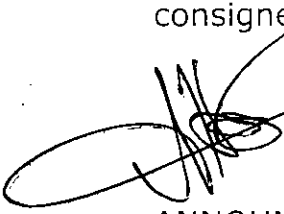


09.05.2019

Nemo for applicant. Mr. Ziaullah, DDA for the respondents present.

On the last date the matter was adjourned for today in presence of learned counsel for the applicant. Today, despite repeated calls no one is in attendance on behalf of the applicant.

Dismissed for non-prosecution. File be consigned to the record room.



Member



Chairman

ANNOUNCED
09.05.2019

10.12.2018

Counsel for the appellant and Mr. Riaz Painsdakhel
Asstt. AG for the respondents present.

To come up for further proceedings alongwith main
appeal No. 1400/2017 on 29.01.2019.


Member


Chairman

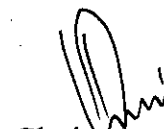
30.1.2019

Junior to counsel for the applicant and Mr.
Muhammad Riaz Painsda Khel, Asstt. AG for the
respondents.

Requests for adjournment due to engagement of
learned senior counsel for the applicant before the
Hon'ble High Court.

Adjourned to 08.04.2019 before D.B.


Member


Chairman

08.04.2019


Learned counsel for the applicant and Mr. Muhammad Jan
learned Deputy District Attorney present. Learned counsel
for the applicant seeks adjournment. Adjourned to
09.05.2019 before D.B.


Member


Member

20.06.2018

Petitioner with counsel and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Salah-ud-Din, Senior Auditor for the respondents present. To come up for further proceedings alongwith main service appeal No. 1400/2017 on 11.07.2018 before D.B.




(Ahmad Hassan)
Member



(Muhammad Amin Khan Kundi)
Member

11.07.2018

Petitioner Muhammad Amin in person present. Mr. Ziaullah, Deputy District Attorney on behalf of respondents present. Arguments could not be heard due to killing of a lawyer, Barrister Haroon Bilour in a suicide attack during election campaign. To come up for further proceedings on 10.09.2018 alongwith main appeal, before the D.B.

10.09.2018


Clerk ~~Mondou~~ counsel for the petitioner and ~~Mohammad~~  Muhammad Jan learned Deputy District Attorney present. Clerk to counsel for the petitioner seeks adjournment on the ground that learned counsel for the petitioner is not available. Adjourned. To come up for further proceedings on 24.10.2018 alongwith main appeal before D.B


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

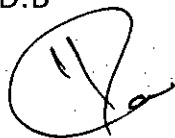
24.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is incomplete. Therefore, the case is adjourned. To come up for the same on 10.12.2018.


Reader

12.04.2018 Clerk to counsel for the petitioner and Mr. Zia Ullah, learned Deputy District Attorney for the respondents present. Adjournment requested. Adjourn. To come up for further proceedings on 23.04.2018 before D.B

(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

23.04.2018 Learned counsel for the petitioner and Mr. Kabir Ullah Khattak, learned Additional Advocate General present. Adjournment requested. Adjourn. To come up for further proceedings on 04.05.2018 before D.B

(Ahmad Hassan)
Member

(Muhammad Hamid Mughal)
Member

29.05.2018 Appellant in person and Asst: AG alongwith Mr. Salah ud Din, Senior Auditor for respondents present. Appellant seeks adjournment. Adjourned. To come up for arguments on 20.06.2018 before D.B.


(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member

5.03.2018

Counsel for the petitioner present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Aftab Ahmad, DAO and Mr. Hussain Gul, ADO for the respondents also present. Reply on C.O.C application submitted, which is placed on record. Adjourned. To come up for further proceedings alongwith main service appeal on 28.03.2018 before D.B.



(Muhammad Amin Khan Kundi)
Member

27.03.2018

Petitioner present. Respondents present. Learned Additional Advocate General also present. Learned counsel for the petitioner is not available. Adjourn. To come up for further proceedings on 03.04.2018 alongwith main service appeal before D.B. At the request of the respondents, they are exempted from their personal appearance before this Tribunal on the next date.



(Muhammad Amin Kundi)
Member

(Muhammad Hamid Mughal)
Member

03.04.2018

Learned counsel for the petitioner and Mr. Kabir Ullah Khattak, learned Additional Advocate General for the respondents present. Learned counsel for the petitioner seeks adjournment. Adjourn. To come up for further proceedings on 12.04.2018 before D.B.



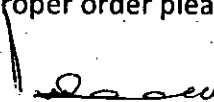


(Ahmad Hassan)
Member

(Muhammad Hamid Mughal)
Member

FORM OF ORDER SHEET

Court of _____

C.O.C Application No. 47/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	14/02/2018 14/02/18	<p style="text-align: center;">The C.O.C application of Mr. Muhammad Amin submitted today by Mr. Shahid Mehmood Khan Advocate, may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	15/02/18. 26.02.2018	<p style="text-align: center;">This C.O.C application be put up before S. Bench on <u>26/02/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: center;">Counsel for the petitioner and Addl: AG for respondents present. Notices be issued to the respondents for submission of reply on COC application. To come up for further proceedings on 15.03.2018 before S.B.</p> <p style="text-align: right;"> (Ahmad Hassan) Member (E)</p>

(1)

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

COC Application No. 47/2018

For contempt of Court.

In S.A No. 1400/2017

Muhammad Amin s/o Said Nawab Presently DDEO Tor Ghar.

Petitioner.

Versus

- 1. Aftab Ahmad District Accounts Officer, District Shangla.**
- 2. Hussain Gul, Treasury Officer, District Accounts Office, District Shangla.(Respondents)**

Subject:

REPLY OF THE APPLICATION FOR INITIATING
COMTEMP OF COURT PROCEEDING AGAINST THE
RESPONDENTS U/S ¼ OF THE CONTEMPT OF COURT
ORDINANCE 2003 R/W ARTICLE 204 OF THE
CONSTITUION OF ISLAMIC REPUBLIC OFR PAKISTAN.

Respected fully Sheweth.,

The para wise reply of the application of the Appellant/petitioner is as under: -


- 1. Correct,** that the petitioner file Service Appeal No. 1400/2017 before the Hon'ble Court and date fixed on 03.01.2018 but this office not received any summon/notice for attendance on 03.01.2018. This office received the notice of the Hon'ble Court, for attendance on 18.01.2018 (Copy enclosed) Annexure-A.
- 2. Incorrect.** This office has already transferred his GP Fund balance, vide this office credit memo authority No. 1405-5 dated 13.02.2018, his service documents i.e. Personal File, Service Statement and LPC transferred to DAO Torghar vide this office letter No. 1415-16 dated 12.02.2018. Copies of the letters are attached as Annexure-C, D & E). As far as the amount of arrear is concerned the official has never submitted source or claim before this office through DEO (M) Shangla because the officer concerned remained in the Audit Jurisdiction of DEO (M) Shangla. Furthermore, it is submitted that there is no clear order of the Hon'ble Court for the return of arrear amount.

3. **Incorrect.** The officer concerned has submitted only one application on 31.01.2018 for the transfer of G.P Fund and L.P. C which has been acted upon accordingly. The reply is fully detailed in Para 2. *(Annexure E)*
4. **Incorrect.** The Court order has been complied in letter and spirit.
5. **Incorrect.** The G.P Fund balance and service record has been sent to the concerned office, however petitioner has submitted Source for arrears on the same date i.e. 31.01.2018 for arrear amount of Rs. 78000/- but this office returned the same with verbal request to the Appellant to forward the claim/source through proper channel i.e. by DEO, Shangla, but till date, arrear claim has not been submitted by DEO (M), Shangla. However, this Office issued a letter to District Education Officer Male, Shangla for revised LPC etc on 12.02.2018 vide letter No. 1417-18 dated 12.02.2018 for requesting him to resolve the issue being a Court matter. But the concerned office not reply the said letter. The letter is annexed as annexure "F".
6. **Incorrect.** The respondents have not violated the Court order at all. Hence they have not committed the Contempt of Court.

PRAYER:

It is, therefore, humbly prayed that respondents Mr. Aftab Ahmad, DAO, Shangla and Mr. Hussain Gul, ATO may be exonerated from Contempt of Court proceedings and the petition may kindly be dismissed.


AFTAB AHMAD
DAO SHANGLA.


HUSSAIN GUL
ATO SHANGLA.



Office of the
District Accounts Officer

Shangla, Khyber Pakhtunkhwa
Ph # 0996-850773 Fax: 0996-850120

4

NO GPFUND / DAO-SH / Outward/ 20-20 1404-05

Dated 13/02/2018

To the District Accounts Officer Torghar

Ledger/Volume: Edu 21

Page: 03

Subject: TRANSFER OF GPFUND IN RESPECT OF Muhammad-Amin
S/O _____ UNDER GPFUND ACCOUNT
NO. IV/Edu/Sw/15964/155 PERSONAL No. 206399

Memo:- Reference your letter no. _____ dated 31/01/2018 on the subject noted above.

A sum of Rs. 805264/- (Rupees Eight Lac, Five thousand, two hundred & Sixty four only)
Standing at the Credit of the subscriber up to 8/2017 is transferred to your office for adjustment against his
GPFUND Account No. IV/Edu/Sw/15964/155 in the Account for 3/2018.
The amount is transferred finally interest has been allowed up to 6/2017.

Credit		Rate	Month	Amount
From	To			
		Balance as on 30.06.2017 = 796322/-		
<u>7/2017</u>	<u>8/2017</u>	<u>Rs 4471/pm</u>	<u>02 months</u>	<u>8942/-</u>
			<u>Total Rs =</u>	<u>805264/-</u>
TOTAL				<u>805264/-</u>

Copy forwarded to Muhammad-Amin Dy, DEO Torghar for information with
reference to his letter no. _____ dated _____

o/c
District Accounts Officer
Shangla

o/c
District Accounts Officer
SHANGLA

o/c
District Accounts Officer
Shangla



LAST PAYMENT CERTIFICATE
OFFICE OF THE
DISTRICT ACCOUNTS OFFICER
SHANGLA AT ALPURI

AL-4
P#178 (5)

No. GAD/DAO-SHI/1240 Date 27/12/07 Issuing office District Accounts Officer Shangla

To The District Accounts Officer
Ferozshah

1. Name Muhammad Amin Personal No. 206399
Designation Dy. DDO Office of DDO(M) Shingla at Alpuri
Proceeding on Transfer to Peshawar Ferozshah
Made over charge on 31-08-2017 (AN)

2. Paid in BPS - 18 upto and for 31-08-2017 at the following rate:

Pay	PP	Allowances													Total	
		HRA	INCEN	CA	Riska	UAA	Spl.RA	MA	AR-10	AR-13	AR-15	FDA	AR-16	CRA		
61310		3873		5000		2000		3095		1675	1136		5109		6131	358932 1/2

G.P.Fund		B/F	GI	Income Tax		Any other deductions					Total
GPF Subscr	P.F. Plan			15% Surcharge	I-Tax	AGI	EEF	MCA	HBA	P.W.Fund	
4471	26000	800		3892		250				1350	36769 1/2

- The amount of income tax recovered from the beginning of the financial year to date Rs. _____
- Any arrear of pay taken into /to be taken into account for calculation of income tax _____
- Overpayment of pay & allowances _____

Service Statement

Prior _____ the officer concerned was under the audit jurisdiction of _____

Station	Date	Pay	PP	HRA	SAA	SRA	INCEN	UAA	CA	MA	AR09	AR10	AR11	AR12	AR13	AR14	AR15	AR16	Total	
Shangla																				
Shangla	<u>Note: @</u>	<u>LPC stopped w/e DDO(M) Shingla letter No. 3421 DA/31/12/2016</u> <u>and Reversed w/e DDO(M) Shingla letter No. 7780</u> <u>Dated 1/12/2017</u> <u>P/File + Service Stalk will be issued later on as</u> <u>to when ROP decided.</u> <u>Paid upto 31/8/2017</u>																		

- Note 1. Availed no regular leave during stay at this station.
2. No long term advances against him.
3. S. Fund section local to transfer his GP Fund to AG KP Peshawar

District Accounts Officer
SHANGLA at Alpuri
27/12

6

S#:1 Tor Ghar
 Pers #: 00206399 Buckle: 87
 Name: MUHAMMAD AMIN
 DEPUTY DISTRICT EDUCATION
 CNIC No. 1560205082575
 GPF Interest Applied
 18 Active Permanent

P Sec:001 Month:January 2018
 TG6005 -District Education Officer
 DISTRICT EDUCATION OFFICE
 NTN:
 GPF #: EDUSW015964
 Old #:

TG6005

PAYS AND ALLOWANCES:		
0001-Basic Pay		61,310.00
1000-House Rent Allowance		3,873.00
1925-UAA-OTHER 20% (17-22)		2,000.00
1947-Medical Allow 15% (16-22)		3,095.00
2148-15% Adhoc Relief All-2013		1,675.00
2199-Adhoc Relief Allow @10%		1,136.00
2211-Adhoc Relief All 2016 10%		5,109.00
2224-Adhoc Relief All 2017 10%		6,131.00
5002-Adjustment House Rent		7,746.00
Gross Pay and Allowances		265,857.00
DEDUCTIONS:		
IT Payable 23,678.95 Deducted 22,912.00	TAX: (3609)	4,736.00
GPF Balance 741,964.00	Subrc:	5,360.00
3501-Benevolent Fund		800.00
3990-Emp.Edu. Fund KPK		250.00
4004-R. Benefits & Death Comp:		3,226.00
6001-Adj Benevolent Fund		1,600.00
6011-Income Tax		3,609.00
6075-Adj GPF		10,720.00
6217-Adj R. Ben & Death Comp:		6,452.00
Total Deductions		36,753.00
		229,104.00

D.O.B
 07.02.1970
 20 Years 00 Months 018 Days

LFP Quota:
 UNITED BANK LIMITED UBL BANK SQUARE MING
 CA 6423-9

Amir
Amir
 District Accounts Officer
 SHANGLA.

S#:2 Tor Ghar
 Pers #: 00206399 Buckle: 87
 Name: MUHAMMAD AMIN
 DEPUTY DISTRICT EDUCATION
 CNIC No. 1560205082575
 GPF Interest Applied
 18 Active Permanent

~~P Sec:001 Month:January 2018~~
~~TG6005 -District Education Officer~~
 DISTRICT EDUCATION OFFICE
 NTN:
 GPF #: EDUSW015964
 Old #:

TG6005

PAYS AND ALLOWANCES:		
5011-Adj Conveyance Allowance		10,000.00
5012-Adjustment Medical All		6,190.00
5309-Adj. 15% Adhoc Allowance		3,350.00
5887-Adj Unatract Area Allow		4,000.00
5964-Adj Adhoc Relief All 2015		2,272.00
5975-Adj Adhoc Relief All 2016		10,218.00
5990-Adj Adhoc Relief All 2017		12,262.00
5801-Adj Basic Pay		125,490.00
Gross Pay and Allowances		265,857.00
DEDUCTIONS:		
IT Payable 23,678.95 Deducted 22,912.00		
GPF Balance 741,964.00	Subrc:	
Total Deductions		36,753.00
		229,104.00

D.O.B
 07.02.1970
 20 Years 00 Months 018 Days

LFP Quota:
 UNITED BANK LIMITED UBL BANK SQUARE MING
 CA 6423-9

7

Tor Ghar

S#:1

P Sec:001 Month:February 2018
TG6005 -District Education Officer
DISTRICT EDUCATION OFFICE

Pers #: 00206399 Buckle: 87
Name: MUHAMMAD AMIN
DEPUTY DISTRICT EDUCATION
CNIC No.1560205082575
GPF Interest Applied
18 Active Permanent

NTN:
GPF #: EDUSW015964
Old #:

TG6005 -

PAYS AND ALLOWANCES:

0001-Basic Pay	64,180.00
1000-House Rent Allowance	3,873.00
1925-UAA-OTHER 20% (17-22)	2,000.00
1947-Medical Allow 15% (16-22)	3,095.00
2148-15% Adhoc Relief All-2013	1,675.00
2199-Adhoc Relief Allow @10%	1,136.00
2211-Adhoc Relief All 2016 10%	5,109.00
2224-Adhoc Relief All 2017 10%	6,418.00
5801-Adj Basic Pay	13,157.00
Gross Pay and Allowances	100,643.00

DEDUCTIONS:

IT Payable 18,371.12 Deducted 27,505.00	TAX: (3609) 4,593.00
GPF Balance 747,324.00	Subrc: 5,360.00
3501-Benevolent Fund	800.00
3990-Emp. Edu. Fund KPK	250.00
4004-R. Benefits & Death Comp:	3,226.00

Total Deductions

14,229.00

86,414.00

D.O.B 07.02.1970
20 Years 01 Months 015 Days

LFP Quota:
UNITED BANK LIMITED UBL BANK SQUARE MING
CA 6423-9

Handwritten signature
District Accounts Officer
SHANGLA

8



Office of the
District Accounts Officer
Shangla at Alpuri

No. DAO/SH/P.R Education/Application M. Amin

11415-16

Dated: 12/02/2018

To

The District Accounts Officer,
Torghar

SUBJECT: PERSONAL FILE, SERVICE STATEMENT IN RESPECT OF MR. MUHAMMAD AMIN DY DEO (M) TORGHAR

Memo: Kindly refer to an application dated 15/01/2018 (received in this office on 31/01/2018) on the subject noted above.

(127x2)

The original Personal File containing ___ pages along with service statement is sent herewith for your office record. LPC has already been issued bby this office vide No. GAD/DAO/SH/1240 dated 27/12/2017. Revised LPC will be issued as and when proper clarification is received from DEO (M) Shangla.

o/c

DISTRICT ACCOUNTS OFFICER
SHANGLA

Copy of the above is forwarded to Mr. Muhammad Amin Dy DOE (M) Torghar for information please.

o/c

DISTRICT ACCOUNTS OFFICER
SHANGLA

Handwritten signatures and stamps:
District Accounts Officer
SHANGLA

9

ATM-25

(See Para 101 Audit Manual)

DY DPO (M)

BPL-18

H-00077

Statement of Service of S

Joined

Arrived

Born

Station	Substantive appointment	Date	Officiating appointment	Date	Monthly Pay		Remarks
					Pay	Officiating and other Pay	
	<u>Genl. Shrivastava</u>	<u>16/10/41</u>	<u>16/10/41</u>	<u>16/10/41</u>	<u>2000</u>	<u>2000</u>	<u>DY DPO (M)</u>
	<u>BPL-18</u>	<u>10/11/41</u>	<u>10/11/41</u>	<u>10/11/41</u>	<u>2000</u>	<u>2000</u>	<u>DY DPO (M)</u>
<u>Periods</u>	<u>10/11/41</u>	<u>10/11/41</u>	<u>10/11/41</u>	<u>10/11/41</u>	<u>2000</u>	<u>2000</u>	<u>2000</u>
<u>19/5/41</u>	<u>3800</u>	<u>3871</u>	<u>5000</u>	<u>5000</u>	<u>2476</u>	<u>2476</u>	<u>3800</u>
<u>6/7/41</u>	<u>3800</u>	<u>3871</u>	<u>5000</u>	<u>5000</u>	<u>2476</u>	<u>2476</u>	<u>3800</u>
<u>11/7/41</u>	<u>3800</u>	<u>3871</u>	<u>5000</u>	<u>5000</u>	<u>2476</u>	<u>2476</u>	<u>3800</u>
<u>11/7/41</u>	<u>4480</u>	<u>4571</u>	<u>5000</u>	<u>5000</u>	<u>2476</u>	<u>2476</u>	<u>4480</u>
<u>11/7/41</u>	<u>4800</u>	<u>4871</u>	<u>5000</u>	<u>5000</u>	<u>2476</u>	<u>2476</u>	<u>4800</u>
<u>11/7/41</u>	<u>5500</u>	<u>5571</u>	<u>5000</u>	<u>5000</u>	<u>2476</u>	<u>2476</u>	<u>5500</u>
<u>11/7/41</u>	<u>5800</u>	<u>5871</u>	<u>5000</u>	<u>5000</u>	<u>2476</u>	<u>2476</u>	<u>5800</u>
<u>11/7/41</u>	<u>6100</u>	<u>6171</u>	<u>5000</u>	<u>5000</u>	<u>2476</u>	<u>2476</u>	<u>6100</u>
<u>11/7/41</u>	<u>6400</u>	<u>6471</u>	<u>5000</u>	<u>5000</u>	<u>2476</u>	<u>2476</u>	<u>6400</u>
<u>11/7/41</u>	<u>6700</u>	<u>6771</u>	<u>5000</u>	<u>5000</u>	<u>2476</u>	<u>2476</u>	<u>6700</u>
<u>11/7/41</u>	<u>7000</u>	<u>7071</u>	<u>5000</u>	<u>5000</u>	<u>2476</u>	<u>2476</u>	<u>7000</u>
	<u>Transferred to DPO in charge</u>	<u>10/11/41</u>	<u>10/11/41</u>	<u>10/11/41</u>	<u>2476</u>	<u>2476</u>	<u>2476</u>
	<u>Divided into regular line</u>	<u>10/11/41</u>	<u>10/11/41</u>	<u>10/11/41</u>	<u>2476</u>	<u>2476</u>	<u>2476</u>
	<u>Handed over charge of the post</u>	<u>10/11/41</u>	<u>10/11/41</u>	<u>10/11/41</u>	<u>2476</u>	<u>2476</u>	<u>2476</u>

MAJ
MAJ
District Accounts Officer
SHANGLA

District Accounts Officer
SHANGLA

18

To

The District Accounts Officer,
Shangla.

Subject: Application for Revised LPC, Service Documents, Transfer of GP Fund and Arrear Claim under the Honourable Directions of KPK Service Tribunal Peshawar.


Respected Sir,

With due regards it is humbly stated that:

1. I have been serving as DDEO at District Shangla wef 29-5-2014 to 31-8-2017.
2. I had been imposed a penalty of stoppage of three annual increments and recovery of Rs. 78000/- Vide Notification No. SO(S/M) E&SED/4-26/2016, Dated 4-7-2017, vide which you have deducted my three increments and Rs. 52000/- during July and August 2017.
3. I was appointed as DDEO Tor Ghar vide notification no SO(S/M)E&SED/2-1/2017/Placement Committee Dy.DEOs, dated, 23-8-2017 vide which you have issued me LPC under imposed penalty.
4. The applicant knocked the door of justice against the impugned notification and the honourable Service Tribunal Peshawar has suspended the operation of impugned notification on 3-01-2018. (Order Sheet Attached)

Therefore your honour is hereby requested to issue me the revised LPC, send my service documents and GP fund to DAO Tor Ghar and pay me back the deducted amount of Rs. 70942/- as per the attached bill, in the light of the court decision, please.

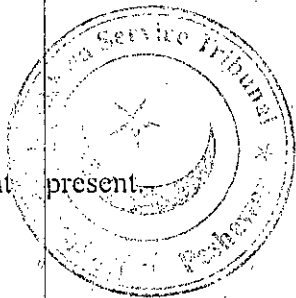
Yours Faithfully,


 Muhammad Amin,
 Dy. DEO (M) Tor Ghar,
 Personal No. 00206399

Dated: January 15, 2018.

Ato.
30%
1 Rsn
Some bill not found attached.
Lpc has already been issued
Expenses will be transferred
in this month. However
payment of ROP and adjust
of increment will be allowed
after proper classification of
Dept. & D.D.O. pl
SHANGLA.

11



03.01.2018

Learned counsel for the appellant present.

Preliminary arguments heard and case file perused.

Learned counsel for the appellant argued that the appellant was posted as DDEO Shangla on 29.05.2014. That the appellant has served the Education Department with full devotion and has unblemished service record. That on 18.04.2016 the respondent No.6 directed the appellant to hand over his official vehicle to DEO (F) which was officially allotted to appellant for the supervision of more than 500 far flung schools in the District concerned. That at that time the appellant was incharge of the office, as the DEO was on a long tour. That the appellant made a request to District Nazim through proper channel for optimum use of the vehicle in response to the order of the respondent no.6. That the District Nazim accepted the request of the appellant as it was just legal and in accordance with codal formalities. That when respondent no.3 came back, the appellant got fresh approval for correspondence in respect of the official vehicle with District Nazim through respondent No.6. That on 04.07.2017, on the basis of a defective inquiry the appellant was awarded minor penalty of stoppage of three annual increments for three year and recovery of Rs. 78000/-. That the appellant filed a departmental appeal on 08.07.2017 which was rejected by the competent authority on 26.10.2017 without any cogent reason. That neither proper enquiry under the rules was held, nor was the appellant afforded any opportunity of cross examination or self-defense.

Points raised need consideration. Admitted for regular hearing subject to all legal objections including limitation. The appellant is also directed to deposit security and process fee within (10) days, whereafter notice be issued to the respondents department for written reply/comments on 18.01.2018 before S.B. In the meanwhile operation of the impugned order dated 04.07.2017 is suspended till the date fixed.

Appellant Deposited Security & Process Fee

(Gul Zeb Khan)
Member (Executive)

Date of Payment

Number of

Copying

Amount

Name of

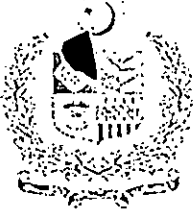
Address of

Signature of

Date of

11-1-18
800
2
11-1-18
11-1-18

Certified true copy
Signature
Peshawar



(12)

Office of the
District Accounts Officer
Shangla at Alpuri

No. DAO/SH/P.R Education/Application M. Amin

11417-18

Dated: 12/02/2018

To

The District Education Officer (M)

Shangla

SUBJECT: APPLICATION FOR REVISED LPC, SERVICE DOCUMENTS, TRANSFER OF GP FUND AND ARREAR CLAIM UNDER THE HONORABLE DIRECTIVES OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Memo:

Kindly refer to an application dated 15/01/2018 on the subject noted above. (Copy enclosed for ready reference). *sent to this office on 11/1/18*

The above named officer has requested this office for revised LPC and repayment of deducted amount Rs. 78,000/- and Rs. 52,000/-, which was deducted vide Secretary to Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Department, Notification No. SO (SM)E&SED/4-26/2016/Muhammad Amin DDEO (M)Shangla dated 04/07/2017 and your office letter No. 3024 dated 29/08/2017. Now in light of the Court Order Sheet dated 03/01/2018, the issue may be decided and action taken may be intimated enabling this office to proceed further in the matter accordingly.

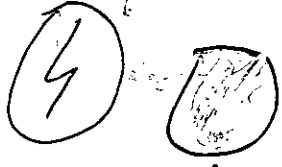
Being Court Case the issue may be solved on top priority.

o/c
DISTRICT ACCOUNTS OFFICER
SHANGLA

Copy of the above is forwarded to Mr. Muhammad Amin Dy DOE (M)
Torghar for information please.

o/c
DISTRICT ACCOUNTS OFFICER
SHANGLA

A. Amin
M. Amin
District Accounts Officer
SHANGLA



03.01.2018

Learned counsel for the appellant present.
Preliminary arguments heard and case file perused.

Learned counsel for the appellant argued that the appellant was posted as DDEO Shangla on 29.05.2014. That the appellant has served the Education Department with full devotion and has unblemished service record. That on 18.04.2016 the respondent No.6 directed the appellant to hand over his official vehicle to DEO (F) which was officially allotted to appellant for the supervision of more than 500 far flung schools in the District concerned. That at that time the appellant was incharge of the office, as the DEO was on a long tour. That the appellant made a request to District Nazim through proper channel for optimum use of the vehicle in response to the order of the respondent no.6. That the District Nazim accepted the request of the appellant as it was just legal and in accordance with codal formalities. That when respondent no.3 came back, the appellant got fresh approval for correspondence in respect of the official vehicle with District Nazim through respondent No.6. That on 04.07.2017, on the basis of a defective inquiry the appellant was awarded minor penalty of stoppage of three annual increments for three year and recovery of Rs. 78000/-. That the appellant filed a departmental appeal on 08.07.2017 which was rejected by the competent authority on 26.10.2017 without any cogent reason. That neither proper enquiry under the rules was held, nor was the appellant afforded any opportunity of cross examination or self-defense.

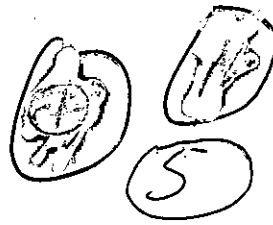
Points raised need consideration. Admitted for regular hearing subject to all legal objections including limitation. The appellant is also directed to deposit security and process fee within (10) days, whereafter notice be issued to the respondents department for written reply/comments on 18.01.2018 before S.B. In the meanwhile operation of the impugned order dated 04.07.2017 is suspended till the date fixed.

Appellant Deposited Security & Process Fee

(Gul Zeb Khan)
Member (Executive)

Date of Presentation of Application 11-1-18
Number of Words 800
Copying Fee 600
Urgent 2
Total 1200
Name of Copyist [Signature]
Date of Completion of Court 11-1-18
Date of Delivery of Court 11-1-18

Certified to be true copy
Khyber Pakhtunkhwa Service Tribunal, Peshawar



IN THE COURT OF SERVICE TRIBUNAL KPK,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1388

Dated 06-12-2017

Service Appeal No. 1400 /2017

Muhammad Amin S/o Said Nawab Presently DDEO Tor
Ghar **Appellant**

VS

1. Govt of KPK through Chief Secretary Civil Secretariat Peshawar
2. Govt of KPK through Secretary Elementary and Secondary Education Civil Secretariat Peshawar
3. Director Elementary and Secondary Education G.T Road Peshawar
4. District Education Officer (Male) Elementary and Secondary Education District Shangla at Alpuri
5. District Accounts Officer District Shangla at Alpuri
6. Deputy Commissioner Shangla..... **Respondents**

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974**

**AGAINST THE IMPUGNED ORDER
NO.SO(S/M)E&SED/4-26/2016 DATED
04.07.2017 WHEREBY THE RESPONDENTS
HAVE IMPOSED A PENALTY OF WITH HOLDING
THREE INCREMENTS FOR THREE YEARS AND
RECOVERY OF AMOUNT RS.78,000/- and have
stopped the salary of the appellant WITHOUT
ANY LAWFUL AND LEGAL JUSTIFICATION.**

Filed to-day
Registrar
6/12/17

submitted to -day
filed.
Registrar
20/12/17

ATTESTED
Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

PRAYER IN APPEAL:-

On acceptance of this appeal the impugned order
No. **NO.SO(S/M)E&SED/4-26/2016** DATED

26

04.07.2017 may kindly be set aside and the appellant may kindly be exonerated from the charges/penalty imposed by the respondents and the salary of the appellant may kindly be released with back benefits.

Any other relief which deems fit by this hon'ble Court may also be granted in the best interest of justice.

Respectfully Sheweth:-

1. That the appellant was posted as DDEO Shangla on 29.05.2014.
2. That the appellant has unblemished service record and he has served the Education Department honestly and with full devotion.
3. That on dated 18.04.2016 the respondent No.6 directed the appellant to hand over to DEO (F) a single official vehicle which was allotted to appellant for the supervision of more than 500 for flanged schools which are situated in the hilly and mountainous areas of District Shangla, moreover the DEO (F) had already four official vehicles. **(Copy of the order is attached as Annexure "A")**.
4. That at that time the appellant was incharge of the office because the DEO was on a long tour, the appellant made a request to District Nazim through proper channel i.e through respondent No.6 for optimum use of the vehicle in response to the order of the respondent No.6. **(Copy of the Request/Application is attached as Annexure "B")**.

ATTESTED

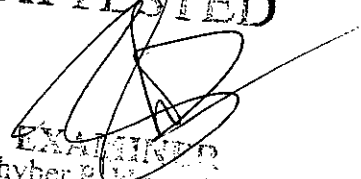
That the District Nazim being a Chief Executive of the logistics in the District accepted the request of

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

the appellant as it was just legal and after following all the legal and codal formalities and the District Nazim allotted the vehicle back to the appellant. **(Copy of the allotment order is attached as Annexure "C")**.

6. That the appellant had taken the respondent No.3 into confidence and had taken his approval/permission regarding the correspondence with District Nazim through Respondent No.6 telephonically as he was on official tour.
7. That when respondent No.3 arrived and assume the charge the appellant once again took his approval for correspondence in respect of the official vehicle with District Nazim through Respondent No.6. it is pertinent to mention here that respondent No.3 showed full satisfaction and did not make any report nor he called any explanation from the appellant regarding the correspondence.
8. That during the course of his duty the appellant was appointed as District Focal Person for the collection and distribution of free text books the appellant signed the responsibility to a team consisting of ADEO (Sports), ASDEOs and some teachers the task was successfully accomplished for the session 2015. **(Copy of order for assigning duties is attached as Annexure "D")**.
9. That on 28.03.2016 the appellant was on inspection duty by BISE Swat at GHS Barikot Swat, the appellant received telephonic information from the concern ASDEOs that trucks loaded with books are standing on road side near GHSS kotkay Shangla as on that day it was heavy raining followed by flood and sliding on road and it was apprehended that the books are going to be damaged/lost.
10. That in order to save the books from losses and damaged the appellant constituted a committee telephonically which was later on notified consisting of two headmasters and two ASDEOs to manage the

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

4 8

emergency situation. **(Copy of notification/order is attached as Annexure "E")**.

11. That on the same day i.e 28.03.2016 appellant by himself visited the site i.e GHS Kotkay in afternoon and received the report of the committee. **(Copy of the report is attached as Annexure "F")**.
12. That being as focal person the appellant passed/approved the recommendations of the committee in which it was held that the contract for proper arrangement and placement of books was assigned to one Mr Khurshid Ali and his co-workers.
13. That it is pertinent to mention here that it was in emergency situation and late hours time the heads of schools were requested by the committee to spend some amount from the Government PTC funds in order to meet the financial expenditure for the distribution of books and adjust the spent amount with other logistic expenditures.
14. That on dated 13.05.2016 on the instance of MPA of PK-88 an inquiry was conducted by DEO Dir Lower Hafiz Ibrahim followed by another inquiry which was conducted by DEO Dir Upper on 19.08.2016 on the same case in which it was recommended that the appellant be transferred but by passing the recommendations the appellant was processed under E&D Rule 2011 on the basis of prior inquiry.
15. That the inquiry conducted by DEO Dir Upper on dated 19.08.2016 was a detailed and comprehensive inquiry in which the appellant has been exonerated of the charges but which was ignored and the appellant was made a scape goat in the political legs pulling between the District Nazim and the MPA of PK-88. **(Copy of inquiry report is attached as Annexure "G")**.
16. That it is pertinent to mention here that two separate inquiries have been conducted against the appellant for the same cause in a short time of three months which has been replied by the

ATTESTED

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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appellant.(Copies of Statements/Replies are attached as annexure "H").


17. That on dated 02.02.2017 on the basis of inquiry the appellant was issued a show cause notice by the respondents in which it was tentatively decided to impose upon a minor penalty of **"Stoppage of three annual increments for three years and recovery of Rs.78000/- (Copy of show cause notice is attached as Annexure "I")**.
18. That on 14.02.2017 the appellant filed a detailed reply to the show cause notice issued to him. **(Copy of Reply is attached as Annexure "J")**.
19. That finally on dated 04.07.2017 the respondents imposed the desired penalty upon the appellant. **(Copy of notification/order is attached as Annexure "K")**.
20. That feeling aggrieved from the order dated 04.07.2017 the appellant filed a Departmental Representation/Appeal which was rejected by the competent authority.**(Copy of Departmental appeal and the order are attached as Annexure "L")**
21. That feeling aggrieved of the order dated 04.07.2017 the appellant approaches this Hon'ble Tribunal inter alia on the following grounds.

GROUND:-

- A. That the order dated 04.07.2017 is illegal, unlawful, malafide and perverse hence not tenable in the eyes of law.
- B. That two separate inquiries have been conducted for the same cause in a short time of three months against the appellant which is clear cut violation of Article 13 of the constitution of Islamic Republic of Pakistan.

- C. That following the findings of prior inquiry by the respondents and ignoring the later inquiry in which the appellant has been exonerated by


ATTESTED


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

the inquiry officer is sheer disregard of the E&D Rules and the constitution.

- D. That the Distribution of books which is the main cause for conducting inquiry against the appellant was joint responsibility of all ASDEOs, ADEOs (Sports) and his team and the appellant was also not present at the spot but the penalty imposed and recommended only for appellant is the violation of his fundamental rights guaranteed by the constitution under Article 24 of the constitution.
- E. That the evidence/documents produced by the appellant before the inquiry committee has totally been ignored without any lawful justification.
- F. That the order dated 04.07.2017 is illegal against the law, facts and natural justice.
- G. That the inquiry conducted against he appellant is biased, malafide and on the instance of political pressure which should be declared as such.
- H. That no action has ever been initiated by the District Nazim who is the Chief Executive of District on the correspondence regarding the vehicle.
- I. That the appellant has not been properly heard nor he has been given any inquiry reports and the evidence is on the basis of which the penalty has been imposed on the appellant which is the violation of Article 19-A of the constitution of Islamic Republic of Pakistan 1973.
- J. That the amount which was spend for the distribution of books from government PTC fund was for a public cause and public interest.

ATTESTED



E. U. ...
 Khayber Pakhtunkhwa
 Service Tribunal,
 Peshawar

K. That stoppage of monthly salary of the appellant by the respondents is illegal, unlawful and violation of the fundamental rights of the appellant and his dependents.

L. That the appellant seeks the permission of this Hon'ble Court to produce and file further documents during the pendency of this appeal with the kind permission of this Hon'ble Tribunal.

M. That any other grounds will be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned order dated 04.07.2017 may kindly be set aside and the appellant may kindly be exonerated of the charges leveled against him.

Any other relief which has not specifically been asked for and which is just and seems fit by this Hon'ble Tribunal may also be granted.

INTERIM RELIEF:-

By way of interim relief this August Tribunal may kindly suspend the operation of the impugned order dated 04.07.2017. Moreover the respondents may kindly be directed to issue LPC to the appellant and the monthly salary of the appellant may kindly be released/activated at new station i.e District Tor Ghar.

[Signature]

Appellant

Through

[Signature]

Shahid Mehmood Khan
Advocate, High Court
Peshawar
Cell#0333-9306491

Dated:- 06.12.2017

ATTESTED

[Signature]
JUDGE
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

① 12

IN THE COURT OF SERVICE TRIBUNAL KPK,
PESHAWAR

Service Appeal No. _____/2017

Muhammad Amin S/O Said Nawab Presently DDEO Tor Ghar**Appellant**

VS

Govt of KPK through Chief Secretary Civil Secretariat Peshawar and others.....**Respondents**

AFFIDAVIT:-

I, Muhammad Amin S /O Said Nawab Presently DDEO Tor Ghar, do hereby solemnly affirm and declare on oath that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by:-

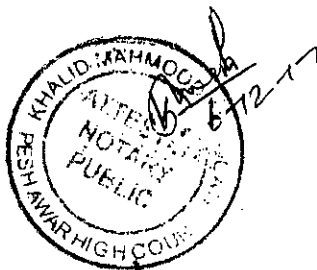
DEPONENT

CNIC#15602-0508257-5

Shahid Mehmood Khan

Advocate, High Court

Peshawar



Certified to be true copy

EX-11
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 11-1-18
Number of Words 3200
Copying Fee 1800
Urgent ✓
Total 3000
Name of Copyist [Signature]
Date of Completion of Copy 11-1-18
Date of Delivery of Copy 11-1-18

13

The District Accounts Officer,
Shangla.

Subject: Application for Revised LPC, Service Documents, Transfer of GP Fund and Arrear Claim under the Honourable Directions of KPK Service Tribunal Peshawar.


Respected Sir,

With due regards it is humbly stated that:

1. I have been serving as DDEO at District Shangla wef 29-5-2014 to 31-8-2017.
2. I had been imposed a penalty of stoppage of three annual increments and recovery of Rs. 78000/- Vide Notification No. SO(S/M) E&SED/4-26/2016, Dated 4-7-2017, vide which you have deducted my three increments and Rs. 52000/- during July and August 2017.
3. I was appointed as DDEO Tor Ghar vide notification no SO(S/M)E&SED/2-1/2017/Placement Committee Dy.DEOs, dated, 23-8-2017 vide which you have issued me LPC under imposed penalty.
4. The applicant knocked the door of justice against the impugned notification and the honourable Service Tribunal Peshawar has suspended the operation of impugned notification on 3-01-2018.(Order Sheet Attached)

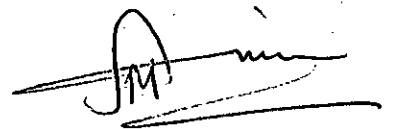
Therefore your honour is hereby requested to issue me the revised LPC, send my service documents and GP fund to DAO Tor Ghar and pay me back the deducted amount of Rs. 70942/- as per the attached bill, in the light of the court decision, please.

Yours Faithfully,


Muhammad Amin,
Dy. DEO (M) Tor Ghar.
Personal No. 00206399

Dated: January 15, 2018.

The application given to DAO on 15-1-18
and again on 31-1-18 by hand.


31-1-18.



OFFICE OF THE DISTRICT EDUCATION OFFICER (M) SHANGLA
LILOWNAI ROAD DISTRICT COMPLEX

CONTACT NO. (0996) 850639, 851108- Fax # 851108

13A

No. _____

Dated: ____/____/2017

To

**The District Accounts Officer
Shangla at Alpurai**

SUBJECT: ISSUANCE OF LPC TO MR. MUHAMAMD AMIN DDEO

Memo;

With reference to this office letter No.3241 dated 14-09-2017 on the subject cited above regarding the POL charges, Rs.125000/- and with reference to the clear cut directions of worthy Director Elementary and Secondary Education KPK Peshawar on the body of the application (Copy attached for ready reference) of the concerned officer, it is stated that an inquiry is under process for the mentioned amount and the amount will be recovered when and where decided by the competent authority.

So in the light of the directions of the Director E&SE and prevailing rules, you are hereby requested to issue the LPC of the concerned officer immediately please.

**District Education Officer (M)
District Shangla**

Endst. No. 777-80 Dated 11/12/2017

Copy of the above is forwarded for information to:

1. The Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa Peshawar.
3. Mr. Muhamamd Amin Dy. District Education Officer District Tor Ghar.
4. Office File.

**District Education Officer (M)
District Shangla**

LC

Before the Court of the Service Tribunal, Khyber Pakhtunkhwa, Peshawar.

Muhammad Amin Deputy District Education Officer Tor Ghar (Appellant)

Appeal NO. 1400/2017

Versus

Govt of KPK through Chief Secretary Civil Secretariat Peshawar and others.

(Respondents)

Subject: Submission of Reply to Charge Sheet and Justification for Honoraria to the Teachers Involved in Distribution of Books

Respectfully Sheweth,

As asked by this honorable court on, 20-6-2018, during arguments, my humble submission is as follows, please.

1. The charge sheet, statement of allegation and my reply to the inquiry team along with all enclosures and annexures is hereby produced as under, please.
 - a. Charge Sheet/ Statement of Allegations. (Annexure A)
 - b. Reply to the Inquiry Team. (Annexure B)
2. The awarding of honoraria to the teachers involved in the distribution of books wef 24-3-2016 to 7-4-2016 (15 days) was my discretionary competency as evident from my Job Description notified on the Website of Elementary & Secondary Education Khyber Pakhtunkhwa and being the Focal Person and In charge DEO, I have sanctioned the honoraria. (Annexure C, page 3)
3. The distribution of books was an extra and additional task given to the teachers, although they were in Spring Holidays and they were fully entitled for such honoraria.

The Appellant.

Through

Shahid Mehmood Khan,

Advocate.

Verification:

Verified that the comments provided are true and correct.

Date: 10-09-2018.



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

No .PA to AFS(B)/FD/1-7/16-17

Dated Peshawar the 10th October, 2016

(Annexure - A)
①

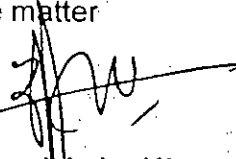
To

Mr. Mohammad Amin
Deputy District Education Officer (Male),
District Shangla.

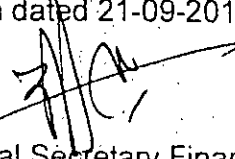
Subject: DIRECT CORRESPONDENCE.

Reference to this Department letter of even No. dated 26/09/2016 on the subject noted above Mr. Mohammad Amin Deputy District Education Officer (Male) District Shangla has stated that the subject notice has not received to me till date.

It is therefore, once again directed to submit report to the under signed before 14-10-2016 with all relevant record to proceed further in the matter


(Mohammad Asim Khattak)
Additional Secretary Finance
Finance Department.

Copy forwarded to Mr. Mohammad Mukhtiar, Principal GCMHS Timergara Dir Lower and to inform you to attend the office of Additional Secretary (B) on the above mentioned date, time and venue please as member of the inquiry vide E&SE Notification No. SO(S/M)E&SED/4-26/2016M. Amin DDEO Shangla dated 21-09-2016


Additional Secretary Finance
Finance Department



2

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

No .PA to AFS(B)/FD/1-7/16-17
Dated Peshawar the 10th October, 2016

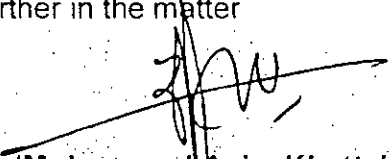
To

Mr. Mohammad Amin
Deputy District Education Officer (Male),
District Shangla.


Subject: DIRECT CORRESPONDENCE.

Reference to this Department letter of even No. dated 26/09/2016 on the subject noted above Mr. Mohammad Amin Deputy District Education Officer (Male) District Shangla has stated that the subject notice has not received to me till date.

It is therefore, once again directed to submit report to the under signed before 14-10-2016 with all relevant record to proceed further in the matter


(Mohammad Asim Khattak)
Additional Secretary Finance
Finance Department.

Copy forwarded to Mr. Mohammad Mukhtiar, Principal GCMHS Timergara Dir Lower and to inform you to attend the office of Additional Secretary (B) on the above mentioned date, time and venue please as member of the inquiry vide E&SE Notification No. SO(S/M)E&SED/4-26/2016M. Amin DDEO Shangla dated 21-09-2016


Additional Secretary Finance
Finance Department

3

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the September 21, 2016

REGISTERED



NOTIFICATION

NO.SO(S/M)E&SED/4-26/2016/M. Amin DDEO Shangla: The Competent Authority is pleased to constitute inquiry committee comprising the following officers to conduct formal inquiry against Mr. Muhammad Amin, Dy. District Education Officer Male (BS-18) Shangla for the charges mentioned against him in the Charge Sheet and Statement of Allegations with immediate effect.

- i. Mr. Muhammad Asim, (PA&AS BS-19), Additional Secretary, Finance Department.
- ii. Mr. Muhammad Mukhtiar, Principal (BS-19) GCMHS Timergara Dir Lower.

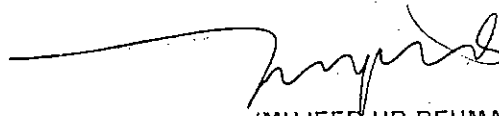
2. The inquiry committee shall submit report/recommendations to the Competent Authority within (30) days positively. (Copies of Charge Sheet & Statement of Allegations are enclosed).

SECRETARY

Endst: of even No. & Date :-

Copy forwarded to the:

1. Mr. Muhammad Asim, (PCS EG BS-19), Additional Secretary, Finance Department, (Copies of Charge Sheet & Statement of Allegations are enclosed).
2. Mr. Muhammad Mukhtiar, Principal (BS-19) GCMHS Timergara Dir Lower, (Copies of Charge Sheet & Statement of Allegations are enclosed).
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. Mr. Muhammad Amin, Dy. District Education Officer Male BS-18 Shangla, (Copies of Charge Sheet & Statement of Allegations are enclosed).
5. Sub Divisional Education Officer (Male), Shangla has been nominated as departmental representative to assist the inquiry committee (Copies of Charge Sheet & Statement of Allegations are enclosed).
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. Office order file.


(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS MALE)

4

CHARGE SHEET

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, hereby charge you, Mr. Muhammad Amin, Deputy District Education Officer (Male) BS-18 Shangla as follows:-

That you, while posted as Dy. District Education Officer Male (BS-18) District Shangla committed the following irregularities:

- i. "You have made direct correspondence with District Nazim Shangla through Dy. Commissioner and copies thereof have been forwarded to PA to Secretary E&SE, Director E&SE, Deputy Commissioner Shangla and National Accountability Bureau Peshawar without bringing the matter into the notice of your immediate boss i.e the DEO.
- ii. The DEO called your explanation about the collection of money for the distribution of free text books but you did not respond back.
- iii. You in the capacity of Focal Person for Free Text Books has issued verbal orders to your subordinates for the collection of Rs.2/- per student from primary schools and Rs.5/- per student from Middle, High and Higher Secondary Schools".

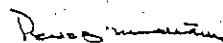
2- By reason of the above, you appear to be guilty of misconduct under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.

3- You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer/ inquiry committee, as the case may be.

4- Your written defence, if any, should reach the inquiry officer/ inquiry committee within specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

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

6- A Statement of Allegations is enclosed.


(PERVEZ KHATTAK)
CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Mr. Muhammad Amin, Deputy District Education Officer,
(Male) BS-18 Shangla.

3

DISCIPLINARY ACTION

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that Mr. Muhammad Amin, Deputy District Education Officer (Male) BS-18 Shangla has rendered herself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

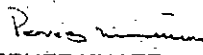
- i. "He has made direct correspondence with District Nazim Shangla through Dy. Commissioner and copies thereof have been forwarded to PA to Secretary E&SE, Director E&SE, Deputy Commissioner Shangla and National Accountability Bureau Peshawar without bringing the matter into the notice of his immediate boss i.e the DEO.
- ii. The DEO called his explanation about the collection of money for the distribution of free text books but he did not respond back.
- iii. He in the capacity of Focal Person for Free Text Books has issued verbal orders to his subordinates for the collection of Rs.2/- per student from primary schools and Rs.5/- per student from Middle, High and Higher Secondary Schools".

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

- i. Mr. Muhammad Asim Khattak (PA & AS BS-19)
AS. Finance
- ii. Mr. Muhammad Mukhtiar Principal (BS-18)
- iii. GCMS Time for Lower Dir

3- The inquiry officer/ inquiry committee shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4- The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/ inquiry committee.


(PERVEZ KHATTAK)
CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Mr. Muhammad Amin, Deputy District Education Officer,
(Male) BS-18 Shangla.

(Annexure - B)
①



OFFICE OF THE DEPUTY DISTRICT EDUCATION OFFICER (M)
ELEMENTARY & SECONDARY EDUCATION DISTRICT SHANGLA

Contact: 0996-850639 Email: emisshangla@yahoo.com

TO

1. The Muhammad Asim Sb, Additional Secretary Finance.
2. The Muhammad Mukhtiar Principal GCMHS Taimergara.

Subject: Statement of Muhammad Amin DDEO with Regard to Inquiry

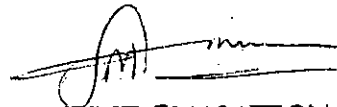
Respected Sir,

With reference to Secretary E&SE, KPK, Peshawar Notification NO. SO(S/M)E&SED/4-26/2016/M.Amin DDEO, Dated 21-9-2016 & your honorable letter No. PA to AFS (B)/FD/1-7/16-17 Dated Peshawar the 10th October, 2016 my parawise statement is as under.

1. i. I have not made direct correspondence with District Nazim Shangla vide 2783-87 dated 21-4-2016. As evident from the contents of the letter concerned it was in a response to an official order issued by the Deputy Commissioner Shanla bearing No. 174-77, dated 18-4-2016 in which the undersigned was ordered to hand over a single vehicle possessed by him within two days, followed by the repeated phone calls under the political pressure of the MPA concerned. (Annexure A & B).
- ii. This was only a request of the undersigned made through Deputy Commissioner to District Nazim to ensure optimum utilization of official vehicles. The District Nazim agreed and approved my request and cancelled the order No. 174-77, dated 18-4-2016 vide order No. 146/DN/SH Dated 26-5-2016 and has not taken any notice of the subject correspondence. (Annexure C).
- iii. The undersigned made correspondence in the capacity of District Education Officer (M) Shanla, being incharge of the office during the week and taking the DEO Sb in confidence by phone, as evident from the tour program of the concerned DEO. (Annexure D).
- iv. The high level interference of the MPA concerned is evident from his DO letters addressed to this office on certain occasions (Specimens submitted with preliminary enquiry). Furthermore if he can be asked for oath, then the matter can be clarified.

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- v. The undersigned has not made direct correspondence with higher authorities. The correspondence concerned was just a request to District Nazim for the optimum utilization of official vehicles made through Deputy Commissioner Shangla with copies just for information only.
2. The undersigned is the focal person of free text books in the district. The collection and distribution of free text books was assigned to ADEO (sports) and ASDEOs. In response to repercussions of collection of money from students, explanation was called from the undersigned by the DEO. The undersigned also called explanation of all concerned ASDEOs followed by another reminder on 14/5/2016 to be responded in least possible time. The detail report was received from the concerned ADEO (Sports) on 15-6-2016 and was shared with the DEO and he was taken into confidence in a joint meeting of ADEOs and he expressed full satisfaction over the process that is why he neither issued me any reminder nor reported department for any disciplinary action. The DEO was taken into confidence on each and every step and all the things have been rendered on his consent and directions. Another inquiry in this regard is under process by Muain ud Din DEO (M) Dir Upper. The details submitted to him are hereby annexed as well, please.
3. Being the Focal Person for the distribution of Free Text Books I have not issued any verbal or written orders to my subordinates, from my own, for the collection of money from the students. This is a clear blame only against me.
4. The DEO Saeed Khan is against me from the very beginning and all his statements and reports regarding me are based on malafide. It is evident from my relieving order issued by him on 30-9-2016 in which he openly violated the contents/ remarks of the Secretary order, directing me to hold the charge of my official duties till the charge relinquishing of S. No. 6. (Annexure E).
5. I request that I may please be heard in person.



DEPUTY DISTRICT EDUCATION OFFICER (M)

S H A N G L A

Date November 12th, 2016.

3



OFFICE OF THE
DISTRICT EDUCATION OFFICER (M)
SHANGLA

Phone: 0996850639

Fax: 0996851108

No. 2753 /

Dated 21/4 /2016.

To

The District Nazim,
Shangla.

Through: The Deputy Commissioner Shangla.

Subject: - NOTE FOR NAZIM ABOUT OPTIMUM USE OF OFFICIAL VEHICLE.

Respected Sir,

With reference to official order issued by the Deputy Commissioner Shagnla bearing No. 174-77/Steno/ADC/SH dated 18/04/2016 (Copy attached for ready reference), the following facts are hereby brought before your honourable notice for review, please.

1. Only one vehicle No. J-5282 Peshawar, double cabin is presently in the use of Deputy District Education Officer (M) for official and field duty of about 600 mountainous and far flung schools of the District, which was allotted to him by the Directorate Elementary and Secondary Education Peshawar vide No. 3985-87 dated 28/09/2015.
2. Purchase of another Vignor Vehicle for the concerned Dy: DEO is in process but that vehicle is not fit for the mountainous and far flung field duty of District Shangla.
3. On the other hand the Deputy District Education Officer (Female) (Incharge DEO (F) of grade 18 has presently Four (04) official vehicles, detail provided below:
 - I. One Vignor Car recently provided / purchased by the Provincial Govt.
 - II. One Photohar Jeep provided by the Directorate for mountainous use.
 - III. Another Photohar Jeep handed over by SDEO (F).
 - IV. One Hiace Wagon in her domestic use.
4. The position of 04 Govt. Vehicle by an officer of grade 18 just for supervision of about 150 schools (equal to number of only one Male ADEO Circle) and snatching of another 5th Govt. Vehicle is totally against the Rules and Regulations, injustice, Code of Ethics and Burden on Govt. Treasury, poor public and backward district.
5. The vehicle concerned, J 5285 Peshawar was donated by CORDAID Organization to DEO (M) which was in the use of Dy: DEO (F) before the allotment to Dy DEO (M) by the Director Elementary and Secondary Education KPK. The vehicle was handed over to Dy: DEO (M) in miserable condition. Even the tyres and battery were removed by the Dy: DEO (F) and has been repaired on about Rs. 02 Lac loan, the amount still to be paid.

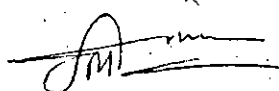
(Continued)

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6. Exalted Sir, It is a categorical fact that the snatching of vehicle from the officer concerned is a political interference of Mr. Abdul Munem MPA PK-88, who politically victimizes an honest, upright and devoted officer. Under the provisions of Local Govt. Act 2013 and Local Govt. Rules of Business 2015, the logistic and transport arrangement for District Officers is the sole authority and Powers of District Govt. But unfortunately the concerned MPA is interfering, disturbing and pressurising the affairs of District Govt in common and District Education Office in particular.

In the light of the factual circumstances mentioned above, the following recommendations are hereby submitted before your kind honour for approval, please.

- a) The office order of Deputy Commissioner No. 174-77/Steno/ADC/SH dated 18/04/2016 may kindly be reviewed and withdrawn.
- b) All the surplus vehicles in the possession and domestic use of Dy: District Education Officer (F) may kindly be withdrawn for optimum utilization of District Logistic and best public interest.
- c) Reference against Abdul Munem MPA may please be forwarded to all concerned forums and quarters including NAB, Provincial Govt. And Ministry of Local Govt. for corrective and disciplinary measures.

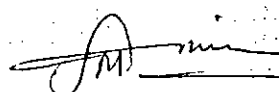

//c. DISTRICT EDUCATION OFFICER (M)
SHANGLA

Dated 21/4/2016.

Endst: No. 2784-871

Copies for information and necessary action forwarded to: -

1. The Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. PA to District Nazi, Shangla (Advance Copy).
3. The Deputy Commissioner Sahgnla.
4. PA to Secretary Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
5. National Accountability Bureau, Hayatabad Peshawar.


//c. DISTRICT EDUCATION OFFICER (M)
SHANGLA

OFFICE OF THE
 NAT. DEPUTY COMMISSIONER
 SHANGLA

Fax: 0996850911

Date: 12/14/2016

Official vehicle is hereby withdrawn and
 for-official duty in best public interest.

from	Allocated To
1. Education District Education Officer (f) Shangla	Shangla

Per report may be submitted to this office

[Signature]
 ADDITIONAL DEPUTY COMMISSIONER
 SHANGLA

- 1. Shangla for information please
- Officer (M) Shangla for information
- Officer (f) Shangla for information & necessary
- action Officer (M) Shangla for information and

[Signature]

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Phone: 0996850911
 No. 174-77 / Steno / Ho

OFFICE ORDER

The following officers noted

S. No	Type of Vehicle	W/O
1.	Double Cabin	Officer
	No. J5282-	
	Peshawar	
	Color: Blue	

The handing/rd within two days positively

End: No. & Date Even

Copy forwarded

- 1. The Deputy Comm
- 2. The District Edu
- 3. The District Edu
- 4. The Deputy Dist

necessary action
 necessary action
 necessary action

necessary action

6



OFFICE OF THE
NAZIM DISTRICT GOVERNMENT SHANGLA

Phone: 0996850176

Fax: 0996850177

No. 146 / DN/SH

Dated 26/05 /2016.

To

The Deputy Commissioner,
Shangla.

Subject: - OPTIMUM USE OF OFFICIAL VEHICLES.

Memo: -

With reference to the note submitted to the undersigned, by the District Education Officer (M) Shangla vide No. 2783, dated 21/04/2016 on the subject cited above., it is hereby directed that the official order bearing No. 174-77/Steno/ADC/SH dated 18/04/2016 may be withdrawn from the date of its issuance to ensure optimum utilization of official vehicles and good district governance.

NAZIM DISTRICT GOVERNMENT
SHANGLA.

Endst No. and Date Even.

Copies forwarded to: -

1. The District Education Officer (M) Shagnla.
2. The District Education Officer (Female) Sahngla
3. The Deputy District Education Officer (M) Shangla.

NAZIM DISTRICT GOVERNMENT
SHANGLA.

Travelling Fare

2000/38

Travel Allowance

493200

Daily Allowance

29/6/66 Rs. 13250/-
20/5/66 Rs. 1768750/-
Rs. 116270/-

Actual Expenses

Rs. _____

Other Allowances

Rs. 44350/-

Total Claim

Rs. _____

Less: Deductions

Permanent travelling allowance for _____ days

Travelling allowance advance

Other (Appropriations: if any)

Total Deductions (B)

Total payable/receivable (A-B)

Rs. 61800/-

FOR USE IN AUDIT/TREASURY OFFICE

Admitted Rs. _____

Objected Rs. _____

Reason of Objection

Signature of the Government Servant

Who travelled on this _____

Controlling Officer

Deputy Commissioner
Shangla

Assistant Accounts Office

CERTIFICATE

This is certified that the journey was performed in the interest

- I was not on casual leave.

- Certified I was provided a Govt. Pickup for the journey.

Certified that I was not provided govt residential facility.

- Halt for which daily allowance have been claimed were essential in public interest

Signature of the Government Servant who travelled

For DDO Office

Assistant Accountant General/
Accounts Officer

Total amount paid to the Government Servant who travelled

Balance

91104082

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OFFICE OF THE
DISTRICT EDUCATION OFFICER (M)
SHANGLA AT ALPURAI

0996-850655

FAX 851108

OFFICE ORDER/RELIEVING

Reference to the Secretary to Govt of Khyber Pakhtunkhwa E&S Education Department No. SO(S/M)E&SED/2-1/2016 Placement Committee 03/DDEO's (B-18) Dated 29-09-2016.

Mr. Muhammad Amin Deputy District Education Officer (M) Shangla has been transferred to District Education Office as DDEO Dera Ismail Khan. So he is hereby relieved from his official duties from DEO (M) Office Shangla with immediate effect i.e. before noon on 30-09-2016 in the best interest of public service.

Moreover he is hereby directed to take charge of his duty at his new station vide order noted above.

[Signature]
DISTRICT EDUCATION OFFICER (M)
SHANGLA

Endst: No. *2096-99* Dated *30/09/2016*

Copy for information to!

1. The Director Education Khyber Pakhtunkhwa Peshawar.
2. The Deputy Commissioner Shangla
3. The District Account Officer Shangla.
4. Mr. Muhammad Amin Deputy District Education Officer (M) Shangla (the officer concerned).

[Signature]
DISTRICT EDUCATION OFFICER (M)
SHANGLA

*DEO (M)
Please see the
remarks of the*

[Signature]
16



9

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar September 29, 2016.

NOTIFICATION

NO.SO(S/M)E&SED/2-1/2016/Placement Committee 03/DDEOs(BS.18):

Consequent upon the recommendations of the Placement Committee made in its meeting held on 01-09-2016. posting/transfers of the following Deputy District Education Officers/Deputy Director Male (BS-18) are hereby ordered on the posts/ stations as mentioned against their names in the interest of public service with immediate effect:

S.#	Name & Address	To be posted as	Recommendations
1.	Muhammad Amin BS-18 DEO (Male) Shangla (Management Cadre)	DDEO (M) BS-18 D.I.Khan	He will take charge after the relinquishment of charge by the incumbent at Sr.6
2.	Muhammad Idrees BS-18 DDEO (Male) Dir Upper (Management Cadre)	DDEO (M) BS-18, Karak	Vice S.No.3
3.	Muhammad Mehdi Shah BS-18 DDEO (Male) Karak (Management Cadre)	DDEO (M) BS-18 Dir. Upper	Vice S.No.2
4.	Dr. Iqbal Khan BS-18 DDEO (Male) Charsadda (Management Cadre)	Deputy Director in the Directorate	Against newly Created vacant post.
5.	Zahoor Khan BS-18 DDEO (Male) Bannu (Management Cadre)	DDEO (M) BS-18 Charsadda	Vice S.No.4
6.	Muhammad Ishfaq BS-18 DDEO (Male) DIK (Management Cadre)	Deputy Director in DCTE	He will take charge after the promotion of Mr. Muhammad Farooq Deputy Director DCTE Abbottabad.
7.	Hamid Ullah Jan HM BS-17 Ghunda Shamsaki, Karak Now promoted to BS-18	DDEO Male BS-18 Bannu	Vice Sr. No.5

SECRETARY

Endst: of even No. & Date

Copy forwarded to;

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar in response to the Placement Committee Meeting vide dated 01-09-2016.
3. District Education Officer (M), concerned.
4. District Account Officer, concerned.
5. PS to Minister E&SE Khyber Pakhtunkhwa.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. PA to Additional Secretary (Estab) E&SED, Khyber Pakhtunkhwa.
8. Incharge EMISE E&SE Department.
9. Officers concerned.
10. The orders can be downloaded from our website www.kpese.gov.pk
11. Office order file.



(10)

**OFFICE OF THE DISTRICT EDUCATION OFFICER (M) SHANGLA
AT ALPURAI**

CONTACT NO. (0996) 850639, 851108- Fax # 851108

OFFICE MEMORANDUM.

Reference to this office order No. 2096-99, dated 30/09/2016, issued in hurry and ignorance in light of the Secretary E & SE Khyber Pakhtunkhwa order No. SO (S)/M E & SED/2-I/2016/Placement committed 03/DDEOs (B-18) dated 29/09/2016, it is clarified as per the remarks of the order, that Mr. Muhammad Amin Deputy District Education Officer (M) Shangla will continue to resume his duty as DDEO (M) Shangla till the promotion and charge relinquishing of S. No.6.

(Muhammad Amin)

DEPUTY DISTRICT EDUCATION OFFICER (M)
DISTRICT SHANGLA.

Endst: No. 2138-43

Dated 30/9/2016.

Copy of the above is forwarded for information to:-

- 1 The PS to Secretary Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 2 The Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 3 The District Nazim District Shangla.
- 4 The Deputy Commissioner District Shangla.
- 5 The District Accounts Officer Shangla.
- 6 The District Education Officer (M) Shangla.
- 7 Mr. Saeed Khan Principal GHSS Mian Brangola, Dir Lower.

(Muhammad Amin)

DEPUTY DISTRICT EDUCATION OFFICER (M)
DISTRICT SHANGLA.

0/4



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**OFFICE OF THE DEPUTY DISTRICT EDUCATION OFFICER
(M)ELEMENTARY & SECONDARY EDUCATION DISTRICT SHANGLA**

Contact: 0996-850639 Email: emisshangla@yahoo.com

TO

The Muain ud Din Sb,
District Education Officer (M),
Dir Upper.

Subject: **Statement of Muhammad Amin DDEO with Regard to Free Text Books.**

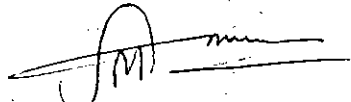
Respected Sir,

With reference to your honourable oral instructions with respect to inquiry on an anonymous complaint on the subject cited above (copy not provided) and your honourable visit to Shangla in this regard on 18,19-8-2016, my Para wise statement is as under.

1. I have been appointed as focal person for Free Text Books for District Shangla by DEO (M) vide (Annexure A).
2. The distribution of Free Text Books was assigned to ASDEOs for Primary level and to ADEO (Sports) and his team, for secondary level by the undersigned vide. (Annexure B).
3. In response to repercussions of collection of money from students, explanation had been called from all concerned followed by another reminder in this regard issued by the undersigned on 14/5/2016 to be responded in least possible time. The detail report from secondary side was received on 15-6-2015 (Copy annexed).
4. On 28-3-2016, while on BISE Swat inspection duty at GHSS Barikot Swat, the undersigned received telephonic information from the concerned ASDEOs that trucks loaded with books are standing on road side near GHSS Kotkay faced by heavy rains, floods and sliding on roads due to unfavorable environmental conditions and emergency situation in district Shangla. The station was situated on link road from the Headquarter Alpurai where the responsibility of disposal of contractor was ceasing. To save the books from losses and damages, the undersigned constituted a committee by phone, later on notified by camp order dated 29/3/2016, composed of two headmasters and two ASDEOs to manage the emergency situation (Copy annexed).
5. The undersigned reached GHSS Kotkay in after noon on the same date and received the report of the committee on 29-3-2016 (Copy annexed)

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6. Being as Focal Person, the undersigned passed the recommendations of the committee and contract of proper arrangement and placement of books was assigned to Mr. Khurshid Ali and his coworkers for Rs. 30000/-
7. For meeting the financial expenditures, the heads of schools were requested by the committee to contribute from the govt. PTC funds and adjust it with other logistic expenditures. They were sternly directed not to collect the expenditures from the students.
8. According to the detail provided by Mr. Imtiaz CT, the concerned person, a total sum of Rs. 780000/- was collected from the PTC Funds of various schools as per detailed list attached and the total expenditures are Rs. 780000/- as well with net balance as zero.
9. According to the detail provided, the expenditures are as under;
 - ❖ Amount given to contractor for labour = Rs. 30000/-
 - ❖ Amount given to Haroon SDM, GHS Alpurai for remuneration =Rs.15000/-
 - ❖ Amount given to Imtiaz CT, GHS Alpurai for remuneration =Rs.15000/-
 - ❖ Amount given to Fazal Rehman CT, GMS Larai for remuneration =Rs.5000/-
 - ❖ Amount given to M. Rafiq PET GMS Managay for remuneration =Rs.5000/-
 - ❖ Amount given to Class ivs GHSS Kotkay for remuneration =Rs.5000/-
 - ❖ Amount spent on stationary/ miscellaneous = Rs. 3000/-
10. For all the above affairs DEO(M) Shangla was taken into confidence. The matter was discussed with him and his honorable consent was obtained.
11. The undersigned is of the firm opinion that all the decisions and things were rendered in good faith with no intentions of personal gains and interest and the amount collected from Govt. PTC Funds has been consumed for public services in the best interest of books, schools, students and nation. (Copy annexed).
The undersigned request for a chance to cross examine the complainants, please.
All the relevant statements concerned and other necessary documents are annexed herewith.


DEPUTY DISTRICT EDUCATION OFFICER (M)
SHANGLA

Date August 19, 2016.

(Annexure - C)

Job Description Deputy District Education Officer (DDEO)

A. Financial Management

The DDEO is the Drawing and Disbursing Officer for the DEO office, and for all middle schools in the district.

Budget

1. Ensure that no irregularity is committed due to incorrect withdrawals of salaries or other budget line items.
2. Check and consolidate developmental and recurring budgets of both secondary and primary sub-sectors.
3. Compare the proposed budget with last year budget and submit to the DEO for perusal and further action.
4. Monitor the utilization of budget, special grants, flow of expenditure throughout the year, and ensure that the expenditure does not exceed the released amount and that it is being incurred for the purposes for which the amount has been provided in the budget book.
5. Check the First and Second lists of excess and surrender, supplementary budget, modified grants and special grants of his/her own office and offices of the SDEOs, High and Higher Secondary Schools and submit the same to the DEO for further action.

SNE

Check the SNE prepared by the staff of his/her own office and SDEOs/Principals/ Headmasters and submit the same to the DEO for further action.

Scrutiny and Submission of Bills

1. Scrutinize and submit TA Bills, MRC Bills, GP Fund Advance and sign the TA bills of staff and teachers/headmasters, principals and submit them to the DEO for countersignature.
2. Check and process the cases of Benevolent Fund, Group Insurance and all types of advances for approval by the DEO as per rules/delegation of powers.

Maintenance of Cash Book

Ensure maintenance of cashbook, contingent register, stock registers, check and sign cashbook, contingent register after verifying from bills/receipts and payments and ensure that entries have been made in the stock registers correctly and neatly.

Pay Bills, AC Bills, DC Bills, and Scholarship

Check and sign Pay bills, AC and DC bills of his/her office and process bills of the offices of SDEOs and Government High and Higher Secondary Schools, and scholarship bills of students in the district for countersignature of the DEO.

Purchases

Check the requirements and arrange purchases for the office, middle, high, and higher secondary schools, based on the availability of budget and after observing codal formalities through the District Purchase Committees, calling quotations/tenders, checking of comparative statements, execution of agreement deeds, placement of supply orders, monitoring receipts and inspection of stores, checking stock receipts and entries, and ensure timely distribution of stores to the concerned offices/schools with the approval of the DEO, as per procurement rules.

Collection and distribution of Free Text Books

Ensure collection and distribution of text books to all the government middle/high and higher

2

secondary schools in the districts through the ADEO (Sports).

Monthly/Quarterly/Yearly statement of expenditure and receipt

1. Ensure correct and timely reconciliation of receipt statements of his/her office and offices of the SDEOs/High and Higher Secondary Schools and submit in consolidated form to the DEO for further action.
2. Ensure timely preparation of monthly, quarterly and yearly statements of expenditure of his/her office, and get the same from all offices of SDEOs /Principals/Headmasters duly reconciled with the District Accounts Office and submit the same in a consolidated form to the DEO for onward submission to the Director E&SED.

Audits of Accounts

1. Conduct internal audit of Middle, High, and Higher Secondary Schools, SDEO Offices in the district through B&A Officer/any other officer with approval of the DEO.
2. Prepare replies to external audit paras relating to his/her office and check replies submitted by SDEOs /Principals and Headmasters.
3. Attend audit meetings as required on behalf of the DEO.
4. Follow up of audit findings.

Other financial management responsibilities

1. Process rent cases of office buildings and schools as per delegation of powers and get approval of the DEO/Director, E&SED as per rules.
2. Process investigation of arrear claims for approval of the DEO as per delegation of powers.
3. Obtain lists of unserviceable articles and transfer the same to Dead Stock Register with approval of the DEO.
4. Process pay bills and other bills signed by the SDEOs, Principals and Head Masters for countersignature of the DEO as per Government policy/rules.
5. Ensure provision of budget and timely payment of all kind of utility bills/dues i.e. Electricity, Telephone, Water, Gas, Newspapers etc.

B. Human Resource Management

Appointments

1. Keep regular record of all vacant posts of every category of the district staff of E&SED and get these verified from record.
2. Advertise vacancies in the press as provided in the rules after approval of the DEO.
3. Attend meetings of the Recruitment Committee and prepare merit based lists of selected candidates, and issue appointment orders with the approval of the DEO/competent authority as provided in the rules.
4. Observe quotas reserved for all categories.

Seniority Lists

1. Prepare seniority lists of staff working in his/her office, /Middle /High /Higher Secondary Schools as well as of ministerial staff and scrutinize these lists.
2. Process seniority lists of employees from BPS 1-15 for approval of the DEO.
3. Submit data of BPS 16 and above (provincial cadre) to the Directorate of E&SED by end of September every year for consolidation and further action if required.

Grant of Leave

1. Process leave cases of staff up to BPS-15, as per provisions contained in the Government of Khyber Pakhtunkhwa Revised Leave Rules 1981 for approval of the DEO/competent authority.

③

2. Prepare, scrutinize and submit leave cases of staff in BPS-16 and above to the DEO for onward submission to the Director E&SED.
3. Process and submit ex-Pakistan leave cases to the DEO for onward submission to Director E&SED.

Transfers and promotions

1. Attend meetings of the committee for posting/transfers and prepare transfer proposals of ministerial, teaching staff/class IV servants.
2. Process transfer orders after approval of the DEO/competent authority as per government rules.
3. Process promotion cases of all staff up to BPS-15 in the district cadre for approval of the DEO as per prescribed procedure and rules.
4. Submit promotion cases of the staff in BPS-16 and above, with the recommendation of the DEO to the Director E&SED.
5. Check and process cases of upper age limit and submit them to the DEO for appropriate action as provided under the rules.

Staff Evaluation/Performance Evaluation Reports (PERs)

1. Circulate instructions in December every year to SDEOs, Principals and Headmasters for writing PERs of their staff.
2. Write Performance Evaluation Reports (PERs) of his/her staff in January each year.
3. Write PERs of BPS16-19 teaching cadre officers within the district and SDO, ADEOs, B&AO and other staff in his/her office.
4. Submit PERs to the higher authority as provided in the prevailing instructions from the Government of Khyber Pakhtunkhwa.
5. Keep all Performance Evaluation Reports - PERs (complete in all respects) under lock and key of officers in BPS 16 to 19.
6. Furnish certificate in the month of February to the DEO to the effect that PERs pertaining to all offices, and schools have been written/countersigned.

Maintenance of personal files/confidential record

1. Monitor maintenance of personal files of teachers/office staff and other office record.
2. Ensure that confidential records are kept under lock & key.

Inquiries/Taking disciplinary action

1. Conduct enquiries in light of prevailing Government of Khyber Pakhtunkhwa rules, as and when authorized by the DEO/Director E&SED.
2. Propose nomination of enquiry officer(s) for certain cases to the DEO.

Honorarium/overtime allowances

1. Check and process cases of honorarium and overtime allowances of teaching and non-teaching staff in BPS-1 to BPS-15 as per policy and rules notified by the government.
2. Check and process the cases of honorarium and overtime allowances and submit them to the DEO as per rules.

Pension Cases

1. Issue instructions to all subordinate offices i.e. SDEOs, Principals and Headmasters of High/Higher Secondary Schools to prepare and submit pension cases of all the retiring/retired officers/officials and dispose these cases promptly, as required under the rules.
2. Check and process pension cases of district cadre employees for submission to the DEO while those of the provincial cadre employees are sent to the Director E&SED.

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Departmental Permission for Exams

1. Process cases for permission in respect of the Officials/Officers up to BPS-16 to appear in examinations to improve their qualifications for approval of the DEO as per Government of Khyber Pakhtunkhwa rules.
2. Process cases for permission in respect of Officials/Officer in BPS 17 and above for submission to the Directorate of E&SED with approval of the DEO.

Changes and corrections to student records

1. Process cases of correction/change in names of students (on request) if students are still in schools after observing necessary codal formalities in accordance with the rules for approval of the DEO.
2. Process cases of corrections in the date of birth of student (on request) on prescribed proforma before passing class 5th examination, as per rules

C. Office Management

Correspondence and record keeping

1. Receive all correspondence i.e. urgent and immediate, confidential and D.O letters marked to him/her by the DEO, initial and mark them to the relevant branches through his/her office superintendent/ADEO and keep record of such correspondence in the office.
2. Ensure that mail is dealt with promptly.
3. Process all D.Os, important letters, notifications and financial sanctions and submit to the DEO for signature.
4. Ensure that office record and files are maintained properly.
5. Ensure that all confidential record is kept under lock and key.
6. Monitor the movement of files so that cases are not unnecessarily delayed.
7. Maintain movement register regarding his/her visits.

Purchases and maintenance of stock

1. Facilitate the DEO to make sure that all purchases are strictly according to the budget and as per procurement rules.
2. Ensure proper entries in the relevant stock register.
3. Ensure proper inspection of stores.
4. Ensure proper distribution and utilization of new purchases.
5. Inspect and verify office and schools stock and records.

Service Book

1. Ensure proper maintenance and safe custody of service books of his/her staff in the office as well as staff of middle schools.
2. Sign entries as and when required.
3. Check entries in the service books annually, as and when required under rules.

Other duties

2. Ensure that all the functions of the office have been assigned and that no function has been left un-assigned.
3. Ensure the professional and tidy appearance of the office.
4. Ensure that all staff has sufficient furniture, space and necessary equipment and materials to carry out their work efficiently.
5. Prepare agenda for general meetings, issue letters and make arrangements for meetings.
6. Record and issue minutes of all internal meetings and follow up decisions recorded.
7. Circulate new rules and regulations to schools and offices.

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D. Planning and Development

Data Collection/EMIS

3. Supervise and monitor the activities of District EMIS.
4. Review data collected on a regular basis to identify and take action to improve education in the district, including recognition for good performance.

Preparation of ADP

1. Scrutinize the Annual Development Programme prepared by the ADEO (P&D).
2. Prepare short and long-term plans and sign and submit to the DEO for approval/countersignature.
3. Assist the DEO in the supervision and monitoring of developmental projects/schemes.
4. Accompany the DEO to attend ADP meetings at various levels or attend meetings independently (if required), and defend and justify the demands / proposals / schemes.

PC I – PC IV preparation

1. Check all relevant forms, sign and submit the same to the DEO in a timely manner for countersignature and see that these have been correctly filled in.
2. Ensure follow up of all schemes.
3. Visit proposed sites (if necessary), examine the feasibility reports (PC II) as per planning criteria and submit the same to the DEO for countersignature.

Proposals for establishing of new schools, school up-gradation and additional facilities

1. Check proposals for establishing of new schools according to the planning criteria and that these have been included in the ADP.
2. Submit proposals to the DEO for approval/countersignature.
3. Check proposals to upgrade schools as per planning criteria and sign and submit to the DEO for countersignature.
4. Check consolidated lists of schools for provision of additional classrooms, basic facilities i.e boundary walls and latrines etc. as per criteria/need basis, sign and submit to the DEO for countersignature.
5. If land is to be purchased, check proposed sites and the cost of the land and submit report to the DEO along with all related documents for further action.

School construction, repair and maintenance

1. Scrutinize and check the consolidated lists of all types of repairs with the estimates/total amount sign and submit to the DEO for countersignature.
2. Inspect the under-construction buildings, identify defects/deficiencies (if any), submit reports with photographs to the DEO and ensure maintenance of monthly progress and record of all sites through the ADEO (P&D).
3. Inspect the buildings and ensure that the completed buildings have no defects/deficiencies.
4. Sign the handing/taking over certificates and submit report to the DEO for countersignature and taking over of the buildings.
5. Obtain certificate of C&W Department for declaring any building dangerous or demolish-able, check advertisement of C&W Department and submit report to the DEO for auction of buildings.

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E. School Inspection

School supervision/ inspection

1. Conduct inspections and surprise visits to Government Middle/High Schools (at least six days per month).
2. Ensure that co-curricular activities are carried out regularly.
3. Ensure that distribution of work and timetables are available in the classrooms and are followed.
4. Also ensure that all teachers have maintained teacher diaries and that distribution of work are strictly followed.
5. Recommend annual inspection and monthly tour programmes by SDEOs and ADEOs to the DEO for approval.
6. Occasionally check to make sure that inspections are carried out as per approved schedule.
7. Prepare tour notes/inspection notes and record observations in the school log book.
8. Scrutinize the tour notes/inspection notes of the SDEOs/ADEOs and ensure proper follow up/implementation of instructions issued from time to time.
9. Meet representatives/prominent figures in school communities and occasionally attend PTC meetings and distribution of PTC funds.

Teacher absenteeism

1. Monitor teacher absenteeism.
2. Initiate action against absent teachers as per rules and procedures.
3. Maintain comprehensive records of such cases and actions taken.
4. Submit monthly report on action against teacher absenteeism to the DEO for information and necessary action.

Checking of funds and user charges if and when assigned by DEO

1. Ensure that students funds/user charges are being collected in schools as per Government rates, and that a record is properly maintained and funds are utilized for the purpose for which they are collected in the best interest of students.
2. Check record occasionally during inspection of schools.

F. Professional Development

Staff Development

Formulate plans to train all office staff in management and planning and prepare them for new responsibilities and challenges.

In-service teacher professional development

1. Check and finalize the lists of teachers for in-service training/short term courses.
2. Supervise and ensure timely and proper conduct of professional development activities.
3. Make occasional checks of the LTRCs/Circle Offices.

G. Additional responsibilities

Directives from the President/PM/ Governor/CM

5. Monitor prompt disposal and timely implementation of all directives.
6. Convene periodic meetings to update progress on the implementation of directives.
7. Refer back to the Directorate of E&SE any directive which is not in accordance with rules.
8. Inform persons/departments concerned keeping in view the rules of business.

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Court Cases

5. Ensure that government pleaders in court cases are properly assisted and relevant record provided to them in a timely manner so that cases are not delayed.
6. Ensure attendance in court by the government representative.
7. Ensure that a comprehensive record of cases and attendance is maintained.

Any other duties as assigned by the competent authority.

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR.

C.O.C. Application No. 47/2018

Misc. Application No. _____/2018

For contempt of court
In S.A.No.1400/2017

Muhammad AminPetitioner

Versus

Aftab Ahmad and another Respondents

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4	Copy of application/p order	'B' BI	(13)3A

Appellant/ Petitioner

Through



Shahid Mehmood Khan
Advocate High Court
Peshawar.

Dated: 14.02.2018

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BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR.

C.O.C. Application No. 47/2018

Misc. Application No. _____/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 183

For contempt of court
In S.A.No.1400/2017

Date 14/02/2018

Muhammad Amin s/o Said Nawab
Presently DDEO Tor Ghar Petitioner
Versus

- 1) Aftab Ahmad District Accounts Officer, District Shangla
- 2) Hussain Gul, Treasury Officer, District Accounts Office, District Shangla..... Respondents

APPLICATION FOR INITIATING
CONTEMPT OF COURT PROCEEDING
AGAINST THE RESPONDENTS U/S 3/4 OF
THE CONTEMPT OF COURT ORDINANCE
2003 R/W ARTICLE 204 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC
OF PAKISTAN.

Respectfully Sheweth;

- 1) That the petitioner filed service appeal No.1400/2017 before this Hon'ble Tribunal which was admitted for regular hearing and as such on the date fixed i.e. 03.01.2018 an order of status quo was passed, which was communicated to respondents. (Copy of order is attached).
- 2) That this Hon'ble Tribunal while passing order on application of suspension ordered for issuance of revised LPC which was given to respondents but upto now they are reluctant to comply the order of this Hon'ble Tribunal hence the instant C.O.C. petition.

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- 3) That the appellant/ petitioner had also filed an application for compliance of the order of this Hon'ble Tribunal but they respondents plainly refused to honour the same. (Copy of application is attached).
- 4) That the aforesaid act of respondents is totally illegal, is in total disregard to the order dated 03.01.2018.
- 5) That inspite of the clear cut written submission by the main respondents i.e. education department to the respondents to comply the order of the Hon'ble Tribunal but respondents are violating the same by not complying. Moreover, they have till date not released the arrears, service documents and G.P. Fund.
- 6) That in the circumstances the respondents have committed gross violation of the order passed by this Hon'ble Tribunal and has exposed himself for contempt of court proceedings.

It is, therefore, humbly prayed the respondents may be summoned personally, be proceeded under section 3/4 of Contempt of Court Ordinance, 2003 r/w Article 204 of the Constitution of Islamic Republic of Pakistan and the respondents may be directed to issue Revised L.P.C. service documents, arrears, GP Fund and to do all relevant things to appellant/ petitioner without any further delay.

Appellant/ Petitioner

Through



Shahid Mehmood Khan
Advocate High Court
Peshawar.

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BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR.

Misc. Application No. _____/2018

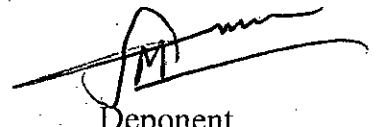
For contempt of court
In S.A.No.1400/2017

Muhammad AminPetitioner
Versus

Aftab Ahmad and another Respondents

AFFIDAVIT

I, Muhammad Amin s/o Said Nawab presently DDEO Tor Ghar (petitioner/ appellant), do hereby affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Deponent
CNIC No.15602-0508257-5

