

10.08.2018

Junior to counsel for the appellant and Mr. Zia Ullah Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 15.10.2018 before D.B.



(Muhammad Amin Kundi)
Member



(Muhammad Hamid Mughal)
Member

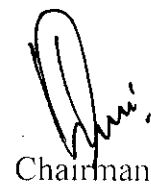
15.10.2018

Appellant in person and Mr. Zia Ullah learned Deputy District Attorney for the respondent present. Due to general strike of the bar, the case is adjourned. To come up on 20.11.2018 before D.B


Member
Member

20.11.2018

Nemo for appellant present. Mr. Kabirullah Khattak, Addl: AG Mr. Zahid Ur Rehman, Inspector(Legal) for respondents present. The case was called several times today, the last being at 3:10 pm, but none appeared on behalf of the appellant. Dismissed for none prosecution. File be consigned to the record room.


Member
Chairman

Announced:
20.11.2018

15.02.2018


Counsel for the appellant present. Mr. Kabir Ullah Khattak, Addl: AG for the respondent present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 16.04.2018 before D.B.


Member


Chairman

16.04.2018 Counsel for the appellant and Muhammad Jan, DDA for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 02.07.2018 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

02.07.2018

Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 10.08.2018 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

26.04.2017

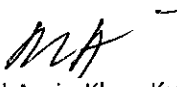
Counsel for the appellant and Asstt. AG for the respondents present. Since connected appeal No. 1387/2010 has been adjourned, therefore, the instant appeal is also adjourned to 10.08.2017 before the D.B for final hearing.

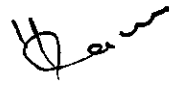

Member


Chairman

10.08.2017

None present on behalf of the appellant. Mr. Ziaullah, Deputy District Attorney for the respondents present. Notice be issued to appellant and his counsel for attendance and arguments for 15.12.2017 before D.B.



(Muhammad Amin Khan Kundi)
Member (J)


(Muhammad Hamid Mughal)
Member (J)

15.12.2017

Learned counsel for the appellant. Mr. Muhammad Jan, Learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 15.02.2018 before D.B


(Gul Zeb Khan)
MEMBER

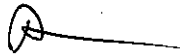

(Muhammad Hamid Mughal)
MEMBER

10.12.2015

Counsel for the appellant and Mr. Sultan Shah, Assistant alongwith Addl: AG for respondents present. Learned counsel for the appellant requested that case against the appellant is at the conclusion stage before the learned Court of Accountability therefore, case may be adjourned sine-die.

Learned Addl: AG does not agree with sine-die adjournment and submitted that the case before NAB Court and this Tribunal can run parallel.

The point needs further elaboration. To come up for arguments on the above point on 28.7.2016.



MEMBER



MEMBER

28.07.2016

Counsel for the appellant and Mr. Sultan Shah, Assistant AG for the respondents present. Learned counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 29.12.16 before D.B alongwith connected appeals.



MEMBER



MEMBER

29.12.2016

Junior to counsel for the appellant and Addl. AG for respondents present. Arguments could not be heard due to incomplete bench. Case adjourned to 26.04.2017 for arguments before D.B.



Chairman

4.9.2014

Appellant in person and Mr. Sultan Shah, Assistant on behalf of respondents with Mr. Muhammad Adeel Butt, AAG present. Neither written arguments have been received nor arguments could be heard due to non-availability of learned counsel for the appellant and incomplete Bench. To come up for arguments or in the alternative for written arguments alongwith connected appeals on 01.01.2015.


Chairman


01.01.2015

No one is present on behalf of the appellant. Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for arguments alongwith connected appeals on 27.05.2015.


Reader.

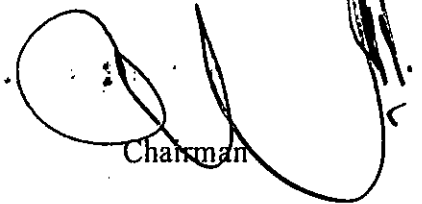
27.05.2015

None for the appellant present. Addl. AG for the respondents present. Since the learned Judicial Member is on tour to camp court D.I Khan, therefore the case is adjourned to 10.12.2015 for arguments before D:B.


Member

29.01.2014

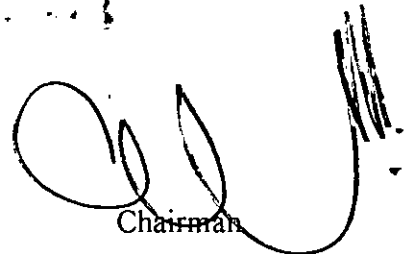
Appellant with counsel and Mr. Sultan Shah, Assistant for respondents with AAG present. Arguments could not be heard due to non-availability of learned counsel for the appellant in the connected appeal (No. 1379/2010) titled 'Ejaz Hussain-vs-Government of KPK etc', and request for further time made on behalf of the appellant in the said case. To come up for arguments alongwith connected appeals on 25.3.2014.



Chairman

25.3.2014

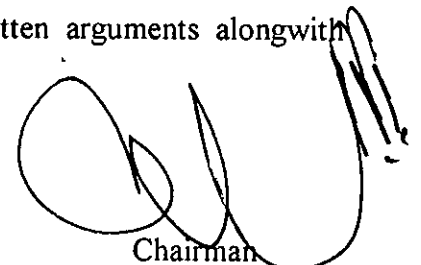
Appellant in person and Mr. Sultan Shah, Assistant on behalf of respondents with Mr. Muhammad Jan, GP present. Arguments could not be heard due to request for adjournment in the connected appeal No. 1379/2010. To come up for arguments alongwith connected appeals on 27.5.2014.



Chairman

27.5.2014

Appellant with counsel and Mr. Sultan Shah, Assistant on behalf of respondents with AAG present. Arguments could not be heard due to non-availability of learned counsel for the appellants in the connected appeals No. 1387 and 1379 of 2010. To come up for arguments or in the alternative for written arguments alongwith connected appeal, on 4.9.2014.

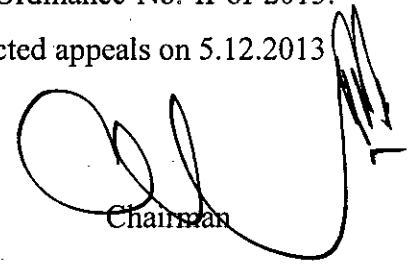


Chairman

1381/10

24.6.2013

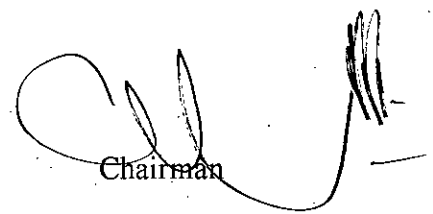
Appellant in person and Mr. Usman Ghani, Sr.GP for the respondents present. Arguments could not be heard due to incomplete bench owing to the promulgation of KPK Ordinance No. II of 2013. To come up for arguments alongwith connected appeals on 5.12.2013



Chairman

05.12.2013

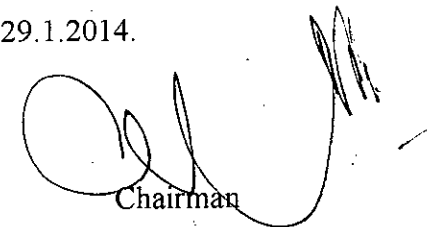
Appellant with counsel and Mr.Sultan Shah, Assistant on behalf of respondents with AAG present. The learned AAG requested for adjournment on the ground that with the exception of one case, he has not been provided case files of other connected cases. To come up for arguments alongwith connected appeals on 23.12.2013. This appeal alongwith connected appeals be placed on the top of the cause list of the day for arguments.



Chairman

23.12.2013

Appellant with counsel and Mr. Sultan Shah, Assistant for respondents with AAG present. Arguments could not be heard due to non-availability of learned counsel for the appellant in appeal No. 1379/2010 titled 'Ejaz Hussain-vs-Govt. of KPK etc'. To come up for arguments alongwith connected appeals on 29.1.2014.



Chairman

1381/10

06.09.2012

Appellant with counsel and Mr. Sultan shah, Assistant, with AAG for the respondents present. Arguments could not be heard as the connected case^{with} which this appeal and other connected appeal, were fixed for further proceedings today is yet to be disposed of. To come up for arguments along with connected appeal on 31.12.2012.

MEMBER

CHAIRMAN

31.12.2012

Appellant with counsel and Mr. Noorullah, S.O (Lit.) on behalf of the respondents with Mr. Arshad Alam, GP present. Arguments could not be heard due to non-availability of learned counsel for the appellant in the connected appeal No. 1387/2010. To come up for arguments along with connected appeals on 4.4.2013.

MEMBER

CHAIRMAN

4.4.2013

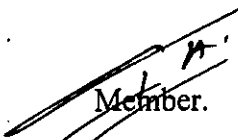
Appellant with counsel and Mr. Noorullah, SGP for respondents present. Arguments could not be heard due to incomplete bench. To come up for arguments along with connected appeals on 24.6.2013.


Chairman

14.2.2012

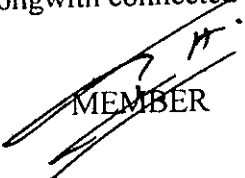
Counsel for the appellant, Tahir Iqbal AGP alongwith Noorullah S.O. (Litigation) for the respondents present. Counsel for the appellant in connected appeals is not available. Case adjourned to 7.5.2012 for arguments alongwith connected appeals.


7.05.2012


Member.


Member.

Appellant with counsel and Mr. Shah Jehan, Supdt. on behalf of the respondents with AAG present. To come up for arguments alongwith connected appeals on 31.7.2012.

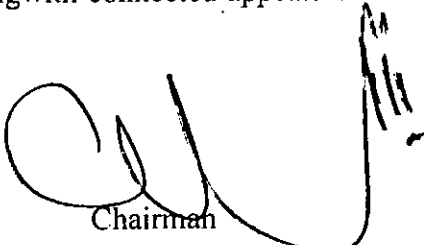

MEMBER

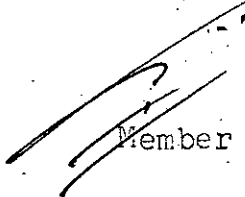

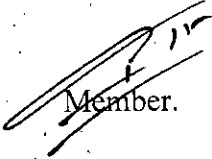

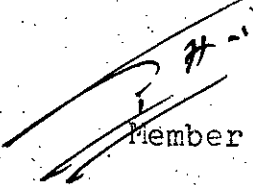


MEMBER

31.07.2012


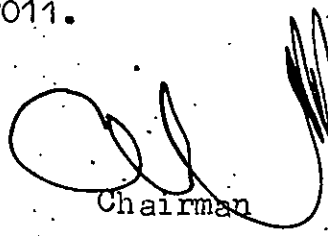

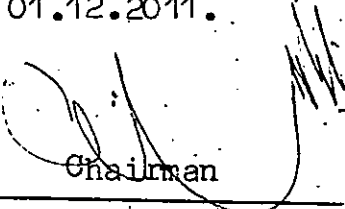
Appellant with counsel and Mr. Shah Jehan, Supdt: for respondents with AAG present. The learned counsel for the appellant requested for adjournment and fixation of the appeal alongwith a connected appeal fixed for further proceedings on 6.9.2012. Therefore, to come up for arguments alongwith connected appeals on 6.9.2012.


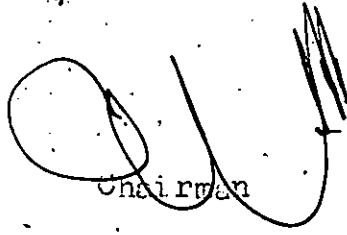





Member

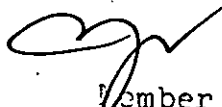




Chairman




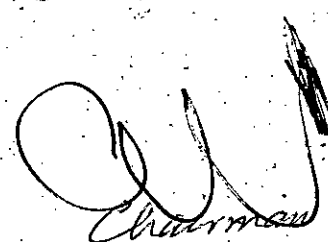
Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
	01.12.2011	<p>Appellant with counsel and Mr. Noorullah, S.O (lit.) for respondents present. To come up for arguments alongwith connected appeals on 14.2.2012.</p> <p> Member</p> <p> Chairman</p>
14.2.2012		<p>Assistant to counsel for the appellant, Tahir Iqbal AGP alongwith Noorullah S.O for the respondents present. The former requested for adjournment. Case adjourned to 7.5.2012 for arguments.</p> <p> Member.</p> <p> Member.</p>
	7.5.2012	<p>Appellant with counsel and Mr. Shah Jehan, Supdt: for respondents with AAG present. Learned counsel for the appellant requested for adjournment. To come up for arguments alongwith connected appeals on 31.7.2012.</p> <p> Member</p> <p> Member</p>

Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
	18.8.2011	<p>Appellant with counsel and Mr.Asif Masood,S.O(Lit.) with AGP for respondents present. Rejoinder on behalf of the appellant received, copy whereof is handed over to the learned AGP for arguments. Reply of the respondents to the application for interim relief has not been received, and representative of the respondents requested for further time. Copy of the application for interim relief is handed over to the representative of the respondents for reply in the meantime and arguments on application on 26.9.2011.</p> <p style="text-align: center;">  Member </p> <p style="text-align: center;">  Chairman </p>
	26.9.2011	<p>Appellant with counsel and Mr.Asif Masood,S.O(Lit.) with Mr.Tahir-Iqbal,AGP for respondents present. Reply to the application for interim relief received on behalf of the respondents, but learned counsel for the appellant stated that since cases are fixed for adjudication, instead of arguments on application for interim relief and disposal thereof, the appeal be fixed for arguments on merits of the appeal. To come up for arguments alongwith connected appeals on 01.12.2011.</p> <p style="text-align: center;">  Member </p> <p style="text-align: center;">  Chairman </p>

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
	10.3.2011	<p>Appellant with counsel and Mr.Asif Masood,S.O(Lit:) Establishment Deptt with AAG for respondents present. Rejoinder has not been received, The learned counsel for the appellant requested for further time. To come up for rejoinder alongwith connected appeals on 29.4.2011.</p> <p style="text-align: center;">  Member  Chairman </p>
	29.4.2011	<p>Appellant with counsel and Mr.Asif Masood,S.O(Lit.) with AAG for respondents present. The learned counsel for the appellant requested for further time. To come up for rejoinder alongwith connected appeal on 15.6.2011.</p> <p style="text-align: center;">  Member  Chairman </p>
	15.6.2011	<p>Appellant in person and Mr.Asif-Masood,S.O(Lit.) with AAG for respondents present. Rejoinder has not been received, and appellant requested for further time. The appellant has also moved application for interim relief, copy whereof is handed over to the respondents for reply and rejoinder of the appellant on 18.8.2011.</p> <p style="text-align: center;">  Member  Chairman </p>


Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
	10.3.2011	<p>Appellant with counsel and Mr. Sher-Afgan Khattak, AAG alongwith Mr. Asif Masood, S.O(Lit:) Establishment Department on behalf of the respondents present. Written reply/comments has not been received, and representative of the respondents requested for further time on the ground that they have just received the inquiry report. Another last chance is given for written reply/comments on 29.4.2011.</p> <p style="text-align: center;">  Member  Chairman </p>
	29.4.2011	<p>Appellant with counsel and Mr. Asif Masood, S.O(Lit:) with AAG for respondents present. Written reply/comments received on behalf of the respondents, copy whereof is handed over to the learned counsel for the appellant for rejoinder on 15.6.2011.</p> <p style="text-align: center;">  Member  Chairman </p>

Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
	28.12.2010	<p>Appellant with counsel and Mr. Sher Afgan Khattak, AAG along with Asif Masood, S.O(lit:) for respondents present. Respondents requested for further time. Written reply/comments be filed in the meantime, with a copy for the opposite side for rejoinder along with connected appeals on 10.2.2011.</p> <p style="text-align: center;">  Member  Chairman </p>
	10.2.2011	<p>No one is present on behalf of either appellant or respondents. AAG is, however, present and requested for further time for written reply/comments. A last chance is given for written reply/comments on 10.3.2011</p> <p style="text-align: center;">  Member  Chairman </p>

17.9.2010

Appellant in person and Mr. Sher-
Afgan Khattak, AAG alongwith Saeedullah,
S.O (Transport) on behalf of the respondents
present. To come up for written reply/
comments on 25.10.2010.


Member


Chairman

25.10.2010.

Appellant in person and Mr. Sher-
Afgan Khattak AAG for the respondents
present. The learned AAG requested for
further time. Another chance is given
for written reply/ comments on 25.11.2010



Member


Chairman

25.11.2010

Appellant in person and Mr. Sher Afgan-
Khattak, AAG alongwith Asif Masood, S.O for respondents
present. Respondents requested for further time.
Another chance is given for written reply/comments
positively on 28.12.2010.


Member


Chairman

12.8.2010

Appellant deposited security & process fee Rs. 1,80,000/- Bank receipt attached herewith.

Counsel for the appellant present and heard. This is an appeal against the impugned order dated 18.5.2010. Counsel for the appellant contended that the impugned dismissal order has not been signed by the competent authority therefore it has no legal value. The charge sheet was issued on the basis of minutes of DAC pertaining to advance paras on the account of Transport section "Administration Department" as per Finance Department letter No SO(A/Cs/FD/1-6/1997, dated 17.12.1997 the department concerned should complete action on the decision of the DAC as quickly as possible well before the PAC meeting as such the PAC is the competent forum for initiating disciplinary action.

No break up of Rs. 1,26,16,435 has been given in order to enable the appellant to know the head of account of expenditure, so that he may defend himself properly.

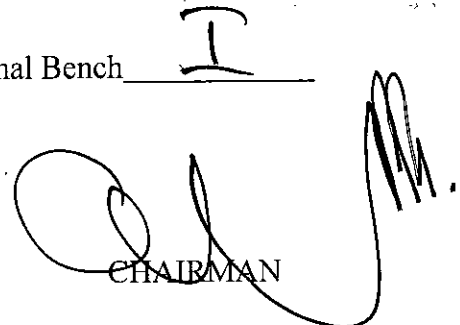
Counsel for the appellant also submitted that the process of recovery of Rs. 1,26,16,435 may be suspended till the final decision of case. Counsel for the appellant is asked to submit an application in this regard.

Points raised need consideration. The appeal is admitted to regular hearing. 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 17.9.2010.


MEMBER

12.8.2010

This case be entrusted to Final Bench I for further proceedings.


CHAIRMAN

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUN
KHWA, PESHAWAR

Service Appeal No. 1381 /2010

Amir Muhammad Durrani.Appellant

Versus

Secretary, Govt. of KPK & others. Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Memo of appeal		1-13
2.	Charge sheet, with allegations dated 22.01.2010	"A"	14-16
3.	Reply to charge sheet dt: 30.01.2010	"B"	17-24
4.	Show cause notice dated 11.05.2010	"C"	25-27
5.	Reply to show cause notice dated 17.05.2010	"D"	28-32
6.	Dismissal order dated 18.05.2010	"E"	33
7.	Representation, dated 21.05.2010 alongwith annexures	"F"	34-81
8.	Rejection order, dated 29.06.2010	"G"	82

Appellant
Through



Saadullah Khan Marwat
Advocate,

Dated: 19.07.2010

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUN
KHWA, PESHAWAR

A.S.T. Division
Service Tribunal
Diary No. 1491
Date 26/07/10

Service Appeal No. 1381 /2010

Amir Muhammad Durrani S/O Khan Muhammad Durrani
R/O Nowshera Kalan, Nowshera.
Ex-Section Officer (Transport) Administration
Department Civil Secretariat, Peshawar. Appellant

Versus

1. Secretary, Govt. of Khyber Pukhtun Khwa, Establishment Department, Peshawar.
2. Chief Minister, Govt. of Khyber Pukhtun Khwa, Peshawar through Chief Secretary, Govt. of Khyber Pukhtun Khwa Civil Secretariat, Peshawar.
3. Secretary, Govt. of Khyber Pukhtun Khwa, Administration Department, Peshawar Respondents

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APPEAL AGAINST THE OFFICE ORDER NO.SO(E-II)(ED)3(719)/2007 DATED 18.05.2010 OF RESPONDENT NO.1, WHEREBY PENALTY OF "DISMISSAL FROM SERVICE" AND "RECOVERY OF RS.1,26,16,435/-" WAS IMPOSED UPON APPELLANT OR OFFICE ORDER NO.SOE-II(ED)3(719)/2007, DATED 29.06.2010 OF RESPONDENT NO.2 WHEREBY DEPARTMENTAL APPEAL OF APPELLANT WAS REJECTED FOR NO LEGAL REASON.

Filed to day
26/7/10

Respectfully Sheweth:

1. That appellant was appointed as Junior Clerk in Civil Secretariat, Peshawar on 19.01.1973.
2. That on the recommendations of Provincial Selection Board, appellant was promoted from the post of Superintendent (BPS-16) to the post of Section Officer on current charge basis and posted as Section Officer (Transport) on 11.12.2007. He was performing his official duties to the best of his abilities and to the entire satisfaction of his superiors and no complaint was never made against him in this respect. His service record spread over decades was neat and clean and rendered meritorious services for the last thirty-eight years to the Departments.
3. That charge sheet was issued by respondent No.2 and not the I.O, containing charges of various types. In the statement of allegation, an Enquiry Committee was constituted to probe into the allegations. After the receipt of the charge sheet, reply was submitted and denied the same with cogent reasons. Reply to the charge sheet and statement of allegations be also considered as integral part of this representation. (Copies as annex "A" & "B" respectively).
4. That serious charges were leveled against appellant in the charge sheet and the Enquiry Committee was legally bound to probe into the charges as per the mandate of

Ordinance/ Law but the Committee did not prosecute appellant in accordance with law and no statement of any witness was recorded in his presence nor he was afforded opportunity of cross-examination.

5. That the Enquiry Committee prepared self made report and submitted the same to the authority for onward action.
6. That on 11.05.2010, appellant was served with show cause notice reiterating the charges of the charge sheet, which was replied by him on 17.05.2010. (Copies as annex "C" & "D" respectively).
7. That appellant was directed on 11.05.2010 to come up for personal hearing in office of respondent No.2, alongwith written reply to the show cause notice on 18.05.2010 at 09:00 AM. Instead of competent authority, personal hearing was conducted by PSO to respondent No.2 (a BPS-17 Officer), which is against the norms of the Ordinance.
8. That on 18.05.2010, respondent No.1 issued office order bearing No.SO(E-II)ED/3(719)/2007, wherein penalty of dismissal from service and recovery of Rs.1,26,16,435/- (without providing breakup of the recovery amount) was imposed upon appellant. (Copy as annex "E").
9. That on 21.05.2010, appellant submitted comprehensive departmental appeal by threshing out all documentary evidence but no heed was paid to the same by the

authority and then on 29.06.2/010, the same was re, by respondent No.2 without support of any reason. (Cop of departmental appeal alongwith annexures and rejection order as annex "F" & "G" respectively).

Hence this appeal, inter alia, on the following grounds;

GROUND S:

- A. That the impugned orders are against law, facts and record on the following reasons;
- a. That on 22.01.2010, appellant was served with charge sheet and statement of allegations and the proceedings of the enquiry were culminated into the impugned order dated 18.05.2010 i.e. for about four months, whereas the Ordinance as well as Para-2 of the statement of allegations duly signed by the competent authority, stipulates 25 days for completion of enquiry proceedings (Annexure-I). Being mandatory, no one is legally allowed to deviate from 25 days. Apart from this, no reason for extension of the enquiry proceedings by the Committee was ever given.
 - b. That as stated earlier, the Committee did not conduct the enquiry as per the mandate of law. It was incumbent upon the Committee to record

statement(s) of witness(es) in presence of appellant, however, no such evidence could be seen from the whole proceedings. On this score alone, the impugned action has no legal value.

- c. That as and when the incumbent is served by the final show cause notice, it becomes mandatory for the Committee/ Authority to provide all the proceedings to the servant to enable him to submit comprehensive representation but no enquiry proceedings, as is evident from the notice, was ever supplied to appellant. Such lacuna vitiates all the actions to be null and void.
- B. That the impugned order is legally liable to be set aside on the following grounds;
- i. That in Para-2 of the show cause notice, major penalty of "Dismissal from Service" was imposed upon appellant (Annexure-III), whereas in the order No.SO(E-II)ED-3(719)/2007, dated 18.05.2010, he has been awarded the penalty of "Dismissal from Service" and recovery of Rs.1,26,16,435/- (Annexure-VI). No one shall be awarded with double punishments for one and the same act as per law.
 - ii. That the Enquiry Committee did not give any weight to a joint statement, duly signed by appellant and

two Ex-Cashiers (Transport) of Administration Department (Annexure-VII), wherein the factual position was brought into the notice of Enquiry Committee but no weight was given, which is injustice and based on malafide intention.

- iii. That in the above statement, it was clearly mentioned that some of the payments were made to Ex-Additional Secretary (Admn), Administration Department directly or through his P.A (Syed Irfan Shah), as the undersigned was asked by immediate boss to arrange payments for the repair and POL charges for the vehicles provided to some Political Personnel, Guests/ Officers of the Chief Minister's Secretariat, Khyber Pukhtun Khwa. As Additional Secretary is the next higher authority in the Department after Administrative Secretary, appellant was bound to obey the orders of immediate boss and did not want to make any hurdles in running of official business. However, the Enquiry Committee instead of considering the above-mentioned facts, directly held responsible him for all this situation by showing the amount in the total amount of recovery amounting to Rs.1,26,16,435/- in the order issued by respondent No.1, which is highly condemnable and request for justice.

- iv. That the charge of mis-appropriation/ embezzlement of auction money amounting to Rs.72,07,742/- was also leveled against the appellant in the charge sheet and statement of allegations issued on 22.01.2010. In this regard, a comprehensive reply was submitted to the Enquiry committee on 30.01.2010 (Annexure-II) wherein it was mentioned that as per Rule-7(1) of Treasury Rules Vol-I & II, the amount so generated as revenue must, without undue delay, be paid in full into a treasury or bank and shall not be re-appropriated to meet departmental expenditure (Annexure-VIII).

Similarly, Para-26 under heading "Chapter-3 - Revenue & Receipts" of the GFR is also crystal clear on the subject matter (Annexure-IX). The embezzlement/ misappropriation of Government funds was brought into the notice of the Enquiry Committee, which was committed by the DDO of that period i.e. Mr. Shahid Sohail, Ex-Section Officer (Transport), Administration Department. On promotion as Deputy Secretary, he succeeded to post himself as Deputy Secretary (Admn), Administration Department and remained there for about 4-5 months. During his tenure as Section Officer (Transport) as well as Deputy Secretary

(Admn) had not deposited the amount of auction, instead he and his Cashier (Mr. Ejaz Hussain) handed over vouchers of repairs and POL to Mr. Mustafa Kamal, Cashier, which was clear violation of the aforesaid Financial Rules. But the Committee even did not bother to call him to explain as why the amount of auction money was not deposited in the Government Treasury inspite of clear-cut rules, but the blunder and irregularity committed by Mr. Shahid Sohail Khan was put on the shoulders of the appellant and the amount was added in the total of recovery against him and the person who violated the aforesaid Treasury & Financial Rules committed embezzlement/ mis-appropriation of the amount fetched through auction of 32nd phase held on 11.07.2008 (despite the fact that a huge amount was released by the Finance Department for running the official business of Transport Section, Administration Department), was exempted from disciplinary action by the enquiry Committee. However, appellant was made scapegoat right at the time when he reached at the age of superannuation on 19.05.2010. This is merely injustice and one-sided disciplinary action and violation of the said Ordinance, as no opportunity was given to him for cross-examination of the witness(es). However,

undue favour was extended to Mr. Shahid Sohail, Ex-Deputy Secretary (Admn)/ Ex-Section Officer (Transport) and let him free, which is against the judgments of superior courts that all shall be dealt equally and fairly.

- v. That in the charge sheet, one charge on account of hiring charges was also leveled against appellant. In this regard, it is submitted that due to non-availability of vehicles in good condition with the Administration Department, vehicles were hired by the Transport Section on the direction of Honourable Chief Minister, Khyber Pukhtun Khwa, conveyed through Ex-Additional Secretary (Admn), Administration Department as is evident from his note dated 13.05.2009 (Annexure-X). The Ex-Additional Secretary (Admn), Administration Department posted Mr. Aman Khan Hoti as Caretaker-II in the Transport Section, Administration Department and assigned him duty of hiring of vehicles for protocol duties. Mr. Aman Khan Hoti and Mr. Khalid Pervaiz, Assistant Caretaker (Transport) were authorized by Ex-Additional Secretary (Admn) to prepare and process the bills on account of hiring charges. As far as payment of the hiring charges is concerned, in this regard it submitted that it was

responsibility of the Administration Section of Administration Department to send the bills to A.G Office for pre-audit, as expenditure on account of hiring charges are met out from the head of Account "01-General Public Service, 015-General Services, 051-Personal Services, 051501-Establishment Services General Administration, PR-4017-Establishment Department, AO-3919-Payment to others for Services Rendered" (Annexure-XI), which relates to Administration Section of Administration Department. This fact can also be confirmed from the note of Ex-Deputy Secretary (Admn) of Administration Department (copy enclosed at Annexure-XII). Thus the charge on account of hiring charges, as mentioned in the charge sheet, was totally incorrect and based on biased and malafide intention. As such, the amount of hiring charges added to the total amount of recovery is incorrect and malafide and the question of recovery on account of hiring charges does not arise in this case.

- vi. That according to Khyber Pukhtun Khwa Removal from Service Ordinance, 2000, the pension rules shall not be disturbed in any manner and kept intact in the Ordinance promulgated by a Dictator ruled for many years on Islamic Republic of Pakistan to crush

the Government servants through it and to make them jobless, which is totally contrast with the E&D Rules and against the spirit of justice. The said Ordinance has been revoked by the National Assembly of Islamic Republic of Pakistan, through a Bill but the same is still in vogue in the Province of Khyber Pukhtun Khwa. Appellant expect that the Democratic Government of Khyber Pukhtun Khwa would waive of the major penalty of "Dismissal from Service" and recovery of Rs.1,26,16,435/- and do justice to the low paid and poor Government servants.


- vii. That the impugned order has not been signed by the competent authority, so has no legal value.
- viii. That the charge sheet dated 19.01.2010 issued to appellant by the authority was on the basis of minutes of DAC meeting held on 18th, 19th and 22nd December, 2009 regarding Advance Paras on the accounts of Transport Section, Administration Department (Annexure-XIII). However, as per Para-2(G) of Government of Khyber Pukhtun Khwa, Finance Department letter No.SO(A/Cs)/FD/1-6/1997, dated 17.12.1997, the Department concerned should complete action on the decision of the DAC as quickly as possible well before the PAC

meeting (Annexure-XIV). As such PAC is the competent forum for initiation disciplinary proceedings, if any, against the officers/ officials on the basis of Audit Paras. But it is astonishing to point out that the competent authority imposed the major penalty/ recovery in millions without fulfilling the requirements of Audit Paras.

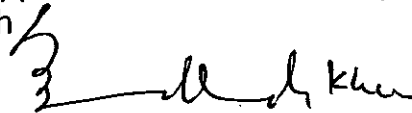
- ix. That the competent authority has not ever provided breakup of amount of Rs.1,26,16,435/- from which the appellant would be able to ascertain the Head of account of expenditure and defend it properly.
 - x. That no benefit of 38 years rendered service was ever extended to appellant as appellant was due for retirement on the very next day.
 - xi. That the impugned orders dated 18.05.2010 or 29.06.2010 are based on malafide and therefore, are improper, unjust, arbitrary, discriminatory, without lawful authority and of no legal effect.
- C. That the appellate order is not based on legal footing as the same was rejected without the support of any reason. The Apex Supreme Court of Pakistan in plethora of the judgments has held that order of rejection of appeal shall be supported by cogent reason, while in the rejection order dated 29.06.2010 only word "reject" is used.

D. That appellant has pointed out not only to the Enquiry Committed but also to the appellate authority that some other officers/ official save sole responsibilities in the subject matter for hiring of vehicles to the dignities of the Chief Executive and deposit auction money in the Government Treasury but both the authorities (Enquiry Committee & Appellate Authority) split over and did not take any notice on their behalf, so all were not equally and fairly dealt within the subject matter, thus discriminated.

It is, therefore, most humbly prayed that on acceptance of this appeal, order dated 18.05.2010 of respondent No.1 or 29.06.2010 of respondent No.2 be set aside and appellant be re-instated in service with all back benefits since 18.05.2010, with such other relief as may be deemed appropriate.


Appellant

Through



Saadullah Khan Marwat
Advocate,

Dated: 19.07.2010

A 14 22-1-10

GOVERNMENT OF NWFP
ADMINISTRATION DEPARTMENT

CHARGE SHEET

1. Javed Iqbal, Chief Secretary, NWFP, hereby charge you, Mr. Amir Muhammad Durrani Ex-Section Officer, Transport Section, Administration Department as follows:-

2. That you while posted as Section Officer (Transport) in the Administration Department committed the following irregularities:-

- I) Illegal retention of auction money amounting to Rs.72,07,742/- of 32nd phase of auction held on 11-07-2007.
- II) Fictitious, un-authorized and doubtful expenditure of Rs.1,41,27,928/- on account of hiring charges, POL and repairs of vehicles during the year 2008-09.
- III) Whereabout/loss of vehicle No.A-1041 KT which was under your personal use.
- IV) Wasteful expenditure of Rs.72,07,820/- incurred on the POL and repair of vehicles during the period 10-10-2009 to 26-10-2009 despite the fact that competent authority had desired that no expenditure be incurred till details of pending liabilities provided.
- V) Most of the proper handing / taking over profarmas have not been signed by you and allotted government vehicles to un-authorized persons.

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

4. You are, therefore, required to submit your written defence within seven (7) days of the receipt of this charge sheet to the enquiry officer/committee

5. Your written defence, if any, should reach the enquiry officer/committee 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 follow against you.

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

7. A statement of allegations is enclosed.


(JAVED IQBAL)
CHIEF SECRETARY, NWFP

Mr. Amir Muhammad Durrani
Ex-Section Office(Transport)
Administration Department

Amir
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Annex-I

GOVERNMENT OF NWFP
ADMINISTRATION DEPARTMENT

No. E&A(A.D) ()/
Dated Peshawar the / 12 /2009

DISCIPLINARY ACTION

I, Javed Iqbal, Chief Secretary, NWFP, as Competent Authority, am of the opinion that Mr. Amir Muhamamd Durrani, Ex-Section Officer (Transport), Administration Department has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of section-3 of the NWFP Removal from Service (Special Powers) Ordinance, 2000: -

STATEMENT OF ALLEGATIONS.

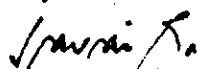
- I) Illegal retention of auction money amounting to Rs.72,07,742/- of 32nd phase of auction held on 11-07-2007.
- II) Fictitious, un-authorized and doubtful expenditure of Rs.1,41,27,928/- on account of hiring charges, POL and repairs of vehicles during the year 2008-09.
- III) Whereabout/loss of vehicle No.A-1041 KT which was under your personal use.
- IV) Wasteful expenditure of Rs.72,07,820/- incurred on the POL and repair of vehicles during the period 10-10-2009 to 26-10-2009 despite the fact that competent authority had desired that no expenditure be incurred till details of pending liabilities provided.
- V) Most of the proper handing / taking over profarmas have not been signed by you and allotted government vehicles to un-authorized persons.

2. For the purpose of scrutinizing conduct of the said accused with reference to the above allegations, an inquiry committee / officer consisting of the following is instituted under section 5 of the Ordinance.

- i). Mr. Muhammad Humayun, OSD, ECA Deptt.
- ii). Mr. Mubshiq Ahmad, Deputy Secy Finance Deptt.
- iii). -

3. The Enquiry Officer shall, in accordance with the provision of the Ordinance, provide reasonable opportunity of hearing to the accused, record his findings and make within twenty five days of the receipt of this order, recommendations for 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 Enquiry Officer.



(JAVED IQBAL)
CHIEF SECRETARY, NWFP

Attest
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Annex-1

GOVERNMENT OF N.W.F.P.
FINANCE DEPARTMENT

No.PA/DS.B-II/FD/Enq:Transport/2010
Dated Pesh.the 22/01/2010

To

Mr. Amir Muhammad Durrani,
Ex-Section Officer (Transport), Transport Section,
Administration Department.


Subject: DISCIPLINARY ACTION AGAINST OFFICERS / OFFICIALS OF
THE TRANSPORT SECTION OF ADMINISTRATION
DEPARTMENT.

According to the Government of NWFP, Administration Department letter No.E&A(AD)02(240)/2001 dated 20/01/2010 the Competent Authority has been pleased to appoint an Enquiry Committee comprising of the following officers to conduct Enquiry into the matters of un-authorized use of vehicles and mis-management of funds and fix-responsibility.

- i) Mr. Muhammad Hamayun, PCS(SG) BPS-20,
OSD Estt: & Admn: Department.
- ii) Mr. Mushtaq Ahmad, PCS(SG) BPS-18
Deputy Secretary (B-II), Finance Department.

2. Two copies of Charge Sheet and Statement of Allegation duly signed by the Competent Authority are sent herewith. You are directed to sign one copy of each and return as token of receipt. In the light of provisions of Section 5 of the NWFP Removal from Service (Special Powers) Ordinance 2000, you are directed to submit your reply within seven days positively.

If no reply is received within stipulated period then it shall be presumed that have no defence and in that case ex-parte action will be taken against you. You may also intimate if you desire to be heard in person or otherwise.

 22.1.10

(MUHAMMAD HAMAYUN)
OSD Estt: & Admn: Department
Inquiry Officer

End: NO. _____ Dated: ___/___/___

Copy forwarded to the Section Officer (Admn) Administration Department with reference to his letter No.E&A(AD)02(240)/2001 dated 20/01/2010. He is requested to depute an officer / official well conversant with the case to assist the Enquiry Committee during disciplinary proceedings.

(MUSHTAQ AHMAD)
Deputy Secretary
Inquiry Officer



B

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30-1-10

Annex-ii

To

1. Mr. Muhammad Hamayun,
OSD Estt: & Admn; Deptt.
Enquiry Officer.
2. Mr. Mushtaq Ahmad, Deputy Secretary,
Finance Department/Enquiry Officer.

**SUBJECT:- DISCIPLINARY ACTION AGAINST OFFICERS/
OFFICIALS OF THE TRANSPORT SECTION OF
ADMINISTRATION DEPARTMENT.**

Dear Sir,

In pursuance of your letter No. PA/DSB-II/FD/Enq: Transport/2010 Dated 22/01/2010 which was received by the undersigned on 25/01/2010 alongwith charge sheet and statement of allegations, I want to submit my replies to the charges as mentioned in the above statement of allegations as under:-

1. Sub Para-1 of Para-2 of the Charge Sheet. It has no concern with the undersigned. The amount of Rs. 72,07,742/- was received by the then Cashier namely Mr. Ejaz Hussain, Assistant in supervision of Mr. Shahid Sohail Khan, Ex-Section Officer (Transport) as D.D.O and it was the responsibility of both the ex-officials of Transport Section to deposit the same in Government Treasury well within time, as envisaged in Rule-7(1) of Treasury Rules Vol. I & II, wherein it has clearly been mentioned that the amount so generated

Received
30/01/2010
MUSHTAQ AHMAD

ALLS
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as revenue must be without undue delay be paid in full into a treasury or bank and shall not be re-appropriated to meet departmental expenditure (vide Annex-I). Similarly, Para-26 under heading "Chapter-3 - Revenue and Receipts" of the GFR Vol-I & II is also crystal clear on subject matter (Annex-II). According to afore-said financial and treasury rules, the ex-Section Officer (Transport) namely Mr. Shahid Sohail was required to direct the concerned Cashier (Transport) Mr. Ejaz Hussain to deposit the sale proceeds of the auction held on 11/7/2007 into govt. treasury. However, instead of depositing the sale proceeds Mr. Ejaz Hussain handed over repair and POL vouchers as liabilities to Syed Mustafa Kamal, who was posted as Cashier (Transport) on 18.4.2008, after a lapse of ten months of date of auction i.e. 11.7.2007, when he was transferred from the post of Cashier (Transport) vide Order No. SOT(AD) Posting /Transfer/ 2008 Dated 18/4/2008 (Annex-III) inspite of the fact that the Finance Department had released Budget Estimates for the year 2007-08 on 2/7/2007 (Annex-IV) well before the date of auction i.e. 11/7/2007 as per following details:-

HEAD OF ACCOUNT	POL	CNG	REPAIR
Main Office	8800000	3528000	5250000
Ministers	3849000	2143000	2756000

Advisors	642000	357000	386000
Estate Office	119000	66000	276000
TOTAL	13410000	6094000	8668000
GRAND TOTAL	28172000		

It is further added that a detailed reply in the subject matter was given to report of internal audit party in this regard vide letter No.SOT(AD)Auction of Govt. Vehs/2009 dated 1/9/2009 (copy enclosed at Annex-V for ready reference). As such, the Transport Section took up case with the Finance Department on different occasions to the release of additional grant to clear the liabilities of Ex-Section Officer Transport (Mr.Shahid Sohail) but in vain, as the Finance Department did not release any additional funds for clearance of the pendency inherited from Ex-Section Officer(Transport). Thus the undersigned was not in a position to clear the pendency/liabilities on account of POL and repair charges due to non-availability of funds, as the undersigned took charge of the post of Section Officer(Transport) on 11.12.2007. So it is proved from the above discussions, that the negligence is not on the part of the undersigned but it was the responsibility of the then Section Officer(Transport) to deposit the sale proceeds of the auction (Cash Amount) into govt. treasury as required

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under financial rules. Handing over of vouchers on account of POL and Repair was not the solution of the issue, as payment of other liabilities/pending bills of the workshops, Benevolent Filling Station and drivers of the Provincial Ministers, Officers of E&A Department were also required to be made, which was done as mentioned in Para-2(B)(ii) of (Annex-V) and sub paras-i to vii of para-3 of (Annex-V) is also worth perusal/examination of the Enquiry Committee please.

- II. Sub Para-II of Para-2 of the Charge Sheet. The expenditure of Rs.1,41,27,928/- on account of hiring charges, POL charges and repair of vehicles is spread over the span of one financial year 2008-09, which has been made in accordance with the laid down procedure in Transport Section. The repair of vehicles was carried out after fulfillment of all codal formalities. POL was issued strictly in accordance with the prescribed POL ceiling. Due to non-availability of vehicles in good condition in the pool, the Administration Department had no option except to hire vehicles from the market for VVIP protocol duties after proper approval from the competent authority. Besides, the Administration Department is

supposed to provide vehicles to needy department out of surplus vehicles which were received from various govt. departments in off-road condition. After carrying out necessary repairs, the surplus vehicles are provided to govt. departments on need basis after approval from the competent authority. Thus the said expenditure is not fictitious, un-authorized and doubtful; the same was made strictly in according with the Delegation of Powers and G.F.R. which can be proved by inspecting the record available with the Transport Section.

III. Sub Para-III of Para-2 of Charge Sheet. As regard whereabouts/loss of vehicle bearing Registration No.A-1041-KT, it is submitted that Mr.Humayun Khan, PS to Secretary to Govt. of NWFP, Administration Department informed the undersigned that the Secretary, Administration NWFP had directed that Mr.Afsar Khan, BPS-20 PSC Executive OSD may be provided with official transport, who was proceeding to DIK in connection with some official tasks assigned by the Chief Secretary NWFP and it was also told to the undersigned that the officer was waiting in office of DCO Peshawar for the vehicle. The undersigned talked to DCO Peshawar and he confirmed that

Mr.Afsar Khan was waiting in his office for the vehicle. The undersigned directed Mr.Tariq Mehmood, driver to take the vehicle inquestion to DCO Office Peshawar after getting fueled the vehicle by Mr.Muhamamd Ayaz, Asstt Cashier and provided to the above mentioned officer, which is still under the use of the officer. As such no loss has been sustained to govt. due to negligence of the undersigned.

IV. Sub Para-IV of Para-2 of the Charge Sheet. It is absolutely incorrect that the amount of Rs.72,07,820/- was incurred on the POL and repair of vehicles, however, the pending vouchers on account of POL/Repair (which were already approved by the competent authority) of the drivers of Provincial Ministers, Officers of the E&A Department, were only signed in a capacity of DDO but payment could not be paid to the payee due to the fact that the competent authority had desired that no expenditure be incurred till details of pending liabilities provided.

V. Sub Para-V of Para-2 of Charge Sheet. Handing/Taking over proformas are filled in by Caretaker(Transport) and it was the responsibility of the Caretaker to get countersigned the proforma of the vehicles provided

to other govt. departments out of Transport Pool. However, approval of the competent authority was obtained with regard to provision of vehicles on concerned files of the govt. departments.

2. Para-3 of Charge Sheet. From the aforesaid submission, I never appear to be guilty of misconduct under any law or the quoted one and am not liable to any penalty.

3. Para-4 of the Charge Sheet. As directed reply to the Charge Sheet/Statement of allegations is submitted herewith in the stipulated period to the concerned Enquiry Officer/Committee.

4. Para-5 of the Charge Sheet. Submitted within the specified period and by keeping in view the afore-said submission, I shall be exonerated of the charges.

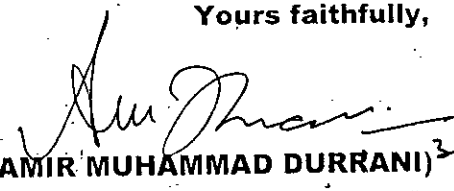
5. Para-6 of the Charge Sheet. I desire to be heard in person.

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6. It is therefore most humbly requested, that I may
lease be exonerated of the charges leveled against me in the
charge sheet and filed without further action.

Yours faithfully,



(AMIR MUHAMMAD DURRANI) 36/11/2010
EX-SECTION OFFICER (TRANSPORT),
ADMINISTRATION DEPARTMENT.

Amir
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C 25 11-5-10

Annex-III

SHOW CAUSE NOTICE

I, Javed Iqbal, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, under the North-West Frontier Province Removal from Service (Special Powers) Ordinance, 2000, do hereby serve you, Mr. Amir Muhammad Durrani, Superintendent BS-16 Section Officer(Current Charge), ST&IT Department as follows:

- i) That consequent upon completion of inquiry conducted against you by the Inquiry Committee for which you were given opportunity of hearing; and
- (ii) On going through the findings and recommendations of the Inquiry Committee, the material on record and other connected papers including your defense before the said Committee;

I am satisfied that you have committed the following acts/ omissions specified in section 3 of the said Ordinance.

- a) Inefficiency;
- b) Misconduct;
- c) Corruption/embezzlement; and
- d) Causing pecuniary losses to Government.

2- As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of Dismissal from Service under section 3 of the said Ordinance.

3- You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you.

4- If no reply to this notice is received within seven days of its delivery, in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case an exparte action shall be taken against you.

5- A copy of the findings of the Inquiry Committee is enclosed.

Javed Iqbal

(COMPETENT AUTHORITY)

Mr. Amir Muhammad Durrani
Section Officer
ST& IT Department
Khyber Pakhtunkhwa, Peshawar.

Amir
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FINDINGS OF ENQUIRY

On going through the reply of Charge Sheet, statement recorded, before the Committee and perusal of record, it is proved that being DDO, the officer (Amir Muhammad Durrani the then Section Officer (current charge) Transport, Administration Department), did not perform his duty efficiently/honestly which resulted loss of million of rupees to public exchequer.

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CONFIDENTIAL.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Annex-2

No.SOE-II(ED)3(719)2007
Dated Peshawar the 11.05.2010

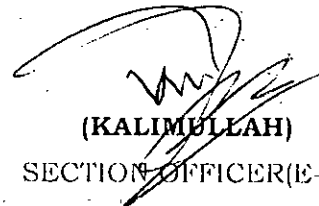
To

Mr. Amir Muhammad Durrani,
Section Officer (Current Charge)
Science & Technology & Information
Technology Department.

**SUBJECT:- DISCIPLINARY ACTION AGAINST OFFICERS/OFFICIALS
OF THE TRANSPORT SECTION OF ADMINISTRATION
DEPARTMENT.**

I am directed to refer to the subject noted above and to forward herewith show cause notice in original duly signed by Chief Secretary, Khyber Pakhtunkhwa for necessary action at your end.

I am further directed to request you to come up for personal hearing in the office of Chief Secretary, Khyber Pakhtunkhwa alongwith written reply to the show cause notice on 18.05.2010 at 09.00 A.M.


(KALIMULLAH)
SECTION OFFICER(E-II)

NO. AND DATE EVEN.

Copy forwarded to:-

1. PS to Chief Secretary, Khyber Pakhtunkhwa.
2. PS to Secretary Establishment.
3. PS to Secretary Administration with the request to depute a departmental representative well conversant with facts of the case, with all the relevant record to be present during the course of personal hearing.

Section Officer (E-II)

To

**The Chief Secretary,
Khyber Pakhtunkhwa,
Peshawar.**

SUBJECT:- REPLY TO SHOW CAUSE NOTICE.

Respected Sir,

Reference letter No.SOE-II(ED)3(719)/2007 Dated 11/05/2010 received from Section Officer(E-II), Establishment Department, Khyber Pakhtunkhwa Peshawar regarding the subject matter.

In response to the Show Cause Notice, reply is submitted as under:-

- i) Not correct. The enquiry was not conducted by the Enquiry Committee in accordance with mandate of law. Not a single witness was examined in presence of the undersigned what to speak of providing opportunity of hearing nor the undersigned was given opportunity of cross examination over a witness(s). The subject matter hails from bottom to top and it was categorically stated in the statement of the undersigned recorded on 8.4.2010 that the then Addl: Secretary(Admn), Administration Department Khyber Pakhtunkhwa and his PA was responsible for the mishap, if any, The then AS(Admn) and his PA were even not touched by the Enquiry Committee, as they have strong personal relations and links with High-Ups and it could easily be said that the Enquiry Committee made pick and choose in the matter and the high responsible were let free while low paid employees were made scape-goats.**

Till this show cause notice, the undersigned was not provided opportunity of hearing and defense as it was mandatory for the authority to supply all the documents pertaining to the enquiry to the undersigned but no such document was supplied or annexed with the show cause notice, so it is totally incorrect to say that the undersigned was given opportunity of hearing, etc.

- ii) In response to this para of the show cause notice, it is submitted that if any adverse findings or recommendations are made by the Enquiry Committee against the undersigned, the same would be either based on malafide or the committee has not scrutinized the submission, statements and other record of the matter justly, fairly, equitably and properly. Huge discrimination has been made in the matter by booking low paid employees for penal actions and letting the high officers, pointed out time and again to the enquiry proceedings.
- a) **Inefficiency:** In my total service spread over long thirty eight years, no single explanation was ever called in any manner, my service record is neat and clean and was never assessed adverse.
- b) **Misconduct.** As above. Never committed any misconduct nor any proof could be quoted as example.
- c) **Corruption/Embezzlement:** Till date, no such instance is supported by evidence regarding my long thirty eight years service.

d) Causing Pecuniary Losses to Govt. No single penny loss was ever caused to Govt. by the undersigned what to speak of pecuniary losses.

1. All the afore-said allegations are general in nature and without proof.

2. The para of the Notice is totally false and absolutely incorrect. Requirements of Section-3 of the Ordinance were never complied with. The Ordinance on the subject matter regarding regular enquiry is very much clear which cannot be deviated in any manner - 2007 TD (Service 344) 2003 SCMR 251, 2003 3PCC (CS)36.

3. Not correct. By not complying with provisions of the Ordinance, no penalty could be imposed upon the undersigned and if imposed, the same be misuse of power and deviation from law.

4. Reply to the notice is submitted within the stipulated period yet it is stated that 15 days are required to be given but to short cut the procedure for ulterior motives 7 days have been given for submission of reply. Moreso, the enquiry was not completed within 25 days as are given in the Ordinance. The notice was received on 11/05/2010.

5. Without proof.

6. Sir, With due respect as per the judgment of the Supreme Court of Pakistan, my honour cannot serve me directly with the notice and if direct action is taken as is done in the matter, then same have no legal value. The Show Cause Notice should have been served upon me through Enquiry Officer/Committee.

7. The allegations in the Show Cause Notice leveled against me are not specific but are general in nature as the amount embezzled, as per my honour contention, which is not embezzled is not specified in the Notice.

8. No one can be penalized for general allegations as is leveled in the Notice in hand.

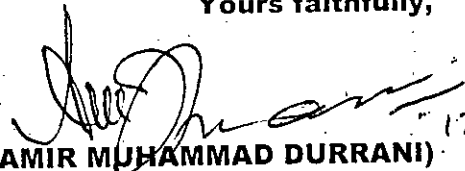
9. Moreso, the responsible high ups have been left over due to their influential links with the High-Ups while the low paid employees like me are booked for penal action.

10. Sir, I will be retiring from service w.e.f. 19/05/2010 on attaining the age of superannuation and a person likely to be retired is not amenable legally to any penal actions.

11. Sir, I request your honour that the Show Cause Notice in hand may kindly be dropped and I may be exonerated from the general allegations.

12. Thanking you Sir,

Yours faithfully,



(AMIR MUHAMMAD DURRANI)
SECTION OFFICER (CURRENT CHARGE)
SCIENCE TECHNOLOGY AND INFORMATION
TECHNOLOGY DEPARTMENT,
KHYBER PAKHTUNKHWA, PESHAWAR.

Dated 17th May 2010.

Confidential

32

17-5-10

Annex -IV

To

The Section Officer(E-II),
Government of Khyber Pakhtunkhwa,
Establishment Department,
Peshawar.

17/05/2010
J/C
SO E II Office

SUBJECT:- DISCIPLINARY ACTION AGAINST OFFICERS/OFFICIAL OF
THE TRANSPORT SECTION OF ADMINISTRATION
DEPARTMENT.

Dear Sir,

Please refer to your letter No.SOE-II(ED)3(719)2007 Dated 11/05/2010
on the subject noted above.

2. Reply to Show Cause Notice received on 11/05/2010 by the undersigned
on the subject matter is submitted today 17/05/2010 being the target date of submission
of reply for perusal and orders of the Chief Secretary Khyber Pakhtunkhwa Peshawar.

Yours faithfully,

[Signature]
17/5/2010

(AMIR MUHAMMAD DURRANI)
SECTION OFFICER(CURRENT CHARGE)
SCIENCE TECHNOLOGY AND INFORMATION
TECHNOLOGY DEPARTMENT,
KHYBER PAKHTUNKHWA, PESHAWAR.

J/C

CC.

Copy is forwarded for information to:-
PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
PS to Secretary Establishment, Khyber Pakhtunkhwa Peshawar.
PS to Secretary Administration, Khyber Pakhtunkhwa, Peshawar.

[Signature]
17/5

17/5/10
1.
2.
3.

on
H. A. Khan
17.5.10

[Signature]
17/5/2010

(AMIR MUHAMMAD DURRANI)
SECTION OFFICER(CURRENT CHARGE)
SCIENCE TECHNOLOGY AND INFORMATION
TECHNOLOGY DEPARTMENT,
KHYBER PAKHTUNKHWA, PESHAWAR.

J/C

[Signature]



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar the 18.05.2010

ORDER

NO.SOE-(II) ED 3(719)2007:- WHEREAS, Mr. Amir Muhammad Durrani, Superintendent (BS-16) working as Section Officer on current charge basis, ST&IT Department was proceeded against under the Khyber Pakhtunkhwa Removal From Service (Special Powers) Ordinance, 2000 for the charges mentioned in the Charge Sheet and Statement of Allegations.

AND WHEREAS, the competent authority constituted an Enquiry Committee to conduct inquiry against the said officer for the charges leveled against him, in accordance with the law/rules;

AND WHEREAS, the Inquiry Committee, after having examined the charges, evidence on record and explanation of the accused officer, submitted its report, whereby the charges leveled against the accused officer stand proved.

NOW THEREFORE, the Competent Authority, after having considered the charges, evidence on record, the explanation of the accused officer, findings of the Inquiry Committee, providing opportunity of personal hearing to the accused and exercising his powers under Section 3 read with Section 8 of the Khyber Pakhtunkhwa Removal From Service (Special Powers) Ordinance, 2000 has been pleased to impose the penalty of "Dismissal from service" and recovery of **Rs. 126,164,35/-** upon Mr. Amir Muhammad Durrani, Superintendent (BS-16) working as Section Officer on current charge basis, ST&IT Department, with immediate effect.

SECRETARY ESTABLISHMENT

ENDST. NO. AND DATE EVEN.

A copy is forwarded to :-

1. Secretary to Govt of Khyber Pakhtunkhwa, ST&IT Department.
2. Secretary to Govt of Khyber Pakhtunkhwa, Administration Department
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. PS to Secretary (Establishment).
6. SO(Secret)/SO(Admn)/SO(E-IV)/E.O/Librarian, E&AD.
7. Officer concerned.
8. PA to AS(E)/DS(E) Estab. Dept.
9. Bill Assistant E&A Dept.
10. Office order file.
11. Personal file.


 (KALIMULLAH)
 Section Officer(E-II)

Amir

S

F

34

21-5-10

1585

24/5/10

1445 hrs

To

The Honourable Chief Minister,
Khyber Pakhtun Khwa,
Peshawar.

SUBJECT:- APPEAL AGAINST OFFICE ORDER NO. SO (E-II)(ED) 3(719)/2007, DATED 18/5/2010 OF SECRETARY ESTABLISHMENT, GOVT. OF KHYBER PAKHTUNKHWA WHEREBY PENALTY OF "DISMISSAL FROM SERVICE" AND "RECOVERY OF RS.1,26,16,435/-" WAS IMPOSED ON ME.

Respected Sir,

The facts giving rise to the present departmental appeal are as under:-

1. That I was appointed as Junior Clerk in Civil Secretariat Peshawar on 19.1.1973.
2. That on the recommendations of Provincial Selection Board, I was promoted from the post of Superintendent (BPS-16) to the post of Section Officer (Current Charge) and posted as Section Officer (Transport) on 11/12/2007. I was performing my official duties to the best of my abilities and to the entire satisfaction of my superiors and no complaint was ever made against me in this respect. My service record spread over decades was neat and clean and rendered meritorious services for the last thirty-eight years to the department.
3. That charge sheet was issued by the Chief Secretary the then NWFP containing charges of various types. In the

Attest



statement of allegations, an Enquiry Committee was constituted to probe into the allegations (Annexure-I). After the receipt of the charge sheet, reply was submitted (Annexure-II) and I denied the same with the cogent reasons. My reply to the charge sheet and statement of allegations be considered as integral part of this representation.

4. That serious charges were leveled against me in the charge sheet and the Enquiry Committee was legally bound to probe into the charges as per the mandate of Ordinance/Law but the Committee did not prosecute me in accordance with law as no statement of any witness was recorded in my presence nor I was afforded opportunity of cross-examination.

5. That the Enquiry Committee prepared self made report and submitted the same to the authority for onward action.

6. That on 11/5/2010, I was served with Show Cause Notice (Annexure-III) reiterating the charges of the charge sheet, which was replied by me on 17-05-2010 (Annexure-IV).

7. That I was directed on 11/5/2010 to come up for personal hearing in office of the Chief Secretary, Khyber Pakhtunkhwa; Peshawar, along-with written reply to the Show Cause Notice on 18/5/2010 at 09:00 AM. (Annexure-V). Instead of competent authority personal hearing was conducted by PSO to Chief

Secretary, Khyber Pakhtunkhwa, Peshawar (a BPS-17 Officer), which is against the norms of the ordinance.

8. That on 18-5-2010, Secretary Establishment, Khyber Pakhtunkhwa Peshawar issued office order bearing No.SO(E-II)ED/3(719)/2007, wherein penalty of dismissal from service and recovery of Rs.1,26,16,435/- (without providing break up of the recovery amount) was imposed upon me (Annexure-VI).

9. That through this departmental appeal, I assail the impugned order dated 18/5/2010 of the Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar, inter-alia, on the following grounds:-

- a) That on 22/1/2010 I was served with Charge Sheet and Statement of Allegations and the proceedings of the enquiry were culminated into the impugned order dated 18/5/2010 i.e. for about four months, whereas the Ordinance as well as Para-2 of the Statement of Allegations duly signed by the competent authority, stipulates 25 days for completion of enquiry proceedings (Annexure-I). Being mandatory, no one is legally allowed to deviate from 25 days. Apart from this, no reason for extension of the enquiry proceedings by the Committee was ever given.

b) That as stated earlier, the Committee did not conduct the enquiry as per the mandate of Law. It was incumbent upon the Committee to record statement(s) of witness(es) in my presence, however, no such evidence could be seen from the whole proceedings. On this score the impugned action has no legal value.

c) That as and when the incumbent is served by the Final Show Cause Notice, it becomes mandatory for the Committee/Authority to provide all the proceedings to the servant to enable him to submit comprehensive representation but no enquiry proceedings, as is evident from the Notice, was ever supplied to me. Such lacuna vitiates all the actions to be null and void.

10. That the impugned order is legally liable to set aside on the following grounds:-

i) That in para-2 of the Show Cause Notice, major penalty of "Dismissal from Service" was imposed upon me (Annexure-III), whereas in the Order No.SQ(E-II)ED-3(719)/2007 Dated 18/5/21010, I have been awarded the penalty of "Dismissal from Service" and recovery of Rs.1,26,16,435/- (Annexure-VI). No one shall

be awarded double punishments for one and the same act, as per law.

ii) That the Enquiry Committee did not give any weight to a joint statement, duly signed by me and two Ex-Cashiers (Transport) of Administration Department (Annexure-VII), wherein the factual position was brought into the notice of Enquiry Committee, which is injustice and based on malafide intention.

iii) That in my above statement, it was clearly mentioned that some of the payments were made to Ex-Additional Secretary (Admn), Administration Department directly or through his P.A. (Syed Irfan Shah), as the undersigned was asked by immediate boss to arrange payments for the repair and POL charges for the vehicles provided to some political personnel, guests/officers of the Chief Minister's Secretariat, Khyber Pakhtunkhwa. As Additional Secretary is the next higher authority in the Department after Administrative Secretary. So the undersigned was bound to obey the orders of immediate boss and did not want to make any hurdles in running of official business. However, the

Enquiry Committee instead of considering the above-mentioned facts directly held responsible the undersigned for all this situation by showing the amount in the total amount of recovery amounting to Rs.1,26,16,435/- in the order issued by Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar, which I highly condemn and request for justice.

- iv) That the charge of mis-appropriation/ embezzlement of auction money amounting to Rs.72,07,742/- was also leveled against me in the Charge-Sheet and Statement of Allegations issued on 22.1.2010 and received by me on 25.1.2010. In this regard, a comprehensive reply was submitted to the Enquiry Committee on 30.1.2010 (Annexure-II) where it was mentioned that as per Rule-7(1) of Treasury Rules Vol.I & II, the amount so generated as revenue must be without undue delay be paid in full into a treasury or bank and shall not be re-appropriated to meet departmental expenditure (Annexure-VIII)
- Similarly, Para-26 under heading "Chapter-3 - Revenue and Receipts" of the GFR is also crystal clear on the subject matter (Annexure-

(X). The embezzlement/mis-appropriation of govt. funds was brought into the notice of the Enquiry Committee, which was committed by the DDO of that period i.e. Mr. Shahid Sohail, Ex-Section Officer (Transport), Administration Department. On promotion as Deputy Secretary, he succeeded to post himself as Deputy Secretary (Admn), Administration Deptt and remained there for about 4-5 months. During his tenure as Section Officer (Transport) as well as Deputy Secretary (Admn) had not deposited the amount of auction, instead he and his Cashier (Mr. Ejaz Hussain) handed over vouchers of repairs and POL to Mr. Mustafa Kamal, Cashier, which was clear violation of the afore-said financial rules. But the Committee even did not bother to call him to explain as why the amount of auction money was not deposited in the govt. treasury inspite of clear-cut rules, but the blunder and irregularity committed by Mr. Shahid Sohail Khan was put on the shoulders of the undersigned and the amount was added in the total of recovery against the undersigned and the person who violated the afore-said treasury rules/financial rules and committed embezzlement/mis-appropriation of the

amount fetched through auction of 32nd phase held on 11/7/2008 (despite the fact that a huge amount was released by the Finance Department for running the official business of Transport Section, Administration Department), was exempted from disciplinary action by the Enquiry Committee. However, the undersigned was made escape-goat right at time when I reached at the age of superannuation on 19/05/2010. This is merely injustice and one-sided disciplinary action and violation of the said Ordinance, as no opportunity was given to me for cross-examination of the witness(es). However, undue favour was extended to Mr. Shahid Sohail, Ex-Deputy Secretary (Admn)/Ex-Section Officer (Transport) and let him free, which is against the judgments of superior courts that all shall be dealt equally.

- v) That in the charge sheet, one charge on account of hiring charges was also leveled against me. In this regard it is submitted that due to non-availability of vehicles in good condition with the Administration Department, vehicles were hired by the Transport Section on the direction of Honourable Chief Minister

Khyber Pakhtunkhwa, conveyed through Ex-Additional Secretary (Admn), Administration Department as ^{is} evident from his Note dated 18/5/2009 (Annexure-X). The Ex-Additional Secretary(Admn), Administration Department had posted Mr.Aman Khan Hoti as Caretaker-II in the Transport Section, Administration Department and assigned him the duty of hiring of vehicles for protocol duties. Mr.Aman Khan Hoti and Mr.Khalid Pervaiz, Asstt Caretaker(Transport) were authorized by Ex-Additional Secretary(Admn) to prepare and process the bills on account of hiring charges. As far as payment of the hiring charges is concerned, in this regard it submitted that it was responsibility of the Administration Section of Administration Department to send the bills to A.G. Office for pre-audit, as expenditure on account of hiring charges are met out from the head of Account "01-General Public Service, 015-General Services, 051-Personal Services, 051501-Establishment Services General Administration , PR-4017-Establishment Department, AO-3919-Payment to others for Services Rendered" (Annexure-Xi), which relates to Administration Section, Administration Department. This fact can also

be confirmed from the note of Ex-Deputy Secretary (Admn) of Administration Department (copy enclosed at Annexure-XI). Thus the charge on account of hiring charges, as mentioned in the Charge Sheet was totally incorrect and based on bias and malafide intention. As such, the amount of hiring charges added to the total amount of recovery is incorrect and malafide and the question of recovery on account of hiring charges does not arise in my case.

- vi) That according to Khyber Pakhtunkhwa Removal from Service Ordinance, 2000, the pension rules was not disturbed in any manner and kept in-tact in the Ordinance promulgated by a Dictator ruled for many years on Islamic Republic of Pakistan to crush the Govt. Servants through it and ^{to} make them jobless, which is totally contrast with the E&D Rules and against the spirit of justice. The said Ordinance has been revoked by the National Assembly of Islamic Republic of Pakistan through a Bill, but the same is still in-vogue in the province of Khyber Pakhtunkhwa. I expect that the Democratic Government of Khyber Pakhtunkhwa would waive of the major

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penalty of "Dismissal from Service" and recovery of Rs.1,26,16,435/- and do justice to the low-paid and poor govt. servant.

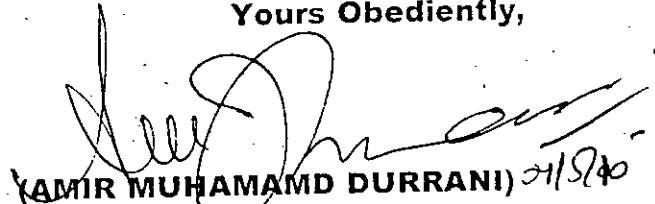
vii) That the impugned order has not been signed by the competent authority, so has no legal value.

viii) That the charge sheet dated 19/1/2010 issued to me by the authority was on the basis of minutes of DAC meeting held on 18th, 19th and 22nd December 2009 regarding Advance Paras on the accounts of Transport Section, Administration Department (Annex-XII). However, as per para-2(G) of Govt. of Khyber Pakhtunkhwa, Finance Department letter No.SO(A/Cs)/FD/1-6/1997 dated 17/12/1997, the Department concerned should complete action on the decision of the DAC as quickly as possible well before the PAC meeting (Annexure-XIV). As such PAC is the competent forum for initiation disciplinary proceedings, if any, against the officers/officials on the basis of Audit Paras. But it is astonishing to point out that the competent authority imposed the major penalty/recovery in millions without fulfilling the requirements of Audit Paras.

- ix) That the competent authority has not ever provided break-up of amount of Rs.1,26,16,435 from which the undersigned would be able to ascertain the head of account of expenditure and defend it properly.
- x) That no benefit of my rendered service was ever extended to me.
- xi) That the impugned order dated 18/5/2010 is based on malafide and therefore, is improper, unjust, arbitrary, discriminatory, without lawful authority and of no legal effect.

11. It is, therefore, most humbly requested that order dated 18/5/2010 issued by the Secretary Establishment Department, Govt. of Khyber Pakhtunkhwa, Peshawar be set aside and I be re-instated in service with all back benefits since 18/5/2010 with such other relief as may be deemed appropriate.

Yours Obediently,


(AMIR MUHAMAMD DURRANI) 21/5/10
EX-SECTION OFFICER (TRANSPORT)
ADMINISTRATION DEPTT.

Dated Peshawar the 21/05/2010

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8-4-10

Annex-VII

Joint statement

To

The Enquiry Committee
On Transport Section,
Administration Department.

SUBJECT:- SUPPLEMENTARY STATEMENTS.

Dear Sir,

In continuation of our previous statements dated 12/2/2010 the following facts are hereby brought into the knowledge of the Enquiry Committee for consideration:-

- i) The pads on which the bills on account of repair were made and whereabouts of the workshops was reportedly not known, were handed over to the undersigned by Additional Secretary(Admn), Administration Department through his P.A. (Syed Irfan Shah) as envisaged in his Job Description (vide Annex-I). Some of the Payments of these bills was either made to Additional Secretary(Admn), Administration Department directly or through his P.A. (Syed Irfan Shah), as the undersigned ^{was} asked by the A.S(Admn) to arrange payments for the repair and POL charges for the vehicles provided to some political personnel, guests/officers of the Chief Minister's Secretariat NWFP.
- ii) For approval of these repair bills, the Additional Secretary(Admn) Administration Department called the Section Officer(Transport) in his office and got the Note Part and the bills signed forcibly and after that the Additional Secretary(Admn) accorded approval of the bills under his competency as mentioned in the Delegation of Powers 2001.
- iii) Some of the bills provided to the undersigned by Additional Secretary(Admn) through his P.A. have been passed from the A.G. and the remaining are lying pending with the Cashier(Transport) as liability for want of funds.


2. It is important to mention that the above mentioned facts were not mentioned earlier due to the following reasons:-

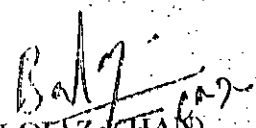
- i) The Additional Secretary(Admn) while occupying the office used to pressurize the undersigned not to disclose his name


before the Enquiry Committee on account of payments made to him directly or indirectly. In case of his involvement in the subject case we would face dire consequences as per his aggressive and threatening statements given to us in his office several times. He further told that he has influential links with the high ups and can do anything harmful to our lives, service and dignity.

- ii) Now the competent authority has transferred the officer from his post and made him OSD. As such the pressure of immediate boss has since been released and the undersigneds are free to record his statements as per our will which is based on facts. Being junior government servants we were not in a position to sustain the pressure of Additional Secretary(Admn), Administration Department as he was also a responsible officer working in the Administration Department.

3. It would be better that statement of Syed Irfan Shah, PA to Additional Secretary(Admn) is also made part of this enquiry so that the factual position is brought into the notice of competent authority for appropriate action.


(SYED MUSTAFA KAMAL)
EX-CASHIER(TRANSPORT),
ADMINISTRATION DEPTT


(BILAL KHAK)
CASHIER(TRANSPORT),
ADMINISTRATION DEPTT.


(AMIR MUHAMMAD DURRANI)
EX-SECTION OFFICER(TRANSPORT)/D.D.O.

48 ~~Answer~~

COMBINED SET
OF
TREASURY RULES

VOLUME - I & II

With Model Questions & Answers

by

HAMID ALI
(M.A. M.Ed. LL.B.)

ZAKA ALI
(ADVOCATE HIGH COURT)

REVISED EDITION



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Other Collecting and Disbursing Officers

6. (1) Officers in charge of Military Treasure Chests and such officers of the [Federal Excise and Land Customs,] Pakistan Post Office and the Pakistan Telegraph and Telephone Departments, or of any other department of the Government as are authorised to maintain separate departmental cash balances outside the balances of the Government in the treasury or in the Bank, may, subject to the provisions of these rules, perform all or any prescribed part of the duties of a Treasury Officer in respect of claims against the Government that may be presented to them for disbursement and in respect of moneys that may be tendered to them for credit to the Federal Consolidated Fund or the Public Account of the Federation, as the case may be.

(2) An Accountant General may, subject to such conditions and limitations, if any, as the Government may think fit to impose, perform all or any prescribed part of the duties of a Treasury Officer in respect of claims against the Government that may fall due for disbursement and moneys that may be tendered for credit to the Federal Consolidated Fund or the Public Account of the Federation; as the case may be, at the office or within the jurisdiction of the said Accountant General; provided that where an Accountant General is subordinate to the Auditor General, the performance by the Accountant General of the duties aforesaid shall be subject to the consent of, and such conditions as may be prescribed by the Auditor General.

Section V.—Payment of Revenues of the Federal Government into the Federal Consolidated Fund.

7. (1) Save as hereinafter provided in this section, all moneys received by or tendered to Government officers, on account of the revenues of the Federal Government shall without undue delay be paid in full into a treasury or into the Bank, or in the case of moneys received by, or tendered to the Ambassador of Pakistan in the United Kingdom, into such Bank or Banks as may be authorised by the State Bank of Pakistan in this behalf, and shall be included in the Federal Consolidated Fund of the Federal Government. Moneys received as aforesaid shall not be appropriated to meet departmental expenditure, nor otherwise kept apart from the Federal Consolidated Fund of the Federal Government. No department of the Government may require that any moneys received by it on account of the revenues of the Federal Government be kept out of the Federal Consolidated Fund of the Federal Government.

(2) Notwithstanding anything contained in sub-rule (1) of this rule, direct appropriation of departmental receipts for departmental expenditure is authorised in the following cases, that is to say:—

- (a) In the case of cash receipts utilised in accordance with departmental regulations by Postmasters and other heads of offices of the Pakistan Post Office and the Pakistan Telegraph and Telephone Departments for departmental purposes;
- (b) In the case of moneys received on account of the service of summons, diet-money of witnesses and similar purposes, in Civil Revenue and Criminal cases;
- (c) In cases of deposits received at a Civil Court and utilised by the Court to meet claims for the refund of such deposits;

[In rule 6, in sub-rule (1), inserted by S. R. O. 584(1)/80, dated the 7th June, 1980, (the Gazette of Pakistan, Extraordinary, Part II, Page No. 680, dated June 8, 1980.)]

- (d) In the case of fees received by Government servants appointed Notaries Public under Act XXVI of 1931, and utilised to defray legal expenses incurred by them in the discharge of their duties as such Notaries Public;
- (e) In the case of the Public Works Department and the Department of Federal Excises and Land Customs to permit the use under departmental regulations of cash receipts temporarily for current works expenditure or, in very exceptional cases, for disbursement of pay and travelling allowance charges, where this course has been authorised by the Accountant General to prevent any abnormal delay in payment;
- (f) In the case of cash collections of the Customs Department utilised, under special authorisation of the Government, in meeting payments on account of departmental expenditure;
- (g) In the case of cash received by the Forest Department and utilised in meeting immediate local expenditure;
- (h) In the case of cash found on the person of prisoners at the time of their admission to jail, and used for the repayment by jail Superintendents under departmental regulations of similar sums due to other prisoners on their release;
- (i) In the case of cash receipts of Railways utilised under departmental regulations or with the previous approval, general or special, of the President, for departmental purposes;
- (j) In cases of Government Libraries, to permit the replacement of books, belonging to the Library, which are not returned by borrowers, out of their deposit money;
- (k) Deleted.
- (l) Deleted.
 - (i) Deleted.
 - (ii) Deleted.
- (m) Deleted.
- (n) In the case of the Survey of Pakistan Department, to permit the payment of commission to Map Agents out of map sale receipts;
- (o) Deleted.
- (p) In the case of Branch Military Dairies located at stations where there is no treasury, Military treasure chest or authorised bank, to enable the sale proceeds of dairy produce being utilised for meeting their current expenditure, the equivalent amount being remitted into treasury by the parent Dairy Farms;
- (q) Deleted.
- (r) In the case of sale proceeds of office furniture, etc., purchas-

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~~Annex II~~

ESL-96

**GENERAL
FINANCIAL RULES
OF THE
CENTRAL GOVERNMENT
VOLUME I & II**

(APPLICABLE TO FEDERAL CIVIL SERVANTS THROUGHOUT PAKISTAN)

(With Model Questions & Answers)

HAMID ALI
M.A., M.Ed., LL.B.

Exposure of Civil Service, Labour, Taxation & General Law

Upto-date Amendments Incorporated

REVISED EDITION

1991



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of negligence on his part and that he will also be held personally responsible for any loss arising from fraud or negligence on the part of any other Government officer to the extent to which it may be shown that he contributed to the loss by his own fraud or negligence. Detailed instructions for regulating the responsibility of officers are embodied in Appendix 2.

WRITE OFF OF LOSSES, ETC.

The powers delegated to different authorities to write off the irrecoverable sums of public money or stores lost through fraud or negligence of individuals of various kinds, are indicated in Chapter 4.

VI—DEPARTMENTAL REGULATIONS

All Departmental regulations in so far as they embody orders or instructions of a financial character or have important financial bearing should be made by or with the approval of the Ministry of Finance.

CHAPTER 3.—REVENUE AND RECEIPTS

I—GENERAL

Subject to any special arrangement that may be authorised by competent authority with respect to any particular class of receipts, it is the duty of the departmental Controlling officers to see that all sums due to Government are regularly and promptly assessed, realised and duly credited in the Public Accounts. They should accordingly arrange to obtain from their subordinates returns in suitable form claiming credit for so much paid or otherwise accounted for and compare them with the statement of treasury credits furnished by the Accountant General, to see that the amount reported as collected have been duly credited in the Public Account.

When credits thus come to the notice of the Controlling officer, he should at once inform the Accountant General, with a view to the correction of the accounts. If any credits are claimed but not found in the accounts, enquiries should be made first of the responsible departmental officer concerned.

Note 1.—For this purpose, each Accountant General will send to the departmental Controlling officer an extract from his account showing the amounts brought to credit in them in each month.

Note 2.—It is essential that the departmental accounts of revenue should not be compiled from the returns prepared by the treasury. But the Treasury Officer may be required, where necessary, to verify the returns prepared for submission to the departmental Controlling officer.

Note 3.—In order to minimise the differences between the treasury figures and the departmental figures, it is essential that the cheques with which money is remitted to the treasury should be full and correct accounts classifications.

Detailed rules and procedure regarding assessment, collection, remission, etc., of revenue should be laid down in the departmental regulations of the revenue and collecting departments concerned.

Note.—In departments in which officers are required to receive moneys on behalf of Government and issue receipts therefor in Form T.R. 5, the departmental regulations should prescribe the procedure for the maintenance of a proper account of the receipt, and issue of the receipt books. The number of receipt books to be issued at a time to each officer and check with the Officer's account of the used books when returned.

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28. No. amount due to Government should be left outstanding without sufficient reason, and where any dues appear to be irrecoverable the orders of competent authority for their adjustment must be sought.

29. Unless specially authorised by any rule or order made by competent authority, no sums may be credited as revenue by debit to a suspense head; the credit must follow and not precede actual realisation.

30. Heads of departments in charge of important sources of revenue should keep the Ministry of Finance fully informed of the progress of collection of revenue under their control and of all important variations in such collections as compared with the Budget estimates.

**II—SPECIAL RULES FOR PARTICULAR CLASSES OF RECEIPTS
RENTS OF GOVERNMENT BUILDINGS, LAND, ETC.**

31. The detailed rules and procedure regarding the demand and recovery of rents of Government buildings and lands are contained in the departmental regulations of the departments in charge of those buildings.

When the maintenance of any rentable building is entrusted to a civil department other than the Public Works Department, the head of the department concerned will be responsible for the due recovery of the rents thereof. The procedure for the assessment and recovery of the rents of such buildings will be regulated generally by the rules applicable to residences under the direct charge of the Public Works Department.

FINES.

32. It is the duty of every court or authority having the power to fine to see that the money realised reaches the treasury and that adequate precautions are taken against double refunds of fines or refunds of fines not actually paid into the treasury.

33. The duty of realizing fines and of checking the receipts and refunds rests with the departmental officers. Each court, civil or criminal, is required to submit to the District Judge or to the District Magistrate, as the case may be, on the last working day of each calendar month, a statement in the prescribed form showing the demand, collection and balance of fines levied and written off by it as well as of the refunds therefrom, the statement being made up for the account month of the treasury or sub-treasury with which the court deals. The District Judge and the District Magistrate should each consolidate these returns into a monthly fines statement for the courts under him and for his own and forward it to the Treasury Officer, as soon as possible after the beginning of the month, for verification of the amounts shown as remitted into the treasury with the credit appearing in the treasury account. The Treasury Officer should certify to the correctness or otherwise of these amounts. Where there is any discrepancy between a consolidated statement and the treasury account, the Treasury Officer may, if necessary, before giving his certificate, request the District Judge or the District Magistrate, as the case may be, to explain the discrepancy.

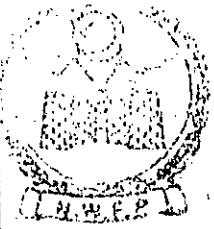
Note 1.—The statement should exhibit the amounts under each head of accounts, e.g., Magisterial fines, under the Prevention of Cruelty to Animals Act, etc., separately.

Compensation fines due to an injured party which are creditable to deposits and fines which under the orders of competent authority are creditable to a Municipal or Local Fund, should be excluded from this statement.

Note 2.—When fines are received in another district, an intimation should be given by the recovering officer to the officer concerned, who should note the fact in his monthly fine statements.

34. Not printed.

52
Note 18-5-09 ~~Amir~~



GOVERNMENT OF NWFP ADMINISTRATION DEPARTMENT

Subject: - Hiring Charges of Vehicles for Official Duties with VVIPs/VIPs.

Due to non-availability of vehicles in good condition with the Transport Section, this Department hired vehicles from the market for VVIPs/VIPs protocol duties on the direction of the Chief Minister NWFP. Bills of the firms on account of hiring charges were processed and after approval from the competent authority the same were forwarded to the Section Officer (Admn) Administration Department for early payment. However, no payment has been made to the firms as yet by the Section Officer (Admn) Administration Department.

It is, therefore, directed to process the hiring charges bills and meet the expenditures from the Head of A/C Establishment Service General Administration-PR-4017 Establishment Department-AO "3919- Payment to other for services rendered" as already done in the case of GEO Rent A Car (F/A) so that payment could be made to the firms, as due to non-payment they are reluctant to provide vehicles on rent basis for protocol duties. Funds are available under the relevant Head of A/C.

Deputy Secretary (Admn)
Administration Department

Section Officer (Admn)

GOVERNMENT OF N.-W.F.P.
ADMINISTRATION DEPARTMENT

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~~Amir~~

DATED PESHAWAR THE 11/12/08

ORDER.

NO.E&A(A.D)CBA/2003-04 In exercise of powers delegated to undersigned
vide 2nd schedule part-1 power common to all departments S No 5 (xxxvii)
the Government of N.-W.F.P Finance Department delegation of Powers under the
Financial Rules and the Powers of Re-Appropriation Rules, 2001, sanction is hereby
accorded to the incurrence of expenditure not exceeding Rs. 512461/-
(Rupees Five Lacs twelve thousand four hundred and sixty one only)
on account of Hire charges of vehicles for official duties with VVIPs/VIPs. ~~charges for the~~

2. The expenditure involved will be met from the sanctioned budget
under the head "01-General Public Service 015-General Services 0151-Personal
Services 015101-Establishment Services General Administration-PR-4017
Establishment Department-I-AO-399--Payment to other for services rendered
during the current financial year 2008-09

Demand No.12

SECRETARY TO GOVT OF N.W.F.P
ADMINISTRATION DEPARTMENT

ENDST: NO. & DATE EVEN.

Copy forwarded to:-

- 1) Accountant General, N.W.F.P, Peshawar.
- 2) Contingent Bill Assistant, Admn: Department.
- 3) Cashier, Administration Department

M. An. Iqbal
SECTION OFFICER (ADMN.)

MOST IMMEDIATE

Audit Para ⁵⁴ - 4-1-10

GOVERNMENT OF N.W.F.P
ADMINISTRATION DEPARTMENT

No.SOB(AD)15(82)DAC/2008-09
Dated Peshawar the 4th January, 2010

To

The Director General, Audit,
NWFP Peshawar.

Subject: MINUTES OF THE DEPARTMENTAL ACCOUNTS
COMMITTEE FOR THE YEAR, 2008-09.

Madam,

I am directed to refer to the subject noted above and to forward herewith minutes of the DAC meetings held on 18th, 19th & 22nd December, 2009 under the Chairmanship of Secretary Administration in his office for further necessary action at your end under intimation to this Department.

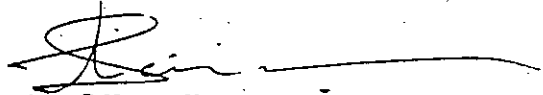
Yours faithfully,

(SHAMS-UR-REHMAN)
Section Officer (Budget)

ENDST. NUMBER & DATE EVEN.

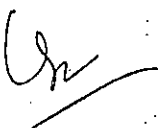
Copy forwarded along with minutes of the meeting to:

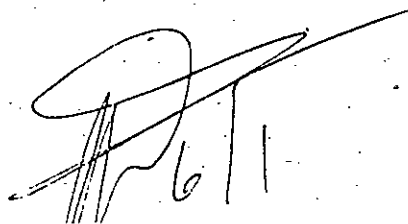
1. The Dy. Director, Audit, NWFP, Peshawar.
2. The Director, STI, E&A Department.
3. The Director, Anti-Corruption Establishment, Peshawar.
4. The Section Officer (Admn.), Admn: Department.
5. The Section Officer (Transport), Admn: Department.
6. Estate Officer, Admn: Department.
7. PS to Secretary Administration Department.
8. PA to Addl: Secy: (Admn), Admn: Department.


Section Officer (Budget)

Surfer

SA


6/1/10



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MINUTES OF THE DAC MEETING HELD ON 18th, 19th & 22nd DECEMBER, 2009 AT 10:00 A.M. UNDER THE CHAIRMANSHIP OF SECRETARY ADMINISTRATION

A series of Meeting of the Departmental Accounts Committee were held on 18th, 19th & 22nd December, 2009 at 10:00 A.M. under the Chairmanship of Secretary Administration in his office to discuss the Advance Paras pertaining to Section Officer (Admn), Director, STI, Director, Anti-Corruption, Estate Office & Section Officer (Transport) for the year, 2008-09. The following attended the Meeting:-

- IN CHAIR
1. Mr. Shah Rukh Arbab, Secy: Admn:
 2. Mr. Jan Israr, Dy. Director, Audit.
 3. Mr. Wajid Ali, Assistant Accounts Officer, Audit Office.
 4. Mirza Iftikhar, Dy. Secretary, STI, E&AD.
 5. Mr. Ehsan Elahi, Section Officer (Admn), E&AD
 6. Mr. Taj Muhammad, Budget Officer-IV, F.D.
 7. Mrs. Farzana Jailani, Section Officer (VIP Flight), E&AD
 8. Mr. Said Wahab, Section Officer (Admn), STI., E&AD.
 9. Mr. Nadir Khan, Comptroller, F.H, Islamabad.
 10. Mr. Qasim Jan, Estate Officer, E&AD
 11. Mr. Muhammad Saeedullah, Section Officer (Trpt), E&AD
 12. Mr. Shams-ur-Rehman, Section Officer (Budget), E&AD
 13. Mr. Fazl-e-Wadood, Sr. Auditor, Audit Office.
 14. Mr. Rehman Shah, AD (Admn), A.CE.
 15. Mr. Walheed Khan, Ex- PS to Secy: Admn:.
 16. Mr. Ijaz Hussain, Ex-Caretaker.
 17. Mr. Mustafa Kamal, Assistant.

The Meeting started with the recitation from the Holy Quran. The Secretary Administration welcomed the participants and expressed that to discuss the Advance Paras for the financial year, 2008-09 before PAC meeting, is a useful and productive exercise. It reduces burden on the PAC in settling the Advance Paras. It also provide due justification to the PAC to enable it to settle the Paras. He emphasized that we should give top priority to the settling of Advance Paras. Audit of the accounts is a very sensitive advisory and useful exercise for the Department. The Department should give pay due attention to the disposal of Advance Paras.

The Secretary Administration placed the following Advance Paras before the Committee for discussion/disposed up:-

SECTION OFFICER (ADMN), ADMINISTRATION DEPARTMENT.

S#	ADVANCE PARA NO. WITH DETAIL	DAC DECISION
1.	A.P. NO.01 i) <u>NON-PRODUCTION OF AUDITABLE RECORD WORTH RS.856,463/- MILLION.</u> ii) <u>FRAUDULENT DRAWL OF RS.11,380/- MILLION FROM THE DESIGNATED BANK ACCOUNT NO.13825-4 OF DY. SECRETARY (ADMN)</u>	Para stand relevant record is not available and not provided to Audit the check out the fraudulent drawl of Rs.11.380 million it has been decided in the meeting that a high level inquiry may be fixed in this regard.
2.	A.P. No.33 <u>NON-DEDUCTION OF SALES TAX WORTH RS.85779/-</u>	Recovery may be made and deposit in the Govt. treasury under the rule.
3.	A.P.No.35 <u>UNJUSTIFIED PAYMENT OF SALES TAX WORTH RS.154957/-</u>	Stand. The firm concerned maybe asked to clarify the charging of GST on ducting which is not taxable.
4.	A.P.No.36 <u>NONDEDUCTION OF INCOME TAX WORTH RS 261090/-</u>	Evidence in support of payment of income tax within couple of day, if certificate is not provided then the amount will be recovered.
5.	A.P.No.48 <u>UNAUTHORIZED DRAWL OF HOUSE RENT</u>	The case will be taken with Provincial Assembly. Finance Department and W&S Departments for confirmation

6.	<u>A.P.No.50 UNJUSTIFIED PAYMENT OF RS.185091/- ON ACCOUNT OF TRAINING FLIGHT OF MI 171 HELICOPTER.</u>	Copy of agreement provided. Hence para settled.
7.	<u>A.P.No.51 UNJUSTIFIED DRAWL OF TA/DA ADVANCE AMOUNTING TO RS. 1082700/-</u>	Record provided. Para settled.
8.	<u>A.P.No.52 UNJUSTIFIED AND UNAUTHORIZED DRAWL OF TA/DA AMOUNTING TO RS. 2000000/-</u>	Stand till full recovery.
9.	<u>A.P.No.53 UNECONOMICAL EXPENDITURE OF RS.2977498/-</u>	Record provided as per Ministers' salaries & privilege Act, 1975. Para settled.
10.	<u>A.P.No.55 I) NON-DEDUCTION OF INCOME TAX WORTH RS.8250/- II) NON-DEDUCTION OF SALES TAX WORTH RS.4950/-</u>	Stand recovery be made from the concerned firm.
11.	<u>A.P.No.61 UNJUSTIFIED EXPENDITURE OF RS.12.616 MILLION.</u>	Keeping in view the justification furnished by the Deptt: on advice issued to PS to all Provincial Ministers. Hence para settled.
12.	<u>A.P.No.62 UNAUTHENTIC EXPENDITURE OF RS.6500000/-</u>	Certificate be provided to audit. Section Officer (Admn) may write a letter once again to all concerned.
13.	<u>A.P.No.64 NON RECOVERY OF HOUSE RENT (5% OF BASIC PAY) RS.222504/-</u>	Para stand till recovery.
DIRECTOR, STAFF TRAINING INSTITUTE, E&A DEPARTMENT.		
14.	<u>A.P.No.110 IRREGULAR EXPENDITURE OF RS.199465/- ON ACCOUNT OF PURCHASE OF MACHINERY.</u>	Advertisement was made through press and lowest rate was accepted. Para settled.
15.	<u>A.P.No.111 IRREGULAR PAYMENT OF SALES TAX AMOUNTING RS.27513/- TO SUPPLIERS ON ACCOUNT OF PURCHASE OF MACHINERY.</u>	Settled in the light of invoice (copy) provided
16.	<u>A.P.No.112 NON-DEDUCTION OF PROFESSIONAL TAX AMOUNTING TO RS.4000/-</u>	Stand till recovery of fee & stamp duty from the firm.
DIRECTOR, ANTI-CORRUPTION ESTABLISHMENT, NWP.		
17.	<u>A.P.No.01 NON DEDUCTION OF INCOME TAX AMOUNTING TO RS.515095/- ON ACCOUNT OF PURCHASE OF VEHICLE.</u>	Settled attested copy provided.
18.	<u>A.P.No.02 UNAUTHENTIC EXPENDITURE OF RS.427902/- ON ACCOUNT OF PAY AND ALLOWANCES DUE TO NON-OBTAINING OF ACTUAL PAYEE RECEIPTS.</u>	Settled.
19.	<u>A.P.No.03 VARIATION OF RS.328122/- BETWEEN PAYROLL SUMMARY AND EXPENDITURE STATEMENT FOR JUNE, 2009.</u>	Settled. Copy of Journal Entry provided.
ESTATE OFFICE, ADMINISTRATION DEPARTMENT.		
20.	<u>A.P.No.02 FRAUDULENT DRAWL OF RS.11526072/- FROM THE DESIGNATED BANK ACCOUNTS OF FRONTIER HOUSE ISLAMABAD AND SHAHI MEHMAN KHANA.</u>	Para stand. Enquiry within limit time. Required to open Joint Account to avoid further irregular drawl.
21.	<u>A.P.No.03 LOSS OF RS.364198/- DUE TO LESS RECOVERY OF HOUSE RENT.</u>	Para dropped. An amount to Rs.100000/- as arrear deposited in Govt. treasury. Copy of Challan is attached.
22.	<u>A.P.No.04 NON RECOVERY OF HOUSE RENT AND 5% AMOUNTING TO RS.480000/-</u>	Dropped in view. of satisfactory reply that the officers had not occupied the house as long as the Advocate General remains in the said house. After vacation PBMC start repairing work, in the meanwhile the officer posted as commissioner, Mardan they further added that the designated house, Mardan is in the possession of Nazim, Mardan (copy of reply is attached).
23.	<u>A.P.No.05 Non Recovery Of House Rent And 5% Amounting To Rs.410400/-</u>	Stand. Recovery letter may be addressed to the concerned.
24.	<u>A.P.No.06 UN AUTHORIZED RETENTION OF HOUSE AND NON RECOVERY OF HOUSE RENT AT MARKET RATE WORTH RS.700000/-</u>	Para dropped in view of the satisfactory reply.
25.	<u>A.P.No.07 NON RECOVERY OF HOUSE RENT WORTH RS.122400/- IRREGULAR ALLOTMENT OF GOVT. ACCOMMODATION</u>	Para stand for recovery

26.	<u>A.P.No.08</u> <u>NON RECOVERY OF HOUSE RENT WORTH RS.98000/-</u> <u>ILLEGAL OF GOVT. ACCOMMODATION.</u>	Para stand till full recovery
27.	<u>A.P.No.09</u> <u>NON RECOVERY OF HOUSE RENT. WORTH</u> <u>RS.350000/- ILLEGAL RETENTION OF GOVT.</u> <u>ACCOMMODATION.</u>	Para stand till full recovery.
28.	<u>A.P.No.10</u> <u>NON RECOVERY OF HOUSE RENT WORTH</u> <u>RS.700000/- (AT MARKET RATE)</u>	Para dropped in view of satisfactory reply.
29.	<u>A.P.No.11</u> <u>NON RECOVERY OF HOUSE RENT WORTH</u> <u>RS.250000/- (AT MARKET RATE)</u>	Para dropped.
30.	<u>A.P.No.12</u> <u>I. NON RECONCILIATION RECEIPTS WORTH</u> <u>RS.272775/-.</u> <u>II LESS RECOVERY OF HOUSE RENT AND 5%.</u> <u>III NON AVAILABILITY OF CHALLAN AMOUNTING</u> <u>RS.10911/-</u> <u>IV NON RECOVERY OF OUTSTANDING UTILITY</u> <u>CHARGES RS.80360/-</u>	Stand for provision of following record to Audit:- 1. Reconciliation of receipt. 2. Recovery of House Rent and 5%. 3. Provision of challan copy to Audit. 4. Recovery of utility charges.
31.	<u>A.P.No.13</u> <u>LOSS OF RS.115555/- DUE TO UN JUSTIFIED</u> <u>SANCTIONING OF HOUSE SUBSIDY.</u>	Check the bungalow as to whether is vacant or otherwise recovery of subsidy claimed from the officer.
32.	<u>A.P.No.14</u> <u>UN JUSTIFIED SANCTIONING OF HOUSING SUBSIDY</u> <u>RS.6765/- PER MONTH.</u>	Para dropped.
33.	<u>A.P.No.15</u> <u>MISAPPROPRIATION OF RECEIPTS OF SECRETARIAT</u> <u>COTTAGE WORTH RS.1000000/-</u>	Para dropped. The officer concerned explained that Secy: Office told the Estate Office to the allotment. But recovery of rent is the responsibility of concerned, however the concerned may be directed to collect the House Register to check the name of allottee.
34.	<u>A.P.No.16</u> <u>I. ILLEGAL AND UNAUTHORIZED ALLOTMENT</u> <u>RESIDENTIAL ACCOMMODATION.</u> <u>II. LOSS OF RS.59543/- DUE TO NON RECOVERY OF</u> <u>HOUSE RENT AT MARKET RATE.</u>	Para settled.
35.	<u>A.P.No.17</u> <u>I. ILLEGAL AND UNAUTHORIZED ALLOTMENT OF</u> <u>RESIDENTIAL ACCOMMODATIONS.</u> <u>II. LOSS OF RS.738696/- DUE TO NON RECOVERY OF</u> <u>HOUSE RENT AT MARKET RATE.</u>	Para dropped in view of satisfactory reply.
36.	<u>A.P.No.18</u> <u>I. UNAUTHORIZED ALLOTMENT OF RESIDENTIAL</u> <u>ACCOMMODATIONS.</u> <u>II. NON DEDUCTION OF HOUSE RENT.</u>	Certificate from G.G.H.S that they has not been allotted/designated.
37.	<u>A.P.No.19</u> <u>NON MAINTENANCE OF RECORD REGARDING</u> <u>DEDUCTION OF HOUSE RENT ALLOWANCE + 5%</u> <u>WORTH MILLIONS OF RUPEES.</u>	Stand verification/ updation of record.
38.	<u>A.P.No.20</u> <u>SUSPECTED MISAPPROPRIATION OF FURNITURE</u> <u>AND FIXTURE.</u>	Dropped due to verification by Section Officer (Admn)
39.	<u>A.P.No.21</u> <u>LOSS OF RS.10.00 MILLION (APPROX) TO GOVT.</u>	Para settled. Report be provided to Audit.
40.	<u>A.P.No.22</u> <u>UNAUTHORIZED ISSUE OF 04 NOS RENAI HEATERS</u> <u>WORTH RS.100000/-</u>	Para dropped.
41.	<u>A.P.No.23</u> <u>WHERE ABOUT OF 13 NOS AIR CONDITIONERS.</u>	Stand till showing the item to Audit.
42.	<u>A.P.No.24</u> <u>MISAPPROPRIATION OF FURNITURE WORTH</u> <u>RS.100000/-</u>	-do-
43.	<u>A.P.No.25</u> <u>FICTITIOUS ISSUE OF FURNITURE ITEMS WORTH</u> <u>RS.332433/-</u>	-do-
44.	<u>A.P.No.26</u> <u>MISAPPROPRIATION OF 04 NOS TELEVISION SONY</u> <u>29 WORTH RS.128000/-</u>	Para settled. 04 Nos. TVs Sony 29 inch already been handed over to Incharge of Civil Officer Mess (Annex-VIII).
45.	<u>A.P.No.27</u> <u>WHEREABOUT OF METAL DETECTIONS WORTH</u> <u>RS.100000/-</u>	Stand till showing the item to Audit.

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46.	<u>A.P.No.28</u> <u>NON RECOVERY OF ROOM RENT WORTH</u> <u>RS.1173600/-</u>	Para dropped due to the fact that according to reply of the officer concerned (copy attached), officer had never used room(s) in Pakhtoon Khwa, Islamabad except during the Hon'able Chief Minister's official visit when he accompanied with him and neither instruction for reservation of room in the name of officer have been issued from office of the officer or office of PSO to Hon'able Chief Minister.
47.	<u>A.P.No.29</u> <u>NON RECOVERY OF ROOM RENT WORTH RS.79500/-</u>	Recovery be made as Rs.25,000/- each in respect Mr Afrasiab & Haji Adeel in the light of reply from Frontier House, Islamabad.
48.	<u>A.P.No.30</u> <u>NON RECOVERY OF ROOM RENT WORTH RS.85000/-</u>	Under process.
49.	<u>A.P.No.31</u> <u>LOSS OF RS.77600/- DUE TO LESS RECOVERY OF ROOM RENT.</u>	Stand till recovery has been made at the rate of Rs.1000/- challan be shown to audit.
50.	<u>A.P.No.32</u> <u>I. UNAUTHORIZED AND UNAUTHENTIC CONDEMNATION OF STORE.</u> <u>II SUSPECTED MISAPPROPRIATION OF SURPLUS STORE.</u>	Stand till showing the items to Audit.
51.	<u>A.P.No.34</u> <u>DOUBTFUL EXPENDITURE OF RS.1188000/-</u>	Stand till showing the items to Audit.
52.	<u>A.P.No.37</u> <u>WHEREABOUT OF ASSETS OF FRONTIER HOUSE SWAT.</u>	-do-
53.	<u>A.P.No.38</u> <u>NON PRODUCTION OF FIXED ASSETS REGISTER.</u>	-do-
54.	<u>A.P.No.39</u> <u>UNECONOMICAL EXPENDITURE OF RS.13.00 MILLIONS ON THE PURCHASE OF SECURITY SYSTE.</u>	-do-
55.	<u>A.P.No.41</u> <u>NON DEPOSIT RECEIPTS INTO GOVT. TREASURY WORTH RS.93000/-</u>	Settled
56.	<u>A.P.No.42</u> <u>MISAPPROPRIATION OF RECEIPTS WORTH RS.36000/-</u>	Recovery to be made
57.	<u>A.P.No.43</u> <u>NON RECOVERY OF ROOM RENT WORTH RS.518000/-</u>	Para dropped.
58.	<u>A.P.No.44</u> <u>SUSPECTED MISAPPROPRIATION OF MILLIONS OF RUPEES.</u>	Stand till showing the item to Audit.
59.	<u>A.P.No.45</u> <u>UNAUTHORIZED EXCESS EXPENDITURE OF RS.256303/-</u>	I) Show record to Audit. II) Refer to FD for approval of excess payment of Rs.256303/-
60.	<u>A.P.No.46</u> <u>NON DEPOSIT OF RECEIPTS INTO GOVT. TREASURY WORTH RS.786200/-</u>	Rs.786200/- may be deposited into treasury under intimation to all concerned.
61.	<u>A.P.No.47</u> <u>UNJUSTIFIED EXPENDITURE OF RS.3815422/-</u>	Detail reply may be provided to Audit.
62.	<u>A.P.No.49</u> <u>NON ACCOUNTAL OF EQUIPMENTS WORTH RS.4394195/-</u>	Stand till showing the item to Audit.
63.	<u>A.P.No.54</u> <u>IRREGULAR AND UNECONOMICAL EXPENDITURE OF RS.70312/-</u>	Detail report be obtained within a week time.
64.	<u>A.P.No.56</u> <u>UNAUTHENTIC EXPENDITURE OF RS.189750/-</u>	Stand till showing the item to Audit.
65.	<u>A.P.No.114</u> <u>LOSS TO GOVT. DUE TO UNAUTHORIZED DRAWL OF HOUSING SUBSIDY AMOUNTING TO RS.475000/-</u>	May be referred to Finance Department for opinion/views.
66.	<u>A.P.No.116</u> <u>LOSS TO GOVT. DUE TO NON DEPOSAL OF CARPET WORTH RS.1000009/- (APPROX).</u>	Para dropped. Dispose office to any one in the Deptt.

SECTION OFFICER (TRANSPORT), ADMINISTRATION DEPARTMENT.		
67.	<u>A.P.No.40</u> <u>DOUBLE DRAWL OF RS.750000/- ON ACCOUNT OF TRANSPORTATION CHARGES.</u>	Recovery may be made within a week time & dep in the Govt. treasury under intimation to Audit Office
68.	<u>A.P.No.57</u> <u>FICTITIOUS EXPENDITURE OF RS.180337/- ON HIRING OF VEHICLES.</u>	An enquiry is going to dig out the fact of liabilities c account of POL Charges/Repair of Transport during the year, 2007-08, 2008-09 & 2009-10. After completion of enquiry report all such like paras involving expenditure made on account of POL charges/repair of transport & hiring of transport & will be furnished to Audit Office in the light of enquiry report for further necessary action.
69.	<u>A.P.No.58</u> <u>DOUBTFUL EXPENDITURE OF RS.51640/- ON HIRING OF VEHICLES.</u>	-do-
70.	<u>A.P.No.59</u> <u>DOUBTFUL OF EXPENDITURE OF RS.1034100/- ON HIRING OF VEHICLES.</u>	-do-
71.	<u>A.P.No.60</u> <u>LOSS OF RS.571549/- DUE TO UNAUTHORIZED USE OF VEHICLES.</u>	-do-
72.	<u>A.P.No.63</u> <u>FICTITIOUS EXPENDITURE OF RS.359345/- ON HIRING OF VEHICLES.</u>	-do-
73.	<u>A.P.No.65</u> <u>FICTITIOUS EXPENDITURE OF RS.326773/-</u>	Checking of expenditure is under process with enquiry committee.
74.	<u>A.P.No.66</u> <u>NON MAINTENANCE OF FIXED ASSETS REGISTER OF VEHICLES WORTH MILLIONS OF RUPEES.</u>	Relevant record may be provided to Audit if not provided earlier.
75.	<u>A.P.No.67</u> <u>DOUBTFUL EXPENDITURE OF RS.130600/- ON HIRING OF VEHICLES.</u>	Record may be completed and show to Audit.
76.	<u>A.P.No.68</u> <u>FRAUDULENT DRAW OF RS.81460/- ON HIRING OF VEHICLES.</u>	As per para-57.
77.	<u>A.P.No.69</u> <u>FICTITIOUS EXPENDITURE OF RS.41600/- ON HIRING OF VEHICLES.</u>	-do-
78.	<u>A.P.No.70</u> <u>UNECONOMICAL EXPENDITURE OF RS.164670/-</u>	-do-
79.	<u>A.P.No.71</u> <u>IRREGULAR AND UNAUTHORIZED EXPENDITURE OF RS.1466633/-</u>	-do-
80.	<u>A.P.No.72</u> <u>NON PRODUCTION OF AUDITABLE RECORD.</u>	Copy of duty order/slip receipt book deposit challan may be shown to Audit.
81.	<u>A.P.No.73</u> <u>LOSS OF RS.642349/- DUE TO UNAUTHORIZED USE OF GOVT. VEHICLE.</u>	As per para-57
82.	<u>A.P.No.74</u> <u>FICTITIOUS EXPENDITURE OF RS.37100/-</u>	-do-
83.	<u>A.P.No.75</u> <u>SUSPECTED MISAPPROPRIATION OF RS.2000000/- (APPROX).</u>	-do-
84.	<u>A.P.No.76</u> <u>SUSPECTED MISAPPROPRIATION OF RS.75360/-</u>	Show record to Audit in support audit para.
85.	<u>A.P.No.77</u> <u>MISAPPROPRIATION OF RS.502440/-</u>	Dropped
86.	<u>A.P.No.78</u> <u>OVERPAYMENT OF RS.1564137/-</u>	Send to Sale Tax Department for verification.
87.	<u>A.P.No.79</u> <u>UNAUTHORIZED USE OF GOVT. VEHICLES.</u>	Under process.
88.	<u>A.P.No.80</u> <u>LOSS OF RS.635840/- DUE TO UNAUTHORIZED USE OF GOVT. VEHICLES.</u>	-do-
89.	<u>A.P.No.81</u> <u>UNJUSTIFIED EXPENDITURE OF RS.424000/- (APPROX) ON POL AND REPAIR.</u>	Dropped
90.	<u>A.P.No.82</u> <u>UNJUSTIFIED CREATING OF LIABILITIES WORTH OF RS.10.00 MILLION.</u>	As per para 57.
91.	<u>A.P.No.83</u> <u>FICTITIOUS EXPENDITURE OF RS.72240/-</u>	Vehicle using in the Pool. Para dropped.
92.	<u>A.P.No.84</u> <u>UNAUTHORIZED ALLOTMENT/USE OF GOVT. VEHICLE</u>	Under process.

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93.	A.P.No.85. LOSS OF RS.48480/- DUE TO UNAUTHORIZED USE OF GOVT. VEHICLE.	As per para 57.
94.	A.P.No.86. UNECONOMICAL AND DOUBTFUL EXPENDITURE OF RS.64500/-	-do-
95.	A.P.No.87. UNJUSTIFIED EXPENDITURE OF RS.5199835/-	-do-
96.	A.P.No.88. UNAUTHORIZED EXPENDITURE OF RS.23220/-	-do-
97.	A.P.No.89. UNJUSTIFIED AND DOUBTFUL EXPENDITURE OF RS.53900/-	-do-
98.	A.P.No.90. UNAUTHORIZED USE OF GOVT. VEHICLE CAUSING LOSS OF RS.16700/-	-do-
99.	A.P.No.91. DOUBTFUL EXPENDITURE OF RS.171503/- ON THE REPAIR OF VEHICLES.	-do-
100.	A.P.No.92. WHEREABOUTS OF VEHICLES RECEIVED FROM FINANCE DEPARTMENT, DPO MARDAN AND VEHICLE NO.A-1227 AND A-1128	Enquiry under process.
101.	A.P.No.93. FICTITIOUS EXPENDITURE OF RS.6881330/-	-do-
102.	A.P.No.94. LOSS OF RS.101010/- DUE TO UNAUTHORIZED USE OF GOVT. VEHICLE.	Approval of competent authority may be provided to audit.
103.	A.P.No.95. LOSS OF RS.49713/- DUE TO UNAUTHORIZED USE OF GOVT. VEHICLE.	As per para 57.
104.	A.P.No.96. LOSS OF RS.28800/- DUE TO UNAUTHORIZED USE OF GOVT. VEHICLE.	Dropped.
105.	A.P.No.97. WASTEFUL EXPENDITURE OF RS.10104000/-	Approval of competent authority may be provided to audit.
106.	A.P.No.98. UNECONOMICAL AND DOUBTFUL EXPENDITURE OF RS.232925/-	May provide record to Audit.
107.	A.P.No.99. DOUBTFUL EXPENDITURE OF RS.98685/- ON HIRING OF VEHICLES.	As per para 57.
108.	A.P.No.100. WHERE ABOUT OF TOYOTA COROLLA VEHICLE WORTH RS.1000000/-	Enquiry under process.
109.	A.P.No.101. LOSS OF RS.178491/- DUE TO UNAUTHORIZED USE OF GOVT. VEHICLE.	As per para 57.
110.	A.P.No.102. LOSS OF RS.50580/- DUE TO UNAUTHORIZED USE OF GOVT. VEHICLE.	Dropped.
111.	A.P.No.103. WHEREABOUT OF 35 NOS MOTORCYCLES	Please check the record and intimated Audit Office about it.
112.	A.P.No.104. LOSS OF RS.529831/- DUE TO UNAUTHORIZED USE OF GOVT. VEHICLE.	As per para 57.
113.	A.P.No.105. LOSS OF RS.82390/- DUE TO UNAUTHORIZED USE OF GOVT. VEHICLE.	Recovery of vehicle may be made.
114.	A.P.No.106. FICTITIOUS EXPENDITURE OF RS.1377128/-	Record show to Audit.
115.	A.P.No.107. LOSS OF RS.50160/- DUE TO UNAUTHORIZED USE OF GOVT. VEHICLE.	As per para 57.
116.	A.P.No.108. LOSS OF RS.1040704/- DUE TO UNAUTHORIZED USE OF GOVT. VEHICLE.	-do-
117.	A.P.No.109. LOSS OF RS.183060/- DUE TO UNAUTHORIZED USE OF GOVT. VEHICLE.	Dropped.
118.	A.P.No.110. LOSS OF RS.800000/- (APPROX) DUE TO SNATCHING/THEFT OF GOVT. VEHICLE.	Fresh enquiry is required.
119.	A.P.No.111. WHEREABOUT OF GOVT. VEHICLE WORTH RS.1200000/-	Stand. Check/confirm by the concerned persons.

120.	<u>A.P.No.112.</u> <u>FICTITIOUS EXPENDITURE OF RS.37200/-</u>	As per para 57.
121.	<u>A.P.No.113.</u> <u>FICTITIOUS EXPENDITURE OF RS.26525/-</u>	-do-
122.	<u>A.P.No.115.</u> <u>WHEREABOUT OF VEHICLES SHOWN UNDER THE</u> <u>USE OF CHIEF MINISTER HOUSE/SECRETARIAT.</u>	Under process.
123.	<u>A.P.No.117.</u> <u>LOSS OF RS.252795/- DUE TO EXCESS</u> <u>CONSUMPTION OF POL.</u>	As per para 57.
124.	<u>A.P.No.118.</u> <u>WHEREABOUT OF CNG KIT WORTH RS.50000/-</u> <u>SUSPECTED MISAPPROPRIATION OF RS.107460/-</u>	-do-
125.	<u>A.P.No.119.</u> <u>FICTITIOUS EXPENDITURE OF RS.32940/-</u>	-do-

The meeting ended with the vote of thanks from the chair.

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GOVERNMENT OF N.W.F.P
ADMINISTRATION DEPARTMENT

No.SOB(AD)15(82)DAC/2004-05
Dated Peshawar the 11th December, 2009

To

The Director General Audit, NWFP,
Peshawar.

Subject: MEETING OF THE DEPARTMENTAL ACCOUNTS COMMITTEE FOR THE YEAR, 2008-09 IN RESPECT OF E&A DEPARTMENT.

Madam,

I am directed to refer to the subject cited above and to state that a Meeting of the Departmental Accounts Committee is scheduled to be held under the Chairmanship of Secretary Administration Department in his office to discuss/finalize the following Advance Paras as per following programme *as directed by Secretary Administration:-*

S.#	NAME OF OFFICE	DATE	PARAS NO.
1.	Section Officer (Admn)	18/12/2009 <i>at 10.00 AM</i>	A.P.No.1, 33, 35, 36, 48, 50, 51, 52, 53, 55, 61, 62 & 64. (Total =13)
2.	Director, S'I	-do-	A.P.No.110, 111 & 112. (Total=03)
3.	Director, Anti-Corruption	-do-	A.P.No.1,2 & 03 (Total=03)
4.	Estate Office	19/12/2009	A.P.No.2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32,34,37,38, 39, 41, 42, 43, 44, 45, 46, 47, 49, 54, 56, 114 & 116.(Total=47)
5.	Section Officer (Transport)	22/12/2009	A.P.No.40, 57, 58, 59, 60, 63, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 115, 117, 118 & 119. (Total=59)

2. You are, therefore, requested to kindly make it convenient to attend the Meeting of the Departmental Accounts Committee as per above programme.

Yours faithfully,

(SHAMS-UR-REHMAN)
Section Officer (Budget)

Ends: number & date even.

Copy forwarded for information to:-

1. PS to Secretary, Administration Department
2. PA to Addl: Secy: (Admn), Administration Department
3. Dy. Secretary (Budget-III), Finance Department.
4. Director, Staff Training Institute, E&A Department.
5. Director, Anti-Corruption Establishment, NWFP.
6. Section Officer (Admn), Admn: Department.
7. Estate Officer, Admn: Department.
8. Section Officer (Transport), Admn: Department.

(The Officers at Sr. No.04 to 08 are requested that preparation of reply to the Advance Paras may be made on top priority basis and sent 03 sets to Director General, Audit with 05 sets to this Section three days before holding the meeting).

The Director General Audit has discussed the case with Secretary Administration Department on telephone and requested to hold DAC meeting before 22.12.2009 as they shall submit report to Governor, NWFP on 25.12.2009.


Section Officer (Budget)

Amir

Amir

63

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**Composition and Functions
 of the
 Departmental Accounts Committee**

Government of Pakistan
 Finance Division OM No.F.5(10)Exp.II/83-965 dated 04-12-1984

Government of NWFP
 Finance Department Circular letter No.S.O(A/Cs)FD/1-6/1997
 dated 17-12-1997

ATTESTED
 Jahan Khattar
 Notary Public
 No. 274/88
 Peshawar

64

(1-8)

18

No. F.5(10) Exp. II/83-965
GOVERNMENT OF PAKISTAN
FINANCE DIVISION
(EXPENDITURE WING)

Islamabad, the 4th December, 1984.

OFFICE MEMORANDUM

Subject: AUDIT OBSERVATIONS.

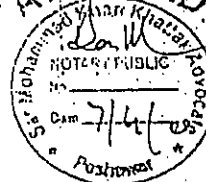
The undersigned is directed to say that the role and functions of Audit Department especially in regard to the effectiveness of the present financial and accounting systems and procedures for audit and maintenance of accounts in the Government and the lines on which these could be strengthened and improved, have been reviewed by the Government and the following decisions have been taken for strict compliance by all concerned:

(i) All Audit Inspection Reports outstanding with the public organizations as on 30th June, 1983 should be finalized by sending a complete and final reply to the audit authorities issuing the audit inspection reports within a period of six months.

(ii) In future, if an Audit Inspection Report is not attended to substantially within a period of six months or is kept pending for more than a year without proper justification, it should be treated as an act of gross negligence rendering the defaulter officials liable to disciplinary action under the Efficiency and Discipline rules. If the disciplinary action is not taken when it becomes due, the Auditor General may bring the case to the notice of the President or the Governor, as the case may be.

(iii) A Departmental Committee should be set up in each Division of the Federal Government /Department of the Provincial Government under the chairmanship of the Principal Accounting Officer /Secretary of the Department, as the case may be, and comprising representatives of the Federal Ministry of Finance/Provincial Finance Department and of the Auditor General as Members. The Departmental Committee will watch the processing of relevant Audit Inspection Reports and decide upon appropriate measure so as to aid and accelerate their process of finalization.

ATTESTED



65 139 19 8-

(iv) There should be strict compliance of existing instructions regarding timely submission of annual accounts and audit reports to the Public Accounts Committee, and the timely examination thereof by the Committee.

(v) The accounting controls and internal audit in the Ministries and Departments of the Government should be improved and strengthened.

Sd/-
(MOHAMMAD ZAFAR MIAN)
Joint Secretary (Exp)
Phone: 821496

All Ministries/Divisions
All Chief Secretaries of Provincial Government.



APPENDIX - G

No. S.O(A/Cs)FD/1-6/1997

GOVERNMENT OF NWFP
FINANCE DEPARTMENT

Dated Peshawar the 17th December, 1997

To

1. All Administrative Secretaries,
Government of N.W.F.P, Peshawar.
2. The Senior Member, Board of Revenue,
Peshawar.
3. The Secretary to Governor, NWFP, Peshawar.
4. The Secretary to Chief Minister, NWFP, Peshawar.
5. The Secretary, Provincial Assembly, NWFP, Pesh.
6. All Head of Attached Departments in NWFP.
7. All Head of Autonomous/Semi Autonomous Bodies/
Corporations in NWFP.
8. The Registrar, Peshawar High Court, Peshawar.
9. The Chairman, Service Tribunal, NWFP, Peshawar.
10. The Chairman, Public Service Commission, NWFP
Peshawar.
11. The Secretary Board of Revenue, NWFP, Peshawar.
12. All Commissioners/Deputy Commissioners/P.As/
District & Session Judges in NWFP.

Subject: DEPARTMENTAL ACCOUNTS COMMITTEE MEETING

Sir,

I am directed to refer to subject noted above and to state that it has been noticed with great concern that due importance is not being given to the audit objection reported by Audit in its inspection reports.



[Handwritten mark]

As a result thereof, the unsettled irregularities go on increasing from year to year. In order to discuss and take prompt action, the Departmental Accounts Committee have been constituted for each Administrative Department comprising the following members:-

- (1) Secretary of the department concerned: Chairman.
- (2) Representative from Finance Department (not below the rank of Dy: secretary). Member.
- (3) Representative from the Auditor General Office (not below the rank of DAG/Deputy Director). Member.

2. In order to obtain tangible results, the following instructions are issued for the guidance of the departments:-
- (a) All the meetings of the Departmental Accounts Committee may invariably be chaired by the Administrative Secretary.
 - (b) Notice and working paper for the meeting should be issued at least ten days before the date of meeting.
 - (c) The date of meeting should be fixed by the Administrative Department concerned in consultation with the Audit Office and concerned Deputy secretary of Finance Department.
 - (d) In case of cancellation or postponement of the meeting, concerned Deputy Secretary of Finance Department and Director General Audit and Section Officer (Accounts), Finance Department should be informed immediately on telephone. This may be confirmed in writing later on.
 - (e) The duration of the meeting may be fixed keeping in view the volume and work load of the working paper so that these may be discussed in the meeting in totality. In case the working paper relate to a number of offices, only

ATTESTED

[Signature]

7/4/08

Assistant

those offices should be summoned which could be considered on that day. The rest of offices may be fixed for next day/round of meetings as the situation may demand.

(f) Minutes of the meeting should be recorded during the course of the meeting and signed on the same day as far as possible. If this is not possible due to some reasons, these should be signed within five days and issued within ten days of the meeting. Every page of the minutes should be initialed by all the members of the Departmental Accounts Committee.

(g) The Department should complete action on the decision of the DAC as quickly as possible well before the PAC meeting.

3. I am to request that the above instructions may kindly be kept in view while holding the meeting of the Departmental Accounts Committee.

(Faizullah Khan Khattak)
Deputy Secretary-IV

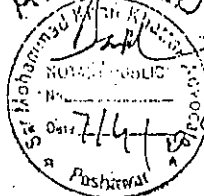
Endst: No & Date of even.

Copy forwarded to:-

1. The Accountant General, NWFP, Peshawar.
2. All District/Agency Accounts Officer in NWFP.
3. The Treasury Officer, Peshawar.
4. The Private Secretary to Finance Secretary, NWFP.
5. All P.As to Addl/Dy Secretaries in Finance Department.
6. All Budget/Section Officers-in Finance Department.

(Resham Payo)
Section Officer(Accounts)

ATTESTED



سرکاری گاڑیوں کی خریداری (پبلک بڈنگ)

حکومت کو مطلع کیا جاتا ہے کہ سواری کے لئے درج ذیل گاڑیوں کی خریداری کے لئے پبلک بڈنگ کے ذریعے 20/02/07 کو تقریباً چھ گاڑیوں کی خریداری کے لئے پبلک بڈنگ کا انعقاد کیا جائے گا۔

انٹرنیشنل گاڑیوں کی خریداری کے لئے پبلک بڈنگ کا انعقاد 17/02/07 کو تقریباً 19/02/07 کو ہوگا۔

گاڑیوں کی خریداری کے لئے پبلک بڈنگ کا انعقاد 17/02/07 کو ہوگا۔

Sl. No.	Reg. No.	Make	Chassis No.
1	A-3629-Pesh	Toyota Hiace	0009829
2	HL-7000-Karachi	Toyota Corolla	FE-80-7034961
3	RFR-4229	Ford Wagon	SFAVXY111VY190099
4	A-3780-Pesh	Toyota Hiace	L-1761 H0004896
5	01126-Pesh	Toyota Hiace	L-1161 H-0010630
6	A-1016-DR	Nissan Single Cab	TG-D21-503471
7	A-1005-KK	Suzuki Swift	SA-310PK-123261
8	RNI-M11	Suzuki Alto	SA308PK658668
9	AJK-A-535	Toyota Corolla	KE-30-480648
10	A-2836	Nissan Hiace	WJG24-020279
11	M-1577-DR	Toyota Corolla	KE-30-0041835
12	B-914	Toyota Corolla	0756976
13	A-1006-DR	Nissan Single Cab	TG-D21-503237
14	PHS-2144	Suzuki Swift	SA-310PK-491818
15	PHM-896	Suzuki Swift	AD-43S-115174
16	L11K-3508	Hyundai Civic	H11MAAM22405113908
17	A-1-98-Pesh	Nissan Single Cab	TG-D21-500135
18	A-2945-Pesh	Marcedes Hiace	RY022-635679
19	A-1125-MA	Mercedes Jeep	460-33017-010757
20	A-1715-Pesh	Pajero Jeep	CL09491J-401006
21	A-2596-Pesh	Toyota Hiace	L-1114-0010909
22	A-1008-DR	Nissan Single Cab	TG-D21-503280
23	D-535	Suzuki Alto	SB-308PK-674347
24	D-0235	Toyota Corolla	E8E0-7007612
25	D-2822	Suzuki Swift	SA-310PK-415788
26	A-1196-Pesh	Nissan Car	B-M12-503473
27	D-8772	Nissan Single Cab	TG-D21-500067
28	A-1-023-DR	Nissan Single Cab	TG-D21-503273
29	A-1935	Suzuki Swift	SA-310PK-411722
30	RIN-540	Suzuki Swift	SA-310PK-410403
31	A-1899	Suzuki Car	BAAB-13402116
32	DR-6280	Suzuki Alto	SB-308PK646626
33	PRQ-1123	Suzuki Pickup	223490
34	A-2570-Pesh	Toyota Single Cab	L-N85-0140181
35	A-1-027-MR	Toyota Single Cab	L-N85-0116247
36	A-1-024-MR	Nissan Single Cab	TG-D21-503284
37	A-1006-Pesh	Nissan Single Cab	R1411-21-002107
38	A-1005-DR	Nissan Single Cab	RC-D21-602118
39	A-1609-Pesh	Nissan D11abu	TG-D21-430048
40	D-8775-Pesh	Nissan Single Cab	TG-D21-501541
41	N-3275	Suzuki Van	767180
42	SAW-0003	Suzuki Alto	SB-308PK753087
43	H-9601	Suzuki Pickup	PK-103585
44	H-8069	FX	168799
45	MNC-1456	Suzuki Alto	B-308PK-670155
46	SRO-555	Mercedes Benz Car	123030-10-059245
47	ZFC-5337	Suzuki Alto	SB-308PK649150
48	MRR-7069	Suzuki Alto	SB-308PK623482
49	A-1-002-DR	Suzuki Jeep	314686
50	A-2597	Toyota Hiace	L-1161 H0005001
51	A-6002-MR	Suzuki Motorcycle	GN142A-108892
52	A-6001-MR	Suzuki Motorcycle	NJ42A108910
53	A-6001-DR	Suzuki Motorcycle	NJ42A108896
54	PRQ-4930	Suzuki Motorcycle	NJ42A108871
55	PRQ-4917	Suzuki Motorcycle	NJ42A108897
56		Yamaha	2NA-121511

شرائط و ضوابط نیلام

(1) نیلام عام نوادہ شہید باریڈوں کی موجودگی میں کرایے کے لئے شروع ہوگا۔ (2) نیلام سے پیشتر پابندی کو ختم کر دیا جائے گا۔ (3) نیلام کے لئے پبلک بڈنگ کے ذریعے نیلامی عمل کو مکمل کرنا ضروری ہے۔ (4) نیلام کے لئے پبلک بڈنگ کے ذریعے نیلامی عمل کو مکمل کرنا ضروری ہے۔ (5) نیلام کے لئے پبلک بڈنگ کے ذریعے نیلامی عمل کو مکمل کرنا ضروری ہے۔ (6) نیلام کے لئے پبلک بڈنگ کے ذریعے نیلامی عمل کو مکمل کرنا ضروری ہے۔ (7) نیلام کے لئے پبلک بڈنگ کے ذریعے نیلامی عمل کو مکمل کرنا ضروری ہے۔ (8) نیلام کے لئے پبلک بڈنگ کے ذریعے نیلامی عمل کو مکمل کرنا ضروری ہے۔ (9) نیلام کے لئے پبلک بڈنگ کے ذریعے نیلامی عمل کو مکمل کرنا ضروری ہے۔ (10) نیلام کے لئے پبلک بڈنگ کے ذریعے نیلامی عمل کو مکمل کرنا ضروری ہے۔

Sl. No.	Reg. No.	Make	Chassis No.	Price	Remarks
1	A-3629-Pesh	Toyota Hiace	0009829	3419000/-	...
2	HL-7000-Karachi	Toyota Corolla	FE-80-7034961	283500/-	...
3	RFR-4229	Ford Wagon	SFAVXY111VY190099	552300/-	...
4	A-3780-Pesh	Toyota Hiace	L-1761 H0004896	1413700/-	...
5	01126-Pesh	Toyota Hiace	L-1161 H-0010630	460100/-	...
6	A-1016-DR	Nissan Single Cab	TG-D21-503471	1980000/-	...
7	A-1005-KK	Suzuki Swift	SA-310PK-123261	292300/-	...
8	RNI-M11	Suzuki Alto	SA308PK658668	1149000/-	...
9	AJK-A-535	Toyota Corolla	KE-30-480648	528900/-	...
10	A-2836	Nissan Hiace	WJG24-020279	490300/-	...
11	M-1577-DR	Toyota Corolla	KE-30-0041835	1213600/-	...
12	B-914	Toyota Corolla	0756976	5195000/-	...
13	A-1006-DR	Nissan Single Cab	TG-D21-503237	3186600/-	...
14	PHS-2144	Suzuki Swift	SA-310PK-491818	412186600/-	...
15	PHM-896	Suzuki Swift	AD-43S-115174	282500/-	...
16	L11K-3508	Hyundai Civic	H11MAAM22405113908	150000/-	...
17	A-1-98-Pesh	Nissan Single Cab	TG-D21-500135	200000/-	...
18	A-2945-Pesh	Marcedes Hiace	RY022-635679	300000/-	...
19	A-1125-MA	Mercedes Jeep	460-33017-010757	500000/-	...
20	A-1715-Pesh	Pajero Jeep	CL09491J-401006	100000/-	...
21	A-2596-Pesh	Toyota Hiace	L-1114-0010909	100000/-	...
22	A-1008-DR	Nissan Single Cab	TG-D21-503280	100000/-	...
23	D-535	Suzuki Alto	SB-308PK-674347	100000/-	...
24	D-0235	Toyota Corolla	E8E0-7007612	100000/-	...
25	D-2822	Suzuki Swift	SA-310PK-415788	100000/-	...
26	A-1196-Pesh	Nissan Car	B-M12-503473	100000/-	...
27	D-8772	Nissan Single Cab	TG-D21-500067	100000/-	...
28	A-1-023-DR	Nissan Single Cab	TG-D21-503273	100000/-	...
29	A-1935	Suzuki Swift	SA-310PK-411722	100000/-	...
30	RIN-540	Suzuki Swift	SA-310PK-410403	100000/-	...
31	A-1899	Suzuki Car	BAAB-13402116	100000/-	...
32	DR-6280	Suzuki Alto	SB-308PK646626	100000/-	...
33	PRQ-1123	Suzuki Pickup	223490	100000/-	...
34	A-2570-Pesh	Toyota Single Cab	L-N85-0140181	100000/-	...
35	A-1-027-MR	Toyota Single Cab	L-N85-0116247	100000/-	...
36	A-1-024-MR	Nissan Single Cab	TG-D21-503284	100000/-	...
37	A-1006-Pesh	Nissan Single Cab	R1411-21-002107	100000/-	...
38	A-1005-DR	Nissan Single Cab	RC-D21-602118	100000/-	...
39	A-1609-Pesh	Nissan D11abu	TG-D21-430048	100000/-	...
40	D-8775-Pesh	Nissan Single Cab	TG-D21-501541	100000/-	...
41	N-3275	Suzuki Van	767180	100000/-	...
42	SAW-0003	Suzuki Alto	SB-308PK753087	100000/-	...
43	H-9601	Suzuki Pickup	PK-103585	100000/-	...
44	H-8069	FX	168799	100000/-	...
45	MNC-1456	Suzuki Alto	B-308PK-670155	100000/-	...
46	SRO-555	Mercedes Benz Car	123030-10-059245	100000/-	...
47	ZFC-5337	Suzuki Alto	SB-308PK649150	100000/-	...
48	MRR-7069	Suzuki Alto	SB-308PK623482	100000/-	...
49	A-1-002-DR	Suzuki Jeep	314686	100000/-	...
50	A-2597	Toyota Hiace	L-1161 H0005001	100000/-	...
51	A-6002-MR	Suzuki Motorcycle	GN142A-108892	100000/-	...
52	A-6001-MR	Suzuki Motorcycle	NJ42A108910	100000/-	...
53	A-6001-DR	Suzuki Motorcycle	NJ42A108896	100000/-	...
54	PRQ-4930	Suzuki Motorcycle	NJ42A108871	100000/-	...
55	PRQ-4917	Suzuki Motorcycle	NJ42A108897	100000/-	...
56		Yamaha	2NA-121511	100000/-	...

GOVERNMENT OF NWFP - WORKS & SERVICES DEPARTMENT NWFP

OFFICE OF THE DEPUTY DIRECTOR (B&R) WORKS & SERVICES DEPT. DIKHAN

TENDER NOTICE

Sealed covers tenders are invited from the approved contractors of Works & Services Department for the following works, so as to reach the undersigned on the dates noted against each.

Name of work	Estimated cost	2% Earned money	Date of application	Date of opening	Time for completion
Construction of Dikhan City Circular Road	2417000/-	483400/-	16/02/2007	17/02/2007	As per work order.
Improvement & Rehabilitation of Sub-Head Chiswala Road (NW NAME)	25380000/-	5076000/-	16/02/2007	17/02/2007	As per work order.
Construction of Dikhan City Circular Road					
Improvement & Rehabilitation of Sub-Head Chiswala Road (NW NAME)					

11- Work order will be issued on availability of funds.
 12- The applications must accompany 2% Earned Money of the Local Bank of Dikhan.
 13- If the tenders can't be finalized on the above mentioned dates then one or other reasons, then the same will be notified on 23/02/2007 & 23/02/2007 respectively.
 14- One tender form will be issued to our representative. 15- Other terms & condition can be seen in office of the undersigned on any working day.

WORKS & SERVICES DEPARTMENT NWFP

اندر ذیل درج کردہ کاموں کی تعمیر و مرمت کے لیے پبلک بڈنگ کے ذریعے پانچ گاڑیوں کی خریداری کے لیے پبلک بڈنگ کا انعقاد کیا جائے گا۔

1. گاڑیوں کی خریداری کے لیے پبلک بڈنگ کا انعقاد 17/02/07 کو تقریباً چھ گاڑیوں کی خریداری کے لیے پبلک بڈنگ کا انعقاد کیا جائے گا۔

2. انٹرنیشنل گاڑیوں کی خریداری کے لیے پبلک بڈنگ کا انعقاد 17/02/07 کو تقریباً 19/02/07 کو ہوگا۔

3. گاڑیوں کی خریداری کے لیے پبلک بڈنگ کا انعقاد 17/02/07 کو تقریباً چھ گاڑیوں کی خریداری کے لیے پبلک بڈنگ کا انعقاد کیا جائے گا۔

4. انٹرنیشنل گاڑیوں کی خریداری کے لیے پبلک بڈنگ کا انعقاد 17/02/07 کو تقریباً 19/02/07 کو ہوگا۔

5. گاڑیوں کی خریداری کے لیے پبلک بڈنگ کا انعقاد 17/02/07 کو تقریباً چھ گاڑیوں کی خریداری کے لیے پبلک بڈنگ کا انعقاد کیا جائے گا۔

6. انٹرنیشنل گاڑیوں کی خریداری کے لیے پبلک بڈنگ کا انعقاد 17/02/07 کو تقریباً 19/02/07 کو ہوگا۔

تصحيح

بحوالہ اشتہار نمبر INF(P)345 روزنامہ مشرق واکسپریس مورخہ 21/07/2007ء کو درج شدہ اشتہار میں درج ذیل ترامیم کی جائیں گی۔

1..... سیریل نمبر 1 پر درج شدہ گاڑی کا جیسس نمبر 0009829 کی بجائے LH 114-0009829 لیا جائے۔

2..... سیریل نمبر 3 پر درج شدہ گاڑی کا جیسس نمبر 90099 SFVXYBDVVE کی بجائے SFVXXBDVVF 90099 لیا جائے۔

3..... سیریل نمبر 12 پر درج شدہ گاڑی کا رجسٹریشن نمبر 3814 B کی بجائے B-3814-Peshawar لیا جائے۔

4..... سیریل نمبر 13 پر درج شدہ گاڑی کا جیسس نمبر 21-503237 TCD کی بجائے TGD-21-503237 لیا جائے۔

5..... سیریل نمبر 23 پر درج شدہ گاڑی کا رجسٹریشن نمبر B-535-SL کی بجائے B-535-SL لیا جائے۔

6..... سیریل نمبر 24 پر درج شدہ گاڑی کا رجسٹریشن نمبر U-0235-KC کی بجائے U-0235-KC لیا جائے۔

7..... سیریل نمبر 25 پر درج شدہ گاڑی کا رجسٹریشن نمبر 2822 D کی بجائے D-2822-Peshawar لیا جائے۔

8..... سیریل نمبر 26 پر درج شدہ گاڑی کا جیسس نمبر BM12-503473 کی بجائے MB 12-503473 لیا جائے۔

9..... سیریل نمبر 31 پر درج شدہ گاڑی کا رجسٹریشن نمبر A-1899 کی بجائے PRO-1888 لیا جائے۔

10..... سیریل نمبر 38 پر درج شدہ گاڑی کا جیسس نمبر 21-002118 RCD کی بجائے RGD21-002118 لیا جائے۔

11..... سیریل نمبر 39 پر درج شدہ گاڑی کا جیسس نمبر TGD21-430048 کی بجائے UTG21-430048 لیا جائے۔

12..... سیریل نمبر 41 پر درج شدہ گاڑی کا رجسٹریشن نمبر N-7275 کی بجائے N-7275-Peshawar لیا جائے۔

13..... سیریل نمبر 43 پر درج شدہ گاڑی کا رجسٹریشن نمبر B-9601 کی بجائے B-9601-Peshawar لیا جائے۔

14..... سیریل نمبر 44 پر درج شدہ گاڑی کا رجسٹریشن نمبر H-8069 کی بجائے H-8069-Peshawar لیا جائے۔

15..... سیریل نمبر 45 پر درج شدہ گاڑی کا جیسس نمبر 308Pk-670155 کی بجائے SB308Pk-670155 لیا جائے۔

16..... سیریل نمبر 46 پر درج شدہ گاڑی کا جیسس نمبر 123030-10-059245 کی بجائے 123020-10-059245 لیا جائے۔

17..... سیریل نمبر 50 پر درج شدہ گاڑی کا رجسٹریشن نمبر A-2597 اور جیسس نمبر LH61B0005001 کی بجائے LH61B0005001 لیا جائے۔

18..... سیریل نمبر 51 پر درج شدہ گاڑی کا جیسس نمبر 108892 MJ42A کی بجائے NJ42A-108892 لیا جائے۔

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MOST IMMEDIATE/
TOP PRIORITY.

**GOVERNMENT OF N.W.F.P
ADMINISTRATION DEPARTMENT**

NO.SOT(AD)5-2/2008
Dated Peshawar the 12/7/2008

To

The Principal Secretary to
Chief Minister NWFP,
Chief Minister's Secretariat NWFP,
Peshawar.

**SUBJECT:- PROVISION OF VEHICLES TO CHIEF MINISTER'S
HOUSE/SECRETARIAT NWFP.**

Dear Sir,

I am directed to refer to the subject noted above and to state that this department has provided the following vehicles to Chief Minister's House/Secretariat NWFP for official duties out of Transport Pool, Administration Department:-

S.No.	Registration No.	Make	Date of Delivery
1.	A-1175-Pesh	Mercedes Benz	20.5.2008
2.	A-2896-Pesh	Intercooler Jeep	10.7.2008
3.	A-0039-PR	Toyota Landcruiser	20.6.2008
4.	A-3069	Toyota Landcruiser	11.5.2008
5.	A-2417-Pesh	Toyota Landcuriser	30.4.2008
6.	A-1664-Pesh	Nissarn Car	3.4.2008
7.	A-0507-Pesh	Toyota Corolla	12.3.2008
8.	A-3048-Pesh	Toyota Corolla	10.5.2008
9.	A-0497-Pesh	Toyota Corolla	30.4.2008
10.	A-1237-Pesh	Toyota Corolla	3.5.2008
11.	A-1238-Pesh	Toyota Corolla	3.5.2008
12.	A-1005-Pesh	Toyota Corolla	15.3.2008
13.	A-1236-Pesh	Toyota Corolla	3.5.2008
14.	A-1235-Pesh	Toyota Corolla	3.5.2008
15.	A-1239-Pesh	Toyota Corolla	10.5.2008
16.	A-4144-Pesh	Toyota Corolla	11.5.2008
17.	A-3344-Pesh	Toyota Corolla	9.5.2008
18.	A-1013-Pesh	Suzuki Khyber	9.5.2008
19.	A-1996-Pesh	Toyota Corolla	9.5.2008
20.	A-1024-Pesh	Landcruiser	12.5.2008

2. Besides, out of four Mercedes Benz Cars meant for VVIP protocol duties, two cars have been provided to Senior Ministers for P&D/LG&RD out of Transport Pool, Administration Department.

Furthermore, vehicle bearing Registration No.A-1114-Pesh Toyota Landcruiser has been placed at the disposal of Mr.Bashir Ahmed Bilour, Senior Minister for LG&RD in addition to one Mercedes Benz Car. Thus this department is facing great hardship in deployment of vehicles for VVIP protocol duties due to acute shortage of vehicles in the Transport Pool.

3. It may not be out of place to mention here that the vehicles mentioned at Annex-I were at the disposal of C.M House/ Secretariat during the tenure of Ex-Chief Minister (Mr. Akram Khan Durrani), the Vehicles mentioned at Annex-II were placed at the disposal of C.M. House /Secretariat during the tenure of Caretaker Chief Minister NWFP (Mr. Sham-ul-Mulk) whereas the vehicles mentioned at Annex-III are placed at the disposal of C.M. House/Secretariat of the sitting Chief Minister NWFP.

4. In light of the above-mentioned position, it is therefore requested that requirement of CM's House/Secretariat may please be met out from the vehicles as mentioned above.

Yours faithfully,

DEPUTY SECRETARY (ADMN)

Endst: of Even No. & Date.

Copy is forwarded to:-

1. The Chief Security Officer/ P.S.O-II to Chief Minister NWFP, Peshawar.
2. P.S.O.I Chief Minister NWFP, Peshawar.
3. P.S. to Chief Minister NWFP.
4. The Deputy Secretary (Admn), Chief Minister's Secretariat NWFP, Peshawar.
5. The Transport Officer, Chief Minister's Secretariat NWFP, Peshawar as per his verbal request for the above mentioned information.
6. PS to Secretary to Govt. of NWFP, Administration Deptt. Section Officer (Transport), Administration Deptt.

DEPUTY SECRETARY (ADMN)

TOTAL VEHICLES PLACED AT THE DISPOSAL OF
CHIEF MINISTER'S HOUSE NWFP PESHAWAR

S.No.	Vehicle No.	Make	Attached	Name Of Driver
1	IDF-6828	Mercedes Benz	CM House	Muhammad Hassan
2	A-1110	Hnda Acord	CM House	M. Iftikhar
3	A-2095	Toyota Corona	CM House	Mir Afzal
4	A-1114	Land Cruiser	CM House	Zarin Gul
5	A-4140	Toyota Corolla	Temporary	
6	A-4156	Toyota Corollala	CM House	Monim Khan
7	A-3255	Land Cruiser	CM House	Fayaz Ali Sha
8	A-2269	Mazda Pick Up	CM House	Kitchen Duty
9	A-1104	Mercedes Benz	H. House Islamabad	Shakeel Ahmad
10	A-2524	Toyota Pick Up Double Cabin	H. House Bannu	Nil
11	PR-0043	Land Cruiser	CM House Peshawar	Temporary
12	A-3062	Margala	PA o CM	Syed Amir Hussain

Ex - CM

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TOTAL VEHICLES PLACED AT THE DISPOSAL OF CHIEF MINISTER'S SECRETARIAT
NWFP PESHAWAR

S.No.	Vehicle No.	Make	Attached	Name Of Driver
1.	A-3039	Toyota Corolla	SCM	Nisar
2.	A-3344	Toyota Corolla	PSO	Haq nawaz, NQ
3.	A-1133	Toyota Corolla	DS(Admn)	Abdul Waheed
4.	A-1323	Toyota Corolla	DS-II	Syed Nasir Shah
5.	A-3145	Toyota Corolla	DS-III	Munsif Khan
6.	A-3287	Toyota Corolla	DS-IV	Aslam Khan
7.	A-3055	Toyota Corolla	Comptroller	Mian Khan
8.	A-3142	Toyota Corolla	Protocol Officer	Jan Muhammad NQ
9.	A-1148	Toyota Corolla	PRO	Nizakat Hussain NQ
10.	A-1720	Land Cruiser	PRO/ CM Visit	Shiraz (Driver <i>(private)</i>)
11.	LOY-87	Toyota Corolla	OSD(SP/S)	Syed Ali Shah (Police Deptt)
12.	A-3149	Toyota Corolla	PS to CM	
13.	A-1637	Nissan	SO(Admn)	

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14.	A-1380	Suzuki Jeep	Pool	
15.	A-1173	Hiace	Pool	Hashim Khan
16.	A-1024	Land Cruiser	Pool	
17.	A-2570	Toyota Pick Up	Kitchen Duty	Azeem Khan
18.	A-1648	Suzuki Jeep	Maintenance Cell	
19.	A-6354	M/Cycle	Dak/General Duty	
20.	A-6012	M/Cycle	General Branch MRE	
21.	PRQ-6711	M/Cycle	Account Branch	

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TOTAL NUMBER OF VEHICLES PLACED AT THE DISPOSAL OF
CHIEF MINISTER'S HOUSE, NWFP, PESHAWAR

SNO.	VEHICLE NO	MAKE & MODEL	ATTACHED	NAME OF DRIVER
1.	IDF-6828	M/Benz - 1993	CM's House	Mohammad Haseer
2.	PR-098	M/Benz - 2007	CM's House	Shahjoe Gul
3.	A-5138	T/Corolla - 2005	CM's House	Amir Khan
4.	PR-0379	L/Cruiser - 2007	CM's House	Zahid Khan
5.	A-1292	L/Unish Perado 2006	CM's House	A. Khan
6.	A-3255	L/Cruiser - 1993,	CM's House	Mir Asad Khan
7.	A-2209	M/Pick up - 1996	CM's House	Raqiaz

TOTAL NUMBER OF VEHICLES PLACED AT THE DISPOSAL OF
CHIEF MINISTER'S SECRETARIAT, NWFP, PESHAWAR

SNO.	VEHICLE NO	MAKE & MODEL	ATTACHED	NAME OF DRIVER
1.	A-5883	T/Corolla -2006	Principal Secretary to CM	Nisar Mohammed
2.	A-5880	T/Corolla -2006	Spl. Secretary to CM	Mehboob Khan
3.	A-5155	T/Corolla -2005	Addl. Secy. Secy	Ataul Waheed
4.	A-4158	T/Corolla -2003	PS to CM	Amir Khan
5.	A-1323	T/Corolla-1994	Dy. Secretary (Admin)	A. Khan
6.	A-1450	T/Corolla- 1994	Dy. Secretary-II	Muhammad Saif
7.	A-3282	T/Corolla -1994	Dy. Secretary-III	Feyaz Ali Shah
8.	A-1286	T/Corolla - 1993-94	Dy. Secretary-IV	Amir Khan
9.	CGY-87	T/Corolla - 1990	CSO to CM	Syad Ali Khan
10.	A-1148	T/Corolla -1994	Press Secretary to CM	
11.	A-1133	T/Corolla - 1988	SO (Transport/Pool duty)	M. Anwar
12.	A-3016	T/Corolla - 1990	Comptroller	A. Khan
13.	A-3142	T/Corolla - 1988	PS to CM	
14.	A-1637	Nissan - 1990	SO(Admin)	
15.	BM-455	Khyber	PS to Principal Secy. to CM	
16.	A-1013	Swift - 1992	PA to CM (Niqeebullah)	
17.	A-1016	Swift	Pool duty	
18.	A-1173	France - 1995	Pool duty	
19.	A-1030	T/D. Cab - 1992	Pool duty	
20.	A-1380	S/Jeep - 1996	Kitchen duty	

MOTOR CYCLES

A-8012	M/Cycle	I/C M & E	E. Mehar
A-6334	M/Cycle	Gen. Secy. Secy	Gen. Secy. Secy
PRQ-6711	M/Cycle	Account Section	Gen. Secy. Secy

TOTAL NUMBER OF VEHICLES PLACED AT THE DISPOSAL OF CHIEF MINISTER'S HOUSE NWFP PESHAWAR

S.NO.	VEHICLE NO.	MAKE & MODEL	ATTACHED	NAME OF DRIVER
1	HDJ-6828	M/Benz-1993	CM House	Shah Jehan
2	PR-098	M/Benz 2007	CM House	Shah Jehan
3	A-1175	M/Benz 1988	CM House	
4	A-1104	M/Benz 1996	F/H, Islamabad	Ayaz AD
5	GF-057	M/Benz/Jeep-2005 B/P	CM House	Shah Jehan
6	PR-0679	L/Cruiser 2007	CM House	Zarin Gul
7	A-1292	L/Cruiser Parado 2006	CM House	Shahjee Gul
8	A-3255	L/Cruiser 1993	CM House	Mir Afzal Khan
9	A-0507	T/Corolla 2007	CM House	Muhammad Hanif
10	A-1237	T/Corolla 2007	CM House	Munsif Khan
11	A-1238	T/Corolla 2007	CM House	
12	A-1236	T/Corolla 2007	CM House	
13	A-1235	T/Corolla 2007	CM House	
14	A-3048	T/Corolla 1993	CM House/ Political Secy	
15	A-1024	Land Cruiser 3 Door	CM House(Kitchen Duty)	
16	A-1648	S/Jeep	CM House(Kitchen)	Shahidullah

TOTAL NUMBER OF VEHICLES PLACED AT THE DISPOSAL OF CHIEF MINISTER'S SECRETARIAT NWFP PESHAWAR

1	A-8777	T/Corolla 2007	Principal Secy	M. Aslam
2	A-5880	T/Corolla 2006	Spl. Secy	Mehboob Khan
3	A-5155	T/Corolla 2005	Addl. Secy	Abdul Waheed
4	A-5883	T/Corolla 2006	PSO to CM	Fayyaz Ali Shah
5	A-1323	T/Corolla 1994	DS (Admn)	M. Miskeen
6	A-1450	T/Corolla 1994	DS-II	M. Saeed
7	A-3282	T/Corolla 1994	DS-III	Rahmat Sher
8	A-3287	T/Corolla 1993-94	DS-IV	Jan Muhammad N/Q
9	A-3035	T/Corolla 2008	CSO to CM	Adnan
10	A-1286	T/Corolla 1999	Press Secy.	
11	A-1286	T/Corolla 1994	T. Officer/Pool duty	
12	A-3055	T/Corolla 1999	Comptroller	Mian Khan
13	A-1005	T/Corolla 1994	PS-I to CM	
14	LOY-87	T/Corolla 1996	PS-II to CM	
15	A-1637	Nissan 1990	SO (Admn)	
16	A-1664	Nissan 1992	Protocol Officer	
17	BM-456	Swift 1992	PS to SCM	
18	A-3344	T/Corolla 1994	Khadim Hussain PA to CM	
19	A-1013	Suzuki Khyber	Mr. Khalil, PA to Political Secy	
20	A-1133	T/Corolla 1994	Pool	
21	A-1030	Twin Cab. 1992	Pool	M. Aslam
22	A-1638	Pajero	Pool (SCM)	Hashim Khan
23	A-1996	T/Corolla 1996	Abdul Wahid, C.T	Hamayun
24	A-1380	Suzuki Jeep 1996	Kichen duty	Sultanzeb

Motor Cycle

1	A-6012	M. Cycle	Inchrage M&E	S. Mazhar Hussain
2	A-6354	M. Cycle	Gen. Branch	Ghulam Haider
3	PRQ 6711	M. Cycle	Accounts Branch	

25. A-2036 INTERCOOLER Principal Secy to CM.
 26. A-3069 Three doors L.C. P.A. to Political Secy.
 27. A-2034 INTERCOOLER CM House.

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**GOVERNMENT OF NWFP
ADMINISTRATION DEPARTMENT**

No. SOT (AD) 5-2/ 2008
Dated Pesh the 12.07.2008

To

The Principal Secretary to Chief Minister,
NWFP Peshawar.

Subject:-

HANDING OVER OF VEHICLE BEARING CHASSIS
NO.193-04018562 ENGINE NO.IVD-FTV MAKE
TOYOTA LAND CRUISER STATION WAGON MODEL,
2008.

Dear Sir,

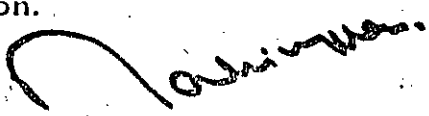
I have been directed to refer to the subject noted above and to state that Toyota Land Cruiser Station Wagon bearing Chassis No. 193-04018562, Engine No. IVD-FVT, Make Toyota Land Cruiser Station Wagon and Model, 2008 is hereby placed at the disposal of Chief Minister's Secretariat for the duties of Chief Minister Secretariat.

Yours faithfully,

(MUHAMMAD RAHIM KHAN)
DEPUTY SECRETARY (ADMN)

C.C.

1. P.S. to Chief Minister NWFP.
2. Deputy Secretary (Admn) Chief Minister's Secretariat Peshawar.
3. Section Officer Transport Chief Minister Secretariat Peshawar
4. Section Officer Transport Administration Department.
5. P.S. to Secretary Administration.


DEPUTY SECRETARY (ADMN)

CONFIDENTIAL

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1-9-09

GOVERNMENT OF N.W.F.P.
ADMINISTRATION DEPARTMENT

NO.SOT(AD)Auction of Govt. Vehs/2009
Dated Peshawar the 01/09/2009

To

PS to Secretary to Govt. of NWFP,
Administration Department,
Peshawar.

SUBJECT:- INTERNAL AUDIT.

With reference to Para-iii of letter received from Secretary to Govt. of NWFP, Administration Department No.PS/Secy/Admn/09 Dated 28/08/2009 addressed to the undersigned on the subject noted above.

2. The following few lines are submitted for perusal and orders of the competent authority as desired please:-

PARA-II.8: UNDUE RETENTION IN HAND OF AUCTION PROCEEDS OF VEHICLES (RS.8.970 MILLION).

- A) 45 vehicles were put to open auction held on 13-3-2006 against an amount of Rs.81,60,285/- which was deposited in the govt. treasury under the relevant head of account vide Challans attached at (Annex-I, II, III, IV, V & VI). As such no non-deposit of sale proceeds of auction in the instant case is involved as per record of provided by Mr.Hukmat Khan, Ex-Cashier(Transport), Transport Section.
- B) Similarly another phase of auction of govt. vehicles was held on 20-02-2007 wherein 56 vehicles were auctioned and the amount of Rs.9655100 so generated were deposited in the govt. treasury except GST amounting to Rs.328320/- vide Challan at (Annex-VII). However, the sale proceeds amounting to Rs.72,07,747/- of 32nd phase of auction held on 11/07/2007 has not been deposited in the govt. treasury due to the following reasons:-
- i) On transfer of Mr.Ejaz Hussain from the post of Cashier(Transport) had handed over vouchers of an amount of Rs.1,17,22,272/- as liability of sale proceeds of auction of 32nd phase held on 11/07/2007 instead of depositing cash in the govt. treasury to Syed Mustafa Kamal, who was posted as Cashier(Transport) in April 2008 (vide Annex-VIII).

ii) It is worth mentioning here that out of the above mentioned vouchers, following payments have been made to firms/officers/officials by the Cashier (Syed Mustafa Kamal):-

- a- Rs.550,000. A to Z Bus Body Maker.
- b- Rs.450000 Haji Sabir Hussain Workshop
- c- Rs.418750 Benevolent Filling Station on account of Mobile Oil.
- d- Cash amount of Rs,200000/- handed over to Mr.Ejaz Hussain, Ex-Cashier(Transport).
- e- Vouchers of Rs.300000/- were provided to Syed Mustafa Kamal against the imprest money, which is clear violation of GFR.
- f- Rs.28,66,465/- paid to different workshops/drivers/officers on account of hand written chits issued by Mr.Ejaz Hussain, Cashier.

GRANT TOTAL:- Rs.47,85,215/-

3. Besides, the following amount due against Mr.Ejaz Hussain, Ex-Cashier is still to be paid as per following break up:-

- i) Rs.4,22,000/- on account of auction of bodies of twelve trucks held on 21/07/2007.
- ii) Rs.3,28,320/- on account of GST of 31st phase of auction.
- iii) Rs.150,000/- A to Z Bus Body Maker.
- iv) Rs.1,44,000/- to Haji Sabir Hussain Workshop.
- v) Rs.300000/- to Benevolent Filling Station on account of bill for Sept 2007.
- vi) Rs.72,07,747/- on account of 32nd phase of auction of govt. vehicles.

GRAND TOTAL:- Rs.8552067/-

- vii) As such Rs.16,37,282/- is deficient to clear all the above mentioned pendency subject to availability of funds.

4. The Finance Department had released Budget Estimate for the year 2007-08 on 2/7/2007 well before the date of auction i.e. 11/7/2007 as following details:-

HEAD OF ACCOUNT	POL	CNG	REPAIR
Main Office	8800000	3528000	5250000
Ministers	3849000	2143000	2756000
Advisors	642000	357000	386000
Estate Office	119000	66000	276000
TOTAL	13410000	6094000	8668000

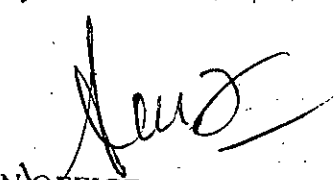
GRANT TOTAL = RS.28172000/-

5. It is astonishing to note down here that Mr.Ejaz Hussain, Cashier did not deposit the sale proceeds of 32nd phase of auction inspite of having more than Rs. 28.00 million as budget whereas vouchers handed over to Syed Mustafa Kamal, Cashier from time to time w.e.f. 18/04/2008 to 20/08/2008 after a lapse of more than one year.

6. Moreover, the Transport Section took up case with the Finance Department for the release of additional grant to clear the liabilities of Ex-Cashier (Mr.Ejaz Hussain) on account of sale proceeds and other pendency (Annex-IX). Whereas the Finance Department released no additional funds till date.

7. It is therefore proposed that Finance Department may please be approached at high-level to release additional funds to this department in order to clear the pending liabilities of Ex-Cashier(Mr.Ejaz Hussain).

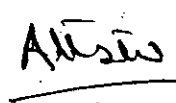
8. Replies to other observations will follow shortly.

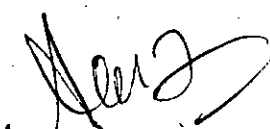

SECTION OFFICER (TRANSPORT)

Endst: of Even No. & Date.

Copy is forwarded to:-

1. The Principal Secretary to Chief Minister NWFP.
2. PS to Chief Secretary NWFP.


3


SECTION OFFICER (TRANSPORT)

G

82

29-6-10



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**


No.SOE-II(ED) 3(719)/2007
Dated Peshawar the 29.06.2010

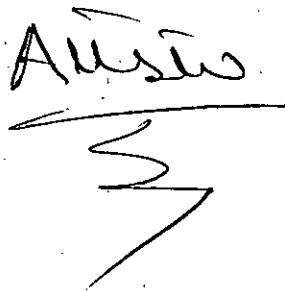
To

Mr. Amir Muhammad Durrani,
Ex-Section Officer (Transport),
C/O Section Officer (Transport),
Administration Department

**SUBJECT:-APPEAL AGAINST OFFICE ORDER NO. SO (E.II)
(ED) 3(719)/2007, DATED 18.05.2010 OF
SECRETARY ESTABLISHMENT, GOVT. OF
KHYBER PAKHTUNKHWA WHEREBY PENALTY OF
"DISMISSAL FROM SERVICE" "RECOVERY OF Rs.
1,26,16,435/-" WAS IMPOSED ON ME.**

I am directed to refer to your appeal dated 21st May, 2010 on the above cited subject and to state that your appeal referred to above has been processed in the department and formally considered. The appellate authority (Chief Minister, Khyber Pakhtunkhwa) has been pleased to reject the appeal in question.


(ABDUL WAHEED)
Section Officer (E-II)



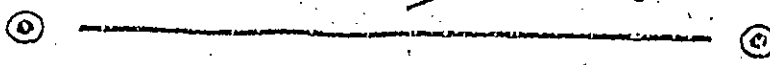
یعدہ الٹ پتاپ کسٹروسٹیشن ٹی بی سی ٹی وی سروسز پشاور

میں جانب اسلانت

امیر محمد دانی بنام سیکرٹری دفتر

دعویٰ اپیل

باعتبار شکرہ ایٹم



مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ ان مقام پشاور کیلئے سید احمد خان صاحب سے ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب برصوفہ کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت دیگر کرنے اجراء اور وصولی چیک و روپیہ اور مرضی دعویٰ اور درخواست ہر قسم کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا تاخیر یا بکطرفہ یا اپیل کی برآمدگی اور تیسویں نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التواء مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا ذخیرہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

المرقوم 20
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العبد

العبد

العبد

محمد اللہ خان شہوت
ایڈووکیٹ

Amir Khan

Section Officer (Transport), the auction money as stated above was readily available with the Cashier. Moreover, the appellant has not asked for cross examination of Mr. Shahid Suhail.

(iv) The Appellant in his Appeal to the Hon'able Tribunal admits that due to non-availability of vehicles in working condition in the pool; vehicles were hired by the Transport Section on the direction of honourable Chief Minister conveyed to him through Ex-Additional Secretary (Admn), and the appellant cannot deny the fact that vehicles were not hired from open market. As such the charge of illegal expenditure on account of hiring charges has been proved against the appellant. The para ~~a~~ denied as incorrect.

(v) Incorrect. The plea taken by the Appellant is devoid of truth. Administration Section only submits bills for pre-audit to Accountant General on receipt of a specific sanction/approval of the competent authority i.e. Secretary Administration under the head of Hiring Charges. Whereas the appellant has supported his plea with a letter/note from Additional Secretary (Admn) addressed to Section Officer (Admn) Administration Department, which was processed but not approved by the competent authority. Furthermore, those bills were submitted to Accountant General, Khyber Pakhtunkhwa for which the Transport Section has got specific sanction of the competent authority.

(vi) Incorrect. Major penalty of "Dismissal from service" and recovery of Rs.1,26,16,435/- is correct and no injustice has been done to the Appellant.

(vii) Incorrect. As is evident from record and it was well in the knowledge of the Appellant, that normally competent authority approves the orders on main file and subsequently orders were conveyed to the concerned quarter through Section Officers of the Department.

(viii) Incorrect. In the charge sheet and statement of allegations there is no mentioned of DAC meeting and audit paras.

(ix) The break up of the amount has been provided in the inquiry report.

(b) Incorrect. The appellant himself, in his confession statement recorded/submitted to the Enquiry Committee on 8-4-2010, has accepted that workshops, where repair of vehicles was carried out, were fake and all these have been done on the directions of ex-Additional Secretary, Administration Department (Mr. Muhammad Rahim Khan). After confession of the Appellant, there was no need to record statement of other witnesses. Moreover, the appellant has not mentioned names/lists of witnesses for cross examination.

(c) Incorrect. The appellant was provided with a copy of findings of the enquiry report alongwith show cause notice with the directions to submit his reply within stipulated period.

B. (i) Incorrect. Under the law, the competent authority ^{has} was either to agree with the recommendations of the Enquiry Committee or impose other penalties as deem appropriate. Moreover, the appellant was given full opportunity for his defence in written as well as in personal hearing. After personal hearing, perusal of file and finding no substance in reply of the accused, the Competent Authority passed final orders. Moreover, the competent authority is ^{legally} empowered to award more then one penalties.

(ii) Incorrect. Enquiry Committee after providing all possible opportunities to the appellant and co-accused, examination of record, facts and after fulfilling all codal formalities made its recommendations. So far joint statement, duly signed by the appellant and two Ex-Cashiers (Transport) is concerned; it was a confession statement by the accused officials accepting that the workshops where repairs of vehicles were carried out were fake and fabricated. As a result the Enquiry Committee has finalized its recommendations.

(iii) Illegal retention of auction money amounting to Rs.72,07,742/- has been proved against Mr. Ejaz Hussain, Cashier and the Committee held the appellant responsible being DDO and the charge was also partially proved against the appellant as co-accused. Statement of Mr. Shahid Sohail, Ex-Section Officer (Transport) was also recorded by the Committee, who (Mr. Shahid Suhail) has confirmed that when he relinquished the charge as

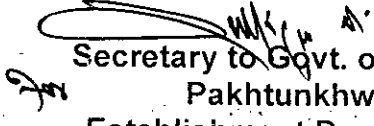
(x) The appellant caused huge losses to Government Exchequer. Moreover, charges leveled against him were proved and his dismissal has therefore been in accordance with law.

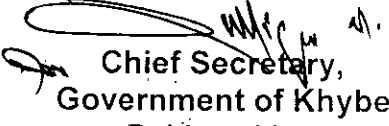
(xi) Incorrect. The orders dated 18-05-2010 and 29-06-2010 were correct and according to law.


C. Incorrect. The Appellant did not put forward any new material in his departmental appeal. It was mere repetition of his point of view submitted in his reply against charge sheet, statement of allegations and show cause notice, therefore was rejected.

D. The appellant has not provided names / list of those officers / officials who were responsible for hiring of vehicles to the notables/dignitaries and no discrimination whatsoever has been made by the Enquiry Committee as well as Appellant Authority against the appellant.

In view of the above, it is earnestly requested that the present appeal filed by the appellant may be dismissed with cost.


Secretary to Govt. of Khyber
Pakhtunkhwa
Establishment Department
(Respondent No.1)


Chief Secretary,
Government of Khyber
Pakhtunkhwa
(Respondent No.2)


Secretary to Govt. of Khyber Pakhtunkhwa
Administration Department
(Respondent No.3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL

Service Appeal No. 1381/2010

Mr. Amir Muhammad Durrani S/O Khan,
Muhammad Durrani, R/O Nowshera Kalan,
Nowshera. Ex-Section Officer (Transport),
Administration Department, Civil Secretariat,
Peshawar.....

Appellant

VERSUS

Government of Khyber Pakhtunkhwa Through

1. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. Chief Minister, Govt. of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Secretary to Govt. of Khyber Respondents Pakhtunkhwa, Administration Department, Peshawar.....

.....
Parawise comments for/on behalf of the respondents No. 1, 2

& 3.

Respectfully Sheweth;

1. The appellant has got no cause of action.
2. The appellant is estopped by his own conduct.
3. The appeal is bad for mis-joinder and non-joinder of necessary parties.
4. The appellant has not come to this Hon'ble Tribunal with clean hands.
5. The appellant has suppressed and twisted the facts with malafide intention for his own benefit.

ON FACTS

1. Pertains to record, hence not comments.
2. Incorrect, in fact that the Appellant was not promoted on the recommendations of the Provincial Selection Board from the post of Superintendent (BS-16) to the post of Section Officer (BS-17) on current charge basis but he was appointed as Section Officer on current charge basis alongwith other officers by the competent authority.

3. Incorrect. Charge sheet and statement of allegations were signed by the competent/appointing authority and respondent No.2 is competent/appointing authority in the instant case. The same were served upon the Appellant by the enquiry officer/committee under the law.
4. Incorrect. Enquiry Committee gave full opportunity of personal hearing as well as submission of written reply to the appellant. So far as cross examination of the witnesses is concerned, the appellant has not provided the list/names of witnesses during the course of enquiry. Moreover, the Enquiry Committee, after scrutinizing each and every aspect of the case has given its finding under the law.
5. Incorrect. The Enquiry Committee has submitted its report after providing every opportunity to the Appellant for his defence and after completion of codal formalities, to the competent authority for appropriate decision as per law.
6. Correct. The show cause notice was issued in accordance with the provisions of law/rules.
7. Incorrect. The Appellant personally appeared for hearing before the respondent No.2 and not his PSO.
8. Incorrect. As per recommendations of the Enquiry Committee, charges leveled against the appellant in the charge sheet and statement of allegations followed by personal hearing of the appellant, the competent authority passed final orders of dismissal and recovery of losses caused to the Government.
9. Incorrect. The appeal was considered and after perusal of the record it was dismissed in accordance with law.

ON GROUNDS

- A. (a) Incorrect. Since huge loss to the Government exchequer on account of repair of vehicles, POL and hiring charges was involved, therefore, in order to scrutinize all facts and figures, the Enquiry Committee took time in preparation of the report and no deviation of law was noticed by the competent authority. Hence, the case is well within the mandatory provision of Removal from Service (Special Powers) Ordinance, 2000.

(b) Incorrect. The appellant himself, in his confession statement recorded/submitted to the Enquiry Committee on 8-4-2010, has accepted that workshops, where repair of vehicles was carried out, were fake and all these have been done on the directions of ex-Additional Secretary, Administration Department (Mr. Muhammad Rahim Khan). After confession of the Appellant, there was no need to record statement of other witnesses. Moreover, the appellant has not mentioned names/lists of witnesses for cross examination.

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Section Officer (Transport), the auction money as stated above was readily available with the Cashier. Moreover, the appellant has not asked for cross examination of Mr. Shahid Suhail.

(iv) The Appellant in his Appeal to the Hon'able Tribunal admits that due to non-availability of vehicles in working condition in the pool; vehicles were hired by the Transport Section on the direction of honourable Chief Minister conveyed to him through Ex-Additional Secretary (Admn), and the appellant cannot deny the fact that vehicles were not hired from open market. As such the charge of illegal expenditure on account of hiring charges has been proved against the appellant. The para ~~is~~ denied as incorrect.

(v) Incorrect. The plea taken by the Appellant is devoid of truth. Administration Section only submits bills for pre-audit to Accountant General on receipt of a specific sanction/approval of the competent authority i.e. Secretary Administration under the head of Hiring Charges. Whereas the appellant has supported his plea with a letter/note from Additional Secretary (Admn) addressed to Section Officer (Admn) Administration Department, which was processed but not approved by the competent authority. Furthermore, those bills were submitted to Accountant General, Khyber Pakhtunkhwa for which the Transport Section has got specific sanction of the competent authority.

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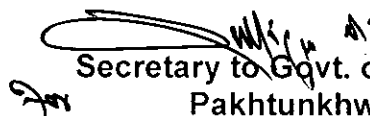
(ix) The break up of the amount has been provided in the inquiry report.


(x) The appellant caused huge losses to Government Exchequer. Moreover, charges leveled against him were proved and his dismissal has therefore been in accordance with law.

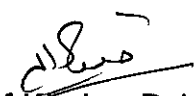
(xi) Incorrect. The orders dated 18-05-2010 and 29-06-2010 were correct and according to law.

- C. Incorrect. The Appellant did not put forward any new material in his departmental appeal. It was mere repetition of his point of view submitted in his reply against charge sheet, statement of allegations and show cause notice, therefore was rejected.
- D. The appellant has not provided names / list of those officers / officials who were responsible for hiring of vehicles to the notables/dignitaries and no discrimination whatsoever has been made by the Enquiry Committee as well as Appellant Authority against the appellant.

In view of the above, it is earnestly requested that the present appeal filed by the appellant may be dismissed with cost.


Secretary to Govt. of Khyber
Pakhtunkhwa
Establishment Department
(Respondent No.1)


Chief Secretary,
Government of Khyber
Pakhtunkhwa
(Respondent No.2)


Secretary to Govt. of Khyber Pakhtunkhwa
Administration Department
(Respondent No.3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 1381/2010

Mr. Amir Muhammad Durrani S/O Khan Muhammad Durrani,
R/O Nowshera Kalan, Nowshera. Ex-Section Officer
(Transport), Administration Department, Civil Secretariat,
Peshawar.....

Appellant

VERSUS

Government of Khyber Pakhtunkhwa Through;

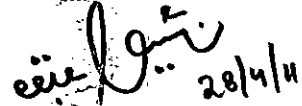
1. Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment Department.
2. Chief Minister, Govt. of Khyber Pakhtunkhwa
through Chief Secretary, Khyber Pakhtunkhwa, Civil
Secretariat, Peshawar.
3. Secretary to Govt. of Khyber Pakhtunkhwa,
Administration Department, Peshawar.....

Respondents

AFFIDAVIT

I, do hereby solemnly affirm and declare on oath that
the contents of the enclosed Parawise comments are true
and correct to the best of my knowledge and belief and
nothing has been concealed from this Hon'ble Tribunal,
Khyber Pakhtunkhwa, Peshawar.

Deponent



Section Officer (Estt:IV)
Establishment Department
Government of Khyber Pakhtunkhwa

BEFORE THE K.P.K, SERVICE TRIBUNAL, PESHAWAR

CM.No._____/2011

IN

Appeal No.1381/2010

Amir Muhammad Durrani. . . Vs Chief Secretary & others

<=>⇔<=>=>⇔<=>=>⇔<=>


**APPLICATION FOR SUSPENSION OF THE
OPERATION OF THE LETTER DATED
14.04.2010 REGARDING RECOVERY OF
RS.126,164,35/-.**

<=>⇔<=>=>⇔<=>=>⇔<=>

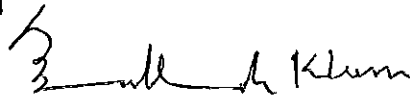
Respectfully Sheweth:

1. That the subject appeal has been admitted for regular hearing and is fixed for 29.04.2011.
2. That the department/ respondents issued letter cited above wherein recovery of the aforesaid amount was directed to be made from the applicant. Such letter was received on 28.04.2011. (Copy attached).
3. That during the pendency of the appeal, no adverse action is required under the law to be made as the subject issue is under fire before this Honourable Tribunal in appeal.

It is, therefore, most humbly requested that operation of the letter cited above be suspended till the decision of the case.


Applicant

Through



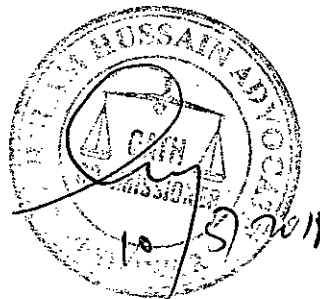
Saadullah Khan Marwat
Advocate,

Dated: 29.04.2011

AFFIDAVIT

I, Amir Muhammad Durrani S/O Khan Muhammad Durrani R/O Nowshera Kalan, Nowshera, do hereby solemnly affirm and declare on oath that contents of the **Application** are true and correct to the best of my knowledge and belief.


DEPONENT



ATTESTED



Registarad

GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

NO: E&A(AD)/02(240)/2001/1028-30
Dated Peshawar the 14-04-2010

To

Mr. Amir Muhammad Durrani
(Ex-Section Officer),
IV-A/3, Civil Colony, Kohat Road,
Peshawar.

SUBJECT; **RECOVERY OF RS. 126,164,35 (RS.12.616 MILLION)**

I am directed to refer to Government of Khyber Pakhtunkhwa E&A Department Order No.SOE-(II)ED. 3(719)2007 dated 18-05-2010 wherein a major penalty of 'Dismissal From Service' and Recovery of Rs 126,164,35/- was imposed upon you; but till date you failed to deposit the embezzled amount in the Govt Treasury.

2. You are, therefore, once again directed to deposit the amount in the Government Exchequer within fifteen (15) days positively failing which this department will be left with no other option but to recover the amount as arrear of land revenue in accordance with the law.

The an Leeb
SECTION OFFICER (ADMN)

Endst of Even No & date

Copy forwarded to :

1. Section Officer (Estt-I), Establishment Department;
2. PS to Secretary Administration Department
3. PS to Secretary Establishment Deptt;

SECTION OFFICER (ADMN)

BEFORE THE K.P.K. SERVICE TRIBUNAL, PESHAWAR

CM.No. _____/2011

IN

Appeal No.1381/2010

Amir Muhammad Durrani. . . Vs . . . Chief Secretary & others

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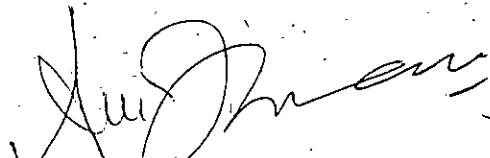
**APPLICATION FOR SUSPENSION OF THE
OPERATION OF THE LETTER DATED
14.04.2010 REGARDING RECOVERY OF
RS.126,164,35/-.**

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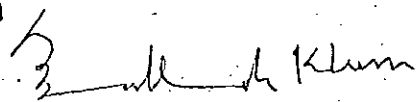
Respectfully Sheweth:

1. That the subject appeal has been admitted for regular hearing and is fixed for 29.04.2011.
2. That the department/ respondents issued letter cited above wherein recovery of the aforesaid amount was directed to be made from the applicant. Such letter was received on 28.04.2011. (Copy attached).
3. That during the pendency of the appeal, no adverse action is required under the law to be made as the subject issue is under fire before this Honourable Tribunal in appeal.

It is, therefore, most humbly requested that operation of the letter cited above be suspended till the decision of the case.


Applicant

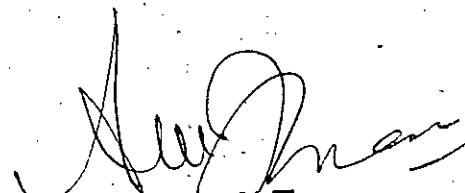
Through



Saadullah Khan Marwat
Advocate,

Dated: 29.04.2011

AFFIDAVIT

I, Amir Muhammad Durrani S/O Khan Muhammad Durrani R/O Nowshera Kalan, Nowshera, do hereby solemnly affirm and declare on oath that contents of the **Application** are true and correct to the best of my knowledge and belief.


DEPONENT


10/5/2011



Khyber Pakhtunkhwa

GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

NO: E&A(AD)/02(240)/2001/1028-30
Dated Peshawar the 14-04-2010

To

Mr. Amir Muhammad Durrani
(Ex-Section Officer),
IV-A/3, Civil Colony, Kohat Road,
Peshawar.

SUBJECT; RECOVERY OF RS. 126,164,35 (RS.12.616 MILLION)

I am directed to refer to Government of Khyber Pakhtunkhwa E&A Department Order No.SOE-(II)ED 3(719)2007 dated 18-05-2010 wherein a major penalty of 'Dismissal From Service' and Recovery of Rs 126,164,35/- was imposed upon you; but till date you failed to deposit the embezzled amount in the Govt Treasury.

2. You are, therefore, once again directed to deposit the amount in the Government Exchequer within fifteen (15) days positively failing which this department will be left with no other option but to recover the amount as arrear of land revenue in accordance with the law.

Mr. Amir Durrani
SECTION OFFICER (ADMN)

Endst of Even No & date

Copy forwarded to :

1. Section Officer (Estt-I), Establishment Department.
2. PS to Secretary Administration Department
3. PS to Secretary Establishment Deptt;

SECTION OFFICER (ADMN)

Staff Car Driver as submitted an application for the repair of vehicle bearing registration No SWA 8125 Toyota D Cab. which is under the use of Transport Section. Quotation has been called from the following firms; -

S.No.	Name of workshop/firm	Detail of Repairs	Rates offered
1	M/s Mercedes Auto Workshop Peshawar	Ready ater, carpet, desile pump, break light, 4 shock.	Rs. 39000/-
2	M/s Inayat Auto Workshop Peshawar.	-Do-	Rs.40350/-
3	M/s new Toyota Auto workshop Peshawar	-Do-	Rs40700/-

The rates offered by firm at S.No.1 M/s Mercedes Auto Workshop Peshawar for Rs 39000/- which is lowest one.

Under the delegation of powers and powers of Re-Appropriation of Rules 2001, the Deputy Secretary (admin) is competent to accord approval for the incurrence of expenditures of Rs.39000/- in the instant case

[Signature]
S.O. (TRANSPORT)

D.S. (ADMN)

Approved if rules permit.

[Signature]
11/18/08

11/18/08

11/18/08

11/18/08

11/18/08

Before KPK Service Tribunal Peshawar

Appeal No. 1381/2010

Amir Mohammad Durrani

Vs

Secretary and Others

Respectfully Sheweth,

REPLICATION

Answer to pry. Objections:

All the pry. Objection taken by the respondents are illegal and incorrect. No reason in support of the same is ever given as to why appellant has no cause of action, estopped by his own conduct, miss and non joinder of necessary parties, un cleaned hands and suppressed and twisted facts. -

On Facts

1. Needs no comments.
2. Not correct. The para of the appeal is correct.
3. As above.
4. Not correct. In this para respondents have admitted the fact that appellant was not afforded opportunity of cross-examination over the witnesses rather stressed that appellant had not provided the list/ names of witnesses during the course of enquiry.

5. Not correct. From the record it is crystal clear that appellant was not provided opportunity of cross-examination over witnesses and self defence.
6. Admitted correct by the respondents.
7. Not correct. Only Miss Tanzeela PSO, Mr, Saeed Ullah SO Transport and Mr. Kalim Ullah SO Estab-II. They should be summoned for cross-examination to dig out the real truth.
8. Not correct. The para of the appeal is correct.
9. As above.

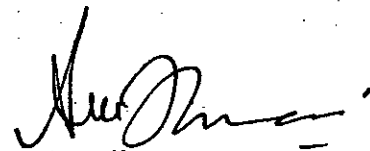
Grounds

- A. (a) Not correct. The ground of the appeal is correct. No witness was examined in presence of appellant. And it was the legal duty of the Committee to ask for appellant as to whether he wishes to cross examined the witness or otherwise.
- (b). Not correct. Appellant never confessed illegal action. The Committee miserably failed to carry out enquiry proceeding as per the mandate of law.
- (c). Not correct. In this para of the reply, respondents have admitted the fact that only copy of the findings was provided and no other proceedings.
- B. (I) Not correct. The ground of the appeal is correct. And as stated earlier the authority afforded no personal hearing to him.
- (II) Not correct. The para of the ground is correct.
- (III) As above.
- (IV) Not correct. As per the judgment of the apex Supreme Court of Pakistan similarly placed persons be dealt with similarly and equally. Mr. Shahid Sohail SO/Deputy Secretary was let free being higher authority while appellant being low one was dealt with illegally.
- (V) Not correct. The ground of the appeal is very clear. Appellant is not responsible for the transaction but Admin Department.
- (VI) Not correct. As per the articles of the constitutions and law and rules, double punishment cannot be imposed upon a person.
- (VII) Not correct. The para of the ground is correct.

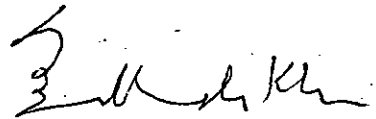
- (VIII) As above.
(IX) As above.
(X) Not correct. Those who have caused loss to Government Ex- checker were let free.
(XI) Not correct. The ground of the appeal is correct.

- C. Not correct. The ground of the appeal is correct.
D. As Above.

It is, therefore, most humbly requested that the appeal be accepted as prayed for in the prayer of appeal.


Appellant

Through



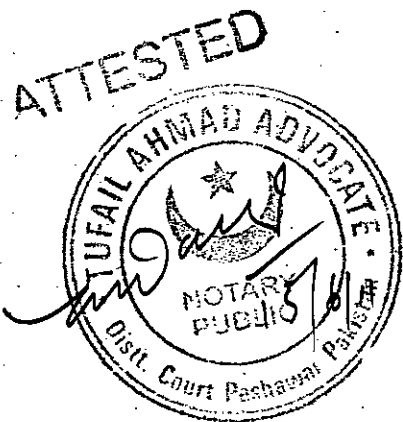
Dated. 15.06.2011

SAADULLAH KHAN MARWAT
ADVOCATE

AFFIDAVIT

I, Amir Muhammad Durrani, appellant do hereby solemnly affirm and declare that the contents of the replication are true and correct to the best of my knowledge and belief while that of the reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as-per the available record.




Deponent

Staff Car Driver as submitted an application for the repair of vehicle bearing registration No A 4053 Toyota Corolla, which is under the use of Transport Section. Quotation has been called from the following firms; -

S.No.	Name of workshop/firm	Detail of Repairs	Rates offered
1	M/s Mercedes Auto Workshop Peshawar	Ready ater, carpet, desile pump, break light, 4 shock.	Rs. 39000/-
2	M/s Inayat Auto Workshop Peshawar.	-Do-	Rs.40350/-
3	M/s new Toyota Auto workshop Peshawar	-Do-	Rs40700/-

The rates offered by firm at S.No.1 M/s Mercedes Auto Workshop Peshawar for Rs.39000/-, which is lowest one.

Under the delegation of powers and powers of Re-Appropriation of Rules 2001, the Deputy Secretary (admn) is competent to accord approval for the incurrence of expenditures of Rs.39000/- in the instant case.

[Signature]
S.O. (TRANSPORT)

D.S/(ADMN)

Approved if rules permit.

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6.8.08

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PA. DS/AD. TRANSPORT
3065 6/8/08

No.	4/11	1/11	De	Car			
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TRANSPORT

Staff Car Driver as submitted an application for the repair of vehicle bearing registration No A 1249 Toyota corolla, which is under the use of Transport Section. Quotation has been called from the following firms; -

S.No.	Name of workshop/firm	Detail of Repairs	Rates offered
1	M/s Mercedes Auto Workshop Peshawar	One complete engine (Kabuli)	Rs. 38000/-
2	M/s Inayat Auto Workshop Peshawar.	-Do-	Rs.38200/-
3	M/s new Toyota Auto workshop Peshawar	-Do-	Rs38400/-

The rates offered by firm at S.No.1 M/s Mercedes Auto Workshop Peshawar for Rs.38000/-, which is lowest one.

Under the delegation of powers and powers of Re-Appropriation of Rules 2001, the Deputy Secretary (admn) is competent to accord approval for the incurrence of expenditures of Rs.38000/- in the instant case.


S.O. (TRANSPORT)

D.S. (ADMN)

Approved if rules permit.

SM
22/7/08

20/7/08
2932

22/7/08

20/7/08

Staff Car Driver as submitted an application for the repair of vehicle bearing registration No A 1113 Toyota Surf, which is under the use of Transport Section. Quotation has been called from the following firms; -

S.No.	Name of workshop/firm	Detail of Repairs	Rates offered
1	M/s Mercedes Auto Workshop Peshawar	Front grill, break light, front screen. 2 driver mirror .	Rs. 39000/-
2	M/s Inayat Auto Workshop Peshawar.	-Do-	Rs.40000/-
3	M/s new Toyota Auto workshop Peshawar	-Do-	Rs40900/-

The rates offered by firm at S.No.1 M/s Mercedes Auto Workshop Peshawar for Rs.39000/-, which is lowest one.

Under the delegation of powers and powers of Re-Appropriation of Rules 2001, the Deputy Secretary (admn) is competent to accord approval for the incurrence of expenditures of Rs.39000/- in the instant case.

[Signature]
S.O. (TRANSPORT)

D.S. (ADMN)

Approved if rules permit.

[Signature]
29.7.08

[Signature]

Sl.No.							
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SIGNA

29/7/08
 2886
 Deputy Secretary (ADMN)

COMPARATIVE STATEMENT OF VEHICLE NO. A 1113 Scarf

S.No.	Particulars/Item No. and Tools etc.	Name of Firm/Auto/ Workshops			Remarks
		(1) M/s Mercedes Auto up	(2) M/s Truyst Auto	(3) M/s New Royal Auto up	
	F/ Glass	11,000	11500	11,300	
	B.f. Light	13,000	13600	13,200	
	Wind. Screen	8,000	8400	8850	
	Driver Mirror	7000	7400	7250	
		/	/	/	
		/	/	/	
		/	/	/	
		/	/	/	
		39000	40800	40,000	

SIGNATURE OF DEALING CLERK

REMARKS OF TECHNICAL OFFICER

APPROVAL OF THE COMPETENT AUTHORITY

Staff Car Driver as submitted an application for the repair of vehicle bearing registration No A 5144 Toyota Corolla, which is under the use of Transport Section. Quotation has been called from the following firms:-

S.No.	Name of workshop/firm	Detail of Repairs	Rates offered
1	M/s Mercedes Auto Workshop Peshawar	Cluch plate, cluch bearing, gar repair, presher plate, engine & gar foundation, timing bearing,	Rs. 23550/-
2	M/s Inayat Auto Workshop Peshawar.	-Do-	Rs.25300/-
3	M/s new Toyota Auto workshop Peshawar	-Do-	Rs26050/-

The rates offered by firm at S.No.1 M/s Mercedes Auto Workshop Peshawar for Rs.23550/-, which is lowest one.

Under the delegation of powers and powers of Re-Appropriation of Rules 2001, the Deputy Secretary (admn) is competent to accord approval for the incurrence of expenditures of Rs.23550/- in the instant case.

[Signature]
S.O. (TRANSPORT)

D.S. (ADMN)

Approved if sales permit.

9.7.08

S.No.							
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SIGNATURE

S/476
 9/7/08
 2786

9/7/08

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COMPARATIVE STATEMENT OF VEHICLE NO. A 5194 FIC

S.No.	Items/Tools etc.	Name of Firms/Autos/ Workshops			Remarks
		(1) m/s Phosmach Auto	(2) m/s Inayat Auto	(3) m/s Toyota Auto	
	Clutch plate	4000	4200	4500	
	Clutch Bearing	2500	2600	2550	
	Gov box overhaul	4550	4700	4750	
	Pressure plate	2000	2500	2550	
	Engine + Gov foundation	4500	4900	5000	
	Timing Belt	2500	2800	3000	
	Labor	3500	3600	3700	
		/	/	/	
		23550	23800	26050	

SIGNATURE OF DEALING CLERK

REMARKS OF TECHNICAL OFFICER

APPROVAL OF THE COMPETENT AUTHORITY

Staff Car Driver as submitted an application for the repair of vehicle bearing registration No A 1009 Toyota land cruiser, which is under the use of Transport Section. Quotation has been called from the following firms; -

S.No.	Name of workshop/firm	Detail of Repairs	Rates offered
1	M/s Mercedes Auto Workshop Peshawar	2 doors, one bonnet, break light, front screen, side mirror.	Rs. 39000/-
2	M/s Inayat Auto Workshop Peshawar.	-Do-	Rs.49200/-
3	M/s new Toyota Auto workshop Peshawar	-Do-	Rs50000/-

The rates offered by firm at S.No.1 M/s Mercedes Auto Workshop Peshawar for Rs.39000/-, which is lowest one.

Under the delegation of powers and powers of Re-Appropriation of Rules 2001, the Deputy Secretary (admn) is competent to accord approval for the incurrence of expenditures of Rs.39000/- in the instant case.

[Signature]
S.O. (TRANSPORT)

19/07/08

D.S. (ADMN)

Approved if rules permit.

[Signature]
19.7.08

PA. D.S. (Communication Dept) Sp/6 20/8/08

No.	B2	C44	Sp	M	S			
Rate and T								

SIGNATURE

COMPARATIVE STATEMENT OF VEHICLE NO. A1009 TLL

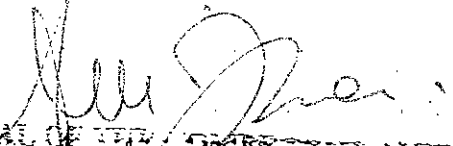
S.No.	Items/Parts/Tools etc.	Name of Firms/Autos/ Workshops			Remarks
		① M/s Mercedes Auto	② M/s Mayat Auto	③ M/s Toyota Auto. I/S	
	Break light	8000	8300	8400	
	Cue Band	10,000	10,200	10,300	
	Two Doors	16,000	16,250	16,400	
	wind screen	8000	8150	8500	
	Side mirror	6000	6300	6400	
		/	/	/	
		/	/	/	
		/	/	/	
		39000	49200	50,000	

SIGNATURE OF DEALING CLERK



REMARKS OF TECHNICAL OFFICER

APPROVAL OF THE COMPETENT AUTHORITY



Staff Car Driver-as submitted an application for the repair of vehicle bearing registration No A 2095 Toyota Corolla, which is under the use of Transport Section. Quotation has been called from the following firms; -

S.No.	Name of workshop/firm	Detail of Repairs	Rates offered
1	M/s Mercedes Auto Workshop Peshawar	Power, 2 driver mirror, bonet, speed meter complete, 2 bumper.	Rs. 39000/-
2	M/s Inayat Auto Workshop Peshawar.	-Do-	Rs.40250/-
3	M/s new Toyota Auto workshop Peshawar	-Do-	Rs40600/-

The rates offered by firm at S.No.1 M/s Mercedes Auto Workshop Peshawar for Rs.39000/-, which is lowest one.

Under the delegation of powers and powers of Re-Appropriation of Rules 2001, the Deputy Secretary (admn) is competent to accord approval for the incurrence of expenditures of Rs.39000/- in the instant case.


S.O. (TRANSPORT)

D.S. (ADMN)

Approved if rules permit.

M
22/7/08

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22/7/08

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22/7/08

Staff Car Driver as submitted an application for the repair of vehicle bearing registration No A2945 Toyota S cab, which is under the use of Transport Section. Quotation has been called from the following firms; -

S.No.	Name of workshop/firm	.Detail of Repairs	Rates offered
1	M/s Mercedes Auto Workshop Peshawar	Parking light, door blanket, rear mirror, front greal, driver mirror, 2 speaker, 1 tape recarder.	Rs. 39000/-
2	M/s Inayat Auto Workshop Peshawar.	-Do-	Rs.40500/-
3	M/s new Toyota Auto workshop Peshawar	-Do-	Rs41700/-

The rates offered by firm at S.No.1 M/s Mercedes Auto Workshop Peshawar for Rs.39000/-, which is lowest one.

Under the delegation of powers and powers of Re-Appropriation of Rules 2001, the Deputy Secretary (admn) is competent to accord approval for the incurrence of expenditures of Rs.39000/- in the instant case.


S.O. (TRANSPORT)

12/1/08
D.S. (ADMN)

Approved if rules permit.

24
11.8.08

5050

Diary No. 5056
12/1/08

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 1381/2010

Mr. Amir Muhammad Durrani S/O Khan Muhammad Durrani,
R/O Nowshera Kalan, Nowshera. Ex-Section Officer
(Transport), Administration Department, Civil Secretariat,
Peshawar.....

Appellant

VERSUS

Government of Khyber Pakhtunkhwa Through;

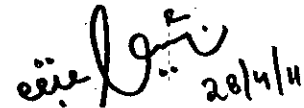
1. Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment Department.
2. Chief Minister, Govt. of Khyber Pakhtunkhwa
through Chief Secretary, Khyber Pakhtunkhwa, Civil
Secretariat, Peshawar.
3. Secretary to Govt. of Khyber Pakhtunkhwa,
Administration Department, Peshawar.....

Respondents

AFFIDAVIT

I, do hereby solemnly affirm and declare on oath that
the contents of the enclosed Parawise comments are true
and correct to the best of my knowledge and belief and
nothing has been concealed from this Hon'ble Tribunal,
Khyber Pakhtunkhwa, Peshawar.

Deponent



Section Officer (Estt:IV)
Establishment Department
Government of Khyber Pakhtunkhwa

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL

Service Appeal No. 1381/2010

Mr. Amir Muhammad Durrani S/O Khan
Muhammad Durrani, R/O Nowshera Kalan,
Nowshera. Ex-Section Officer (Transport),
Administration Department, Civil Secretariat,
Peshawar.....

Appellant

VERSUS

Government of Khyber Pakhtunkhwa Through

1. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. Chief Minister, Govt. of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Secretary to Govt. of Khyber Respondents Pakhtunkhwa, Administration Department, Peshawar.....

.....
Parawise comments for/on behalf of the respondents No. 1, 2

& 3.

Respectfully Sheweth;

1. The appellant has got no cause of action.
2. The appellant is estopped by his own conduct.
3. The appeal is bad for mis-joinder and non-joinder of necessary parties.
4. The appellant has not come to this Hon'ble Tribunal with clean hands.
5. The appellant has suppressed and twisted the facts with malafide intention for his own benefit.

ON FACTS

1. Pertains to record, hence not comments.
2. Incorrect, in fact that the Appellant was not promoted on the recommendations of the Provincial Selection Board from the post of Superintendent (BS-16) to the post of Section Officer (BS-17) on current charge basis but he was appointed as Section Officer on current charge basis alongwith other officers by the competent authority.

3. Incorrect. Charge sheet and statement of allegations were signed by the competent/appointing authority and respondent No.2 is competent/appointing authority in the instant case. The same were served upon the Appellant by the enquiry officer/committee under the law.
4. Incorrect. Enquiry Committee gave full opportunity of personal hearing as well as submission of written reply to the appellant. So far as cross examination of the witnesses is concerned, the appellant has not provided the list/names of witnesses during the course of enquiry. Moreover, the Enquiry Committee, after scrutinizing each and every aspect of the case has given its finding under the law.
5. Incorrect. The Enquiry Committee has submitted its report after providing every opportunity to the Appellant for his defence and after completion of codal formalities, to the competent authority for appropriate decision as per law.
6. Correct. The show cause notice was issued in accordance with the provisions of law/rules.
7. Incorrect. The Appellant personally appeared for hearing before the respondent No.2 and not his PSO.
8. Incorrect. As per recommendations of the Enquiry Committee, charges leveled against the appellant in the charge sheet and statement of allegations followed by personal hearing of the appellant, the competent authority passed final orders of dismissal and recovery of losses caused to the Government.
9. Incorrect. The appeal was considered and after perusal of the record it was dismissed in accordance with law.

ON GROUNDS

- A. (a) Incorrect. Since huge loss to the Government exchequer on account of repair of vehicles, POL and hiring charges was involved, therefore, in order to scrutinize all facts and figures, the Enquiry Committee took time in preparation of the report and no deviation of law was noticed by the competent authority. Hence, the case is well within the mandatory provision of Removal from Service (Special Powers) Ordinance, 2000.