



**OFFICE OF THE
DEPUTY COMMISSIONER**

ABBOTTABAD

No. 463-65 /Litigation

Dated 1/3/2023

To:

The Additional Registrar
Khyber Pakhtunkhwa Service Tribunal
Peshawar.

~~Khyber Pakhtunkhwa
Service Tribunal~~

Recd. No. 4024

Dated 2/3/2023

Subject:

**SERVICE APPEL NO.7289/2021 TITLED ADIL YOUNIS VERSUS
GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH MEMBER
BOARD OF REVENUE PESHAWAR & OTHERS.**

Memo:

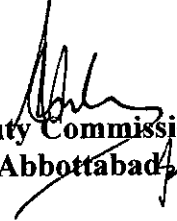
The requisite parawise comments to the service appeal cited on the subject noted above on behalf of Respondents No.1,2 & 3 duly vetted by Additional Advocate General, Khyber Pakhtunkhwa Service Tribunal Peshawar is sent herewith for further necessary action, please


Deputy Commissioner
Abbottabad.

Endst; No. & Date Even.

Copy forwarded for information w/r to above to the: -

1. Assistant to Commissioner (Rev/GA), Hazara Division, Abbottabad.
2. PS to Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.


Deputy Commissioner
Abbottabad.

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No 7289/21

Adil Younas son of Muhammad Younas, Naib Qasid, Deputy Commissioner Office,
Abbottabad.....

.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Senior member Board of Revenue (SMBR),
Peshawar & others.

Khyber Pakhtunkhwa
Service Tribunal

..... Respondents

Diary No. 4024

Dated 2/3/2023

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| 1. | Parawise Comments | -- | 1-2 |
| 2. | Affidavit | -- | 03 |
| 3 | Inquiry Report | -- | 4-15 |
| 3. | Copies of available cheques amounting to Rs. 700, 000/- | "A" | 16-18 |
| 4. | Copy of Account Statement | "B" | 19-20 |
| 5. | Copy of FIR | "C" | 21-22 |

①

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No 7289/21

Adil Younas son of Muhammad Younas, Naib Qasid, Deputy Commissioner Office,
Abbottabad.....

.....Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Senior Member of Revenue (SMBR),
Peshawar and others.

..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 3, 4 & 5

Respectfully Sheweth,

Preliminary Objections

1. That the instant appeal is tantamount to wasting valuable time of Honorable Tribunal.
2. That the appellant has concealed the material facts from this Honorable Tribunal.
3. That the instant appeal is not maintainable in the eyes of law as the appellant has not complied with the Rules.
4. That the instant appeal is badly time barred.

ON FACTS

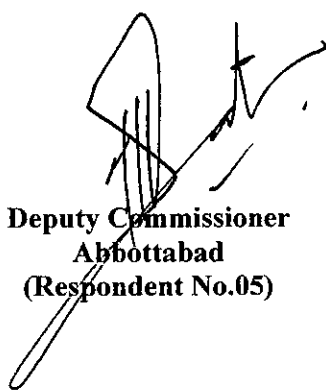
1. Incorrect. The appellant had been removed from the government service after fulfillment of all legal formalities.
2. Incorrect. After departmental inquiry and fulfillment of all legal formalities, the appellant was proved guilty and was beneficiary of cheques amounting to Rs. 13,00,000/- which were credited into his account (Cheques and bank Statement are annexed as "A" & "B").
3. No comments, pertains to record.
4. Incorrect. Respondent No. 03 i.e. Deputy Commissioner, Abbottabad is competent authority, not respondent No. 02 (Commissioner, Hazara Division, Abbottabad). The competent authority has acted as per law.
5. Incorrect. As already narrated at Para 04.
6. Correct, to the extent that on the basis of order in departmental appeal before Respondent No. 02, the appellant was removed from service.

GROUND

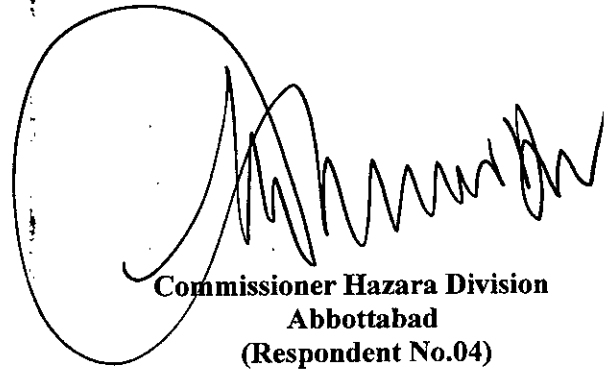
- a. Incorrect, the appellant being beneficiary of cheques amounting to Rs. 13,00,000 which were credited into his account and there is no proof on record that the amount in question was handed over to Mr. Waqas etc. Furthermore, the appellant is also accused in FIR No. 01, dated 29/01/2021 and on bail.. The case is under trial in Anti-Corruption Court and outcome of the case will become shortly (Copy annexed as "C").

- b. Incorrect, as already replied at Para No. "a".
- c. Incorrect, the appellate authority has acted as per law/rules.
- d. No Comments, pertains to record.
- e. Incorrect. The respondents have acted in accordance with law. The impugned orders have been issued in accordance with rules on the subject.
- f. Incorrect. Initially, respondent No. 05 being the competent authority, recommended imposition of stoppage of three annual increments with accumulative effect. Whereas, the appellate authority i.e. respondent 04 awarded major penalty i.e. "Removal from service".
- g. The Deputy Commissioner, Abbottabad in the year 2020-21 was Administrator of District Council, Abbottabad and the appellant was performing duty in Relief Branch of Assistant Commissioner, Office where offence was committed. Furthermore, the appellant also filed appeal before Respondent No. 04 against the order of Respondent No. 05.
- h. The respondents will produce any additional data at the time of arguments.
- i. As per law/policy the accused appellant was required to file his appeal to next forum i.e. SMBR KPK, Peshawar, but he went to Honorable Service Tribunal which needs to be set aside.

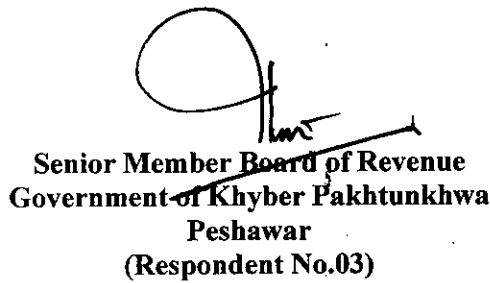
It is therefore, humbly prayed that on acceptance of the above parawise comments, the instant appeal may graciously be disposed of accordingly.



**Deputy Commissioner
Abbottabad
(Respondent No.05)**



**Commissioner Hazara Division
Abbottabad
(Respondent No.04)**



**Senior Member Board of Revenue
Government of Khyber Pakhtunkhwa
Peshawar
(Respondent No.03)**

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No 7289/21

Adil Younas son of Muhammad Younas, Naib Qasid, Deputy Commissioner Office,
Abbottabad.....

.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Senior Member Board of Revenue (SMBR),
Peshawar and others

..... Respondents

I, Mr. Ali Sher Khan, Additional Assistant Commissioner, Abbottabad, do hereby
solemnly affirm and declare that the contents of the accompanying parawise comments are true
and correct to the best of my knowledge and belief.



21/02/23

Ali Sher Khan
DEPONENT

8. During inquiry many discrepancies/procedural violation have been observed for disbursing of relief Cheques particularly the cases of those affectees who did not hold bank accounts therefore, in order to eliminate such practices in future a proper policy/mechanism/strategy should be devised in accordance with directions of provincial government.

T. I.
(Tariqullah)
Additional Deputy Commissioner (F&P),
Abbottabad.
(PMS-BS-18)
(Inquiry Officer)

Shabbir Ahmed
(Shabbir Ahmed)
Secretary to Commissioner,
Hazara Division, Abbottabad.
(PMS-BS-18)
(Inquiry Officer)

Annex 'A'

16

CURRENT A/C 17804009

THE OFFICE OF KHYBER
ROAD (0113) ABBOTTABAD PAKISTAN

Cheque No. ~~131042119199~~

Date 15/4/2020

M. ~~Adil Khan~~ 131042119199

four hundred thousand only

~~PKS~~

Signature

Deputy Commissioner
Abbottabad

83

256 KHYB 0113, 0000, 1780 4009
250 ABBOTTABAD (RELIEF FUND)

24459973061013000013000017804009000

CURRENT A/C 17804009

Cheque No 24459944

BANK OF KHYBER
 AN ROAD (0113) ABBOTTABAD PAKISTAN

Date 14/02/2020

SAZ or bearer

M. Azeem Younis

PKR 2,00,000/-

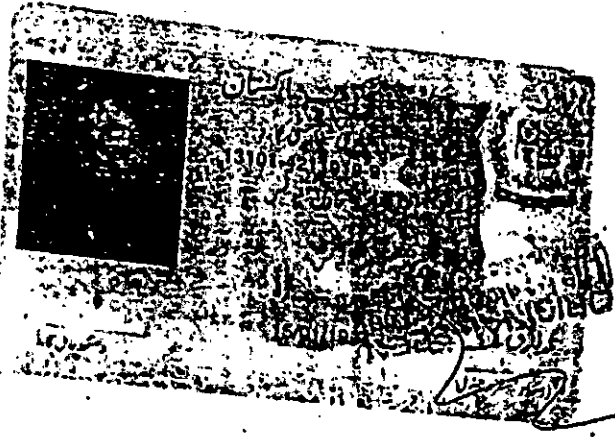
Two Lakhs Only

PK56 KHYB 0113 0000 1780 4009
 A/C ABBOTTABAD (RELIEF FUND)

Rijaz
 Deputy Commissioner
 Abbottabad

PK56 24459944 0000 1000 0000 17804009 0000

78



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CURRENT A/C 17804009

BANK OF KHYBER
MAIN ROAD (0113) ABBOTTABAD PAKISTAN

Date

Cheque No. 11622020

or bearer

One hundred thousand only

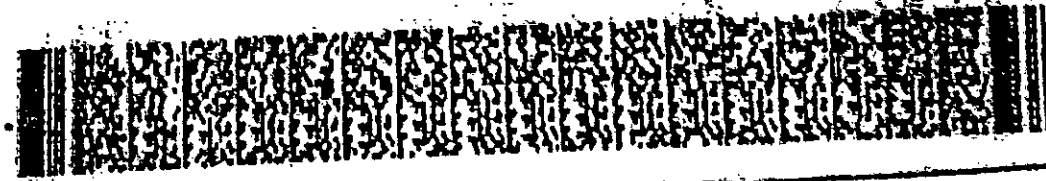
PK56 KHYB 0113 0000 1780 4009
060 ABBOTTABAD (RELIEF FUND)

Please do not write below this line.

2445994310610131501300001780400910000

Deputy Commissioner
Abbottabad

76



14/11/2022

14/11/2022

V340KL

مخد سندر خان

1330142119789

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Annex (B)

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Abottabad Branch (0113)

Jinnah Road, Abottabad

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Thursday, 10 December, 2020

12:35:22PM

CD 19605-00-0 PKR

Authenticated

Opened On : 24/07/2014

Statement of Account From

01/01/2018 To 10/12/2020

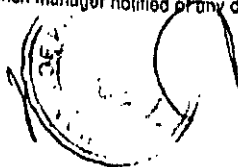
MUHAMMAD ADIL YOUNIS

HOUSE NO B 7 DC COLONY MOHALLA SIKANDAR KHAN TANCHI CHOWK, ABBOTTABAD

PK78 KHYB 0113000019605000

| Date | Particulars | Debit | Credit | Balance |
|------------|--|-----------|-----------|-----------|
| | Opening Balance as on 01/01/2018 | | | 23,556.00 |
| 02/01/2018 | 0537 0001Cash Withdrawl for A/c CD 19605-00-0-20464098 | 15,000.00 | | 8,556.00 |
| 31/01/2018 | 0240 0020SALARY FOR JAN 2018- | | 17,322.00 | 25,878.00 |
| 01/02/2018 | 0151 0001Cash Withdrawl for A/c CD 19605-00-0-20464099 | 15,000.00 | | 10,878.00 |
| 28/02/2018 | 0289 0021GOVT SALARY FOR THE M/O FEB 2018- | | 16,932.00 | 27,810.00 |
| 01/03/2018 | 0257 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-20464100 | 16,000.00 | | 11,810.00 |
| 02/03/2018 | 0453 0008CHEQUE BOOK CHARGES-01 | 250.00 | | 11,560.00 |
| 30/03/2018 | 0457 0017SALARY FOR THE MO MARCH 2018- | | 16,932.00 | 28,492.00 |
| 02/04/2018 | 0758 0001Cash Withdrawl for A/c CD 19605-00-0-31908781 | 16,000.00 | | 12,492.00 |
| 30/04/2018 | 0752 0021SALARY FOR THE MO APRIL 2018- | | 16,932.00 | 29,424.00 |
| 02/05/2018 | 0696 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908782 | 15,000.00 | | 14,424.00 |
| 31/05/2018 | 0111 0018SALARY FOR MAY 2018- | | 16,932.00 | 31,356.00 |
| 01/06/2018 | 0492 0001Cash Withdrawl for A/c CD 19605-00-0-31908783 | 16,000.00 | | 15,356.00 |
| 30/06/2018 | 0139 0019SALARY FOR THE MO JUNE 2018- | | 16,932.00 | 32,288.00 |
| 03/07/2018 | 1149 0001Cash Withdrawl for A/c CD 19605-00-0-31908784 | 16,000.00 | | 16,288.00 |
| 31/07/2018 | 0402 0018GOVT SALARY M/O JUNE 2018- | | 18,481.00 | 34,769.00 |
| 01/08/2018 | 0220 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908785 | 33,000.00 | | 1,769.00 |
| 17/08/2018 | 0087 0018GOVT SALARY M/O AUGUST 2018- | | 18,481.00 | 20,250.00 |
| 17/08/2018 | 0484 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908786 | 20,000.00 | | 250.00 |
| 28/09/2018 | 0585 0016SALARY TRF- | | 18,481.00 | 18,731.00 |
| 31/10/2018 | 0495 0010SALARY FOR OCT 2018- | | 18,481.00 | 37,212.00 |
| 06/11/2018 | 0243 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908787 | 37,000.00 | | 212.00 |
| 28/11/2018 | 0188 0019SALARY FOR NOV 18- | | 18,481.00 | 18,693.00 |
| 07/12/2018 | 0145 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908788 | 18,000.00 | | 693.00 |
| 31/12/2018 | 0793 0016SALARY FOR THE MO DEC 2018- | | 20,289.00 | 20,982.00 |
| 02/01/2019 | 1258 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908789 | 20,000.00 | | 982.00 |
| 31/01/2019 | 0373 0018SALARY FOR JAN 19- | | 20,995.00 | 21,977.00 |
| 01/02/2019 | 0349 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908790 | 19,000.00 | | 2,977.00 |
| 28/02/2019 | 0525 0015SALARY FOR FEB 2019- | | 20,449.00 | 23,426.00 |
| 01/03/2019 | 0238 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908791 | 18,000.00 | | 5,426.00 |
| 29/03/2019 | 0440 0014SALARY FOR MARCH 2019- | | 20,449.00 | 25,875.00 |
| 01/04/2019 | 0968 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908792 | 18,000.00 | | 7,875.00 |
| 02/05/2019 | 0496 0012SALARY FOR THE MO APRIL 2019- | | 20,449.00 | 28,324.00 |
| 03/05/2019 | 0873 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908793 | 18,000.00 | | 10,324.00 |
| 28/05/2019 | 0385 0014SALARY FOR MAY 2019- | | 20,449.00 | 30,773.00 |
| 03/06/2019 | 0488 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908794 | 20,000.00 | | 10,773.00 |
| 29/06/2019 | 0295 0013SALARY FOR JUNE 19- | | 20,449.00 | 31,222.00 |
| 03/07/2019 | 0824 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908795 | 18,000.00 | | 13,222.00 |
| 31/07/2019 | 0418 0011SALARY FOR JULY 2019- | | 21,566.00 | 34,788.00 |
| 02/08/2019 | 0338 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908796 | 34,000.00 | | 788.00 |
| 31/08/2019 | 0227 0013GOVT SALARY FOR AUG 2019- | | 21,566.00 | 22,354.00 |
| 06/09/2019 | 0131 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908797 | 20,000.00 | | 2,354.00 |
| 30/09/2019 | 0452 0014SALARY FOR SEPT 2019- | | 21,566.00 | 23,920.00 |
| 01/10/2019 | 0230 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908798 | 21,000.00 | | 2,920.00 |
| 31/10/2019 | 0398 0015GOVT SALARY M/O OCT 2019- | | 21,566.00 | 24,486.00 |
| 07/11/2019 | 0101 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908799 | 24,000.00 | | 486.00 |

The items and balance shown on this statement should be verified and the Branch Manager notified of any discrepancies within two weeks. Otherwise it will be presumed correct.



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Abottabad Branch (0113)
Jinnah Road, Abottabad

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Statement of Account From
01/01/2018 To 10/12/2020

Thursday, 10 December, 2020

12:35:22PM

CD 19605-00-0 PKR

Authenticated

Opened On: 24/07/2014

MUHAMMAD ADIL YOUNIS
HOUSE NO B 7 DC COLONY MOHALLA SIKANDAR KHAN TANCHI CHOWK, ABBOTTABAD
PK78 KHYB 0113000019605000

| Date | Particulars | Debit | Credit | Balance |
|----------------------------------|--|--------------|--------------|------------|
| 30/11/2019 | 0233 0012SALARY FOR NOV 19- | | 21,566.00 | 22,052.00 |
| 05/12/2019 | 0167 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908800 | 18,000.00 | | 4,052.00 |
| 31/12/2019 | 0744 0010SALARY FOR DEC 19- | | 21,566.00 | 25,618.00 |
| 02/01/2020 | 0778 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908801 | 20,000.00 | | 5,618.00 |
| 28/01/2020 | 0306 0011SALARY FOR JAN 2020- | | 22,580.00 | 28,198.00 |
| 03/02/2020 | 0503 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908802 | 20,000.00 | | 8,198.00 |
| 28/02/2020 | 0251 0011SALRIES TRF- | | 22,073.00 | 30,271.00 |
| 02/03/2020 | 0445 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908803 | 22,000.00 | | 8,271.00 |
| 31/03/2020 | 0113 0010SALARY M/O MARCH-20- | | 22,073.00 | 30,344.00 |
| 30/04/2020 | 0449 0008SAL APRIL 2020- | | 22,073.00 | 52,417.00 |
| 11/05/2020 | 0513 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908804 | 30,000.00 | | 22,417.00 |
| 19/05/2020 | 0465 0008SALRIES TRF- | | 22,073.00 | 44,490.00 |
| 09/06/2020 | 0161 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908805 | 20,000.00 | | 24,490.00 |
| 30/06/2020 | 0736 0007SALARY FOR JUNE 2020- | | 22,073.00 | 46,563.00 |
| 20/07/2020 | 0277 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908806 | 46,000.00 | | 563.00 |
| 23/07/2020 | 0256 0002A/c Credited from CD 17804-00-9-24459798 | | 100,000.00 | 100,563.00 |
| 23/07/2020 | 0260 0002A/c Credited from CD 17804-00-9-24459799 | | 100,000.00 | 200,563.00 |
| 24/07/2020 | 0076 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908808 | 200,000.00 | | 563.00 |
| 27/07/2020 | 0587 0005SALRY FOR JULY 2020- | | 22,073.00 | 22,636.00 |
| 30/07/2020 | 0353 0002A/c Credited from CD 17804-00-9-24459975 | | 100,000.00 | 122,636.00 |
| 30/07/2020 | 0763 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908809 | 100,000.00 | | 22,636.00 |
| 13/08/2020 | 0153 0002A/c Credited from CD 17804-00-9-24459810 | | 100,000.00 | 122,636.00 |
| 13/08/2020 | 0154 0002A/c Credited from CD 17804-00-9-24459809 | | 100,000.00 | 222,636.00 |
| 13/08/2020 | 0154 0002A/c Credited from CD 17804-00-9-24459810 | | 200,000.00 | 22,636.00 |
| 13/08/2020 | 0239 0001Cash Withdrawl for A/c CD 19605-00-0-31908810 | 18,000.00 | | 4,636.00 |
| 19/08/2020 | 0086 0001Cash Withdrawl for A/c CD 19605-00-0-31908811 | | 100,000.00 | 104,636.00 |
| 19/08/2020 | 0271 0002A/c Credited from CD 17804-00-9-24459823 | | 100,000.00 | 204,636.00 |
| 19/08/2020 | 0272 0002A/c Credited from CD 17804-00-9-24459819 | | 100,000.00 | 14,636.00 |
| 20/08/2020 | 0242 0001Cash Withdrawl for A/c CD 19605-00-0-31908812 | 190,000.00 | | 36,709.00 |
| 31/08/2020 | 0617 0005SALRY AUG 2020- | | 22,073.00 | 6,709.00 |
| 09/09/2020 | 0096 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908813 | 30,000.00 | | 28,782.00 |
| 30/09/2020 | 0441 0003GOVT SAL SEP 20- | | 22,073.00 | 8,782.00 |
| 05/10/2020 | 0450 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908814 | 20,000.00 | | 30,855.00 |
| 29/10/2020 | 0141 0002GOVT SAL OCT,20- | | 22,073.00 | 5,855.00 |
| 05/11/2020 | 0193 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908815 | 25,000.00 | | 27,928.00 |
| 30/11/2020 | 0482 0021SALARY NOV 2020- | | 22,073.00 | 7,928.00 |
| 07/12/2020 | 0729 0001CASH WITHDRAWL FOR A/C CD 19605-00-0-31908816 | 20,000.00 | | 7,928.00 |
| Closing Balance as on 10/12/2020 | | | | 7,928.00 |
| Total Debits/Credits | | 1,426,250.00 | 1,410,622.00 | |



Printed by: AMIR RABBANI (1216)

The items and balance shown on this statement should be verified and the Branch Manager notified of any discrepancies within two weeks. Otherwise it will be presumed correct.

P.20

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CO. A. E. 170

Main body of handwritten text, appearing to be a list or detailed notes, written in a cursive script.

1. Aqeel Khan Jadoon w/o M. Fayaz r/o Sheikh-ul-Bandi Abbottabad.
2. Qaiser Shezad w/o M. Mustafa r/o Sheikh ul Bandi Abbottabad.
3. Shahbaz Saleem w/o M. Saleem r/o Upper Malik Puru Abbottabad.
4. Tahir Asghar w/o Ali Asghar r/o Kehal Abbottabad.
5. Jazib Shah w/o Muhazam Shah r/o Sheikh-ul-Bandi Abbottabad.

Whereas, following remaining private persons were called through District Police Officer Abbottabad to appear before inquiry committee vide letter No. CHD/Estb/3/5/257-59 dated 04-11-2021:

1. Junaid Khan w/o Bashir Khan r/o Kali Dhar Data Abbottabad.
2. Fazl Muhammad r/o Majdohan Tehsil Havelian District Abbottabad.
3. Shah Nawaz w/o Aslam Khan r/o Chotala Tehsil Havelian.
4. Ali Asghar w/o Kala Khan r/o Qalandar Abad, Tehsil & District Abbottabad.
5. Zaher Ahmed w/o M. Gulzar r/o Guldhok Dhamtour Abbottabad.

Among these persons at S. # 1-3 appeared before committee & recorded their statements whereas at S.# 4 & 5 were not produced by police department Abbottabad.

STATEMENT OF MR. WAQAS KHAN (COMPUTER OPERATOR)

Mr. Waqas Khan submitted his written statement before the inquiry committee on 18-12-2020 alongwith bank statement of his Account No. 03014040640428 in National Bank. In his statement he vehemently denied the charges leveled against him in charge sheet. He stated that he was never custodian of the record of Relief Branch. As per his statement the Deputy Commissioner, Abbottabad vide order No. 9323-30 dated 13-11-2019 constituted a committee for the payment of compensation to the affectees of house damages. Committee was consisting of Accounts Officer, DC office Abbottabad, DRA Abbottabad & Incharge Relief Section. In this order the TORs/responsibilities were assigned to each. However nobody was nominated by name for Incharge Relief Branch. The TORs for Relief incharge were meant for that person responsible for carrying out routine work of Relief branch.

In his statement he also denied for acquaintance with Mr. Aqeel Khan and never issued Cheques to Naib Qasid or private persons as he was not any authority to issue Cheques & make payments. He also stated that payment of expenditures during COVID-19 were from the relief account was totally negotiated with private persons and contractors by Assistant Commissioner on his own terms & wishes. He also accused the Assistant Commissioner for holding the whole record in his custody at personal residence till 15-12-2020. He quoted an open cheque No. 24459920 dated 13-2-2020 issued to Mst. Anwar Mahroof Jan. He also alleged for double payments to affectees against the PDMA policies namely Mst. Bibi Ishaqwd/o Ghulam Hussain r/o Kotlian and Mst. Ghazala Bibi w/o Shah Nawaz r/o Chotala Bodla.

He also alleged that the fact finding inquiry committee failed to conclude the suspicious transaction of one million through cheque No. 24459875 dated 02-10-2020 for which the fact finding committee was ordered. Moreover, Mr. Aqeel the accused of aforesaid one Million Cheque was also not called by the committee for recording statement about the alleged cheque. He affirmed in statement that he has carried out tasks other than his job responsibilities on pursuance of AC Abbottabad/DJMO being his reporting officer.

However, after going through the statements of other accused and documentary evidences on record, the committee again provided an ample opportunity to defend his case and called him vide letter No. CHD/Estb/3/5/800-02 dated 13-1-2021 (Annexed-R). However, he failed to appear before committee. He was again served with Final Notice for appearance before inquiry committee to answer the questionnaire vide No. CHD/Estb/3/5/1081-84 dated 20-1-2021 (Annexed-S) but he did not appear before the committee.

STATEMENT OF MR. FAHAD SHAH (COMPUTER OPERATOR)

Mr. Fahad Shah with response to his allegations for being unauthorized beneficiary from relief account through cheque No. 24459824 dated 22-6-2020 & No. 24459828 dated 23-6-2020 submitted reply that these Cheques were not credited by him in his bank account & was unaware of crediting Rs.200000/- in his account through these Cheques. He enclosed copy of vouchers of both Cheques & disclaim the signatures therein. Regarding Aqeel Khan Statement in Police station he stated that his biased statement was recorded with corrosions under undue influence which is unlawful & unjustifiable. He also enclosed bank statement of his account at National Bank which confirms that Rs. 200000/- were credited in his account on 01-9-220 and were drawn thereafter.

A questionnaire was also served to Mr. Fahad Shah on 18-1-2021 wherein he accepted two Cheques of relief section credited to his personal bank account but held that he unaware about source of said credited amount which is still in his possession. He replied to a question that during 2020 the relief section and PMRU were sitting in the AC office with his personal staff.

STATEMENT OF MR. AFSAR ALI SHAH, GIS ANALYST, DC OFFICE ABBOTTABAD.

He submitted that the Ex-DC Abbottabad posted him in relief branch on 14-11-2019 but he neither assumed charge nor perform any duty in relief section.

STATEMENT OF MR. YASIR ASGHAR (CHOWKIDAR/NAIB QASID)

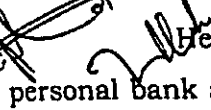
He submitted his written statement on 14-12-2020 that he has used his personal bank account for transaction of relief cheque however, he has handed over the drawl amount to Assistant Commissioner Abbottabad and Mr. Waqas Khan & Mr. Adnan & that most of the amount was given to Mr. Waqas Khan. He also submitted

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at he is witness of Mr. Waqas Khan bringing cheque books to the AC Abbottabad to get Cheques signed and then asking him that Assistant Commissioner has ordered to cash the cheque through your personal account. Later on a questionnaire was also served to Mr. Yasir Asghar on 05-1-2021 wherein he accepted that Mr. Waqas Khan has given him Cheques in his name which he deposited in bank account and then cash was handed over to Mr. Waqas Khan. Whereas, Mr. Waqas Khan provided him the amount deducted as withholding tax upon transaction of these Cheques from his account. He also reiterated his earlier version of receiving a cheque of Rs. 3200 from Mr. Adnan.

Another significant statement of Yasir Asghar is for receiving open Cheques of Rs. 650000/-. In response to a questionnaire on 02-2-2021 he stated that the open Cheques of Rs. 650000/- were not cashed by him. He has no knowledge of these Cheques. The ex-manager of Khyber Bank may be asked as CNIC of other persons were also misused to cash Cheques.

STATEMENT OF MR. JAMEEL AHMED (NAIB QASID).

 He submitted his written statement on 14-12-2020 that he has used his personal bank account for transaction of relief cheque however, he has handed over the cash to Assistant Commissioner Abbottabad & Mr. Waqas Khan. Most of the amount was given to Mr. Waqas. He also submitted that he is witness of Mr. Waqas Khan bringing cheque books to the AC Abbottabad to get Cheques signed and then asking him that Assistant Commissioner has ordered to cash the cheque through your personal account. Mr. Jameel Ahmed also disclaims his earlier statement on 29-10-2020 obtained by AC Abbottabad and held it to be taken forcefully. In that statement he had accused only Mr. Waqas Khan for giving him relief Cheques.

He was served with a questionnaire on 05-1-2021 wherein he rebound to his earlier statement submitted before Assistant Commissioner Abbottabad on 29-10-2020 and held his statements presented before both inquiry committees on demand of Mr. Waqas Khan. He admitted for transaction of only Rs.800000/- in respect of relief Cheques but denied for remaining amount Rs.500000/- particularly the open cheque of Rs.300000/-.

STATEMENT OF MR. ADIL YOUNIS (NAIB QASID)

He submitted his written statement on 14-12-2020 that he has used his personal bank account for transaction of relief cheque however, he has handed over the cash to Assistant Commissioner Abbottabad and Mr. Waqas Khan & most of the amount was given to Mr. Waqas Khan. He also submitted that he is witness of Mr. Waqas Khan bringing cheque books to the AC Abbottabad to get Cheques signed and then asking him that Assistant Commissioner has ordered to cash the cheque through your personal account. He also disclaimed his earlier statement on 29-10-

2020 obtained by AC Abbottabad and held it to be taken forcefully. In that statement he had accused only Mr. Waqas Khan for giving him relief Cheques.

He was served with a questionnaire on 05-1-2021 wherein he rebound to his earlier statement before Assistant Commissioner Abbottabad on 29-10-2020 and held about his statements presented before both inquiry committees on demand of Mr. Waqas Khan. With regard to relief Cheques a total transaction of Rs. 1300000/- was made through his personal account out of which 03 Cheques were open Cheques of amount Rs. 700000/-. He admitted the transaction of relief Cheques in questionnaire.

STATEMENT OF MR. AQEEL KHAN(Private Person)

He was the principal accused of the case as the matter of embezzlement of relief fund was brought into light because of suspicious cheque of 01 million in the name of Mr. Aqeel Khan. He appeared before inquiry committee on 11-1-2021 & was served with a questionnaire. He admitted in reply that he is friend of Fahad Shah but also has familiarity with Waqas Khan. He also replied to a question that two Cheques of Rs. 200000/- were in his knowledge but the alleged Cheque No. 24459875 dated 02-10-2020 for Rs.1000000/- was not in his knowledge. He stated that his statement recorded in Police station was not his own statement but was a fabricated statement. He further stated that Rs. 200000/- were credited into his bank account for the reason that once he visited the AC office where he saw a lady crying for relief fund approved in her name but due to non availability of bank account in her name she was unable to receive the relief cheque. He asked Mr. Waqas Khan to help her out who asked him to get these two Cheques of lady cashed through his personal account. Next day he gave his personal amount of Rs.200000/- to Mr. Waqas Khan who in front of him handed over the amount to lady. Whereas, both relief Cheques were deposited in his account by Waqas Khan.

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Similarly, in response to the question of cheque No. 24459875 dated 02-10-2020 amounting Rs.1000000/- Mr. Aqeel Khan submitted that he neither deposited this cheque into his account nor withdraw its cash. It came to his knowledge when got SMS alert on mobile for returning of a cheque on 23-10-2020. Whereupon, he went to his bank and the bank officials handed over the said cheque to him. When he asked Mr. Waqas Khan about that cheque he said cheque of one Million was wrongly issued in his name. It was actually for another person namely Mr. Akmal. Therefore, the cheque was given to Mr. Waqas Khan.

STATEMENT OF MR. QAISER SHEZAD (Private Person)

He appeared before inquiry committee on 11-1-2021 and was served with questionnaire & in response of that he submitted that he himself received 08 relief Cheques of Rs. 800000/- from Mr. Waqas Khan and deposited in his personal account. After Two or three days those Cheques were cashed by him & amount was

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handed over to Mr. Waqas Khan. Cash was usually given to Waqas Khan outside his office at different places.

STATEMENT OF MR. SHAHBAZ SALEEM (Private Person).

He appeared before inquiry committee on 08-1-2021 and was served with questionnaire & in response of that he submitted that he himself received 03 relief Cheques of Rs. 1000000/- including one open cheque, from Mr. Waqas Khan and deposited in his personal account. After two days those Cheques were cashed by him & amount was handed over to Mr. Waqas Khan. Moreover, he denied the submission of any affidavit in office of Deputy Commissioner, Abbottabad on 16-11-2020 and copy thereof provided by fact-finding inquiry at page-222. In the said affidavit Mr. Shahbez Saleem stated that his statement before Additional Deputy Commissioner was on undue pressure of SHO, PS City & was against his will and facts. He received relief Cheques from Naib Qasids. He just knew that these Cheques are issued by AC as other Naib Qasid also receive them from AC.

STATEMENT OF MR. JUNAID KHAN (Private Person).

He appeared before inquiry committee on 11-1-2021 and was served with questionnaire wherein he submitted that he is cousin of Waqas Khan. He received 07 relief Cheques amounting Rs.700000/- from his friend namely Yasir Asghar Naib Qasid who requested him that being government official he is unable to cash them. Therefore, he deposited these seven Cheques into his personal account and handed over cash to Mr. Yasir Asghar. Moreover, as per written statement of Mr. Junaid Khan he had been working as Arzi Naweess in District Katcheri Abbottabad.

STATEMENT OF MR. JAZIB SHAH (Private Person)

He appeared before inquiry committee on 11-1-2021 and was served with questionnaire wherein he submitted that he is real brother of Fahad Shah and friend of Aqeel Khan who is also his business partner. He denied for receiving any cheque or cash from relief account. He also denied for any cash withdrawal from Aqeel Khan's account rather he obtained his account number for money transfer from abroad but that could not be transferred. He also submitted his written statement on 17-12-2020 with same version.

STATEMENT OF MR. FAYAZ KHAN (Private Person).

He was one of the beneficiaries as pointed out by fact finding inquiry committee. As per record a relief cheque No. 24459831 dated 19-6-220 was issued in his name and was cashed as well. Mr. Fayaz Khan submitted his written statement before instant inquiry committee on 25-1-2021 and stated that his house was damaged in 2005 due to earth-quake. His application was pending in DC office Abbottabad. However, he received a call in start of 2020 that relief fund has been approved and we may receive. However, Mr. Waqas Khan informed him that another person on your part has already received an amount of Rs. 150000/- whose father

... was same as yours. Then again after 7-8 months on inquiring Mr. Waqas khan informed him to receive the relief cheque of 50000/- which was cleared in his bank on 03-9-2020 as per his bank statement. However, in the acquaintance roll cheque was received by Mr. Anayatur Rehman s/o Ghani. However, Mr. Fayaz Khan showed unfamiliarity to him in statement.

STATEMENT OF MR. TAHIR ASGHAR (Private Person).

He appeared before inquiry committee on 14-1-2021 and was served with questionnaire wherein he submitted that he is the real brother of Yasir Asghar Naib Qasid & is a student. He never received or cashed any relief cheque. He also has no knowledge of open cheque No. 24459940 dated 13-2-2020 rather his CNIC was misused to cash the ibid cheque. He also stated that Mr. Waqas Khan has misused his CNIC copy because his documents were got attested from Mr. Waqas Khan for purpose of domicile & card translator.

STATEMENT OF MR. SHAH NAWAZ (Private Person).

He was one of the beneficiaries as pointed out by fact finding inquiry committee. As per record an Open relief cheque of Rs. 100000/- bearing No. 24459923 dated 04-3-2020. Mr. Shah Nawaz appeared before inquiry committee on 25-1-2021 and submitted statement that he was informed in start of 2020 that relief fund has been approved. When he approached AC office he was demanded for 5000/- and after that he was given a cheque of Rs. 50000/- as relief fund by Assistant Commissioner Abbottabad.

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As per Bank statement of Relief Account the above cheque No. 24459923 dated 04-3-2020 was an open cheque and was cashed on 14-4-2020.

STATEMENT OF BANK CASHIER MR. ASFAND YAR KHAN , KHYBER BANK ABBOTTABAD

While going through the available record, facts and statements of the accused persons many question arises on involvement of Bank employees in the embezzlement of relief fund. Therefore, to ascertain the Bank authorities were asked to direct the cashier of the bank to appear before inquiry committee vide letter No. secry to CHD/3/5/1251-53 dated 22-1-202. Hence, Mr. Asfand Yar Khan, then Cashier Khyber Bank appeared before inquiry committee on 25-1-2021 and were served with questionnaire. He submitted that he was posted in Khyber Bank till June 2020. Most of the open Cheques of relief section were cashed during his posting period. He further stated that he was responsible for verification of only open Cheques whereas Cheques meant for clearing were verified by clearing officer. Mr. Asfand Yar khan further confirmed that the payments on open relief cheques were made to the persons to whom these Cheques were issued. However, in reply to another question he stated that in case if the Bearer on cheque is crossed then no

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...ner person can attempt to cash that cheque but only the actual person. Whereas,
as per copies of open Cheques provided by Khyber Bank bearer on these open
Cheques were not crossed and information/ID Card were stamped as "Original Seen".

**STATEMENT OF MR. MUJTABA ARAFAT KHAN, ASSISTANT COMMISSIONER
ABBOTTABAD.**

In order to ascertain the facts and cross examination of the statements produced by all accused and documents on record it was imperative to bring the statement/questionnaire of controlling authority of the relief section viz Assistant Commissioner Abbottabad who is also authorized to act as District Disaster Management Officer to reach impartial, judicious & cogent results . Therefore, he was asked vide letter No. Secy/Estb/1424-26 dated 22-1-2021 to appear before inquiry committee. However, vide letter No.253/ACA dated 26-1-2021 he intimated for relying on his earlier statement presented before fact-finding inquiry on 05-11-2020.

FINDINGS:

1. All the material facts on record transpire that Mr. Waqas Khan was principal custodian of the record of relief section & was entrusted with the responsibilities of Relief Section. He was carrying out all correspondences related with relief fund disbursement procedures and related computer tasks. Therefore, allegations leveled against him in his charge sheet vide Para 1 & 2 stand proved. Mr. Waqas Khan being senior-most official was looking after the work of relief branch since his order issued by DC Abbottabad vide No. 9371-74 dated 14-11-2019.
2. The statements of Naib Qasids & private persons indicate that Mr. Waqas Khan handed over Cheques to them & received cash which confirm that Mr. Waqas Khan is prime culprit and allegations at Para 3 of charge sheet also stand proved.
3. Similarly, Para 4 of charge sheet also stand proved for the reason that Mr. Junaid Khan being unauthorized for relief fund was confirmed for receiving relief Cheques during inquiry proceedings however, he deliberately concocted his statement to save Mr. Waqas Khan being his cousin and pointed out the name of Mr. Yasir Asghar Naib Qasid in his statement.
4. Private person Mr. Aqeel Khan during inquiry stated that he got the relief Cheques from Mr. Waqas Khan including the alleged Cheque of one million. But Mr. Waqas Khan in his written statement stated that he does not know any person named Aqeel Khan. Therefore, Para 5 of charge sheet also stand proved. Mr. Waqas Khan also manipulated the remaining staff and private persons of his acquaintance in misappropriation and embezzlement of relief fund.
5. Entries in acquaintance roll have been found incomplete & thumb impression & signatures of fake people as evidenced in case of Mr. Fiaz Khan who received

Cheque of Rs.50000/- with No. 24459831 dated 19-6-2020 but in acquaintance roll the entry against the said Cheque has been shown as Mr. Anayatur Rehman s/o Ghani. However, Mr. Fayaz Khan showed unfamiliarity with Anayatur Rehman in statement. Mr. Waqas Khan is responsible for such malpractice of tempering acquaintance roll of 388 cases of House damages 2015. Therefore, all the allegations leveled against Mr. Waqas Khan stand proved.

- 6. Beside the above entries for double payments in said acquaintance roll have also been found. Two Cheques for double payment were issued as in case of Ghazala bibi a Cheque of Rs,50000/- through No. 24515368 was issued and payment was made on 25-2-2020. Similarly, in acquaintance roll at S,# 324 she has been shown as receiving another Cheque No. 24515595 of Rs.100000/-.
- 7. The charges leveled against all the staff including Computer Operators & Naib Qasids in their charge sheets have been stand proved/confirmed however, by drawing inferences, the Naib Qasid might have not got all amount of cheque(s) as they handed over cash to Mr. Waqas Khan however chance of their share/benefit may not be ruled out.
- 8. Mr. Jameel Khan & Mr. Adil Younis Naib Qasids deliberately changed their statements which shows that they concealed the facts from committee.
- 9. The statements of all private persons also confirmed that they received & cashed relief Cheques. Although they held for handing over Cheques amount to Mr. Waqas Khan however, it indicates that involvement of Private persons was surely for the sake of some monetary benefits.
- 10. Relief Cheques of Rs. 200000/- in the name of private person Mr. Aqeel Khan & Rs. 200000/- in the name of Qaiser Shezad were issued on the same day viz 12-7-2020.
- 11. During proceedings the role of Khyber Bank authorities have been found for overlooking many things. While clearing relief Cheques the signatures were not verified especially for the Cheques amounting above Rs.100000/-.
- 12. The Bank of Khyber detained one million Cheque No. 24459875 dated 02-10-2020 issued in the name of Mr. Aqeel Khan due to signature difference. However, signatures on previous two Cheques issued to Mr. Aqeel Khan i.e Cheque No. 24459869 dated 12-7-2020 & 24459871 dated 12-7-2020 were cleared despite of signature differences on both.
- 13. Mr. Fahad Shah during inquiry also accepted for being unauthorized beneficiary from relief account of Rs.200000/- and he is ready to return the amount. Although he has shown ignorance about crediting these Cheques into his account however, role of his friend Aqeel khan and brother Jazib shah also pointing towards the involvement of all.

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14. The cross Cheques among 54 relief Cheques under investigation were showing more than a month time gap between their issuance & clearance from banks as all the accused & bank cashier in their statements confirmed that all Cheques were cleared within 2-3 days after depositing in banks. It shows a gross negligence & incompetency towards such an important duty of relief section due to which general public suffers.
15. Total 14 open Cheques were issued however; only 12 open Cheques were brought on record by fact finding inquiry.
16. Unnecessary cheque books were used. Acquaintance roll & Cash book were not signed by the Assistant Commissioner/DDMO.

RECOMMENDATIONS

From the perusal of record presented before committee, written statements, answers of questionnaires, cross examinations/interrogations etc, it is recommended that:

1. Mr. Waqas Khan Computer Operator, office of Assistant Commissioner Abbottabad for guilty of misconduct & corruption render him for imposition of Major penalty of Dismissal from Service as envisaged in Rule 4 (1) (b-IV) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Moreover, Anti-Corruption Authorities may also be informed for his removal from service & recovery of embezzled amount of relief section.
2. Mr. Fahad Shah Computer Operator, Assistant Commissioner Office Abbottabad during proceedings, it transpires that he was also involved in embezzlement. He was beneficiary of two Cheques of Rs. 200000/- & soon after he cashed those Cheques therefore, his stance for being unaware of the relief Cheques into his personal account is not cogent reason. Moreover, his connection with a private person Mr. Aqeel Khan & then with Waqas Khan pointing towards his role as accomplice in the embezzlement. Similarly, statement of Aqeel Khan before police regarding involvement of Mr. Jazib Shah, real brother of Fahad Shah is also suspecting him. Since, he was beneficiary of Rs. 200000/- & accepted to return the amount therefore, he is liable for Major penalty of Removal from service as envisaged in Rule 4 (1) (b-III) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Moreover, Anti-Corruption Authorities may also be informed for recovery of embezzled amount on his part.
3. Mr. Yasir Asghar Chowkidar/Niab Qasid, Assistant Commissioner Abbottabad the unauthorized beneficiary of Rs. 1450000/- from relief fund has proved himself for irresponsible official & naive towards his job description/duties & using his personal account for relief Cheques without sensing its gravity &

negligence for not bringing the matter into the notice of higher authorities. However, during proceedings it has been observed that he was manipulated by Mr. Waqas Khan and he also handed over cash to Mr. Waqas Khan therefore, the imposition of Minor penalty of stoppage of 03 Annual Increments with accumulative effect as envisaged in Rule 4 (1) (a-II) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 is recommended.

4. Mr. Jameel Ahmed Niab Qasid, Assistant Commissioner Abbottabad the unauthorized beneficiary of Rs. 1300000/- from relief fund has proved himself for irresponsible official & naive towards his job description/duties & using his personal account for relief Cheques without sensing its gravity & negligence for not bringing the matter into the notice of higher authorities. However, during proceedings it has been observed that he was manipulated by Mr. Waqas Khan and he also handed over cash to Mr. Waqas Khan therefore the imposition of Minor penalty of stoppage of 03 Annual Increments with accumulative effect as envisaged in Rule 4 (1) (a-II) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 is recommended.

5. Mr. Adil Younis Niab Qasid, Assistant Commissioner Abbottabad the unauthorized beneficiary of Rs. 1300000/- from relief fund has proved himself for irresponsible official & naive towards his job description/duties & using his personal account for relief Cheques without sensing its gravity & negligence for not bringing the matter into the notice of higher authorities. However, during proceedings it has been observed that he was manipulated by Mr. Waqas Khan and he also handed over cash to Mr. Waqas Khan therefore, the imposition of Minor penalty of stoppage of 03 Annual Increments with accumulative effect as envisaged in Rule 4 (1) (a-II) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 is recommended.

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Private Persons namely Mr. Aqeel Khan, Mr. Shahbaz Saleem, Mr. Qaiser Shezad, Mr. Junaid Khan, Mr. Jazib Shah, Mr. Tahir Asghar, Mr. M. Fiaz & Mr. Shah Nawaz were also interrogated during the inquiry & their statements were recorded which may be shared with Anti-Corruption Authorities to incorporate in legal proceedings already taken against them by Anti Corruption Authorities.

7. The reliability, completeness & substantiating documentation/record particularly Acquaintance roll, cash book & relief account statements the DDMO may be directed to ensure safeguarding government fund/record, for close check on work of subordinates and regular review of record to ensure that relief fund is utilized efficiently, effectively & in accordance with law/PDMA policies.