Removal from Service (Special Power) Ordinance 2000 for the alleged irregularities committed in the "Construction of Judicial Complex Lakki Marwat" under AJP ".

2. AND WHEREAS, for the said act of misconduct he was served with charge sheets/statement of allegations.

3. AND WHEREAS, Engr Syed Muhammad Mujahid Saeed Superintending Engineer Irrigation Department was appointed as inquiry officer, who submitted inquiry report.

4. AND WHEREAS, show cause Notice for Imposition of major penalty of "reduction to lower post/grade" was served upon the accused officer alongwith a copy of inquiry report, who submitted his reply.

5. NOW THEREFORE, the competent authority after having considered the charges, material on record, inquiry report of the inquiry committee, in exercise of the powers conferred by Section-3 of Khyber Pakhtunkhwa Removal from Services (special powers) Ordinance 2000, has been pleased to impose the major penalty of **"reduction to lower post/grade"** upon the aforementioned officer. The competent authority is further pleased to **remain the said penalty enforce for 3 years upon him.**

6. Consequent upon to "reduction to lower post/grade" of Ahmad Nawaz C&W Department is hereby directed to report to C&W Secretairat for further posting as Sub Engineer (BS-11).

Secretary to
Govt of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1) Additional Chief Secretary FATA Secretariat, Warsak Road, Peshawar
2) Accountant General Khyber Pakhunkhwa, Peshawar
3) All Chief Engineers, C&W Peshawar
4) Chief Engineer FATA W&S Peshawar
5) Secretary (Admn & Coordination) FATA Secretariat, Warsak Road, Peshawar
6) Executive Engineer Building Division Kurram Agency at Parachinar
7) Agency Accounts Officer Kurram Agency at Parachinar
8) PS to Chief Secretary Khyber Pakhunkhwa, Peshawar
9) PS to Secretary Establishment Deptt, Khyber Pakhunkhwa, Peshawar
10) Incharge Computer Centre C&W Department, Peshawar
11) PS to Secretary C&W Peshawar.
12) Official concerned
13) Office order File/Personal File.

(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

ANNEX. G

Diary No: 12728
Date: 12-07-2012
Secretary C&W Deptt:
Khyber Pakhtunkhwa

OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR.

No.74-E/ 292 /CE/C&WD

Dated Peshawar the 11/07/2012

ORDER

Whereas Mr. Ahmad Nawaz R/O village Hurmaz Tehsil Mir Ali, North Waziristan Agency who was serving as Sub Divisional Officer (BS-17) and reverted to the post of Sub-Engineer (in a disciplinary proceeding on account of irregularities) was found absent w.e.f. 01-11-2011.

2. Whereas the aforesaid Sub-Engineer vide two notices bearing No.74-E/634/CE/C&WD dated 16-03-2012 & No.74-E/451/CE/C&WD dated 21-04-2012 was accordingly directed to assume his duties with the C&W Department & also to explain the position for his willful absence since 01-11-2011, but with no positive response.

3. Whereof his negative response, a Final Show Cause Notice to this effect was published in the Two dailies i.e. "Daily Express" & "Daily Aaj" both dated 20-05-2012, where the said accused was directed to resume duties with in 15-days of the publication of this notice and also to clarify his position for this long willful absence.

4. Whereas on the expiry of aforesaid period, the accused official failed to report for duty, hence under Rule-9 of the Khyber Pakhtunkhwa, Civil Servants (Efficiency & Discipline) Rules, 2011, his services are terminated with effect from the same date, he is absent from duty.

(ENGR: ZARD ALI KHATTAK)
CHIEF ENGINEER (CENTRE)

Copy forwarded to the :-

1. Secretary C&W Department Khyber Pakhtunkhwa Peshawar
2. Chief Engineer (FATA) Works & Services Department Peshawar.
3. Executive Engineer Works & Services Division Upper Khurram Agency at Parrachinar
4. Agency Account Officer Khurram Agency
5. Director Information Department Khyber Pakhtunkhwa Peshawar please.
6. Mr. Ahmad Nawaz R/O village Hurmaz Tehsil Mir Ali North Waziristan Agency.

ATTESTED

CHIEF ENGINEER (CENTRE)

ADVANCE TOKEN H (47)

TOKEN NO. _____

CNIC # 1730I-2838124-3

Name: احمد نواز خان

F/Name: عزیز خان

Agency: M. W. A

Signature: _____ 19/6/2014

Mr Ardaman removed
21/7/2014

ATTESTED

RegistrationToken (48)

Date: 8.7.14

Token No: 63396

CNIC/ NADRA Token: 17301-2838124-3

Name: Ahmad Nawaz Khan

S/O D/O/W/O: Mohammad Roz Khan

Agency Tehsil: NWA

Sign/ Stamp

VEH STICKER

DRIVER DATA

(49)

VEH DATA

Type of Veh: CAR

Veh Regn No: ABR-535

Pvt Name: Ahmad Nawaj

CNIC No: 17301-2858124-3

No of Passengers: 4

Male: 1

Female: 3

Children U/12: X

MISC DETAILS

1. Loc:
2. Bn:
3. Bde:
4. Sticker Ser No:
5. Register Entry Ser No:
6. Tribe:
7. Sub Tribe:

NOTE

a. In case of temporary veh data as mentioned on sticker, thorough search of passengers / veh be carried out at Bde / Div CP. Suspects will be detained.

b. Fill with permanent ink pen.

c. Div CP to cross sticker when veh exits.

(OIC Signatures)

19/6/2014

ATTESTED

50

Annex : I

To,

The Honorable Chief Minister,
Government of Khyber Pakhtunkhwa
Peshawar.

Subject: **APPEAL AGAINST PHYSICAL VERIFICATION OF THE SCHEME, CONSTRUCTION OF JUDICIAL COMPLEX AT DISTRICT : LAKKI - MARWAT (UNDER AJP).**

Reference: SOE/C&W/8-3/2010, Dated: 31-10-2011.

Respected Sir,

I submissively approach your good-self with the humble request that I am the permanent resident of Village: Hurmaz, Tehsil: Mirali, North Waziristan Agency bearing good and moral character with faithful attitude.

As I was the senior most Sub Divisional Officer (BPS-17) in C&W department having 36 years of my service. Forge Case was initiated against us comprising, Two Executive Engineers, One SDO and three Sub-Engineers) in the scheme as mentioned above and we were called one by one by Syed Masoom Shah (SMS), the then personal secretary to Chief- Minister of KPK in ANP Government, to his office for proper bargaining.

On my own turn, he gave me the bank A/C No of Aimal Khan s/o Asfandyar Wali and told me to deposit Rs.1.6 million in the said account showing him the actual receipt, then I will be exonerated, but I refused to deposit the same, as the demanded amount was too huge, which was really beyond of my financial capacity and thus all five other (officers and officials) were exonerated as they might have been paid the amount what ever it is demanded, which is not in my knowledge, and I was de-graded from BPS -17 to BPS -11.

The under-signed was then ordered to report to the office of the Chief Engineer (Centre) for further posting as a Sub-Engineer (BPS-11) which I also refused as the decision made by them was not acceptable to me and then I was straight away terminated from further services, which is really a great injustice with the under-signed.

I then appealed to the then Chief Minister Amir Haider Khan hothi, but Syed Masoom Shah misplaced my appeal and its where about could not be known to the under-signed till date and after that I could not move ahead

(51)

due to my severe illness, territorial crises, curfews for days in the area and law & order situation in North Waziristan Agency.

The charges leveled against us in the scheme, Judicial Complex Lakki-Marwat and our joint replies are enclosed with my appeal for your kind information.

It is further to request you that the subject scheme has since been completed, handed over to the local District Judiciary staff duly signed by District & Session Judge Lakki-Marwat in 2005-06 and is in proper use till date. PC-IV of the said scheme has also been prepared and signed by the District & Session Judge Lakki-Marwat in 2005-06.

Now I have come to Peshawar along-with with my family on 16-09-2014, living here as IDP and wished to request your kind honor once again for proper justice and cancellation of my order of de-gradation as I have been suffered a lot by Syed Masoom Shah due to his personal grudges (non Payment to him).

I shall be highly obliged for your this act of kindness and ever pray for your longevity please.

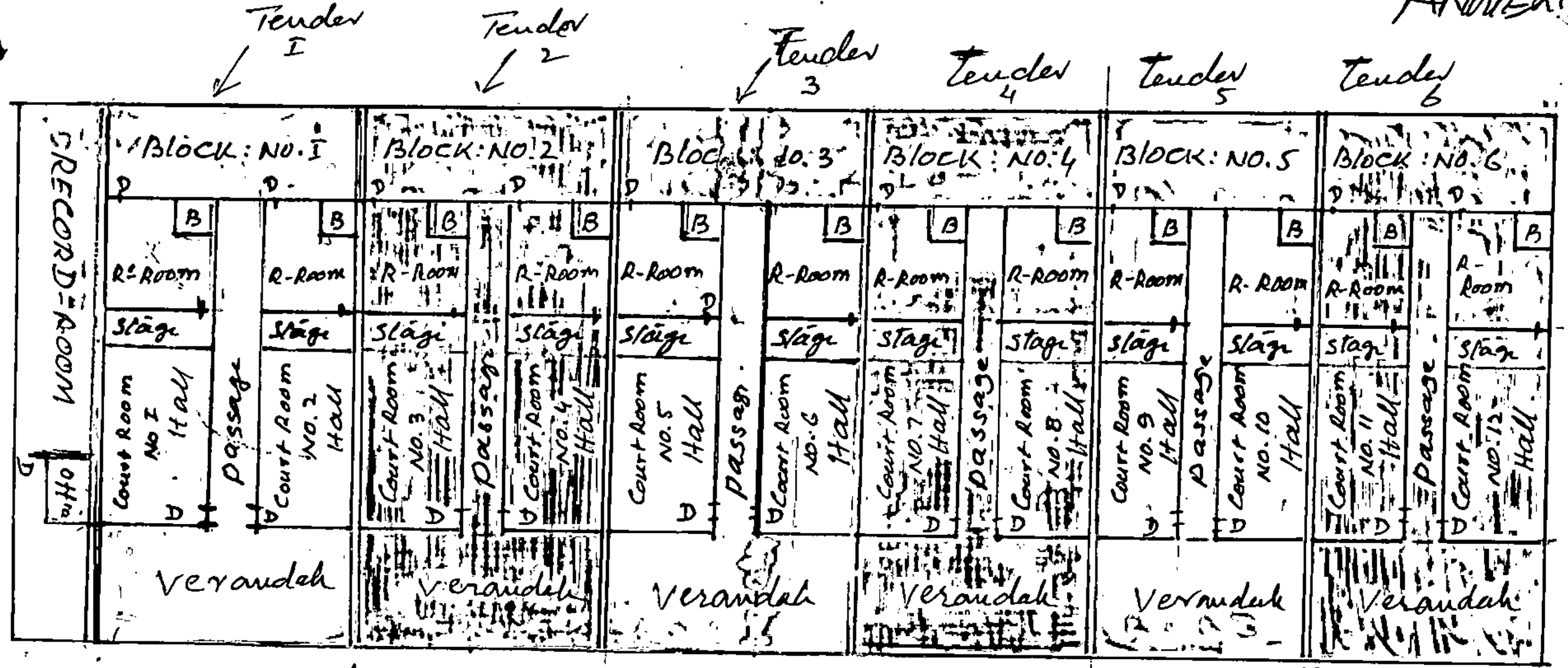
Dated: 11-10-2014

Yours Obediently

(MR.AHMAD NAWAZ) 11/10/2014
Village;Hurmaz,
Tehsil; Mirali,
North Waziristan Agency.

DRAWING OF 12 NOS COURT-ROOMS IN JUDICIAL COMPLEX LAKKI

ANNEX: K



SIX: NOS. Tenders were called for the above 12: NOS Court-Rooms. i.e BLOCK-wise tenders were called, One Contractor for 2: NOS Court-Rooms.

Road

Main Gate to Court Rooms

Can Stand

Constructional Joint

G Gate

175 KANAL

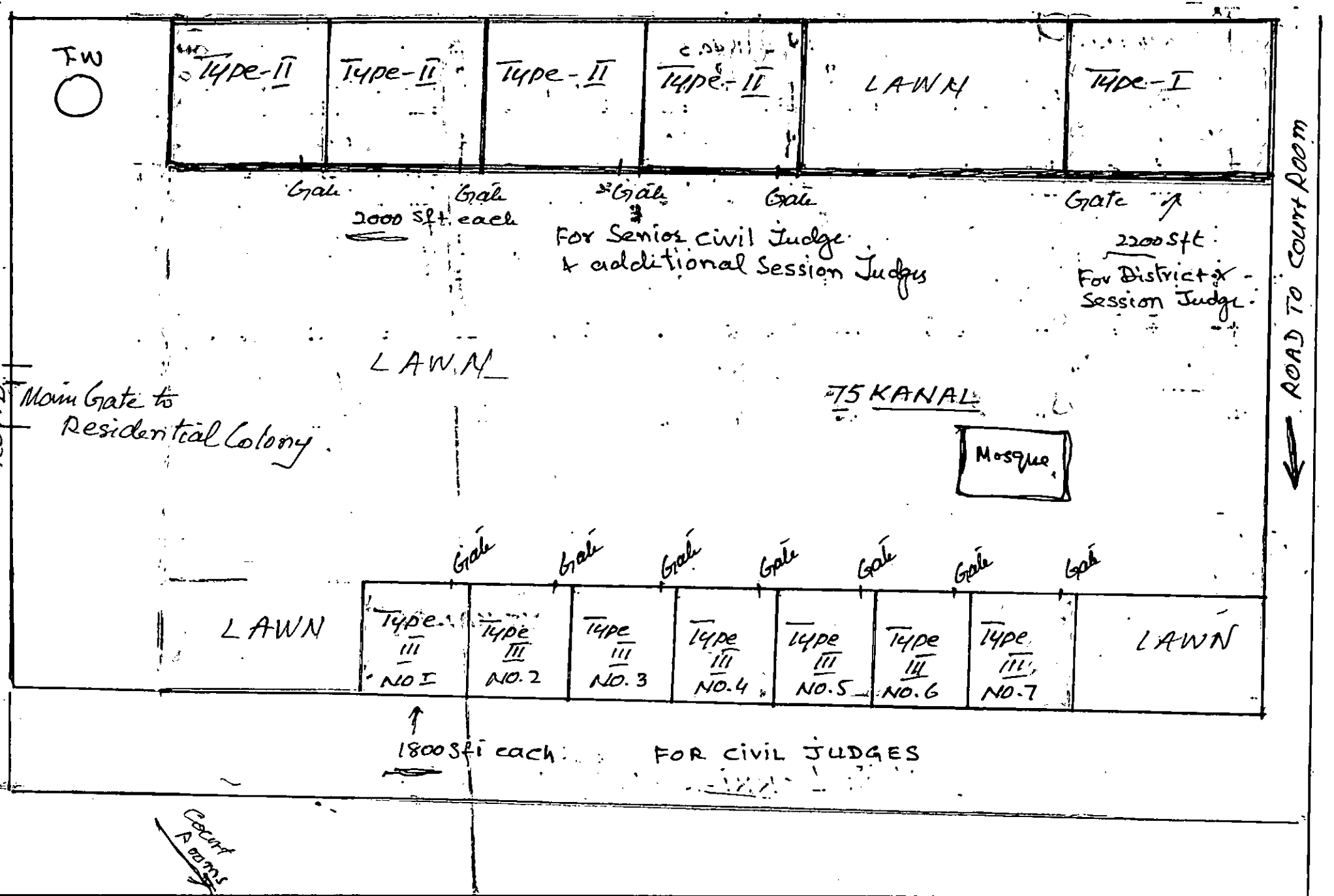
G Gate

Road to Residential Colony

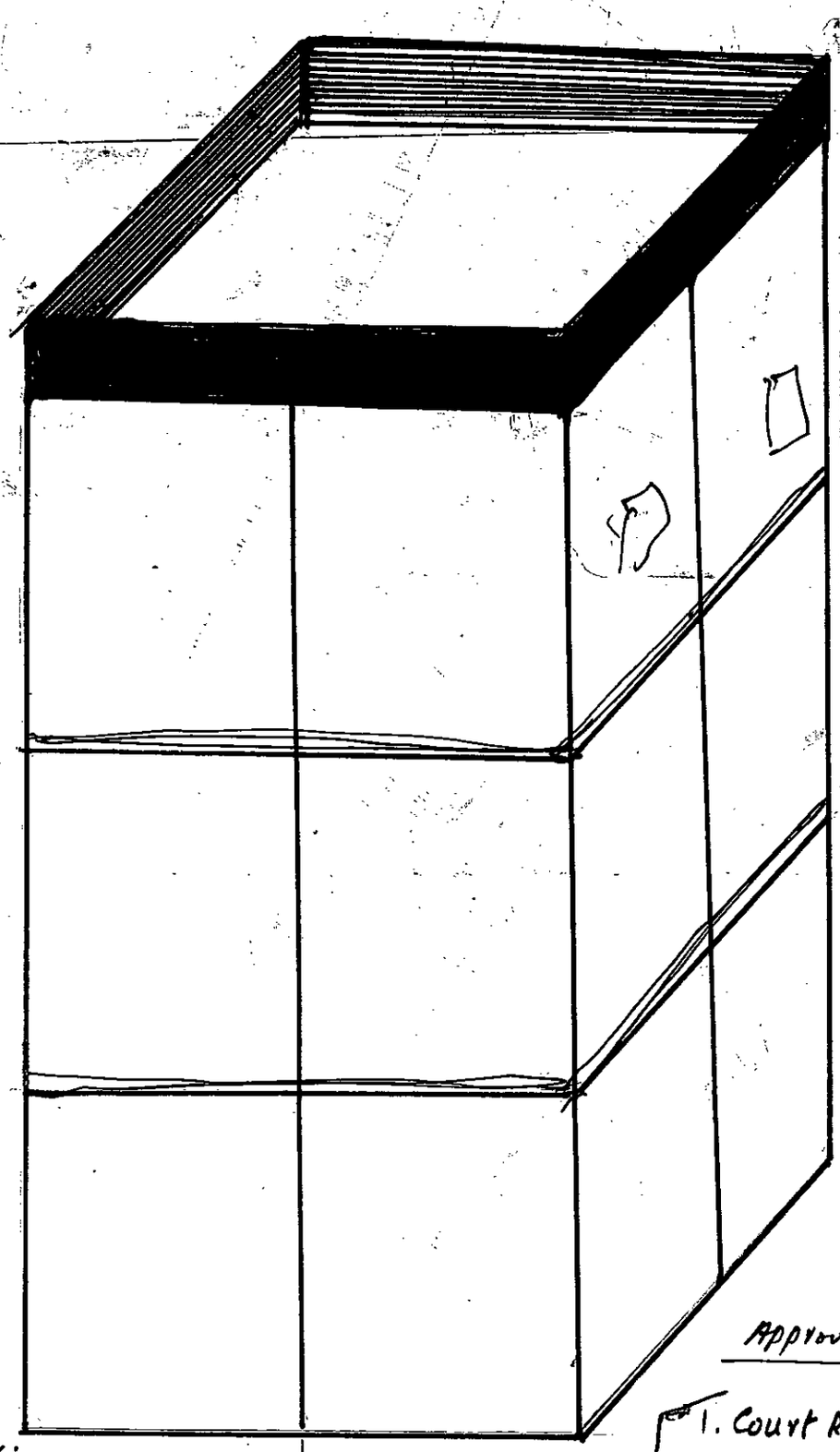
Main LAKKI-DARATANG ROAD.

DRAWING OF 12 NOS RESIDENCES

12 NOS Tenders were called.



TOKANA کینال 70 ANNEX J



Approved scope of work

1. Court Rooms = 12 NOS
2. Vendor Shed & lock-up = 2 NOS.
3. Record-Room: 1 NO.
4. Guard-Room: 1 No.
5. Infra-Structure = 1 Job
6. 12 NOS Residences.

Tendered by me

Additional Work:

1. Tube Well – One Job
2. External-Elect - 1 Job
3. Public Latrin 1 Block
4. Bar-Room 1 NO
5. Mosque. 1 NO.
6. Type iv Qtr. 1 NO
7. Store Rooms: 12 Nos.
8. Garages: 12 Nos.
9. Guard-Room 3 NOS.
10. Car Shed. 1 NOS.

Tendered by Asif Iqbal.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
SERVICE APPEAL NO. 427 OF 2015

Ahmad Nawaz
S/O Muhammad Roze Khan
Village Harmaz, Tehsil Mir Ali
North Waziristan Agency --- Appellant

Versus

1. Govt of Khyber Pakhtunkhwa through Chief Secretary, Peshawar
2. Secretary to Govt of Khyber Pakhtunkhwa C&W Department, Peshawar
3. Chief Engineer (Centre) C&W Peshawar
4. Deputy Secretary (Admn) C&W Department, Peshawar --- Respondents

Joint Parawise Comments on behalf of Respondents No. 1 to 4

Respectfully Sheweth

Preliminary Objections

i. That the instant appeal is not maintainable in its present form.
ii. That the appellant has never challenged in time any order in which his rights were ignored, hence badly time barred.
iii. That the appellant has no cause of action and locus standi.
iv. That the appeal is liable to be rejected on ground of non-joinder and mis-joinder of necessary parties
v. That the appellant is estopped by his own conduct to file the instant appeal

Facts

1. Pertains to record, with the clarification that the appellant was not regularly promoted to the post of Executive Engineer (BS-18), but assigned the duty of XEN in his Own Pay and Scale, meaning thereby that he was basically SDO BS-17 and holding the position of Assistant Engineer/SDO (BS-17).
2. Pertains to record, needs no comments
3. Pertains to record, needs no comments
4. P&D Department forwarded, a copy of the Monitoring Report regarding scheme "Construction of Judicial Complex Lakki Marwat" **(Annex-I)**. In the monitoring report, the position was well explained and recommended the officers/officials, including the appellant of C&W Department for strict disciplinary proceedings, being responsible for the irregularities/deficiencies. Accordingly report was processed and disciplinary action initiated against the responsible officers/ officials, including the appellant.
5. Incorrect, no such inquiry was assigned to Engr.Hidayatullah Khan the then Chief Engineer (Centre) C&W Peshawar, however on receipt of Monitoring Report and after approval of Competent Authority (Chief Minister), Engr. Syed Mujahid Saeed (BS-19) SE Irrigation Department was appointed as inquiry officer by serving Charge sheet and Statement of Allegations upon appellant on 05.11.2010 **(Annex-II)**. The inquiry officer submitted his report on 13.01.2011 **(Annex-III).**

In the recommendations, the inquiry officer has mentioned that Mr. Ahmad Nawaz remained as Divisional Officer, who was responsible for splitting of tenders, technical sanction was supposed to have been accorded by the Chief Engineer but the appellant (the then EDO) has technically sanctioned estimate in piece meal and execution of work without required quality control and ill planning at the time of Project Formulation. A major penalty was also recommended to be imposed.

6. Incorrect, the position has explained as per Para-5. Infact, the appellant requested for provision of the information regarding disciplinary record under RTI Act, 2013, which has been provided to appellant through letter dated 26.05.2015 **(Annex-IV)**.

7. Incorrect, as stated in Para-5 above, disciplinary action against appellant initiated under RSO 2000, after proper approval of the Competent Authority.

8. From the stance taken by the appellant clearly shows that opportunity of personal hearing was given to the appellant during the inquiry proceeding and he was well aware that on whom directions the formal inquiry was initiated which he confessed in his statement narrated in Para-8 of his appeal.

9. Correct to the extent that the inquiry officer (Engr. Syed Mujahid Saeed SE Irrigation Deptt) submitted the report on 13.01.2011. However it is pertinent to mention that while serving the show cause notice, the appellant was served with the enquiry report, hence in order to prove his so called innocence the appellant moved the application under RTI Rules, 2013 as mentioned in Para-5, when the appellant applied for the aforesaid inquiry report, which provided to the appellant on 19.02.2015 **(Annex-V)**.

10. Incorrect, just after receipt of Inquiry Report, the case was submitted to the Competent Authority (Chief Minister), who tentatively imposed major penalty i.e. "Reduction to Lower Post/Grade" upon the appellant. A proper Show Cause notice was served upon accused officer/appellant vide letter dated 10.02.2011 **(Annex-VI)** along-with formal inquiry report.

11. Incorrect, proper show cause notice was issued to appellant containing major penalty with the direction to submit his reply. Moreover, appellant was awarded full opportunity of Personal Hearing. So far attitude of the inquiry officer with appellant during inquiry proceeding is concerned, there is no proof or evidence/concocted with the appellant to prove his stance on the inquiry officer but he prepared a imaginary statement to obtain the sympathy of Hon'able Tribunal.

12. Incorrect, after fulfillment of all codal formalities, the Competent Authority imposed major penalty upon the appellant on 31.10.2011 **(Annex-VII)** with the direction to report his arrival to Chief Engineer (Centre) C&W Peshawar, but he badly failed. If the appellant was so interested in his retirement, then he should have reported his arrival first to Chief Engineer (Centre) C&W Peshawar for his further posting and then he was required to submit his application for retirement.

13. Incorrect, Respondent No.3 (Chief Engineer Centre C&W) has not issued any reduction order of the appellant, hence denied. The appellant's stance that he left for Home Town is baseless, being civil servant, he should have applied for leave and then proceeded Home, not to follow his own will and wishes.

14. Incorrect, when major penalty was imposed upon "Reduction to Lower Post/ Grade", after approval of Competent Authority, the appellant was directed to report to C&W Secretariat for further posting as Sub Engineer in the same orders. However, due to non compliance from the appellants' side, disciplinary action under Rule-9 of E&D Rules, 2011 was initiated against the appellant for not complying the orders of Competent Authority **(Annex VIII)**. Therefore, two notices were issued to the appellant at his Home address vide letter(s) dated 16.03.2012 and 21.04.2014 **(Annex-IX)**. Due to none compliance show cause notice was published in two daily newspapers "Express" and "Aaj" dated 20.05.2012 **(Annex-XII)**. However the appellant did not comply with the order, therefore, his services were terminated under Rule-9 of the E&D Rules, 2011, vide order dated 11.07.2012 **(Annex-XIII)**.

15. Misconceiving, only to get sympathies by this way of drafting.
16. Incorrect, the appellant cannot taken plea of IDPs' as he himself taken shelter on 19.06.2014 at Peshawar, while his termination orders had been issued on 11.07.2012, approximate 02 years ago.
17. Incorrect, appellant admits orders dated 31.10.2011 & 11.07.2012 received, then how it can be said arbitrary or unlawful. Any lapses on this account rests upon the appellant and no orders to set aside inter-alia, on the facts as explained above, be passed on the instant appeal.

Grounds

A. Incorrect, appellant has been associated with whole inquiry proceedings and thereafter as a matter of disciplinary case he was penalized and imposed major penalty of. "Reduction to Lower Post/Grade". The 2nd case is different because the appellant did not assume the charge of lower post of Sub Engineer and not joined duties since 01.11.2011 till 11.07.2012, termination orders under Rule-9 of the E&D Rules, 2011, had been issued, to which he is fully aware, hence no illegal or blatant violation of law have been exercised.

B. Incorrect, as explained in Para-14 of the facts.

C. Incorrect and irrelevantly drafted. The inquiry officer has the powers of civil court trying a suit under the code of Civil Procedure, 1908 (Act-V of 1908), hence the proceeding shall be deemed to be judicial proceeding within the meaning of Section-193 & 228 of the Pakistan Panel Code (Act XLV of 1850). Thus the Tribunal has got no jurisdiction to decide or pass orders on these issues.

D. As explained in para-C above

E. As explained in para-C above

F. As explained in para-C above

G. Misconceiving, the appellant himself stated in Para-1 of his appeal joined services as Sub Engineer in BS-11 and thereafter he was promoted as Assistant Engineer/SDO BS-17, so that he was Sub Engineer holding the lower grade/post to which he originally appointed, thus the presumption of the appellant is far behind to understand as the rules/regulations of the Government on this account are much clear.

H. Incorrect, in the instant case, first inquiry has been conducted by M&E Directorate P&D Department, which is considered as facts finding inquiry, while the 2ND inquiry has been conducted as formal inquiry uner RSO 2000 after approval of Competent Authority (Chief Minister).

I. Incorrect & misconceiving, as stated in preceding paras, the appellant and others were properly proceeded under the ibid RSO (special power) Ordinance 2000, and afforded all opportunities to the appellant to clear their position to which he failed, hence final penalty of "Reduction to Lower Post/Grade" was imposed upon the accused/appellant.

J. Incorrect & misconceiving, comments in detail have been explained in the preceding paras with specific reference to reply as stated in Para-C supra of the grounds.

K. Incorrect, the appellant was afforded the opportunities to reply to the Charge Sheet and Statement of Allegations even at the time of SHOW CAUSE NOTICE, but he was not interested to defend his case and taken it very leniently.

L. Incorrect, at the time of disciplinary proceedings, the RSO (special power) Ordinance 2000, was operative and intact at the time and was not repealed.

M. Incorrect, the appellant was under trial in another case of disciplinary proceedings on account of irregularities in the work "Newly Constructed Building of District Jail Lakki Marwat" for which separate Charge Sheet and Statement of Allegations were served on the accused/appellant on 07.03.2012 and thus his request for retirement in the capacity of SDO (BS-17) had not been accredited. The accused/appellant should have to report to Chief Engineer (Centre) C&W Peshawar in the Lower Post/Grade of Sub Egineer from which he was promoted then to have applied for retirement. As far as to comment on the termination orders dated 11.07.2012 by Respondent No.3, the detail history is described in Para-14 supra.

N. Incorrect, the official respondents are restricted to act according to the rules/regulations of the Government (Rule-9 of the E&D Rules, 2011), describe that two notices shall be issued upon the absentia, when no response is received then final show cause/absentia notice is published in two daily newspapers, which have accordingly been followed in the case of appellant. Appellant intentionally did not respond to the notices, as narrated in the above paras.

O. Incorrect, the appellant has categorically confessed his absentia in his statement that his absentia was under presumption which is totally wrong, he was required to educate himself with regard to service matters.

P. Incorrect, the appellant was issued proper Notices for resuming duties as Sub Engineer under the Rule-9 of E&D Rules, 2011. Absentia notice was also published in print media (newspapers), when no response thereof received from the appellant within stipulated period of Notices. His termination order was then issued as per Rules and Regulations.

Q. Incorrect, the appellant was himself not interested in service despite the facts Notices served as cited in above paras as such no mala-fide action was taken against him.

R. Incorrect, the first order i.e. "Reduction to Lower Post/Grade" was taken on the basis of M&E Report on account of substandard works etc, as described in above paras, while the 2nd order was warranted by law, when the appellant absented himself to join lower post of Sub Engineer intentionally despite Notices of Absentia in press media.

S. In the above, circumstances/facts and grounds to which detailed replies have been attempted, therefore the appellant case is not a fit case, as he is no more Civil Servant after his willful absence and termination on absentia. Hence no right of appellant to be entertained by this Hon'able Tribunal.

T. Incorrect, the detail position of either actions i.e. "Reduction to Lower Post/Grade" and his termination order from service on account of absentia cannot be clubbed with each other. The position of both the actions are dealt separately under relevant rules. The presumption of the appellant about these actions, stated to be harsh/arbitrary capricious and against the law is not tenable. He at all the time was afforded free and fair trial to which he himself had not taken interest even lost his long services on his own acts/omissions.

In view of the above explanation, it is humbly prayed that the instant appeal before this Hon'able Tribunal is badly time barred, because both the orders as said impugned had been announced and intimated to the appellant on 31.10.2011 and 11.07.2012. At the same time request that the instant appeal may kindly be dismissed with cost.

Secretary to Govt of
Khyber Pakhtunkhwa
C&W Department
(Respondents No.1 & 2)

Chief Engineer (Centre)
C&W Peshawar
(Respondent No. 3)

Deputy Secretary (Admn)
C&W Department
(Respondent No. 4)

Annex-I

GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING AND DEVELOPMENT DEPARTMENT
DIRECTORATE GENERAL OF MONITORING AND EVALUATION

No. P&D/M&E/2-1/5/2009-10/11854-8
Dated Peshawar 4th May, 2010

1. The Registrar,
Peshawar High court,
Peshawar.

2. The Secretary to Govt of Khyber Pakhtunkhwa,
Communication and Works Department,
Peshawar.

Secretary Communication & Works Department KPK
Diary No. 7706
Date 04/5/10
Peshawar

Subject: **PHYSICAL VERIFICATION OF THE SCHEME "CONSTRUCTION OF JUDICIAL COMPLEX LAKKI MARWAT", UNDER AJP.**

Dear Sir,

I am directed to refer to the letter No.AJP/HC/43-A-1/2003/HP-169 dated 24th February, 2010 on the above cited subject and to enclose herewith a copy of the monitoring report of the subject scheme in Lakki Marwat District visited by the M&E team, approved by the Additional Chief Secretary, Khyber Pakhtunkhwa, for information and further necessary action.

(Engr: Sher Azam Khan)
Director-I

Copy to:

1. P.S. to the Additional Chief Secretary, Khyber Pakhtunkhwa.
2. P.A. to the Director General (M&E), P&D Department, Peshawar.

Director-I

House # 122-A, Street #2, New Defense Officer's Colony, Shami Road, Peshawar. Phone# 091-9213753. Fax# 091-9213754
D:\03-Director Sher Azam\letters\Bannu Division\lakki\Construction of Judicial Complex LM dated 5 May 2010.doc

GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING AND DEVELOPMENT DEPARTMENT
DIRECTORATE GENERAL OF MONITORING AND EVALUATION

REPORT REGARDING INSPECTION OF COMPLETED SCHEME "JUDICIAL COMPLEX LAKKI MARWAT"

The scheme "Construction of Judicial Complex Lakki Marwat, under Access to Justice Program" was referred alongwith list of defects to the Directorate General of Monitoring & Evaluation by the Peshawar High Court vide letter No. AJP/HC/43-A-1/2003/HP-169 dated 24th February 2010 with the following directions (Annex-I):

"The kind, quality and standard of construction is required to be properly evaluated as per the rules and instructions governing the matter to ensure that no irregularity has been committed to the prejudice of the exchequer."

2. In pursuance of the above direction, visit to the site was carried out on 29-30th March 2010. The M&E team was accompanied by the representatives from C&W Department Lakki Marwat and the Senior Civil Judge, District Lakki during the entire visit. Before start of the visit, a detailed meeting was held with the District & Session Judge, Lakki Marwat in his office and the scheme was discussed in detail. The District & Session Judge was of the view that being a non technical person he has pointed out 26 defects but if the project is inspected by a technical team it may point out other deficiencies in the structure.

DESCRIPTION

3. Judicial Complex Lakki Marwat has been constructed under Access to Justice Program over a land of 160 kanal and was approved at a cost of Rs. 95.404 million in the PDWP meeting held on 16th May 2005 with completion period of 32 months. An expenditure of Rs. 110.192 million has been incurred on the project till date. The original scope of work is tabulated as under:-

S. No.	Description	
1.	Construction of Court.	12 Nos.
2.	Vender Shed & Lock up.	01 No.
3.	Residences (Type III Residences).	12 Nos.
4.	Furnishing of Court Rooms.	01 Block.
5.	Record Room.	01 Block.
6.	Guard Room.	01 No.
7.	Parameter Wall for Residences.	01 Job.
8.	Intra-Structure.	01 Job.

... Executive Engineer, C&W Department, Lakki Marwat was requested to furnish the relevant record alongwith incumbency of the officers/officials associated with the project vide letter No. P&D/M&E/2-1/5/2009-10/1489-1495 dated 26th March 2010 followed by reminders dated 2nd April 2010 and 6th April 2010 and several telephonic requests. The Executive Engineer, C&W, Lakki Marwat informed that the required documents are lying in the building Sub-Division and accordingly the Sub-Divisional Officer has been directed vide letter No. 1983/1-JD dated 13th April 2010 to provide the record to the M&E Directorate (Annex-II). However, the Executive Engineer has furnished a list of incumbent officers/officials (Annex-III). The Sub Divisional Officer (Buildings) Mr. Mashal Khan has provided the record except NIT of the project.

ii. The project has been shown completed and handed over to the Judiciary. PC-IV of the project is attached as (Annex-IV) but during the field visit it was noted that some of the works are still in progress and their contracts are still open. After going through the original approved PC-I, it has been established that the PC-I was deficient as many necessary components of a judicial complex e.g. Bar room, Latrine block, External electrification, External water supply, Mosque, Library and Furnishing were not included in the PC-I. It was astonishing to note that most of the above works have been completed but still these works are not approved by any forum whereas payment has been released to the contractors which is a gross irregularity and a criminal act on part of the officials of C&W Department, District Lakki. It is pointed out that these unapproved works costing more than Rs. 25.00 million have been tendered in the newspapers and work orders have been issued to the contractors but the higher authorities did not take any notice of the matter. Moreover, the contractors who executed the unapproved works have approached the High Court for payment of their balance amount to the tune of more than Rs. 11.00 million which means that the responsible officers of C&W Lakki Marwat has created a minimum liability of Rs. 11.00 million which is a gross misconduct and violation of Financial Rules.

iii. The officials of the C&W Department, Lakki informed the M&E team that all the additional works have been executed on the directions of judiciary and in this regard they provided some written documents which are attached as (Annex-V). Even then it is negligence on the part of C&W Department to execute additional works without getting proper approval of the Competent Forum thus violating the clause-54 of the CPW code notified by Government of Pakistan.

iv. Estimates of such mega projects like Judicial Courts, Lock ups etc are prepared on the basis of detail drawings and design of buildings which needs special attention in respect of its planning, usage, safety, architectural look, structural strength whereas PC-I of the project does not contain proper drawings or design which resulted in planning and execution flaws.

3

... are awarded to highly qualified firms after pre-post qualification ... in technical/financial resources, experience of the firm in similar works, ... reputation, machinery and professional skills are evaluated but in this case the ... has been split into 33 small packages deliberately to bring the tenders within the competency of the district level C&W staff and to accommodate small local contractors. Work on the scheme was started on 25th June 2005 which should have been completed before December 2007 but some of the works are still in progress.

vi. Appropriate quality standards have not been maintained in the whole execution process as all engineering constructions are required to follow a quality control system which implies that material used in the construction shall be tested before and during the execution. During inspection it was noted that no such system has been maintained by the Works & Services Department and as such the quality of materials as well as the construction remains questionable.

vii. According to the clause-56 of CPW code, Technical Sanction must be obtained before the construction of the work is commenced as it certifies that design of buildings is structurally sound and that the estimates are accurately calculated based on adequate data. In the instant project, the T.S. was supposed to have been accorded by the Chief Engineer but the then Executive District Officer has technically sanctioned the estimate in piecemeal therefore have exercised the powers of Chief Engineer which is not permissible according to the CPW code. Therefore it is established that the project still needs Technical Sanction.

viii. Terrazzo flooring was included in the approved PC-I whereas floors have been constructed with 1/2" thick marble tiles. It is pointed out that the CSR contain specification of marble tiles for flooring as 3/4" minimum thickness whereas 1/2" thick marble tiles are used on walls and there is no rate available in the CSR for 1/2" tiles for flooring. The 1/2" thick tiles if used in floors, the thickness further reduces after grinding and therefore durability is affected. All the 1/2" thick tiles used in flooring needs complete replacement with 3/4" thick tiles.

ix. Apart from the deficiencies pointed out by the District & Session Judge, Lakki Marwat, the following observations on the quality of material and works were made during the field visit:

- Providing and fixing purdah cloth to doors and windows has been approved in the estimate but at site poor quality railing and blinds have been provided to windows only.
- The courts have not been properly furnished as the estimate of furnishing has been utilized on unapproved works.
- Split air conditioners alongwith 7000 watt voltage stabilizers have been installed in the court rooms but were not working properly. The officials of the C&W Department agreed to check the air conditioners and defective units will be repaired.
- Appropriate type of exhaust fans have not been installed above the air conditioners which may affect cooling of the air conditioners. This also reflects lack of knowledge and interest on part of the officials of the C&W Department, Lakki Marwat.

- Considerable amount has been spent on development works including turfing of lawns which was included in the approved PC-I at a cost of Rs. 0.250 million. This amount has been enhanced to Rs 1.728 million but at site no such activity was observed.
- Regarding installation of water pump of smaller capacity, the officials of C&W Department informed that the pump has been designed according to the demand and availability of water in the tube well but they failed to produce any design data.
- Very poor quality of bricks have been used in the pavement which are visible whereas bricks used in structure have been covered with plaster. Brick pavement not included in the PC-I, have been executed which needed proper grouting.
- Very poor quality of deodar wood have been used in doors and windows every where in court rooms and residences which contained very large number of knots. The M&E team is of the view that all the doors and windows needs replacement with first class deodar wood.
- The PC-I envisages installation of 46 ceiling fans in the court rooms but at site only about 40 fans have been installed whereas the officials of C&W, Lakki informed that 448 ceiling fans are needed to fulfill the requirement of the court rooms and the verandas.
- Stagnant water was observed in the main drain which shows defect in the slope of the drain. The drain has also been obstructed by RCC pipes of bathrooms of the court rooms which have been crossed to the septic tanks. The officials of C&W, Lakki agreed to remove the defects.
- All the expansion joints provided in the building have not been properly filled and covered with aluminum strips. Few joints were covered with steel plates which were also not properly fixed.
- Foundation settlement was observed in one of the court of Civil Judge and large cracks were observed in the wall from both sides.
- Litigant's sheds have not been included in the estimate and therefore the general public is using the verandas of the court rooms.
- Poor electrical fittings have been installed.
- Quality of aluminum joinery work in the court rooms was observed as poor.
- 3 different sizes and color ceramic tiles have been used in the bathroom of retiring room attached to the Session Judge Court which reflects poor workmanship and least interest of the field staff. The W.C of the same bathroom was found broken and many tiles were also in damaged condition.
- Leakage was observed in all the bathrooms of courts and residences.
- Steel grill has been fixed in between glass window pans and wire mesh window pans in the windows of residences due to which it was difficult to open the glass windows.
- Unseasoned wood have been used in the joinery of residences and therefore the occupants may face problems in opening and closing the door shutters and shutters of

the ... cases.

- Ventilators above the doors in Session House are not properly installed and also chipboard panels have been provided inside the cupboard reflecting use of poor material and workmanship.
- An uncovered large drain passes through the Session House which may be hazardous to the occupants and also small kids may fall in the drain.

RECOMMENDATIONS

5 i. The M&E Directorate holds responsible the following officers/officials of C&W Department, Lakki Marwat:

S#.	Name of Officers/Officials.	Designation	Responsibility
1.	Ahmad Nawaz	The then Deputy Director, W&S Deptt: Lakki Marwat.	Wrong estimation of PC-I, with no planning, faulty tendering, unauthorized payments without T.S. and release of payment against sub standard work.
2.	Asif Iqbal	The then EDO / Deputy Director, W&S Deptt: Lakki Marwat.	Faulty tendering, unauthorized payments without T.S. and release of payment against sub standard work.
3.	Muhammad Hamayoun.	The then Deputy Director, W&S Deptt: Lakki Marwat.	Unauthorized payments without T.S. and release of payment against sub standard work.
4.	Saeed Rahman.	The then Deputy Director, W&S Deptt: Lakki Marwat.	Unauthorized payments without T.S. and release of payment against sub standard work.
5.	Ahmad Nawaz	The then Assistant Director, W&S Deptt: Lakki Marwat.	Wrong estimation of PC-I, with no planning, unauthorized payments without T.S. and release of payment against sub standard work.
6.	Hayat Ullah Jan	The then Sub-Engineer.	Payment against sub standard work.
7.	Abdul Ghaffar	The then Sub-Engineer.	Payment against sub standard work.
8.	Niamat Ullah	Sub-Engineer.	Payment against sub standard work.

It is proposed that strict disciplinary action may be taken against the above officers as per the charges mentioned in the table against each officer/official who have created liabilities for provincial government.

ii. Comprehensive quality testing of all the components of the project including non destructive tests shall be carried out through well reputed laboratory/agency, preferably through NWFP University of Engineer & Technology to determine their structural stability.

iii. The project shall be technically sanctioned and approval of the design of the buildings be obtained from Chief Engineer, C&W Department.

iv. The matter of execution of unapproved works shall be brought to the notice of Competent Authority for decision.

v. The defects pointed out in Para-4 (vii) & (viii) shall be rectified at risk and cost of the field staff of the C&W, Lakki Marwat involved in the project implementation.

Annex-II

GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/8-13/2010
Dated Peshawar, the Nov 05, 2010

TO

Syed Mujahid Saeed
Superintending Engineer (BS-19)
O/O Chief Engineer (O&M)
Irrigation Department, Peshawar

Subject: PHYSICAL VERIFICATION OF THE SCHEME "CONSTRUCTION OF JUDICIAL COMPLEX LAKKI MARWAT" UNDER AJP

I am directed to refer to the subject noted above and to state that the competent authority (Chief Minister) has been pleased to appoint you as inquiry officer to conduct formal inquiry under RSO 2000 in the subject case against the following officers/officials of C&W Department.

1. Ahmad Nawaz, XEN Building Division Kurram Agency (OPS)
2. Asif Iqbal, Assistant Design Engineer O/O Chief Engineer (CDO) C&W Peshawar
3. Muhammad Hamayum Executive Engineer W&S Division FR Bannu/Lakki
4. Hayatullah Jan, Sub Engineer O/O XEN W&S Division Orakzai Agency at Hangu
5. Abdul Ghafoor, Sub Engineer C/O Secretary PHE Deptt, Peshawar
6. Niamat Ullah, Sub Engineer O/O XEN C&W Division Lakki Marwat

2. I am further directed to enclose herewith copies of the charge sheets and statement of allegations duly signed by the competent authority (Chief Minister) with the request to serve these upon the above accused officers/offcials and initiate proceedings against them under the provision of the Khyber Pakhtunkhwa Removal from Service (Special powers) Ordinance, 2000 and submit the **inquiry report within 25 days positively.**

Encl: As above

(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

Endst even No. & date

1. Chief Engineer (Centre) C&W Peshawar. He is requested to depute an officer to assist the inquiry officer and provide him all relevant record as required to the inquiry officer.
2. Copy alongwith copy of the charge sheet/statement of allegations is forwarded for information with the direction to appear before the inquiry officer on the date, time and place fixed by him for the purpose of inquiry proceedings to the following officers/officials:

i. Ahmad Nawaz, XEN Building Division Kurram Agency (OPS)
ii. Asif Iqbal, Assistant Design Engineer O/O Chief Engineer (CDO) C&W Peshawar
iii. Muhammad Hamayum, Executive Engineer W&S Division FR Bannu/Lakki
iv. Hayatullah Jan, Sub Engineer O/O XEN W&S Division Orakzai Agency at Hangu
v. Abdul Ghafoor, Sub Engineer C/O Secretary PHE Deptt, Peshawar

CHARGE SHEET

Whereas, I, Amir Haider Khan Hoti, Chief Minister, Knyber Pakhtunkhwa as Competent Authority, charge you, Ahmad Nawaz, Assistant Engineer (BS-17) C&W Department, presently, posted as XEN Building Division Kurram Agency (OPS).

"That you while posted as Deputy Director (OPS)/Assistant Director defunct W&S Lakki Marwat was committed irregularities in the "Construction of Judicial Complex Lakki Marwat" under AJP as it has been established that the prepared PC-I was deficient as many necessary components of Judicial Complex e.g. Bar Room, Latrine Block, External Electrification, External Water supply, Mosque, Library and furnishing were not included in the PC-I, besides this estimates of such mega projects like Judicial courts, lockups are prepared on the basis of detailed drawings and design of buildings which needs special attention in respect of its planning, usage, safety, architectural look, structural strength where PC-I of the Project does not contain proper drawings or design which resulted in planning and execution flaws. According to clause-56 of CPW code, technical sanction must be obtained before the construction of the work as commenced as its certified that design of building is structurally sound and that the estimates are accurately calculated based on adequate data in the instant project, the T.S. was supposed to have been accorded by the Chief Engineer but the then EDO has technically sanctioned the estimate in piecemeal, therefore, have exercised the powers of Chief Engineer which is not permissible according to the CPW code, therefore, it established that the project still needs technical sanction and on the other hand you have made un-authorized payment without T.S. and release of payment against sub standard work".

2. By reasons of the above, you appear to be guilty of misconduct under Section-3 of Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000 and have rendered yourself to all or any of the penalties specified in the Section-3 of the Ordinance ibid.

3. You are, therefore, required to submit your written defence within seven (7) days of the receipt of this charge sheet to the Inquiry Officer/Committee, as the case may be.

4. Your written defence, if any, should reach the Inquiry Officer/ Committee within specified period, failing which it shall be presumed that you have no defence to put in and in that case exparte action shall follow against you.

5. Intimate whether you desire to be heard in person.

6. A Statement of Allegations is enclosed.

(Amir Haider Khan Hoti)
Chief Minister
Khyber Pakthunkhwa

DISCIPLINARY ACTION

Whereas, I, Amir Haider Khan Hoti, Chief Minister, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Ahmad Nawaz, Assistant Engineer (BS-17) C&W Department, presently, posted as XEN Building Division Kurram Agency (OPS) has rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of Section-3 of the Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000:-

STATEMENT OF ALLEGATIONS

"That he while posted as Deputy Director (OPS)/Assistant Director defunct W&S Lakki Marwat was committed irregularities in the "Construction of Judicial Complex Lakki Marwat" under AJP as it has been established that the prepared PC-I was deficient as many necessary components of Judicial Complex e.g. Bar Room, Latrine Block, External Electrification, External Water supply, Mosque, Library and furnishing were not included in the PC-I, besides this estimates of such mega projects like Judicial courts, lockups are prepared on the basis of detailed drawings and design of buildings which needs special attention in respect of its planning, usage, safety, architectural look, structural strength where PC-I of the Project does not contain proper drawings or design which resulted in planning and execution flaws. According to clause-56 of CPW code, technical sanction must be obtained before the construction of the work as commenced as its certified that design of building is structurally sound and that the estimates are accurately calculated based on adequate data in the instant project, the T.S. was supposed to have been accorded by the Chief Engineer but the then EDO has technically sanctioned the estimate in piecemeal, therefore, have exercised the powers of Chief Engineer which is not permissible according to the CPW code, therefore, it established that the project still needs technical sanction and on the other hand he has made un-authorized payment without T.S. and release of payment against sub standard work"

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Inquiry Committee consisting of the following is constituted under Section-5 of the Ordinance:-

i. Engr Syed Mujahid Saeed SE

ii. _____

3. The Inquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make, within 25 days of receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the Department shall join the proceedings on the date, time and place fixed by the Inquiry Committee.

~~CONFIDENTIAL~~
SECRET

Annex-III

OFFICE OF THE CHIEF ENGINEER (O&M) WING
IRRIGATION DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR

Phone No. 091-9212116 Fax No. 091-9212652

1023 /IB/A/PA to SE(HQ) Dated Peshawar the 13/01/2011

The Secretary to Govt of Khyber Pakhtunkhwa,
C&W Department Peshawar.

Subject:- **PHYSICAL VERIFICATION OF THE SCHEME "CONSTRUCTION OF JUDICIAL COMPLEEX LAKKI MARWAT" UNDER AJP.**

Reference:- Your letter No.SO(E)/C&WD/8-13/2010,dated 5-11-2010.

Enclosed please find herewith enquiry report (in duplicate) on the subject noted above alongwith connected documents for favour of further necessary action please.

Encl: As above

DAK 12 15-01-11

13/01/11
SYED MOHAMMAD MUJAHID SAEED
SUPERINTENDING ENGINEER HQ
ENQUIRY OFFICER

15/01
SO(E).
17/1/11
SI

ENQUIRY REPORT

Subject: - **PHYSICAL VERIFICATION OF THE SCHEME "CONSTRUCTION OF JUDICIAL COMPLEX LAKKI MARWAT" UNDER AJP.**

The undersigned was appointed as Enquiry Officer for the subject noted work through Secretary to Govt: of Khyber Pakhtunkhwa, C&W Department vide letter No: SO (E)/C&WD/8-13/2010 dated 05/11/2010. The charge sheets and statements of allegation duly approved by the competent authority (Chief Minister Khyber Pakhtunkhwa) were sent for serving on the following accused officers/officials of the C&W Department with the direction to conduct formal enquiry under RSO 2000 and submit the report (Annexure-I).

i. Muhammad Hamayun, Executive Engineer, W&S Division FR Bannu / Lakki
ii. Mr. Asif Iqbal, Design Engineer, O/O Chief Engineer (CDO) C&W Department Peshawar.
iii. Mr. Ahmad Nawaz, Executive Engineer, Building Division Kurram Agency
iv. Mr. Hayatullah Jan, Sub Engineer, O/O Executive Engineer Works and Services Division Orakzai Agency at Hangu
v. Mr. Abdul Ghaffor, Sub Engineer, C/O Secretary PHE Department Peshawar.
vi. Mr. Niamatullah, Sub Engineer, O/O Executive Engineer, C&W Division, Lakki Marwat.

PROCEEDINGS

2. The charge sheets along with statement of allegations were accordingly served upon all the accused officers/officials vide a covering memo bearing office No.7475-81/IB/PA/SE (HQ) dated November 08, 2010 (Annexure-II – A, B, C, D, E and F). The accused officers/officials were asked to submit their replies up to 15/11/2010. The Chief Engineer (Centre), C&W Department was requested vide memo No.7438-40/IB/PA/SE (HQ) dated November 08, 2010 for furnishing of the requisite record and nomination of an officer of his department for assistance in the enquiry process as directed by the Secretary C&W in his letter No. SOE/C&WD/8-13/2010 dated December 8, 2010 (Annexure-III). After a couple of reminder on November 12 and 24, 2010, the Executive Engineer, C&W Division Lakki Marwat was directed by the Chief Engineer (Centre) C&W Department Peshawar vide letter No. CEC/GSPH/5-4/01 dated November 24, 2010 (Annexure-IV) to provide the requisite record and was also nominated for helping the enquiry process. Inspite of reminders from the undersigned, instruction of Chief Engineer (Centre) C&W Department along with that of Secretary to Govt. of Khyber Pakhtunkhwa, C&W Department the record could not be provided until November 26, 2010 which was then partially collected from the Executive Engineer concerned during my verification visit of the Judicial Complex on November 26, 2010. The subject work was inspected in detail with the concerned staff of C&W Department on November 26, 2010. Before

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detail inspection the matter was discussed with the Session Judge Lakki Marwat and Senior Civil Judge Mr. Mohammad Masud Khan for getting their view point.

3 The record was collected during site visit on November 26, 2010. The office of Secretary C&W Department was requested to provide copies of previous enquiry reports which were sent vide their office letter No: SOE/C&WD/8-13/2010 dated November11, 2010 (Annexure-V). The replies against statement of allegation and charge sheet were received from the accused officers/officials on November 15, 2010 & November 24, 2010 which are attached as (Annexure-VI– A, B, C and D).

4 Personal hearing of all concerned officers and official was conducted on December 31, 2010 and a questioner was served upon all the accused (Annexure- VII). Replies to the questioner were furnished by the accused on January 03, 2010 (Annexure-VIII- A, B, C, D and E).

FINDINGS/OBSERVATIONS

5. The record reveals that Judicial Complex Lakki Marwat has been constructed under Access to Justice Programme. PC-1 for the work with a cost of Rs.95.404 (M) was approved by the PDWP during its meeting held on May 16, 2005 with following scope of work:-

S. No	Name of Works	Estimated Cost
1.	Court Room 12 No	Rs.2,90,65,000
2.	Vender Shed and Prisoner Lockup	Rs.68,95,000
3.	Residences 12 No	Rs.1,55,77,405
4.	Furnishing of Court Room	Rs.9,98,000
5.	Record Room	Rs.10,00,000
6.	Guard Room	Rs.3,00,000
7.	Compound Wall of Residences	Rs.18,76,000
8.	Infrastructure	Rs.1,11,40,500
	Total	**Rs. 6,68,51,905**
Add 0.5% Contingency		3,34,259
Add 42% above		2,82,18,189
	Grand Total	**9,54,04,353**

6. The local office of C&W Department has however enhanced the scope of work to Rs.104.9 millions with the following additional components partially or completely executed at site in light

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the stated instruction given by Registrar and Honorable Chief Justice of Peshawar High Court during their visits of the project at its initial construction stage.

S. No	Additional Works	Estimated Cost	Expenditure
1.	Tube Well, Pumping Machinery, Pumping Chamber, Overhead Reservoir and Distributary System	Rs.52,52,000	Rs.46,96,000
2.	External Electrification	Rs.23,00,000	Rs.23,00,000
3.	Public latrine	Rs.3,77,100	Rs. 3,58,600
4.	Bar Room	Rs.18,84,700	Rs. 9,70,400
5.	Mosque	Rs.21,94,000	Rs.18,41,000
6.	Type-V Quarter with Session House	Rs.6,02,000	Rs.3,00,000
7.	Store Room/Laundry with all the 12-Residences	Rs.13,32,100	Rs.13,32,000
8.	Garages with all the Residences 12 No	Rs.14,64,000	Rs. 8,40,000
9.	Brick Paved Road	Rs.33,47,000	Rs. 7,10,000
10.	Additional boundary around the Judicial Complex (original cost Rs.10,67,000/-)	Rs.3746900	Rs.21,20,575
11.	3 Guard Room	Rs.17,24,400	Rs.4,97,646
12.	Car Shed	Rs.49,00,000	Rs.31,87,000
	Total	**Rs.2,71,91,200**	**Rs.19,15,3221**

Apparently it seems that the approved charge sheet has been based on the preliminary enquiry conducted by the M&E Section of P&D Department with following few considerable points.

a. Additional works costing to Rs. Rs. 2, 71, 91,200/- million have been tendered and partially executed at site without approval of the competent forum, thus uncovered and illegal liability of Rs. 27.19 (M) has been incurred.

b. In violation 59 CPWD code he project scope was split into 24 number of sub works for managing local tendering and avoiding technical sanction by Chief Engineer who's office is the proper forum for approval of the tenders (As a single project) and award of technical sanction for project documents.

c. The project has been executed in a non Engineering way on the patron of small scale buildings as no quality control record and material testing data has been maintained during construction of the complex.

d. The project was not properly planned in consultation with the stack holder which necessitated frequent major charges in scope of work with total alteration in the original planning.

e. Series of defects have also been pointed out in the enquiry report of P&D Department which are required to be rectified.

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The perusal of record, replies of the accused officers/officials and detail site inspection revealed that the observation of P&D Department report regard unauthorized execution of additional scope of work is based on fact. The perusal of approved PC-I reveled that in original planning the Judiciary Complex was part of common offices complex to be erected on the available place of 80 kanals but later on the direction of District Administration a separate area of 160 kanals was allotted for the Judiciary Complex to be constructed in an independent bounded area. This necessitated a total change in the original approved scope of work but the revised PC-I covering these change and enhancement in scope of work is not yet approved by the competent forum. The Divisional Officers/ Deputy Directors all the other incumbent officers of the project period are responsible for this procedural irregularity. It is, however, added that the additional works have been carried out in light of instruction given by the Judiciary heads and were also actually needed at site which could not be conceived due to ill planning at the time of formulation of project hence no monetary loss to Government is involved. The officers have also shown negligence in timely preparation of revised PC-I and its approval by the competent forum.

During the detail site inspection of physical work it was observed that the overall quality of executed civil structure was by and large satisfactory as in spite of regular public use for the last nine years without any regular M&R the structure component were found intact. It was further observed that some of the minor defects like provision of electric boards, lawn dressing, defects in water air conditions, provision and repair of transformers, balance works in session house and two magistrates, mosque and servant quarters, leaking water supply pipes and overhead tank were all recorded by the local office of C&W Department which fact has also been confirmed by their Chief Engineer Engr: Hidayatullah Khan vide his inspection report (Annexure-IX). Some other visible minor short coming like replacement of damaged joinery, provision of additional ceiling fans, polishing of flooring, provision of shutter for garages and PC pointing on walk towards could not be carried out due to reluctance of contractors and non availability of allocation and funds for these items which were not covered in the original PC-I. The available record revealed that compaction tests were carried out for the filling and other compaction of road work but no such tests record was made available for the bricks, steel, PCC and RCC used in the building works. This confirms that the building works for the entire complexes were carried out in a haphazard way without the required quality control. (Test results of road work at Annexure -

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(H/Q) Irr: Deptt:
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ANNEX-I
ANNEX-II A,B,C,D,E &F
ANNEX-III
ANNEX-IV
ANNEX-V
ANNEX-VI

The discussion during personal hearing and the written statements of the accused officers/officials confirms that splitting of tenders and execution of unapproved additional scope of work has been carried out by the C&W Divisional officers on the so called instruction of the judiciary heads for which they have later on framed the revised PC-I and detail project estimate which are yet to be approved by the competent forums. I am of the personal opinion that had the PC-I and detail project estimate been approved on the basis of actual work done and required at site. Then the procedural irregularities conducted by the officers of C&W Department would have been covered to a great extent and the balance works would have been completed/rectified as per requirement.

CONCLUSION

Following facts are concluded.

1. An unapproved scope of work for additional components costing to about 27.19 million rupees has been executed partially or completely for which the approval of competent forums is not yet obtained.
2. The local divisional officer have un-authorizly splitted the project work in 24 number sub works to avoid the approval/sanction of project estimate and tender by the Chief Engineer of the Department.
3. Except road work, the other civil structures have been constructed in non-engineering way without quality control.
4. The project was not properly planned / designed in consultation with the end users which necessitated frequent changes.
5. Many of the minor nature defects pointed out by the local judges and other inspecting officers have been rectified while the remaining could not be get rectified due to reluctance of contractor because of non availability of funds and approval of revised PC-I. These defective works may be rectified by the contractors before finalization of the respective contracts.

13/01/11

Superintending Engineer
(HQ) Irr: Deptt:
NWFP Peshawar

RECOMMENDATIONS

As almost all the six accused officers are in one way or the other involved in the above stated irregularities hence they are required to be proceeded against them under the rules. It is recommended that:-

i. Mr. Ahmad Nawaz who remained as Divisional Officer and Sub Divisional officer being responsible for splitting of tenders, according of Technical Sanction in peace meal and execution of work without required quality control and ill planning at the time of project formulation, a major penalty may be imposed and demoted back by one rank.

ii. Mr. Asif Iqbal was involved in the project as Divisional Officer and EDO is recommended for imposing minor penalty of stoppage of two increments for according technical sanction in peace meal, execution of work without proper quality control and release of payment for unapproved scope of works.

iii. Mr. Muhammad Hamayun was involved in the project for a short period is recommended for imposing minor penalty of censure for his involvement in execution of work without proper quality control and release of payment for unapproved scope of works.

iv. The two Sub Engineers namely Mr. Hayatullah Jan and Mr. Abdul Ghafoor being responsible for execution of unapproved work in non engineering way without required quality control practices are recommended for imposing minor penalty of stoppage of two annual increments.

v. The other Sub Engineer namely Mr. Niamatullah who was incharge of road work has managed the required lab testing and quality control in the road works hence no irregularity could be proved against him and he may be exonerated of the charges.

13/01/11

Syed Mohammad Mujahid Saeed
(Enquiry Officer)
Superintending Engineer (H/Q),
Irrigation Department,
Khyber Pakhtunkhwa, Peshawar

Superintending Engineer
(H/Q) Irr: Deptt:
NWFP Peshawar

Annex-IV

GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

NO.SOG/C&W/2-29/RTI/Dy No.05 /2015
Dated Peshawar the 26.05.2015

To

Mr.Ahmad Nawaz,
Village Hurmaz, Tehsil Mirali,
North Waziristan Agency.

SUBJECT: APPEAL AGAINST PHISICAL VERIFICATION OF THE SCHEME "CONSTRUCTION OF JUDICIAL COMPLEX AT DISTRICT LAKKI MARWAT" (UNDER AJP).

I am directed to refer to your application dated 23/02/2015 on the subject noted above and to state that your request has been considered under the Right to information Act, 2013 and the following documents are hereby forwarded as requested please: -

1. Photocopy of initial Inquiry Report made by the Ex-Chief Engineer (Centre) Mr. Hidayatullah Khan regarding the scheme.
2. Final comments of the Ex-Secretary Communication & Works Department Mr. Habib Ali Khan regarding the charges against you.

SECTION OFFICER (GENERAL)

ENDST OF EVEN NO. & DATE

Copy forwarded for information to:-

1. The Assistant Registrar, Right to Information Commission, 7th Floor, Tasneem Plaza, Near Benevolent Fund Building,6th Saddar Road, Peshawar.
2. The Deputy Secretary (Admin/PIO), C&W Department, Peshawar.

26/05/015

SECTION OFFICER (GENERAL)

Annex-V

GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

NO.SOG/C&W/2-29/RTI/Dy No.5 /2015
Dated Peshawar the 19.02.2015

MOST IMMEDIATE

To

Mr.Ahmad Nawaz,
Village Hurmaz,
Tehsil Mirali,
North Waziristan Agency.

SUBJECT: **APPEAL AGAINST PHYSICAL VERIFICATION OF THE SCHEME CONSTRUCTION OF JUDICIAL COMPLEX AT DISTRICT LAKKI MARWAT (UNDER AJP)**

I am directed to refer to your applications dated:21.01.2015 and 18.02.2015 on the subject noted above and to state that your request has been considered under the Right to Information Act, 2013 and the following documents are hereby forwarded as requested please:-

i. Formal Inquiry Report.
ii. C&W Department letter No.SOE/C&WD/1-53/89, dated:03.12.2014.
iii. Final decision of Competent Authority order i.e., C&W Department order No.SOE/C&WD/8-13/2010, dated: 31.10.2011
iv. Termination Order No.74-E/292/CE/C&WD, dated:11.07.2012.

SECTION OFFICER (GENERAL)

ENDST OF EVEN NO. & DATE

Copy forwarded for information to:-

1. Assistant Registrar, Right to Information Commission, 7th Floor, Tasneem Plaza, Near Benevolent Fund Building, 6th Saddar Road, Peshawar.
2. The Deputy Secretary (Admn)/PIO, C&W Department, Peshawar.

23/02/015

SECTION OFFICER (GENERAL)

Annex-VI

GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/8-13/2010
Dated Peshawar, the February 10, 2011

TO

Mr Ahmad Nawaz
Executive Engineer (OPS)
Building Division Kurram Agency
at Parachinar

Subject: **PHYSICAL VERIFICATION OF THE SCHEME "CONSTRUCTION OF JUDICIAL COMPLEX, LAKKI MARWAT" UNDER AJP**

I am directed to refer to the subject noted above and to enclose herewith two copies of the show cause Notice containing tentative major penalty of **"reduction to lower post/grade"** alongwith inquiry report conducted by inquiry officer Engr Syed Muhammad Mujahid Saeed, Superintending Engineer Irrigation Department, and to state that the 2ND copy of the show cause Notice may be returned to this Department after having signed as a token of receipt immediately.

2. You are directed to submit your reply, if any, **within 7 days of the delivery of this letter,** otherwise, it will be presumed that you have nothing to put in your defence and ex-party action will follow.

3. You are further directed to intimate whether you desire to be heard in person or otherwise.

(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

SHOW CAUSE NOTICE

I, Amir Haider Khan Hoti, Chief Minister, Khyber Pakhtunkhwa as competent authority do hereby serve you, Ahmad Nawaz, Assistant Engineer (BS-17) C&W Department, presently, XEN Building Division Kurram Agency (OPS) under Removal from Service (Special Powers) Ordinance, 2000 with this notice for the charges mentioned in the disciplinary action/statement of allegations already served upon you vide C&W Department's endorsement No.SOE/C&WD/8-13/2010 dated 05.11.2010.

2. That on going through the inquiry report of the inquiry officer, material on record and other connected documents, I am satisfied that the following charges leveled against you have been proved:-

"That you while posted as Deputy Director (OPS)/Assistant Director defunct W&S Lakki Marwat was committed irregularities in the "Construction of Judicial Complex Lakki Marwat" under AJP as it has been established that the prepared PC-I was deficient as many necessary components of Judicial Complex e.g. Bar Room, Latrine Block, External Electrification, External Water supply, Mosque, Library and furnishing were not included in the PC-I, besides this estimates of such mega projects like Judicial courts, lockups are prepared on the basis of detailed drawings and design of buildings which needs special attention in respect of its planning, usage, safety, architectural look, structural strength where PC-I of the Project does not contain proper drawings or design which resulted in planning and execution flaws. According to clause-56 of CPW code, technical sanction must be obtained before the construction of the work as commenced as its certified that design of building is structurally sound and that the estimates are accurately calculated based on adequate data in the instant project, the T.S. was supposed to have been accorded by the Chief Engineer but the then EDO has technically sanctioned the estimate in piecemeal, therefore, have exercised the powers of Chief Engineer which is not permissible according to the CPW code, therefore, it established that the project still needs technical sanction and on the other hand you have made un-authorized payment without T.S. and release of payment against sub standard work"

3. That as a result thereof, I as the authority in the exercise of powers conferred on me under RSO 2000, have tentatively decided to impose upon you the major/minor penalty(s) of "Reduction to lower post/grade".

4. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you, and intimate whether you desire to be heard in person.

5. If no reply to this notice is received within seven days of its delivery, it shall be presumed that you have no defence to put in and an exparte action will be taken against you.

6. The copy of the fresh inquiry report is enclosed.

A. Haider 7.2.11

(Amir Haider Khan Hoti)
Chief Minister
Khyber Pakhtunkhwa

Annex-VII

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GOVT OF KHYBER PAKHTUNKHWA
COMMUNICTION & WORKS DEPARTMENT

Dated Peshawar, the Oct 31, 2011

ORDER:

No.SOE/C&WD/8-13/2010: WHEREAS, Mr. Ahmad Nawaz, Assistant Engineer (BS-17) C&W Department, presently working as XEN Building Division Kurram Agency (OPS) was proceeded against under the Khyber Pakhtunkhwa Removal from Service (Special Power) Ordinance 2000 for the alleged irregularities committed in the "Construction of Judicial Complex Lakki Marwat" under AJP ".

2. AND WHEREAS, for the said act of misconduct he was served with charge sheets/statement of allegations.

3. AND WHEREAS, Engr Syed Muhammad Mujahid Saeed Superintending Engineer Irrigation Department was appointed as inquiry officer, who submitted inquiry report.

4. AND WHEREAS, show cause Notice for imposition of major penalty of "reduction to lower post/grade" was served upon the accused officer alongwith a copy of inquiry report, who submitted his reply.

5. NOW THEREFORE, the competent authority after having considered the charges, material on record, inquiry report of the inquiry committee, in exercise of the powers conferred by Section-3 of Khyber Pakhtunkhwa Removal from Services (special powers) Ordinance 2000, has been pleased to impose the major penalty of **"reduction to lower post/grade"** upon the aforementioned officer. The competent authority is further pleased to **remain the said penalty enforce for 3 years upon him**.

6. Consequent upon to "reduction to lower post/grade" of Ahmad Nawaz C&W Department is hereby directed to report to C&W Secretairat for further posting as Sub Engineer (BS-11).

Secretary to
Govt of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1) Additional Chief Secretary FATA Secretariat, Warsak Road, Peshawar
2) Accountant General Khyber Pakhunkhwa, Peshawar
3) All Chief Engineers, C&W Peshawar
4) Chief Engineer FATA W&S Peshawar
5) Secretary (Admn & Coordination) FATA Secretariat, Warsak Road, Peshawar
6) Executive Engineer Building Division Kurram Agency at Parachinar
7) Agency Accounts Officer Kurram Agency at Parachinar
8) PS to Chief Secretary Khyber Pakhunkhwa, Peshawar
9) PS to Secretary Establishment Deptt, Khyber Pakhunkhwa, Peshawar
10) Incharge Computer Centre C&W Department, Peshawar
11) PS to Secretary C&W Peshawar.
12) Official concerned
13) Office order File/Personal File.

(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

Annex VIII

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GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/1-53/89
Dated Peshawar, the January 03, 2012

TO

The Secretary (Admn & Coord)
FATA Sectt, Warsak Road
Peshawar

Subject: **Absence from Duty**

Dear Sir,

I am directed to refer to the subject noted above and state that one Mr Ahmad Nawaz, while working as XEN Building Division Kurram Agency (OPS) was proceeded against under RSO 2000 for alleged irregularities committed in the "Construction of Judicial Complex Lakki Marwat under AJP". After fulfillment of all codal formalities, the competent authority imposed major penalty of "reduction to lower post/grade" upon the said officer. Accordingly, the Deptt issued order of the reduction to lower post/grade as Sub Engineer for the aforementioned official on 31.10.2011 with the direction to report to C&W Sectt for further posting as Sub Engineer **(copy enclosed)**. However, the official has not yet reported his arrival to the Deptt nor any information is received from Chief Engineer Centre nor Chief Engineer FATA/FATA Sectt regarding the charge relinquish certificate of the post of XEN Building Division Kurram Agency so far.

2. It is, therefore, requested to intimate whether the said official (Ahmad Nawaz) the then XEN Building Division Kurram Agency (OPS) has relinquished the charge of the said post or still illegally performing his duties as XEN Building Division Kurram Agency. His whereabouts may also be intimated to this Department.

C.E. C&W Deptt:
Diary No. 400
Dated 04/01/12

Yours faithfully

(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

Endst even No. & date

Copy forwarded to the:

1. Chief Engineer (Centre) C&W Peshawar. He is requested to intimate the status of arrival of the aforementioned official (Ahmad Nawaz) in his office, if the said official did not report his arrival in his office, then disciplinary action under efficiency and disciplinary rules 2011 may be initiated against the aforementioned official for not complying with the orders of competent authority.
2. Chief Engineer FATA W&S Peshawar. He is requested to please intimate the present position of the case.
3. PS to Secretary C&W Department, Peshawar

SECTION OFFICER (ESTT)

GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/1-53/89
Dated Peshawar, the February 28, 2012

TO

The Chief Engineer (Centre)
C&W, Peshawar

Subject: **Absence from Duty**

I am directed to refer to this Deptt's letter of even number dated 03.01.2012, addressed to FATA Sectt and copy endorsed to you with the request to intimate the status of arrival of the Ahmad Nawaz in your office, if the said official did not report his arrival in your office, then disciplinary action under Efficiency and Disciplinary Rules 2011 may be initiated against him for not complying with the orders of competent authority, however, no response has been received so far.

2. It is, therefore, requested to initiate disciplinary proceedings against Ahmad Nawaz Sub Engineer downgraded from the post of Assistant Engineer for his willful absence from official duties and not complying with the Administrative Deptt orders as well as competent authority orders, if the said official has not yet reported in your office under intimation to this Department.

(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

Endst even No. & date

Copy forwarded to the:

1. Chief Engineer FATA W&S Peshawar.
2. PS to Secretary C&W Department, Peshawar

SECTION OFFICER (ESTT)

C E, C&W Deptt: (Centre)
Diary No. 1021
1-03-2012

GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/8-24/2010
Dated Peshawar, the April 28, 2012

TO

The Chief Engineer (Centre)
C&W Peshawar

Subject: **Inquiry regarding newly Constructed Building of District Jail, Lakki Marwat**

I am directed to refer to your office letter No. 740-E/74/CE/C&WD dated 13.04.2012, whereby you have informed that Ahmad Nawaz Ex-SDO (reverted to the post of Sub Engineer) was directed to report to Chief Engineer (Centre) C&W Peshawar for duty dated 16.03.2012 but he has not reported till-date. Final notice is being issued at his home address to resume his duties and also explain reasons for his willful absence. Copy of charge sheet/SOAs on account of subject case is lying in Chief Engineer office undelivered due to the fact, therefore, the committee constituted for the former inquiry may be informed of the position.

2. It is submitted that your referred letter was processed and Secretary C&W observed that the final notice is being issued to his home address, while, the charge sheet/SOAs, being sensitive nature documents are lying pending in your office, therefore, it was decided to ask you to deliver the charge sheet/SOAs to the accused official through special messenger without any excuse, the documents being a time limit case.

3. It is, therefore, requested to take necessary action in light of Secretary C&W directions and deliver the charge sheet/SOAs to the accused official (Ahmad Nawaz) through **special messenger** without any excuse, being sensitive nature documents as well as time limit case and I am further directed to request you to initiate immediate action against the said accused officer under the relevant rules for his willful absence from official duty since his demotion as Sub Engineer.

(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

Endst even No. & date

Copy forwarded to PS to Secretary C&W Department, Peshawar

SECTION OFFICER (ESTT)

C.E C&W Deptt: (Centre)
Diary No. 1587
2-5-12
A.O
S.E
D.E
D.E
A.O.
B&AO
C.D.

Ch-27
Ch: 21

GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/1-53/89
Dated Peshawar, the May 10, 2012

TO

The Chief Engineer (Centre)
C&W, Peshawar

Ch: 21

Subject: **Absence from Govt Duty**

I am directed to refer to your office letter No.74-E/451/CE/C&WD dated 02.04.2012, addressed to Ahmad Nawaz Sub Engineer and directed him to report first as Sub Engineer on the basis that Administrative Deptt could not issued his retirement order, being downgraded official to the cadre post of Sub Engineer and copy of the same endorsed to this Department for advice, if the said official resist to join the posting as Sub Engineer.

2. It is submitted that the aforementioned official, while working as XEN (OPS) Building Division Kurram Agency downgraded to rank of Sub Engineer on the basis that he committed irregularities in the "construction of Judicial Complex Lakki Marwat" under AJP. Besides this, another inquiry case is under process against him and not yet finalized, therefore, how the Deptt can allowed his retirement on the basis that disciplinary proceedings against him is not finalized nor the official complied with the administrative Deptt as well as competent authority orders as he was directed to report to the Deptt. Instead of to obeying the orders of the Administrative Deptt as well as competent authority orders, he remained silent, mum and not submitted his arrival to the Deptt till date.

3. It is, therefore, requested to complete the disciplinary proceedings under the existing rules against Ahmad Nawaz Sub Engineer on the basis of his willful absence from official duty.

(RAHIM BADSAH)
SECTION OFFICER (ESTT)

C.E. C... Dep... (C... ...re)
Dairy No 1866
Date 14-5-1...
Case N...
C.E. ...
S.E. ...
D.E. ...
D.E. ...
A.C
B&M
C...

Endst even No. & date

Copy forwarded to PS to Secretary C&W Department

SECTION OFFICER (ESTT)

REGISTERED/A.D

OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR
No. 74-E / 634 / CE / C&WD
Dated Peshawar the 16 / 03 / 2012

To

Ahmad Nawaz,
Resident of Village Hurmaz
Tehsil Mir Ali,
North Waziristan Agency.

Subject: **ABSENCE FROM GOVT DUTY.**

It has been intimated by the Section Officer (Establishment) C&W Department Peshawar that a penalty of reduction to lower post/grade was imposed upon you vide Secretary C&W Department order No. SOE/C&WD/8-13/2012 dated 31-10-2011 on account of alleged irregularities committed in the "Construction of Judicial Complex Lakki Marwat".

Whereas you were simultaneously directed by the Secretary C&W Department to report to C&W Secretariat for further posting as Sub Engineer (BPS-11) but till yet neither you reported in the C&W Secretariat nor in this office. And as such you have been found absent from government duty without any intimation.

You are, therefore, directed to immediately report to C&W Secretariat for further posting and also to explain the reasons of your willful absence and disobedience of the government orders within 15 days of the receipt of this memo.

In case of non-compliance, stern disciplinary action under the E&D Rules 2011 shall be initiated.

(ENGR HIDAYATULLAH KHAN)
CHIEF ENGINEER (CENTRE)
AAO 14/3/2012

Copy to:-

1) Secretary to Govt of Khyber Pakhtunkhwa C&W Department with reference to his letter No.SOE/C&WD/1-53/89 dated 03-01-2012 and even No. dated 28-02-2012 for information.
2) Chief Engineer (FATA) W&S Department Peshawar.
3) Executive Engineer Building Division Kurram Agency. He is requested to intimate when the official left the station and his position as Assistant Engineer/Executive Engineer (OPS) of Kurram Agency.
4) Agency Accounts Officer Kurram Agency with reference to Secretary C&W Department orders dated 31-10-2011 for information and with the request to please apprise this office either the said officer has been paid salaries, if so the period for which he has been paid, so that further action is taken thereupon.

CHIEF ENGINEER (CENTRE)

D:\Izhar & Atif (1)\Establishment\74-E.DOC

MOST IMMEDIATE
REGISTERED

OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR
No.74-E / 451 / CE / C&WD
Dated Peshawar the 21 / 04 / 2012

To

Mr. Ahmad Nawaz
Ex-Sub Divisional Officer (Now reverted to
the post of Sub Engineer)
R.O Village Harmaz, Tehsil Mir Ali
North Waziristan Agency

Subject: **ABSENCE FROM GOVERNMENT DUTY.**

Reference: Your application No. 690/ANK-PF dated 30/03/2012 (received through OCS Courier Service No. R-217 on 13/04/2012).

1. I am directed to refer to the subject noted above and to say that it was resting on you that just after orders of your reduction to the cadre post of Sub Engineer, you should have reported in the Communication & Works Department physically and thereafter applied for retirement but instead you remained absent from duty since 01st November 2011 till date.

2. As you have deliberately violated the rules/regulations & standing orders on this account, you are once again directed to report for duty and also to explain the reasons of your willful absence from duty.

3. Berides to above, you have been further charge sheeted in another case on account of irregularities in the "Newly Constructed Building of District Jail Lakki Marwat" vide Secretary C&W Department memo No. SOE/C&WD/8-24/2010 dated 07/03/2011 and an enquiry committee constituted upon consisting of Engr: Javed Ahmad Turk Director EQAA C&W Abbottabad & Mr. Muhammad Farid (PCS) Additional Commissioner Hazara Division Abbottabad. The said charge sheet & statement of allegation can not be served upon you, until & unless; you resume duties with clarification of your willful absence.

4. It may further be noted that the lame excuses stating that you have applied for retirement with effect from 01/11/2011 to the Secretary Communication & Works Department has irrevalently been quoted rather it is essential to report first as Sub Engineer because your retirement as Sub Divisional Officer could not be issued by the Secretary C&W Department being downgraded official to the rank of Sub Engineer.

C/C (AMINULLAH KHAN)
ADMINISTRATIVE OFFICER

Copy forwarded to the:-

1. Section Officer (Establishment) C&W Department please refer to this office memo No. 74-E/634/CE/C&WD dated 16/03/2012, A photocopy of application as referred to above is sent herewith for his information with the request to tender his valuable advice in the matter, if the said official desist to join the posting as Sub Engineer so that further action is taken in the light of such an advice please.

ADMINISTRATIVE OFFICER

D:\Izhar & Atif (1)\Establishment\74-E.DOC

Annex-X

No. 690 / ANK-PF. Dated Mirali the. 30 / 03/ 2012

To,

The Chief Engineer (Centre)
Communication & Works Department,
Peshawar.

Subject: **ABSENCE FROM GOVT DUTY.**

Reference: Your No.74-E / 634 / CE / C&WD, Dated: Peshawar the.16-03-2012.

With reference to your letter as referred above, it is submitted that I have sent a written request to the worthy Secretary to Govt of Khyber Pakhtunkhwa C&W Department Peshawar for my retirement in the month of November 2011 (Photo Copy enclosed), but no response from his office has so far been received to me, the reason of which is not known to the under-signed.

Any how it is once again requested that I am no more in a position to continue my further service with the reason that I am really seriously ill and having much more domestic problems at my village.

For the reason mentioned, my request for my retirement with effect from 01-11-2011 may kindly be accepted and obliged.

It is further requested that I have received salary till October 2011 only and after that I have left my station i-e Parachinar and submitted written request straightaway for my retirement on 3rd November 2011. The same can be verified from the office of the Agency Account Officer Kurram at Parachinar.

Your co-operation in this respect will highly be appreciated please.

C.E. C&W Deptt: (Centre)
Dairy No. 689
Date 13/4/2012
Case No
C.E. (C)
S.E. (H.Q)
D.E. (R&B)
D.E. (Tech)
A.O.
B&AO
C.D.

Yours Obediently.

18/4/2012

Mr.Ahmad Nawaz
Village: Hurmaz,
Tehsil: Mirali,
North Waziristan Agency

Annex - XI

No. 693 / ANK- PF

Dated MirAli the. 15 / 05 / 2012.

To,

The Chief Engineer (Centre)
Communication & Works Department
Khyber Pakhtunkhwa Peshawar.

Subject: **RESIGNATION.**

Reference: Your No. 74-E/451/CE/C&WD, Dated Peshawar the 21-04-2012.

As already explained that I am seriously ill, due to which I am no more in a position to continue my further service in the Department.

Keeping the present position of my illness in view, I have therefore got no other alternative except to submit my resignation from the service please.

Yours obediently,

(MR. AHMAD NAWAZ)
Village: Hurmaz,
Tehsil: Mir Ali,
North Waziristan Agency.

Copy forwarded to:

The Section Officer (Establishment) C&W Department Peshawar for his advance information and further necessary action.

C.E. C&W Deptt: (Centre)
Dairy No. 2042
Date 18-5-12
Case No.
C.D.

(MR. AHMAD NAWAZ)
Village: Hurmaz,
Tehsil: Mir Ali,
North Waziristan Agency.

D.E.
A.O

68

No. 653 / ANK-PF. Dated Mirali the. 03 / 11 / 2011.

To,

The Secretary,
To Govt of Khyber Pakhtunkhwa,
C&W Department : Peshawar.

Subject : **RETIREMENT.**

It is submitted that I have completed near about 35 years service in this department and now I have faced a lot of domestic problems at my village and I am suffering from high blood sugar and heart problem also, due to which I am really no more in a position to continue my further service.

It is therefore requested that my request for my retirement from further service i-e with effect from 1st November 2011 may kindly be accepted please.

Yours Obediently,

Mr.Ahmad Nawaz
Village: Hurmaz
Tehsil: Mirali
North Waziristan Agency

Annex-XII

73

پشاور ایبٹ آباد اسلام آباد اور کراچی سے بیک وقت شائع ہونیوالا کثیر الاشاعت قومی روزنامہ

روشن کل کی ضمانت آج کا نصب العین

روزنامہ آج پشاور پاکستان

ایڈیٹر عبدالواحد یوسفی

صفحات 12

جلد 23 | اتوار 20 مئی 2012 | 28 جمادی الثانی 1433 | 10 سنبلہ | شمارہ 131

SHOW CAUSE NOTICE

You, Mr. Ahmad Nawaz R/O Village Hurmaz Tehsil Mir Ali, North Waziristan Agency, (when reverted to the post of Sub Engineer) in a disciplinary case, have been found absent w.e.f 01/11/2011 and failed to report for duty in the Communication & Works Department.

You were served with two notices at your home address under memo (s) No. 74-E/634/CE/C&WD dated 16/03/2012 and No.74-E/451/CE/C&WD dated 21/04/2012,, to join your duties but did not comply with the direction and remained absent.

You are therefore now finally directed through this show cause notice to report for duty within 15-days of the publication of this notice with further clarification of your position for willful absence since 01/11/2011 till yet. In case of default, you services will stand terminated under Rule-9 of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011.

(ENGR. ZARD ALI KHATTAK)
CHIEF ENGINEER (CENTRE)

Also available on www.khyberpakhtunkhwa.gov.pk

INF(P)1629

You, Mr. Ahmad Nawaz R/O Village Hurmaz Tehsil Mir Ali, North Waziristan Agency, (when reverted to the post of Sub Engineer) in a disciplinary case, have been found absent w.e.f 01-11-2011 and failed to report for duty in the communication & works Department.

You were served with two notices at your home address under memo(s) No. 74-E/634/CE/C&WD dated 16-03-2012 and No. 74-E/451/CE/C&WD dated 21-04-2012, to join your duties but did not comply with the direction and remained absent.

Your are therefore now finally directed through this show cause notice to report for duty within 15-days of the publication of this notice with further clarification of your position for willful absence since 01/11/2011 till yet. In case of default, your services will stand terminated under Rule-9 of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011.

(ENGR. ZARD ALI KHATTAK)
Chief Engineer (Centre)

Also available on www.khyberpakhtunkhwa.gov.pk INF(P)1639

تحصیل میونسپل ایڈمنسٹریشن ہنگو (دوسری بار نیلام عام ٹیکہ جات برائے سال 2012-13)

بحوالہ لوکل کونسل بورڈ خیبر پختونخوا مراسلہ نمبر AO-II/LCB/6-11/2012 مورخہ 06/04/2012 ٹی ایم اے ہنگو مندرجہ ذیل ٹیکہ جات برائے سال 2012-13 واقع یکم جولائی 2012 تا 30 جون 2013، بذریعہ کھلی بولی درج ذیل پروگرام کے تحت نیلام کرنا چاہتی ہے، خواہش مند حضرات جو سال 2012-13 کیلئے لوکل کونسل بورڈ، حکومت خیبر پختونخوا کے ساتھ حفاظتہ کاس میں رجسٹرڈ ہوں یا پچھلے سال کے لائسنس کی تجدید کی ہو بولی میں حصہ لے سکتے ہیں۔

شیڈول نیلامی درج ذیل ہے۔

S/I	نام ٹیکہ	زرضمانہ / کال ڈیپازٹ	پہلی تاریخ نیلامی	دوسری تاریخ نیلامی	تیسری تاریخ نیلامی	چوتھی تاریخ نیلامی	پانچویں تاریخ نیلامی	وقت ومقام نیلامی
1	بس سٹینڈ فیس	150,000	30/5/12	4/6/12	5/6/12	7/6/12	8/7/12	دفتر TMA ہنگو بوقت 11 بجے صبح
2	لوڈ/ان لوڈ فیس	150,000	ایضاً	ایضاً	ایضاً	ایضاً		ایضاً
3	واٹر ریٹ (بغیر بقایاجات)	50000	ایضاً	ایضاً	ایضاً	ایضاً		ایضاً
4	فیس انتقالات	50000	ایضاً	ایضاً	ایضاً	ایضاً		ایضاً
5	لیٹرین فیس	30,000	ایضاً	ایضاً	ایضاً	ایضاً		ایضاً
6	تہہ بازاری	50,000	ایضاً	ایضاً	ایضاً	ایضاً		ایضاً
7	بلڈنگ نقشہ جات فیس	30000	ایضاً	ایضاً	ایضاً	ایضاً		ایضاً
8	سنڈی سویٹیاں (اربن ہنگو)	50000	ایضاً	ایضاً	ایضاً	ایضاً		ایضاً
9	سنڈی سویٹیاں رورل بمقام محمد خواجہ	15000	ایضاً	ایضاً	ایضاً	ایضاً		ایضاً
10	واٹر ریٹ بقایاجات	100,000	ایضاً	ایضاً	ایضاً	ایضاً		ایضاً
11	لائسنس خوردونوش وخطرناک اشیاء	10,000	ایضاً	ایضاً	ایضاً	ایضاً		ایضاً
12	فیس ذبح خانہ بمعہ خون	15,000	ایضاً	ایضاً	ایضاً	ایضاً		ایضاً
13	اینٹ اڈمت فیس	10,000	ایضاً	ایضاً	ایضاً	ایضاً		ایضاً
14	سبزی/فروٹ اڈمت فیس	20,000	ایضاً	ایضاً	ایضاً	ایضاً		ایضاً

چیدہ چیدہ شرائط نیلامی:۔(1) بولی دہندہ کیلئے لازم ہوگا کہ نیلام سے پہلے زرضمانت کی رقم بطور کال ڈیپازٹ بنام TMO ایڈمنسٹریٹر ٹی ایم اے ہنگو جمع کرانا ہوگا۔(2) بولی دہندہ نیلام سے پہلے رجسٹریشن ولائسنس بمعہ قومی شناختی کارڈ کی تصدیق شدہ فوٹو کاپی جمع کرے گا۔(3) کامیاب بولی دہندہ کل زرنیلام پر مقررہ شرح کے مطابق 5% اکم ٹیکس ادا کرنے کا پابند ہوگا۔(4) بلدیاتی اداروں کے بادہندگان مقررشدہ [illegible] کے کاروبار پر [illegible] حصہ لینے کا مجاز نہ ہوگا۔(5) TMO ایڈمنسٹریٹر کی اختیار حاصل ہوگا کہ کوئی بھی وجہ بتائے بغیر بولی منظور یا مسترد کردیں۔ (6) بحکم بلدیات ودیگر ترقی خیبر پختونخوا کی طرف سے وقتاً فوقتاً قوانین وضوابط کی پابندی لازمی ضرور ہوگی۔ جبکہ وہ شرائط وضوابط جو کہ مراسلہ نمبر AO-II/LCB/6-11/2012 مورخہ 6/4/2012 کے ذریعے موصول ہوگی ہے وہ لاگو ہونگے۔(7) دیگر شرائط وضوابط نیلامی دفتری اوقات کار کے دوران دفتر ATOR ٹی ایم اے ہنگو میں ملاحظہ کی جاسکتی ہیں۔

التشہیر: ملک فرید اللہ اسسٹنٹ تحصیل آفیسر (ریونیو) ٹی ایم اے ہنگو

بحکم: داخر منیر TMO / ایڈمنسٹریٹر ٹی ایم اے ہنگو

Also available on www.khyberpakhtunkhwa.gov.pk INF(P)1640

Also available on www.khyberpakhtunkhwa.gov.pk INF(P)1626

اوورسیز ایمپلائمنٹ کارپوریشن
منسٹری آف ہیومن ریسورس ڈویلپمنٹ
حکومت پاکستان

ADVERTISEMENT NO. 13/2012 CODE NO. 43/4-1939/11

دوسرے خصوصی ای۔پی۔ایس ٹاپک کا اعلان

وہ پاکستانی ورکرز جو اس سے پہلے اپنی مدت معاہدہ کامیابی کے ساتھ مکمل کر کے واپس پاکستان آ گئے ہیں اور ان کا کوریا میں کسی قسم کے غیر قانونی قیام کا ریکارڈ نہیں ہے۔ اور جو دوبارہ کوریا میں ملازمت کرنے کے خواہشمند ہیں ان کا EPS-TOPIK (کورین زبان کا امتحان) کا انعقاد جون 2012 میں ہوگا۔

ٹیسٹ کیلئے رجسٹریشن 4 تا 5 جون 2012 ایچ۔آر۔ڈی۔سروسز کوریا اور اوورسیز ایمپلائمنٹ کارپوریشن کے زیر نگرانی پاکستان مین پاور انسٹیٹیوٹ آڈیٹوریم بلڈنگ، زیرو پوائنٹ، اسلام آباد میں منعقد ہوگی۔

۱۔ رجسٹریشن وٹیسٹ شیڈول:

رجسٹریشن پیریڈ	ٹیسٹ کی تاریخ	عمر کی حد
5-4 جون 2012	17-13 جون 2012	تاریخ پیدائش 6 جون 1972 تا 5 جون 1994 کے درمیان ہو

۲۔ رجسٹریشن کے وقت امیدواروں کو ٹیسٹ کے نتائج کے اعلان کی تاریخ سے مطلع کر دیا جائے گا۔

۳۔ انڈسٹری کی اقسام (مینوفیکچرنگ، ایگریکلچر، لائیوسٹاک، کنسٹرکشن، فشنگ):
امیدوار نے اس سے قبل جس شعبہ / انڈسٹری میں ایک سال تک یا زائد مدت کیلئے کام کیا ہے۔ وہ اس شعبہ / انڈسٹری کا انتخاب کرے گا۔

۴۔ مقام ٹیسٹ: کمپیوٹرہیسڈ ٹیسٹ سنٹر، مقام اوورسیز ایمپلائمنٹ کارپوریشن، پاکستان مین پاور انسٹیٹیوٹ آڈیٹوریم بلڈنگ، زیرو پوائنٹ، اسلام آباد۔

۵۔ طریقے کار کا اعلان: ایچ۔آر۔ڈی سروسز کوریا کے مہیا کردہ 736 لوگوں کے کوائف جو مذکورہ شرائط پوری کرتے ہیں چند روز میں او۔ای۔سی کی ویب سائٹ پر ان کے نام دیے جائیں گے یہ امیدوار ٹیسٹ کیلئے رجسٹریشن کرانے کے اہل ہیں۔

تمام ٹیسٹ شیڈول، نتائج، دیگر ضروری معلومات کے لئے مندرجہ ذیل ویب سائٹ دیکھتے رہیں:

الف: ایچ۔آر۔ڈی کوریا کی ویب سائٹ: www.epstopik.hrdkorea.or.kr

ب: او۔ای۔سی کی ویب سائٹ: www.oec.gov.pk

۶۔ اہلیت: ۱) جنہوں نے اس سے پہلے کوریا میں قانونی طور پر خدمات انجام دی ہوں اور ان کی واپسی کی تاریخ یکم جنوری 2010 سے 5 جون 2012 کے درمیان ہو۔
۲) عمر 18 تا 39 سال کے درمیان (تاریخ پیدائش 6 جون 1972 اور 5 جون 1994 کے درمیان ہو) ۳) کوئی جرم عائد نہ ہوا ہو یا بھاری سزا نہ دی گئی ہو۔ ۴) کوریا سے سزا کے طور پر واپس نہ بھیجے گئے ہوں۔ ۵) پاکستان سے باہر جانے پر پابندی عائد نہ ہو۔

۷۔ رجسٹریشن کا طریقہ کار: امیدوار کو ذاتی طور پر حاضر ہو کر رجسٹریشن کرنی ہوگی۔

۸۔ مطلوبہ دستاویزات: ۱) اصل پاسپورٹ میشن ریڈ ایبل (کپوزائز ڈ بمعہ رنگین کاپی (نہایت عمدہ)
۲) رجسٹریشن کے وقت ٹیسٹ فیس مبلغ 2400 روپے (24 امریکی ڈالر) او۔ای۔سی کے دفتر میں جمع کرا کے رسید حاصل کریں۔ ۳) دو عدد تصاویر سائز 3.5x4.5 سنٹی میٹر (پچھلے چھ ماہ کے اندر لی گئی ہو)

۹۔ وہ امیدواران جو پہلے خصوصی ای۔پی۔ایس ٹاپک میں فیل ہو چکے ہیں وہ بھی اس ٹیسٹ میں حصہ لے سکتے ہیں۔

PID (I) No.5463/11

ایگزیکٹو ڈائریکٹر آپریشنز
اوورسیز ایمپلائمنٹ کارپوریشن، اسلام آباد

ڈائریکٹر
ایچ آر ڈی سروسز آف کوریا، اسلام آباد

20/05/2012 روزنامہ ایکسپریس پشاور

OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR.

No. 74-E / 635 / CE / C&WD

Dated Peshawar the 15 / 05 / 2012

To

The Director Information
Government of Khyber Pakhtunkhwa
Peshawar.

Subject: **SHOW CAUSE NOTICE ABSENTIA.**

Please find herewith seven copies of Show Cause Notice for publication/advertisement in the Two leading newspapers for two times.

The bill of cost thereto, may be submitted for its release please.

DA/As above.

(AMINULLAH KHAN)
ADMINISTRATIVE OFFICER

Copy to the Section Officer (Establishment) Communication & Works Department Khyber Pakhtunkhwa Peshawar with reference to his memo No. SOE/C&WD/8-24/2010 dated 28/04/2012 and memo No. SOE/C&WD/1-53/89 dated 10/05/2012. A copy of notice as cited above is submitted for his record and reference please.

ADMINISTRATIVE OFFICER

D:\Izhar & Atif (J)\Establishment\74-E.DOC

SHOW CAUSE NOTICE:

You, Mr. Ahmad Nawaz R/O Village Hurmaz Tehsil Mir Ali, North Waziristan Agency, (when reverted to the post of Sub Engineer) in a disciplinary case, have been found absent w.e.f 01/11/2011 and failed to report for duty in the Communication & Works Department.

You were served with two notices at your home address under memo(s) No. 74-E/634/CE/C&WD dated 16/03/2012 and No. 74-E/451/CE/C&WD dated 21/04/2012, to join your duties but did not comply with the direction and remained absent.

You are therefore now finally directed through this show cause notice to report for duty within 15-days of the publication of this notice with further clarification of your position for willful absence since 01/11/2011 till yet. In case of default, your services will stand terminated under Rule-9 of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011.

(ENGR. ZARD ALI KHATTAK)
CHIEF ENGINEER (CENTRE)

4/5/2012

D:\Izhar & Atif (I)\Establishment\74-E.DOC

Annex-XIII

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OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR.

No.74-E / 292 / CE / C&WD

Dated Peshawar the 11 / 07 / 2012

Diary No: 12728
Date: 12-07-2012
Secretary C&W Deptt:
Khyber Pakhtunkhwa

ORDER

Whereas Mr. Ahmad Nawaz R/O village Hurmaz Tehsil Mir Ali, North Waziristan Agency who was serving as Sub Divisional Officer (BS-17) and reverted to the post of Sub-Engineer (in a disciplinary proceeding on account of irregularities) was found absent w.e.f. 01-11-2011.

2. Whereas the aforesaid Sub-Engineer vide two notices bearing No.74-E/634/CE/C&WD dated 16-03-2012 & No.74-E/451/CE/C&WD dated 21-04-2012 was accordingly directed to assume his duties with the C&W Department & also to explain the position for his willful absence since 01-11-2011, but with no positive response.

3. Whereof his negative response, a Final Show Cause Notice to this effect was published in the Two dailies i.e. "Daily Express" & "Daily Aaj" both dated 20-05-2012, where the said accused was directed to resume duties with in 15-days of the publication of this notice and also to clarify his position for this long willful absence.

4. Whereas on the expiry of aforesaid period, the accused official failed to report for duty, hence under Rule-9 of the Khyber Pakhtunkhwa, Civil Servants (Efficiency & Discipline) Rules, 2011, his services are terminated with effect from the same date, he is absent from duty.

(ENGR: ZARD ALI KHATTAK)
CHIEF ENGINEER (CENTRE)

Copy forwarded to the :-

1. Secretary C&W Department Khyber Pakhtunkhwa Peshawar
2. Chief Engineer (FATA) Works & Services Department Peshawar
3. Executive Engineer Works & Services Division Upper Khurram Agency at Parrachinar
4. Agency Account Officer Khurram Agency
5. Director Information Department Khyber Pakhtunkhwa Peshawar please.
6. Mr. Ahmad Nawaz R/O village Hurmaz Tehsil Mir Ali North Waziristan Agency.

CHIEF ENGINEER (CENTRE)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR
SERVICE APPEAL NO. 427 OF 2015

Ahmad Nawaz
S/O Muhammad Roze Khan
Village Harmaz; Tehsil Mir Ali
North Waziristan Agency --- Appellant

Versus

1. Govt of Khyber Pakhtunkhwa through
   Chief Secretary, Peshawar
2. Secretary to Govt of Khyber Pakhtunkhwa
   C&W Department, Peshawar
3. Chief Engineer (Centre) C&W Peshawar
4. Deputy Secretary (Admn)
   C&W Department, Peshawar --- Respondents

COUNTER AFFIDAVIT

We the respondent hereby affirm and declare that all the contents of the reply are correct to the best of our knowledge and belief and nothing has been concealed.

Deponent
Secretary to
Govt of Khyber Pakhtunkhwa
C&W Department

Before the Services Tribunal. K.P.K

Peshawar

Ahmad Nawaz Vs C & W KPK.

Application for Adjournment

Respectfully Sheweth:

1. That the above titled case is pending adjudication before this Hon'ble court & is fixed for today dated: 8/12/17.

2. That the counsel/Advocate is busy before the meeting of Khyber Pakhtunkhwa Bar-Council.

Therefore is most humbly prayed that the case may be adjourned.

Dated: 8/12/2017

Raza Ullah Khan
Advocate High Court

BEFORE THE SERVICES TRIBUNAL
KHYBER-PAKHTUNKWA PESHAWAR

AHMAD NAWAZ

Versus

C & W. etc.

Application for Adjournment

Respectfully Sheweth:-

1. That the above titled case is pending for adjudication before this Hon'ble Tribunal and is fixed for arguments today ie dated: 19-04-2018.

2. That the counsel engaged in the above mentioned case is busy in meeting with Hon'ble Cheif-Justice Supreme Court of Pakistan, and is unab to attend and argue the case today.

It is, therefore, humbly prayed th The case may be adjourned to date.

Applicant

Date: 19-04-2018.

Before the Services Tribunal Khyber Pakhtunkhwa
Peshawar.

Appeal No: 427/15

Ahmad Nawaz Vs C & W.

Subject:- Application for adjournment:-

Respectfully Sheweth:-

I) That the above titled case is fixed for today dated: 12/09/17 before this Hon'ble Tribunal.

II) That the counsel is busy in the meeting of K.P Bar-Council.

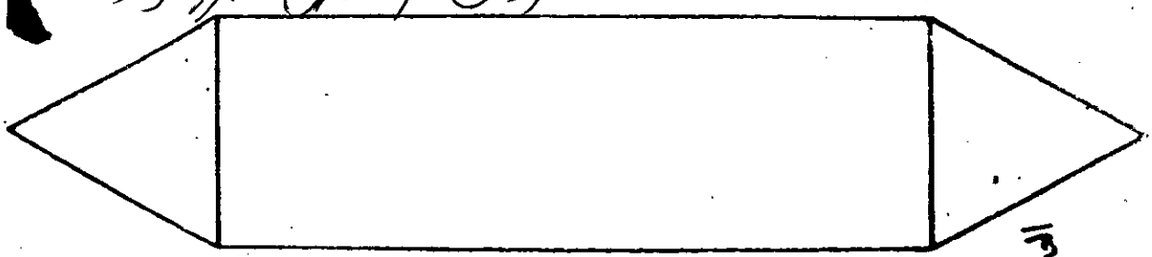
III) That there is no legal Bar in adjournment of this date.

It is therefore most humbly prayed that the above mentioned case may kindly be adjourned.

Date: 12/10/2017

Raza Ullah Khattak
Advocate

بعدالت جناب سروس ٹرائبونل خیبر پختونخوا، پشاور



مورخہ 2015ء منجانب اپیلانٹ

مقدمہ سروس احمد نواز بنام گورنمنٹ خیبر پختونخوا وغیرہ

دعویٰ اپیل

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کارروائی متعلقہ آن مقام پشاور کے لئے رضاء اللہ خان ایڈووکیٹ ہائیکورٹ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زر ہذا پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔ اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے۔ کہ پیروی مذکور کریں۔ لہٰذا وکالت نامہ لکھدیا کہ سند رہے۔

المرقوم 21 ماہ اپریل 2015ء

العبد گواہ شد العبد

Attested & Accepted by

بمقام پشاور کے لئے منظور ہے۔