


08<sup>th</sup> Mar. 2023

Petitioner alongwith counsel present. Mr. Uzair Azam Khan, Additional Advocate General alongwith Mr. Fazal Rehman, Principal for the respondents present.

Representative of the respondents provided copy of office order dated 20.02.2023 through which, after conducting the denovo enquiry as ordered by the Tribunal, major penalty was set aside and minor penalty of censure has been imposed upon the petitioner. Copy of office order has been provided to the petitioner who is satisfied with the same. Judgment dated 15.09.2022 stands implemented.

Consign.

**Pronounced in open Court at Camp Court, Swat and given under my hand and the seal of the Tribunal on this 8th day of March, 2023.**

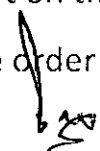
  
**(Farqeha Paul)**  
**Member(E)**  
**(Camp Court, Swat)**

Form- A

FORM OF ORDER SHEET

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

Execution Petition No. 111/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	27.02.2023	<p>The execution petition of Mr. Abdul Salam submitted today by Mr. Umar Khitab Advocate. It is fixed for implementation report before touring Single Bench at Swat on <u>8.3.23</u>. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p>By the order of Chairman  REGISTRAR</p>

SCANNED  
KPST  
Peshawar

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

**OFFICE ORDER**

1 .Whereas Mr. Abdul Slaman Ex-PSHT GPS: Charai Beha Now Ex-CT GHS: Beha District Swat was Removed from Service vide Endst: No.5066-72 dated 28.11.2019 after having considered the charges and evidences on record against him as proved.

2 .And whereas he filed Service Appeal No. 275/2020 and connected Service Appeal bearing No.1719/2020 in the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar against the said order.

3. And whereas the Honorable Khyber Pakhtunkhwa Service Tribunal vide Judgment dated 15.09.2022 accepted the Service Appeals by setting aside the impugned order date 28-11-2019 with the directions to re-instate the Appellant into service for the purpose of de-novo inquiry within a period of 60 Days from the date of receipt of the copy of the judgment .

4. And whereas the copy of the judgment was received on 23-12-2022 from the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar and the Appellant was re-instated into service for the purpose of de-novo inquiry dated 05-01-2023.

5. And whereas the undersigned nominated Inquiry committee to probe into the matter.

6. And whereas the Inquiry committee conducted detailed Inquiry and recommended that Censure may be imposed upon the accused to make him responsible/conscious in future, and an amount of Rs. 200000/- may be recovered from him and absence period w.e.f 28.11.2019 to 05.01.2023 may be considered as leave without pay.

Now keeping in view the above factual position, the undersigned being the competent authority under E & D Rules 2011 do hereby impose upon him "the minor penalty of Censure under rule 4 (a) (i) of the ibid rules, re-instated the Appellant into service and the intervening period is treated as leave without pay and the Appellant is adjusted at GHS Paindy as CT with immediate effect.

(MUHAMMAD RIAZ)  
DISTRICT EDUCATION OFFICER (M)  
SWAT.

Endst:NO. 7716-21 /P.F/215/M/DEO/Swat

Dated 20/2 /2023

Copy forwarded to:-

- 1-The Director E&SE Khyber Pakhtunkhwa Peshawar.
- 2-The District Accounts Officer Swat at Saidu Sharif.
- 3-The Head Master GHS Paindy for iformation and further direction to recover Rs. 200000/- from Mr. Abdul Salam CT GHS Paindy and to deposit the amount in GPS Cherai Beha PTC Account through SDEO Male Matta Swat with further directions to release the pay as per rules when the said amount is recoverd.
- 4- The SDEO (M) Matta Swat for information and further direction to submit the bank receipt to this office amounting to Rs. 200000/- deposited in GPS Charai Beha PTC Account.
- 5-The Teacher concerned.
- 6-PA to DEO Local Office.

DISTRICT EDUCATION OFFICER (M)  
SWAT.

# INQUIRY REPORT IN R/O MR. ABDUL SALAM EX PSHT GPS CHARAI MATTA.

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## INQUIRY COMMITTEE.

1. Mr. Hazrat Rahman Principal GHSS Balogram Swat.
2. Muhammad Javid Principal GHS Manyar Swat.

### 1. INTRODUCTION :-

Reference to the DEO (M) Swat vide endstt No.5581-86 Dated: 05-01-2023 wherein the committee as mentioned above has been constituted with the direction to conduct the enquiry in accordance with the existing rules as per direction of the august court (Services Tribunal). Statement of allegation convey to the accused.

### 2 Procedure followed

The committee preceded the matter with the help of following tools.

- i. Questioner Served on Abdul Salam Ex PSHT Charai Matta (refused the reply).
- ii. Questioner for Shah Dawran PSHT Mandor Matta regarding Rs.200000/= (Two Lacs) verbally transferred / pay by the accused.(reply attached annex. A)
- iii. Summoned to the Ex ADEO Mr. Muhammad Gul (reply attached annex B).
- iv. Inyatur Rahmna PST Charai Matta through questioner.( Reply attached annex. C)
- v. Requested through a letter to DEO for the nomination of the departmental Representative as per (13) E&D Rules 2011.
- vi. Perusal of available office record.
- vii. A letter sent by the accused after constitution of inquiry committee and before 1<sup>st</sup> meeting of the committee (e).

### 1. FINDINGS :-

1. The accuse had been serving as PSHT at GPS charai w.e.f 13.11.14 to 30.11.17
2. Total Amount Received by the school under PTC fund during 2014 to 2017 is as under.

S No.	Dated	Amount	Expenditure	Remarks
1.	10-07-2014	21000/=	200000	Paid to Shah Dawran on verbally order
2.	10-02-2015	21000/=	632000	Cashed paid to Inyatur Rahman PSHT GPS Charai
3.	09-04-2015	562000/=	630730	Spent as said
4.	10-03-2016	10000/=		
5.	31-03-2016	10000/=		
6.	30-06-2016	335000/=		
7.	09-01-2017	670000/=		
8.	09-01-2017	160000/=		
Total		1789000/=	1462730	
Amount Transferred to GPS Chatikal Matta		335000/=	1454000	Received from department
			8730	Difference/excess
Net Total		1454000/=		

3. Huge amount at a time have been repeatedly drawn from bank which is a question mark on the honesty of the accused as!

S.No	Date	Amount	Remarks
1	27.07.15	562000	On one cheque
2	17.10.17	200000	Do
3	23.10.2017	200000	Five days later
4	26.10.2017	200000	Three days later

4. Transfer of Rs: 200000 has been made on verbal order even having no authority of the so called ASDEO did have. (114)

More over transfer of amount has a legal procedure like the institution needed submit request supporting by tangible reason, SDEO recommends the case with justification to the DEO and the DEO is authority to make such transfer. He issues order in writing and then transfer of amount is made through cheques and there copies, receiving certificate is recorded and later on the institution where the amount is transferred verified. Whether proper deposited in the bank and cash book has been maintain or otherwise.

5. The cash payment is claimed by accused that he is given it to the new incumbent is not legal no amount exceeding then approximately five hundred can be kept as cash in hand and even procedural negligence on the part of accused is observed.
6. It is necessary part and parcel of the accounts that all the receiving amount in the public interest received by the institution may be properly recorded and each every cheque No .dated and amount may be recorded with the expenditure, bill vouchers because without this practice no audit is possible.

In this case no record has been properly maintained and the School fund is dealt just like personal pocket money.

**Recommendations: -**

On the basis of above findings /conclusion, the committee makes the following recommendation.

1. As far as the procedural negligence in terms of transferring the Govt: amount from one entity to another has been clearly observed and the required route has not been adopted, the committee is of the view that under section a-(i) of 4 E&D rules 2011. Censure may be imposed upon the accused to make him responsible /conscious in future regarding such a sensitive matter.
2. An amount of Rs: 200000/= (Two lacs) which has been shown transferred to GPS Mandor matta can neither be justified, nor any receipt kept in record file. Therefore the recovery of the cited amount that is 200000 may be recovered from Abdul Salam Ex-PSHT GPS charrai. (copy of questionnaire/statement of Mr.Shah Dawran Ex-PSHT GPS Mandor Is attached as an Annexure D )
3. The official may be re-instated in the service however his absent period w.e.f 18/11/2019 to 05/01/2023 may be considered as leave without pay.

Signature of the inquiry officers

1. Mr.Hazrat Rahaman Principal GHSS Balogram..... 15/2/23
2. Mr.Muhammad Javed Principal GHS Manyar ..... 15/2/23