

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

Service appeal No. 1102/2019

Date of institution ... 23.08.2019
Date of decision 22.06.2020

Hayat Wali Shah S/O Sher Wali Shah, R/O Shah Bronze Owir, Tehsil Mastuj,
District Chitral. ... (Appellant)

Versus

Government of Khyber Pakhtunkhwa through Secretary Transport &
Mass Transit Department, Civil Secretariat, Peshawar and Two (02)
others.

... (Respondents)

Present:

~~Mr. Zia ur Rehman~~, Tajik,
Advocate ...

For appellant.

Mr. Riaz Paindakhel,
Assistant Advocate General ...

For respondents.

MR. HAMID FAROOQ DURRANI, ...
MR. MIAN MUHAMMAD, ...

CHAIRMAN,
MEMBER(E).

JUDGMENT :HAMID FAROOQ DURRANI, CHAIRMAN:-

Instant judgment is proposed to decide also Service Appeals No. 1103/2019 (Adnan Naz Vs Government of Khyber Pakhtunkhwa Peshawar & others), Service appeal No. 1104/2019 (Bilal Vs Government of Khyber Pakhtunkhwa Peshawar & others) and Service appeal No. 1105/2019 (Zahid Alam Vs Government of Khyber Pakhtunkhwa Peshawar & others), as similar proposition is involved in all the appeals. Besides, all the appellants are aggrieved of Office Orders issued on 29.04.2019 by Director Transport & Mass Transit Department Peshawar/respondent No.2. The appellants were proceeded against

purportedly under Khyber Pakhtunkhwa Civil Servant (Efficiency & Disciplinary) Rules, 2011 and were awarded major penalty of removal from service. The departmental representations/appeals of all the appellants were rejected through a single order on 01.08.2019.

2. In order to recapitulate the facts involved in the appeals, it is useful to note that the appellants Hayat wali Shah, Adnan Naz & Bilal were appointed as Office Assistant (then BS-14) by respondent No. 1 on 09.07.2013, 11.11.2013 and 18.07.2013, respectively. The appellant Zahid Alam was promoted as such on 04.05.2012. The appellants duly took charge of their respective positions and started performing duties as Assistant for a formidable period when in the year 2019, the respondent No.1 was pleased to order departmental proceedings against them. Inquiry was conducted and the recruitment/promotion of the appellants was regarded as void abinitio. They were recommended for penalty. On 13.03.2019, Show Cause Notices were issued to all the appellants which were duly replied by them. Ultimately, on 29.04.2019 the impugned orders of removal from service were passed against the appellant.

3. We have heard learned counsel for the appellants, learned Asst. AG on behalf of the respondents and have also gone through the available record.

4. Learned counsel for the appellants vehemently argued that the appellants were awarded major penalty and were deprived of the service for no fault on their part. He emphatically relied on judgments reported as 1996 SCMR 8413, 2006 SCMR 678, 2004 SCMR 1077, 2009 SCMR 663 and 2004 SCMR 203 and contended that, if at all, any irregularity was committed during the process of appointment/promotion of appellants, it

was on the part of respondents. The appellants were duly qualified for the post at the relevant time and had also under-gone the necessary procedure.

It was also the argument of learned counsel that the appellants could not be removed under the principle of locus-poenitentiae after having put in many years of service. In that regard he relied on 2015 SCMR 1418.

5. Learned Asst. AG, on the other hand, argued that the appointment/promotion of appellants was void abinitio, therefore, there accrued no right in their favor to have prayed for their reinstatement in service. He also referred to the inquiry report dated 20.02.2019 and contended that all the charges were duly proved against the appellants.

6. Before proceeding further, it is useful to provide here-under the gist of allegations against the appellants;-

- a) *As per law (BS-14) were required to be recruited on the recommendation of Khyber Pakhtunkhwa Public Service Commission.*
- b) *Recruitment record/documents i.e. Advertisement, short listing procedure, call letters to the candidate for interview, interview papers, merit lists, requisition to the Public Service Commission and recommendation by the PSC are not available in the Department.*
- c) *Since no prescribed procedure was followed therefore, the appointment of appellants was illegal/ fake and void-abinitio.*

The allegations, even if proved, would clearly suggest that those pertained to a period before appointment/ promotion of appellants. Similarly, the same could not be attributed as misdeed/wrong doing on the part of appellants for proceedings against them on account of misconduct. Throughout the record it could not be brought forth by the respondents

that any of the appellants was ever instrumental in the irregularities as detailed in the statement of allegations as well as Show Cause Notice. The charges essentially suggested that the respondents department, more particularly the respondent No.1 was to be dubbed as defaulter. It is however ironical that no proceedings were ever under taken against the delinquent officer(s).

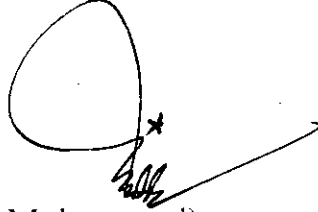
7. From the record, it also appears that in the year 2014 an inquiry was initiated against the appellants on the grounds similar to the inquiry in 2018. The claim of appellants is that they were exonerated and the previous inquiry was filed, on the other hand the respondents could not deny the exoneration of appellants and in the relevant Para of their replies provided evasive contents. In the circumstances, the vexing of appellants twice for the same alleged act could not be ruled out.

8. It is evident from the record that each of the appellant had put in more than five (05) years of service as Assistant (BS-16) after his appointment/promotion. It is also not denied that any of the appellants lacked qualification for disputed appointment. In the circumstances, initiation of departmental proceedings against them and passing of order of removal from service at such belated stage would not be justifiable. In other words, instead of taking action against the appellants it was more appropriate to have taken the appointing authorities to task who, prima facie, committed the act of misconduct.

9. For what has been discussed above we are of the firm view that the impugned orders dated 29.04.2019 as well as dated 01.08.2019 are not legally sustainable. Resultantly, the appeals are hereby allowed as prayed for.



Parties are left to bear their own costs. File be consigned to the record room.



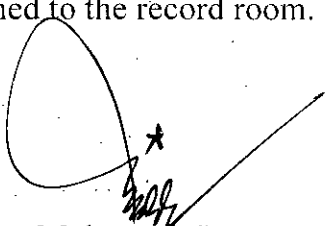

(Mian Muhammad)
Member (E)



(Hamid Farooq Durrani)
Chairman

ANNOUNCED
22.06.2020

1102/2019

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	22.06.2020	<p><u>Present.</u> Mr. Zia-ur-Rehman Tajik, Advocate For appellant Mr. Riaz Paindakhel, Assistant Advocate General, For respondents</p> <p>Vide our detailed judgment of today, we allow the appeal as prayed for.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <p> (Mian Muhammad) Member (E)</p> <p> (Hamid Farooq Durrani) Chairman</p> <p><u>ANNOUNCED</u> 22.06.2020</p>

30.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 22.06.2020 before D.B.



Reader

12.02.2020

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned to 05.03.2020 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Post Script
12.02.2020

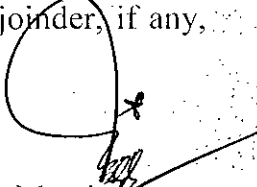
Later on Mr. Muhammad Arif Wazir, Assistant Director on behalf of respondents appeared and put attendance.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

05.03.2020

Clerk of counsel for the appellant and Addl. AG alongwith Muhammad Haseeb, Assistant for the respondents present.

Representative of the respondents submitted written reply which is placed on record. To come up for rejoinder, if any, and arguments on 30.03.2020 before the D.B.


Member


1102/2019

27.11.2019

Counsel for the appellant present.

Learned counsel referred to judgments reported as 1996-SCMR-413 and 2006-SCMR-678 and contended that the appellant was fully qualified at the time of his appointment. After the appointment he had served the respondent department for considerable time while the impugned order of removal from service was passed on the basis of irregularity committed in the procedure for appointment. It is the argument of learned counsel that the appellant is not be punished due to the act of respondents/appointing authority if, at all, some irregularity/ illegality took place during the process.

In view of arguments of learned counsel, instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 01.01.2020 before S.B.


Appellant Deposited
Security & Process Fee

3/12

Chairman 

01.01.2020

Appellant in person and District Attorney alongwith Arif Wazir, Assistant Director (Legal) for the respondents present.

Representative of respondents seeks further time to furnish reply/comments. Adjourned to 12.02.2020 on which date the requisite reply/comments shall positively be furnished.

Chairman 

12.11.2019

Appellant present in person.

Fresh Wakalatnama in favour of Mr. Ziaur Rahman Tajik, Advocate alongwith an application for interim relief has been submitted which ~~is~~ placed on record. ~~The~~ ~~appellant~~ requests for adjournment as his learned counsel is engaged before the Apex Court today. ~~Apex Court today.~~

Adjourned to 17.11.2019 before S.B.



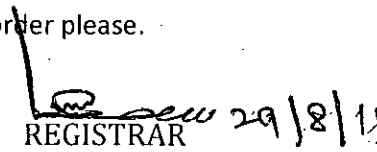


Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1102/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/08/2019	<p>The appeal of Mr. Hayat Wali Shah resubmitted today by Mr. Kamran Qaiser Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p align="right">  REGISTRAR 29/8/19 </p>
2-	02/09/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15/10/19.</u></p> <p align="right">  CHAIRMAN </p>
	15.10.2019	<p>Counsel for the appellant present.</p> <p>Learned counsel requests for time to further document the appeal by placing on record the advertisement in pursuance to which the appellant applied for his initial appointment. Other relevant documents are also sought to be placed on record. May do so on or before next date of hearing.</p> <p align="center">Adjourned to 12.11.2019 before S.B.</p> <p align="right">  Chairman </p>

The appeal of Mr. Hayat Wali Shah son of Sher Wali Shah r/o Shah Bronze Owir Tehsil Mastuj District Chitral received today i.e. on 23.08.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal are not in sequence which may be annexed serial as mentioned in the memo of appeal.

No. 1463 /S.T,

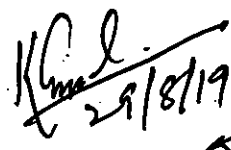
Dt. 23/8 /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Kamran Qaiser Adv. Peshawar.

Sir,

The objections have been removed and rectified. Please resubmit the same and put before court.


29/8/19
Bar. Kamran Qaiser

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL, PESHAWAR

S.A.No. 1102/2019

Hayat Wali Shah.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary
Transport & Mass Transit Department & others..Respondents

I N D E X

S#	Description of documents.	Annexure	Pages
1.	Memo of appeal		1-6
2.	Addresses of parties		7
3.	Copies of educational documents, appointment order dated 09.07.2013, medical Certificate, and Arrival report	A	8-14
4.	Copies of seniority lists and of pay roll	B	15-32
5.	Copy of charge sheet dated 09.05.2014	C	33-34
6.	Copy of reply charge sheet dated 09.05.2014	D	35-37
7.	Copy of office order dated 09.05.2014	E	38-39
8.	Copy of inquiry report	F	40-43
9.	Copy of charge sheet and statement of allegations alongwith reply	G	44-49
10.	Copy of letter dated 22.01.2019	H	50
11.	Copy of inquiry report	I	51-55
12.	Copy of letter and show cause notice dated 13.03.2019	J	56-57
13.	Copy of the reply to the show cause notice	K	58-60
14.	Copy of impugned office order dated 29.04.2019	L	61
15.	Copy of departmental appeal alongwith its dismissal order dated 01.08.2019	M	62-67
16.	Copy of promotion orders	N	68-69
17.	Wakalatnama		70

Dated: 28.08.2019


Appellant

Through


Barrister Kamran Qaisar
Advocate High Court

1

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL, PESHAWAR

S.A.No. 1102 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1192

Dated 23/8/2019

Hayat Wali Shah S/o Sher Wali Shah
R/o Shah Bronze Owir, Tehsil Mastuj, District Chitral.

..... Appellant

Versus

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Transport & Mass Transit Department, Civil Secretariat, Peshawar.
- 2) Director Transport & Mass Transit Department, Benevolent Fund Building Peshawar Cantt.
- 3) Secretary Regional Transport Authority, Malakand Division, Malakand.

..... Respondents

Appeal u/s 4 of the KP Service Tribunal Act, 1974 against the termination order of removal from service dated 29.04.2019 and appellate order dated 01.08.2019 upon departmental appeal, wherein departmental appeal has been dismissed be declared as illegal, against the law and facts.

Filed to-day

Registrar

23/8/19

PRAYER

On acceptance of this appeal the impugned termination order of removal from service dated 29.04.2019 and appellate order

Re-submitted to-day
and filed.

Registrar
23/8/19

dated 01.08.2019 may please be set-aside and the appellant may please be reinstated in to the service with all back benefits.

RESPECTFULLY SHEWETH;

Appellant humbly submits as under:

- 1) That the appellant being eligible and highly qualified applied for the post of Assistant (BPS-14) and after fulfilling all the cordial formalities i.e. Test and Interview was appointed as Assistant (BPS-14) vide appointment order dated 09.07.2013. It may be mentioned here that the Assistant's post was later on upgraded to BPS-16. (Copies of educational documents, appointment order dated 09.07.2013, medical Certificate, and Arrival report are Annex "A")
- 2) That the appellant is a permanent Civil Servant as the department is keeping/ maintaining the seniority list of the appellant and his other colleagues. (Copies of seniority lists and of pay roll are Annex "B")
- 3) That in the year 2014, the respondent department issued charge sheet not only to the appellant, but other seven colleagues, wherein the allegations were that he was appointed by the department illegally and without fulfilling the appointment criteria. (Copy of charge sheet dated 09.05.2014 is Annex "C")

- 4) That the appellant duly replied to the above mentioned charge sheet dated 09.05.2014 vide reply dated 19.05.2014, which is hereby annexed as Annex "D".
- 5) That the department vide order dated 09.05.2014 appointed one Mr. Sami Ullah Section Officer (Dev) Transport & Mass Transit Department, Govt. of KPK as Inquiry Officer. (Copy of office order dated 09.05.2014 is Annex "E")
- 6) That the appellant and others participated in the Inquiry proceedings and later on he alongwith other colleagues were informed by respondents verbally that the allegations against them were dropped and the case was filed.

It may be mentioned here that time and again the appellant requested the respondents to provide him the copies of proceedings conducted against him in 2014, but till date the respondents are turning deaf ear to the requests of appellant.

- 7) That the respondents conducted inquiry against the appellant again in 2018, the report of which is Annexed herewith as Annex "F".
- 8) That the respondents started disciplinary proceedings by issuing charge sheet and statement of allegations to the appellant vide letter dated 21.01.2019, which was duly replied by the appellant. (Copy of charge sheet and statement of allegations alongwith reply are Annex "G")
- 9) That the respondents vide letter dated 22.01.2019 nominated inquiry penal to conduct an inquiry

about the allegations. (Copy of letter dated 22.01.2019 is Annex "H")

- 10) That the appellant appeared before the Inquiry Committee and thus after the inquiry proceedings the report was submitted wherein, imposition of major penalty was recommended. (Copy of inquiry report is Annex "I")
- 11) That astonishingly the appellant was again served with show cause notice dated 13.03.2019 on the same allegation, which were leveled against him in the year 2014, but this time only to 4 persons. (Copy of letter and show cause notice dated 13.03.2019 are Annex "J")
- 12) That the appellant submitted reply to the show cause notice dated 13.03.2019. (Copy of the reply to the show cause notice is Annex "K")
- 13) That vide impugned office order dated 29.04.2019 the competent authority imposed major penalty of removal from service on the appellant illegally and without lawful authority. (Copy of impugned office order dated 29.04.2019 is Annex "L")
- 14) That the appellant prefer departmental appeal against the above mentioned impugned office order of removed from service, which was dismissed vide order dated 01.08.2019. (Copy of departmental appeal alongwith its dismissal order dated 01.08.2019 are Annex "M")
- 15) That the appellant is aggrieved of the impugned termination order of removal from service and dismissal of departmental appeal and thus prefer this appeal for the following amongst other grounds:-

GROUND:

- a. That the appellant was duly appointed by respondents department after due process and thus the impugned dismissal order is against the law and facts.
- b. That since the appointment the appellant was receiving his salaries for more than six years and being permanent employees valuable rights accrued to him and thus the dismissal order is against the natural justice.
- c. That the superior Courts also held time and again that once an employee has been appointed after due process he cannot be removed from service rather actions must be initiated against the appointing authority and thus on this principle too the appellant is entitled to be reinstated into service with all back benefits.
- d. That the respondents in 2014 already conducted inquiry on the same allegations and the appellant was cleared from all the charges, but now again they conducted inquiry on the same allegations, which is against the law and thus the appellant deserve to be reinstated into service.
- e. That the appellant was never associated or given chance to properly participated in the inquiry proceedings and thus he has been condemned unheard, which needs to be declared against the law by this Hon'ble Tribunal.
- f. That in 2014 the respondents conducted inquiry against eight persons, which culminated into filing

the inquiry, but now the respondents singled out four persons including the appellant and removed them from service, which shows the malafide of respondents to condemned the appellant for no fault on his part and thus all the proceedings including inquiry process needs to be declared null and void.

- g. That the malafide of the respondents can be seen from the fact that in 2014 inquiry was initiated against eight persons, but the recent proceedings were initiated against four persons and the rest of four persons were given promotion being blue eyed persons of respondents. (Copy of promotion orders are Annex "N")

It is, therefore, prayed by accepting the instant appeal, the impugned termination order of removal from service dated 29.04.2019 and the appellate order dated 01.08.2019 may please be set-aside and the appellant may please be reinstated in to service with all back benefits.

Dated: 21-8-2019

heya

Appellant

Through

KQ

Barrister Kamran Qaisar
Advocate High Court,

VERIFICATION

It is verified that, the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.

heya
Deponent

Accepted
11/11/19
22/8/19
OATH COMMISSIONER
H. H. HIGH COURT

7

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL, PESHAWAR

S.A.No. _____/2019

Hayat Wali Shah.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary
Transport & Mass Transit Department & others..Respondents

ADDRESSES OF PARTIES

APPELLANT

Hayat Wali Shah S/o Sher Wali Shah
R/o Shah Bronze Owir, Tehsil Mastuj, District Chitral.

RESPONDENTS

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Transport & Mass Transit Department, Civil Secretariat, Peshawar.
- 2) Director Transport & Mass Transit Department, Benevolent Fund Building Peshawar Cantt.
- 3) Secretary Regional Transport Authority, Malakand Division, Malakand.


Appellant

Through


Barrister Kamran Qaisar
Advocate High Court

Milama Global Open University
Islamabad

ANNEX (A.)



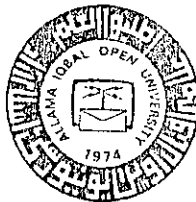
Serial No 141519

Certified that *Mr/Ms* HAYAT WALI SHAH
Son/Daughter of SHER WALI SHAH
Registration No 06NCL0949 Roll No U408163
Semester Spring 2011 having met all the requirements under
the semester system is this day awarded the degree of

Bachelor of Arts
Group - General

He/She has secured 55 % marks
and has been placed in C grade

[Signature]
CONTROLLER OF EXAMINATIONS



[Signature]
VICE-CHANCELLOR

Result declared on: February 27, 2012

Date of issue: April 27, 2012

NOTE: THIS DEGREE IS TO BE READ IN CONJUNCTION WITH THE TRANSCRIPT/PROVISIONAL CERTIFICATE ISSUED SEPARATELY

ATTESTED
KQ

9

Allama Iqbal Open University Islamabad



Serial No 141519

[Signature]
Director,
Staff Trg: Instt: (E&AD),
Govt: of Khyber Pakhtunkhwa

Certified that *Mr/Ms* HAYAT WALI SHAH

Son/Daughter of SHER WALI SHAH

Registration No 06NCL0949

Roll No U408163

Semester Spring 2011

having met all the requirements under
the semester system is this day awarded the degree of

Bachelor of Arts Group - General

He/She has secured 55 % marks
and has been placed in C grade

[Signature]
CONTROLLER OF EXAMINATIONS

Result declared on: February 27, 2012

Date of issue: April 27, 2012



[Signature]
VICE-CHANCELLOR

NOTE: THIS DEGREE IS TO BE READ IN CONJUNCTION WITH THE TRANSCRIPT/PROVISIONAL CERTIFICATE ISSUED SEPARATELY

ATTESTED

[Signature]

S.No. 227123

Roll No. 59062



Attested

Director,
Staff Trg. Instt. (E&AD)
Govt. of Khyber Pakhtunkhwa

Board of Intermediate and Secondary Education
Peshawar N.W.F.P. Pakistan
Secondary School Certificate Examination
SESSION 2002 - ANNUAL
(Humanities Group)

This is to Certify that Hayat Wali Shah Son / Daughter of Sher Wali Shah
and a student of Govt. High School, Barum Owir, Chitral has passed the Secondary School Certificate
Examination of the Board of Intermediate and Secondary Education, Peshawar held in March/April, 2002 as a Regular
candidate. He / She obtained 491 Marks out of 850 and has been placed in Grade C Representing Good

The Candidate passed in the following subjects:

- | | | | |
|------------|---------------------|--------------------|--------------------|
| 1. English | 3. Islamiyat | 5. Mathematics | 7. Islamic Studies |
| 2. Urdu | 4. Pakistan Studies | 6. General Science | 8. Arabic |

He / She has been awarded Grade B on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form February 10, 1986

Asstt Secretary

ATTESTED
KQ

Secretary

This certificate is issued without alteration or erasure.

10
S.No. 169846

Roll No. 71810

Group. Humanities

ATTESTED



ATTESTED

Director,
Staff Trg. Instt. (E&AD)
Govt. of Khyber Pakhtunkhwa.

Board of Intermediate and Secondary Education
Peshawar N.W.F.P. Pakistan
INTERMEDIATE EXAMINATION
SESSION 2005- ANNUAL



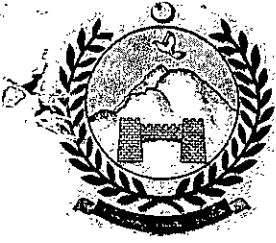
This is to Certify that Hayat Wali Shah Son of Sher Wali Shah
and a resident of Peshawar District Registered No. 5793-D/P-03
has passed the Intermediate Examination of the Board of Intermediate & Secondary Education, Peshawar
held in May, 2005 as a Private candidate. He obtained 529 Marks out of 1100 and
has been placed in grade D Representing Fair. The examination was taken in parts.

Asstt Secretary

ATTESTED

Secretary

This certificate is issued without alteration or erasure.



12

**OFFICE OF THE
PROVINCIAL TRANSPORT AUTHORITY
KHYBER PAKHTUNKHWA
PESHAWAR**

Hall No. 310, Benevolent Fund Building, Peshawar Cantt.
Phone No. 091-9211913 Fax No. 091-9213447

Dated Peshawar the, 09-07-2013

ORDER

No. SQ(TPT)10(7)2010 - Under the rule 10 sub rule-2 of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with amendment made vide notification No. SOR-VI(E&AD)1-13/2005 dated 10-08-2005, Mr. Hayat Wali Shah Village Shah Bronze Owir, Tehsil Mastuj, Distt. Chitral is hereby appointed as Assistant (BS-14) (8000-610-26300) against an existing vacancy in Regional Transport Authority Mardan with immediate effect on the following terms & conditions:-

- i. He will get pay at the minimum of BS-14 including usual allowances as admissible under the rules. He will be entitled to annual increment as per existing policy.
 - ii. He shall be governed by the NWFP Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rule made there-under.
 - iii. In case, he wishes to resign at any time, 14 days notice will be necessary or in lieu thereof 14 days pay will be forfeited.
 - iv. He shall produce a Medical Certificate of fitness from Medical Superintendent, Services Hospital, Peshawar, before joining duties in Regional Transport Authority Mardan, as required under the rules.
 - v. He has to join duties at his own expenses.
 - vi. He shall be on probation for a period of two (02) years under Rule 15(1) of NWFP Civil Servant (Appointment Promotion & Transfer), Rules 1989.
2. If he accepts the post on these conditions, he should report for duties to the undersigned within 14 days of the receipt of this order.


**SECRETARY TRANSPORT/CHAIRMAN
PROVINCIAL TRANSPORT AUTHORITY**

9/7

Endst: No & Date Even:

Copy is forwarded to:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Medical Superintendent Police/Service Hospital Peshawar.
3. Secretary Regional Transport Authority Mardan.
4. Account Officer, Mardan.
5. PS to Secretary Transport Department Govt. of Khyber Pakhtunkhwa.
6. Mr. Hayat Wali Shah Village Shah Bronze Owir, Tehsil Mastuj, Distt. Chitral

ATTESTED

KQ


**SECRETARY TRANSPORT/CHAIRMAN
PROVINCIAL TRANSPORT AUTHORITY**

9/7

MEDICAL CERTIFICATE

Name of official HARAT WALI SHAH
 Caste or race M/S 2 B.S.
 Father's name SHER WALI SHAH
 Residence Village SHAH BROWNZ awia, Tehsil Mastuj, DIST. CHITRAL.
 Date of birth 22/02/1986
 Exact height by measurement 5'6
 Personal mark of identification _____
 Signature of the official [Signature]
 Signature of head of office _____

Seal of office _____

I do hereby certify that I have examined Mr. HARAT WALI SHAH a candidate for employment in the Office of the Treasurer and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except NIL.

I do not consider this as disqualification for employment in the office of the Treasurer. His age according to his own statement 27 year and by appearance about year 27.

ATTESTED
KQ

[Signature]
 MEDICAL SUPERINTENDENT,
 CIVIL HOSPITAL _____
 District _____
10/7/13

LEFT HAND THUMB AND FINGER IMPRESSIONS

To:

The chairman,
Provincial Transport Authority,
Khyber Pakhtunkhwa.

Subject:- Arrival Report.

Dear Sir,

With due respect it is stated that
I have been appointed as Assistant (RS-14)
in Regional Transport Authority Mardan
order No SC (TPA) 10-7/2010 dated
07-07-2013

I hereby submit my arrival
report today on 10-07-2013 (F/N)
for the performance of official
duties

30/7/13
KAC

suppl
9/9

Yours Sincerely

HAYATUL AHSAN

ATTESTED
KAC



DIRECTORATE OF TRANSPORT AND MASS TRANSIT DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA

Dated Peshawar the, 15.8.14

NOTIFICATION:

NO.DIR/TPT/1-16/2014/SLPTA&RTAs-2014: In pursuance of Section-8 (1) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rules, 1989, final seniority list of Assistants (BPS-16) in the Directorate of Transport and Mass Transit Department, Government of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, as stood on 31.7.2014 is notified/Circulated:-

SENIORITY LIST OF ASSISTANT (BS-16) OF PROVINCIAL TRANSPORT AUTHORITY (PTA) AND REGIONAL TRANSPORT AUTHORITIES (RTAs) AS STOOD ON 31-7-2014.

S #	Authority	Name of Official	Academic Qualification	Date of Birth	Domicile	Date & Designation/BPS of 1 st entry into Govt. service on regular basis	Recruited against the sanctioned post of PTA or RTA or otherwise	Date of regular promotion/appointment as Assistant (BS-14)	Method of recruitment	Presently the pay
1	2	3	4	5	6	7	8	9	10	11
1	RTA Malakand	Fazal Wahid	BA	15-02-1956	Swat	22-05-1974 as J/C (BS-5)	RTA Malakand	01-07-1987	By promotion	RTA Malakand
2	RTA DI Khan	Siraj Ahmad Niazi	B.A	05.04.1957	DIKhan	01.12.1980 as Senior Clerk (BS-7)	RTA DI Khan	01.10.1988	By promotion	RTA DI Khan
3	RTA Peshawar	Fazal ur Rehman	MA Islamiat	1-3-1968	Peshawar	18-11-1989 as assistant (BS-11)	RTA Peshawar	18-11-1989	Initial	RTA Peshawar
4	RTA Hazara	Abdul Qayyum	Metric	15-06-1958	Abotabad	01-10-1977 as J/C (BS-5)	Commissioner office Kohat	21-04-1996	By promotion	RTA Hazara
5	RTA Kohat	Shoukat Zaman	Matric	01-05-1968	Kohat	18-03-1987 (J/C) (BS-5)	Commissioner office Kohat	2002	By promotion	RTA Kohat
6	PTA Peshawar	Mr. Abdul Qayyum	BA	24/4/1960	Mardan	Junior Clerk 26/6/1982 (BS-5)	PTA Peshawar	30/4/2005	By promotion	PTA Peshawar
7	RTA Bannu	Javed Khan	FA	19-09-1970	Bannu	12-02-1992 (BS-5)	RTA Bannu	31-05-2008	By promotion	RTA Bannu

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16

No. SO(G)16-8/2012/VOL-II/5393-94

of Promotion to ent rank	Basic Pay	Method of recruitment
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#	Authority	Name of Official	Academic Qualification	Date of Birth	Domicile	Date & Designation/BPS of 1 st entry into Govt. service on regular basis	Recruited against the sanctioned post of PTA or RTA or otherwise	Date of regular promotion/appointment as Assistant (BS-14)	Method of recruitment	Presently on the payroll of	Remarks
3	PTA Peshawar	Mr. Haji Shah Zaman	BA	15/9/1960	Peshawar	Junior Clerk 27/6/1982 (BS-5)	PTA Peshawar	25/6/2011	By promotion	PTA Peshawar	
9	RTA Hazara	Zahid Alam	BA	12-06-1984	mansehra	31-12-2011 as J/C (BS-7)	Commissioner office	04-05-2012	By promotion	RTA Hazara	
10	RTA Mardan	Hayat Wali Shah	MA	22-02-1986	Chitral	09-07-2013 Assistant (BS-14)	RTA Mardan	09-07-2013	Initial	RTA Mardan	
11	RTA Mardan	Bilal	BA	01-05-1989	Charsadda	18-07-2013 Assistant (BS-14)	RTA Mardan	18-07-2013	Initial	RTA Mardan	
12	RTA Kohat	Adnan Naz	BA	02-03-1989	Kohat	11-11-2013 as Assistant (BS-14)	RTA Kohat	11-11-2013	Initial	RTA Kohat	

Indst. No. & Date Even/ 2872-93

Copy is forwarded to the:-

1. Secretary Provincial Transport Authority, Peshawar.
2. All Secretaries Regional Transport Authorities in Khyber Pakhtunkhwa.
3. PS to Secretary Transport & Mass Transit Department, Govt. of Khyber Pakhtunkhwa.
4. Officials concerned.
5. Master file.

DIRECTOR

DIRECTORATE OF TRANSPORT & MASS TRANSIT

ATTESTED

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17
B
DIRECTORATE OF TRANSPORT AND MASS TRANSIT DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA

Notification

No. DIR/Tpt/1-16/2014/SLPTA&RTAS-2014: In pursuance of Section-8 (1) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rules 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1980, Final Seniority list of Assistants (BPS-16) in the Directorate of Transport & Mass Transit as Stood on 30/07/2015 is notified/Circulated:-

**SENIORITY LIST OF ASSISTANT (BPS-16) OF PROVINCIAL TRANSPORT AUTHORITY (PTA) AND
REGIONAL TRANSPORT AUTHORITIES (RTAs) AS STOOD ON 30/07/2015:**

S. No.	Authority	Name of official	Academic Qualification	Date of Birth	Domicile	Date of Designation/BPS of 1 st entry into Govt. service on regular basis	Recruited against the sanctioned post of PTA or RTA or otherwise	Date of regular promotion/appointment as Assistant (BS-16)	Method of Recruitment	Presently on the payroll of	Remarks
1	2	3	4	5	6	7	8	9	10	11	12
1	RTA Malakand	Fazal Wahid	BA	15/02/1956	Swat	22/5/1974 As J/C (BS-05)	RTA Malakand	01/07/1987	By Promotion	RTA Malakand	
2	RTA DIKhan	Siraj Ahmad Niazi	BA	05/04/1957	D.I.Khan	01/12/1980 as Senior Clerk (BS-07)	RTA D.I.Khan	01.10.1988	By Promotion	RTA DIKhan	
3	RTA Peshawar	Fazal Ur Rehman	MA Islamite	1/3/1968	Peshawar	18/11/1989 as Assistant (BS-11)	RTA Peshawar	18.11.1989	Initial	RTA Peshawar	
4	RTA Hazara	Abdul Qayyum	Matric	15/6/1958	Abbottabad	01/10/1977 as J/C (BS-05)	Commissioner office Kohat	21.04.1996	By Promotion	RTA Hazara	
5	RTA Kohat	Shoukat Zaman	Matric	01/5/1968	Kohat	18/03/1987 (J/C) (BS-05)	Commissioner Office Kohat	26.07.2002	By Promotion	RTA Kohat	
6	PTA Peshawar	Mr. Abdul Qayyum	BA	24/04/1960	Mardan	Junior Clerk 26/6/1982 (Bs-05)	PTA Peshawar	30.4.2005	By Promotion	RTA Peshawar	
7	RTA Bannu	Mr. Javed Khan	FA	19/09/1970	Bannu	12/02/1992 J/C (BS-05)	RTA Bannu	31.05.2008	By Promotion	RTA Bannu	

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S. No.	Authority	Name of official	Academic Qualification	Date of Birth	Domicile	Date of Designation/BPS of 1 st entry into Govt. service on regular basis	Recruited against the sanctioned post of PTA or RTA or otherwise	Date of regular promotion/appointment as Assistant (BS-16)	Method of Recruitment	Presently on the payroll of	Remarks
1	2	3	4	5	6	7	8	9	10	11	12
8	PTA Peshawar	Haji Shah Zaman	BA	15/9/1960	Peshawar	27/6/1982 Junior Clerk (BS-05)	PTA Peshawar	26.6.2011	By Promotion	PTA Peshawar	
9	RTA Hazara	Zahid Alam	BA	12/6/1984	Mansehra	31/12/2011 As JC (BS-07)	Commissioner Office	04.05.2012	Initial	RTA Hazara	
10	RTA Mardan	Hayat Wali Shah	MA	22/02/1986	Chitral	09/07/2013 as Assistant (BS-14)	RTA Mardan	09.07.2013	Initial	RTA Mardan	
11	RTA Mardan	Mr. Bilal	BA	01/05/1989	Charsadda	18/7/2013 as Assistant (BS-14)	RTA Mardan	18.07.2013	Initial	RTA Mardan	
12	RTA Kohat	Mr. Adnan Naz	BA	02/03/1989	Kohat	11/11/2013 as Assistant (BS-14)	RTA Kohat	11.11.2013	Initial	RTA Kohat	
13	RTA Peshawar	Mr. Shakirullah	Matric	12/12/1957	Peshawar	01/06/1979 as Peon (BS-01)	RTA Peshawar	09.09.2014	By Promotion	RTA Peshawar	


Sd/-

DIRECTOR TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA

Endst No. & Date of Even :-

Copy is forwarded to the:-

1. PS to Secretary Transport & Mass Transit, Department Government of Khyber Pakhtunkhwa.
2. Secretary Provincial Transport Authority, Peshawar.
3. All the Secretaries Regional Transport Authorities in Khyber Pakhtunkhwa.
4. Officials Concerned
5. Master File.

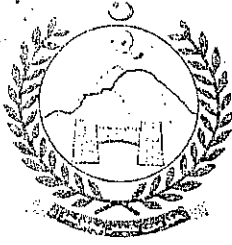


DEPUTY DIRECTOR

Directorate of Transport & Mass Transit
Khyber Pakhtunkhwa

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19

Directorate of Transport & Mass Transit Khyber Pakhtunkhwa

Ground Floor, Benevolent Fund Building, Peshawar Cantt.
Tel: 099-0214485/9212081

Dir/TPT/Seniority List
Dated: 20.07.2017

To,

- 1) Mr. Shoukat Zaman (Assistant Regional Transport Authority Bannu)
- 2) Mr. Abdul Qayyum (Assistant Provincial Transport Authority Peshawar)
- 3) Mr. Javed Khan (Assistant Regional Transport Authority Kohat)
- 4) Mr. Shah Zaman (Assistant Provincial Transport Authority Peshawar)
- 5) Mr. Shakir Ullah (Assistant Regional Transport Authority Peshawar)
- 6) Mr. Arab Khan (Assistant Regional Transport Authority Peshawar)
- 7) Mr. Hayat Muhammad (Assistant Regional Transport Authority Swat)
- 8) Mr. Hamd Ullah (Assistant Regional Transport Authority Swat)
- 9) Mr. Javed Akhter (Assistant Regional Transport Authority Peshawar)
- 10) Mr. Zahid Alam (Assistant Regional Transport Authority Abbotabad)
- 11) Mr. Hayat Wali Shah (Assistant Regional Transport Authority Abbotabad)
- 12) Mr. Bilal (Assistant Regional Transport Authority Mardan)
- 13) Mr. Adnan Naz (Assistant Regional Transport Authority Kohat)
- 14) Miss. Khush Bakht (Assistant Regional Transport Authority Abbotabad)
- 15) Mr. Aftikhar Ahmad (Assistant Directorate of Transport & Mass Transit)
- 16) Mr. Zubair Hussain (Assistant Regional Transport Authority D.I Khan)
- 17) Mr. Amir Baz (Assistant Regional Transport Authority Mardan)
- 18) Mr. Muhammad Ibrahim (Assistant Regional Transport Authority Swat)

Subject: - SENIORITY LIST

I am directed to refer to the subject noted above and to enclose herewith a copy of seniority list of Assistants of Provincial Transport Authority and Regional Transport Authority Khyber Pakhtunkhwa for information and Perusal. Objection (if any) shall be reached to this office within three days positively, otherwise the same shall be considered as final and shall be noted accordingly.


SALMAN NIS
DEPUTY DIRECTOR

Endst: No. & Date Even:

A copy is forwarded for information to the:-

1. P.S to Secretary Transport and Mass Transit Department, Government of Khyber Pakhtunkhwa.
2. P.A to Director Transport & Mass Transit, Khyber Pakhtunkhwa.

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DEPUTY DIRECTOR

20
 DIRECTORATE OF TRANSPORT AND MASS TRANSIT DEPARTMENT
 GOVERNMENT OF KHYBER PAKHTUNKHWA

Notification

No. DIR/Tp/1-16/2014/SLPTA&RTAS-2014. In pursuance of Section-8 (1) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rules 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1980, Tentative Seniority list of Assistants (BPS-16) in the Directorate of Transport & Mass Transit Khyber Pakhtunkhwa is notified as stood on 14/10/2017.

TENTATIVE SENIORITY LIST OF ASSISTANTS (BPS-16) OF PROVINCIAL TRANSPORT AUTHORITY (PTA) AND REGIONAL TRANSPORT AUTHORITIES (RTAs).

S. No.	Authority	Name of official	Academic Qualification	Date of Birth	Domicile	Date of Designation/BPS of 1 st entry into Govt. service on regular basis	Recruited against the sanctioned post of PTA or RTA or otherwise	Date of regular promotion/appointment as Assistant (BS-16)	Method of Recruitment	Presently on the payroll of	Remarks
1	2	3	4	5	6	7	8	9	10	11	12
1	RTA Kohat	Shoukat Zaman	Matric	01/5/1968	Kohat	18/03/1987 (J/C) (BS-05)	Commissioner Office Kohat	26.07.2002	By Promotion	RTA Kohat	
2	PTA Peshawar	Mr. Abdul Qayyum	BA	24/04/1960	Mardan	Junior Clerk 26/6/1982 (Bs-05)	PTA Peshawar	30.4.2005	By Promotion	RTA Peshawar	
3	RTA Bannu	Mr. Javed Khan	FA	19/09/1970	Bannu	12/02/1992 J/C (BS-05)	RTA Bannu	31.05.2008	By Promotion	RTA Bannu	
4	PTA Peshawar	Mr. Shah Zaman	BA	15/9/1960	Peshawar	27/6/1982 Junior Clerk (BS-05)	PTA Peshawar	25.6.2011	By Promotion	PTA Peshawar	
5	RTA Peshawar	Mr. Shakirullah	Matric	12/12/1957	Peshawar	01/06/1979 as Peon (BS-01)	RTA Peshawar	09.09.2014	By Promotion	RTA Peshawar	
6	RTA Peshawar	Mr. Arab Khan	FA	20.05.1959	Peshawar	28-08-1981 as J/C (BS-05)	RTA Peshawar	06.08.2015	By Promotion	RTA Swat	
7	PTA KP	Mr. Hayat Muhammad	Matric	12.06.1963	Peshawar	5.08.1984 as N/Q (BS-01)	PTA Peshawar	06.08.2015	By Promotion	RTA Swat	

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Sl. No.	Authority	Name of official	Academic Qualification	Date of Birth	Domicile	Date of Designation/BPS of 1 st entry into Govt. service on regular basis	Recruited against the sanctioned post of PTA or RTA or otherwise	Date of regular promotion/appointment as Assistant (BS-16)	Method of Recruitment	Presently on the payroll of	Remarks
1	2	3	4	5	6	7	8	9	10	11	12
8	PTA KP Peshawar	Mr. Hamdullah	BSC.LLB	1/1/1965	M Agency	23/10/1990 As J/C (BS-05)	PTA Peshawar	06.08.2015	By Promotion	RTA Hazara	
9	RTA Peshawar	Javed Akhter	BA	10.02.1968	Peshawar	01.10.1988 as J/C	RTA Peshawar	06.08.2015	By Promotion	RTA Hazara	
10	RTA Hazara	Zahid Alam	BA	12/6/1984	Manshehra	31/12/2011 As JC (BS-07)	Commissioner Office	04.05.2012	Initial	RTA Hazara	
11	RTA Mardan	Hayat Wali Shah	MA	22/02/1986	Chitral	09/07/2013 as Assistant (BS-14)	RTA Mardan	09.07.2013	Initial	RTA Mardan	
12	RTA Mardan	Mr. Bilal	BA	01/05/1989	Charsadda	18/7/2013 as Assistant (BS-14)	RTA Mardan	18.07.2013	Initial	RTA Mardan	
13	RTA Kohat	Mr. Adnan Naz	BA	02/03/1989	Kohat	11/11/2013 as Assistant (BS-14)	RTA Kohat	11.11.2013	Initial	RTA Kohat	
14	RTA Peshawar	Khush Bakht			Peshawar		RTA Peshawar	20.06.2016		RTA Hazara	
15	PTA KP Peshawar	Mr. Iftikhar Ahmad	FA	22.01.1969	Peshawar	23.10.1990 as J/C As S/C 28/08/2014	PTA Peshawar	20.06.2016	By Promotion	RTA D.I.Khan	
16	RTA Peshawar	Zubair Hussain	FA	11.01.1970	Peshawar	20.11.1990 as J/C as S/C 09/09/2014	RTA Peshawar	20.06.2016	By Promotion	RTA D.I.Khan	
17	RTA Malakan	Amir Baz	MA	06.09.1968	Mardan	25.07.1993 as J/C as S/C 09.09.2014	RTA Mardan	20.06.2016	By Promotion	RTA Hazara	
18	PTA KP	Mohammad Ibrahim	Matric	03.03.1963	Swat	14.01.1986 as J/C (BS-05) as S/C 09.09.2016	RTA Malakand	20.06.2016	Initial	RTA Swat	

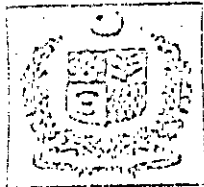
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-SD-
DIRECTOR TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA

22

OFFICE OF THE DISTRICT COMPTROLLER OF ACCOUNTS
MARDAN

FORM: PAY01



Employee Master File Creation Form

(Applicable for both payroll and GP Fund)

1. NAME OF OFFICE Sey RTA Mardan

2. FOR THE MONTH OF Sept 2013

3. DDO Code/Cost Centre (old or new Cost Center) MR 47108

PERSONAL ACTIONS

4. Employees Group Active Permanent/Temp Vocational Permanent/Temp Regular Contract

5. Expiry of Contract Period (DD/MM/YY)

6. Employees Grade 14 C.N.I.C. No. 15202-6390088-7
Old NIC No.

7. D.O.B (DD/MM/YY) 22-10-2-1986

8. Date of Entry into Govt. Service (DD/MM/YY) 10-07-2013

PERSONAL DATA

9. Form of Addressee: Mr Miss Ms Mrs

10. Last Name WALI SHAH Fathers Name Shah Wali Shah

11. First Name HAYAT

12. District of Domicile Chitral Marital status S Country of Birth Pakistan

13. Province of Domicile KPK Sub Area MR Nationality Pak Religion Islam

ORGANIZATIONAL ASSIGNMENT

14. Cost Center MR-47108 Contract Government NWFP Fed: Govt:

15. Gazetted Non-Gazetted Designation

16. Designation Code 001718 Ministry (Organization Unit) Transport Dept

17. Fund Section. Payroll Section. Buckle No.

18. Address Vill. Shah Bazar, Tah. Mastuj, Dist. Chitral

Accommodated by Govt. accommodation: YES NO

NIC Duplicate
452850
452850
452850

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22-A

BASIC PAY

19. Basic Pay Scale Basic Pay Level

Wage Type	Description	Amount
0 0 0 1	Basic Pay	8000/-
0 0 4 6	Personal Pay	1
0 0 3 1	Basic Pay for Contract	1

Wage Type	Description	Amount
0 0 2 0	Spl: Pay to Post	1

BANK DETAIL

20. Bank Name HDL Bank Branch Code. 0898

21. Bank Account No. 08987900512403

22. ALLOWANCES (RECURRING PAYMENTS):

Wage Type	Description	Amount
1 0 0 0	H.R.A	1476
1 3 0 0	Medical Allow	100
1 2 1 0	Spl: Add: Allow	1720
1 9 7 0	Spl: Rel: Allow	788
1 9 7 3	Sp: Rel: Allow	2460
2 1 1 8	Sp: Press Allow	160
2 1 4 8	Sp: Press Allow	120
1 5 6 7	Washing Allow	
1 8 2 3	Integrated Allow	
1 5 0 5	Charge Allow	
1 5 6 0	Science Teach: Allow	
1 5 1 8	Entertainment Allow	
1 5 4 8	Rural Comp: Allow	

Wage Type	Description	Amount
1 5 4 7	Ration Allow	
1 5 3 8	Non Prec Allow	
1 6 4 6	Cons. Rel. Allow	
1 9 0 1	Risk Allow	
1 9 0 2	Spl: Incentive Allow	
1 8 8 1	Utility Allow	
1 5 1 3	Deputation Allow	
1 5 4 6	Qualification Allow	
1 5 9 2	Mess Allow	
1 5 0 0	Comp: Allow	
1 5 4 9	Senior Post Allow	
1 8 8 6	Transport Allow	

23. DEDUCTIONS:

Wage Type	Description	Amount
3 0	G.P.Fund Deduction	1372
3 1	C.P.Fund Deduction	
3 0 0 0	C.P.Fund Nil Amount	

Wage Type	Description	Amount
3 5 0 1	Benevolent Fund	180
3 5 1 1	Add: Group Insur:	13
3 6 0 4	Group Insurance	115
3 6 4 0	Emp: Edu: Fund	

Prepared by: _____ Audited/Checked by: [Signature] Entered/Verified by: [Signature] Employee Signature

ATTESTED
KQ

ATTESTED

65



PAY ROLL SYSTEM
AMENDMENT FORM (GENERAL DATA)

DDO Code **MR4708**

Security TA. Mardan

Sub-DDO Code

Detail Dept./ Function Code

FORM: PAY/02

DATE: _____

PAGE: _____

Personnel No	National ID Card Number	Name	Field ID	New Contents	Effective Date
452850		Hayat wali Brah ASSH	117	Active	1-9-2013
			1000	= 8000	
			1000	= 1476	
			1210	= 2720	
		AR/11	1971	= 798	
		AR/10	1973	= 2460	
		AR/12	2118	= 1600	
		AR/15	2145	1200	
		QPL		1372	
		R1		115	
		AR		13	
				180-	

Page Totals:

Prepared by

ATTESTED
KQ

DDC Code
DD

Audited / Checked By

MR 4708

Drawing / Verified By Officer
Distt. Regional Transport Authority
MARDAN.

PAYROLL SYSTEM
AMENDMENT FORM (GENERAL DATA)

FORM: PAY FC2
Date:
Page

DDO
Code

M R 4 7 0 8

Secretary R. T. A. Mardan

Sub-DDO
Code

Detailed Dept/
Function Code

National ID Card Number	Name	Field Id	New Contents	Effective Date
1520-63960887	Hayat Wali		B - Day - 13678-	Adjustment 01-09-13
	Subst Asstt:		A/R A - 2524-	pay-out - 1/1/13
41520850	BPS-14		M/A - 1710-	W- R - 10-2-13
			P/A - 4657-	To 31-8-2013
			AA-2010	One Month and 22 days
			AA 2011	
			AA 2012	
			AA 2013	

P#


Page Totals:

Prepared By

ATTESTED
KQ

Audited/Checked By

Ran [Signature]


Drawing & Disbursing Officer
Distt: Regional Transport Authority
MARDAN.

25

Pay Bill of Permanent Establishment of the

Admitted Rs.
Objected Rs

MR. 4708

Head of Service Chargeable:

Pay Rupees ()

of the month

Voucher No.
List of

Cheque No.

Auditor

Senior Accountant

Auditor

G.O.

Magetwale Asstt
B/S
22/11
Fr 8/2/13

Name of Section and of incumbent	Name of post	Pay and acting allowance claimed (separately) for Government Servants Present duty of	Leave salary claimed (separately) for absentees	Compensatory allowance	Pay acting allowance or leave salary head over for further payment	Grants	Net charge for each section	P. Fund Ac.	Other Funds and miscellaneous recoveries	Income Tax	Deductions	Remarks	Accruals
	7/13	5678	1048	710	1931	677	1746	1136	852	13728			
	7/13	8000	1476	1000	2700	788	2460	1600	1200	19254	925	35/13	115
		13678/-	2524/-	1710/-	4651/-	1365/-	4206/-	2736/-	2052/-	32982/-	925	35/13	115
													31894/-

3
3
by

The Total of each Section should be entered in red ink.
In case of recoveries made under orders issued from an Accounts Officer the No. and date of the Accountant Generals letter should be quoted in the bill. The Government of Pakistan exercise in supervision of the Hindu Family Pension Fund and the General Family pension Fund are in no way responsible for their solvency.
To be entered by Drawing Officer and checked in Audit Office.

ATTESTED
KQ

22A

Name of Section and of Incumbent	Name of post	Pay and acting allowance claimed (separately) for Government	Leave salary claimed (separately) for absentees	Compensatory Allowance	Pay acting allowance of leave salary head over for	Net Charge for each section	P. Fund	Other Funds and Miscellaneous Recoveries	Income Tax	Net amount payable	Remarks
BSIF	Asst Mr 14	BPS	HRA	MA	EA	AA 2010	AA 2011	AA 2012		AA 2013	
		13678/-	2524/-	1710/-	4651/-	1365/-	4204/-	2736/-		2053/-	
Deduct Undisbursed pay refunded, as detailed below											
Net sum required for payment (In word and figure)											

In case of recoveries made under orders issued from an accounts office. The number and date of the Accountant General's letter should be quoted in the bill. The Government of Pakistan exercise no supervision over the management of the Hindu Family Annually Fund, Bengal Christian Family Pension Fund and The General family and Pension Fund and are in no way responsible for the solvency.

- Received contents also certified that I have satisfied myself that all emoluments included in bills drawn 1 month / 2 months previous to this date with the exception of those detailed below (which have not been referred to by the section from the bill) have been disbursed to the proper persons and that their receipts have been taken in Acquittance Rolls file in my office, with receipt stamp duly cancelled for every payment in excess of Rs. 20.
One line to be used and the others to be scored out.
- Certified that son in superior service has been absent either on deputation or suspension or with or without leave (except or casual leave) during the month.
- Certified that all offers whose names are omitted from but whose my has been drawn in this bill have actually been entertained during the month.
- Certified that no leave has been granted until be reference to applicant's Service Books and Leave Accounts to the Leave Rules applicable to him. I had satisfied myself that it was admissible and that all grants of leave, departures on, and returns from leave and all periods of suspension and eputation and other events which are required under the Rules to be so have been recorded in the Service books and Leave Accounts under my initials.
- Certified that all appointments and permanent and such of the action promotions as have to be entered in the Service Book as per columns in the teners J from No. F.R., to have been entered in the Service Book of the persons, concerned under my initials.

Station

Date


 Signature and designation of Head Office

Section Establishment	Name	Period	Amount	Section Establishment	Name	Period	Amount

Drawing & Disbursing Officer
 Pay Rupees ()
 Examined and Entered
 Treasury Accountant
 Dated 200 Treasury

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Accounts Office Nardaa
PAYROLL REGISTER
For the month of September, 2013

Page : 2,133
Date : 25.09.2013

26-0
0007: RR3708 Transport Department Nardaa
Position: Non-Gazetted

Payroll Section : 002, Section 2

00125760 AMIR BAZ KHAN PAYMENTS	Prev Pers AMOUNT	No: 12987114385 DEDUCTIONS	Desig: JUNIOR CLERK AMOUNT	(00000801) LOAN/FUND	Grade: 07 NTA: 0	Buckle No.: PRINCIPAL	Gazetted/Non-Gazetted: H REPAID BALANCE
0001 Basic Pay	13,160.00	3007 CPF Subscription - Rs	530.00-			CPF#: CA HR000633	160,101.00
1000 House Rent Allowance	1,059.00	3501 Benevolent Fund	180.00-				
1210 Convey Allowance 20	1,840.00	3511 Adtl Group Insurance	7.00-				
1300 Medical Allowance	1,000.00	3604 Group Insurance	67.00-				
1948 Adhoc Allowance 2010	3,760.00						
1970 Adhoc Relief Allow 2	1,128.00						
2118 Adhoc Relief Allow	2,632.00						
2148 15% Adhoc Relief All	1,974.00						
PAYMENTS	26,553.00	DEDUCTIONS	784.00-			NET PAY	25,769.00
Branch Code: 220719	BANK ROAD, NARDAA.	Habib Bank limited	BANK ROAD, NARDAA.				01.09.2013 30.09.2013 Acct. No: PLS 10321-56

00126994 MURUL ARIFEEN PAYMENTS	Prev Pers AMOUNT	No: 12989002975 DEDUCTIONS	Desig: MAID GASID AMOUNT	(00000990) LOAN/FUND	Grade: 03 NTA: 0	Buckle No.: PRINCIPAL	Gazetted/Non-Gazetted: H REPAID BALANCE
0001 Basic Pay	9,250.00	3003 CPF Subscription - Rs	403.00-			CPF#: CA HR000520	96,413.00
1000 House Rent Allowance	942.00	6505 CPF Loan Principal In	1,500.00-				
1210 Convey Allowance 20	1,700.00	3501 Benevolent Fund	120.00-				
1300 Medical Allowance	1,000.00	3511 Adtl Group Insurance	3.00-				
1833-Integrated Allance	300.00	3604 Group Insurance	58.00-				
1948 Adhoc Allowance 2010	2,710.00						
1970 Adhoc Relief Allow 2	813.00						
2118 Adhoc Relief Allow	1,850.00						
2148 15% Adhoc Relief All	1,387.00						
PAYMENTS	19,752.00	DEDUCTIONS	2,044.00-			NET PAY	17,708.00
Branch Code: 230345	NARDAA BAZAR, NARDAA	National Bank of Pakistan	SHARIF ABIM BAZAR				01.09.2013 30.09.2013 Acct. No: PLS004000152974

00452850 HAYAT HALI SHAH PAYMENTS	Prev Pers AMOUNT	No: 12989002975 DEDUCTIONS	Desig: ASSISTANT AMOUNT	(00000875) LOAN/FUND	Grade: 14 NTA: 0	Buckle No.: PRINCIPAL	Gazetted/Non-Gazetted: H REPAID BALANCE
0001 Basic Pay	6,060.00						
1000 House Rent Allowance	1,476.00						
1210 Convey Allowance 20	2,720.00						
1300 Medical Allowance	1,000.00						
1948 Adhoc Allowance 2010	2,460.00						
1970 Adhoc Relief Allow 2	798.00						
2118 Adhoc Relief Allow	1,600.00						
2148 15% Adhoc Relief All	1,200.00						
5002 Adjustnat House Ren	2,524.00	3014 CPF Subscription - Rs	1,372.00-			CPF#: JK KT	24,799.00
5011 Adj Conveyance Allow	4,651.00	6001 Adj Benevolent Fund	180.00-				
5012 Adjustnat Medical A	1,710.00	6006 Adj Group Insurance	115.00-				
5309 Adj. 15% Adhoc Allow	2,052.00	6075 Adj CPF	1,372.00-				
5801 Adj Basic Pay	13,678.00	6145 Adj Adtl Group Insur	13.00-				
5898 Adj. Adhoc Allowance	1,425.00	3501 Benevolent Fund	130.00-				
5911 Adj. Adhoc Relief 20	4,206.00	3511 Adtl Group Insurance	13.00-				
5938 Adj. Adhoc Relief All	2,736.00	3604 Group Insurance	115.00-				
PAYMENTS	52,236.00	DEDUCTIONS	3,360.00-			NET PAY	48,876.00
Branch Code: 250403	ARMY STADIUM PESHAWAR. / R.A. BAZAR	Allied Bank Limited	ARMY STADIUM PESHAWAR. / R.A. BAZAR				01.09.2013 30.09.2013 Acct. No: 15324

00693701 TUFAIL SHOUKAT	Prev Pers No:	Desig: JUNIOR CLERK	(00000801)	Grade: 07 NTA:	Buckle No.:	Gazetted/Non-Gazetted: H
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23
ID : HR4708 Transport Department Mardaa
Position: Non Gazetted

Payroll Section : 602 Section 2

00125760 AMIR QAZ KHAN PAYMENTS		Prev Pers AMOUNT	No: 12987114385 DEDUCTIONS	Desig: JUNIOR CLERK AMOUNT	(00000801) LOAN/FUND	Grade: 07 NTN: 0	Buckle No.: PRINCIPAL	Gazetted/Non-Gazetted: N REPAID BALANCE
0001 Basic Pay	13,160.00	3007 GPF Subscription - Rs	530.00-				GPF#: GA MR000633	161,161.00
1000 House Rent Allowance	1,059.00	3501 Benevolent Fund	180.00-					
1210 Convey Allowance 20	1,840.00	3511 Addl Group Insurance	7.00-					
1300 Medical Allowance	1,000.00	3604 Group Insurance	67.00-					
1948 Adhoc Allowance 2010	3,760.00							
1970 Adhoc Relief Allow 2	1,128.00							
2118 Adhoc Relief Allow (2,632.00							
2148 15% Adhoc Relief All	1,974.00							
PAYMENTS	26,553.00	DEDUCTIONS	784.00-	NET PAY	25,769.00	01.11.2013	30.11.2013	
Branch Code: 220219	BANK ROAD, MARDAN.	Habib Bank Limited	BANK ROAD, MARDAN.	MARDAN				Accnt.No: PLS 10321-56

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00126994 MUKUL ARIFEEN PAYMENTS		Prev Pers AMOUNT	No: 2989002975 DEDUCTIONS	Desig: NAID QASID AMOUNT	(00000990) LOAN/FUND	Grade: 03 NTN: 0	Buckle No.: PRINCIPAL	Gazetted/Non-Gazetted: N REPAID BALANCE
0001 Basic Pay	9,250.00	3003 GPF Subscription - Rs	403.00-				GPF#: GA MR000520	97,219.00
1000 House Rent Allowance	942.00	3501 Benevolent Fund	120.00-					
1210 Convey Allowance 20	1,700.00	3511 Addl Group Insurance	3.00-					
1300 Medical Allowance	1,000.00	3604 Group Insurance	58.00-					
1833 Integrated Alluance (300.00							
1948 Adhoc Allowance 2010	2,710.00							
1970 Adhoc Relief Allow 2	813.00							
2118 Adhoc Relief Allow (1,350.00							
2148 15% Adhoc Relief All	1,397.00							
PAYMENTS	19,952.00	DEDUCTIONS	584.00-	NET PAY	19,368.00	01.11.2013	30.11.2013	
Branch Code: 230365	MARDAN MAIN BRCH	National Bank of Pakistan	MARDAN MAIN BRCH	MARDAN				Accnt.No: PLS000000152974

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00452850 HAYAT WALI SHAH PAYMENTS		Prev Pers AMOUNT	No: 2989002975 DEDUCTIONS	Desig: ASSISTANT AMOUNT	(00000078) LOAN/FUND	Grade: 14 NTN:	Buckle No.: PRINCIPAL	Gazetted/Non-Gazetted: N REPAID BALANCE
0001 Basic Pay	8,080.00	3014 GPF Subscription - Rs	1,372.00-				GPF#: JM KT	27,543.00
1000 House Rent Allowance	1,476.00	3501 Benevolent Fund	180.00-					
1210 Convey Allowance 20	2,720.00	3511 Addl Group Insurance	13.00-					
1300 Medical Allowance	1,000.00	3604 Group Insurance	115.00-					
1948 Adhoc Allowance 2010	2,460.00							
1970 Adhoc Relief Allow 2	798.00							
2118 Adhoc Relief Allow (1,600.00							
2148 15% Adhoc Relief All	1,200.00							
PAYMENTS	19,254.00	DEDUCTIONS	1,680.00-	NET PAY	17,574.00	01.11.2013	30.11.2013	
Branch Code: 250603	ARMY STADIUM PESHAWAR. / R.A. DAZAR	Allied Bank Limited	ARMY STADIUM PESHAWAR. / R.A. DA					Accnt.No: 15324

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00693701 TUFAIL SHOUKAT PAYMENTS		Prev Pers AMOUNT	No: 2989002975 DEDUCTIONS	Desig: JUNIOR CLERK AMOUNT	(00000801) LOAN/FUND	Grade: 07 NTN:	Buckle No.: PRINCIPAL	Gazetted/Non-Gazetted: N REPAID BALANCE
0001 Basic Pay	5,800.00	3007 GPF Subscription - Rs	530.00-				GPF#: GA MR000633	3,580.00
1000 House Rent Allowance	1,059.00	3501 Benevolent Fund	180.00-					
1210 Convey Allowance 20	1,840.00	3511 Addl Group Insurance	7.00-					
1971 Adhoc Allowance 2011	529.00	3604 Group Insurance	67.00-					
1973 Adhoc Allowance 2011	1,765.00							
2118 Adhoc Relief Allow (1,160.00							

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Government of Khyber Pakhtunkhwa
District Accounts Office SWAT
Monthly Salary Statement (December-2018)



Personal Information of Mr HAYAT WALI SHAH d/w/s of SHER WALI SHAH

Personnel Number: 00452850 CNIC: 1520263900887 NTN:
Date of Birth: 22.02.1986 Entry into Govt. Service: 13.05.2009 Length of Service: 09 Years 07 Months 020 Days

Employment Category: Active Temporary

Designation: ASSISTANT 80004749-GOVERNMENT OF KHYBER PAKH

DDO Code: SW4478-Transport Department Swat

Payroll Section: 003

GPF Section: 001

Cash Center:

GPF A/C No: JM KT

Interest Applied: Yes

GPF Balance:

227,252.00

Vendor Number: 30339328 - HAYAT WALI SHAH

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil

BPS: 16

Pay Stage: 4

Wage type		Amount	Wage type		Amount
0001	Basic Pay	24,990.00	1000	House Rent Allowance	2,727.00
1210	Convey Allowance 2005	5,000.00	1912	Compen Allow 20% (16-N1)	1,500.00
1947	Medical Allow 15% (16-22)	1,500.00	2148	15% Adhoc Relief All-2013	540.00
2199	Adhoc Relief Allow @10%	375.00	2211	Adhoc Relief All 2016 10%	1,972.00
2224	Adhoc Relief All 2017 10%	2,499.00	2247	Adhoc Relief All 2018 10%	2,499.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs3340	-3,340.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-84.00	4004	R. Benefits & Death Comp:	-1,089.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
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Deductions - Income Tax

Payable: 1,000.00 Recovered till December-2018: 503.00 Exempted: 0.94- Recoverable: 497.94

Gross Pay (Rs.): 43,602.00 Deductions: (Rs.): -5,313.00 Net Pay: (Rs.): 38,289.00

Payee Name: HAYAT WALI SHAH

Account Number: 15324

Bank Details: ALLIED BANK LIMITED, 250603 Army Stadium Peshawar. Army Stadium Peshawar., Peshawar

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: CHITRAL

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: shahh2465@gmail.com

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29
Government of Khyber Pakhtunkhwa
District Accounts Office SWAT
Monthly Salary Statement (April-2019)

Last Pay slip



Personal Information of Mr HAYAT WALI SHAH d/w/s of SHER WALI SHAH

Personnel Number: 00452850 CNIC: 1520263900887 NTN:
Date of Birth: 22.02.1986 - [Entry into Govt. Service: 13.05.2009] Length of Service: 09 Years 11 Months 019 Days

Employment Category: Active Temporary

Designation: ASSISTANT 80004749-GOVERNMENT OF KHYBER PAKH

DDO Code: SW4478-Transport Department Swat

Payroll Section: 003

GPF Section: 001

Cash Center:

GPF A/C No: JM KT

Interest Applied: Yes

[GPF Balance:]

[240,612.00]

Vendor Number: 30339328 - HAYAT WALI SHAH

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 16

Pay Stage: 4

Wage type		Amount	Wage type		Amount
0001	Basic Pay	24,990.00	1000	House Rent Allowance	2,727.00
1210	Convey Allowance 2005	5,000.00	1912	Compen Allow 20% (16-N1)	1,500.00
1947	Medical Allow 15% (16-22)	1,500.00	2148	15% Adhoc Relief All-2013	540.00
2199	Adhoc Relief Allow @10%	375.00	2211	Adhoc Relief All 2016 10%	1,972.00
2224	Adhoc Relief All 2017 10%	2,499.00	2247	Adhoc Relief All 2018 10%	2,499.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs3340	-3,340.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-83.00	4004	R. Benefits & Death Comp.	-1,089.00
4200	Professional Tax	-200.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
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Deductions - Income Tax

Payable: 1,000.00 Recovered till APR-2019: 835.00 Exempted: 0.30- Recoverable: 165.30

Gross Pay (Rs.): 43,602.00 Deductions: (Rs.): -5,512.00 Net Pay: (Rs.): 38,090.00

Payee Name: HAYAT WALI SHAH

Account Number: 15324

Bank Details: ALLIED BANK LIMITED, 250603 Army Stadium Peshawar. Army Stadium Peshawar., Peshawar

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: CHITRAL

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: shahh2465@gmail.com

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30
Government of Khyber Pakhtunkhwa
District Accounts Office SWAT
Monthly Salary Statement (February-2018)



Personal Information of Mr HAYAT WALI SHAH d/w/s of SIHER WALI SHAH

Personnel Number: 00452850 CNIC: 1520263900887 NTN:
 Date of Birth: 22.02.1986 Entry into Govt. Service: 13.05.2009 Length of Service: 08 Years 09 Months 017 Days

Employment Category: Active Temporary

Designation: ASSISTANT 80004749-GOVERNMENT OF KHYBER PAKH
 DDO Code: SW4478-Transport Department Swat
 Payroll Section: 003 GPF Section: 001 Cash Center:
 GPF A/C No: JM KT Interest Applied: Yes **GPF Balance: 174,067.00**
 Vendor Number: 30339328 - HAYAT WALI SHAH
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 16 Pay Stage: 3

Wage type		Amount	Wage type		Amount
0001	Basic Pay	23,470.00	1000	House Rent Allowance	1,818.00
1210	Convey Allowance 2005	5,000.00	1912	Compen Allow 20% (16-N1)	1,500.00
1947	Medical Allow 15% (16-22)	1,500.00	2148	15% Adhoc Relief All-2013	540.00
2199	Adhoc Relief Allow @10%	375.00	2211	Adhoc Relief All 2016 10%	1,972.00
2224	Adhoc Relief All 2017 10%	2,347.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs3340	-3,340.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-104.00	4004	R. Benefits & Death Comp:	-1,089.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 1,095.26 Recovered till February-2018: 682.00 Exempted: 0.54- Recoverable: 413.80

Gross Pay (Rs.): 38,522.00 Deductions: (Rs.): -5,333.00 Net Pay: (Rs.): 33,189.00

Payee Name: HAYAT WALI SHAH

Account Number: 15324

Bank Details: ALLIED BANK LIMITED, 250603 Army Stadium Peshawar. Army Stadium Peshawar., Peshawar

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: CHITRAL

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

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31
Government of Khyber Pakhtunkhwa
District Accounts Office SWAT
Monthly Salary Statement (January-2018)



Personal Information of Mr HAYAT WALI SHAH d/w/s of SHER WALI SHAH

Personnel Number: 00452850 CNIC: 1520263900887 NTN:
 Date of Birth: 22.02.1986 Entry into Govt. Service: 13.05.2009 Length of Service: 08 Years-08 Months 020 Days

Employment Category: Active Temporary

Designation: ASSISTANT 80004749-GOVERNMENT OF KHYBER PAKH
 DDO Code: SW4478-Transport Department Swat
 Payroll Section: 003 GPF Section: 001 Cash Center:
 GPF A/C No: JM KT Interest Applied: Yes **GPF Balance:** 170,727.00
 Vendor Number: 30339328 - HAYAT WALI SHAH
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 16 Pay Stage: 3

Wage type		Amount	Wage type		Amount
0001	Basic Pay	23,470.00	1000	House Rent Allowance	1,818.00
1210	Convey Allowance 2005	5,000.00	1912	Compen Allow 20% (16-N1)	1,500.00
1947	Medical Allow 15% (16-22)	1,500.00	2148	15% Adhoc Relief All-2013	540.00
2199	Adhoc Relief Allow @10%	375.00	2211	Adhoc Relief All 2016 10%	1,972.00
2224	Adhoc Relief All 2017 10%	2,347.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs3340	-3,340.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-104.00	4004	R. Benefits & Death Comp:	-1,089.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 1,095.26 Recovered till January-2018: 578.00 Exempted: 0.44- Recoverable: 517.70

Gross Pay (Rs.): 38,522.00 Deductions: (Rs.): -5,333.00 Net Pay: (Rs.): 33,189.00

Payee Name: HAYAT WALI SHAH
 Account Number: 15324
 Bank Details: ALLIED BANK LIMITED, 250603 Army Stadium Peshawar. Army Stadium Peshawar., Peshawar

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: City: CHITRAL Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
 Temp. Address: City: Email:

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32
Government of Khyber Pakhtunkhwa
District Accounts Office SWAT
Monthly Salary Statement (December-2017)



Personal Information of Mr HAYAT WALI SHAH d/w/s of SHER WALI SHAH

Personnel Number: 00452850 CNIC: 1520263900887 NTN:
 Date of Birth: 22.02.1986 Entry into Govt. Service: 13.05.2009 Length of Service: 08 Years 07 Months 020 Days

Employment Category: Active Temporary

Designation: ASSISTANT 80004749-GOVERNMENT OF KHYBER PAKH
 DDO Code: SW4478-Transport Department Swat
 Payroll Section: 003 GPF Section: 001 Cash Center:
 GPF A/C No: JM KT Interest Applied: Yes **GPF Balance: 167,387.00**
 Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 16 Pay Stage: 3

Wage type		Amount	Wage type		Amount
0001	Basic Pay	23,470.00	1000	House Rent Allowance	1,818.00
1210	Convey Allowance 2005	5,000.00	1912	Compen Allow 20% (16-N1)	1,500.00
1947	Medical Allow 15% (16-22)	1,500.00	2148	15% Adhoc Relief All-2013	540.00
2199	Adhoc Relief Allow @10%	375.00	2211	Adhoc Relief All 2016 10%	1,972.00
2224	Adhoc Relief All 2017 10%	2,347.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs3340	-3,340.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-104.00	4004	R. Benefits & Death Comp:	-1,089.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 1,095.26 Recovered till December-2017: 474.00 Exempted: 0.40- Recoverable: 621.66

Gross Pay (Rs.): 38,522.00 Deductions: (Rs.): -5,333.00 Net Pay: (Rs.): 33,189.00

Payee Name: HAYAT WALI SHAH

Account Number: 15324

Bank Details: ALLIED BANK LIMITED, 250603 Army Stadium Peshawar. Army Stadium Peshawar., Peshawar

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: CHITRAL

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

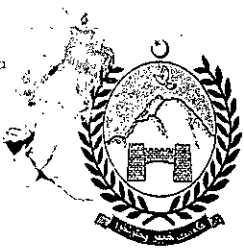
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City:

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT**

Annex (C)

CHARGE SHEET

I, Muhammad Humayun, Secretary to Govt. of Khyber Pakhtunkhwa, Transport & Mass Transit Department, as competent authority, with reference to your appointment Order No. SO(TPT)10(7)2010 dated 09-07-2013, hereby charge you, Mr. Hayat Wali Shah Assistant (BS-14) of Regional Transport Authority Mardan, as follows:-

- (a) That you have ^{been} appointed without advertisement of posts in the newspapers.
- (b) The Departmental Selection Committee (DSC) meeting has not been convened for your appointment.
- (c) Merit lists were not maintained.
- (d) Appointment against initial quota comes in the purview of the Khyber Pakhtunkhwa Public Service Commission. Your appointment against the initial quota is totally contrary to the framed rules.

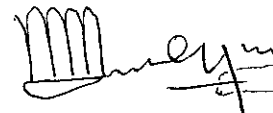
2. By reasons of the above, you appear to be guilty of "misconduct" under Rule 1 (I)(vi) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

3. You are, therefore, required to submit your written defence within seven (07) days of the receipt of this Charge Sheet to the inquiry officer, as the case may be.

4. Your written defence, if any, should reach the inquiry officer within the 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.


9-5-14

(Muhammad Humayun)
Secretary to Govt. of Khyber Pakhtunkhwa
Transport & Mass Transit Deptt

Mr. Hayat Wali Shah
Assistant (BS-14),
Regional Transport Authority, Mardan.

No.SO(G)10-15/3251

Dated: 07-05-2014

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT**



DISCIPLINARY ACTION

I, Muhammad Humayun, Secretary to Govt. of Khyber Pakhtunkhwa, Transport & Mass Transit Department, as competent authority, am of the opinion that Mr. Hayat Wali Shah Assistant (BS-14) of Regional Transport Authority Mardan, has rendered himself 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 & Discipline) Rules, 2011:-

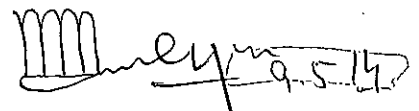
STATEMENT OF ALLEGATIONS

- (a) That you have appointed without advertisement of posts in the newspapers.
- (b) The Departmental Selection Committee (DSC) meeting has not been convened for your appointment.
- (c) Merit lists were not maintained.
- (d) Appointment against initial quota comes in the purview of the Khyber Pakhtunkhwa Public Service Commission. Your appointment against the initial quota is totally contrary to the framed rules.

2. For the purpose of enquiry against the said accused with reference to the above allegation(s) Mr. Sami Ullah Section Officer (Dev) Transport & Mass Transit Department is appointed as Enquiry Officer under Rule 10(1)(a) of the ibid Rules.

3. The Enquiry Officer 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 (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and Section Officer (Lit/PTA & RTAs), Transport & Mass Transit Department shall join the proceedings on the date, time and place fixed by the Enquiry Officer.



**(Muhammad Humayun)
Secretary to Govt. of Khyber Pakhtunkhwa
Transport & Mass Transit Deptt
(Competent authority)**

Mr. Hayat Wali Shah
Assistant (BS-14),
Regional Transport Authority, Mardan.

No.SO(G)10-15/3252

Dated: 07-05-2014

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Annex (D)

Section Officer (Gen)
Public Transport Deptt:
Govt. of Khyber Pakhtunkhwa

Received Sarmad
19/5/14

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To
The Secretary,
Transport and Mass Transit Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: REPLY TO THE CHARGE SHEET DATED 09.05.2014.

Respected Sir,

In reply to the Charges sheet dated 09.05.2014, received by the undersigned on 14.05.2014, I very humbly submit my reply as under:

1. That I at the very outset deny the allegations leveled against me in the subject charge sheet as unfounded and baseless, For the reason all the charges against me that the undersigned has no role to play.
2. That certain posts of including the post of Assistant were lying vacant in your esteemed department, I applied for the post and after passing through the recruitment process, I after being found fit and eligible was allowed appointment against the post of Assistant vide order 09.07.2013 by the competent authority, I was holding the prescribed qualification for the post. I was also medically examined and when found fit was handed over charge of my post. Even since my appointment, I am performing my duties as assigned with zeal, devotion and without given any chance of complaint whatsoever to my superiors.
3. That the charges leveled in the subject charge sheet is misconceived, the undersigned having the prescribed qualifications and fulfill the criteria applied for the post and was thereafter appointed, as all the three charges are with regard to the process of appointment and relates to the department alone, the undersigned has no say in process of appointment. Thus any irregularity even if committed during the recruitment process, I cannot be held liable for the same.
4. That the august Supreme court of Pakistan has in a number reported judgment held that "any irregularity, whatsoever, if committed by the appointing department itself, the appointee could not be harmed, damaged or condemned subsequently when it occurred to the department that it had itself committed some irregularities qua any appointment".

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Similarly the august Supreme Court of Pakistan in reported Judgment 2007 PLC Civil Service 179 held as under:-

“For the irregularities committed by department itself regarding appointment of candidate, the appointees could not be condemned subsequently with the change of heads in department or on the upper level--- Government being institution in perpetuity, its orders could not be reversed simply because the heads had changed--- such act of departmental authorities was unjustified when the candidate was otherwise fully qualified to hold the job”

5. That I was appointed by the competent authority after observing all codal formalities. I have taken over charge of my post and performing my duties for the last ten months, moreover I have also received salaries thus the order of my appointment have been acted upon and valuable rights have been accrued in my favor now, and the principle of locus poenitentiae is applicable, because decisive steps have been taken and the undersigned has taken over the charge and performed duties.

That the allegation to the effect that the post fall within the ambit of Khyber Pakhtunkhwa Public Service Commission, is misconceived. The post of Assistant in the Office of the Secretary Transport and Mass Transit Department has not been mentioned or within the purview of Khyber Pakhtunkhwa Public Service Commission. These posts can be validly filled by the Secretary/Chairman of the Transport and Mass Transit Department. The post of Assistant has not been mentioned in the Khyber Pakhtunkhwa Public Service Commission Ordinance 1978 or the Khyber Pakhtunkhwa Public Service Commission Function (Rules 1983), which provides that

“Functions of Commission:- (1) The functions of the Commission shall be to conduct tests and examinations for recruitment of persons to:

- (i) The civil services of the Province and civil posts in connection with the affairs of the Province in basic pay scales 16 and above or equivalent and
- (ii) Posts in basic pay scales 11 to 15 or equivalent specified in following Departments (except the District Cadre Posts)-
 1. Civil Secretariat (through Establishment Department).
 2. Board of Revenue;
 3. Police Department;
 4. Prison Department;
 5. Services and Works Department;

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- 6. Irrigation Department;
- 7. Industries, Labour & Manpower Department;
- 8. Health Department;
- 9. Education Department;
- 10. Local Government & Rural Development Department;
- 11. Excise & Taxation Department,
- 12. Food Department;
- 13. Physical Planning & Environment Department including Urban Development Board; and
- 14. Organization, except autonomous bodies under the Health and Education Department;

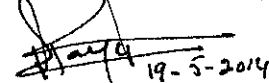
Since the Transport and Mass Transit Department does not find mentioned in the above list, therefore, the post of Assistant BPS-14 is outside the preview of the Commission as being an Authority.

- 7. That I have never any act or omission which can be termed as misconduct, I cannot be punished for the irregularity if any occur in the recruitment process.
- 8. Before being appointed here I was permanent Government Employee for the last 5+ years, which can be seen on my pay slip attached.
- 9. That I also desire to be heard in person.

It is, therefore, humbly requested that on acceptance of this reply the subject charge sheet may please be dropped and I may be exonerated of the charges.

Dated: - 16/05/2014.

Yours obediently,



19-5-2014
Hayat Wali Shah
Assistant.

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38

ANNEXURE (E)



GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT

No. SO(G)10-15/14/3265-69/
Dated Peshawar the, 09-05-2014

ORDER

No.SO(G)10-15: The Competent Authority has been pleased to nominate Mr. Sami Ullah Section Officer (Dev) Transport & Mass Transit Department Govt. of Khyber Pakhtunkhwa to conduct inquiry under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, against the fake appointment of the following officials in various RTAs:-

S.No	Name	Designation	Authority
1	Hayat Wali Shah	Assistant	RTA Mardan
2	Bilal	Assistant	RTA Mardan
3	Adnan Naz	Assistant	RTA Kohat
4	Zahid Alam	Assistant	RTA Hazara
5	Tofail Shaukat	Junior Clerk	RTA Mardan
6	Muhammad Kamran	Junior Clerk	RTA Kohat
7	Tasneem-Ullah	Junior Clerk	RTA Kohat
8	Adnan	Junior Clerk	RTA Malakand

The inquiry officer shall complete the inquiry within thirty (30) days after issuance of this order and submit the report to Competent Authority.

Sd/-
Secretary
Transport & Mass Transit Deptt

Endst. No. & Date Even/

Copy is forwarded to the:-

1. Mr. Sami Ullah Section Officer (Dev), Transport & Mass Transit Department.
2. Director Transport & Mass Transit/Chairman RTAs Khyber Pakhtunkhwa.
3. Secretaries Regional Transport Authorities, Mardan, Malakand, Hazara and Kohat.
4. (i) Mr. Hayat Wali Shah (Assistant), Mr. Bilal (Assistant), Mr. Tofail Shaukat (Junior Clerk) RTA Mardan, (ii) Mr. Adnan Naz (Assistant), Muhammad Kamran (Junior Clerk) and Tasneem Ullah (Junior Clerk) RTA Kohat (iii) Mr. Adnan (Junior Clerk) RTA Malakand (iv) Zahid Alam (Assistant) RTA Hazara, along with copies of Charge Sheet and Statement of Allegations with the directions to submit written reply to the Enquiry Officer within seven (07) days and attend the proceedings as and when directed by the Enquiry Officer.
5. Master file.

Section Officer (Admn)
Transport & Mass Transit Deptt

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CONFIDENTIAL



**GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT**

No. SO(G)10-15/3231-46

Dated Peshawar the, 09-05-2014

To

Mr. Sami Ullah,
Section Officer (Dev),
Transport & Mass Transit Department.

Subject: - **INQUIRY AGAINST APPOINTMENTS IN VARIOUS REGIONAL TRANSPORT
AUTHORITIES (RTAs).**

I am directed to refer to the subject noted above and to inform that the competent authority has been pleased to appoint you as Inquiry Officer to conduct enquiry under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, against the following officials appointed in various RTAs:-

S.No	Name	Designation	Authority
1	Hayat Wali Shah	Assistant	RTA Mardan
2	Bilal	Assistant	RTA Mardan
3	Adnan Naz	Assistant	RTA Kohat
4	Zahid Alam	Assistant	RTA Hazara
5	Tofail Shaukat	Junior Clerk	RTA Mardan
6	Muhammad Kamran	Junior Clerk	RTA Kohat
7	Tasneem Ullah	Junior Clerk	RTA Kohat
8	Adnan	Junior Clerk	RTA Malakand

2. Copies of the charge sheet and Statement of Allegation against the accused officials duly signed by the competent authority are enclosed herewith for further necessary action.

3. It is, therefore, requested to conduct the enquiry and submit report within thirty (30) days to this department.

**Section Officer (Admn)
Transport & Mass Transit Deptt**

Endst. No. & Date Even/

Copy is forwarded to the:-

1. Director Transport & Mass Transit/Chairman RTAs Khyber Pakhtunkhwa.
2. Secretaries Regional Transport Authorities Peshawar, Mardan, Malakand, Kohat and P I Khan.
3. (i) Mr. Hayat Wali Shah (Assistant), Mr. Bilal (Assistant), Mr. Tofail Shaukat (Junior Clerk) RTA Mardan, (ii) Mr. Adnan Naz (Assistant), Muhammad Kamran (Junior Clerk) and Tasneem Ullah (Junior Clerk) RTA Kohat (iii) Mr. Adnan (Junior Clerk) RTA Malakand (iv) Zahid Alam (Assistant) RTA Hazara, along with copies of Charge Sheet and Statement of Allegations with the directions to submit written reply to the Enquiry Officer within seven (07) days and attend the proceedings as and when directed by the Enquiry Officer.
4. Master file.

ATTESTED

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**Section Officer (Admn)
Transport & Mass Transit Deptt**

Most Immediate
Out Today



GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT

Mian Rashid Hussain Shaheed Memorial Block, Civil Secretariat Khyber Pakhtunkhwa Peshawar

Ph: 091-9223546

No. SO (G)/TD/16-10/Promotion/6613-23

Fax: 091-9212556

Dated: 01/11/2018

To

1. The Secretary Regional Transport Authority, Mardan.
2. The Secretary Regional Transport Authority, Bannu.
3. The Secretary Regional Transport Authority, Malakand.
4. The Secretary Regional Transport Authority, Hazara.
5. The Secretary Regional Transport Authority, Kohat.
6. Mr. Zahid Alam, Assistant (BS-16), RTA, Hazara.
7. Mr. Hayat Wali Shah, Assistant (BS-16), RTA, Malakand.
8. Mr. Bilal, Assistant (BS-16), RTA, Mardan.
9. Mr. Adnan Naz, Assistant (BS-16), RTA, Kohat.

Subject: - ENQUIRY IN ILLEGAL APPOINTMENTS OF ASSISTANTS (BS-16) OF RTA MARDAN, HAZARA, KOHAT AND MALAKAND

Referance to the this Department Notification No.SO(G)/TD/16-10/Promtion dated 03.10.2018, the undersigned has been appointed as Enquiry Officer to conduct enquiry into illegal appointments of Assistants in RTA Mardan, Hazara, Bannu, Malakand and RTA Kohat.

You are therefore directed to attend the office of undersigned on 02.11.2018 at 11:00 AM alongwith all recruitment record, service record, personal files etc (in original) for the inquiry. Moreover, the aforesaid Assistants will also attend the O/O undersigned on the same date, time & venue.

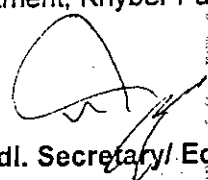

(KALIMULLAH KHAN BALOCH)
Addl. Secretary/ Equiry Officer

Endst: No. & Date Even

Copy forwarded to the:

1. Mr. Javed Khan, (the then SO (Admn), Transport Department) now Deputy Secretary (Litigation) Finance Department, Khyber Pakhtunkhwa, with the request to attend the O/O udersinged on the same, date, time and venue.
2. Mr. Salman Nisar, Deuty Director, Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa, with the request to attend the O/O udersinged on the same, date, time and venue with all relevant record in his office.
3. PS to^s Secretary Transport & Mass Transit Department, Khyber Pakhtunkhwa.

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Addl. Secretary/ Equiry Officer

41

INQUIRY REPORT

BACKGROUND: This is a fact finding inquiry on the subject "Illegal appointments in RTA" wherein the undersigned has been appointed as inquiry officer vide letter No.SO(G)/TD/16-10/Promotion dated 03.10.2018, issued by Transport Department (**Annex-I**).

The brief background of this case is that during a DPC meeting held on 13.09.2018, under the chairmanship of Secretary Transport Department, this issue cropped up and it transpired that following 04 employees of RTAs were appointed in violation of prescribed procedure. The names of these Office Assistants are as follows:-

1. Mr. Zahid Alam, Assistant (BS-16), RTA, Hazara, (appointed on 04.05.2012).
2. Mr. Hayat Wali Shah, Assistant (BS-16), RTA, Malakand, (appointed on 09.07.2013).
3. Mr. Bilal, Assistant (BS-16), RTA, Mardan, (appointed on 18.07.2013).
4. Mr. Adnan Naz, Assistant (BS-16), RTA, Kohat, (appointed on 11.11.2013).

The Terms of Reference (TORs) of this inquiry were as follows;

- i. Procedure / method adopted in the recruitment of above mentioned Assistants against the given procedure of recruitment.
- ii. To find out the names of officers who recruited the above Assistants.
- iii. Fate of illegal appointments of the Assistants.
- iv. Any other recommendations deems appropriate.

Hence, this inquiry.

PROCEEDINGS

First of all, the legal procedure to fill the posts of Assistants (BS-14) in PTA/RTAs was perused. According to Recruitment Policy of the Provincial Government, the posts of Assistants (BPS-14 at that time) were required to be filled on the recommendations of the Khyber Pakhtunkhwa Public Service Commission (**Annex-II**). While other terms and conditions i.e qualification, age and method of recruitment are given in the notified Service Rules of PTA/RTAs (**Annex-III**).

The Office record in the custody of Admn Section of Transport & Mass Transit Department was checked by SO Admn. He perused office files which number was used in the appointment orders of above mentioned employees. But no record was found.

The statement of Section Officer (Admn) Mr. Safdar Azam Qureshi is at (**Annex-IV**). Similarly, it was felt necessary to call the following officers/officials to know as to how they were appointed and whether they have any record of these recruitments or otherwise.

1. The Secretary Regional Transport Authority, Mardan.
2. The Secretary Regional Transport Authority, Malakand.
3. The Secretary Regional Transport Authority, Hazara.
4. The Secretary Regional Transport Authority, Kohat.
5. The Secretary Regional Transport Authority, Bannu.
6. Mr. Zahid Alam, Assistant (BS-16), RTA, Hazara.
7. Mr. Hayat Wali Shah, Assistant (BS-16), RTA, Malakand.
8. Mr. Bilal, Assistant (BS-16), RTA, Mardan.
9. Mr. Adnan Naz, Assistant (BS-16), RTA, Kohat.

To this effect, a letter was issued to all concerned (**Annex-V**). All of them appeared on the fixed date. Mr. Salman Nisar DD, represented the Department. Their statements were recorded.

Their cross examination was also recorded. The statement of Deputy Director Mr. Salman Nisar

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is at (Annex-VI). The statements of Secretary RTA Bannu, Malakand, Kohat and Hazara are placed at (Annex-VII, VIII, IX, X) respectively while the statement of current SO (Admn) Transport Department is at (Annex-XI). The statements of Assistant Mr. Adnan Naz RTA Kohat, Assistant Mr. Zahid Alam RTA Abbottabad, Assistant Mr. Bilal RTA Mardan, Assistant Mr. Hayat Wali RTA Malakand along with relevant documents are placed at (Annex-XII, XIII, XIV & XV) respectively. The statement of Mr. Javed Khan the then SO (General), Transport Department now Deputy Secretary, Finance Department is available at (Annex-XVI).

GIST OF STATEMENTS

All the four current Secretary RTAs stated that they were posted after 2012-13 and they don't have any knowledge about the process of recruitments of above mentioned four Assistants. Furthermore they have presented all record now available in their offices i.e appointment orders, Medical certificate, arrival reports etc.

Similarly, all the above Assistants in their examination in Chief and cross examination have admitted that no advertisement was given in the Newspapers. They never ever appeared before the Public Service Commission for test or interview. They were called for interview by phone from Secretary Transport office, and their interview was taken by a panel Chaired by the then Secretary Transport Department, Mr. Khalid Khan Umerzai (now Retd).

Mr. Javed Khan the then SO (G) Transport Department now Deputy Secretary Finance Department stated that he was posted as SO (G) at the time of appointment of three Assistants namely Hayat Wali Shah, Bilal, and Adnan Naz. He stated that during his posting, he had neither written any letter to Public Service Commission nor he was directed to do so by the competent authority. The appointment orders, in question, bears the genuine signatures of the then Secretary Mr. Khalid Khan Umerzai. Furthermore he had neither written for publishing an advertisement in the Newspapers, nor any record was entrusted to him in this regard.

The current SO (G) Mr. Safder Azam stated that he has checked all files and there is no record available related to these appointments.

FINDINGS

1. As per law Assistant (BS-14 at that time) were required to be recruited / appointed on the recommendation of Public Service Commission, KP.
2. The appointment orders of the four Assistants Mr. Adnan Naz RTA Kohat, Assistant Mr. Zahid Alam RTA Abbottabad, Assistant Mr. Bilal RTA Mardan, Assistant Mr. Hayat Wali RTA Malakand are not found in the office record of SO Admn Transport Department.
3. Similarly, recruitment processing record/documents i.e Advertisement, Scrutiny merit list, call letters to the candidates for interview etc or requisition to the Public Service Commission and recommendations by the PSC are not available in the Section Officer (Admn), Section, Transport Department.
4. At this stage, no one can be held responsible except the person who had signed these appointment orders in violation of prescribed procedure.
5. The appointment order of Zahid Alam was signed by Mr. Khalid Khan Umerzai in the capacity of Chairman RTA/ Commissioner Hazara Division. While the appointment orders of Adnan Naz, Bilal and Hayat Wali Shah were signed by Mr. Khalid Khan Umerzai in the capacity of Secretary Transport / Chairman Provincial Transport Authority.
6. All the four Assistants were appointed in violation of prescribed procedure.

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RECOMMENDATIONS

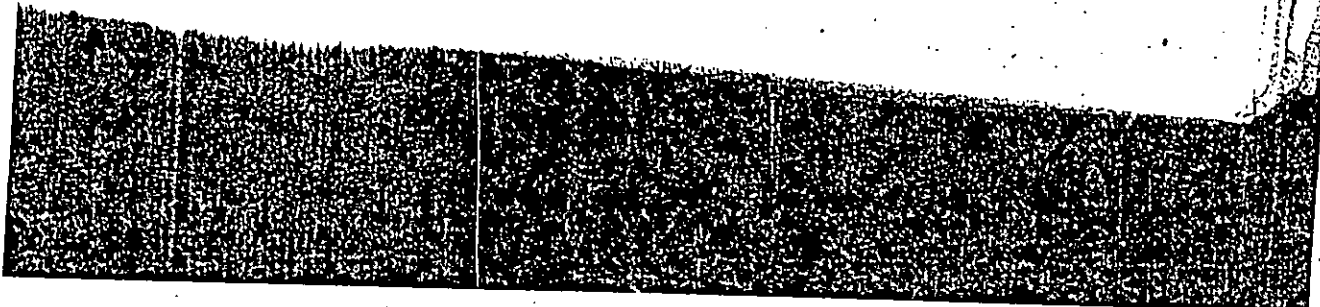
1. Further formal proceedings may be initiated against the four above mentioned Assistants under Efficiency and Discipline Rules.
2. Establishment Department may be approached for further legal action, if any, against Mr. Khalid Khan Umerzai (now Retd).

Dated: 05-11-2018


KALEEMULLAH KHAN
Additional Secretary
Transport Department.

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**DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA**

Ground Floor Benevolent Fund Building, Peshawar Cantt Tel: 091-9212061/9214185/9213555

ANNEX "B" 19

No. DIR/TPT/1-46/inquiry/ 6949-54
Dated: 21-01-2019

To,

Mr. Hayat Wali Shah,
Office Assistant (BPS-16),
Regional Transport Authority Malakand.

Diary No: 70

Dated: 25/1/19

Subject: NOTICE OF CHARGE SHEET AND DISCIPLINARY ACTION

I am directed to refer to the subject noted above and to forward herewith a Charge Sheet and Disciplinary Action containing imposition of major penalty of removal from service against you.

I am further directed to convey that your reply to the enclosed Charge Sheet and Disciplinary action should reach this office within seven (07) positively. Also intimate whether you desire to be heard in person or otherwise.

[Signature]
Assistant Director (Admn)
Transport & Mass Transit

Endst: No & Date Even:

A copy is forwarded to

1. P.S. to Secretary, Transport and Mass Transit, Govt. of Khyber Pakhtunkhwa.
2. P.A to Director Transport and Mass Transit, Khyber Pakhtunkhwa, Peshawar.

[Signature]
Assistant Director (Admn)
Transport & Mass Transit

Assist - I

[Signature]

*sectry RTA
Date: 25/1/19*

*Hayat wali
for n/a as required. [Signature]*

ATTESTED

[Signature]



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DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA
Ground Floor Benevolent Fund Building, Peshawar Cantt Tel: 091-9212061/9214185/9213555

CHARGE SHEET

I, Sharif Hussain, Director Transport & Mass Transit Khyber Pakhtunkhwa Khyber as competent Authority, hereby charge you, Mr. Hayat Wali Shah Assistant BS-16 RTA Malakand as follows.

- a. As per law Assistant (BS-14 at that time) were required to be recruited/ appointed on the recommendation of Khyber Pakhtunkhwa Public Service Commission, but you were appointed without recommendation of the Public Service Commission.
 - b. Recruitment record/documents i.e Advertisement, short listing procedure, call letters to the candidate for interview, interview papers, merit lists, requisition to the Public Service Commission and recommendation by the PSC are not available in the Department.
 - c. Since no prescribed procedure was followed, therefore your appointment as Assistant (BS-16) in RTA Malakand is illegal/fake and void abinitio.
2. By reason of the above, you appear to be guilty of inefficiency and misconduct under rule 3 (d) 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 ibid rules.
3. Your written defense, if any, should reach the Inquiry Officer/ Committee within the specified period, failing which it shall be presumed that you have no defense to put in and, in that case, an ex-parte action shall be taken against you.
4. Intimate whether you desire to be heard to be heard in person.
5. A statement of allegations is enclosed.

COMPETENT AUTHORITY

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DISCIPLINARY ACTION

I, Sharif Hussain, Director Transport & Mass Transit Khyber Pakhtunkhwa as competent Authority, am of the opinion that Mr. Hayat Wali Shah Assistant BS-16 RTA Malakand has rendered himself liable to be proceeded against, as he has committed the following acts/omissions, within the meaning of rule 3 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:-

STATEMENT OF ALLEGATIONS

- a. As per law Assistant (BS-14 at that time) were required to be recruited/ appointed on the recommendation of Khyber Pakhtunkhwa Public Service Commission, but Mr. Hayat Wali Shah Assistant BS-16 RTA Malakand was appointed without recommendation of the Public Service Commission.
 - b. Recruitment record/documents i.e Advertisement, short listing procedure, call letters to the candidate for interview, interview papers, merit lists, requisition to the Public Service Commission and recommendation by the PSC are not available in the Department.
 - c. Since no prescribed procedure was followed, therefore his appointment as Assistant (BS-16) in RTA Malakand is illegal/fake and void abinitio. 1)
2. For the purpose of inquiry against the said accused, with reference to the above allegations, as inquiry Officer/Committee, consisting of the following, is constituted under rule 10(1)(a) of the ibid rules.
1. Mr. Nadeem Akhtar, Secretary RTA, Peshawar.
 2. Mr. Ahmad Kamal, Secretary PTA.
3. The Inquiry Officer/Committee shall, in accordance with the provisions of the rules, ibid provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of 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/Committee.

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COMPETENT AUTHORITY

To

The Director,
Transport and Mass Transit,
Khyber Pakhtunkhwa, Peshawar

Subject: - **PARA WISE COMMENTS/ REPLY IN RESPONSE TO CHARGE SHEET DATED 21.01.2019 STATEMENT OF ALLEGATION!**

Respected Sir,

In reply to the Charge sheet dated 21.01.2019, received by the undersigned on 25.01.2019, I very humbly my reply as under:

- a. That I at the very outset deny the allegation leveled against me in the subject charge sheet as unfounded and baseless. For the reason all the charges against me that the undersigned has no role to play, this is the responsibility of the department to determine that whether the post fall within department jurisdiction or come in the purview of the Public Service Commission's jurisdiction but despite the above responsibility has been fixed on my shoulders which is unfair.
- b. That certain posts including the post of Assistant were lying vacant in your esteemed department, I applied for the post through a notice affixed on the notice board of the Secretary Transport Office inviting applications from eligible candidates, I along with other candidates applied for mentioned posts on 25-06-2013, all the short listed candidates were called for written test held in the Transport Department. Later on 05-07-2013 the successful candidates were called to appear before the committee constituted for interview purpose, after completion of the interview of all candidates I along with 2 other candidates were considered for appointment on the post of assistant (BPS-14) and thus proper order was accordingly issued by the competent Authority i.e. Secretary Transport/Chairman Provincial Transport Authority Govt. of Khyber Pakhtunkhwa bearing order No. SO(TPT)10(7)2010 dated 09.07.2013. It is the responsibility of the department to keep the office record, in such like case the undersigned cannot be legally made responsible to preserve the official record of department for several years, though the undersigned possess appointment order, medical certificate, charge assumption report, service book and transfer/ up gradation orders. Copy of above documents is enclosed herewith.

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c. The charges leveled in the subject charge sheet is misconceived, the undersigned having the prescribed qualifications and fulfill the criteria applied for the post of assistant (BPS-14) and was thereafter appointed on the said post at RTA Mardan subsequently transferred to RTA Abbottabad and then to RTA Malakand. As all the three charges are with regard to the process of appointment and relates to the department alone, the undersigned has no say in process of appointment. Thus any irregularity even if committed during the recruitment process, I cannot be held liable for the same. Moreover the undersigned has been later on upgraded vide order No.FD/SO(FR)10-22/2014 dated 20-05-2014 to BPS-16 by the competent Authority.

It is pertinent to mention here that:-

i. The August Supreme court of Pakistan has in number reported judgment held that "any irregularity, whatsoever, if committed by the appointing department itself, the appointee could not be harmed, damaged or condemned subsequently when it occurred to the department that it had itself committed some irregularities qua any appointment". *Similarly the august supreme court of Pakistan in reported judgment 2007 PLC Civil Service 179 held as under:-*

"For the irregularities committed by department itself regarding appointment of candidate, the appointees could not be condemned subsequently with the change of heads in department or in the upper level--- Government being institution in perpetuity, its orders could not be reversed simply because the heads had changed--- such act of departmental authorities was unjustified when the candidate was otherwise fully qualified to hold the job"

ii. I was appointed by the competent authority after observing all codal formalities. I have taken over charge of my post and performing my duties for the last 5years and 7months, moreover I have also received salaries thus the order of my appointment have been acted upon and valuable rights have been accrued in my favor now, and principle of locus penitent is applicable, because decisive steps have been taken and the undersigned has taken over the charge and performed duties accordingly.

iii. The allegation to the effect that the post falls within the ambit of Khyber Pakhtunkhwa Public Service Commission is misconceived. That post of Assistant in the Office of the Secretary Transport and Mass Transit Department has not been mentioned or within the purview of Khyber Pakhtunkhwa Public Service Commission. These posts

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can be validly filled by the Secretary /Chairman of the Transport and Mass Transit Department. The post of Assistant has not been mentioned in the Khyber Pakhtunkhwa Public Service Commission Ordinance 1978 or the Khyber Pakhtunkhwa Public Service Commission Function (Rules 1983), which Provides that: -

1. The function of the Commission shall be to conduct tests and Examinations for recruitment of persons to:
2. The civil services of the province and civil posts in connection with the affairs of the Province in basic pay scales 16 and above or equivalent and
3. Posts in basic pay scales 11 to 15 or equivalent specified in following Department (except the District Cadre posts)-

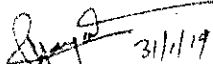
- Civil Secretariat (through Establishment Department).
- Board of Revenue;
- Police Department;
- Prison Department;
- Services and Work Department;
- Irrigation Department;
- Industries, Labour & Manpower Department;
- Health Department;
- Education Department;
- Local Government & Rural Development Department;
- Excise & Taxation Department;
- Food Department;
- Physical Planning & Environment Department including Urban Development Board; and Organization, except autonomous bodies under the Health and Education Department;

- iv. Since the Transport and Mass Transit Department does not find mentioned in the above list, therefore, the post of Assistant BPS-14 is outside the preview of the Commission as being an Authority.
- v. I have never any act or omission which can be termed as misconduct; I cannot be punished for the irregularity if any occur in the recruitment process.
- vi. I also desire to be heard in person.

Keeping in view the above facts, it is humbly requested that on acceptance of my reply the subject charge sheet may be withdraw and I may be exonerated of these charges please.

Dated: - 31/01/2019

Yours obediently,


(Hayat Wali Shah)
Assistant

Regional transport Authority,
Malakand Division, Swat.

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OFFICE OF THE CHAIRMAN,
PROVINCIAL TRANSPORT AUTHORITY,
KHYBER PAKHTUNKHWA, PESHAWAR

Hall No: 310, Benevolent Fund Building, Peshawar Cantt.
Phone No: 091-9211913 Fax # 091-9213447

No. 255-59 /PTA

Dated Peshawar the 22/01/2019

To

Mr. Hayat Wali Shah,
Office Assistant (BPS-16),
Regional Transport Authority,
Malakand Division at Saidu Sharif Swat.

Subject:

**ENQUIRY IN ILLEGAL APPOINTMENT OF ASSISTANT (BPS-16) OF
REGIONAL TRANSPORT AUTHORITY MARDAN, HAZARA, KOHAT
& MALAKAND.**

Memo:

In compliance of the constitution of enquiry committee letter No. DIR/TPT/1-46/inquiry/4945-48, dated 21/01/2019 on the captioned subject.

You are hereby directed to appear before the enquiry committee on 25th of January-2019 at 11:00 AM in the office of Secretary Provincial Transport Authority Khyber Pakhtunkhwa located at 2nd floor Hall # 310 (Benevolent Fund Building Saddar Road Peshawar Cantt).

o/c

A
Secretary,
Provincial Transport Authority,
Khyber Pakhtunkhwa,
Peshawar

Carbon Copy to the:-

- 1) Secretary Regional Transport Authority Malakand Division at Saidu Sharif (Swat).
- 2) Assistant Director (Admn) Directorate of Transport & Mass Transit Khyber Pakhtunkhwa with the request ^{that} well conversant representative of the Directorate of Transport & Mass Transit Khyber Pakhtunkhwa shall join the proceedings on the date, time & venue mentioned above.
- 3) PS to Chairman PTA Khyber Pakhtunkhwa.
- 4) PA to Director Transport & Mass Transit Khyber Pakhtunkhwa.

o/c

A
Secretary,
Provincial Transport Authority,
Khyber Pakhtunkhwa,
Peshawar

o/c

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CONFIDENTIAL

INQUIRY REPORT

DISCIPLINARY PROCEEDING AGAINST MR. HAYAT WALI SHAH ASSISTANT
BPS-16 RTA MALAKAND UNDER E&D RULES-2011.

The undersigned's have been appointed as inquiry officers by Directorate of Transport & Mass Transit Khyber Pakhtunkhwa vide letter No. DIR/TPT/1-46/inquiry/4945-48 dated 21/01/2019 (Annex-"A") to conduct inquiry into the allegations leveled against Mr. Hayat Wali Shah, Assistant BPS-16 RTA Malakand.

BACKGROUND OF ENQUIRY

As per statement of allegation and charge sheet, the charges have been leveled against the accused official as per following:-

- As per law Assistant (BS-14 at that time) were required to be recruited/ appointed on the recommendation of Khyber Pakhtunkhwa Public Service Commission, but you were appointed without recommendation of the Public Service Commission.
- Recruitment record/documents i.e Advertisement, short listing procedure, call letters to the candidate for interview, interview papers, merit lists, requisition to the Public Service Commission and recommendation by the PSC are not available in the Department.
- Since no prescribed procedure was followed, therefore his appointment as Assistant (BS-16) in RTA Malakand is illegal/fake and void abinitio.

PROCEEDINGS.

In order to probe into the aforesaid allegation Mr. Hayat Wali Shah was summoned to appear before the inquiry committee on 25/01/2019 (Annex-"B").

He appeared on the said date and requested some time to properly giving his written reply against the allegations leveled against him. He was given time for 31/01/2019, meanwhile Director Transport & Mass Transit Khyber Pakhtunkhwa was requested to depute his representative for the said date. Mr. Hayat Wali Shah appeared before the inquiry committee on 31/01/2019 Mr. OsafUllah (Assistant Director) Directorate of Transport & Mass Transit Khyber Pakhtunkhwa also joined the proceedings of inquiry. Mr. Hayat Wali Shah submitted the written statement before the inquiry committee (Anx:-C).

A comparison of charges leveled against the accused official and his statement/reply is reproduced as under:-

S. No	Charge	Reply
a	As per law Assistant (BS-14 at that time) were required to be recruited/ appointed on the recommendation of Khyber Pakhtunkhwa Public Service Commission, but you were appointed without recommendation of the	That I at the very outset deny the allegation leveled against me in the subject charge sheet as unfounded and baseless. For the reason all the charges against me that the undersigned has no role to play, this is the responsibility of the department to determine that whether the post fall within department jurisdiction or come in the purview of the Public Service Commission's jurisdiction but despite the above responsibility has been fixed on my shoulders

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Public Service Commission.

which is unfair. He further stated that:- The allegation to the effect that the post falls within the ambit of Khyber Pakhtunkhwa Public Service Commission is misconceived. That post of Assistant in the Office of the Secretary Transport and Mass Transit Department has not been mentioned or within the purview of Khyber Pakhtunkhwa Public Service Commission. These posts can be validly filled by the Secretary /Chairman of the Transport and Mass Transit Department. The post of Assistant has not been mentioned in the Khyber Pakhtunkhwa Public Service Commission Ordinance 1978 or the Khyber Pakhtunkhwa Public Service Commission Function (Rules 1983), which Provides that: -

1. The function of the Commission shall be to conduct tests and Examinations for recruitment of persons to:
2. The civil services of the province and civil posts in connection with the affairs of the Province in basic pay scales 16 and above or equivalent and
3. Posts in basic pay scales 11 to 15 or equivalent specified in following Department (except the District Cadre posts)-

- Civil Secretariat (through Establishment Department).
- Board of Revenue;
- Police Department;
- Prison Department;
- Services and Work Department;
- Irrigation Department;
- Industries, Labour & Manpower Department;
- Health Department;
- Education Department;
- Local Government & Rural Development Department;
- Excise & Taxation Department;
- Food Department;
- Physical Planning & Environment Department including Urban Development Board; and Organization, except autonomous bodies under the Health and Education Department;

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Since the Transport and Mass Transit Department does not find mentioned in the above list, therefore, the post of Assistant BPS-14 is outside the preview of the Commission as

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b	<p>Recruitment record/documents i.e Advertisement, short listing procedure, call letters to the candidate for interview, interview papers, merit lists, requisition to the Public Service Commission and recommendation by the PSC are not available in the Department.</p>	<p>That certain posts including the post of Assistant were lying vacant in your esteemed department, I applied for the post through a notice affixed on the notice board of the Secretary Transport Office inviting applications from eligible candidates, I along with other candidates applied for mentioned posts on 25/06/2013, all the short listed candidates were called for written test held in the Transport Department. Later on 05-07-2013 the successful candidates were called to appear before the committee constituted for interview purpose, after completion of the interview of all candidates I along with 2 other candidates were considered for appointment on the post of assistant (BPS-14) and thus proper order was accordingly issued by the competent Authority i.e. Secretary Transport/Chairman Provincial Transport Authority Govt. of Khyber Pakhtunkhwa bearing order No. SO(TPT)10(7)2010 dated 18.07.2013. It is the responsibility of the department to keep the office record, in such like case the undersigned cannot be legally made responsible to preserve the official record of department for several years, though the undersigned possess appointment order, medical certificate, charge assumption report, service book and transfer/up gradation orders. Copy of above documents is enclosed herewith.</p>
c	<p>Since no prescribed procedure was followed, therefore his appointment as Assistant (BS-16) in RTA Malakand is illegal/fake and void abinitio.</p>	<p>The charges leveled in the subject charge sheet is misconceived, the undersigned having the prescribed qualifications and fulfill the criteria applied for the post of assistant (BPS-14) and was thereafter appointed on the said post at RTA Mardan. As all the three charges are with regard to the process of appointment and relates to the department alone, the undersigned has no say in process of appointment. Thus any irregularity even if committed during the recruitment process, I cannot be held liable for the same. Moreover the undersigned has been later on upgraded vide order No.FD/SO(FR)10-22/2014 dated 20-05-2014 to BPS-16 by the competent Authority.</p> <p>He further added that:- It is pertinent to mention here that:-</p> <p>1. The August Supreme court of Pakistan has in number reported judgment held that <i>"any irregularity, whatsoever, if committed by the appointing department itself, the appointee could not be harmed, damaged or condemned subsequently when it occurred to the department that it had itself committed some irregularities qua any appointment"</i>. Similarly the august supreme court of Pakistan in reported judgment 2007</p>

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		<p>"For the irregularities committed by department itself regarding appointment of candidate, <u>the appointees could not be condemned subsequently with the change of heads in department or in the upper level--- Government being institution in perpetuity, its orders could not be reversed simply because the heads had changed--- such act of departmental authorities was unjustified when the candidate was otherwise fully qualified to hold the job"</u></p> <p>2. I was appointed by the competent authority after observing all codal formalities. I have taken over charge of my post and performing my duties for the last 5 years and 7 months, moreover I have also received salaries thus the order of my appointment have been acted upon and valuable rights have been accrued in my favor now, and principle of locus penitent is applicable, because decisive steps have been taken and the undersigned has taken over the charge and performed duties accordingly.</p>
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FINDINGS:-

Charge No. (a):-

In defense to charge No "a" the accused official has stated that the charge is baseless and Post of Assistant in Transport Department did not fall under the ambit of Public Service Commission and took the plea that Transport Department was not mentioned in the Public Service Commission Ordinance 1978 or Public Service Commission Function rules 1983. Transport Department was established in 2007 while directorate of transport was established in 2002. Before the establishment of Transport Department in 2007, Directorate of Transport was attached department of Environment Department and as per rule of business, administration of PTA/RTAs was mandate of Environment Department and the mandate of appointment in BS 11-15 in PTA/RTA was mandate of Public Service Commission.

Hence, charge No. "a" is proved.

Charge No (b):-

In defense to charge No "b", the accused official stated that certain posts including the post of Assistant were lying vacant in your esteemed department; he applied for the post through a notice affixed on the notice board of the Secretary Transport Office inviting applications from eligible candidates, he along with other candidates applied for mentioned posts on 25/06/2013, all the short listed candidates were called for written test held in the Transport Department. Later on 05-07-2013 the successful candidates were called to appear before the committee constituted for interview purpose, after completion of the interview of all candidates, he along with 2 other candidates were considered for appointment on the post of assistant (BPS-14) and thus proper order was accordingly issued by the competent Authority i.e. Secretary Transport/Chairman Provincial Transport Authority Govt. of Khyber Pakhtunkhwa bearing order No. SO(TPT)10(7)2010 dated 18.07.2013. It is the responsibility of the department to keep the office record, in such like case he cannot be legally made responsible to preserve the official record of department for several years, though he possess appointment order, medical certificate, charge assumption report, service book

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summoned, upon which he appeared before the committee. His statement was recorded (Anx: D). Wherein he stated that there is no such record available with the department regarding appointment of the accused official.

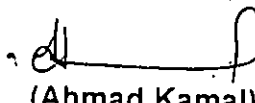
As it is the responsibility of accused official to provide necessary evidence showing his recruitment in a fair and just manner. Neither the official nor the department could show any documents / evidence regarding the recruitment in issue. Which clearly reflects that there is nothing on record to show that recruitment process was carried out in a fair and transparent manner, Hence Charge "b" is proved.

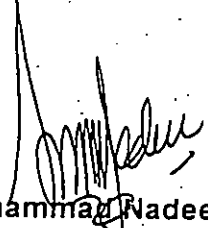
Charge No "c".

In defense to charge No "c" the accused official has stated that the charges leveled in the subject charge sheet is misconceived, he having the prescribed qualifications and fulfill the criteria applied for the post of assistant (BPS-14) and was thereafter appointed on the said post at RTA Mardan. He further added that, It is pertinent to mention here that The August Supreme court of Pakistan has in number reported judgment held that *"any irregularity, whatsoever, if committed by the appointing department itself, the appointee could not be harmed, damaged or condemned subsequently when it occurred to the department that it had itself committed some irregularities qua any appointment"*. Similarly the august supreme court of Pakistan in reported judgment 2007 PLC Civil Service 179 held as under:- "For the irregularities committed by department itself regarding appointment of candidate, the appointees could not be condemned subsequently with the change of heads in department or in the upper level--- Government being institution in perpetuity, its orders could not be reversed simply because the heads had changed--- such act of departmental authorities was unjustified when the candidate was otherwise fully qualified to hold the job". The accused was asked that at the time of appointment, does he fully qualify for the requirements for appointment as Assistant. He replied that at the time of his appointment he possessed the required qualification and age limit. As per service rule for appointment of Assistant in PTA/RTA vide notification dated 16-10-1980 (Anx: E) the age limit for the post of Assistant for initial recruitment is 21-25 years and Bachelor's Degree in terms of qualification. At the time of appointment the age of Mr. Hayat Wali was 27 years, four Months & 17 days and he was over age and did not fulfill the required age limit for the post nor he applied for any age relaxation from competent authority for the said post.

As no prescribed procedure was followed, the appointing authority was not competent to appoint the accused official, which clearly reflects that the recruitment of the accused official was void ab initio, hence does not confer any right therefore, charge No. "c" is proved. The accused is proved to be guilty under definition of "misconduct" as defined under rule 2 (l)(v)(vi) of E&D Rules 2011.

Based on the above facts and explanations the Inquiry report is submitted for further necessary action please.


(Ahmad Kamal) 20/08/19
Secretary
Provincial Transport Authority
Khyber Pakhtunkhwa


(Muhammad Nadeem Akhtar) 20/08/19
Secretary
Regional Transport Authority
Peshawar

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**DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA**

Ground Floor Benevolent Fund Building, Peshawar Cantt Tel: 091-9212061/9214185/9213555

No. DIR/TPT/1-46/inquiry/5867-1
Dated: 13-03-2019

15/3/2019

To,

Mr. Hayat Wali Shah,
Office Assistant (BPS-16),
Regional Transport Authority, Swat Division.

Annex "J"

Subject: SHOWCASE NOTICE.

I am directed to refer to the subject noted above and to forward herewith a showcase containing imposition of major penalty of removal from service against you.

I am further directed to convey that your reply to the enclosed showcase should reach this office within seven (07) ^{days} positively. Also intimate whether you desire to be heard in person or otherwise.

[Signature]
Assistant Director (Estt)
Transport & Mass Transit

Endst: No & Date Even:

A copy is forwarded to

1. P.S. to Secretary, Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa.
2. P.A to Director Transport and Mass Transit, Khyber Pakhtunkhwa, Peshawar.

[Signature]
Assistant Director (Estt)
Transport & Mass Transit

Assist. II

Secretary RTA

ATTESTED
[Signature]



57
DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA

Ground Floor Benevolent Fund Building, Peshawar Cantt. Tel: 091-9214185/9212061

No. DIR/TPT/1-46/Inquiry/

Dated: 13-03-2019

SHOW CAUSE NOTICE

1. Mr. Sharif Hussain, Director Transport & Mass Transit Khyber Pakhtunkhwa Khyber Pakhtunkhwa as competent Authority, of the opinion that you Mr. Hayat Wali Shah Office Assistant (BPS-16), has rendered yourself liable to be proceeded against, as you have committed the following acts/omissions, within the meaning of rule 3 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:-

2. And where as Mr. Ahmad Kamal Secretary Provincial Transport Authority and Mr. Nadeem Akhtar Secretary Regional Transport Authority Peshawar were appointed to conduct inquiry against you.

3. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide communication No. DIR/TPT/1-46/inquiry/4949-51 dated: 21-01-2019.

4. On going through the findings of the enquiry officer, the material on record and other connected papers including your defense before the inquiry officer, all the charges, conveyed to you through charge sheet and statement of allegation, have been proved.

- a. As per law, Assistants (BS-14 at that time) were required to be recruited/ appointed on the recommendation of Khyber Pakhtunkhwa Public Service Commission, but you were appointed without recommendation of the Public Service Commission.
- b. No record of recruitment was maintained and advertisement, short listing procedure, call letters to the candidate for interview, interview papers, merit lists, requisition to the Public Service Commission and recommendation by the PSC is not available on record.
- c. Since no prescribed procedure was followed, therefore your appointment as Assistant (BS-16) in RTA Kohat is illegal/fake and void abinitio.

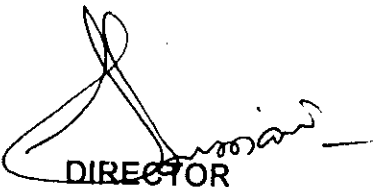
5. As a result thereof, I, as a competent authority, have tentatively decided to impose upon you the penalty of *Removal From Service* under rules 4 of the said rules.

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

7. If no reply is received to this notice within 07 days or not more than 15 days on its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be initiated against you.

ATTESTED

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DIRECTOR

Transport & Mass Transit
Khyber Pakhtunkhwa

The Director Transport & Mass Transit
Khyber Pakhtunkhwa Peshawar

Dr. ...
" ...
" ...
" ...

Subject: REPLY TO THE SHOW CAUSE NOTICE.

Respected Sir,

Reference your Show Cause Notice dated 13.03.2019, I very humbly submit my reply as under: -

1. That the reply to charge sheet also considers integral part of the show cause reply. (Copy attached) it is necessary to mention here that prior to reply the subject show cause on the similar allegations, a charge sheet was served on 13/05/2014 which was also filed accordingly (Copy of Charge Sheet along with its reply attached).
2. Pertains to record.
3. That the inquiry proceeding were not conducted in accordance with law neither any documentary or oral evidence was produced in the petitioner's presence nor was he allowed the opportunity to cross examine any witness or confront any documentary. It is worth mentioning that in spite of petitioner repeated requests the final report was not provided to the petitioner.
4. That since the inquiry report was not provided to the petitioner, he is completely unaware about the contents and findings of such report.
 - a) That certain post including the post of Assistant BPS-14 were lying vacant in the department wherein the petitioner applied for the post of assistant against the vacant post.
After going through the test and interview required for recruitment process the petitioner was found eligible and fit for appointment to the said post resultantly vide No. SO(TPT)10(7)2010 dated 18.07.2013 the petitioner was appointed as Assistant BPS-14 against the vacant post in RTA Mardan by the competent authority.
 - b) That the Department is custodian of the record pertaining to the recruitment which include short listing, call letter and test interview etc. If in case such record is missing that may be the work of some vested interests and cannot be blamed upon the petitioner and made a ground for such a harsh penalty.

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e) That due process in vogue at the relevant time was adopted and the appointment was made by the competent authority. It is worth to mentioning that no action has been taken against the appointing authority which speaks volume about the fair selection of the petitioner on merit. Further it is added that any adverse action against the undersigned is against the law, rules and superior court judgments, because there was no fault on the part of undersigned because the undersigned appointed after proper test, interview and observing all codal formalities.

Additional grounds which is necessary for fair conclusion submitted as under:

5. That the previously two time charge sheet and statement of allegation was served upon the appellant which is properly replied by the undersigned and inquiry was conducted and the undersigned was exonerated and filed. But despite that without any order for further inquiry third time charge sheet and show cause notice was issued which is nullity in the eye of law and void-ab-initio.
6. That according to supreme court judgment cited as 2011, PLC (CS) 1296 & 2007 PLC (CS) 179" any irregularly committed by the department in appointment, the petty cannot held for the same but the action taken against the appointing authority and 1996 SCMR 413, 2002 SCMR 1034 and 2006 SCMR 678 stated that "termination of service---imposition of penalty by appointing authority responsible for making illegal appointment---validity--- appointment of an employec, if made illegally, could not be cancelled under efficiency and discipline rules---instead of taking action against such employec, action must be taken against appointing authority for committing a misconduct by making illegal appointment as per his own admission. So, show cause may be filled being void-ab-initio.
7. That according to Supreme Court judgment cited as 2004 SCMR, 1077 and 2014 PLC (CS) 479 "wrong exercise of power---illegal appointments---penalizing petty employees--- validity---beneficiary of illegal appointment cannot be blamed alone because primarily the authority who had ' actually wrongfully exercised its powers, for the reasons known to it, was bound to be held responsible for the same---instead of penalizing the petty employees like Chowkidar, Naib Qasid, Junior Clerk etc. who had to earn livelihood to support their families and if after having served for a long period they were

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removed from service discriminately, such action would not promote the cause of action and it would give rise to a number of problems---instead of removing the employees from service, action should have been taken against the authority who wrongly exercised its power.

- 8. That the allegation leveled against the appellant was on the basis of presumptive, conjectures and surmises which is not sustainable in the eyes of law and judgment reported as 2001 PLC(CS) 1185 "civil services ---- termination of service---services of civil servant were terminated on allegation that letter of appointment of civil servant was bogus and his appointment was fictitious---charge on basis of which services of civil servant were terminated, was a serious charge --allegation was that appointment of civil servant was against policy and his appointment letter was bogus---authority did not produce record to support the allegation---in absence of any record, such allegations could only be considered as presumptive---order terminating services of civil servant was purported to have been issued under directions of government to de-notify illegal appointments---validity---no directions could be issued to de-notify appointment in an illegal manner even if such appointments were alleged to have been made in an illegal manner. The appeal was allowed and termination order was set-aside.
- 9. That any adverse action against the undersigned is against the law, rules and superior court judgments, because there was no fault on the part of undersigned because the undersigned appointed after proper test and interview.
- 10. That I also desire to be heard in person.

It is therefore, most humbly requested that the undersigned may be exonerated from the charges mentioned in the show cause by considering above submission and the show cause notice dated 13.03.2019 may be filed.

ATTESTED
/KQ

Yours obediently

Hayat Wali Shah
25/3/19

Hayat Wali Shah
Assistant (BPS-16)

RTA Malakand Division.




Directorate of Transport & Mass Transit
Khyber Pakhtunkhwa

Ground Floor, Benevolent Fund Building, Peshawar Cantt. Tel: 091-9214185/9212061

OFFICE ORDER:-

Dated: 29th April, 2019

- No. Dir/TPT/1-46/inquiry/6746-52. WHEREAS, Mr. Hayat Wali Shah serving as Office Assistant (BPS-16) in Regional Transport Authority Malakand was proceeded against under the Khyber Pakhtunkhwa Government Civil Servant (Efficiency & Discipline) Rules, 2011, for the charges as mentioned in the Charge Sheet and Statement of Allegations, served upon him on 21-01-2019;
2. AND WHEREAS, the Enquiry Committee comprising of Mr. Ahmad Kamal Secretary Provincial Transport Authority and Mr. Nadeem Akhtar Secretary Regional Transport Authority Peshawar were constituted to conduct inquiry under Civil Servant (Efficiency & Discipline) Rules 2011) against the said accused official with reference to the allegations levelled against him in the Charge Sheets and Statement of Allegations;
3. AND WHEREAS, the Enquiry Committee, after having examined the charges, evidence on record and explanation of the accused official, submitted its report, wherein the charges against the official have been proved;
4. AND WHEREAS, a Show Cause Notice was served on him on 13-03-2019, conveying him the major penalty of removal from service and asking to Show Cause as to why the aforementioned penalty be imposed upon him. He submitted a written reply to the Show Cause Notice and he was also given the opportunity of personal hearing on 11-04-2019. He failed to produce anything new in his defense. Rather in his reply he mentioned the facts already mentioned in reply to the statement of allegations and charge sheet.
5. NOW, THEREFORE, The competent Authority, after having considered the charges, evidence on record, finding of the Enquiry committee, hearing of the accused official and exercising powers conferred upon him under Rule-4 of Khyber Pakhtunkhwa Government Civil Servant (Efficiency & Discipline) Rules, 2011, is pleased to impose a major penalty of "Removal from service" on Mr. Hayat Wali Shah, Office Assistant (BPS-16) with immediate effect.


Director
Transport & Mass Transit
Khyber Pakhtunkhwa

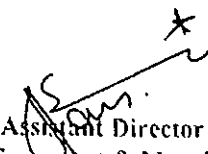
Encls: No. Sp/Estt/FF & WD/11-2/2k15

A copy is forwarded to the: -

1. Chairman RTA/Commissioner Malakand.
2. District Account Office Malakand.
3. Secretary Provincial Transport Authority Peshawar.
4. Secretary Regional Transport Authority Malakand.
5. PS to Secretary, Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa.
6. Master file.
7. Officer concerned.

ATTESTED




Assistant Director (Estt)
Transport & Mass Transit

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ANNEX to M₂

1206
9-5-19

The Honorable Secretary/Chairman
Provincial Transport Authority
Khyber Pakhtunkhwa, Peshawar

Subject: DEPARTMENTAL APPEAL, AGAINST THE ORDER DATED 29.04.2019, WHEREBY THE APPLICANT HAS BEEN AWARDED THE MAJOR PENALTY OF REMOVAL FROM SERVICE.

Prayer in departmental appeal:

ON ACCEPTANCE OF THIS APPEAL THE ORDER DATED 29.04.2019, MAY PLEASE BE SET ASIDE AND THE UNDERSIGNED MAY KINDLY BE REINSTATED INTO SERVICE WITH ALL BACK BENEFITS.

Respected Sir,

The undersigned very humbly submits the following few lines for your kind and sympathetic consideration:

1. That the undersigned was initially appointed as Assistant (BS14) in the Transport Department, and ever since his appointment the undersigned performed his duties as assigned with zeal and devotion and there was no complaint whatsoever regarding his performance.
2. That during service the undersigned being fit and eligible was upgraded to the post Assistant (BS16) according to the seniority list duly prepared and maintained by the respondent department.
3. That the respondent department earlier initiated departmental proceedings / inquiry against the appointment of Undersigned vide letter dated 22.05.2014, in which charge sheet dated 09.05.2014 was issued and was duly replied vide reply dated 19.05.2014 by rebutting all the baseless allegation and denied all the allegation leveled against the undersigned.

Received
9-5-19
[Signature]

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4. That the inquiry / departmental proceeding which was initiated against the undersigned and upon the rebuttal of the same and also clearing the position before the departmental authority / competent authority, upon the conclusion the competent authority withdraw their proceeding and the charges leveled against the undersigned and also allow him to continue his duties according to the appointment contract issued by the authority.
5. That the respondents have again initiated departmental proceedings against the undersigned on same baseless allegations in the charge sheet, of illegal appoint and not following the rules for appointment by the department, which was duly replied vide reply dated 31.01.2019 and may kindly be considered as integral part of the departmental appeal.
6. That the respondent department initiated so called inquiry proceeding against the undersigned, which was duly replied according to the allegations and denied the same, while during proceedings on the findings of the inquiry committee only suggestion were made that the department has to provided the appointment evidence which so they failed and the responsibility was placed / dropped on the shoulder of undersigned and resultanty show cause notice was issued against the undersigned.
7. That the respondent department being not satisfied with the detailed reply of the undersigned issued Show Cause Notice dated 13.03.2019 which was again duly replied by the undersigned vide reply dated 25.03.2019.
8. That without following the legal process and formalities, proper inquiry and opportunity of personal hearing through office order dated 29.04.2019 major penalty of "Removal from Service" was imposed.
9. That the penalty so imposed upon the undersign is illegal unlawful against the law and facts hence liable to be set aside inter alia on the following grounds:

ATTESTED

KQ

GROUND OF DEPARTMENTAL APPEAL

- A. That the undersigned has not been treated in accordance with law hence the rights secured and guaranteed under the law and constitution is badly violated.
- B. That no proper procedure has been followed before awarding me the penalty of Removal from service, the whole proceedings are thus nullity in the eyes of law.
- C. That the undersigned was appointed by the competent authority by fulfilling all the eligibility criteria, taken over the charged and performed his duties since 2013, more over I was received the salaries for the work done since 2013, thus the order of appointment have been acted upon and valuable rights have been accrued in my favour according to the principal of locus Poenitentiae.
- D. That I have not done any act or omission which can be turned as mis conduct, thus I cannot be punished for the irregularities if any occurred in the recruitment process made by the department.
- E. That I have not been given proper opportunity of personal hearing before awarding me the penalty, hence I have been condemned unheard.
- F. That the charges were denied by the undersigned had never admitted, nor there were sufficient evidence available to held the undersigned guilty of the charges.
- G. That the superior courts have in a number of reported judgments held that in case of awarding major penalty of dismissal from service regular procedure of holding inquiry cannot be dispensed with that too when the charges are denied by the employee.
- H. That the Supreme Court of Pakistan held in its recent judgments that any irregularity committed by department in the appointment process, the employee cannot be held for the same but the action be taken against the appointing

ATTESTED

KQ

65

authority (1996 SCMR413, 2002 SCMR 1034, 2009 SCMR 678, 2011 PLC CS 1296).

- I. That I have never committed any act or omission which could be termed as misconduct the charges leveled against me are false and baseless besides the same are neither proved nor proved albeit I have illegally been removed from service.
- J. That I have at my credit a long unblemished and spotless service career, the penalty imposed upon me is too harsh and is liable to be set aside.
- K. That I am jobless since my dismissal from service.

It is, therefore, humbly prayed that on acceptance of this appeal the order dated 29.04.2019, may please be set aside and the undersigned may kindly be reinstated into service with all back benefits.

Yours Obediently,


Wajid Wali Shah

Ex Assistant (BS10)

RIA Malakand Division.

REGISTERED
KE



66

**GOVERNMENT OF KHYBER
PAKHTUNKHWA
TRANSPORT & MASS TRANSIT
DEPARTMENT**

Ph: 091-9223615
Fax: 091-9212556

No. SO (G)/10-15/2019/Inquiry RTA
Dated: 01-08-2019. 6323-25

To

The Director,
Transport & Mass Transit,
Khyber Pakhtunkhwa.

Diary No. 338

Date: 02-08-19.
Directorate of Transport
& Mass Transit, KPK

Subject: -

ENQUIRY IN ILLEGAL APPOINTMENT OF ASSISTANTS (BS-16) OF RTA
MARDAN, HAZARA, KOHAT AND MALAKAND.

I am directed to refer to your letter No. DIR/TPT/1-46/Inquiry/8293-95 dated 12-07-2019 and this Department letter of Even No. dated 23-07-2019 on the subject noted above and to state that the following four applicants during personal hearing on 26-07-2019 at 10:00 hrs in the office of Secretary Transport & Mass Transit has neither produced any relevant documents/record nor cogent reason to justify these appointments which were made in violation of Government rules and policy:-

- (1) Mr. Zahid Alam, Assitant (BS-16), RTA, Hazara, 4/5/2012 p.m. (handwritten)
- (2) Mr. Hayat Wali Shah, Assistant (BS-16), RTA, Malakand, 9/7/2013 (handwritten)
- (3) Mr. Bilal, Assistant (BS-16), RTA, Mardan, 18/7/2013 (handwritten)
- (4) Mr. Adnan Naz, Assistant (BS-16), RTA, Kohat, 14/11/2013 (handwritten)

In view of the above, I am further directed to inform that the recommendations of the Enquiry Committee with regard to removal from service are maintained please.

phz convey it to them.

2/8

SECTION OFFICER (ADMN)

Endst: No. & Date Even

Copy forwarded to the:

1. The Assistant Director (Estt.), Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa w/r to his letter No. as cited above for information and necessary action
2. PS to Secretary Transport & Mass Transit Department, Khyber Pakhtunkhwa.
3. Master File.

ADLE

copy to
2/8
suph-

File of

ATTESTED

KQ

SECTION OFFICER (ADMN)



DIRECTORATE OF TRANSPORT & MASS TRANSIT

KHYBER PAKHTUNKHWA

Ground Floor Benevolent Fund Building, Peshawar Cantt Tel: 091-9212061/9214185

DIR/TPT/1-46/inquiry 11258-64
Dated: 05-08-2019

To,

1. Mr. Zahid Alam, Assistant Regional Transport Authority Hazara.
2. Mr. Hayat Wali Shah, Assistant Regional Transport Authority Swat.
3. Mr. Adnan Naz, Assistant Regional Transport Authority Kohat.
4. Mr. Bilal, Assistant Regional Transport Authority Mardan.

Subject: - INQUIRY IN ILLEGAL APPOINTMENT OF ASSISTANTS (BPS-16) OF REGIONAL TRANSPORT AUTHORITY MARDAN, HAZARA, KOHAT & MALAKAND.


I am directed to refer to the subject noted above and to inform you that the Competent Authority has regretted your appeal regarding removal from service vide Letter No.SO(G)/10-15/2019/inquiry RTA/6323-25 dated 01-08-2019 (copy enclosed).


Assistant Director (Estt)
Transport & Mass Transit

Endst: No. & Date Even:

A copy is forwarded for information to the: -

1. P.S to Secretary Transport & Mass Transit Department, Govt. of Khyber Pakhtunkhwa.
2. The Section Officer (Admn) Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa w/r to his letter referred as above.
3. P.A to Director, Transport & Mass Transit, Khyber Pakhtunkhwa.


Assistant Director (Estt)
Transport & Mass Transit

ATTESTED

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68

Amir (W)

DIRECTORATE OF TRANSPORT AND MASS TRANSIT
KHYBER PAKHTUNKHWA, PESHAWAR

No. Dir/TPT/Est/1-11/2006/1/P
Dated Peshawar the, 20-06-2016

ORDER:

On the recommendation of the Departmental Promotion Committee (DPC) meeting held on 14-06-2016, the following officials of the Provincial Transport Authority (PTA) and Regional Transport Authorities (RTAs) are hereby promoted against the vacant posts in PTA and RTAs, Khyber Pakhtunkhwa on regular basis with effect from 27.05.2016, as per following details:

Senior Clerks (BS-14):

S#	Name	Authority	Promoted From	Promoted To
1	Khushbakht	RTA, Peshawar	Stenographer (BS-14)	Assistant (BS-16)
2	Iftikhar Ahmad	PTA Peshawar	Senior Clerk (BS-14)	Assistant (BS-16)
3	Zubair Hussain	RTA Peshawar	Senior Clerk (BS-14)	Assistant (BS-16)
4	Amir Baz	PTA Peshawar	Senior Clerk (BS-14)	Assistant (BS-16)
5	Muhammad Ibrahim	RTA Swat	Senior Clerk (BS-14)	Assistant (BS-16)

Junior Clerks (BS-11):

S#	Name	Authority	Promoted From	Promoted To
1	Abidullah	PTA Peshawar	Junior Clerk (BS-11)	Senior Clerk (BS-14)
2	Zakir Khan	PTA Peshawar	Junior Clerk (BS-11)	Senior Clerk (BS-14)
3	Zeeshan Ali Shah	RTA Hazara	Junior Clerk (BS-11)	Senior Clerk (BS-14)
4	Adnan	RTA Swat	Junior Clerk (BS-11)	Senior Clerk (BS-14)

2. The officers/officials on promotion will remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 or till their retirement, whichever is earlier, as the case may be.

3. Consequent upon their promotions, the following postings/transfers have been ordered with immediate effect:
Assistants (BS-16):

S#	Name	From	To
1	Khushbakht	RTA Peshawar	RTA, D.I.Khan
2	Iftikhar Ahmad	PTA Peshawar	RTA, D.I.Khan
3	Zubair Hussain	RTA Peshawar	RTA, Hazara
4	Amir Baz	PTA Peshawar	RTA, Hazara
5	Muhammad Ibrahim	RTA Swat	Retained in RTA, Swat
6	Hamdullah	RTA Hazara	RTA Swat

Senior Clerks (BS-14):

S#	Name	From	To
1	Abidullah	PTA Peshawar	PTA Peshawar
2	Zakir Khan	PTA Peshawar	PTA Peshawar
3	Zeeshan Ali Shah	RTA Hazara	RTA Peshawar
4	Adnan	RTA Swat	Retain in RTA Swat

Director Transport & Mass Transit
Khyber Pakhtunkhwa

Endst.No. & Date Even:

Copy for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. District Accountant Officer, Malakand, Abbottabad & D.I Khan.
3. Secretary Provincial Transport Authority (PTA), Khyber Pakhtunkhwa.
4. Secretary Regional Transport Authority (RTA), Peshawar, Malakand, Abbottabad & D.I Khan.
5. PS to Secretary Transport & Mass Transit Deptt., Govt. of Khyber Pakhtunkhwa.
6. Officials concerned.

Deputy Director
Transport & Mass Transit

ATTESTED



69
DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA

Ground Floor Benevolent Fund Building, Peshawar Cantt Tel: 091-9212061/9214185/9213555

ICE ORDER

Dated: 27-06-2019

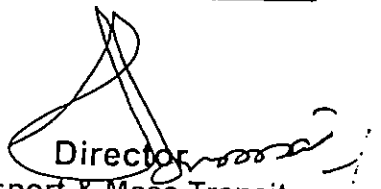
No. Dir/TPT/1-85/Promotion/ 7557-76. On the recommendation of Departmental Promotion Committee (DPC) meeting held on 25th June, 2019 the following officials of Provincial Transport Authority and Regional Transport Authorities are hereby promoted to the post of Senior Clerk (BPS-14) on regular basis with immediate effect.

They will be on probation for a period of one year extendable for another one year in terms of Rule 15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989.

S.No	Name	Current Designation	Promoted to
1.	Mr. Tofail Shukat	Junior Clerk (BPS-11)	Senior Clerk (BPS-14)
2.	Mr. Muhammad Kamran	-do-	-do-
3.	Mr. Tasneem Ullah Noman	-do-	-do-
4.	Mr. Falak Naz	-do-	-do-
5.	Mr. Amcer Shah	-do-	-do-
6.	Mr. Darwaish Ahmad	-do-	-do-

Consequent upon their promotion, the following posting/transfer have been ordered with immediate effect.

S.No	Name	From	To
1.	Mr. Tofail Shukat	RTA Mardan	PTA
2.	Mr. Muhammad Kamran	PTA	Retained
3.	Mr. Tasneem Ullah Noman	RTA Kohat	PTA
4.	Mr. Falak Naz	PTA	RTA Peshawar
5.	Mr. Amcer Shah	RTA Swat	Retained
6.	Mr. Darwaish Ahmad	RTA Peshawar	PTA

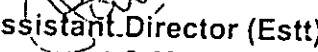

Director
Transport & Mass Transit
Khyber Pakhtunkhwa

Endst: No. & Date Even:

A copy is forwarded for information to the: -

1. Accountant General Office Khyber Pakhtunkhwa.
2. P.S to Secretary Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa.
3. Secretary Provincial Transport Authority, Khyber Pakhtunkhwa, Peshawar.
4. Regional Transport Authority Peshawar, Swat, Kohat and Mardan.
5. Official Concerned.
6. Office Order file.

ATTESTED
KQ


Assistant Director (Estt)
Transport & Mass Transit

70
WAKALATNAMA

BEFORE THE KPK SERVICE TRIBUNAL
PESHAWAR

Hayat wali Shah

Petitioner(s)

Versus

Govt. of KPK Through Secretary Transport and others

Respondent(s)

I, Petitioner / Appellant

in the above noted Service Appeal, do hereby appoint and constitute **BARRISTER KAMRAN QAISAR** Advocate to appear, plead, act, compromise, give affidavit, withdraw or refer to arbitration to me/ us as my/ our Counsels in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.



Dated: 21-8-2019

BARRISTER KAMRAN QAISAR

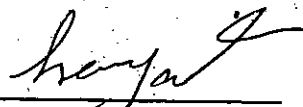
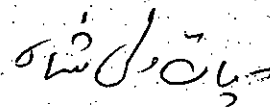
Advocate High Court

D-11, 4th Floor Haroon Mansion

Khyber Bazar, Peshawar

Cell: 0333-4555502/ 0310-9405959

Email: kamranqaisar@gmail.com



Signature/ Thumb
impress of the Client

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1102/2019

Hayat Wali Shah

.....(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Transport & others

..... (Respondents)

INDEX

S.No.	Description of Documents	Annex	Pages
1	Parawise comments along with verification	-	01-03

Dated: 12/02/2020

Hayat Wali Shah
DEPONENT
18/02/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1102 /2019

Hayat Wali Shah

.....(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Transport & others(Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01,02 & 03.

Respectfully Sheweth,

Preliminary Objections;

1. That the appellant has got no cause of action to file the present service appeal.
2. That the appellant is estopped by his own conduct to file the instant service appeal.
3. That the service appeal is bad in its present shape and is not maintainable in its present form.
4. That with utmost respect this Honorable Court has got no jurisdiction to entertain the service appeal.
5. That the service appeal is bad for mis-joinder and non-joinder of necessary parties.
6. That the appellant has got no locus standi to file the instant service appeal.

ON FACTS:

- 1) Para 1 of the service appeal is correct to the extent that the respondent department issued appointment letter of the Office Assistant BPS-14 and later on the post of Office Assistant was upgraded to BPS-16 in favor of all the Office Assistant working in Khyber Pakhtunkhwa, rest of the para hence denied.
- 2) In reply to para 2 of the service appeal, according to available record, it is stated that the appointment of the appellant stands wrong from very first day, as their appointment was made without fulfilling essential codal formalities, hence denied.
- 3) In reply to para 3 of the service appeal, it is stated that the said inquiry conducted in 2014 was of the same allegations, now nothing has been contained in the aforesaid inquiry. The allegations leveled against the appellant are in their very much knowledge, but the appellant failed badly to prove their self-innocent in the said inquiry.
- 4) Detail reply already been given in the above paras.
- 5) In reply to para 5 of the service appeal, it is stated it is the clear domain Government to nominate any officer for conducting an inquiry.

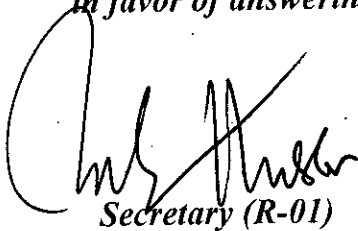
- 6) Para 6 of the service appeal is incorrect, hence denied. Detail reply has already been given in the above para.
- 7) Par 7 of the service appeal is correct to the report of an inquiry conducted against the present appellant.
- 8) Para 8 of the service appeal is correct that full time opportunity has been provided to the appellant for their defense but nothing they can produce in their defense which may strengthen their stance.
- 9) Para 9 of the service appeal is correct. Reply has already been given in the above para.
- 10) Para 10 of the service appeal is correct to the extent that the present appellant appeared before the inquiry committee.
- 11) Para 11 of the service appeal is correct, it is stated that nothing has been happened in the means of astonishing, it is the pre-requisites of an proceeding/inquiries which are always owned by the inquiry committee in all types of such inquiries, but it is pertinent to mention here that the allegations leveled against the appellant have been proved by the inquiry committee.
- 12) Para 12 of the service appeal is correct to the extent of submission of reply to the charges leveled against them.
- 13) Para 13 of the service appeal is correct to the extent that of penalty. Detail reply already been given in the above paras, that the appellant has nothing to prove himself innocent.
- 14) The departmental appeal was dismissed through a valid order.
- 15) Para 15 of the service appeal is incorrect. The appellant along with other colleagues were duly noticed, opportunity of personal hearing has been given, submission of charge sheet reply and after fulfilling of all the codal formalities related to dismissal from service. Hence denied the remaining para.

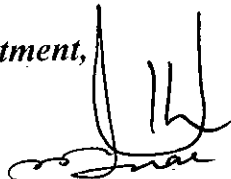
GROUND:

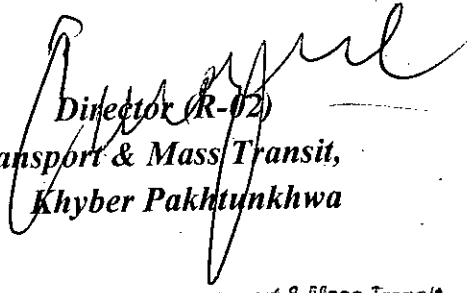
- a. In reply to ground a of the service appeal, it is stated that the appellant along with other colleagues was appointed illegally and that's why terminated from service after fulfilling of all the codal formalities, detail has already been given in the above para.
- b. In reply to ground b of the service appeal, it is stated that salary is the prime right of any serving employee and no one can deny from the very facts, rest of the para denied where they stated about the nature of their service and violation of any natural justice.
- c. Detail reply of the ground c of the service appeal is already been given in the above grounds.

- d. In reply to ground d of the service appeal, it is stated that the said inquiry conducted in 2014 was of the same allegations, now nothing new allegations has been added in the aforesaid inquiry. The allegations leveled against the appellant are in their very much knowledge, but the petitioners failed badly to prove their self-innocence in the above said inquiry.
- e. In reply to ground e of the service appeal, it is stated that the respondent department given them full time opportunity for proving their self-innocence, but they failed to defend against the allegations leveled.
- f. In reply to ground f of the service appeal, it is stated that the record of the inquiry of the year 2014 is missing; however, the department is trying to find out the said record.
- g. Detail reply has already been given in the above para.

It is, therefore, most humbly prayed that on acceptance of the instant reply, the instant service appeal may kindly be dismissed accordingly and any other remedy which the Hon'ble Court deemed fit may graciously be granted in favor of answering Respondents.


Secretary (R-01)
Transport & Mass Transit Department,
Govt. of Khyber Pakhtunkhwa

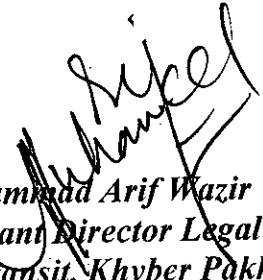

Secretary (R-03)
Regional Transport Authority
Malakand Division


Director (R-02)
Transport & Mass Transit,
Khyber Pakhtunkhwa

Transport & Mass Transit
Khyber Pakhtunkhwa

Verification:

It is hereby solemnly affirmed and declared on oath that the contents of the instant comments are true and correct to the best of my knowledge and belief that nothing has been concealed from this Hon'ble Service Tribunal.


Muhammad Arif Wazir
Assistant Director Legal
Transport & Mass Transit, Khyber Pakhtunkhwa

12/02/2020

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1394 /ST

Dated 07-07 / 2020

To


The Director Transport & Mass Transit Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 1102/2019, MR. HAYAT WALI SHAH.

I am directed to forward herewith a certified copy of Judgement dated 22.06.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

S.A.No. 1102 /2019

Hayat Wali Shahv/s..... Govt. of KPK etc

APPLICATION FOR INTERIM RELIEF IN SHAPE OF
SUSPENSION OF REMOVAL ORDER DATED 29.04.2019.


Respectfully Sheweth;

- 1) That the above titled appeal is pending adjudication before this Hon'ble Tribunal and is fixed for today proceedings
- 2) That applicants have a prima facie case and balance of convenience is also lies in his favour and if removal order dated 29.04.2019 is not suspended then applicant/ appellant would be deprived from earning in livelihood which amounts to a clear cut irreparable loss.
- 3) That as per judgment of Supreme Court in Appellate court or tribunal can grant an interim relief even if amount to final relief even at initial stage till the final decision of appeal.
- 4) That the applicant is illegally removed from service, so is entitled to interim relief in the shape of suspension of impugned order dated 29.04.2019.

It is, therefore respectfully prayed that on acceptance of this application, the impugned order dated 29.04.2019 may kindly be suspended and the applicant/ appellant may kindly be reinstated in service.

Dated: 12.11.2019

Applicant/ appellant

Though 
Zia-ur-Rahman Tajik
Advocate
Supreme Court of Pakistan

AFFIDAVIT

I, Zia-ur-Rehman Advocate (counsel for appellant/ applicant), do hereby affirm and declare as per information furnished by my clients that the contents of the accompanying **Application** are true and correct and nothing has been concealed from this Hon'ble Court.




Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

S.A.No. _____/2019

Hayat Wali Shahv/s..... Govt. of KPK etc

APPLICATION FOR INTERIM RELIEF IN SHAPE OF
SUSPENSION OF REMOVAL ORDER DATED 29.04.2019.


Respectfully Sheweth;

- 1) That the above titled appeal is pending adjudication before this Hon'ble Tribunal and is fixed for today proceedings
- 2) That applicants have a prima facie case and balance of convenience is also lies in his favour and if removal order dated 29.04.2019 is not suspended then applicant/ appellant would be deprived from earning in livelihood which amounts to a clear cut irreparable loss.
- 3) That as per judgment of Supreme Court in Appellate court or tribunal can grant an interim relief even if amount to final relief even at initial stage till the final decision of appeal.
- 4) That the applicant is illegally removed from service, so is entitled to interim relief in the shape of suspension of impugned order dated 29.04.2019.

It is, therefore respectfully prayed that on acceptance of this application, the impugned order dated 29.04.2019 may kindly be suspended and the applicant/ appellant may kindly be reinstated in service.

Dated: 12.11.2019


Applicant/ appellant

Though 
Zia-ur-Rahman Tajik
Advocate
Supreme Court of Pakistan

AFFIDAVIT

I, Zia-ur-Rehman Advocate (counsel for appellant/ applicant), do hereby affirm and declare as per information furnished by my clients that the contents of the accompanying **Application** are true and correct and nothing has been concealed from this Hon'ble Court.




Deponent

WAKALAT NAMA

IN THE COURT OF Services Tribunal Peshawar

Hayat wali Shah (Petitioner) (Plaintiff), (Appellant), (Complainant)

VERSUS

Sout of KPK (Respondent), (Defendant), (Accused)

Case FIR No _____ Dated / / _____ Police Station _____

Charge u/s _____

I/We, Hayat wali Shah

The above noted Appellant do hereby appoint

and Authorize **Zia-ur-Rehman Tajik Advocate, Supreme Court of Pakistan** to compromise, withdraw or refer to arbitration for me/us as my/our counsel in the above noted matter, I/we also authorized the said Counsel to file appeal, revision, review application for restoration, compromise, withdraw, refer the matter for arbitration. And make any miscellaneous application in the matter or arising out of matter and to withdraw and receive in my/our behalf all sums and amount deposited in my/our account in the above noted matter.

ACCEPTED

Zia-ur-Rehman Tajik

Hayat
CLIENT

Zia-ur-Rehman Tajik

L.L.B, L.L.M, Diploma in Sharia Law
Advocate Supreme Court of Pakistan

Office: 26-A, Nasir Mansion
2-Railway Road, Peshawar.

Phone:091-2564272

Cell: 0300-9357932